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39TH CONGRESS,
2d Session.

SENATE

EX. DOC.
No. 7

M E S S A G E
FROM THE
PRESIDENT OF THE UNITED STATES,

RETURNING
*The bill (S. 462) "to admit the State of Colorado into the Union," with his
objections thereto.*

JANUARY 29, 1867.-Read and ordered to be printed.

To the Senate of the United States:

I return to the Senate, in which house it originated, a bill entitled "An act to admit the State of Colorado into the Union," to which I cannot, consistently with my sense of duty, give my approval. With the exception of an additional section, containing new provisions, it is substantially the same as the bill of a similar title passed by Congress during the last session, submitted to the President for his approval, returned with the objections contained in a message bearing date the 15th of May last, and yet awaiting the reconsideration of the Senate.

A second bill, having in view the same purpose, has now passed both houses of Congress, and been presented for my signature. Having again carefully considered the subject, I have been unable to perceive any reason for changing the opinions which have already been communicated to Congress. I find, on the contrary, that there are many objections to the proposed legislation, of which I was not at that time aware; and that while several of those which I then assigned have, in the interval, gained in strength, yet others have been created by the altered character of the measure now submitted.

The constitution under which this State government is proposed to be formed very properly contains a provision that all laws in force at the time of its adoption, and the admission of the State into the Union, shall continue as if the constitution had not been adopted. Among those laws is one absolutely prohibiting negroes and mulattoes from voting. At the recent session of the Territorial legislature a bill for the repeal of this law, introduced into the council, was almost unanimously rejected; and at the very time when Congress was engaged in enacting the bill now under consideration, the legislature passed an act excluding negroes and mulattoes from the right to sit as jurors. This bill was vetoed by the governor of the territory, who held that by the laws of the United States negroes and mulattoes are citizens, and subject to the duties, as well as entitled to the rights, of citizenship. The bill, however, was passed, the objections of the governor to the contrary notwithstanding, and is now a law of the Territory. Yet in the bill now before me by which it is proposed to admit the Territory as a State, it is provided that "there shall be no denial of the elective franchise or any other rights, to any person, by reason of race or color, excepting Indians not taxed."

The incongruity thus exhibited between the legislation of Congress and that of the Territory, taken in connection with the protest against the admission of

the State hereinafter referred to, would seem clearly to indicate the impolicy and injustice of the proposed enactment.

It might indeed be a subject of grave inquiry, and doubtless will result in such inquiry if this bill become a law, whether it does not attempt to exercise a power not conferred upon Congress by the federal Constitution. That instrument simply declares that Congress may admit new States into the Union. It nowhere says that Congress may make new States for the purpose of admitting them into the Union, or for any other purpose; and yet this bill is as clear an attempt to make the institutions as any in which the people themselves could engage.

In view of this action of Congress, the house of representatives of the Territory have earnestly protested against being forced into the Union without first having the question submitted to the people. Nothing could be more reasonable than the position which they thus assume; and it certainly cannot be the purpose of Congress to force upon a community, against their will, a government which they do not believe themselves capable of sustaining.

The following is a copy of the protest alluded to, as officially transmitted to me:

"Whereas it is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union: Therefore,

"Resolved by the house of representatives of this Territory, That, representing as we do the last and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State, without first having the question submitted to a vote of the people, for the reasons, first, that we have a right to a voice in the selection of the character of our government; second, that we have not a sufficient population to support the expenses of a State government. For these reasons we trust Congress will not force upon us a government against our will

Upon information which I considered reliable, I assumed in my message of the 15th of May last that the population of Colorado was not more than thirty thousand, and expressed the opinion that this number was entirely too small either to assume the responsibilities or to enjoy the privileges of a State.

It appears that previous to that time the legislature, with a view to ascertain the exact condition of the Territory, had passed a law authorizing a census of the population to be taken. The law made it the duty of the assessors in the several counties to take the census in connection with the annual assessments, and, in order to secure a correct enumeration of the population, allowed them a liberal compensation for the service by paying them for every name returned, and added to their previous oath of office an oath to perform this duty with fidelity.

From the accompanying official report it appears that returns have been received from fifteen of the eighteen counties into which the State is divided and that their population amounts in the aggregate to twenty-four thousand nine hundred and nine. The three remaining counties are estimated to contain three thousand--making a total population of twenty-seven thousand nine hundred and nine, (27,909.)

This census was taken in the summer season, when it is claimed that the population is much larger than at any other period, as in the autumn miners in large numbers leave their work and return to the east, with the results of their summer enterprise.

The population, it will be observed, is but slightly in excess of one-fifth of the number required as the basis of representation for a single congressional district in any of the States--that number being 127,000.

I am unable to perceive any good reason for such great disparity in the right of representation, giving, as it would, to the people of Colorado, not only this vast advantage in the House of Representatives, but an equality in the Senate,

where the other States are represented by millions. With perhaps a single exception, no such inequality as this has ever before been attempted. I know that it is claimed that the population of the different States at the time of their admission has varied at different periods, but it has not varied much more than the population of each decade, and the corresponding basis of representation for the different periods.

The obvious intent of the Constitution was, that no State should be admitted with a less population than the ratio for a representative at the time of application. The limitation in the second section of the first article of the Constitution, declaring that "each State shall have at least one representative," was manifestly designed to protect the States which originally composed the Union from being deprived, in the event of a waning population, of a voice in the popular branch of Congress, and was never intended as a warrant to force a new State into the Union with a representative population far below that which might at the time be required of sister members of the confederacy. This bill, in view of the prohibition of the same section, which declares that "the number of representatives shall not exceed one for every thirty thousand," is at least a violation of the spirit, if not the letter of the Constitution.

It is respectfully submitted that however Congress, under the pressure of circumstances, may have admitted two or three States with less than a representative population at the time, there has been no instance in which an application for admission has even been entertained when the population, as officially ascertained, was below thirty thousand.

Were there any doubt of this being the true construction of the Constitution it would be dispelled by the early and long-continued practice of the federal government. For nearly sixty years after the adoption of the Constitution no State was admitted with a population believed at the time to be less than the current ratio for a representative, and the first instance in which there appears to have been a departure from the principle was in 1845, in the case of Florida. Obviously the result of sectional strife, we would do well to regard it as a warning of evil rather than as an example for imitation, and I think candid men of all parties will agree that the inspiring cause of the violation of this wholesome principle of restraint is to be found in a vain attempt to balance those antagonisms which refused to be reconciled except through the bloody arbitrament of arms. The plain facts of our history will attest that the great and leading States admitted since 1845, viz., Iowa, Wisconsin, California, Minnesota, and Kansas, including Texas, which was admitted that year, have all come with an ample population for one representative, and some of them with nearly or quite enough for two.

To demonstrate the correctness of my views on this question I subjoin a table containing a list of the States admitted since the adoption of the federal Constitution, with the date of admission, the ratio of representation, and the representative population when admitted, deduced from the United States census tables, the calculation being, made for the period of the decade corresponding with the date of admission.

States	Admitted	Ratio	Population
Vermont	1791	33,000	92,320
Kentucky	1792	33,000	95,638
Tennessee	1796	33,000	73,864
Ohio	1802	33,000	82,443
Louisiana	1812	35,000	75,212
Indiana	1816	35,000	98,110
Mississippi	1817	35,000	53,677
Illinois	1818	35,000	46,274
Alabama	1819	35,000	111,150
Maine	1820	35,000	298,335
Missouri	1821	35,000	69,260
Arkansas	1836	47,700	65,175
Michigan	1837	47,700	158,072
Florida	1845	70,680	57,951
Texas	1845	70,680	*189,327
Iowa	1846	70,680	132,572
Wisconsin	1848	70,680	250,497
California	1850	70,680	92,597
Oregon	1858	93,492	44,630
Minnesota	1858	93,492	138,909
Kansas	1861	93,492	107,206
West Virginia	1862	93,492	349,628
Nevada	1864	127,000	Not known

*In 1850.

Colorado, which it is now proposed to admit as a state, contains, as has already been stated, a population less than twenty-eight thousand, while the present ratio of representation is one hundred and twenty-seven thousand.

There can be no reason, that I can perceive, for the admission of Colorado that would not apply with equal force to nearly every other Territory now organized; and I submit whether, if this bill become a law, it will be possible to resist the logical conclusion that such Territories as Dakota, Montana, and Idaho, must be received as States whenever they present themselves, without regard to the number of inhabitants they may respectively contain. Eight or ten new Senators, and four or five new members of the House of Representatives would thus be admitted to represent a population scarcely exceeding that which, in any other portion of the nation, is entitled to but a single member of the House of Representatives, while the average for two senators in the Union, as now constituted, is at least one million of people. It would surely be unjust to all other sections of the Union to enter upon a policy with regard to admission of new States which might result in conferring such a disproportionate share of influence in the national legislature upon communities which; in pursuance of the wise policy of our fathers, should for some years to come be retained under the fostering care and protection of the national government. If it is deemed just and expedient now to depart from the settled policy of the nation during all its history, and to admit all the Territories to the rights and privileges of States, irrespective of their population or fitness for such government, it is submitted whether it would not be well to devise such measures as will bring the subject before the country for consideration and decision. This would seem to be evidently wise, because, as has already been stated, if it is right to admit Colorado now, there is no reason for the exclusion of the other Territories.

It is no answer to these suggestions that an enabling act was passed authorizing the people of Colorado to take action on this subject. It is well known that that act was passed in consequence of representations that the population reached, according to some statements, as high as eighty thousand, and to none less than fifty thousand, and was growing with a rapidity which by the time

the admission could be consummated would secure a population of over a hundred thousand. These representations prove to have been wholly fallacious, and in addition, the people of the Territory, by a deliberate vote, decided that they would not assume the responsibilities of a State government. By that decision they utterly exhausted all power that was conferred by the enabling act, and there has been no step taken since in relation to the admission that has had the slightest sanction or warrant of law.

The proceeding upon which the present application is based was in the utter absence of all law in relation to it, and there is no evidence that the votes on the question of the formation of a State government bear any relation whatever to the sentiment of the Territory. The protest of the house of representatives previously quoted is conclusive evidence to the contrary.

But if none of these reasons existed against this proposed enactment, the bill itself, besides being inconsistent in its provisions in conferring power upon a person unknown to the laws, and who may never have a legal existence, is so framed as to render its execution almost impossible. It is, indeed, a question whether it is not in itself a nullity. To say the least, it is of exceedingly doubtful propriety to confer the power proposed in the bill upon the "governor elect;" for, as by its own terms the constitution is not to take effect until after the admission of the State, he in the mean time has no more authority than any other private citizen. But, even supposing him to be clothed with sufficient authority to convene the legislature, what constitutes the "State legislature" to which is to be referred the question of submission to the conditions imposed by Congress? Is it a new body to be elected and convened by proclamation of the "governor elect," or is it that body which met more than a year ago under the provisions of the State constitution? By reference to the second section of the schedule, and to the eighteenth section of the fourth article of the State constitution, it will be seen that the term of the members of the House of Representatives, and that of one-half of the members of the Senate, expired on the first Monday of the present month. It is clear that, if there were no intrinsic objections to the bill itself in relation to the purposes to be accomplished, this objection would be fatal; as it is apparent that the provisions of the third section of the bill to admit Colorado have reference to a period and a state of facts entirely different from the present, and affairs as they now exist, and if carried into effect must necessarily lead to confusion. .

Even if it were settled that the old, and not a new body were to act, it would be found impracticable to execute the law, because a considerable number of the members, as I am informed, have ceased to be residents of the territory, and in the sixty days within which the legislature is to be convened after the passage of the act, there would not be sufficient time to fill the vacancies by new elections, were there any authority under which they could be held. It may not be improper to add that if these proceedings were all regular, and the result to be attained were desirable, simple justice to the people of the territory would require a longer period than sixty days within which to obtain action on the conditions proposed by the third section of the bill. There are, as is well known, large portions of the territory with which there is and can be no general communication, there being several counties which, from November to May, can only be reached by persons travelling on foot, while with other regions of the Territory, occupied by a large portion of the population, there is very little more freedom of access. Thus, if this bill should become a law, it would be impracticable to obtain any expression of public sentiment in reference to its provisions, with a view to enlighten the legislature, if the old body were called together; and, of course, equally impracticable to procure the election of a new body. This defect might have been remedied by an extension of the time and a submission of the question to the people, with a fair opportunity to enable them to express their sentiments.

The admission of a new State has generally been regarded as an epoch in our history, marking the onward progress of the nation; but, after the most careful and anxious inquiry on the subject, I cannot perceive that the proposed proceeding is in conformity with the policy which, from the origin of the government has uniformly prevailed in the admission of new States. I therefore return the bill to the Senate without my signature.

ANDREW JOHNSON

WASHINGTON, *January 28, 1867.*

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,
AT THE SECOND SESSION,

Begun and held at the city of Washington, on Monday, the third day of December, one thousand eight hundred and sixty-six.

AN ACT to admit the State of Colorado into the Union.

Whereas, on the twenty-first day of March, anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Colorado to form a constitution and State government, and offered to admit said State when so formed, into the Union upon compliance with certain conditions therein specified; and whereas it appears by message of the President of the United States, dated January , eighteen hundred and sixty-six, that the said people have adopted a constitution, which upon due examination is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the constitution and State government which the people of Colorado have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed; and that the said State of Colorado shall be, and hereby is declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States In all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State of Colorado shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions of an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved March twenty-first eighteen hundred and sixty-four.

SEC. 3. *And be it further enacted,* That this act shall not take effect except upon the fundamental condition that within the State of Colorado there shall be no denial of the elective franchise, or any other rights, to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature elected under said State constitution, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon the receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State legislature shall be convened by

the governor elect of said State within sixty days after the passage of this act, to act upon the condition submitted herein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate, pro tempore.

I certify that this act did originate in the Senate.

J. W. FORNEY, *Secretary.*

To the Senate of the United States:

I return to the Senate, in which house it originated, the bill which has passed both houses of Congress entitled "An act for the admission of the State of Colorado into the Union," with my objections to its becoming a law at this time.

First. From the best information which I have been able to obtain I do not consider the establishment of a State government at present necessary for the welfare of the people in Colorado. Under the existing territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators, and their own local officers, and are represented in Congress by a delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress, an authority not likely to be exercised unless in extreme or extraordinary cases. The population is small, some estimating it so low as twenty-five thousand, while advocates of the bill reckon the number at from thirty-five thousand to forty thousand souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts, beyond the limits of the Territory, if circumstances shall render them more inviting. Such a population cannot but find relief from excessive taxation if the territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They cannot but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire or are prepared for an exchange of a territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held for the purpose of ascertaining the views of the people upon this particular question. Six thousand one hundred and ninety-two votes were cast, and of this number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this last-mentioned result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new states.

Third. The admission of Colorado at this time as a State into the federal

Union appears to me to be incompatible with the public interests of the country. While it is desirable that territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation towards equality among the several States comprising the Union. No State can have less or more than two senators in Congress. The largest State has a population of four millions, several of the States have a population exceeding two millions, and many others have a population exceeding one million. A population of 127,000 is the ratio of apportionment of representatives among the several States. If this bill should become a law, the people of Colorado, thirty thousand in number, would have in the House of Representatives one member, while New York, with a population of four millions, has but thirty-one. Colorado would have in the electoral college three votes, while New York has only thirty-three. Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity, and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "Northwest Territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two representatives in Congress would in a very short period be entitled to a great increase of representation. So, when California was admitted on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important milling and commercial community. In the case of Colorado I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality which has been so generally adhered to our history.

If information submitted in connection with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a territorial legislature held in 1861 10,580 votes were cast. At the election before mentioned, in 1864, the number of votes cast was 6,192; while at the irregular election held in 1865, which is assumed as a basis for legislative at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado, but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact, or are believed by the inhabitants of Colorado to be, richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census or another election, under the authority of Congress, would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State, if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a territorial instead of a State government in Colorado, at its first organization, still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well those represented as those unrepresented, that

the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the burdens of the federal government shall be consulted concerning the admission of new States, and that in the mean time no new State shall be prematurely and unnecessarily admitted prematurely in the political power which the federal government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., *May* 15, 1866.

WASHINGTON, D. C., January 24, 1867.

SIR: I have the honor to forward herewith two papers, namely:

First, (marked A.) A preamble and resolution of the House of Representatives of Colorado, adopted on the 8th instant, on the subject of the admission of Colorado as a State into the Union.

Second, (marked B.) A paper on the same subject, being a resolution adopted on the 10th instant, *protesting* against the admission of Colorado into the Union as a State, without first having the question submitted to the people of the Territory to be voted upon.

This last action was taken with a view to make the expression of the house more emphatic than the previous one,

These papers are forwarded in obedience to resolutions of the house.

I am, respectfully, your obedient servant,

ALEXANDER CUMMINGS,
Governor Colorado Territory.

His Excellency the PRESIDENT.

A.

Whereas, in the month of August, A. D. 1865, a convention, composed of delegates selected at meetings of citizens informally held in various parts of this Territory, did frame a constitution and provide that the same should be submitted to a vote of the people on the first Tuesday in September, A. D. 1865, with a view to obtain for this Territory admission into the Union as a State;

And whereas, at the election held as provided by said convention, it appears that the said constitution was adopted by a majority of 155 votes, but said election having been held without warrant or authority of law, and without the usual safeguards designed for protecting the ballot-box, there is reason to believe that a full and fair expression of the will of the people was not then obtained;

And whereas members of the legislative assembly of the proposed State of Colorado were elected on the second Tuesday of November, A. D. 1865, and under the provisions of the said constitution the official term of the members of the house of representatives, and of one-half of the senators, will expire on the first of January, A. D. 1867, and there is no provision of law or in the said constitution authorizing the filling of the vacancies in the legislative assembly, which will occur as aforesaid: Therefore,

Be it resolved by the house of representatives of Colorado Territory, First.

That the people of this Territory ought to have an opportunity to adopt or reject the said constitution at an election to be held under the protection of the law, before the final action of Congress thereon.

EX.DOC.7-----2

Second. That if the Territory shall be received by Congress as a State, with the said constitution, it is desirable and necessary that provision shall be made previously to such admission for a legislative assembly of the new State.

Third. That our delegate be, and he is hereby, instructed to ask of Congress such appropriate legislation as will secure to the people the right herein referred to.

Fourth. That copies of these resolutions shall be transmitted to the President, the presiding officers of the Senate and of the House of Representatives, the chairman of the Committee on Territories, and our delegate in Congress.

EDWARD L. BERTHOUD,
Speaker of the House of Representatives.

We, the undersigned, committee on enrolment, hereby certify that we have examined the enrolment of the within resolution, and find the same correctly enrolled.

R.W.DAVIS, Chairman.

I certify that the within resolution originated in the house of representatives OF Colorado Territory at its sixth session, held at Golden City, December, A. D. 1866, and January, A.D.1867.

C. J. McDIVITT, Clerk of House.

B.

Whereas it is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union; Therefore,

Resolved by the house of representatives of this Territory, That, representing as we do the last and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State, without first having the question submitted to a vote of the people, for the reasons:

First. That we have a right to a voice in the selection of the character of our government.

Second. That we have not a sufficient population to support the expenses of a State government. For these reasons we trust Congress will not force upon us a government against our will. That the governor be requested to forward copy of these resolutions to the authorities at Washington.

EDWARD L. BERTHOUD,
Speaker of the House of Representatives.

I certify that I have examined the enrolment of the within resolution, and find the same correctly enrolled.

R. W. DAVIS,
Chairman of House Enrolling Committee.

I certify that the within resolution originated in the house of representatives of Colorado Territory at its sixth session, held at Golden City, December, 1866, and January, 1867.

C. J. McDEVITT, *Clerk of House.*

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Golden City, January 4, 1867.

SIR: I have the honor to transmit the census of the Territory of Colorado, taken under the provisions of the act of the legislative assembly, approved February 9, 1866.

Official returns have been received from fifteen counties, as follows :

Arapahoe.....	4,145
Boulder	1,456
Conejos	2,269
Costilla.....	2,192
Douglas.....	452
El Paso.....	565
Fremont	508
Gilpin	6,847
Jefferson	1,782
Laramie.....	578
Las Animas.....	935
Pueblo.....	890
Park	532
Summit.....	456
Weld	<u>1,192</u>
Making.....	<u>24,909</u>

No returns have, as yet, been received from the three remaining counties, enumerated below. Their population has been estimated by their representatives in the legislative assembly, and by disinterested individuals residing in these counties, as follows :

Clear Creek	1,500
Huerfano.....	1,000
Lake.....	<u>500</u>
Making.....	<u>3,000</u>

RECAPITULATION.

Official returns of fifteen counties.....	24,909
Estimated returns of three counties.....	<u>3,000</u>
Total population	<u>27,909</u>

Very respectfully, your obedient servant,

ALEXANDER CUMMINGS,
Governor of the Territory of Colorado.

Hon. WILLIAM H. SEWARD,
Secretary of State.