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**MESSAGE**

OF

**Gov. Joseph K. Toole**

TO THE

**Ninth Legislative Assembly**

**State of Montana**

*1905*

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January 2, 1905

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# Governor's Message

1905

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*To the Ninth Legislative Assembly:*

Called for the third time to the office of Governor of this great State, I make my first official and profound acknowledgment for the respect and confidence of my fellow citizens who have so signally honored me by re-election.

Time has not staled nor custom withered my appreciation of the great responsibilities which my election implies and my oath of office imposes. On the contrary it has enlarged, if possible, my understanding of the gravity and importance of the obligations under which I am placed, and fills me with emotions of gratitude and sentiments of regard which will find more satisfactory expression in private than public audience.

So far as the future is concerned, doubtless, grave questions will arise as they have in the past, but these shall be met and disposed of patiently, fearlessly and righteously, I hope, according to the intelligence which I possess.

While your honorable body, and all of the Executive officers of the State, with a single exception, are not in political accord with me, it is, nevertheless, a source of satisfaction to me to know that the officials who have been elected along with me on the State ticket are all honorable and capable men whose co-operation is confidently expected in every effort to make this a successful and creditable administration.

Many of the subjects to which your attention will be called have been so prominently before the people for the past two years as to need only a bare mention to secure their prompt consideration. With a unanimity seldom, if ever, witnessed,

they seem to have met the views of all political parties at the late election.

Under the circumstances it would seem the part of folly for me at this time to attempt to present in elaborate form the reasons for their enactment into laws.

I am content therefore to renew the following recommendations made to the Eighth Legislative Assembly, and earnestly urge their adoption:

The abolition of one Judge in Lewis and Clarke county.

The election of Judges at a time other than general elections.

The taxation of costs of transporting prisoners to the penitentiary to the several counties from whence they come instead of the State.

Submitting a Constitutional amendment enlarging the powers of the State Board of Equalization by which that Board can raise or lower assessments upon classes of property without regard to its effect upon the total assessment as returned.

Placing fraternal insurance companies doing business in this State under State supervision, and exacting from such a small fee sufficient to cover the expense of supervision. This much is due to the fraternal policy holder as well as to competing companies acting under State supervision.

The adoption of a joint resolution proposing an amendment to the Federal Constitution, providing for the election of United States Senators by a direct vote of the people.

The submission of an amendment to the State Constitution providing for direct legislation after the manner and form of the Oregon amendment.

The passage of a law providing for direct primary elections under the Australian system, a substantial basis for which may be found in combining the better features of the Oregon and Wisconsin laws on this subject.

The election of all important officers (now appointed) by the people.

The creation of a railroad commission with adequate powers to regulate rates within the State, and to prevent discrimination in charges or facilities for transportation.

The passage of an efficient fellow servant law, furnishing

adequate protection to all classes of workmen engaged in hazardous occupations, and especially to all railroad, mining and smelter employees.

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### COAL MINE INSPECTOR.

The law providing for the appointment of Coal Mine Inspector is, in my opinion, unnecessarily stringent in fixing the qualifications of that officer.

I recommend that the law be so amended as to make the qualifications more practical than theoretical. Out of the number who applied for this appointment four years ago the present incumbent was the only person eligible.

If some reasonable test of practical knowledge was made by a competent Board who, after examination of the respective candidates, reported the result to the Governor, it would be helpful to the appointing power and the public service.

The following provisions taken from the Constitution of Wyoming, if incorporated into our statute would be most beneficial:

“The District Court within the proper county, or judge thereof in vacation or recess, upon a petition signed by not less than fifteen reputable citizens, who shall be miners, owners or lessees of mines, and with the affidavit of one or more of said petitioners attached, setting forth that the State Inspector of coal mines neglects his duty or is an incompetent, or that he is guilty of malfeasance in office, shall issue a citation in the name of the State to the said Inspector, to appear upon a day to be therein fixed and stated before said Court, which notice shall be served at least fifteen days before the time fixed to appear, at which time the Court or Judge thereof, in vacation or recess, shall proceed to inquire into and investigate the allegations of the petitioners, and if the Court find that said Inspector is neglectful of his duties or is incompetent to perform the duties of his office, or if he is guilty of malfeasance therein, the Court or Judge shall certify the same to the Governor, who shall thereupon declare the office of said Inspector vacant, and proceed to supply said vacancy by appointment; and all vacancies in said

office shall be filled by appointment by the Governor; the cost of said investigation shall, if the charges are sustained, be taxed against the said Inspector, but if the charges are not sustained, they shall be taxed against the petitioners.”

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### MONTANA STATE FAIR.

I do not hesitate to say that the wisdom of the Legislature in creating and maintaining the Montana State Fair has been fully vindicated.

The unselfish and devoted work of all those connected with the organization has been the subject of general comment and appreciation.

Without descending into details I endorse the actions of the directors as set forth in the annual report of the Chairman of the Executive Committee, and commend the same to your careful investigation and favorable consideration.

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### WATER FOR CAPITOL AND GROUNDS.

Some provision ought to be made for the purchase of a permanent water supply for the State Capitol and grounds.

About a thousand trees and shrubs were planted last year, most of which are in a flourishing condition.

The present and only available water supply is obtained from the company that supplies the city through a system of hydrants. The expense is great and the service inadequate, requiring use night and day during the summer months.

I recommend that suitable action be taken looking to the acquisition of a sufficient and permanent water supply for the purpose aforesaid.

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### INSURANCE.

We have never carried insurance upon the Capitol. We ought to carry at least \$75,000.00, and I recommend that a sufficient appropriation be made for that purpose.



## MEAGHER MONUMENT.

The Meagher Monument Association having in charge the work of erecting a suitable monument in memory of General Thomas Francis Meagher, a former Governor of the Territory of Montana, applied to me for permission to erect a monument of bronze upon a pedestal of granite in the Capitol grounds.

Disclaiming to the Committee any authority to grant such request, but expressing the belief that such a work of art commemorating such an illustrious citizen would be pleasing, not only to the Legislature but to the people of this State, I agreed with the Committee upon a site in the main walk about midway between the Capitol and Sixth Avenue, and gave tentative permission to erect the same subject to your approval.

The pedestal has been completed and a figure in bronze of General Meagher on horseback, in heroic proportions, will be placed thereon not later than June of this year if the plan meets your approval.

This, I hope, will be given by appropriate joint resolution.

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## LOUISIANA PURCHASE EXPOSITION.

I have omitted reference to Montana's part in the World's Fair at St. Louis for the reason that it has been found impracticable for the Board to make its report up to this time.

I am advised, however, that the report will be forthcoming within ten days or two weeks and that it will reflect a most creditable showing on the part of this State.

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## THE CAREY LAND BOARD.

The Carey Land Board, created at the last session of the Legislature, has accomplished valuable results in District No. 1. Through contracts made, about forty thousand acres of fine land near Billings, will be reclaimed, and all lands embraced within the reclamation area between Billings and Twelve Mile, will be watered and ready for occupancy the coming Spring.

No new enterprises have been undertaken by the Board.

The other unfinished contracts of the old Arid Land Grant Commission inherited by the present Board, are in a most unsatisfactory condition, as will more fully appear by an examination of the reports of the Carey Land Board, and State Engineer, and other documents referred to therein.

The interests of the State appeared to demand the institution of proceedings to cancel \$132,000.00 of bonds issued against District No. 2, in order to remove a cloud from the title to the lands in this District before anything further could reasonably be done towards reclaiming the same. Accordingly proceedings were instituted for the purpose and are now pending.

The lands in District No. 2 are valuable, and it is believed that they will eventually be reclaimed and fully settled.

I invite your careful attention to the reports and correspondence respecting District No. 4, which is by far the most unsatisfactory project undertaken.

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#### DISTRIBUTION OF PUBLIC DOCUMENTS.

I suggest that some State officer be made the Custodian of all public documents to include Supreme Court reports, the Session laws, the Legislative journals, reports of State officers, or of any Commissioner or Board of the State.

Such a law exists in nearly all of the States.

Concerning a law of this kind recently passed in the State of Washington, the Librarian well observes:

“The effect of this law is to gather together in a single place and under one authority all of the printed documents of the State so that any officer or citizen may secure immediately, and without trouble or search, any report of any officer or board for any year or period; to preserve a quantity of every report for future needs; to relieve the various officers of the troubles of distribution; to provide a system of accounts through which the Legislature may at any time ascertain the amount of this character of printing done by the State and the uses to which it is put; to secure more thorough and less wasteful distribution; and to allow the Library greater freedom in arranging exchanges for books in the State Library.”

If this duty was imposed upon the Librarian of the Historical Society, I think it could be performed without extra cost to the State.

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### STATE INSTITUTIONS.

I think the State may be justly proud of its educational institutions.

It is believed that no State in the Union in its early years of Statehood furnished such splendid institutions of learning as ours, whether considered with reference to the adequacy of its buildings and equipments or the high standard of excellence possessed by its corps of teachers.

The Legislature has been uniformly generous in its appropriations for new buildings, a policy which seems to meet with public approval so long as the financial condition of the State justifies such expenditures, but there should be no straining of our credit for further improvement in that behalf, in view of the heavy expense necessary to maintain the formidable array now in existence.

These observations are intended to apply especially to those institutions which are asking large appropriations at this session out of the general fund, a fund which, in my opinion, will for the next two years be barely sufficient to meet the ordinary and necessary expenses of administering the State Government as now provided for, and which cannot be enlarged unless a special tax is levied therefor without violating Section 12, Article 12 of the Constitution.

Here is the limit of our authority:

“No appropriation shall be made or any expenditures authorized by the Legislative assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative assembly making such appropriation shall provide for the levying a sufficient tax, not exceeding the rate allowed in Section nine (9) of this Article, to pay such appropriations or expenditures within such fiscal year.”—Section 12, Article 12, Constitution.

## SANITARY CONDITIONS OF MINES IN BUTTE.

Information has just reached me through the Inspector of Mines that the sanitary conditions of the Butte mines is very bad.

If this be true whatever is needed to remedy this should be promptly supplied.

Inasmuch as the Inspector's report will not be printed perhaps for several weeks, I quote the following for your information from the manuscript in my office:

"The general laws relating to the safety of miners in this State, as they have been amended during the past six years, are reasonably good. The statutes now empower the Inspector of Mines to do and enforce any and all reasonable recommendations which he may deem necessary to protect the lives of the men employed in the mines. But under the laws governing this department there is no specific statute governing the sanitary conditions in mines.

"In the Butte mines conditions have become so bad in a sanitary way that a reference to the statistics of mortality in that city will show that at least one hundred per cent more men die from diseases caused by bad sanitary conditions in the mines than result from all mine disasters.

"A very considerable number of the underground workers in Butte are most seriously affected with lung and throat diseases brought on and caused by the unhealthy and unsanitary conditions under which they are obliged to perform their daily labors.

"It may be truly asserted that in Butte there are two cities in one. One on the surface and one underground. And while it would appear to the ordinary observer that the greater life and activity is shown and displayed on the surface, one but needs to take a trip through any one of the great mines and view and examine the miles upon miles of tunnels, crosscuts, drifts, upraises and winzes, to correct the impression. For though the surface life of Butte is perhaps the most active of any city of like population on earth, it does not compare in intensity with the vigorous life that is carried on below ground.

"The conditions under which the inhabitants of these two

cities (in one) live, however, is vastly different. In the case of those living on the surface they are protected by laws which secure them, as far as possible, against diseases arising from filth, foul or unsanitary conditions, caused either from themselves or through the negligence of their neighbors; a good sewerage is provided; the streets and alleys are kept clean; all foul and filthy matter from which disease might occur is removed and cremated.

“On the other hand there are constantly five and six thousand men, at least, underground on their respective shifts which last for about nine hours out of every twenty-four, the great majority of whom never see daylight from the moment they step on the cage until the expiration of their daily work.

“*Absolutely* no provision is made for protecting the health of these men in a sanitary way. I therefore strongly and earnestly recommend that a law be enacted which shall provide for such sanitary regulations in mines and underground workings, as will give the miner, in a small measure at least, the benefit of like sanitary laws obtaining and in force in our towns and cities. The territory in which this number of men are employed is extremely limited, and the demands upon the machinery of the respective shafts in this district prohibits the employees from coming to the surface to attend to nature’s demands.

“This then, compels the employees to use stopes, abandoned drifts and crosscuts and such other places as they may find convenient for their purpose.

“I do not think that it requires any argument to convince any reasonable mind that the health of the employees cannot but suffer in consequence of these unsanitary conditions.”

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## REPORTS OF STATE OFFICERS.

The various State officers of the Executive Department, with few exceptions, have either completed their annual reports, or have them well under way so as to insure their printing in time for your use, which obviates the necessity at this session for the usual extended reference made in former messages to the growth and work of the Executive Department.

It is proper, however, to say that every year witnesses the increase in volume of business transacted in every department of the State Government and consequent increase of expenses, while the increase of taxable property is barely sufficient to meet them, to say nothing about those appropriations which sometimes appear to be the offspring of legislative generosity, rather than prudence.

This inequality between our revenues and our expenses can only be remedied by economy in public expenditures.

If only necessary and proper appropriations are made much will have been accomplished in that direction.

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## RECEIPTS AND EXPENDITURES.

I shall shortly present to you estimates of the amount of money required to be raised by taxation for all purposes of the State. Meantime I press upon your continued attention the Constitutional provision just quoted limiting appropriations or expenditures to the total amount raised by taxation for any one year.

Section 2 of Article 13 permits the Legislature to create an indebtedness against the State which singly or in the aggregate with any existing debt or liability does not exceed one hundred thousand dollars, but this cannot be done unless the law authorizing the same shall have been submitted to the people at a general election, and shall have received a majority of the votes cast for and against it at such election, but this course is out of the question, when it is remembered that after all the revenues for the last two fiscal years were collected and turned into the treasury, there was and is a deficit of approximately one hundred and fifty thousand dollars. This will be reduced some by officers' fees not yet reported.

The estimated revenues for 1903 and 1904 were \$1,604,319.00,

The exact revenues collected for this period were \$1,505,347.72, or \$98,971.28 less than estimated.

The estimate for 1903 and 1904, however, would have been ample for the two years last past but for the great falling off of net proceeds of mines in 1903, and of live stock in 1904, which

could not have been reasonably anticipated, while the increase of expenses over estimates in maintaining the insane and penitentiary for the same period reached \$47,020.00.

The uncertainty which necessarily obtains under the present system in making estimates for the future leads me to recommend that in making appropriations for the ensuing two years, the revenues collected for the two years last past should be taken as a basis and should not be exceeded, otherwise we will unwittingly exceed the Constitutional limit of indebtedness and serious results may follow.

The annexed report of the State Treasurer shows the condition of the various funds together with amount of outstanding warrants up to and including December 31, 1905.

I have briefly but plainly, I hope, called your attention to the matters most needed and expected by the people. In the passage of these and any other worthy subjects of legislation, please understand that I am ready, willing and anxious to cooperate with you.

FINANCIAL STATEMENT TO DEC. 31, 1904.

FUND.	Balance on Hand Nov. 30, '04.	Received During Month.	Paid Out During Month.	Balance on Hand Dec. 31, '04.
Permanent School.....	\$ 74,473.71	\$ 10,773.05		\$ 85,246.76
School Income.....	154,059.71	12,540.12	2,214.65	164,385.18
University Bond.....	27,961.24	690.70		28,651.94
Permanent University.....	24,428.00	859.00		25,287.00
Normal School Bond.....	90,066.95	20,537.64	22,652.43	87,952.16
Agricultural College Bond.....	53,933.11	20.00	779.38	23,173.73
Deaf and Dumb Asylum Interest and Sinking Fund.....	7,815.89	27.00		7,842.89
Reform School Building Interest and Sinking Fund.....	7,106.70	100.00		7,206.70
State Capitol Building.....	34.47			34.47
Schol of Mines Building.....	1,208.47			1,208.47
School of Mines Building Interest and Sinking Fund.....	20,911.80	671.13		21,582.93
General .....	24,210.82	471,122.46	483,368.71	11,964.57
Stock Inspector and Detective....	16,304.33	25,027.65	3,320.00	38,011.98
Stock Indemnity.....	1,379.24	1,970.88	538.00	2,812.12
Sheep Inspection and Indemnity..	9,043.46	2,815.44	666.05	11,192.85
State Bounty.....	22,620.05	87,210.18	56.00	109,774.23
Fish and Game.....	12,126.95	19,202.72	1,864.45	29,465.22
University Library.....	4,539.39		3,605.62	933.77
State Law Library.....	878.10	43.28	462.01	459.37
Medical Board.....	53.22		27.80	25.42
State Examiner's.....	5,420.00	250.00	5,420.00	250.00
Escheated Estates.....	5,928.07			5,928.07
Soldiers' Home.....	4,443.47		1,564.77	2,878.70
Capitol Building Interest and Sinking .....	5,834.07	549.00	14.25	6,368.82
Agricultural College Income Fund.	3,370.86	383.75		3,754.61
Permanent Agricultural College..	11,199.70			11,199.70
University Building.....	670.17		657.63	12.54
State Fair.....	75.00		75.00	
Normal School Dormitory.....	81.81			81.81
Arid Land Dist. 4, Fd. B.....	.93			.93
Arid Land Dist. 2, Fd. C.....	474.68	13.00	405.50	82.18
State Humane Society.....	44.20	25.00		69.20
Arid Land Dist. 4, Fd. C.....	1,643.30	89.50	240.00	1,492.80
	\$562,341.87	\$654,921.50	\$527,932.25	\$689,331.12
Warrants outstanding.....	\$ 79,941.89			





DATE DUE



