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GOVERNOR GEORGE L. WOODS ADMINISTRATION

September 12, 1866 to September 14, 1870

Governor's Message, 1868

Source: Message of Gov. George L. Woods to the Legislative Assembly, Fifth Regular Session, September 1868, Salem, Oregon, W.A. McPherson, State Printer, 1868.

EXECUTIVE DEPARTMENT

Salem, Oregon, Sept. 14, 1868.

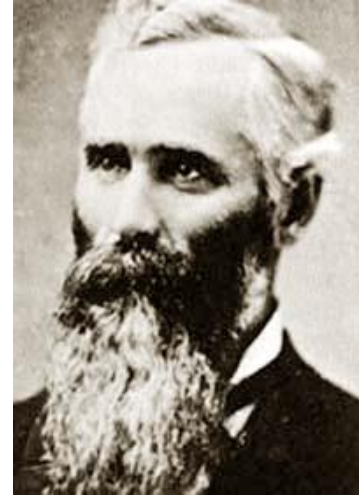
Gentlemen of the Senate and House of Representatives:

With cordial greeting I welcome you, on your coming together at the State Capital. In thus assembling to discharge the duties devolving upon us under the Constitution, it should be our first act to make known our gratitude to Almighty God for His goodness to us since last we met, and to ask his guidance in all that we do at this assembling. We have been the favored ones of the Republic. Neither War, nor Famine, nor Pestilence, have come within our borders. Peace, and Health, and Plenty, have held undisturbed dominion over us. And it gives me pleasure to say that the people of Oregon have not been unmindful of these blessings. Everywhere within our borders the hand of industry has wrought diligently, and a rapid development of all the material resources of our State has been the result. And as the servants of the people, and for the time being the custodians of their interests, it becomes our duty to exercise the powers thus conferred upon us in such manner as shall do the greatest good to the people whom we represent.

In my judgment, but little legislation is necessary at this session. A statute-book overburdened with needless enactments is a public nuisance. Some slight changes may be necessary in order to perfect our system, but alterations should only be made where the necessity is apparent. The general good requires that but few innovations be made upon the statute. Nothing so tends to the security of personal rights as laws fixed and well defined, while constant changes unsettle the public mind, and involve everything in uncertainty.

INDIAN WAR

I take great pleasure in communicating to you that the Indian war which for years has been carried on by the savages in the eastern portion of our State, resulting in the destruction of so much life and property, and to which I so earnestly called the attention of the last Legislative Assembly, has been brought to a happy termination. At its session in 1866, the Legislature passed a resolution authorizing the Governor to call out troops in case of emergency. Auxiliary to this, and in view of the necessity which I knew existed, I urged the Legislative Assembly to make an appropriation sufficient to enable me to respond to the appeals for help that were



constantly being made by the citizens of the counties of Grant, Baker, and Union; but for reasons unknown to me no appropriation was made and I was left powerless.

The State, by every principle of right, is bound to give protection to all its citizens, and in my judgment a fearful responsibility rests somewhere for the long continued and fearful destruction of life and property by the hostile Indians upon our eastern borders.

Under the circumstances, I could only appeal to the United States military authorities. Upon them I urged the absolute necessity for immediate and vigorous measures to be adopted. And in justice to the Commander of the Department of Columbia, permit me to say that every call for assistance was promptly responded to, and everything done which could be done, to procure the only lasting peace which can be procured with hostile Indians - whip them into submission. Too much credit cannot be given to Brevet Major-General George Crook for his courage, fidelity and untiring efforts in that behalf. Nor would I forget in this connection to mention the officers and men of his command, all of whom have done noble service, and deserve the thanks of the people of this State.

The people of Oregon may well congratulate themselves that a war which has proven such a hindrance to the development of one of the best portions of our State, and so destructive of life and property, has been brought to so happy a termination. A new era will now dawn upon eastern Oregon, and her vast fields, hitherto unoccupied, rich in silver and gold, and inexhaustible pasturage, will offer new inducements to the minder and the husbandman.

INSANE ASYLUM

On the first of October, 1864, the Legislature authorized and directed the Governor to contract with Drs. Hawthorne & Loryea for keeping, care, and medical treatment of all such insane and idiotic persons as should be sent to the Insane Asylum by the authority of law, for a period of four years and two months. That contract was awarded by my predecessor as the law directed. I therefore call your attention to the fact that the contract with Drs. Hawthorne & Loryea will expire on the first of December next, and recommend that suitable and proper arrangements be made for the care and treatment of these wards of the State. Humanity requires that everything which can be done should be done to alleviate their suffering and restore them to reason and their friends. I therefore express the hope that the power vested in you, in this behalf, will be so wielded as to do the greatest good to these unfortunate beings.

It is my duty to state, in this connection, that the Asylum, under the management and direction of Drs. Hawthorne & Loryea, has, in my judgment, been conducted in the most satisfactory manner. For further particulars in this connection, I would respectfully call your attention to the report of Drs. Hawthorne & Loryea, and also the report of Dr. J. S. Giltner, Visiting Physician, copies of which are herewith submitted.

The Constitution requires that among other public buildings, an asylum for the insane shall be erected at the capital of the State. A site has been purchased for that purpose. The location is a good one. And as soon as the financial strength of the State will permit, I think its best interests demand that suitable buildings be erected, and the management thereof be left to the exclusive control of the Legislative Assembly, as contemplated by the Constitution. It will necessarily take considerable time to erect suitable buildings, and as the contract for the keeping and treatment of the inmates of the Asylum will expire on the first day of December next, it will, in all probability, be found necessary for the Legislature to enter into a new contract with private parties for their keeping and treatment until such time as the Asylum shall be completed and the State ready to take charge of them.

Should it be found necessary to so contract with private parties, I would respectfully recommend that the price now paid, per capita, be reduced. After a thorough investigation of the subject, I am satisfied that the insane can be kept for a less sum than that now paid.

PENITENTIARY

Since my accession to office, the Penitentiary has, I trust, been managed in such a manner as will give general satisfaction to you and to the people of the State. Beginning without buildings, and without systematized labor, a suitable temporary building has been erected, the best of police regulations have been established, insuring the safe-keeping of convicts, and labor has been so directed, aside from extensive permanent improvements made for the State, as to pay fifty per cent of the entire expenditures of the Penitentiary.

I should fail to do my duty if, in this connection, I did not commend the Superintendent, Wardens, and officers of the Penitentiary for their vigilant and constant attention to the duties of their respective offices, and for the faithful manner in which they have served the State. There is nothing, which the people more earnestly desire, than that criminals, sentenced to imprisonment for violation of law, should be safely kept. To that end, I earnestly recommend that suitable building be erected as soon as circumstances will permit, and that an appropriation be made therefor.

In order the more perfectly to secure the convicts, the Superintendent of the Penitentiary, in the autumn of 1866, leased the use of the "Gardner of Shackle" for the State, until this session of the Legislature. I have no hesitation in saying that the use of that shackle was indispensable to the safe-keeping of prisoners, and therefore respectfully recommend that an appropriation sufficient to meet the indebtedness thus incurred, be made.

The experience of the last two years teaches me that convict labor can be employed in the erection of the Public Buildings with a great saving to the State, if judiciously managed. Under the system now established, bricks of the best quality can be manufactured, in vast quantities, by the convicts, at a low figure. And inasmuch as the early erection and completion of the State Buildings is a public necessity, and believing, as I do, that prison labor can be more profitably employed in the furtherance of that work than in any other, I earnestly recommend that measures, looking to that end, be adopted.

Section 14 of Article 5 of the Constitution of the State confers upon the Governor the power to grant reprieves, commutations, and pardons, and, in connection therewith, requires that he shall report to the Legislative Assembly each case of reprieve, commutation, and pardon, together with the reasons for granting the same.

In obedience to that requirement, I submit that since the adjournment of the last Legislative Assembly, I have granted in all fifteen pardons, and one commutation; to which should be added one pardon granted by Hon. Samuel E. May, Secretary of State, and Acting Governor, during my absence from the State. The names of the persons pardoned, and commuted, together with the dates, and the reasons therefor, re as follows, to wit:

A. W. Sweet, pardoned on petition, Oct. 27th, 1866

James Buchanan, pardoned because of partial insanity, and recommendation of Dr. H. Carpenter, Attending Physician, Dec. 19th, 1866;

Patrick Brown, commuted from the death-penalty to imprisonment for life, on petition, Dec. 24th, 1866;

Joseph McGraw, pardoned from the county jail of Wasco county, on petition, March 25th, 1867;

Matthias Ming, pardoned on petition, Sept. 25th, 1857;

Henderson Simpson, pardoned on petition, November 26th, 1867;

Jack Long, pardoned on petition, Dec. 6th, 1867;

William Riley, pardoned on petition, and statement of Dr. H. Carpenter, Attending Physician, that he was afflicted with a disease of the heart, which disease was greatly aggravated by imprisonment, with a recommendation that he be pardoned, Dec. 6th, 1867;

Lorenzo D. Murphy, pardoned on petition, December 6th, 1867;

Frank Bolton, pardoned on petition, Dec. 16th, 1867;

John c. Hannon, pardoned, on petition, by Secretary of State, and, at the time, Acting Governor of the State, April 2nd, 1868;

William Connor, pardoned on petition, May 25th, 1868;

John C. McCarty, pardoned on petition, June 27th, 1868;

John McCurran, pardoned on petition, and being but a child, July 8th, 1868;

William Bennett, pardoned on petition, Aug. 4th, 1868;

James Gregg, pardoned on petition, Aug. 4th, 1868.

The pardoning power is one of great responsibility, and ought to be exercised in those cases alone where justice demands it. And in man cases, so complicated are the attending circumstances, on the one hand, and so strong the appeals of humanity on the other, that it is hard to determine whether they are cases warranting the intervention of Executive clemency or not.

In view of this fact, the pardoning power has been used sparingly.

Oftentimes the appeals of humanity should be hushed, lest justice be offended.

For a more detailed statement of the management of the Penitentiary, I beg to call your attention to the very elaborate report of M.P. Berry, Esp., Superintendent of the Penitentiary, a copy of which is herewith transmitted. And would respectfully suggest, in this connection, that the recommendations made therein are worthy of your serious consideration.

SCHOOL LANDS

By an Act of the Legislative Assembly of October 15th, 1862, the Governor was appointed a Land Commissioner; and, as such, authorized to locate all lands to which this State was entitled by Act of Congress. And, by the same Act, the Governor, Secretary of State, and State Treasurer, were constituted a Board of Commissioners for the sale of such lands and the

management of the Common School Fund. The requirements of the law have been faithfully observed in every particular, and a vast amount of labor performed, a full report of which is herewith transmitted, together with such recommendations as experience in the workings of the Board has suggested, to which your special attention is invited. The duties and responsibilities imposed upon the Commissioners are great and onerous, and I cannot forbear calling your attention to the fact that no provision has been made for their compensation. It is not the intention of the Constitution that labor should be performed without just compensation; and, independent of the Constitution, it is not right to require it. I hesitate not, therefore, to say that provision should be made for paying the Commissioners for their services.

COMMON SCHOOLS

In reference to the workings of our Common School system, I have but little to communicate. The reports from the School Superintendents of the various counties, are so meager, that it is impossible for me to give you any information upon the subject. From a few of the counties full and satisfactory reports have been received; while from others statements so indefinite were returned as to be of no value; and by some no reports were made whatever.

In this connection, to the end that uniformity may obtain, I would respectfully suggest that a general form for the reports of County School Superintendents be prescribed by law. A good system of Common Schools is indispensable to a free people. And I trust no pains will be spared to so perfect our system that a good English education shall be within the reach of every child in the State. All good argument is in favor of Free Schools. And I earnestly hope, and believe, that the time is near at hand when Oregon can boast of as good a system of Common Schools as any State in the Republic.

FINANCE

I respectfully call your attention to the reports of the State Treasurer and Secretary of State, which contains a full statement of the financial operations of the State since the last Session of the Legislative Assembly. And in view of the prosperous condition of the State, and its freedom from indebtedness, I cannot too strongly urge upon you the importance of economical measures, and a careful avoidance of everything calculated to increase the burden of taxation. I take great pleasure in assuring you that I will gladly cooperate with you, at all times, in any measure which has for its object the promotion of the general welfare, in the reduction of taxation, or in anything pertaining thereto which shall be deemed just and proper.

RAILROADS

There is, perhaps, no subject inviting such general attention in this State as that of railroads. All see the importance of, and feel the necessity for cheap and easy transportation. A general system of railroads in Oregon is an absolute necessity. And am proud to know that the people are thoroughly aroused upon this subject. There are at this time as many as six different railroad enterprises within the State in process of execution. The Salt Lake and Columbia River Railroad, connecting the Union Pacific Railroad with the navigable waters of the Columbia river; the Oregon Branch of the Central Pacific Railroad, running through the Rouge River, Umpqua and Willamette Valleys to the Columbia River and Puget Sound; the Oregon Central Railroad (West-Side); the Oregon Central Railroad (East-Side); the Salem and McMinnville Railroad, and the St. Helen's and Hillsboro Railroad - all of which are of vast importance to the people of the State. And while rival companies may be disposed to waste their substance in needless litigation, it is the manifest duty of the State, rising above merely local ambitions, and petty jealousies, to foster each and all alike. And I respectfully but earnestly recommend that you give all the encouragement you rightfully can to these great enterprises; avoiding all preferences, and seeking only the general good of the people.

IMMIGRATION

All desire a rapid development of the State. For that purpose we need population. To obtain population but little effort is required. In my judgment a judicious and practical system of immigration ought to be fostered by the State. To that end I would respectfully recommend that a Bureau of Immigration be established, whose duty it shall be to prepare statistical information concerning the resources of the State, and the inducements for immigration; and that an agent be appointed to visit all parts of the Republic, in the interests of such Bureau, and that a reasonable compensation be allowed such agent therefor. It may be argued that the organization of such an establishment would be a needless expenditure of the public moneys, and, therefore improper. I hope, however, that a more reasonable view of the subject will obtain. That a large immigration can be induced, I am led to believe. And, if so, the expenditures made in that behalf would be a good investment. Aside from the development of the vast resources of our State, which would necessarily result from an influx of population, their poll-tax alone, to say nothing of the revenue arising from the fruits of the labor of such newly acquired citizens, would, in short time more than replace the amount expended. Most of the sister States have established such an organization, and are profiting largely thereby; and it is our duty to see that Oregon runs not behind in the great race. I trust you will give the subject your serious consideration, and so act as best to promote the general interests of the State.

CUSTOM HOUSE, U.S. BRANCH MINT, &c.

My attention has been called, by the proper authorities of the General Government, to the fact that it is the purpose to erect buildings for a United States Branch Mint at Dalles City, a Custom House at Astoria, and a Court house, Custom House, and Post Office at Portland, and some Light-Houses along our western coast. Before this work, so long, and so much needed, can be begun, the State will have to give its consent, by enactment. I recommend, therefore, that appropriate legislation be had upon the subject, and every assistance rendered which will be calculated to further enterprises so important.

Permit me, also, to call your attention to the fact that there is now no provision in the laws of the State for the admission of United States convicts into the State Penitentiary. The laws of the United States provide for the maintenance of such prisoners, and give the officers of the State Prison the proper authority in the premises. I therefore recommend that proper legislation be had upon that subject.

ESCHEATS

I desire to call your attention to the condition of the estate of Finice Caruthers, late of Multnomah county, deceased. Sec. 7 of title 1, of an Act entitled "An Act to Regulate the descent of Real property, &c., passed October 24, 1864," provides, in effect, that if the intestate leaves no lineal descendants, or kindred, his real estate shall escheat to the State. In the fall of 1860, Finice Caruthers, an old resident of Multnomah county, died in state, leaving a large landed estate, lying principally in Multnomah county, but partly in Lane and Washington counties. About three hundred acres of these lands are within the limits of the city of Portland.

The administrator of said estate, in 1867, filed his final account in the County Court of Multnomah county, in which it was represented that said Finice Caruthers left no lineal descendants or kindred, and that the estate, amounting to over one hundred thousand dollars, had escheated to the State of Oregon. The Court directed the administrator to retain possession of such estate, in pursuance of section 2 of title 3 of an act entitled "act for the recovery of real and personal property escheated to the state and for the disposition of estates," &c., passed Oct. 17, 1862. - Subsequent to the settlement of the administrator's account, persons assuming to represent certain alleged heirs of Finice Caruthers, made claim to an undivided twenty-three

sixtieths (23-60) of the entire estate, and instituted proceedings for the recovery thereof. This claim is based upon the assumption that the real name of the deceased Finice Caruthers, always so known and called in Oregon, was Finice Thomas, that that the persons now making this claim are a portion of this first and second cousins and their assignees, and as such entitled to receive twenty-three sixtieths (23-60) of said estate.

It was made my duty by sections 2 and 8 of the act before referred to, to authorize the proper District Attorney to take the steps necessary for the protection of the rights of the State, and to employ counsel to assist. I therefore directed the District Attorney of the Fourth Judicial District to appear in all actions, suits and proceedings pertaining to the enforcement of the rights of the State; and, in the fall of 1867, I employed the law firm of Mitchell, Dolph & Smith, of Portland, to assist the District Attorney in all matters pertaining to the same.

Various actions and proceedings have been commenced by the claimants, in the courts of Multnomah County. There is, at this time, one of these cases pending on appeal before the Supreme Court of the State. There are, also, three cases pending in the Circuit Court for Multnomah County. I am advised by the attorneys for the State that, in their judgment, the whole claim is fraudulent, and can be defeated in the courts.

Soon after the decease of Finice Caruthers, A.J. Knott and R.J. Ladd, of Portland, set up a claim, adversely to the estate, to a portion of the land - about 200 acres - included in such estate, and two cases, involving the title of this portion, are now pending in the Supreme Court of the United States. These cases are also being attended to by the firm of Mitchell, Dolph & Smith, under employment by me. There being no money on hand belonging to the estate, the lands have been sold for taxes the two years last past.

I would, therefore, urge upon you the importance of making provision for the redemption of the lands so sold, and for the compensation of the attorneys employed, and other expenses incurred in the enforcement of the rights of the State to this valuable estate.

CONCLUSION

In presenting this brief review of the condition of the State, possibly some things of importance have been overlooked; but it is your privilege to extend a helping hand. There is enterprise to be fostered, industry to be stimulated and encouraged, order to be maintained, and the broad principles of justice, equality and freedom to be enforced. That you will faithfully perform the duties before you, by judicious and wholesome legislation, strive to promote the general welfare, I have no doubt. Do your duty, and the approbation of a generous people and the protection of a just and all-wise Providence will be yours.

GEORGE L. WOODS

Governor's Message, 1870

Source: Message of Gov. George L. Woods to the Legislative Assembly, Fifth Regular Session, September 1870, Salem, Oregon, W.A. McPherson, State Printer, 1870.

EXECUTIVE DEPARTMENT Salem, Oregon,

AD, Sept., 1870

Gentlemen of the Senate, And House of Representatives:

Section 11 of Article 5 of the Constitution of the State of Oregon requires that the Governor shall, from time to time, give to the Legislative Assembly such information touching the condition of the State, and recommend such measure as he shall judge to be expedient.

By virtue of authority, I submit, with pride and satisfaction, that peace, health and prosperity prevail in all our borders, and our young State, justly the pride of all its citizens, is rapidly increasing in population, and wealth and enterprise.

A great system of internal improvement is being inaugurated in our midst, which fostered and encouraged, as it should be, will make Oregon, in the not distant future, one of the finest and most prosperous States in the Republic.

A system of laws, liberal, judicious, and wholesome, is indispensable to a free people; hence, to legislate is a grave responsibility. Recognizing this fact, and speaking harmony with the confidence reposed in you by your constituents, as expressed at the polls, you will, I have no doubt, so conduct the affairs of the State as to meet the approval of a generous and appreciative people. In a country like ours, where the will of the people, as expressed by the ballot, is the source of the power which governs, our elections, which are to choose the makers and administrators of the law, are of vast importance to the citizens. And while our political contests stir up the passions and excite the hostility of the people, which, in other countries, would endanger liberty, and justly excite alarm, with us, they only give additional guarantees for the safety of the Republic, and our capacity for self-government.

Every good citizen can but look with pride to the happy acquiescence in the will of the majority as expressed at the polls.

The test of a man's fitness for office, is his ability, when elected thereto, to rise above all partisan and selfish views, and battle for the good of the whole people.

Let such a spirit govern you in your legislation at this session and the blessings of the people will be bestowed upon you.

Where parties are separated by issues which involve the honor, welfare or life of the nation or State, it is right that in times like these, when no great question of a political character is before the people, it bespeaks a poor statesmanship to be delving away, with untiring zeal, at the bones of the dead past, to the reckless disregard of the rapidly expanding interests of the State, which so much need the fostering care of the whole people.

Oregon, just now being aroused from a long slumber, incident to isolation, is starting forth to a new life, and, as such, it needs legislation of a broad and liberal character, that which shall rise above mere partisan views and party interests, and look to the general good?

Of what consequence is it whether this or that party triumph, if, as an unvarying result, the State shall be made to prosper, and increase in wealth, and energy, and enterprise?

Such is our duty at this time, and such, I doubt not, will be your course of action.

Your line of duty is plainly indicated, and I cannot forbear expressing the hope that a spirit of liberality and good will will characterize all your legislation, and, in the end, much good be accomplished.

I do not think that much legislation is necessary at this session, and it is hoped that a careful investigation will lead to a speedy recognition of the actual wants of the State, and that, meeting these, you will be enabled to bring our labors to an early close. Long sessions of legislative bodies, as a rule, are not productive of good results, but, as all experience proves, are apt to be the nurseries of strifes and contentions, which obscure the light of reason, and produce injury and disgrace. Such, doubtless, was the opinion of the framers of the Constitution of the State, since, in that instrument, the sessions, by implication, at least, if not by express language, are limited to forty days. Any person conversant with the past history of legislation in Oregon, will unite with me in the opinion that forty days are more than sufficient for the legitimate labors of any session heretofore held. And I think that the interests of the State require that the precedent be now established that, unless extraordinary occasion requires it, no session go beyond the limit intimated by the Constitution.

The daily expenses of the Legislative Assembly are great, and the people whom you serve, together with the voice of history, will applaud that spirit of retrenchment which will expedite business, shorten the session, and thereby lessen the burdens of taxation. I trust, therefore, that you will avail yourselves of this opportunity to render the State an invaluable service, by expeditious, practical labor, and a speedy adjournment.

COMMON SCHOOLS

The growth and power of a nation are known by the growth and power of its mentality. And as in republics the sovereignty is vested alike in each citizen, so, to make the power commensurate with the wants of the government, the dissemination of intelligence should be universal. There is nothing which the interests of this State so much require as a thorough system of common schools. A finished education should be placed within reach of every child within its borders. There is not a good man or woman in the State who does not feel the obligation of this high duty.

The school is the link in our civil system which connects the State with the family. The provisions of any school act should, therefore, be eminently just, and so plain and explicit as to be readily understood by every one. And, recognizing the fact that educated minds in the very life of free government, I cannot urge you too strongly to give such care and attention to this subject as will insure to us, without further delay, the passage of a good and wise Common Schools Law, which will guarantee the incalculable blessings and benefits which alone can arise from such.

In the primal organization of the State, the Governor was made Superintendent of Public Instruction. But the past history of education in Oregon clearly demonstrates that such an arrangement is ineffective and unsatisfactory. To organize and superintend a system commensurate with the wants of the State, is a task, sufficient of itself, to require all the time, attention and thought which the very best executive ability can give. Section 1 of article 8 of the Constitution of the State provides for the election of a Superintendent of public Instruction, and in view of the present disorganized and unsatisfactory condition of our Common Schools, I urge upon you the election of such Superintendent, clothed with such power and burdened with such duties as will insure to us a thorough system of common schools. To insure success you should give to such officer good a compensation, require him to live in the capital of the State, and to give his entire attention to the duties of his office.

In this connection, permit me to call your special attention to section 2 of article 8 of the Constitution of this State, which provides, among other things, that all the proceeds of the five hundred thousand acres of land to which this State was entitled by the act of Congress entitled "An act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption

rights," approved the 4th of September, 1841, and also the five per cent of the net proceeds of the public lands, to which this State became entitled upon her admission into the Union, shall be set apart as a separate and irreducible school fund, and that the interest of the same, together with all together revenues from the school land mentioned in said section, shall be exclusively applied to the support and maintenance of common schools. Any effort to divert this fund from the uses and purposes contemplated by the Constitution, ought, therefore, to meet with, as I trust it will receive, your unqualified disapproval. You are, for the time being, the custodians of the interests of the people in this behalf, and, in view of the vast importance of the educational interests of the State, permit me to express the hope that you will carefully guard the Common School Fund from improper and unconstitutional uses, and thus confer a benefaction upon the people of the State.

It is gratifying to know that everywhere, in all parts of the State, a deep and active interest is manifested in educational matters. The time for active, energetic and effective work is at hand. Much is to be done. You alone can energize and give life to this much needed work, and I trust that it will receive your careful and undivided attention.

COMMON SCHOOL FUND

For such information as may be necessary to guide you in your deliberations in matters pertaining thereto, I beg leave to refer you to the Report of the Board of Commissioners for the Management of the School Fund, a copy of which is herewith transmitted.

RAILROADS

Next in importance to education is a system of cheap and convenient transportation. Railroads are the very life of a State. And it is with gratification and pride that I communicate to you that a railroad is now in process of construction within the borders of the State, and soon will be completed to its southern boundary, connecting us with California and the East. The importance of this enterprise cannot be over estimated. The history of civilization for the last half century is but a repetition of the triumphs of railroads. No state can prosper without them; and I earnestly hope that you will give such encouragement to these great adjuncts of civilization as will facilitate their construction, and throw around them that protection of law which will insure their successful operation in our midst.

These enterprises, it is safe to conclude, are but the beginning of a great system of railroads, which will soon penetrate every nook and corner of our State. And now, in the beginning, is the proper time for such a system of railroad laws to be passed, as will give stability and protection to such enterprises, and, on the other hand, secure the people from encroachment.

Railroads have long been the great desire, as they have been the great need, of all sections of the State. We could not build them with home capital; we had not enough. The introduction of foreign capital, therefore, became a necessity. A sensible and prudent people, who rightly comprehend the laws of growth and prosperity, will ever encourage and facilitate the introduction into their midst, of capital and productive labor. And whatever may be the prejudices of the hour, I earnestly hope that you will rise above them, and so legislate as to benefit the whole people.

Railroad laws are needed; and, gathering light from the experience of other and older States, where railroads have been extensively operated, I have no doubt you will be able to organize such a system as will answer the purposes and demands of the present, and give sufficient guaranties for the future.

SUPREME COURT

A well-regulated judiciary, more than all things else, gives confidence to the public in the efficiency of organized government. And, in view of that fact, I earnestly recommend that the necessary steps be taken for the organization of a separate Supreme Court, as soon as the conditions stipulated in sec. 10 of art. 7 of the Constitution of the State are complied with.

The time was, in the incipient organization of the State, when a meager population, struggling in the midst of the privations of a frontier life, and having but little necessity for Courts, that the judiciary as now organized was all sufficient and fully adequate to the public wants. But our already large and rapidly increasing population, and consequent increase of legal business, demands, in language which ought to be heard, the speedy organization of a separate Supreme Court, as contemplated by the Constitution. And I hope that, recognizing its necessity, you will give the subject our earnest attention.

In this connection, permit me to suggest an amendment to our Criminal Code. I know full well that prudence and all experience requires that well-established usage, either in civil or criminal law, be not hastily overthrown; but when, in the onward march of civilization, personal rights - always the subject of the greatest solitude - are expanded, the chains which bind them should be snapped asunder, and rules and regulations established which shall be in harmony with the more enlarged ideas of justice and right. Throughout the civilized world, the party defendant to a criminal action is presumed to be innocent until his guilt is established; but judging from the rights accorded to parties defendant upon trial, under the law as it now is, it would seem that the rule was reversed, and that the presumption of guilt attached until innocence was proven. I suggest, therefore, in what is conceived to be simple justice to the accused, that in all criminal actions, the defendant should have the right to make the closing argument, and that such right be secured by law.

And I also suggest that in all criminal actions the parties defendant should have the right to testify before the juries by which they are being tried, as to the matters at issue between the State and themselves, as other witnesses, leaving it to the jury to determine the credibility of such testimony.

Closing the mouth of the defendant, when on trial, the issue of which involves character, liberty or life, is a relic of barbarism, which illy comports with the spirit of the age; and I earnestly hope that you will do yourselves and the State the credit to make an advancing step in this direction and throw around the citizen a shield which shall protect him from the intrigues of falsehood and wrong. As the law now stands, any citizen, however upright and honest he may be with this mouth closed by the force of law, is at the mercy of the corrupt and designing, and liable to fill a felon's cell. No one who is conversant with the history of criminal proceedings, doubts the fact that, oftentimes, men are convicted of crimes which they never committed, and made to suffer the extreme penalty of the law, when they are innocent. Such occurrences shock the sensibilities of all good citizens, and stir up every noble impulse of the human heart, to try to prevent their recurrence. To allow the defendant to testify on his own behalf, under the same restrictions as other citizens, as the law now is in civil actions, would, in my judgment, go far towards mitigating these evils, and make the rights of the citizen more secure. Nor do I know of any good reason why the wife, in criminal actions, should not be permitted to testify for or against the husband, without his consent, the same as in civil procedure. The object of courts, of juries, and of witnesses, is to elicit all the facts, and establish justice. And anything, which falls short of and refuses to discover all the avenues of truth, hinders, rather than promotes, the ends for which courts were created. The idea that the wife is not competent to testify in matters which involve the liberty and life of the husband, when, in matters which involve dollars and cents that right is undisputed, is an ungenerous libel upon the honor and integrity of intelligent

womanhood, and ought not be tolerated among an enlightened and truth-seeking people. I trust, therefore, that you will remove these, and all the barriers which in the least obstruct the ends of justice, and thereby vindicate Oregon as a friend to liberty, tempered with order, which is the end of all good government.

ELECTIONS

The purity of the ballot box, and the untrammelled expression of the will of the citizen at our polls, is the strongest safeguard of personal liberty.

All will agree with me, that the experience of the present year, burdened, as it is, with abuses, under our present system of conducting elections, cries aloud for some such change as will protect the lawful voters from the rapacious incursions of an imported, corrupt and irresponsible rabble, whose highest conceptions of human liberty and free government are measured by their greed for money. I therefore recommend that an effective and stringent Registry Law be passed. Experience has shown that in other States in the Republic, such laws have been highly beneficial; and, I doubt not, if enacted in this state, would give satisfaction, and, to a great extent, remedy the evils of which the people so justly complain. I have long been of the opinion that the viva voce system of voting was a mistake, and ought to be abolished, and the ballot substituted in its stead. Under the Constitution, you have the right to make this change, and I earnestly hope that you may so amend the law.

FINANCE

The Legislative Assembly of 1868 failed to pass the General Appropriation Bill, in consequence of which, the business of the State has been done upon credit, while the moneys of the State has been accumulating in the vaults of the Treasury; hence the large exhibit made by the Treasurer of State in his biennial report.

In this connection, permit me to suggest that, in my judgment, the General Appropriation Bill ought always to be passed as soon in the session as the expenses can be approximated; so that, in any event, partisan strife cannot interfere with its financial operations, or in any way impair its credit.

Because of the large amount of outstanding indebtedness in consequence of there being no appropriation, the bill which ought to have been passed by the Legislative Assembly of 1868, should receive your early attention, and thus relieve the State from its burden, and increase its circulating medium.

INSANE ASYLUM

On the first day of October 1868, under the direction of the Legislative Assembly, I contracted with Dr. J. C. Hawthorne of Multnomah county, for the keeping, care, and medical treatment of the Insane and Idiotic of the State, for two years, which contract expires on the 1st day of October of the present year. In my biennial message to the Legislative Assembly of 1868, I urged upon that body the necessity for the erection and construction of suitable buildings for an Asylum for the Insane at the State Capital, as required by the Constitution. In accordance with that recommendation, a bill was passed appropriating forty thousand dollars, which bill received my signature, thereby, to all intents and purposes, becoming a law; but afterwards, in answer to a resolution, from the House in which it originated, it was returned, and strangled in committee. Therefore nothing has been done in the premises. And I now renew my recommendation in that behalf; and indulge the hope that this much needed work will be no longer delayed. Humanity and good taste rebel at the idea of hawking these unfortunates about from place to place, subject to the lowest bidder, as they have been for years past. And that, too, when our

fundamental law has made ample provisions for their permanent keeping, care, and treatment, at the State Capital. Suitable buildings ought to be begun at once, and made ready for their reception at an early day. In the meantime, however, provisions will have to be made for the keeping of these wards until such time as the State buildings can be completed. I should do Dr. Hawthorne a serious injustice, were I not to say that he has faithfully carried out his contract with the State, and complied with all its requirements in letter and in spirit. Too much cannot be said in his praise.

The medical treatment of the patients, I have reason to believe, has been as efficient and thorough as in any other Asylum in the United States; while their food and raiment, and all those surroundings which secure bodily comfort, have been all that any one could desire. I would be difficult to place them in better hands.

They are submitted to your care and guardship, with a full confidence that the interests of the State will be vigilantly guarded, and that all that can be done, will be done to palliate their sufferings, and restore them to reason, and to their friends again.

For further information in reference to the condition and management of the Insane Asylum, you are respectfully referred to the report of the contractor, Dr. J.C. Hawthorne, herewith transmitted.

PENITENTIARY

The Penitentiary has been so conducted for the last year, I trust, as to meet with your unqualified approval.

The police regulations have been so efficient and complete, as to render the escape of convicts almost impossible. But three have escaped, and now remain at large, since the last session of Legislative Assembly; which number, considering the character of the buildings in which they are kept, and manner in which prison-labor has to be performed, in forest, and field, where a watchful vigilance alone prevents escape, is remarkably small. Too much credit cannot be given to the Superintendent, Wardens, and officers of the Prison for the faithful manner in which they have discharged the duties of their respective offices. They have done their whole duty. And I should do violence to my own sense of right, were I not to extend to them, through you, my highest commendation.

I hesitate not to say that the State Prison building now in use is unsafe and worthless, - wholly inadequate to the public want, - a disgrace which ought no longer to be tolerated. In my message to the Legislature of 1868, I urged that suitable buildings be erected and that appropriation be made, therefor. But I regret to say that no steps were taken, whatever, to begin this much needed work. Longer delay will be a public calamity. The continued safe-keeping of the convicts in a building no more secure than a common dwelling, and that in a rapid process of decay, cannot be guaranteed. A new building, adequate to our public want, ought to be begun immediately, and pushed to a speedy completion.

Convict labor, now thoroughly systemized, can be used in construction thereof, with a great saving to the State. Bricks of the very best quality are now being manufactured by prison labor, in vast quantities, but the clay adapted to the making of good bricks, found upon the Penitentiary grounds, is limited in quantity, and I doubt whether there is much more at command than will be needed in the construction of the public buildings. The State, by manufacturing its own bricks, and utilizing convict labor, in preparing materials for, and erecting the walls, can

largely decrease the expense incident to such a work. And I earnestly recommend that the necessary legislation be had at this session, and that the work be begun without further delay. For a more extensive review of the condition and management of the Prison, you are respectfully referred to the report of M.P. Berry, Esq., Superintendent of the Penitentiary, a copy of which is herewith transmitted.

STATE CAPITAL BUILDING

I should fail to do my duty were I not to urge upon you the necessity for the immediate beginning and erection of a suitable State House. Twelve years of our existence as a State have come and gone, and no effort has yet been put forth to provide such a building. It is needed badly, and I respectfully recommend that the necessary appropriations be made, and that the work be begun at once.

MILITARY AFFAIRS

For information relating to Military Affairs, I beg leave to refer you to the Report of Adjutant General Cyrus A. Reed, a copy of which is herewith submitted.

LIGHT HOUSES, FORTS, &c.

In my Message to the Legislative Assembly of 1869, I called attention to the necessity for the enacting of a general law, ceding certain rights to the Government of the United States for the purchase of sites for the erection of Light Houses, Forts, Arsenals and Dockyards, within the limits of the State; but the legislation of that session was not sufficient to meet the wants of the General Government.

Public works of vast importance to the State have been held in abeyance, because of the absence of the necessary statutory enactments. More Light Houses are needed on our Coast, for the erection of which appropriations have been made by Congress, and orders issued for the beginning of the work, but nothing can be done until certain rights are ceded by the State, through its Legislature. In this connection, I call your attention to a communication from R.S. Williamson, Maj. U.S. Engineers, &c., herewith transmitted. In view of the importance of the public works referred to, I urge you to give the matter your earnest attention.

CONCLUSION

In taking my leave of you, officially, permit me to express the hope that a spirit of harmony and good may preside over all your deliberations; that prudence and sound judgment may characterize your legislation; and that, in the end, much good may be done for the State. Do your duty, and the gratitude of an appreciative people will be your reward.

GEORGE L. WOODS.

PARDONS GRANTED

James McGowan, pardoned on petition, Sept. 12, 1868.

John Short, pardoned on petition, Sept. 17, 1868.

James Durkee, pardoned on petition, Sept. 17, 1868.

Frank Dalton, pardoned on petition, _____ 1868.

Robert Sutherland, pardoned on petition, Dec. 8, 1868.

Thomas Martin, pardoned on petition, Feb. 16, 1869.

William Marshall, pardoned on petition, March 8, 1869.

Morris Gleason, pardoned on petition, March 8, 1869.

D.J. Woodward, pardoned on petition, Aug. 13, 1869.

John Southwell, pardoned on petition, Aug. 19, 1869.

Indian Tommy, pardoned on statement of Dr. H. Carpenter, that he is disabled so as to endanger the health of the other convicts, Aug. 23, 1869.
Indian John, pardoned on statement of Dr. H. Carpenter, Attending Physician, that he is diseased so s to endanger the health of the other convicts. Aug. 23, 1869.
James W. Savage, pardoned on petition, Sept. 10, 1869.
Marie Collins, pardoned on petition, Sept. 21, 1869.
John Fitzhugh, pardoned on petition, Sept. 2, 1869.
Joseph Bertrand, pardoned on petition, Oct. 13, 1869.
John Nunley, pardoned on petition, Oct. 19, 1869.
Ezra Ecleston, pardoned on petition, Nov. 23, 1869.
Joseph Howard, pardoned on petition, Dec. 18, 1869.
Cornelius Crogan, pardoned on petition, Jan. 25, 1870.
James Ross, pardoned on petition, Jan. 25 1870.
Herman Judell, pardoned on petition, Feb. 5, 1870.
Henry C. Vaughn, pardoned on petition, Feb. 22, 1870.
John O. Cornet, pardoned on petition, Feb. 22, 1870.
Jas. Connelly, pardoned on petition, Aug. 1, 1870.
Michael H. Lewis, pardoned for meritorious services, Aug. 9, 1970.
Joseph Simpson, pardoned on petition, Aug. 9, 1870.
William Roe, pardoned on petition, Aug. 9, 1870.
James Jackson, pardoned on petition, by Secretary May, Acting Governor, Sept. 6, 1870.

Portland, Oregon,

Sept. 7, 1870

TO HIS EXCELLENCY, THE GOVERNOR OF THE STATE OF OREGON.

SIR: - I have the honor to inform you that I am directed by the Honorable Secretary of the Treasury, through the Light House Board, and the Honorable Secretary of War, through the Chief of Engineers of the United States Army, to request that the two enclosed drafts of Acts, the one entitled "An Act to provide for the relinquishment to the United States, in certain cases, to title in lands for sites of Light Houses, and other purposes, on the Coasts and Waters of the State;" and the other, "An Act giving the consent of the Legislature of the State of Oregon to the purchase by the United States of land within this State, for Light House, Military or Naval purposes," may be submitted, through you, and with your favorable recommendation, to the Senate and Assembly of this State, with the hope that they may become laws of the State. The drafts of the Acts submitted to you are intended to show your Excellency what is the nature of the Acts which it is desirable should become laws of the State; but any other phraseology may be adopted, provided the objects desired are arrived at. They are similar to laws, which have been in force in California for many years, and are so drafted as to refer only to LightHouse, Military and Naval purposes.

The necessity for the passage of the first-mentioned Act is apparent. Without its passage, an individual owning a piece of land can positively refuse to sell it, no matter how much the public service may require that it should become the property of the United State; or, if not positively refusing, the owner may place such an exorbitant price upon it, that the United States would decline to purchase, rather than set so mischievous a precedent as to pay an exorbitant price for land of comparatively little value.

The necessity of passage of the other Act above mentioned is also apparent. The Government of the United States may secure a title, by purchase or otherwise, to a piece of land intended to be used as a site for a LightHouse or Fort. The 17th clause of the 8th section of the 1st article of the Constitution of the United States give exclusive legislation "over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, Dockyards and other needful buildings." It is therefore necessary that the consent of the State must be obtained before a LightHouse or Fort can be built on land purchased by the United States. To ask for and obtain the passage of a special Act whenever a Light House is to be built, particularly when the Legislature meets but once in two years, would be difficult, and often detrimental to the public service.

There is but one LightHouse on the coast of Oregon; and it will not be long before several will be required.

The whole difficulty would be obviated by the passage of an Act, a draft of which is respectfully submitted to your Excellency.

If, in their wisdom, the Legislature of Oregon should deem it advisable not to make such general laws as I have indicated, then I am directed to request that special laws be passed by the Legislature of Oregon, ceding jurisdiction over forty three and three-tenths (43:3-10) acres of land purchased by the United States at Cape Blanco for Light House purposes, 20 acres of land at Cape Foulweather, which has been reserved by the President of the United States for Light House purposes, and such lands as the United States may purchase at Yaquina Bay, where \$20,000 have been appropriated for two range lights.

I have the honor to be,
Very Respectfully,
Your Obedient Servant,
R.S. WILLIAMSON,
Maj. U.S. Engineers,
L.H. Engineer