

GOVERNOR'S MESSAGE.

(Continued from page three.)

ARID LAND RECLAMATION FUND COMMISSION.

The act creating this commission was approved March 12, 1903. The commission consists of five members, who serve without compensation. It is a question whether or not provision should be made for compensation commensurate with the work of the commission, especially in the case of the chairman, if he is not a public officer.

There has already been appropriated for the use of the commission, \$5,000, of which amount \$5,000 has so far been used. It is estimated that for the work of the commission for the next two years, already provided for, a further appropriation of \$15,000 will have to be made.

As you are aware, the work of the commission is to select to Utah the best of the reclamation fund provided for this purpose by the general government. The most serious obstacle in the way of this work is the delay in the adjudication of the water rights on Utah lake. The same obstacles will doubtless be met in the carrying out of the other parts of the project, and the prompt adjudication of rights is made.

It is proposed, as soon as possible, to secure the co-operation of the people interested in the different projects under contemplation, and to proceed with the work as rapidly as possible. With this end in view, the work has been undertaken of forming the Utah and Idaho Water Users' association, and of securing a sufficient number of signatures to the agreement to justify the work of ascertaining what the cost will be, and proceeding with it. If a sufficient number can not be obtained, I am informed that the men already working in the field will be recalled, and this important work transferred elsewhere. You will agree with me that such action would be very unfortunate for our state.

You will please give due consideration to such items herein contained as pertain to your official work, so that this great project shall not be allowed to languish or fall through a seeming lack of support on the part of Utah.

IRRIGATION.

The state engineer has submitted a detailed report regarding the operation of the irrigation law passed by the last Legislature, and the work so far accomplished under the provisions. According to this report, the irrigation work in measuring and determining the flow of water in diverting ditches, has been done on the Weber river system. There accurate data is being secured regarding daily flow, total flow for the season, etc., on every diverting ditch. Maps are being prepared showing size and location, nature of soil, etc., of the farms under each diverting canal, and also the location of branch laterals and ditches. Valuable assistance in this work has been rendered by Dr. John A. Whitton, director of the experiment station. The cost of the work up to Nov. 30, 1904, was \$22,628.22. It is estimated that the completion of this work on the Weber river system will require two more seasons, and an expenditure of about \$50,000 more. When this work is completed, it will serve as a precedent for such work on all the irrigation systems of the state, and as a means of determining the feasibility of the provisions of the law in this important particular.

Nothing has been done, as yet, with reference to the apportionment of water, under the provisions of the law. When the law, for the reason that this cannot be done until the courts of the state have passed upon the rights of the different claimants. A provisional start in this direction has been made by the Spanish Fork river irrigation system, for the reason that the courts have gone farther in the adjudication of rights there, than in any other portion of the state. So far as the department has proceeded there, I am informed that it has been very satisfactory to all parties concerned. But here, as elsewhere, care will have to be taken to prevent future litigation, and it is well for the present to be followed, prohibiting further filings while existing ones are in force, for the same water. It is important that existing rights be settled as soon as possible, in order that provision may be made for the use of all the water now running to waste.

The difficulties now being encountered in the settled portions of the state with reference to the adjudication of old water rights, may be avoided in the Utah reservation when it is opened for settlement as here, if proper measures are adopted, the rights can be determined in the order of filing, which will proceed without confusion or misunderstanding.

Certain changes in the law are recommended by the state engineer, as a result of his experience during the past two seasons; and these are submitted with the report, which before you. I am of the opinion that, in order that the law may be fully tested, its operations properly judged, and future amendments wisely made, it will be well for the work on the Weber river to be pushed to completion. I therefore endorse, in general, the suggestions of the state engineer, as to the completion of the work on the Weber river, as to amount of appropriation, etc., must be left to your wisdom. Early attention given to this important matter will be productive of great benefit to the irrigation interests of Utah.

PRIVATE BANKS.

There has been for years a growing public sentiment in favor of examination of private as well as corporate banks, and many of the states have already passed laws which require the examination of private banks. Bank examination by public officials will not always prevent failures, but it has been demonstrated beyond any question of doubt that it lessens them very greatly. The bank that is perfectly solvent has no right to complain of an examination, and the bank that is not solvent certainly should be examined. A private bank is no less a public institution than a corporate bank. The recent failure of a private bank calls attention anew to the responsibility of the state in protecting those who place money in banks by requiring sufficient capital and insuring upon proper supervision.

I recommend that section 2441 of the Revised Statutes of Utah, 1895, which limits the authority of the bank examiner to the examination of corporate banks only, be amended to include private banks.

RESERVOIR SITES.

Chapter 55, laws of Utah, 1901, authorizes the state board of land commissioners to construct reservoirs for supplying to state lands. It is provided that these reservoirs shall be constructed from the proceeds of the sale of the 500,000 acres of land granted to the state for the construction of these permanent reservoirs. The fund thus accumulated now amounts to \$244,000, and is constantly increasing from new sales of land, and payments on previous sales. I would suggest the advisability of additional legislation, authorizing the state board of land commissioners to construct reservoirs from this fund, whether the water is to be applied to state lands or not. In cases where the water is to be

applied to private lands, it could be sold at cost and paid for in annual payments, or such number as you may decide upon, and the proceeds applied to the construction of more reservoirs, somewhat on the plan outlined in the government reclamation act.

CARBON COUNTY STRIKE.

Among the estimated needs of the state, submitted to you by the state auditor, is a deficiency appropriation amounting to \$2,625, to cover the expenses of the National Guard of Utah in Carbon county, in the latter part of 1903, and the beginning of 1904. In order that you may the better understand the reason for this deficit, a brief account of the trouble and its causes is here submitted.

Early in November, 1903, it became apparent that trouble was arising among the coal miners of Carbon county, where the most important mines of the state are located. It soon developed that a general strike among these miners was to be ordered, and to be extended as far as the influence of the agitators could be carried. The purpose of this strike was to secure correction of certain grievances held against the company operating the mines. The strike, when it was carried into effect, involved the miners working in nearly all the large mines in that locality. The chief principle at stake in the controversy between the miners and the operators, seems to have been the refusal on the part of the operators to recognize the miners' union.

The members of this union reported, soon after the commencement of the strike, that they were being interfered with by armed men, whom they supposed to be company guards, and who were working as sheriffs. Inquiry into this report brought from the sheriff of Carbon county the statement, endorsed by the county attorney, and made prominent in official and newspaper circles, that attempts were being made by the striking miners and their sympathizers, to intimidate the miners who refused to join the strike, and to prevent them from continuing their work. This intimidation, according to the sheriff's report, consisted in the use of threats of violence, and in actual acts of violence, and had in other cases attempted to preserve the peace, but his resources were exhausted, and he felt it his duty to call on the governor for assistance in quelling the trouble. Reports came from other sources, confirming the statements of the sheriff, but no action was taken by the chief executive for some time, in the hope that the local authorities would still be able to cope with the situation. But the trouble became each day more serious, and it was soon apparent that official action would have to be taken.

Accordingly, an officer of the national guard was sent by the governor to investigate the trouble, and make recommendations. The first six months of investigation, and of evidence collected from other sources, it was decided that the trouble was serious enough to demand immediate action on the part of the state. But before final steps were taken, conferences were held by the governor with members of the Legislature, state officials, and other leading citizens. The sense of this conference was that, in the event of a strike, further delay would be dangerous; that the situation should be met at once; and that, with other law enforcement officers of the state, would share the responsibility with the governor. In accordance with this advice, and with the facts presented, the governor gave orders to the national guard to proceed to Carbon county and quell the disturbance.

The troops were kept in the field 60 days in all, but as many as could be spared were sent home as long before the expiration of that time as possible. Fortunately, no bloodshed resulted from the trouble. There were no funds on hand for the governor to use in meeting the expenses of the national guard. Consequently, a loan was negotiated with the National Park Bank of New York, for \$25,000, due in one year, with interest at the rate of five per cent per annum. The disbursement of this amount, represented by proper vouchers, approved by the state board of examiners, and on file in the office of the state auditor, was made on January 25, 1904. The interest on this note has been paid out of the National Guard fund. The note with interest for the second six months, amounting in all to \$25,425, will be due on January 25, 1905. I recommend that special appropriation be made at once to cover this indebtedness.

I am of the opinion that a fund should be set aside for the disposal of the governor, to be used in case of riot or insurrection. To give the governor power to call out the state militia to quell insurrection, and not provide him with a fund to which to meet the necessary expenses incurred, is an inconsistency, and may lead to some embarrassment.

NATIONAL GUARD OF UTAH.

The report of the adjutant general of the national guard for the past two years has been submitted. It shows that this organization is of great importance to the state. It is looked upon as an indispensable part of the state, and it is of the utmost importance that the national guard be fostered, and its efficiency increased.

The report shows a considerable falling off in the membership of the guard in the past two years. I am advised that if the membership should fall below 200 before the next regular inspection, the guard would be the loss to the state of the government of \$5,000. It seems to me that inducements should be held out for the able-bodied men of our state, to enter the guard, to provide for the recreation and comfort of the officers and men, and the better protection of the arms and supplies of the organization. The recommendation is also made by the adjutant general that a larger appropriation be made than has been made in the past, to ensure longer enlistments than were possible during the past two years. You will, of course, give this

matter the careful attention that its importance deserves. The estimated needs of the guard for the next two years are here given:

For general maintenance	\$12,500
For armory	35,000
For encampments	16,450
Total	\$63,950

STATE COAL MINE INSPECTOR.

The state coal mine inspector's report for 1903 and 1904 shows a condition of affairs somewhat improved over the condition existing in previous years. The law passed by the last Legislature, limiting the amount of explosives to be taken into a mine at any one time, and placing other safeguards around miners, has been strictly enforced, and accidents in the mines have not been so frequent.

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Feed a cold—yes, but feed it with Scott's Emulsion. Feeding a cold in this way kills it. You cannot afford to have a cough or cold at this season or any other. Scott's Emulsion will drive it out quickly and keep it out. Weak lungs are strengthened and all wasting diseases are checked by Scott's Emulsion. It's a great flesh producer.

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STATE BOARD OF SHEEP COMMISSIONERS.

A law providing for the appointment of a state board of sheep commissioners was passed at the last session of the Legislature. The enforcement of this act has been, according to the report of the state sheep inspector, a great benefit to the sheep interests of the state. This is shown in the fact that whereas in the spring of 1903, 1,213,959 sheep were found to be infected with the scab, in the spring of 1904, there were only 55,557 infected, and those have been dipped twice and are now free from disease. He also says that with a decrease of 178,769 in the number of sheep in the state, there has been an increase of 2,357,000 pounds of wool in 1904 over 1903.

LOUISIANA PURCHASE EXPOSITION.

The act passed by the Legislature in its session of 1903, creating a commission to take care of Utah's representation at the Louisiana Purchase Exposition at St. Louis, was carried into full effect. The gentlemen appointed on the commission took up the work with energy and zeal, and as a result of their labors Utah was fittingly represented at the great exposition. All the departments of the exhibit were most praiseworthy, and the report of the commission, presented to the governor, gives in detail the work of that body, and the exhibition of the state. Awards and other recognition given to the exhibit from this state.

The exhibits were in the departments of minerals and metallurgy, agriculture, and education. These exhibits were of the most typical kind possible, illustrating the practical work of the departments concerned. In the mineral exhibit a concentrating mill was in operation during two hours of each day of the exposition, and much favorable notice was given to it. The statement published made at the exposition, that this mill would be placed in the state school of mines, formed a strong advertisement for that institution. Similar favorable comment was bestowed upon the exhibits in other departments. A large number of the special exhibits by Utah at the exposition, have since been taken to Washington and to other places, where they will continue to be a source of interest. Other specimens will be placed at the disposal of the commission having in charge the Utah exhibit at the Lewis and Clark exposition, and others will be returned to the exhibitor. A deficit of something like \$10,000 has been incurred by the commission in the carrying out of the work entrusted to them, and I recommend that an appropriation of this amount be made to cover the deficit.

I desire to compliment the commission on the magnificent work accomplished by them in this position. The members have been untiring in their efforts, and the results of their work entitle them to the sincerest thanks of the citizens of Utah.

LEWIS AND CLARK CENTENNIAL.

The commission created by the Legislature in its session of 1903, to take charge of the celebration of the Lewis and Clark centennial exposition at Portland, in 1905, reports that the work has been commenced, and is well in hand. Of the \$10,000 appropriated for the use of the commission, \$5,610 has been used. The commission estimates that in order to carry out in a creditable way the provisions of the law providing for an exhibit at this exposition, \$20,000 will be required. The matter is referred to you for your consideration. It might be well to inform you that this appropriation is included in the state auditor's estimate of needed expenditures. What ever appropriation is made, it should be distinctly provided that the commission shall not create a deficit.

FISH AND GAME.

The fish and game commissioner has presented a report, with recommendations as to needed amendments in the present law. These are submitted herewith for your consideration.

It is recommended that steps be taken to replenish the state supply of wild game, in some such way as the supply of fish is increased. Also, that greater power be given the state game and fish commissioner, with reference to protecting the fish in the various lakes and ponds used for irrigation reservoirs. It is suggested that money be appropriated for increasing the capacity of the state fish hatchery; for building a house for the use of the hatchery employees; for the purchase of three acres of land, adjacent to the hatchery; for the expense of state fish exhibits at the fair, and for the further propagation of certain fish in various waters, and the propagation of certain fowl and wild animals in different parts of the state. It also seems desirable that the state commissioner be given more authority, with reference to the appointment of fish and game wardens for each county; and that the salaries of these officers be paid out of the state treasury. Certain amendments in the present fish and game law will be suggested. It may be necessary, in order to put these amendments in proper shape, to re-enact the law as a whole. For

these suggested changes, you are respectfully referred to the report of the commissioner.

HORTICULTURE.

The report of the state board of horticulture shows an encouraging condition of affairs. The output of fruit during the last season, was greater than in any previous year. Vast quantities of fruit were shipped out of the state, and a large number of orchards were kept in operation. The fruit of the state is improving in quality, on account of the intelligent and efficient work of the board. This is particularly noticeable in those parts of the state where the recommendations of the board have been adopted.

The work of the southern Utah experimental farm, which has been conducted by the state board, was greatly hampered by a severe frost, which occurred on April 24, 1904, destroying nearly all the fruit on the farm. In establishing this farm, it was the intention that it should be devoted to the illustration of advanced methods in growing and caring for fruits of the different kinds, in order that the orchardists, particularly in that section of the state, might be helped in their individual work. Notwithstanding the partial failure of the farm last year, many valuable experiments were carried through successfully, and great benefit has been bestowed thereby on the horticulturists of the southern part of the state.

Recommendations are made by the board regarding the work of this farm, as follows:

1. That an appropriation of \$2,000 be made to drain the farm and free it from alkali. The accomplishment of this will prove beneficial as a practical lesson to the farmers of the Dixie country, whose land is suffering from toxic alkali.
2. That the farm be placed under the control of the Utah experiment station and the state board of horticulture, in order that the most scientific kind of experimental work may be done, under the auspices of the Agricultural college. This would save duplicating expensive experiments, and the issuing of duplicate bulletins on horticultural subjects.
3. That another similar farm be established and located in the northern portion of the state, to the benefit of the fruit growers of that region, and that this be also under the direction of the experiment station and the state board of horticulture.
4. That the recommendation be made that certain changes be made in the horticulture law itself, looking to the better protection of the orchards of the state from injurious insects, and to the more effective cooperation of county officers in enforcing its provisions.

I am heartily in sympathy with the recommendation given above.

DAIRY AND FOOD COMMISSIONER.

The report of the dairy and food commissioner for the two years just past, shows gratifying results of the enforcement of the pure food law passed by the last Legislature. A number of the articles of food supposed to be adulterated, and the prosecution of manufacturers and grocers found to have violated the law, have resulted in the exclusion of food products seriously injurious to health. Another result of this rigid examination enforcement of the law is that manufacturers and dealers of various articles of food are asking that analysis of their articles be made, in order that they may be continued or admitted in the market of the state.

STATE BOARD OF MEDICAL EXAMINERS.

The report of this board for the past two years is hereby submitted. It shows that for more than a hundred persons have been required, during the past two years, certificates to practice medicine or obstetrics. Inasmuch as the idea of reciprocity in the granting of certificates is obtaining in the different states, the board recommends the following amendment to section 729, title 52, Revised Statutes of Utah:

"That the board may, in its discretion, issue upon payment of an examination fee, and without examination of the applicant, a certificate to such persons as already hold a certificate issued by the medical examining board of the District of Columbia, or of any state of the United States; provided, however, that the legal requirements of such medical examining board shall at the time of issuing such certificate, be in no degree or particular less than those of the State of Utah at the time when such certificate shall be presented to the board of medical examiners, and that the provisions of this paragraph shall be held to apply only to such of said medical examining boards as accept the register, or issue their certificates upon presentation of certificates issued by them of the persons holding such certificates."

I take pleasure in adding my recommendation to that of the board of medical examiners, that such an amendment be made.

STATE HISTORICAL SOCIETY.

The State Historical society of Utah was organized in 1897, for the purpose of collecting material of a historical character, and preserving it in a permanent and valuable form, especially such as were at the disposal of the jubilee commission.

The proper care of these relics, and the securing of the relics of the future, has now become a problem with the society, and the officers of it ask for an appropriation to purchase a site for a building and to erect one wing of the building, the relic of the future, the possession of the society, and the purchase of additional ones.

The advisability of this appropriation, and the amount of it are left to your judgment.

STATE BUREAU OF STATISTICS.

The report of the state commissioner of statistics shows that the work of the bureau is increasing in importance. The feeling of suspicion which the people manifested toward this work at first is being dissipated, and they are giving valuable aid to the commissioner. The value of the work is better appreciated each year.

In addition to the usual work such a bureau would do here and in other states, the Utah bureau is doing special attention to the matter of irrigation, gaining information regarding the value of the property of different canal companies, cost of maintenance, number of acres covered, additional area susceptible to irrigation, etc. It is hoped soon to make of this a complete record of all the large irrigation projects in the state.

It will require the usual appropriation to provide for the work of the bureau for the next two years.

UTAH ART INSTITUTE.

It appears that the act forming the Utah Art Institute, the appropriation made for its maintenance, and the laws governing and regulating it, do not meet the end designed by its promoters, and that the state does not receive full value for the money expended. It is probable, therefore, that a bill will be

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And It Was Justified.

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Introduced in the Legislature, asking for the repeal of the law creating the Utah Art Institute. In place of the institute, it is proposed that an appropriation be made for a purchase fund, to be used in the purchase of such paintings as may be thought advisable, and in the encouragement of art.

I am in favor of such action being taken.

STATE LAW LIBRARY.

The report of the librarian of the state law library for the year 1904, is herewith presented. During that period, there have been received in exchange with other states, 152 volumes. There have been purchased 22 volumes.

Total volumes procured, 381.

STATE BOARD OF BARBERS.

The operation of the law passed by the last Legislature, regulating the work of barbers, is confined to cities of the first and second class. According to the report of the board, herewith submitted, a number of smaller cities are desirous of having the provisions of the law extended to cities of the third class. The board of examiners of barbers recommend that such extension be made.

CONCLUSION.

Doubtless other matters than those briefly outlined above will suggest themselves to you for consideration. Coming, as you do, from all parts of Utah, you are familiar with the needs of the state in detail, as well as in general; and these, I am sure, be made the subject of your attention and care. I desire to assure you of my willingness to do all that is in my power to help in the work of legislation. The solemnity of the duty of making and amending laws governing so great a commonwealth, is apparent to all of us, and I know that you, in common with myself, will fully sense this responsibility, and discharge the obligation with the view of promoting all the interests of our state. In this I place my confidence, and with sincere and hearty co-operation.

JOHN C. CUTLER, Governor.

MONUMENT TO BENJAMIN HARRISON.

It has been decided to erect the contemplated monument to the late Benjamin Harrison, ex-president, on a plot in front of the new postoffice and court-house building in Indianapolis. The model is a fine one, and is shown in the cut. It is a sitting figure of



the ex-president upon a pedestal of granite. At a distance of about thirty feet on each side there are to be allegorical figures illustrative of Harrison's two avocations—soldier and statesman. Rudolph Schwarz is the designer of the model, and he has favorably considered the committee in charge of the matter has at its disposal \$50,000, which, it is estimated, will be sufficient

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STATE TREASURER'S REPORT.

To His Excellency, Heber M. Wells, Governor of Utah, Salt Lake City, Utah.

Dear Sir:—I have the honor to enclose herewith, annual statement of the Receipts and Disbursements of the Treasury for the year ending December 31, 1904, in accordance with chapter 65 Session Laws 1903, an act amending section 244 of the Revised Statutes of Utah 1895.

Yours very respectfully,

JOHN D. GIBBY, DIXON, State Treasurer of Utah.

Statement of the Treasurer of the State of Utah showing the Receipts and Disbursements from January 1st, 1904, to and including December 31st, 1904.

STATE DISTRICT SCHOOL FUND ACCOUNT.

Balance on hand Dec. 31st, 1903, \$223,539.40

RECEIPTS FOR THE YEAR.

Cash receipts \$288,627.70

Transferred from School Lands fund, interest account by order State Board Examiners \$20,615.71

Trust fund, escheated property \$5.90

Total receipts \$314,161.01

Disbursements \$85,625.33

Balance on hand Dec. 31st, 1904, \$228,535.68

GENERAL FUND ACCOUNT.

Balance on hand Dec. 31st, 1903, \$117,949.50

RECEIPTS FOR THE YEAR.

Transfers by order State Board Examiners:

From University Lands interest \$11,572.32