

MESSAGE
OF
MIGUEL A. OTERO,
GOVERNOR OF NEW MEXICO,
TO THE
36TH LEGISLATIVE ASSEMBLY.

January 16, 1905.

SANTA FE, N. M.
NEW MEXICAN PRINTING COMPANY
1905.

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GOVERNOR OF NEW MEXICO,

To the Thirty-sixth Legislative Assembly.

JANUARY 16, 1905.

*Gentlemen of the Council and House of Representatives of the
Thirty-Sixth Legislative Assembly of the Territory of New
Mexico:*

It becomes my duty as Chief Executive of this Territory to give to the Legislative Assembly such information regarding the condition of the Territory as can be secured through the different departments, and to recommend such measures as in my judgment seem expedient.

I desire, first of all, to congratulate the people of the Territory upon the general prosperity which again exists today, after a year which owing to drouth, flood and cessation in railroad construction was not so favorable as previous years. Yet, there has been no cessation in advancement, in the increase of population or material improvements, and today we look forward to a year which promises prosperity beyond that of any previous year.

Before entering upon a discussion of administrative affairs, I call attention to the fact that the people of the Territory have been quite recently called upon to mourn the decease of one of their most valuable servants. In the death of the Honorable Edward L. Bartlett, Solicitor General of the Territory, on the 19th day of October last, the public lost a faithful friend. General Bartlett, during his residence in the Territory, covering a period of twenty-four years, was an esteemed citizen, and a man that took great interest in all public questions, and filled many positions of public trust. He had been the Solicitor General of the Territory ever since the year 1889,

with the exception of about three years. His conduct of the office was marked by thoughtful application to duty. He was industrious, careful and painstaking, having at all times the interest of the Territory at heart. We remember him as a faithful, able and upright official and citizen, and in mourning his death I cannot forbear availing myself of this opportunity to speak these words of praise to his memory.

This occasion is further saddened by missing from your number the familiar face of Honorable J. Francisco Chaves, who had been elected a member of the Council from the Sixth Council District of New Mexico, and who, had he lived, no doubt would have been once more elected by the members of the Council to the honorable position of President of that body, a position he held for so many years, and with such credit.

On the evening of the 26th day of November, 1904, at Pinos Wells, in the County of Tarrant, Col. J. Francisco Chaves, Superintendent of Public Instruction and Councilman elect of this Territory was stricken down by the hand of an assassin. A more cruel and foul murder than this has not taken place in our Territory since the assassination of Col. A. J. Fountain and his little son, several years ago. Without a moment's warning, and unaware of the presence of his assassin, Colonel Chaves was shot dead while eating his supper. The murder had crept to the window near where the Colonel was sitting, and by the aid of the light in the room where the victim was, fired the fatal shot, the ball passing entirely through the body, causing immediate death.

When he was assassinated he was engaged in writing a history of New Mexico. On account of his long experience in public matters of the Territory, his wide and extensive knowledge of men and territorial affairs, and his learning and fitness for this trust, he was made the historian of the Territory by an act of the last Legislature.

We were all looking forward with much interest to the time when we could enjoy the results of his work in that capacity.

I regret that the Executive cannot offer a suitable reward for the arrest and conviction of the murderer of Colonel Chaves. As the law now stands, I am helpless in such a case. I am not permitted to incur any extra expense in an effort to apprehend his assassin.

I most earnestly recommend the passage of an act authorizing the Governor to offer a reward not to exceed twenty-five hundred dollars for the information that will lead to the arrest and conviction of this assassin, and his accomplices, and that an appropriation be made for the payment of such reward.

The reports of the various Territorial officers, boards and Territorial institutions are transmitted herewith, as a part of this message, and are marked as follows:

Treasurer.....	Exhibit "A"
Auditor.....	Exhibit "B"
Solicitor General.....	Exhibit "C"
United States Locating Land Commission ..	Exhibit "D"
Commissioner of Public Lands.....	Exhibit "E"
Board of Equalization.....	Exhibit "F"
Irrigation Commission.....	Exhibit "G"
Bureau of Immigration.....	Exhibit "H"
Superintendent of Penitentiary.....	Exhibit "I"
Louisiana Purchase Commission.....	Exhibit "J"
Adjutant General.....	Exhibit "K"
Librarian.....	Exhibit "L"
Secretary of New Mexico.....	Exhibit "M"
Traveling Auditor.....	Exhibit "N"
Cattle Sanitary Board.....	Exhibit "O"
Sheep Sanitary Board.....	Exhibit "P"
Board of Health.....	Exhibit "Q"
Board of Pharmacy.....	Exhibit "R"
Superintendent of Public Instruction.....	Exhibit "S"
University of New Mexico.....	Exhibit "T"
Normal University.....	Exhibit "U"
Normal School.....	Exhibit "V"
Military Institute.....	Exhibit "W"
School of Mines.....	Exhibit "X"
College of Agriculture and Mechanic Arts ..	Exhibit "Y"
Deaf and Dumb Asylum.....	Exhibit "Z"
Insane Asylum.....	Exhibit "ZZ"
Capitol Custodian Committee.....	Exhibit A-1
Historical Society.....	Exhibit A-2
Game and Fish Warden.....	Exhibit A-3
Board of Dental Examiners.....	Exhibit A-4
Institute for the Blind.....	Exhibit A-5
Miners' Hospital.....	Exhibit A-6
Reform School.....	Exhibit A-7
Orphan Childrens' Home at Belen.....	Exhibit A-8
Albuquerque Armory Board of Control.....	Exhibit A-9
Las Vegas Armory Board of Control.....	Exhibit A-10
St. Vincent's Hospital, Santa Fe.....	Exhibit A-11
St. Vincent's Orphanage, Santa Fe.....	Exhibit A-12

I would recommend that the present law be amended so as to make it the duty of the traveling auditor to examine the offices of the clerks of district courts, and all other offices handling Territorial money.

The work of the Traveling Auditor is so comprehensive and exacting and has proved of such great benefit to the Territory, that he should be given an assistant, or an allowance for clerical assistance, so that he may be unhampered in the performance of his exacting duties. The law requires him to visit every county twice each year and to examine the Territorial banking institutions, and for that reason important office duties must often be delayed, if not partly neglected. During the months following the completion of the assessment rolls by the assessors it is almost imperative that he have assistance in covering the ground systematically, thoroughly and in good time.

He is often called upon by county officials to come immediately to give his counsel or to examine books and the welfare of the commonwealth demands that at such times his office duties and his official correspondence be not neglected.

COMPENSATION OF COUNTY OFFICIALS.

I recommend that the commissions on liquor and gaming licenses should be taken from the commissions of the assessor, as it appears that these licenses being fixed by law, the assessor at most simply keeps a record of the expirations, which is also done by the sheriffs; or better still, that county officials be placed upon straight salaries, and that they be made responsible upon their bonds for the full amount of moneys they should by law and legally can collect and turn over to the proper officials. Unless this is done, I recommend in the matter of fees in the office of county collector and ex-officio treasurer, that a plan similar to the federal regulation be adopted, establishing a maximum salary limit, and all fees in excess of that amount to be turned into the county school fund. In counties of the first class, where the work is heavy and a deputy is required, a maximum salary of \$3,500 or \$4,000 per annum should be fixed, as this would enable the collector and ex-officio treasurer to employ a deputy at \$1,200 and still leave him a good remuneration for his services. In counties of the second class, where deputies are not required, a maximum salary of \$1,800 or \$2,000 would be ample. In counties of the third and fourth class, salaries would not be too large if commissions on all moneys received were allowed.

RECEIPTS FOR PUBLIC MONEYS.

I recommend that a law be enacted providing that all receipts for taxes and miscellaneous collections from all sources be made in triplicate, one to the party paying, one for filing with the county clerk, and the triplicate for the office record. All such receipts should be issued from the office of the Traveling Auditor to the different county treasurers, to be consecutively numbered and to be countersigned by the said Traveling Auditor and not to be valid unless so numbered and countersigned. The office of Traveling Auditor in such case is to keep a record of all receipts so issued to county collectors and ex-officio treasurers by numbers and series. For more detailed suggestions upon these subjects I call your attention to the report of the Traveling Auditor, Exhibit "N" which is embodied in this message.

EDUCATIONAL.

The report of the Superintendent of Public Instruction, Exhibit "S" herewith, shows a gratifying advance in all school work, and especially as regards popular education. A summary of the statistics presented in said report is as follows:

School population of New Mexico at close of the scholastic year, October 1, 1904	68,400
Enrollment of pupils in all schools	52,826
Average daily attendance.....	38,664
Number of schools.. ..	835
Number of teachers employed....	1,259
Average number of months taught in all schools.....	8
Total salary paid teachers.....	\$ 436,179.26
Annual receipts.....	\$ 834,749.42
Annual expenditures.....	\$ 675,620.28
Value of all school property	\$2,267,522.95
Expended in improvements on school property during the year.. ..	\$ 144,619.81
Enrolled in the public schools proper	39,704
Enrolled in the city schools	6,354
Enrolled in the Territorial educational institutions.....	995
Teachers employed in the eight city high schools.....	24
Pupils enrolled in the eight high schools.....	407
Public school kindergartens	1
Pupils enrolled in public school kindergartens.....	85

Present value of public school property	\$1,759,164.95
Average number of months taught in the public schools.....	4.25
Average salary paid teachers in the public schools, per month for time actually employed	\$ 69.07
Average monthly salary paid teachers in the higher educational institutions.. ..	\$100.48
Average annual cost of educating pupils in the higher institutions, per pupil	\$148.14
Average annual cost per pupil in the city public schools..	\$ 18.43
Average annual cost per pupil in the rural schools.....	\$ 8.89
Number of volumes in school libraries.. ..	44,761
Value of libraries and apparatus.....	\$108,034.83
Value of public school property in towns and cities....	\$425,425.00
Value of same class of property in the rural districts..	\$824,739.95
Value of property of the higher educational institutions.....	\$509,000.00

From these statistics it will be readily seen that the educational progress we are making in New Mexico and the results attained within the past fourteen years, are highly gratifying.

After careful consideration of the subject, I believe, that the time has arrived when the office of Assistant Superintendent of Public Instruction should be created in order that the important and growing work of the Superintendent of Public Instruction might be properly, efficiently and smoothly carried on. The office of Superintendent of Public Instruction was created by the 29th Legislative Assembly in 1891, and since then the population of the Territory has increased over one hundred thousand, the public schools have nearly doubled in number, the number of persons of school age is tens of thousands more than it was thirteen years ago, the necessity for proper supervision and personal inspection of the public schools in each county has become more and more necessary, and generally speaking, the importance and the amount of work to be performed by that official have become so great that it is now a physical impossibility for him to perform his manifold duties in such a manner as is contemplated by the spirit and letter of our public school law and that is demanded for the benefit of the steady advancement of our public school system. I, therefore, recommend to your honorable body that the office of Assistant Superintendent

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of Public Instruction be created by you, that such official be given an appropriate salary and that the act creating such office prescribe his duties and fix all necessary requirements for the proper conduct of the office in order that the public school system of New Mexico may be properly and efficiently administered.

The New Mexico Educational Association, which has become an important factor in furthering the interests of education in New Mexico, at its recent annual session in Silver City, appointed a committee on school legislation, which was to prepare a memorial to the executive and legislative assembly in reference to desired legislation. This memorial is attached as an exhibit to this message. It recommends a salary of \$2,500 for the Superintendent of Public Instruction, appeals to the voters to elect to the position of county school superintendents only men well qualified for the position, urges the issue of high class and permanent certificates to teachers of experience and recognized ability, a revision of the legislation regarding teachers' institutes in the different counties, extending their benefits to counties of the fourth class, approves the system of financial support given New Mexico schools and protests against the sale of any school lands, praising the present policy of deriving the largest amount of revenue from the school lands without selling them. In addition the following recommendations are made:

First, in order to secure uniformity of practice, as is done in other states, the Superintendent of Public Instruction, in addition to editing the school law as now provided, should be empowered to place his interpretation upon its meaning and this interpretation should be made just as effective as the law itself.

Secondly, the law already provides that all school officers be furnished with a uniform system of blanks for transacting school business, but thus far the Territory has never printed them.

Third, boards of education of cities and not of towns, should have the power to issue special certificates to teach in their schools only. The examination for certificates should be carried on by some one who is professionally qualified to do so.

Fourth, the examination of county teachers which is set by law for the last Friday in August, often comes too late to enable teachers to hear from their examination before the beginning of their schools in September. This examination should be held at the close of the county normal institute, the sessions of which have been made movable in order that the Territorial Superintendent may visit them at least two days each session."

These recommendations meet with my approval and I know that

this legislative assembly will do all in its power to further the educational interests of the Territory.

Appended to this message are the reports of the different Territorial educational and other institutions. The fact that many of them have outgrown their present facilities is indicative of growth and that they need better financial support suggests that they are extending their usefulness. New Mexico is proud of its educational and other institutions and I have every reason to believe and assert that they are well and economically managed. Their appeals for financial assistance for specific and general purposes should be heeded, if the condition of Territorial finances at all permits, and if it does not impose too great a burden upon the taxpayers. To say the least, their financial support should under no condition be curtailed.

It is my hope and ideal to extend the educational facilities of the Territory in every direction. Nearly every school district at present has at least primary school facilities, but the day should soon come when grammar and high school instruction can be given those who need it most, that is the children in the rural communities. Financial limitations will not permit such schools to be erected and maintained in the majority of precincts, but in other commonwealths the plan of several precincts going together and building a central grammar or high school, has proved successful and some of the wealthier rural precincts of the Territory might soon take steps in that direction, if legislation broad enough to permit this is enacted.

With increased revenue from the school lands and the permanent school income fund, the more complete assessment of property and closer collection of taxes, there should be a lengthening of the school term in most of the school districts, in many of which the average term is only three months per year. In the matter of the collection of poll tax alone, which goes altogether to the benefit of the public schools, it should be easy to increase revenue. Although there are from 50,000 to 60,000 voters in the Territory, every one of these liable to poll tax, less than \$5,000 per year is collected and accounted for. Any legislation that would remedy this shortcoming would be good legislation and of benefit to the public school system.

The new institutions created by the 35th Legislative Assembly have nearly all completed their buildings and their boards of control have submitted their reports which are herewith presented. At the older institutions many important improvements have been made in the line of permanent buildings, additions to existing

structures and the purchase of apparatus, books and other equipment.

ADMINISTRATIVE.

TERRITORIAL INVESTIGATION BOARD.

I recommend that a law be enacted providing that whenever in his judgment it should be deemed necessary, the Governor be empowered to appoint a non-partisan "Board of Investigation and Inquiry," to be composed of five members, the members of such Board to take the oath prescribed for other Territorial officials, and to organize by electing a chairman and secretary. It should be the duty of this Board when so directed by the executive, to investigate into the condition, management and affairs of any Territorial or charitable institution, towards the support of which the Territory appropriates financial assistance. Such board should have the full power to summon witnesses and to administer oaths. Each member of the Board should be allowed the sum of five (\$5) dollars per day and his necessary traveling expenses, while actually engaged in and about the duties of his position. Officers serving process, and witnesses attending before the Board, should be allowed mileage and per diem to the same extent and amount as for similar service in the district court. All of such expense incurred should be a first claim against the funds accruing to the institution so examined, to be paid by the Treasurer upon warrant of the Auditor upon vouchers certified to him by the chairman and secretary of such board, of course, such measure keeping within the provisions of the Organic Act and the Federal Law. Said board should be required to report the result of its investigations and its findings to the executive for his information in order that he may inaugurate such steps through the proper channels as may be necessary to remedy any existing abuses, or nonfeasance, misfeasance or malfeasance in the management of the institution investigated.

CLERK OF THE UNITED STATES LAND COMMISSION.

I recommend the passage of a law providing that the Commissioner of Public Lands be made Clerk of the United States Land Commission, with authority to retain in his custody the records of that Commission. The relations between the office of Commissioner of Public Lands and the U. S. Land Commission are already very close, and under the present law there is a needless duplication of work which would be largely overcome by the enactment of the legislation suggested.

the intimation was given out that if they should prove unequal to the task, a mightier arm would be invoked to maintain peace. In consequence there were enacted no such scenes as marked the industrial conflicts between employer and employes elsewhere, and capital does not hesitate to invest in New Mexico having no fear but that due protection will be given to both capital and labor in this Territory.

ANNUAL REPORTS.

I recommend that you pass an act that all officers, boards and commissions who are required to make reports to the Governor, Superintendent of Public Instruction, the Legislature, or any other person, to do so at the close of each fiscal year, and providing that a failure to do so within fifteen days after the close of the fiscal year, should subject the party so failing to removal from office by the Executive, and a heavy fine to be collected from him and the sureties on his bond, upon proper suit being brought.

IRRIGATION.

As in all commonwealths, the future growth and continued prosperity of our people as a whole, must depend to a great degree upon the extent and success in the development of our agricultural resources. In this region, where the natural rainfall is insufficient to assure a full crop from year to year, it becomes necessary to resort to irrigation. But this again involves difficulties because the quantity of water available for that purpose is entirely inadequate to cover all of the lands suitable for cultivation.

In order that this important question be dealt with in the most equitable and satisfactory manner, it is but proper that the legislature enact a general law upon the subject of irrigation and water rights. Such codes are now in force, and are operating to the general advantage of the people in California, Colorado, Wyoming and other western states. An act of this kind should include a provision for the creation of an office to be known as that of the Territorial Engineer, who should have among other powers that of supervising the equitable distribution of waters already appropriated.

In my message of 1903, I stated in this connection: "Every arid state and territory has an officer known as the State or Territorial Engineer, and the conditions of the public lands in this Territory demand such an officer to a greater extent than is the case in most other commonwealths. The bulk of the Territorial lands remaining to be selected are for reservoir and irrigation purposes, and for the improvement of the Rio Grande, and such selection should be under the immediate supervision of a competent engineer, act-

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ing under the general direction of the Commissioner of Irrigation. In addition to these duties, he should also be locating agent for the United States Land Commission, the commission thus dispensing with the salary and expenses of such locating agent as now allowed by the United States law, which amount to more than what the creation and maintenance of this new office would cost, and would thus prove an actual saving in money, besides obtaining his services in other important matters necessary to the proper administration of the Territory's land grant.

"He should be a Territorial officer with a reasonable salary and allowance for traveling expenses and necessary assistants in the performance of his duties, to be paid upon itemized and verified vouchers. This office need be of no expense to the Territory, as the compensation would be a necessary and proper charge against the lands selected and located, to be paid out of the proceeds of their sale or lease, as is done in payment of accounts of the locating agent at present."

The federal government has taken the preliminary steps in the construction of large irrigation systems under the provisions of the reclamation act. That New Mexico is receiving its full share of attention under this act is indicated by the following quotation from a letter written by the Chief Engineer of the Reclamation Service in October, 1904:

"As regards investigations in New Mexico, it may be stated that a larger number of field parties and a greater variety of investigations have been undertaken than in almost any other state or territory."

PROJECTS CONTEMPLATED OR UNDER CONSTRUCTION.

In this connection I desire to call your attention to the great work now being done in New Mexico by the Reclamation Service of the U. S. Geological Survey under the direction of the Honorable Secretary of the Interior, being aided locally by the Commission of Irrigation of the Territory.

Among the projects already examined and surveys completed is that of the Elephant Butte on the Rio Grande; that of the Rio Hondo, near Roswell in the Pecos Valley, contracts for the construction on this last named having already been awarded; and that of the Rio Sapello near Las Vegas. Surveys are now also being made of an extensive project in San Juan county, and on Urton Lake in southeastern New Mexico. Many other projects have been recommended by the Commission of Irrigation to the Reclamation Service for examination, and will be

doubtlessly examined and reported upon within the next twelve months. In this connection I would recommend to the legislature as aiding generally this great work in reclaiming the arid lands of the Territory and in assisting to give sufficient water supply to consumers, that the Commission of Irrigation be given authority, by proper legislative enactment, to expend a part of the funds derived from the sale of the Rio Grande improvement lands, on lands granted the Territory to improve the flow of water of the Rio Grande, in aiding the Elephant Butte project in the Rio Grande Valley, in the survey of contiguous lands, in the determining of titles to those lands, and in generally clearing the way for the operation and control by the National Government in building that reservoir and its canals, the completion of which will mean the addition of much wealth and many new homes to those of the Mesilla Valley and of the other sections of the Territory. As will be readily recognized, the construction of even two or three of the irrigation systems mentioned would involve an expenditure of millions of dollars and would make productive many thousands of acres of land.

WASTE OF ARTESIAN WATER.

Complaint has been made to the effect that many wells in the artesian districts of this Territory, are permitted to flow continuously, thus causing great waste and endangering the future permanency of the artesian flow. The artesian flowing wells form one of the valuable assets of this Territory, and have contributed much toward its prosperity. This magnificent asset given us by nature should be fully protected by such legislation as will provide that valves or locks be required on all artesian wells, so as to control the flow and prevent any waste.

COMMISSIONER OF PUBLIC LANDS.

"The legislature of 1899 created the Board of Public Lands for the leasing, sale and general management and control of all lands that were granted to the Territory by Act of Congress, June 21, 1898.

The revenue derived therefrom for the past two years, as shown by the report of the Commissioner of Public Lands which accompanies this message, is \$203,537.68 and has been distributed to the Public School Fund and other Territorial institutions.

I invite your careful consideration of the report which is marked Exhibit "E," and would recommend that your body appoint a special committee for the examination of the methods of conducting

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the office of the Board of Public Lands, feeling confident that this important branch of our Territorial Government will make a most gratifying showing. The maintenance of this department should be provided for in the same manner as that of other departments of the Territorial government in the regular appropriation bill. A tax levy of not to exceed one-sixth of a mill based on the present tax returns for Territorial purposes, would provide sufficient revenue to pay the expense of this department as at present constituted, the purpose of this recommendation being to permit the entire revenue from the public lands of the Territory to be devoted to the purpose for which the lands were granted, rather than that any portion be diverted to the expense of administering the trust.

I desire to call your attention to Section 4, Congressional Act of June 21, 1898, which provides as follows:

"Sec. 4. That five per centum of the proceeds of the sales of public lands lying within said Territory which shall be sold by the United States subsequent to the passage of this act, after deducting all expenses incident to the same, shall be paid to the said Territory, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said Territory."

The amount now on deposit with the Territorial Treasurer in this fund as shown by the report of the Commissioner of Public Lands, is \$14,581.57 and is at the present time drawing no interest.

I would recommend that a law be enacted directing the Territorial Treasurer to deposit said fund in some Territorial bank or banks under the same restrictions as now apply to depositing other Territorial funds, said deposit to be made subject to the approval of the Secretary of the Interior, as required by Act of Congress, June 21, 1898.

JURY SYSTEM.

The present jury system is not satisfactory in its application and in my judgment the time has come when it should be either thoroughly revised and amended, or, better still, superseded by new legislation. Under the present system the jurors for the courts are selected by a commission of three appointed by the court, and while I believe that the judges have endeavored in the past to perform their duty honestly and impartially, and as a rule good jurors have been obtained, still it must be admitted that there have been just grounds of criticism of the method of selecting jurors. This system is undoubtedly susceptible of abuse if administered by unscrupulous, corrupt or partisan judges or commissioners. It might be possible un-

Irrigated Lands Investment Company



IRRIGATING SUGAR BEETS.

OFFICES,
630 SEVENTEENTH STREET,
DENVER, COLO.

402 CENTURY BUILDING,
KANSAS CITY, MO.

ERNEST G. MILLER,
(IRRIGATION ENGINEER.)
PRESIDENT.

FRED E. COE,
SECRETARY AND TREASURER.

Our
Specialty:
absolutely
safe
Irrigation
Investments.

Kansas City, Mo., Apr. 25, 1905.

LOANS

drawing
6 per
cent on
Irrigated
Lands
for sale.

BONDS

\$500,000
of 6
per cent
Irrigated
Land
Bonds.
Secured
by 156,000
acres of
deeded
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worth
over
\$4,000,000
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improvements.

Irrigated
lands
worth

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\$30 to
\$75 an
acre will
double
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two years.

U. S. Department of the Interior.
Washington, D. C.

Gentlemen:-

We have a copy of the Governor's report for the year 1904, for the Territory of New Mexico, and in the back of the book is a map showing the land grants, etc. This map was gotten out by Frank Bond and is dated 1903, size 20X24 inches. It was published by Andrew B. Graham Photo, Litho Co., Washington, D. C. At what price can we get these maps per hundred?

We are opening a new irrigation enterprise on the Chama River in New Mexico, and have calls for these maps with every application for land. If the Department does not sell them, will you inform us where we can get them and at what price?

Yours truly,

IRRIGATED LANDS INVESTMENT CO.,

By *Ernest G. Miller*

Received by me - 20 & 22, 1904
to the Secretary and Commissioner General Land Office
Vol - 74 - 2