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MESSAGE

OF

GOVERNOR JOS. K. TOOLE

TO THE

Seventh Legislative Assembly

OF THE

STATE OF MONTANA

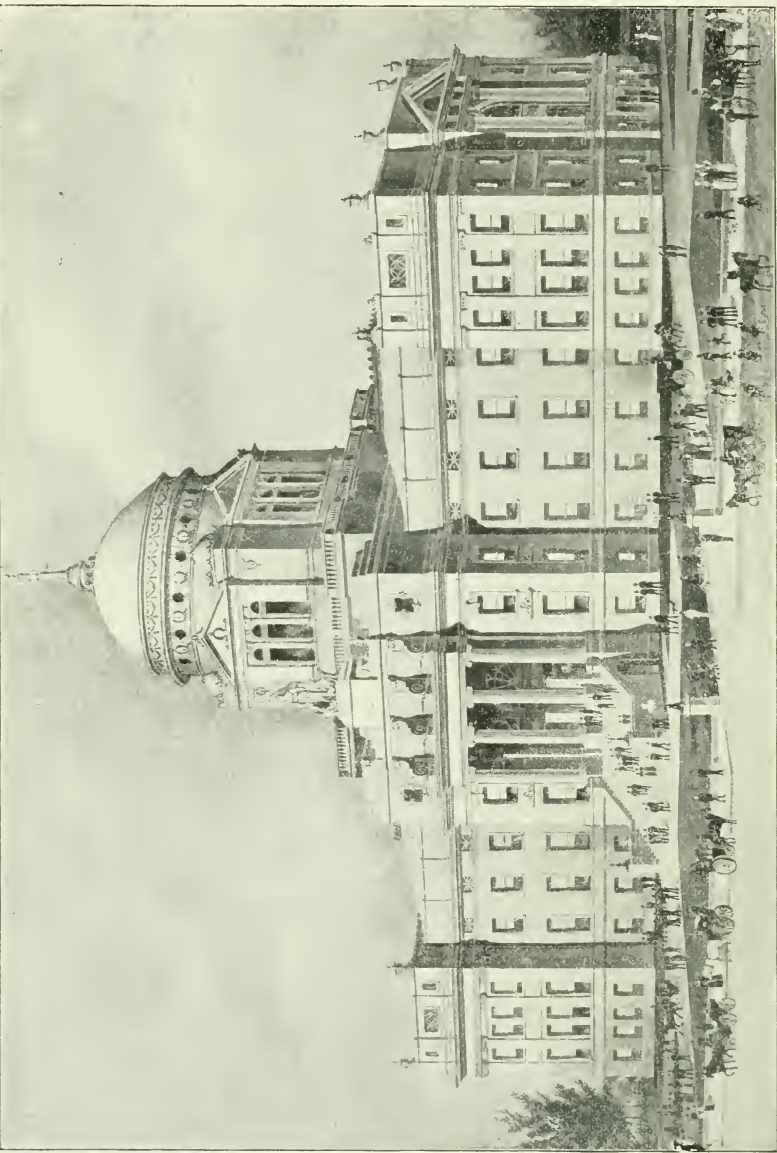
JANUARY 7, 1901

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Governor's Message

State of Montana,

Executive Department,

Helena, January 7th, 1901.

To the Seventh Legislative Assembly of the State of Montana:

Briefly and with as much perspicuity as my knowledge of public affairs will permit, I proceed at once, in obedience to the Constitution, to apprise you of the condition of the state and make such recommendations as appear to be expedient.

ASSESSABLE PROPERTY.

The total value of real property as shown by the returns for the year was \$75,173,763.

The total value of all personal property for the same year was \$63,227,735.

This does not include 2,932 miles of railroad, assessed at \$15,000,100, and the proceeds of mines assessed at \$14,168,708. Against this property our levy of $2\frac{1}{2}$ mills runs. The revenue thus derived is augmented by fees from state officers, inheritance tax and licenses.

The financial condition of the several funds, brought down to Jan. 1, 1901, exclusive of such claims as may be properly chargeable against said several funds, and for which warrants have not been issued is as follows:

	Dr.	Cr.
Permanent School		\$121,756.10
School Income		93,831.92
University Bond		19,819.55
Permanent University		31,466.21
Normal School Bond		33,514.24
Agricultural College Bond	\$ 6,504.59	

Deaf and Dumb Asylum Building.....		1,015.97
Reform School Building	11,340.66	
State Capitol Building		67,328.15
School of Mines Building		17,736.64
General		62,251.39
Stock Inspector and Detective		39,390.39
Stock Indemnity		10,902.59
Sheep Inspector and Indemnity		9,061.33
State Bounty		77,222.21
Fish and Game		48.22
Deaf and Dumb Asylum Int. and Sinking	2,400.00	
State Law Library		218.85
Medical Board		145.15
State Examiner's		2,575.00
Escheated Estates		7,852.76
Soldiers' Home		239.61
Capitol Building Int. & Sinking.....	18,443.57	
Beautifying State Capitol Grounds...		751.25
Agricultural College Income		14,191.53
		<hr/>
	\$ 36,688.82	\$611,319.37
		38,688.82
		<hr/>
Net Cash Totals		\$572,630.55

SECURITIES.

Permanent School Fund	\$218,849.00	
Permanent University Fund	956.64	
		<hr/>
Total Securities	\$219,805.64	\$219,805.64
		<hr/>
Total Cash and Securities		\$792,436.19

STATE'S PRINCIPAL RESOURCES.

It was the purpose of the framers of the State Constitution to stimulate the explorations and developments of our mineral resources and to this end they exempted mining claims from taxation beyond the price paid to the United States for the

same, and in lieu thereof subjected their net proceeds to taxation.

It is believed that this was a wise and salutary provision, contributing largely to the creation of great properties within the State, the net proceeds of which for the past year reached about fifteen million dollars.

The report of the mining inspector for the past year is an interesting compendium of the growth of the mineral industry in Montana and the progress made in mining appliances. I make this startling extract from his report:

“The total mineral product for 1899, the greatest in its history, reached the enormous sum of \$68,457,307.54, copper of course coming first with a record of 245,602,214 pounds, which at a value of \$16.75 per hundred, shows an added production of wealth to the amount of \$40,941,905.74; next in value is the production of silver, a considerable quantity of which is a by-product of copper, and this amounted to in ounces 16,850,754.85, having a coinage value of \$21,786,834.52. The gold product for the year amounted to 233,126 ounces, with a value of \$4,819,156.95. There were 20,344,750 pounds of lead produced, with a value, at \$4.75, of \$909,410.33, the four metals producing the total quoted and being an increase over the year preceding of \$17,138,240.39. These figures point the source of Montana’s ‘full dinner pail’ and they as well demonstrate that as long as the advance of civilization demands the extensive use of these metals, conditions may bring periods of depression to other States but Montana will not feel their detrimental influences.”

Copper is now produced in eight counties, (Silver Bow, of course, being disinctively a copper county), yielding for the last year 245,602,314 pounds, 356,415 pounds being distributed among seven other countries, and being nearly 61 per cent. of the total output of the United States.

The report also encourages the belief that a plant of the most approved type for the exclusive treatment of zinc ores will be in operation in this State during the present year. This will mark a new epoch in our industrial life, adding importance to the output of that quality of ore from several districts, which is temporarily rendered valueless by reason of the excessive charges made at the smelters in the form of “zinc penalties.”

In this connection, I invite your attention to the report of the Inspector of Mines, and the recommendations made to meet what he regards as imperfections in existing laws designed for the protection of employes in mines.

THE SHEEP INDUSTRY.

From a small beginning this industry has expanded to one of great magnitude, representing, according to the last official advices, an assessable value of \$9,819,531.

It is claimed by the State Board of Sheep Commissioners that there are more sheep within our borders than in any other State, while the wool product is known to be far in excess of that of any other State in the Union. We produced twenty-six million pounds in 1900.

It is a source of satisfaction to bring to your attention the fact that hope long deferred is about to find fruition in the erection of a woolen mill in this State, a plant being now in course of construction at Big Timber in Sweet Grass County.

If it is found that we can successfully compete with like enterprises outside of the State, it is manifest that the great consumption of woolen goods in Montana justifies the prediction that woolen plants will multiply rapidly and add to the enduring wealth of Montana.

CATTLE AND HORSES.

Our ranges continue to respond to the demands of our live-stock interests, which, under the wise supervision of the Board of Stock Commissioners, are in a healthy and prosperous condition.

The number of cattle returned for taxation is 546,918, valued at \$12,958,054. The number of horses is 194,470, valued at \$3,444,666.

BEER, BRICK, COAL, AND LUMBER.

Nine breweries report the amount invested in the business June 30, 1900, to be \$1,015,000.00; 100,429 barrels of beer were made, valued at \$488,316.00.

The number of brick, common pressed, fire and paving, produced during the year 1889 was 20,935,000, valued at \$208,394. The value of sewer pipe and tile, fire clay, and miscellaneous clay products was \$225,844. The production of coal during the year 1899 was 1,549,356 tons, 140,585 tons of which was converted into coke. Value of the coal was \$2,226,885.20, value of the coke \$401,778.74.

Twenty-five sawmills report 68,647,952 feet of lumber cut, valued at \$333,144.42; 215,000 shingles valued at \$500; 4,158,000 lath, valued at \$4,826.75. There were 13,628,000 feet of lumber dressed, the planing of which added to the value of the lumber in the rough \$52,918.00.

This information was furnished to the Bureau of Agriculture and Labor upon its request, but fully 25 mills failed to respond. From sources which I regard as reliable I am of the opinion that there has been an average of 275,000,000 feet of lumber cut and sawed in this State per annum for the last five years. Aside from this there is in course of erection on Flat-head Lake, the largest mill in the west, which will add 35,000,000 feet to the annual output.

AGRICULTURE AND HORTICULTURE.

Mention of our resources would be incomplete if I omitted agriculture and horticulture, in which our people are eminently successful both in the quantity and quality produced to the acre.

Our apple orchards are still young, the average being four years old. They will not produce their best fruit until six years old, and it will be five or six years before large crops can be expected. Trees nine or ten years old yield from six to eighteen bushels each; instances have been known where twelve year old trees have yielded twenty-four bushels.

Taking into consideration the fact that this industry is still young, it is a surprising statement, but nevertheless true, that there are now more than 5,000,000 thrifty apple trees growing in Montana. To this number a half million new trees are added annually.

Our fruit is singularly free, according to expert testimony, from all the scourges usually infesting fruit districts. In size,

color, flavor and keeping qualities ours are superior to others, insuring to the State in the near future a wide, desirable and permanent market for this product.

STATE BOARD OF EQUALIZATION.

Under a decision of the Supreme Court of this State interpreting the constitution and laws relating to the State Board of Equalization, the powers of this Board have been so limited and curtailed as practically to make it merely an instrumentality for the assessment of railroad property.

Until this decision was rendered, it certainly was the opinion of the Executive Department of the State, uniformly expressed and followed since the adoption of the constitution, that the power to equalize carried with it the right to increase or decrease the aggregate value of specific classes of property, and therefore the total value of all property, views which can no longer obtain, it is believed, without a constitutional amendment.

If the State Board of Equalization is thus shorn of its useful powers, it will only be a short time when the raising of revenues for the State will be made to depend upon the moral instead of the legal duty of those intrusted with making county appraisements and county levies, a method too fickle and unstable to meet the requirements of taxation.

It must be remembered that under the Constitution the maximum levy is $2\frac{1}{2}$ mills for State purposes, while there is no limit upon the levy for county purposes. Under such conditions, it does not require great discernment or foresight to see how, by the manipulation of county assessments and levies by the local authorities, the State revenues may be not only materially decreased, but practically destroyed.

Touching this proposition I quote with approval the following paragraph from the annual report of the Board of Equalization for 1898:

“With the limited levy of two and one-half mills for State purposes and an unlimited levy for county purposes, it can readily be seen that if the State Board is not given the power to increase or decrease to the limit of uniformity in taxation

and just valuation that year by year the valuation of property, more particularly in the large counties, will decrease, thereby depriving the State of its just revenue, and compelling the other and less prosperous counties to pay the State more revenue upon the same class and kind of property than their more prosperous neighbors.”

I therefore recommend a constitutional amendment giving this Board plenary power to so adjust and equalize assessments that all the taxable property in the State will be assessed at uniform rates and at its full value in money, without reference to an increase or decrease of the aggregate value of the same.

STATE BOARD OF ARID LAND GRANT COMMISSIONERS.

This Board was created by an act of the legislature approved March 18, 1895.

Its purpose was to enable the State to accept the offer of the United States made in an act of Congress approved August 18, 1894, and generally known as the “Carey Act,” and for the purpose of reclaiming the lands therein mentioned in accordance with the terms of said Act. Supplemental legislation has been enacted from time to time designed to make efficient the purpose expressed in the original Act.

Four separate irrigation districts have been created by the Commission known as districts Nos. 1, 2, 3 and 4. The aggregate number of acres selected and segregated is 114,014.38, distributed as follows:

District No. 1, in Yellowstone County.....	10,632.88
District No. 2, in Sweet Grass and Park Counties....	50,360.00
District No. 3, in Carbon County.....	20,000.00
District No. 4, in Lewis and Clarke County.....	33,021.50

Whatever may be the facts, it does not appear from any information at hand that any land has ever been actually reclaimed, although one or more contracts have been made for that purpose.

If the enterprises already inaugurated are carried to completion the commission will have contributed much to the agricultural interests of the State. I do not deem it wise, how-

ever, to have so many projects of great magnitude under way at the same time, but prefer to see the Commission concentrate its energies towards getting some material results from one or more of the schemes said to be under way. I accordingly recommend that the Commission be discontinued beyond carrying out such enterprises as it has already inaugurated and such of these only, as in justice and fair dealing under contractual relations, ought to proceed to completion.

If we will contain ourselves in patience for awhile this problem may be solved by Congress. Indeed, this seems quite likely.

The public has come to consider that the only adequate way by which flood protection of the levee systems on the Missouri and Mississippi rivers can be afforded and water preserved for use in aid of navigation, is by the construction on the part of the general government of a system of storage reservoirs on the rivers mentioned and their tributaries. To this end the National Irrigation Congress at its session in Chicago, November 24, 1900, passed the following resolutions:

“We hail with satisfaction the fact that both great parties of the nation in the last campaign declared in favor of the reclamation of arid America, in order that settlers might build homes on the public domain, and to that end we urge upon Congress that national appropriations commensurate with the magnitude of the problem should be made for the preservation of the forests and the reforestation of denuded areas as natural storage reservoirs, and for the construction by the National government as a part of its policy of internal improvements, of storage reservoirs and other works for flood protection, and to save for use in aid of navigation and irrigation the waters which now run to waste, and for the development of artesian and subterranean sources of water supply.

“The waters of all streams should ever remain subject to public control and the right of the use of water for irrigation should inhere in the land irrigated, and beneficial use be the basis of measure and the limit of the right.

“The work of building the reservoirs necessary to store the flood should be done directly by the government under existing statutes relating to the employment of labor and hours of

work and under laws that will give to all American citizens a free and equal opportunity to get, first, employment, and then a home on the land.

“We commend the efficient work of the various bureaus of the national government in the investigation of the physical and legal problems and other conditions relating to irrigation and in promoting the adoption of more effective laws, customs and methods of irrigated agriculture, and urge upon Congress the necessity of providing liberal appropriation for this important work.”

It would be well to give our approval in some form to this project. Experience has demonstrated that the levee system though maintained at great expense, cannot be relied upon to prevent the overflow of a large amount of the most productive lands in Arkansas, Mississippi and Louisiana. The expense of a reservoir system would be great, but nothing as compared to the accruing benefits. The lands of the lower Mississippi would be protected and in a very great part of the country the waters thus stored could be used for irrigation upon arid and semi-arid lands.

STATE LANDS.

Upon our admission into the Union, Congress made to us a munificent grant of public lands within the State as a nucleus of a fund for the maintenance and support of common schools, an agricultural college, school of mines, normal school, reform school, deaf and dumb asylum, and the erection of public buildings, a grant for University purposes having been made in 1881, while we were still a Territory.

The grant was safe-guarded by Congress so as to remove the temptation to hurriedly dispose of the land granted at prices which at the time might seem fair, but which, in view of the rapid settlement of the public domain, would certainly prove inadequate.

Experience and observation have, I believe, demonstrated that the limitations imposed have been most salutary and wise. While I, in connection with many others, may differ as to the policy of *continued leasing*, a study of the subject has satisfied

me that the State officers having the management and control of these lands have administered their trust with a high order of ability and a scrupulous regard for the public interests, which have resulted in raising much money for these favored institutions.

The following table is interesting as showing the work of the Land Department resulting in the steady and satisfactory increase of revenue derived from the rentals for the eight years last passed:

1893	\$13,982.54
1894	14,094.00
1895	19,163.50
1896	27,134.77
1897	47,618.26
1898	75,063.06
1899	109,306.10
1900	144,383.76
Total	<u>\$450,745.99</u>

Aside from the item of rentals, the total amounts properly belonging to the several funds created by the Enabling Act, are augmented by sales of land, timber and interest account, which, together with much other valuable data, is made manifest by the Sixth Annual Report of the State Board of Land Commissioners and the Register of the State Land Office, which will soon be printed for your information.

Lest you be misled as to what disposition can be lawfully made of the funds arising from the disposition of lands granted for educational purposes, your attention is called to Section 11 of the Enabling Act, which is as follows:

“Section 11. That all lands herein granted for educational purposes shall be disposed of only at public sale and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such lands shall not be subject to pre-emption, homestead entry, or

any other entry, under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.”

My attention has been directed to the fact that there is no authority of law for leasing, upon a royalty or otherwise, lands, the title of which has passed to the State, and which have turned out to be valuable for the mineral which they contain. I am advised that the State owns considerable coal lands which come under this imperfection of the law, and from which revenue might be derived, if deemed wise to lease the same. I accordingly bring the matter to your notice for such action as you may deem expedient.

INSANE.

The State owns no asylum for the insane; it has always contracted for their maintenance. The present contract expires April 6, 1902. The price paid is 65c per diem per capita, which includes everything except transportation from the place of adjudication to the place of detention. The net cost of these unfortunates to the State for 1899-1900 was \$225,606.03.

The following table will show that the steady growth in the number of the insane is one of the sad accompaniments of our development as a State. There is nothing, however, in national statistics to show that we are more ill-favored in this regard than other commonwealths.

YEAR	No. in Asylum Beginning of Year.	No. Admitted.	No. Discharged.	No. Died.	Total (out for All Causes).
1891-1892	195	152	71	30	101
1893	239	93	40	25	65
1894	262	106	41	25	66
1895	296	111	50	23	73
1896	334	117	48	25	73
1897	378	129	64	31	95
1898	412	138	64	28	92
1899	457	145	87	38	125
1900	477	147	81	64	145

The pecuniary and other burdens entailed by the prevalence of this misfortune fall heavily upon the State, and the startling rapidity with which the burden increases demands the most careful investigation of ways and means by which the highest order of medical treatment and the most comfortable and inviting surroundings can be furnished this most helpless and pitiable class of sufferers at the least possible expense to the State.

It may be that we are not paying more than just compensation for this service, but the magnitude of the sum allowed the contractors for the past two years is an admonition to look well to some plan of reducing this expenditure in the future.

I have no reason to believe that any person is detained in the asylum who ought to be discharged, and expressly disclaim any such imputation, but common prudence would seem to demand that where an institution is run not as a public charity, but primarily for a money consideration, and this consideration is increased or decreased according to the number of its inmates, some provision should be made for examination and report at stated intervals by a medical board representing the State and not connected with the institution, touching the conditions, not only of such as claim the right to be discharged, but of all inmates.

STATE PENITENTIARY.

This institution and its equipments are the property of the State, having been granted to us by Section 15 of the Act admitting Montana into the Union.

While most, if not all of the other States manage and control their prisons through a warden and other officers, whose appointments are provided for by law, Montana, upon her admission as a State into the Union, deemed it expedient to inaugurate the contract system, which has prevailed ever since.

Whatever may be said of the merits of this system as compared with State management as above indicated, my investigation satisfies me that the price paid by the State, i. e., 45c per day per capita is not unreasonable, though it is hoped a smaller figure may be obtained. I am also satisfied that under

the present management which commenced in 1890 and which has continued ever since, and which will not expire until June, 1902, the institution has been humanely conducted, meeting the approval of the State Board of Prison Commissioners, and eliciting few, if any, complaints upon the part of the inmates.

The following self-explanatory tables have been prepared for your information :

FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDED NOVEMBER 30, 1900.

Amount of appropriation Fiscal year 1900		\$57,000.00
Balance remaining unexpended in the year 1898.....		3,598.70
Electric Light plant for Prison, Cost \$5,489.43, less 10 per cent depreciation	\$ 4,940.49	
Band instruments and uniforms	724.65	
E. L. Bonner Co., glass and putty	214.18	
J. H. Dailey, Fee for inspecting two boilers	15.00	
E. L. Bonner Co., paints, oils, etc	109.50	
Amount expended for clothing and money furnished discharged prisoners under Sec. 2971 of the Penal Code	\$ 2,652.00	
Amount expended for care and keeping of prisoners under contract with Conley & McTague.	51,942.88	
Total for care and keep, clothing and money for prisoners.....	54,594.88	54,594.88
 Total amount expended.....	 \$60,598.70	 60,598.70
Bill outstanding for care and keep of convicts.....		1,077.97
Bill outstanding to E. L. Bonner Co. for lumber and flooring		404.01

YEAR	No. in Prison First of Year.....	Admitted.....	Discharged.....	Died.....	Total Out.....
1891	242	173	105	2	107
1892	308	180	142	3	145
1893	343	163	181	4	185
1894	321	141	170	2	172
1895	290	174	143	9	143
1896	321	154	160	3	163
1897	312	188	154	0	154
1898	349	179	160	1	161
1899	369	148	183	6	189
1900	328	166	140	0	140

An examination of the various annual reports of this institution satisfies me that the contractors have uniformly well cared for the inmates; indeed there is every reason to believe that the prison furnishes all of the comforts of a well ordered home with such an addition as a band equipped and uniformed at an expense of over seven hundred dollars can supply.

While this speaks volumes for the liberality, generosity and enterprise of the contractors and Prison Commissioners, it suggests the question whether a prison designed and intended as a place of punishment may not be made so agreeable to the inmates as to destroy the main object of conviction and imprisonment. In an admirable work on penological and preventive principles by William Tallock, Secretary of the Howard Association, London, after citing the number of establishments said to be models and where the prisoners were confessedly "contented," this question is asked: "But ought it ever to be the case that any criminal should be perfectly contented with prison life?"

It would seem to be desirable to furnish employment to convicts at hard labor, not inconsistent with the constitution. It might tend to generate a wholesome fear on the part of criminals instead of the spirit of contentment, which now seems to pervade that institution.

EDUCATIONAL INSTITUTIONS.

The various educational institutions of the State, comprising the University, Normal School, School of Mines, Agricultural College, and the Deaf and Dumb Asylum, claim to be in a flourishing condition, but all of them, with a single exception, I believe, are asking large appropriations on account of the inadequacy of buildings, and equipments. The unwisdom of scattering these institutions over the State is becoming more apparent every year when considered in relation to the expense of maintaining them so as to accomplish the best results.

The reports of these institutions, which will be hereafter submitted, are replete with the details of management and operation. I bespeak for them your careful and patient study and investigation.

The appropriations asked, while seeming to be necessary to carry out the progressive spirit of the management, cannot, in my judgment, be made at this time without the creation of indebtedness which will, in the end, prove more detrimental than beneficial.

If we keep close to shore for a few years and allow the funds of the various institutions to accumulate instead of venturing into debt with the ever burdening load which interest entails, we can reasonably hope to accomplish what is generally desired in the way of buildings and equipments.

I am led to make these observations of caution not only on account of the large fixed charges of the administration of the affairs of the State, but also in view of the fact that the State Capitol Building, which is in course of construction, requires a large appropriation to complete it, grade and beautify the grounds and furnish and equip it. The amount necessary in this connection is variously estimated from \$130,000 to \$180,000.

REFORM SCHOOL.

The State Reform School, according to the biennial report of the Board of Trustees, is "more than meeting the expectation of the people of this State, who have believed in it and fostered it from its inception."

The School has one hundred acres of land, but having no appliances for teaching trades or any of the industrial or mechanical arts, the labor of the inmates has been devoted exclusively to tilling the soil. Like the other State institutions, this finds need for additional funds to meet the spirit of "expansion," which seems to pervade the reports of the various State Boards for the last year, and to this end an appropriation of \$6,400.00 over the usual estimates is asked to purchase one hundred and sixty acres of land adjoining the school, \$500.00 for repairs, \$250.00 for a gymnasium, and \$1,000.00 to purchase machinery and materials to begin a system of manual training.

While all of this is highly commendable in the abstract and in keeping with the aims of progressive schools of this character, the first important question that suggests itself is, Is it a pressing necessity? second, Can the State afford it? If not, there is no reason why the same rules and methods which apply in the affairs of private business should not obtain here.

The present number of inmates is seventy-five, sixty-five boys and ten girls. Of these, forty-four boys and eight girls were admitted during 1899-1900.

Their ages range from nine to nineteen years.

The staff of employees consists of fourteen persons, of whom apparently nine are males and five females.

I respectfully refer you to the report of the Trustees now in the hands of the printer, which will be transmitted at an early day.

SOLDIERS' HOME.

This institution, located at Columbia Falls, designed to provide a home and subsistence to honorably discharged soldiers, sailors and marines, who have served in the United States Army or Navy during the war of the Rebellion and who have become unable to earn a livelihood by reason of such service or otherwise, according to the report of the Board of Managers for the year ending November 30, 1900, had present and absent on December 1, 1899, fifty-one inmates; since that time twenty-six have been admitted, making a total of seventy-seven. Six of these have died, and six have been discharged, leaving a mem-

bership of sixty-five. Of this number fifty-three are present and twelve absent.

The average age of the inmates is reported at sixty-two and one-half years. The percentage of those in the hospital and under care of the surgeon outside of the hospital is said to be steadily increasing. More than seventy-five per cent of the membership are under medical treatment. "Soon," say the Board of Managers, "it will be all hospital, and it is to this that the efforts of the Board and the officers of the home must in the future be directed."

It is asserted by the Board of Managers that the probable increase in applications for admission during the present year will make it necessary to erect a new building to be known as the "Chapel," to be used for meetings, library, etc., which will release two rooms in the main building with accommodation for twelve men each.

Attention is also called to imperfections in the heating and pumping plants.

On December 1, 1900, the resources of the Home were placed at \$13,172.56, while the expenditures are reported at \$11,522.76, leaving a balance on hand of \$1,649.80, against which are outstanding liabilities on account of final payment on hospital of \$1,533.50, and on account of bed-steads and mattresses just arrived, \$250.96.

I shall hereafter, and as soon as the same is printed, transmit for your consideration the Report of the Board of Managers, containing, among other things, sundry recommendations as to needful legislation.

STATE ORPHANS' HOME.

If I could be led into favoring one of the State's institutions more than another, the temptation would certainly be strongest in that direction which looks to giving homes, nurture and culture to the unfortunate, destitute and dependent children of our citizens.

Many persons misapprehend the true purpose of this charitable institution. The Superintendent in his Seventh Annual

Report, referring to this misconception as evidenced by the receipt of many letters, says:

“First: It is not a reformatory for the vicious, incorrigible and criminal children of the State.

“Second: It is not an infirmary for the treatment of the deformed and crippled (though they be destitute).

“Third: It is not a temporary boarding place for the children of parents who have more than they can manage conveniently.

“Fourth: It is not a boarding school where children are received and kept for a money consideration.”

The real purposes as understood by the Superintendent and by which he is guided and controlled in the administration of his trust are:

“First: To furnish a home for the orphan and the other destitute children of Montana.

“Second: To provide for their physical needs.

“Third: To surround them with wholesome moral influences.

“Fourth: To give them the advantages of a common school education.

“Fifth: To train them to industry and economy.”

Upon examination, it will be observed that the Act creating the “Home” does not limit the charity of the State to orphans as is generally believed, but is so comprehensive as to include within its letter and spirit “orphans, foundlings, and destitute children.” Indeed, under the construction which now obtains and which seems wise, mere *orphanage* unaccompanied by *destitution* and *dependence* is insufficient to secure admission.

The report of the Superintendent is an interesting and enthusiastic review of the institution, its purposes, its claims upon the public and its just aspirations, containing sundry tables, showing names of inmates, from what counties received, disposition made of same, amount of expenditures, inventory of property, products of the farm, estimates for the ensuing two years, and various recommendations, to all of which I invite your careful attention.

HISTORICAL SOCIETY.

With a foresight that was most commendable a few citizens of the Territory of Montana, appreciating the necessity of preserving in authentic form facts in regard to our early history, the discovery of mines, incidents of the fur trade, etc., were instrumental in procuring the passage of a law at the first session of the Territorial legislature entitled, "An Act to Incorporate the Historical Society of Montana," and thus laid the foundation for the present society, which in the meantime passed to the exclusive management and control of the State.

It has struggled hard to fulfill the purpose of its creation. Hampered by inadequate and almost inaccessible quarters, discouraged and disheartened by parsimonious appropriations doled out in amounts barely sufficient to preserve its collections, it has never accomplished until recent years anything like what it might have done under more favorable conditions. But the courage and determination of its promoters and managers, sustained by the unvarying approval of every executive of the Territory and State, has never wholly failed. It has published three volumes of exceptional value and interest, and material is available for other volumes.

Within the past two years a new impetus has been given to its work, due in a great measure to the indefatigable labors and well directed intelligence of the present librarian. Her efforts have met with generous and hearty response resulting in gathering much information of great value, the collection of many valuable specimens of our mineral and other resources, as well as the geology and fossil remains with which Montana abounds.

With proper legislative encouragement and conducted with the same energy, personal and state pride displayed in its present management, it will soon become an epitome of the Territory and State, illustrating "its progress and development more thoroughly than could be done by the ordinary researches of visitors, strangers or savants."

The property and archives of the Society will during the coming summer be installed in the more commodious yet inadequate quarters provided in the new capitol.

To properly provide for this and to provide for its maintenance upon a scale commensurate with the importance and

value of the work, will require appropriations, estimates for which will be hereafter furnished.

I commend to your careful investigation and favorable consideration the exhaustive report and important recommendations of the State Librarian for the years 1899-1900.

BOILER INSPECTOR.

This office was created twelve years ago. Every year since that time has vindicated the wisdom of that legislation.

Remarkable as it may appear, there has not been a boiler explosion during the past two years in any instance falling within the jurisdiction of the Boiler Inspector.

Life and property employed in undertakings where boilers are used can have no higher grade of insurance than that afforded by a faithful observance of the requirements of the law.

This office has been self-sustaining for four years last past.

Receipts and expenditures during that period were as follows

	Receipts.	Expenses.	Surplus.
1897.....	\$6,962.50	\$6,199.10	\$ 763.31
1898.....	7,493.00	6,492.20	1,000.80
1899.....	8,727.00	7,698.85	1,028.15
1900.....	8,627.50	7,618.98	1,008.52

You are respectfully referred to the annual report of that officer for more detailed information.

BUREAU OF AGRICULTURE, LABOR AND INDUSTRY.

The creation of this bureau has resulted in placing before the public in attractive form a wide range of valuable statistics and other information.

A glance at the last annual report of that bureau impresses me, as I hope it will you, with the importance of maintaining it, and enlarging its scope of usefulness from year to year.

Aside from its interest and value to the State at large, it is in keeping with that progressive spirit which, in the year 1900, found expression in the platform of one of the great national political parties, recommending the creation of a Department of Labor in charge of a secretary with a seat in the President's Cabinet.

NATIONAL GUARD.

The national guard of the State was virtually absorbed by their entry into the volunteer army of the United States, doing service in the Spanish-American war.

One battery of light artillery composed of sixty officers and men represents all that is left of the guard.

It is said that this is the least number of organized militia to the credit of any state in the Union.

In addition to the appropriations made by the State for the benefit of the National Guard it has had the benefit of a Federal appropriation up to June, 1900, of \$2,587.00 annually, available only for clothing, camp and garrison equipment, ordnance and ordnance stores.

This appropriation has been increased to \$6,500.00, but in order to obtain this sum or any part of it we must maintain at least one hundred regularly enlisted and organized men for each United States Senator and Representative to which this State is entitled.

The splendid record made by our Montana volunteers in the Spanish-American war is a high tribute to the National Guard and ought to commend the reorganization of that body to your favorable consideration.

The report of the Adjutant General will be transmitted for your consideration as soon as printed. It contains suggestions worthy of your careful attention.

AMENDMENT OF LAWS.

The rapidity with which the game in Montana is disappearing has awakened unusual interest in legislation designed for its protection against unnecessary slaughter and destruction. It is apparent that unless legislation is enacted more adequate than now exists our game will soon be practically exterminated.

This subject has been pressed upon my attention with such force and persistency that I feel obliged to call it to your attention in the hope that you may give it careful consideration and make such revisions of the present law as will remedy the grievances complained of.

The biennial report of the Attorney General, now in the hands

of the printer, is well worthy of your careful reading and favorable consideration.

Attention is called, among other things, to the fact that there is no law by which a public highway can be laid out or established in this State; to the chaotic condition of the school law, by which no special levy can be made to maintain schools in districts where the regular levy is inadequate, resulting in much injury to the cause of education.

It is also urged that some Building and Loan Associations are subject to inspection by the State Auditor, some by the State Examiner, and others by Commissioners, whose existence was provided for by prior legislation, resulting in much confusion. "There is no reason," says the Attorney General, "why a general law could not be enacted applying equally to all Building and Loan Associations. It seems, however, from the peculiar provisions of the many laws that have been enacted, that organizations created under those laws are regulated by such laws, and for the benefit of the particular associations thus created, the laws providing for their creation are continued in force. This should not be."

I agree with the views expressed and recommend that such defects be cured by appropriate legislation.

TRANSPORTATION OF PRISONERS.

I wish to renew the recommendation of my immediate predecessor abolishing all mileage and fees of sheriffs, in the transportation of prisoners from the place of their conviction to the State Penitentiary, and substituting in lieu thereof only compensation for actual and necessary expenses incurred.

The present law, with a few notable exceptions, has been systematically abused since its enactment.

The abuse is so palpable that I marvel at the complacency with which the public continues to view it.

My distinguished predecessor, Hon. Robert B. Smith, in his message to the Sixth Legislative Assembly, used this language to illustrate his suggestions and enforce his recommendations:

"I desire to call your attention to a few instances of the abuses to which this mileage system is reduced. During 1897 and 1898

thirty prisoners were convicted in Custer County and sent to the State Penitentiary. The sheriff, in order to convey these prisoners to the State prison made twenty-eight separate trips, traveling 896 miles each time, at ten cents per mile. During the same time twenty-two prisoners were convicted in Yellowstone County and the Sheriff made twenty-two trips to put them in the State prison. In order to send forty prisoners from Silver Bow County to Deer Lodge, it was necessary to make thirty-nine trips. * * * * The sheriff of Madison County at one time took as high as five prisoners, carrying only one guard with him, while I notice in the bills of the sheriffs from Custer, Yellowstone, Silver Bow, and almost every other county of the State, they made their trips every other day to the penitentiary, or just as fast as they could make one trip and return with another prisoner. These charges of transporting prisoners to the State Prison during the two years, amounted to \$15,612.35. The charge for transporting prisoners should be borne by the several counties as much as any other charge connected with the prosecution and conviction of criminals.”

An investigation of these items for 1899-1900 shows that they amounted approximately to \$14,000. If, however, it is deemed advisable to allow mileage for this service, I suggest that you make the same chargeable to the several counties where the convictions were had, and I predict that the electors of the several counties, whose suffrages are biennially sought, will give such expression to public indignation as to make further reference to this subject unnecessary.

SALARIES OF DISTRICT JUDGES AND OF COUNTY ATTORNEYS.

The time is practically at hand when the demands of the State for revenue exceed the amount that can be raised from the maximum limit of two and one-half mills levied for State purposes.

This is made manifest by increased expenses along lines that cannot be avoided and in the proper maintenance of State institutions, whose accommodations, it is alleged, are inadequate to meet the demands made upon them, and which must continue

to grow if our just expectations are realized. Now is a good time to relieve the State from the payment of the salaries of District Judges and that part of the salaries of County Attorneys now charged to the State. Certainly the least that could be done in fairness, if it still be the desire of the Legislature to continue the law whereby one-half of the salary account of County Attorneys is paid by the State, would be to make one-half of the salaries of District Judges likewise chargeable to the State and the balance to the County or Counties comprising the district wherein such judges are elected, as suggested by my immediate predecessor in his last annual message.

To make the salaries of District Judges, or any part of the same, a charge against the several counties will require a constitutional amendment, but inasmuch as the whole financial burden of these officers, in my opinion, justly belongs to the several counties in which they are elected, I unhesitatingly recommend such an amendment.

If the people, under whose immediate observation courts are conducted and offenses prosecuted, are alone responsible for the expense thereby entailed, it will have a wholesome effect upon official conduct, as it relates to the speedy and economical administration of their trusts. There is nothing so well calculated to keep the citizen in touch with the conduct of public servants as to feel that his particular community is responsible in dollars and cents for their official action.

STATE PRINTING.

I am confident that large sums of money are unnecessarily expended for public printing. Much of the matter printed is of no value to the taxpayer and in no way benefits the citizen. This is especially true of reports of State officers.

If the State Board of Examiners be given the authority to direct and regulate the amount and cost of printing, much useless expense will be saved and the public kept quite as well informed as to its affairs.

EIGHT HOUR LAW.

Among other things, the State stands committed to the passage of the "Eight Hour Law" for underground miners, mill and smeltermen. Every political party in the State at the last general election sought the suffrage of the people by giving its endorsement in one form or another to this new industrial proposition; I take it that discussion of the merits or demerits of the question is concluded so far as this legislature is concerned, and that nothing short of punic faith upon our part can ever defeat prompt and effective legislation in this behalf.

COMPANY STORES.

It has long been the custom of certain corporations and companies in this State to operate what is known as a "company store" as an adjunct to some other business at which employes are compelled to buy their supplies. The rule in such cases appears to be to settle with the employe by deducting the amount of the store bill and giving the company check for the balance, if any, instead of paying him cash or by check, and allowing the employe to buy where he pleases. A violation of the company's rules in this respect, it is said, results in the employe's discharge.

This system is inherently wrong, destroys competition, affords facilities for many impositions upon the defenseless and demoralizes and enslaves the individual who is obliged to submit to such tyranny and oppression.

It was an issue in the late elections in this State, and the decision rendered at the polls makes it incumbent upon the majority to see to it that such legislation is passed as will effectually relieve that class of our fellow-citizens who, by reason of their immediate necessity and environment, cannot protect themselves against this encroachment upon natural rights.

ELECTION OF SENATORS.

As a part of your duties you are called upon to elect two United States senators, one to fill the vacancy caused by the resignation of the Hon. William A. Clark, and one to succeed the

Hon. Thomas H. Carter, whose term expires on March 4, 1901.

In this connection I deem it proper to say that the trend of public opinion, as I believe, in the United States, and especially in Montana, is strongly in favor of the election of United States Senators by direct vote of the people, and I may add that there is a similar sentiment, though not so pronounced, in favor of direct legislation, national and state, wherever practicable. I am confident that such a change in fundamental law as will authorize a direct vote of the people upon the election of senators would be welcomed by the people of this State as a precious relief from the unseemly methods which, whether exaggerated or not, have brought many of the States of the Union into unenviable notoriety.

The arguments which have been urged against allowing the people to elect their senators might be urged with the same force against allowing them to elect their members of congress. All such arguments are founded not upon convenience or economy, not upon the necessity of delegating power, but upon the assumption that the people are ignorant or fickle, if not corrupt, an assumption difficult to prove, perhaps, to the satisfaction of the people themselves. But if the assumption were true, how do we remedy the difficulty by permitting them to do through another what we forbid them to do by themselves.

Manifestly the truth is, if the people are fit to delegate power they are fit to exercise power. It does not meet the argument to say that we are sure that the Legislative Assembly would always be comprised of men of inflexible integrity, of the most disinterested patriotism, of the most varied intelligence, and profoundest wisdom, such as some of our legislative assemblies have been.

If all these conditions existed, the objections to the present system would be equally strong. It is the system which is objectionable, a system which attempts to mingle and fuse together the disagreeing elements of a democracy and a monarchy.

It is well known, too, that whenever a senator is to be elected all legislation is usually deferred and generally subordinated to such election, resulting not infrequently in the failure of important measures and the hasty consideration of others. But in addition to those objections, factional virulence and partizan

prejudice often combine to bring about deadlocks which operate to deprive the State of its just representation in the councils of the nation, a condition from which we have suffered and which could not exist if senators were elected by a direct vote of the people.

I recommend that suitable and proper action be taken to give legislative expression upon this question.

HOUSE BILL NO. 132.

The merits of what is commonly known as House Bill No. 132 have been generally discussed by the press of the State and its main objects severely criticised. It received a just excoriation at the hands of my immediate predecessor in office in his veto message, but in spite of all opposition it became a law of the State. I have no hesitancy in saying that it deserves legislative condemnation. All laws should be inherently just, and no mere question of inconvenience or probable delay should be allowed to overcome this indispensable condition. It is maintained with great force that it facilitates the creation of combines and trusts by the swift and arbitrary disposition of the minority's holdings wherever such minority refuses to yield to any proposition of purchase made by the majority, no matter how unjust it may be, or how inadequate the price; that as to corporations in existence at the time of its passage it creates and enforces conditions not contemplated at the time of becoming stockholders, and naturally deters conservative and prudent men from becoming stockholders in future corporate ventures at the expense of being compelled to make such terms as a majority proposes or submit to practical confiscation of their holdings.

Corporations in their legitimate sphere ought to be encouraged and protected. They secure an aggregation of large capital and make investments in enterprises often beyond the ability of individual effort, and opportunities for safe investments in such should be afforded the public as far as the same can be done by seeing to it that our legislation furnishes ample and equal protection to every stockholder, no matter how small his interest may be.

It has been said so often that the law should always aim at equal rights that it would not bear repetition but for the importance of its being always observed.

If a copartnership is dissolved each partner participates in the assets of the firm according to his holdings and he is not compelled to sacrifice his interests by a separate sale of it. If such was the case its value would be greatly depreciated, as few if any purchasers could be found who would be willing to step into the shoes of one in antagonism to a majority of the partners. It is not perceived why the same rule should not obtain in corporate affairs.

It is believed that this pernicious element permeates the law and affords opportunities under the guise of protection to minority stockholders for the exercise of that odious power commonly known as the "freezing out" or "squeezing" process.

If all these objectionable features are eliminated there will be nothing left of the law to subserve any useful purpose. I therefore recommend its repeal.

TRUSTS AND MONOPOLIES.

The framers of the constitution knew that monopolies were as old as human greed, and that unless restrained, the people of this State would sooner or later fall a prey to their avarice and rapacity. They accordingly declared in strong terms against combinations and what are commonly known as "trusts," and made it mandatory upon the legislature to pass laws for the enforcement of a constitutional inhibition.

In obedience to this requirement a strenuous statute was enacted in 1895 which is still in full force and effect.

Dangerous as the growth of trusts and the centralizing tendencies of wealth appear to be, common prudence demands that further legislation, if any is deemed essential upon the part of the State, should be undertaken cautiously with a careful study of its practical utility and probable consequences. Whatever may be thought or feared by that class of corporations having in view the control of particular lines of business, or the creation of monopoly, and however disquieting the mere suggestion of legislation designed to prohibit it may be to such, it is not as-

sumed or feared by me that in your consideration of this question you will treat all corporations as equally bad and all combinations of capital as equally pernicious; but, on the contrary, I assume that you will proceed along lines entirely within the constitutional purview, with a just and discriminating judgment, uninfluenced by passion or prejudice.

To the average mind there are obstacles to be met with in a single State extending its legislation so as to comprehend a prohibition of the evils existing and anticipated, especially as it may relate to those necessary commodities already monopolized, and which consequently cannot be supplied from any other source.

I am therefore inclined to hold to the opinion that while there may be, and doubtless is, much that the State can do, the only complete relief and remedy available in such cases consistent with a due regard to our own interests must be found in national instead of State legislation.

CORPORATE INFLUENCE IN ELECTIONS.

"In the earlier, I was about to say the better days of the republic, few, if any, supposed that it would ever be possible for corporate influence to affect political life, and no one contemplated that before the end of the nineteenth century 'an artificial being, invisible, intangible, and existing only in the estimation of law,' with no properties, capacities or powers other than those conferred for special business purposes by the sovereign authority, would come to be regarded and rightfully regarded, as a potent factor in political life. Yet today it is a fact, and a momentous fact, that combinations of capital organized as corporations and primarily devoted to business purposes have acquired the control of production, wages and prices to such an extent that many of our most intelligent and farseeing citizens are demanding at the hands of State legislatures and of the Federal Congress legislation looking to the restraint of such combinations to the strictly legitimate exercise of their delegated powers. These citizens complain, too, that corporations not content with the extraordinary and dangerous control they exercise in affairs of business, have become customary par-

ticipants in political contests, and insist that the result of elections, especially municipal elections, are often brought about by the active intervention of corporate managers and the illegitimate use of moneys supplied from corporate funds. These complaints may not be altogether just, but that corporations do participate in local and municipal elections, and do contribute to the campaign funds of the great parties that periodically contest for the control of the State and Federal governments there are the best of reasons for believing. In municipal contests those contributions are not always intended for the promotion of party ends or purposes. In an investigation made by a committee of the United States senate three or four year since, it was developed by one of the principal officers of a corporation then virtually controlling the production and fixing the price of an article of general consumption, that the contributions of his corporation depend not on political principles or political convictions, but on corporate considerations."

The foregoing, from a distinguished United States Senator, uttered in Philadelphia in June last is only a mild and moderate statement of corporate interference in politics. In this State little would be said or feared if nothing more was done than to contribute "to the campaign funds of the great political parties that periodically contest for the control of the State and Federal governments," but forbearance ceases to be a virtue when such influences openly combine to dominate the primaries, dictate the nominees of conventions, and override the will of the people at the polls. Happily for us of this State, public opinion has been aroused upon this question, and the dangerous practices which have so long prevailed have met with a temporary check. Those of us who are familiar with the methods pursued by such organizations, and the pertinacity with which they cling to every scheme and device to promote their own interests, know that a single rebuke, however severe, cannot be expected to do more than procrastinate the time when, if vigorous prohibitory measures are not enacted, their assault will be renewed with augmented strength and more determined purpose.

It will not be denied in those cases where a deliberate and unprovoked assault is made upon corporate rights, or where organized hostility to corporate existence amounting to a depriva-

tion of constitutional guarantees prevails, that the law of self preservation is quite as strong and should be quite as available in artificial as in natural persons; but in our commonwealth, where the courts are open to every suitor and where the rights of property are held sacred and inviolable by whomsoever possessed, such a state of affairs is likely to be more imaginary than real, so that whatever may be said by their officials or paid representatives in mitigation of the long continued practice of corporate interference in political affairs in this State, all must admit that influence intended to affect political life officiously thrust into party contests or officiously brought to bear on legislative action is inconsistent with good government, is a palpable abuse of the corporate privileges and should be met with public reprobation whenever and wherever it makes its appearance.

But while enlightened public opinion is under the highest obligation to uncompromisingly set its face against these encroachments, and may be relied upon generally to do so, it cannot always be made effective, but must be supplemented by appropriate legislation.

The same may be said of the too prevalent practice, equally pernicious and more reprehensible, notwithstanding the present Australian system of voting, of instituting under one guise or another coercive measures by which employes are intimidated and their right of suffrage thereby transferred from the citizen to the corporation.

The voter is a trustee in the most comprehensive sense, exercising his trust in behalf of what he considers the best interests of the people. He cannot delegate this power to another, willingly or unwillingly, and any scheme by which this prostitution of the elective franchise is effected ought to be severely denounced and punished to the extent, if necessary, of a forfeiture of their property and franchises, and, in case of foreign corporations, prohibiting them from carrying on business in the State.

It is confidently asserted and plausibly maintained by those whose business it is to look after party interests at the polls, that the spirit and purpose of the Australian system of voting which obtains in this State, is violated, and intimidation and coercion made easy on the part of corporate representatives

in various ways, but notably by holding a watch on the employe when he enters the voting booth and ascertaining the time taken to mark his ticket. Each ticket having at its head a circle in which a cross can be made, it requires but a moment in which to vote a straight ticket. Any longer time spent in the booth than is necessary to vote a straight ticket is at once evidence against the voter that he has scratched his ticket and results in his discharge. It is common knowledge that this sort of espionage has been successfully employed to defeat a free and independent expression of the voter's choice. The opportunity ought to be removed.

I recommend that the law be so amended as to omit this circle from the official ballot.

ENUMERATION AND APPORTIONMENT.

Since the adjournment of the last legislative assembly, the twelfth census has been taken under the supervision and control of the national government, showing the total population of the United States to be 76,295,220. Our State, owing to its "magnificent distances," sparse settlement and inaccessibility of many of our prospectors, timbermen, wood-choppers and miners necessarily falls far short of its actual population. The result, however, shows the population to be 243,289, an increase since 1890 of 84.08 per cent.

Section 2 Article VI, of the Constitution, provides as follows:

"The legislative assembly shall provide by law for an enumeration of inhabitants of the State in the year 1895, and every tenth year thereafter; and at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment of representatives on the basis of such enumeration according to ratios to be fixed by law."

It will therefore be necessary for you to revise and adjust the apportionment for representation accordingly. In my opinion the public interests will be conserved by decreasing rather than increasing the total number of members of the House of Representatives.

PAN-AMERICAN EXPOSITION.

An act to encourage the holding of a Pan-American exposition on the Niagara frontier in the State of New York, beginning on the first day of May, 1901, and closing on the first day of November, 1901, was passed by Congress, and approved March 3, 1899.

The purpose of the exposition is to fittingly illustrate the marvelous development of the Western hemisphere, during the Nineteenth century by a display of the arts, industries, manufactures and products of the soil, mines and sea.

It is believed that such an Exposition, "held in the near vicinity of the great Niagara cataract, within a day's journey of which reside forty millions of people," would be of vast benefit, not only to the people of the United States, but of the entire hemisphere.

The federal government has made ample provision for an exhibit from the executive departments, the Smithsonian Institute and National Museum, the United States Commissioner of Fish and Fisheries, the Department of Labor, and the Bureau of American Republics, of such articles and materials as illustrate the function and administrative faculty of the government in time of peace, and its resources as a war power, and its relation to other American republics, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people," and has appropriated therefor \$500,000.

The President of the United States in his annual message to Congress in December last, made the following reference to this subject:

"The exposition of the products and resources of the Western hemisphere to be held at Buffalo next year promises important results, not only to the United States but for the other participating countries. It is gratifying that the Latin-American states have evinced the liveliest interest, and the fact that an international American congress will be held in the City of Mexico while the exposition is in progress encourages the hope of a larger display at Buffalo than might otherwise be practicable. The work of preparing an exhibit of our national resources is making satisfactory progress under the direction of different officials of the Federal government and the various

states of the Union have shown a disposition toward the most liberal participation in the enterprise.”

It is believed that such an exhibition as this State ought to make could be installed in a place of general exhibit, and that we should not undertake the erection of a State building for that purpose.

My predecessor has appointed a board of managers to represent the State as follows: Henry M. Parchen, Carlos Warfield, C. E. Conrad, D. R. Peeler, G. H. Stanton, A. J. Shores, H. L. Frank, George A. Cook and Donald Davenport.

I submit the matter to your consideration, with the recommendation that a suitable appropriation be made to secure a creditable display of such of our resources as can be collected for that purpose.

MONTANA STATE CAPITOL.

This building, the foundation stone of which was laid July 4, 1898, is now in course of erection, being practically completed externally up to the terrace at the base of the dome. It is much to be regretted that it is not ready for occupancy. A brief description of this monumental building nearing completion, I think, will interest you.

The steel frame work forming the skeleton of the dome is in place, but gives but a faint idea of the completed design, which presents a massive though ornate stone base with a cupola relieved by colonades and pavillions. The extreme dimensions of the building are 130 feet from north to south or from front to rear, and 250 feet from east to west. It is faced throughout with finely dressed Columbus sandstone, is thoroughly substantial, and absolutely fire-proof; is heated by steam, and lighted by electricity, and will be perfectly ventilated throughout.

The ground floor is approached by four entrances and divided by spacious corridors into rooms for the appointive officers, and large halls for the State library. The first or main floor is approached by a broad flight of balustrated granite steps, at the head of which is a colonade of massive Ionic columns, which, together with a handsome entablature and superstructural ornaments, form the principal feature of the front. A wide and

elaborate archway leads to the entrance hall and the rotunda, which is forty-five feet in diameter, and rises far upward into the dome, giving unobstructed vertical view of ninety-five feet, with colonades and ornamental balustrades at each story, and surmounted by a richly ribbed and panelled internal dome.

Spacious halls and corridors divide the building longitudinally on this floor, which is devoted to the Governor's suite, the law library, the supreme Court judges room, etc., and suite of offices for the Secretary of State, State Treasurer, and State Auditor. On the side of the rotunda opposite to the main entrance is the main staircase of ornamental iron and marble, flanked by colonades and arcades of great beauty and supporting a vaulted ceiling of stained glass in artistic panelling. On each side of the staircase is an elevator of the most approved design and construction, communicating with the ground, first, second and third stories.

The second floor is occupied by the senate chamber and the house of representatives, each with spacious lobbies and retiring rooms, committee and officers' rooms, cloak and toilet rooms, and telegraph and telephone offices. On the third floor are the galleries of the house and senate and several unfinished committee rooms. From this floor are stairways leading to the terrace and to the top of the dome.

A special study has been given to the rotunda and the chamber of the house and senate. These are quite elaborate in design and will be excelled in beauty by those of but few capitols. Lofty shafts support enriched entablatures from which spring curved ribs dividing the ceiling into panels, which it is intended to fill with historical subjects in color and art glass.

The floors and wainscoting of halls and rotunda will be of encaustic tile and Messinian marble, and the many columns in halls, rotunda and senate will be of scagliola.

The exterior of the building is designed in the Grecian style in all its simplicity and beauty of proportion, little ornament being used, but the general effect is monumental and imposing, depending as it does, more on its harmony, grouping and proportion of parts than on any elaboration of detail.

The architects of the building are Messrs. Bell & Kent, of Helena. The contract for its erection was let to the Montana

Building Company, and the work thus far completed is said to be excellent.

The Capitol Commission under whose supervision and direction the work has been inaugurated and carried forward has made a report of progress and furnished a detailed statement of the amount received and expended, from which it appears that the original contract price was \$289,891.00, from which deductions of \$6,555.00 on account of certain modifications in contract were made, making net contract price \$283,336.00. To this was added for extra work and additions to contract on account of electric wiring, sewerage and water connections a sum which made the total cost \$295,479.36.

Payments have been made to the contractors from time to time until the cash balance of funds available and to the credit of the capitol fund in the hands of the State Treasurer is \$78,461.95, which would leave a balance of \$27,165.26 unpaid and unprovided for if the building were now ready to be turned over to the State, as shown by the report of December 1, 1900.

The commission says: "In addition to the foregoing deficiency which we have pointed out it will eventually be necessary to provide funds for the completion of the grading and beautifying of the capitol grounds, for the frescoing of the building, and for providing suitable furniture and fixtures. The fixtures in the possession of the State would not be suitable for equipping the vaults, nor would a great portion be suitable for office furniture, but we have refrained from making an estimate of the amount for these purposes, leaving it to the judgment of the legislature."

It is not expected that the capitol will be ready for occupancy until next summer.

Your attention will hereafter be called to the subject and an estimate furnished of the amount necessary to be appropriated to cover the deficiency.

CONCLUSION.

This concludes such information as I am prepared to furnish and such recommendations as I deem expedient to make.

The result of your deliberations will be measured not by the amount but by the quality of legislation enacted.

“In the exercise of its preventive policy and police power, the government,” says Burke, “ought to be sparing of its efforts and to employ means rather few, infrequent, and strong, than many and frequent, for it always happens,” he adds, “that in this kind of officious, universal interference, what begins in odious power ends always in contemptible imbecility.”

It is not difficult to imagine a multitude of things not mala in se which men ought not to do, and yet others may have no right to prohibit such persons from doing them. Legislation cannot furnish a panacea for all sorrow and a relief for all misfortune.

We are not without examples tending to show the difficulty of making one class of citizens order their lives in a way that another class thinks would be best for them. Some may deplore this while others may rejoice at it, but all would be better to recognize the fact that the law has certain limitations, beyond which it is of but little avail.

And, finally, I am sure your investigation has proven, as mine has, that happiness, morality and prosperity most abound in that commonwealth where the law least interferes with the private activity and individual liberty of the citizen, where labor, capital, and the citizen experience the fewest artificial obstacles and where individuality has the greatest sway and public opinion the most influence.

In all your laudable undertakings count upon my earnest and cordial co-operation, and be assured of my best wishes for your personal comfort and enjoyment during your sojourn at the capital.

JOSEPH K. TOOLE,
Governor.

