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GOVERNOR STEPHEN F. CHADWICK ADMINISTRATION

February 1, 1877 to September 11, 1878

Governor's Biennial Message, 1878

Source: Biennial Message of Gov. S. F. Chadwick, to the Legislative Assembly of the State of Oregon Tenth Regular Session-1878 329 Governor's Message



Gentlemen of the Senate and House of Representatives of the legislative Assembly of the State of Oregon:

Under the Constitution of Oregon it is made the duty of the Governor to give to the Legislative Assembly information touching the condition of the State, and to recommend such measures as he shall judge to be expedient. In compliance with this constitutional requirement I have the honor to submit for your consideration the following:

Hon. L. F. Grover having been elected at the last session of the Legislature to a seat in the United States Senate, resigned the office of Governor on the 1st day of February, 1877, and the same thereupon devolving upon me under the Constitution, I immediately entered upon the discharge of its duties. I am gratified to be able to say that during my brief term of office the people of Oregon have enjoyed in good measure the blessings of general health and prosperity. Perhaps no State in the Union has been more highly favored than ours in these respects, or has greater cause for thankfulness to Divine Providence for benefits bestowed. The many disturbances and depressions in trade and commerce that have seriously affected the industrial and financial condition of other States have not injured Oregon in any material degree. On the contrary, although several counties in the Eastern part of the State have been exposed to the ravages of a desolating Indian war, the development of our commerce, though slow, has been sure and steady, and our varied industries have generally manifested a healthy activity, and have met with reasonable returns. The foundation of our growth is firm and reliable. The vast material resources of Oregon furnish a solid and enduring basis for the spirit of enterprise that animates our people, and for that wonderful superstructure of vigorous and thrifty statehood which we are rearing here on this western shore of the continent. We are not dependant for our prosperity upon any morbid spirit of speculation, or upon other abnormal or adventitious causes. There is therefore no over-growth, but on the contrary, our progress in material wealth, and in all the elements that go to make up a great and powerful State, is healthy and steady. For all these blessings we should feel and acknowledge our continued obligation to that divine source from which cometh every good.

Finances

The balances in the treasury at the close of the financial year, ending September 11th 1876, were \$63,894 54.

To the credit of the several funds, as follows:

General Fund, coin.....	\$14,030 31
General Fund, currency.....	1,036 93
Common School Fund, principal, coin.....	1,081 58
Common School Fund, principal, currency.....	1,190 04
Common School Fund, interest, coin.....	1,367 89
Common School Fund, interest, currency.....	461 01
University Fund, principal, coin.....	347 11
University Fund, principal, currency.....	360 35
Escheat Fund, coin.....	198 19
Escheat Fund, currency.....	228 58
Soldiers' Bounty Fund, coin.....	785 79
Soldiers' Relief Fund, coin.....	27,957 46
State Land Fund, coin.....	60 97
State Land Fund, currency.....	8,240 14
Five per cent. U. S. Land Fund, coin.....	1,719,63
Five per cent. U. S. Land Fund, currency.....	5 58
Agricultural College Land Fund, currency.....	1,966 59
Swamp Land Fund, coin.....	326 18
State Capitol Building Land Fund, coin.....	649 00
Tide Land Fund, coin.....	1,881 21
Total balance, as above.....	63,894 54

Receipts

Received since, into the treasury, the sum of \$828,561

91. To the credit of the following funds:

General Fund, coin.....	\$409,044 90
General Fund, currency.....	12,295 60
Common School Fund, principal, coin.....	26,000 26
Common School Fund, principal, currency.....	7,533,13
University Fund, coin, principal.....	13,998 59
University Fund, coin, interest.....	8,800 97
University Fund, currency, principal.....	1,800 00
University Fund, interest, currency.....	704 66
Soldiers' Bounty Fund, coin.....	41,516 92
Soldiers' Relief Fund, coin.....	20,758 46
Common School Fund, interest, coin.....	54,669 97
Common School Fund, interest, currency.....	31,019 62
Escheat Fund, coin.....	4,298 01
Escheat Fund, currency.....	308 45
State Land Fund, coin.....	9,951 07
State Land Fund, currency.....	11,507 68
Swamp Land Fund, coin.....	14,230 80
State Capitol Building Land Fund, coin.....	2,692 96
Tide Land Fund, coin.....	1,261 27
Five per cent. U. S. Land Fund, coin.....	2,312 85
Five per cent. U. S. Land Fund, currency.....	2,678 73
Agricultural College Land Fund, currency.....	25,223 51
Outstanding Warrant Fund, coin.....	125,953 50

\$828,561 91

Disbursements

Paid out since, of all the funds, the sum of \$779,560 81.

To the debit of the following funds:

General Fund, coin.....	65,872 12
General Fund, currency.....	124 18
Legislative Fund, coin.....	22,045 84
Penitentiary Fund, coin.....	71,305 88
Judicial Fund, coin.....	35,098 32
Executive Fund, coin.....	14,923 23
Insane Fund, coin.....	175,797 73
Insane Fund, currency.....	5,000 00
Convict Fund, coin.....	18,667 98
Printing Fund, coin.....	51,439 34
Incidental Fund, coin.....	24,605 18
Incidental Fund, currency.....	116 02
Penitentiary Building Fund, coin.....	5,728 99
State House Building Fund, coin.....	8,127 29
Fugitive Fund, coin.....	3,288 43
Indigent Fund, coin.....	5,495 78
Modoc War Fund, coin.....	21,794 40
Agricultural College Fund, coin.....	14,633 86
University Building Fund, coin.....	16,760 64
Tide Land Fund, coin.....	2,161 65
Common School Fund, principal, coin.....	25,438 09
Common School Fund, principal, currency.....	7,485 00
Common School Fund, interest, coin.....	53,946 44
Common School Fund, interest, currency.....	31,239 19
University Fund, principal, coin.....	12,937 00
University Fund, interest, coin.....	7,668 60
University Fund, principal, currency.....	8,860 35
University Fund, interest, currency.....	704 66
Escheat Fund, coin.....	4,496 10
Escheat Fund, currency.....	537 03
Soldiers' Bounty Fund, coin.....	3,678 75
State Land Fund, coin.....	25,701 21
State Land Fund, currency.....	785 12
Five per cent. U.S. Land State Fund, coin.....	945 00
Five per cent. U. S. Land State Fund, currency.....	1,513 33
Agricultural College Land Fund, currency.....	24,735 88
Swamp Land Fund, coin.....	12,815 20
State Capitol Building Land Fund, coin.....	88 00
Total.....	\$779,560 81

Leaving funds in the Treasury, September 9, 1878, \$112,895 60, to the credit of the several funds, as follows:

General Fund, coin.....	\$18,922 91
General Fund, currency.....	8,092 33
Common School Fund, principal, coin.....	2,808 39

Common School Fund, principal, currency.....	1,238 27
University Fund, principal, coin.....	1,408 70
University Fund, interest, coin.....	1,132 37
University Fund, principal, currency.....	300 00
Soldiers' Bounty Fund, coin.....	30,496 50
Soldiers' Relief Fund, coin.....	27,496 50
Common School Fund, interest, coin.....	2,091 42
Common School Fund, interest, currency.....	187 44
Escheat Fund, coin.....	10
State Land Fund, coin.....	2,926 07
State Land Fund, currency.....	347 46
Swamp Land Fund, coin.....	1,085 73
State Capitol Building Land Fund, coin.....	3,253 96
Tide Land Fund, coin.....	472 24
Five per cent. U. S. Land Fund, coin.....	3,087 48
Five per cent. U. S. Land Fund, currency.....	1,170 98
Agricultural College Land Fund, currency.....	2,454 22
University Building Fund, coin.....	3,293 36
Outstanding Warrant Fund, coin.....	629 14
 Total.....	 \$112,895 64

Bonds bearing 7 per cent. interest-

Soldiers' Bounty Bonds.....	\$ 26,400 00
Soldiers' Relief Bonds.....	\$761 00

Lock Bonds payable out of Internal Improvement

Land Fund.....	160,000 00
Modoc War Bonds, payable out of General Fund.....	132,858 76 320,019 86

Warrants drawing 10 per cent. interest-

Wagon Road Warrants, payable out of Swamp,
Overflowed, Tide, 5 per cent. U. S. Land Sale

and other Land Funds.....	138,600 00
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Outstanding Warrants payable from funds derived from special tax.....	192,975 62 331,575 62
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Total liabilities.....	\$651,595 48
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During the past two fiscal years there have been paid from the treasury on account of outstanding warrants \$82,648 23 Principal and \$42,676 13 interest, out of funds derived from the special tax authorized to be levied by the last Legislative Assembly.

There has also been paid of this class of warrants \$4,728 77 principal and \$2,411 00 interest out of the General Fund.

There are also warrants of this kind outstanding that have been advertised for payment, which have not been presented, amounting to \$4,451 23, to be paid out of the General Fund, and the cash remains in the Treasury to be applied to this purpose.

In addition to this last amount there is the sum of \$475 08 in the Treasury for the payment of advertised warrants of this character to be paid out of the Outstanding Warrant Fund.

In the statement of disbursements for the past two years the amounts paid on accounts of old and new warrants and interest included. The report of the Treasurer will contain a statement of these disbursements in detail. I respectfully refer you to his report and also to the report of the Secretary of State for full information as to the financial transactions of the past two years.

Public Funds

For information as to the condition of the Common School Fund, the University Fund, Agricultural College Fund, and other permanent funds of the State, I respectfully refer you to the report of the Board of School Land Commissioners.

Insane Asylum

Dr. J. C. Hawthorne, Superintendent of the Oregon Hospital for the Insane, will lay before you, at any early day of the session, his biennial report. He will be able, I have no doubt, to make an excellent showing as to the condition of the Asylum and its unfortunate inmates.

The care of the insane and idiotic of the State is one of the most sacred trusts confided to you as legislators, and will doubtlessly receive your early and earnest attention. The number of these unfortunates is steadily increasing, and the expense of their maintenance and treatment is yearly becoming a heavier burden upon the State. It will be your duty to make such provision for them as shall be the consistent with humanity and justice on the one hand and economy on the other. I commend to your consideration the question of taking the insane under the immediate care of the State, in an asylum of its own, though I do not deem it proper to make any recommendation upon that subject.

State Penitentiary

The report of the efficient Superintendent of the Penitentiary, Hon. B. F. Burch, will give you full information as to the affairs of that institution. His management has been most economical and prudent, and notwithstanding the limited appropriation for that service and the unprecedented increase in the number of convicts, he has been able to make many valuable improvements of a most substantial character in and about the Prison. I am glad to know that the administration of the affairs of the Oregon Penitentiary, for the past eighteen months, has been cheaper, relatively, than at any former period during its history.

Your attention is called to the fact that the Attorney General of the United States has requested a reduction of the cost of keeping U. S. prisoners in the penitentiary. He asserts that the price paid, viz.: \$8 00 per week per capita, with fifty cents per month each for rent of cell, is very much in excess of that charged for like service by other States, and that unless a reduction is had it will be necessary for the United States to send its prisoners elsewhere. The whole matter is submitted for your consideration.

State Capitol

The Legislature of 1876 failed to make any appropriation for the completion of the Capitol building for continuance of work upon it. A joint resolution was adopted authorizing the expenditure of \$3,000 for the protection of the outside walls, but, as stated in the report of the Secretary of State, upon making estimates for the work it was found that this amount was wholly inadequate for the purpose, as it would require the major part of it to put up the scaffolding around the building. Hence the resolution could not be complied with. As a result, the building has been considerably damaged by the storms of the past two winters and requires immediate attention. Unless something is done to protect the roof, it is liable to be blown off this winter. The only thing that can protect it effectually is to finish the cornice and the other outside work around the building. If this were done and the windows put in place, there would be no danger of further damage from the weather, and the inside could be finished as means and opportunity offered. A tax of not less than one mill should be levied for building purposes.

Education

It is regarded as one of the first and most sacred duties of a State to make sufficient provision for the education of its youth. This duty has not been neglected in Oregon. Perhaps in no State in the Union has no ample a foundation been so early laid for a wise and sound school system. The public schools of Oregon, at least in the more favored localities, will compare creditably with those of the same grade in any of her sister States. We have cause indeed, all things considered, to be proud of our school system and of the heartiness and zeal with which it is generally supported by the people. The great mass of our citizens are always ready to favor any advance in this particular, and will steadily and sturdily oppose every measure calculated to impair the efficiency of the machinery of public instruction.

There has been a steady, rapid and healthy growth in the common schools of the State within the past six years. The attendance is constantly increasing and becoming more regular. The teachers are growing more and more efficient, and the methods of instruction more systematic and thorough, while the official supervision of the schools is becoming closer and more vigorous. But a still more healthy sign is the increasing interest of the people in this matter of education. This growth of interest is manifested for instance in the greater popularity of teachers' institutes. A few years ago a State Teachers' Institute held at the capital, after months of preparation, attracted but little attention. To-day a gathering of this sort can scarcely be held in any part of the State at which there will not be a large popular audience, in addition to a full attendance of teachers. It is the exception now rather than the rule for such an institute to be a total failure. It was far otherwise five or six years ago.

It is hardly necessary to impress upon the members of this Legislature the importance of our public school interests, and the necessity of making them the object of a peculiarly tender and fostering care. Let us be judicious and cautious in our action upon this subject. We have, at least in outline, an excellent school system: let us be careful not to injure or distort it by any unwise or hasty legislation.

For full information upon this subject I refer you to the report of the Superintendent of Public Instruction, Dr. Rowland, and I call your special attention to his suggestions as to amendments needed in the school law. It gives me pleasure to be able to speak in terms of praise of faithfulness and efficiency of this gentleman as a public officer. During the period of my association with him in the Board of Education I have always found him zealous in the discharge of his duties and courteous and gentlemanly in his demeanor.

State University

The President of the Board of Regents, Hon. M. P. Deady, presents an excellent report of the condition of this young but prosperous institution. I invite you to a careful perusal of this interesting document. It is the duty of the State to see to it that its University receives its full share of attention. This may and should become one of the foremost institutions of learning on this coast. And under its present management I have no doubt of its continued prosperity. The able and learned President of its Board of Regents is a gentleman whose name is never associated with failure. The institution is greatly indebted to him for its success thus far.

Agricultural College

The President of the Agricultural College, Dr. Arnold, will lay before you this biennial report, to which I refer you for information as to the condition of that institution. I am glad to know that in the hands of its able President and Faculty the Agricultural College is increasing steadily in efficiency and usefulness. If any State in the Union needs and Agricultural College it is Oregon, for it is essentially a farming State. Its broad and fertile fields furnish an ample foundation for its prosperity and greatness as a commonwealth. There is special reason, therefore, why provision should be made for the education of its youth in matters pertaining to agriculture. This should be, and will be, in time, the distinctive work of the College at Corvallis.

Institutes for the Deaf Mutes and Blind

The Mute School and the Institute for the Blind continue to do a good work. The number of those who unfortunately require instruction in such schools in our State is happily not large, but it is none the less our duty to provide them with an education suitable to their condition, and to furnish them as far as we are able with the means of getting a livelihood. There is no fear that the generous people of Oregon or their children legislators will forget their duty in this regard. For particular information as to the progress and needs of these schools you are respectfully referred to the reports of the Superintendents and teachers. I call special attention to the improvements introduced in the methods of instruction of the blind by the present excellent teacher, Mrs. E. J. Dawne. Under her management much more attention has been given than formerly to oral teaching.

Indian War

In June 1877, the Nez Perce Indians, under their chief Joseph, made a murderous attack upon some isolated settlements in Idaho, near the Oregon line. This savage raid, accompanied as it was by all the horrors of Indian warfare, spread consternation along our Eastern border. Indeed it was feared for a time that hostilities would extend to Oregon and involve other tribes besides the Nez Percés. Every possible preparation was made to meet this threatened calamity. All guns immediately available were forwarded to Lewiston upon the urgent call of citizens of that locality. Upon my requisition arms and ammunition were also issued from the Arsenal at Vancouver, under Joint Resolutions of Congress of July 3, 1876 and March 3, 1877 to citizens of Union, Umatilla and Baker counties. Happily for our people, however, hostilities were confined to territory beyond the boundaries of our State.

During the continuance of this war I received many kindnesses and much assistance from officers of the United States Army and private citizens. I desire to mention particularly among those to whom the State is under special obligations Gen. O. O. Howard, Col. H. C. Wood, Major Kress, Capt. Sladen, H. D. Sanborn and the officers of the O. & C. R. R. Company and

the O. S. N. Company. General M. V. Brown of the State Militia, also rendered valuable personal service at my request in attending to the shipment of arms and ammunition. I respectfully recommend that a reasonable compensation be allowed him for that service. Also, for similar service rendered this year.

Just a year after this outbreak, in June, 1878, a roving band of Bannacks, including probably some Shoshones, began a campaign of robbery and murder upon settlers in the vicinity of Stein's Mountain. From this locality they moved northward, gathering up renegade Piutes, Snakes, Malheurs and probably Indians of other tribes on their way. At Silver Creek a battle was fought with them, in which they were defeated and held in check for a short time. From this point they directed their march towards Camas Prairie, Umatilla County, abating none of their fury against citizens and their property. The whole country was alive with fearful apprehensions. All along the route settlers fled with their families for safety, leaving their stock and other property at the mercy of the savages. The Indians ravaged thy country wherever they went, but fortunately General Howard pursued them so steadily that they had no time to extend their depredations beyond their immediate line of travel. They reached Camas Prairie early in July hotly pressed by the troops under General Howard. On the 6th of that month Capt. Sperry with a small company of volunteers had a fight with them at Willow Springs, thirty miles from Pendleton, in which he had two men killed and eight wounded. In this fight Capt. Sperry and his men displayed great courage and steadiness, and it was my pleasure on behalf of the State to thank them for their gallant services. It is very generally suspected, though it is not know definitely, that these Indians were allies of the Snakes from the north and south of the Columbia River and from the Umatilla Reservation, who were on their way to join the main body of those already on the warpath. I. Am informed that there were some Snakes among them. They were very destructive among herders and stock. In this region there were thousands of sheep and large bands of horses and cattle, which went far towards making up the wealth of the country. Many of these herds were pastured among the mountain passes along the route traveled by the Indians, who in every instance destroyed all the stock that they could not take with them, and murdered the herdsmen.

On the fourth day of July Major General Effinger and myself started to Umatilla to ascertain the exact condition of affairs, and to do whatever might be needful and practicable to meet the emergency. On our way up we called at Vancouver, to procure a supply of arms for distribution at exposed points, and were kindly received by Major Kress, the commandant of the arsenal, who, with the other officers at the post, gave us all possible assistance. We obtained a limited number of guns, which were distributed at the Dalles and at other places where they seemed to be most needed. All along our line of travel the greatest excitement prevailed, and there was a constant call for arms. We arrived at Umatilla on the 6th, and found that the people of the county were apprehensive of a general Indian outbreak. Settlers everywhere had left their homes in seek for protection. Heppner, Umatilla, Pendleton and Weston were crowded with these refugees. We found Umatilla filled with families most uncomfortably situated. There were several cases of sickness among them, and as there was no physician to attend them, on my request, Governor Ferry sent down Dr. Boyd, on the gunboat from Walla Walla, to give such assistance as might be required in his profession. It finally became necessary to remove a number of families to places of greater safety, and I accordingly asked General Sprague, of the O. S. N. Co., to furnish the transportation for them. In response to this request, a steamboat was promptly tendered, free of charge and a large number of families were taken to the Dalles. As my requisitions on the War Department for arms were not met I arrived at Umatilla, by telegraphic permission from the Governor of Idaho, I took possession of several boxes of guns which I had found at that place, directed to him and awaiting shipment. I receipted for them directly to Major Kress, commandant at Vancouver Arsenal, and distributed them to various

points in Wasco, Union and Umatilla counties. These, together with arms previously issued to me and those furnished by the Portland militia companies, enabled me to supply the more urgent demands, although I had not enough to distribute to all who called for them.

In order to obtain accurate information as to the movements of the Indians and soldiers, and to ascertain the exact situation of exposed settlers, I resorted to the use of couriers and scouts. This enabled me to keep the people in threatened localities advised of the condition of affairs, and also, in some instances, to furnish important items of news to officers of the army commanding in that vicinity. For valuable assistance in these and other matters I am deeply indebted to Mr. J. H. Kunzie, of Umatilla, and to J. B. Keeney, Esq., County Clerk at Pendleton. Shortly after my arrival at Umatilla I appointed Mr. Kunzie Assistant Adjutant General, and I take this opportunity to say that he cheerfully and untiringly assisted me in every possible way during my stay there. I may say the same of Mr. Keeney. Their help was indispensable to me.

It was evident at the outset that the Indians intended to make this a more destructive campaign than any that had preceded it. Their plans indicated mature preparation and great determination on their part. The people, on the other hand, were not anticipating any outbreak, and of course were wholly unprepared to meet it. When it came upon them they were soon worn down with anxiety and with the arduous and fatiguing labors incident to their situation. Constant dread of attack and fear of the loss of the property which they had abandoned in their flight from their homes had produced a condition of things about the time of my arrival at Umatilla amounting almost to a panic. Business had ceased and confidence in the future of the country was seriously impaired. The more the people could learn of the Indians the more they were convinced that many of those whom they had previously regarded as friendly were in reality their worst enemies. They felt therefore that there was no faith to be placed in anybody but themselves. Even lawless white men were found base enough to take advantage of the situation in order to drive off the stock of defenseless settlers. As soon, however, as I was able, through the agencies already mentioned, to obtain definite information as to the condition of affairs, and as to the real extent of the calamity, and could thus keep the people advised concerning the situation, the panic rapidly subsided and the citizens became more self-controlled, and bore up under their discouraging surroundings with wonderful fortitude. Some, however, left the country, never to return, after having struggled for years to build up homes.

At Pendleton I found that there was much suffering and that there were many needy persons for whom provision must be made. I visited the wounded who had been brought in there to be cared for, and learned that they were receiving every attention from relatives and friends that could be given them under the circumstances. There were numbers of sick and destitute among the families who had crowded into the town for refuge. To relieve this distress, the people of Portland, with their customary generosity and promptitude in such matters, sent liberal contributions of money both to Pendleton and to Umatilla, to be expended under the direction of local committees. In addition to this, the O. S. N. Co., through General Sprague, forwarded a considerable quantity of provisions for gratuitous distribution. These munificent gifts were amply sufficient for the relief of sufferers at those places.

I met Governor Ferry, of Washington Territory, at Pendleton, and we at once went to see Gen. Howard at Weston in relation to the situation of affairs. Governor Ferry and myself were of the opinion that all Indians on the Reservation should be disarmed, and we desired to consult the General in regard to it. On our arrival we had found that he had established his head-quarters temporarily at Wallula, and had so disposed his troops as to intercept the Indians whom he believed to be retreating from the vicinity of their recent depredations. I was fearful, however, that they were still near Pendleton, and so stated to the General, who assured me that if they

returned there would be troops enough to meet them. Satisfied with this assurance I returned to Pendleton. Learning on the night of my arrival that the Indians were menacing the town and the stations above, I at once dispatched a courier with the information to the Commanding General en route to Walla Walla. General Wheaton accordingly took the field and marched his troops to the relief of the valley. Capt. Miles reached the scene of danger in time to check the enemy and give them battle. The killing of Egan, the Piute chief, followed. During this time a number of citizens, while traveling along the roads in that vicinity, were shot, most of them fatally. Upon the death of Egan, however, and the treachery of Umapine, the Snakes became demoralized and left the country.

This war was of short duration, lasting less than a month in Umatilla county, but it was more disastrous than any that had preceded it, in the destruction of property and in its discouraging and demoralizing effect upon the people. It had left that section in a very deplorable condition, financially and otherwise, and many of the citizens seem to feel that, for the future, there will be no real security for life or property, and that the outlook is too discouraging to be endured. They are coming to the conclusion that it is time now, once for all, to settle the question definitely whether the county belongs to the Indians or to the whites. If the Reservation can be used, as it seems to have been used, as a place where hostile Indians may hide themselves in perfect security to plot against the peace of the settlements, their intended victims certainly have a right to know it. I care not to discuss the Indian policy of the Government. This is not the time or the place for that. We must accept it as it is and deal with its fruits. If Indians were deceived by agents or officers of the Government, and for that reason go upon the "war-path," our enterprising frontiersmen become the innocent victims of their vengeance. What is needed now, therefore, is protection for the lives and property of our citizens in these exposed regions. Whatever the wrongs of the Indians may be, there is no excuse for willful murder or for the deliberate and wanton destruction of property. The Indian's complaint that he is deprived of bread and blankets by dishonest agents affords not a shadow of justification for his atrocious crimes against unoffending persons. Neither is it a sufficient excuse for the dangerous policy of rewarding these Indians with blankets, rations and forgiveness on their annual return from their marauding expeditions.

The case of Joseph, the Nez Perce chief, is the latest illustration of the system of giving reward for crime, while that of Captain Jack, the Modoc, will be remembered as a sterner but more salutary method of vindicating a broken law. Indians who give no quarter, hold it as a high privilege to be able to surrender and receive forgiveness and a fresh supply of annuity goods when tired and worn out in their murderous raids. They must be taught that murder and robbery are crimes which cannot be condoned by dignifying them with the name of "war."

It is greatly to the credit of the people of Western Oregon that throughout this war they manifested the keenest sympathy with their suffering brethren east of the mountains, and that they stood ready at all times to render them all the assistance in their power. I received many patriotic offers of service, not only from individuals but from organized companies. I deemed it best, however, not to call into service any volunteers from the western part of the State, for the reason that I could get more men in the immediate vicinity of hostilities than I could procure arms for, men, too, who were thoroughly acquainted with the country, and who were inured to the hardships incident to a campaign in the mountains. Besides, as the event proved, it would have been impossible to arm and equip volunteers from the Willamette Valley and put them in the field before the Indians had finished their raid and left the country. To have called for men from that section, therefore, would simply have entailed upon the State a heavy and useless bill of expense. It would not have prevented the loss of a single life or the destruction of a single dollar's worth of property.

I am happy to be able to say that, as it was, the expenses of the war were not large. I cannot state the amount. I suggest that your honorable body adopt a resolution appointing a joint committee to receive and examine the accounts of the entire expense of the war, or requiring them to be laid before the Board of Military Auditors and reported on at this session of the Legislature.

Gen. M. V. Brown has presented a report of an expedition led by him from Albany, in July last, over the mountains to Ochoco Valley, for the protection of settlers from Indians. The report will be laid before your joint committee when appointed.

In this connection I desire to express my deep sense of obligation for valuable assistance and for many favors and courtesies, to the following named gentlemen, in addition to those already mentioned: Generals Howard and Wheaton, Major Kress, Capt. Sladen, General N. H. Gates, Doctors Hubbard and Boyd, Colonels J. B. Wells, J. Fulton, W. P. Miller, and Capt. J. B. Sperry, Messrs. J. H. Turner, James Hackett, Elijah Welch and O. F. Thompson and General Sprague, Superintendent of the O. S. N. Co. I desire also especially to thank Governor Ferry of Washing Territory for his generous loans of guns for the use of the State.

Indian Treaties

In dealing with the Indians in time of peace it would not be safe, in every case, to treat those who are found away from their reservations as renegades. Under existing treaties they frequently have as many rights as the white people in the matter of fishing, hunting, etc., on unoccupied lands; at least they so interpret the provisions of the treaties. The treaty entered into by the government with the Cayuses, Walla Wallas and Umatillas secures to them the exclusive right to taking fish in the streams running through and bordering upon their reservations, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable building for curing the same; and also the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens. Indians on these reservations well understand these privileges, and we find that a jealousy exists between them and citizens of the United States where, in accordance with the treaty stipulations, they pasture their stock in common on unclaimed lands. The attack made upon herders and their stock, in the late outbreak, was no doubt a desperate attempt to exclude them from this joint use of these lands. If the real facts are ever developed, they will probably show that the fight with Captain Sperry's company and the murder of citizens having stock in that vicinity were largely the work of so-called friendly Indians. The privileges guaranteed to the Indians by this treaty are just extensive enough to create misunderstandings. Perhaps they are not generally understood, except by the Indians themselves. Indians from the Reservation claim the right, under the treaty, to go to Camas Prairie and over these stock ranges at all times. Renegade Indians claim the same thing.

While the hostile Indians were at Camas Prairie, there were also there Reservation Indians from the north of the Columbia, for whom it is claimed that they were there to dig camas. With these Yakimas there were also renegade Columbians. The Yakimas had no legitimate business at Camas Prairie; and besides it turns out that, in stead of gathering camas they were aiding the hostile Indians in the removal of stolen stock, and doubtless in other particulars also. These "friendly" Indians did not remain long in the camas beds. No sooner were the gunboats placed on the river, under the order of the Department Commander, to guard the crossings above and below Umatilla, than these so-called "friendly" Indians appeared at these crossings with large bands of stolen horses, which they were driving away from the scene of danger. In other words

they were securing the booty acquired by the hostile Indians who were engaged in murdering and robbing citizens in the southern part of Umatilla County. The gun-boats on the Columbia River fired into them and they returned the fire with all the earnestness of the hostile Indians. There was nothing to show that they were friendly Indians peacefully traveling from one reservation or camas ground to another. On the contrary their daring and war-like attitude left no doubt of their hostile character. Besides there were found in their camps and packs, articles of wearing apparel, etc., which they had stolen on their errand after camas. The gun-boats rendered effective service in thus frustrating the original plan of the hostile Indians and compelling them to abandon their stolen property.

There appear to be three classes of Indians who are not likely to go on the warpath. First, those who are too old to fight; second, those who are too rich, having improvements on the reservation and large bands of stock; and third, a few of middle age who prefer to remain as they are in peaceful security. But the young men will fight. It is natural that they should show the Indian in them as early and fully as possible. When hostilities are in progress anywhere within their reach they will steal out from their reservations and do their share of crime and then sneak back to the support and protection of the government. The case of Umapine and his men is but one of the many examples of this sort. It is estimated that there were, at one time, no less than three hundred Columbias, Umatillas and other renegades with the original band of hostile Indians. On the morning of July 11th, the day before Cayuse Station was burned, the Agent, Mr. Conoyer, confidently believed that all his Indians were on the reservation, except Yellow Hawk, who had been with Egan, and being ashamed to return, had gone to Fort Hall. At that moment Umapine, from the reservation, at the head of a band of warriors, was in readiness to join, if he had not already joined, the Snakes, who were expected to attack the agency that morning. It is very probable that the presence of Captain Gregory's company at Cayuse Station, near the agency, alone prevented this attack, for as soon as these soldiers left the station the Indians took possession of it. The next day the hostile Indians were above, below and over the agency, and Captain Miles on the 13th had an engagement with them. Umapine and his warriors were with them in this engagement. It was only after the Snakes had been defeated and had fled to the mountains that Umapine quarreled with Egan and treacherously put him to death. He was true to his murderous allies until he lost confidence in their success, and then he deserted and betrayed them, and assassinated their chief in order to be able to take back his scalp to the Indian Agent as a proof that he was sorry for having made war upon the whites. Had Umapine joined General Howard at Camas Prairie he would have acted in good faith and rendered valuable service. Instead of this, while on the Reservation and enjoying the protection of the Government, he was constantly giving the enemy aid and comfort, and he abandoned their cause only when it became hopeless. This is simply a fresh illustration of the truth that dependence cannot at all times be placed upon the fidelity of "friendly Indians."

It is claimed, as already mentioned, that the Indians fired upon by the gunboats were Yakimas, returning from their camas grounds. But what right had they to go to Camas Prairie? Treaties with Indians, like other treaties, must be interpreted according to the intention of the makers of them. And certainly it could never be intended that a treaty made with a tribe of Indians in one Territory or State should give them rights in the camas, hunting or fishing grounds of a tribe in another Territory or State. By the treaty with the Yakimas, the rights and privileges therein enumerated were granted to them in common with citizens of that Territory (Washington). This does not give them, and it was not intended to give them, any lawful claim to the use of the camas grounds in Oregon. Both the express language and the necessary intent of the treaty restrict them to their own Territory. Hence, those of them who were at Camas Prairie, on the arrival of the Snakes in July last, were trespassers, and were entitled to no consideration. And, besides, when they were found and fired upon, as already stated, they were aiding the hostile

Indians in moving their stolen property into Washington Territory, in perfect accordance with the original plan of the Snake campaign. It is preposterous therefore to claim that they were "friendly Indians." They were the worst of enemies, because they were enemies in the guise of friends.

If these reservation Indians will not voluntarily maintain in good faith, their amicable relations with the white people, prompt and decisive measures must be taken to compel them to do so. Otherwise, their treacheries will continue. Reservations will become more and more the rendezvous of hostile Indians. A reservation of friendly Indians ought not to be an armed camp. The idea of teaching the arts of agriculture to Indians with arms in their hands is a fearful absurdity. As a measure of precaution they should be at once deprived of the improved arms of long range with which they are now too abundantly supplied. Weapons of a much less formidable character can be furnished them temporarily for hunting purposes.

In Washington, Oregon and Idaho, there are about 27,000 Indians, nearly all of them east of the Cascade Mountains. There are included in their reservations nearly 17,000 square miles or 10,000,000 acres of land, or about 370 acres to each individual Indian; and of these lands about 143,000 acres are reported tillable. In the Oregon reservations alone there are 6,022 square miles or 3,854,080 acres of land to 7,000 Indians, making more than 550 acres to each Indian. With this large area of land in their possession and with the liberal privileges which their treaties give them upon other lands it is almost impossible to control them under present management. Settlements are fast encroaching upon their grounds and jealousies are constantly arising. To secure permanent peace therefore in the vicinity of these reservations there should be stationed at points, convenient for co-operations, among the Indians of Oregon and the adjoining Territories from five to ten thousand U. S. troops. The Indians themselves should be disarmed and should be placed under the direct control of officers of the army. The integrity of these officers is a sufficient guarantee that good faith will be kept with the Indians and that peace will be maintained. Until this can be done I will suggest that some means be devised by which, in case of danger, settlers on the frontier can be armed and brought into immediate service. For this purpose I would recommend that the guns now in the several counties be obtained from the government for permanent use for border defense, to be placed in the keeping of the County Judges of the eastern counties. It would be still better, however, if Congress could be induced to remove these Indians entirely from the State, and place them upon a reservation where they could remain undisturbed, and where they would not be likely to disturb settlements. Such a place is found above Priests' Rapids, in Washington Territory, reaching to the British possessions.

I would say in this connection that General Howard realizing the danger of a renewal of hostilities, has temporarily bivouacked two companies in the vicinity of Umatilla Agency, but it is difficult to tell how long he will be able to retain them there.

Umatilla Council

I received an invitation from General O. O. Howard to be present at a council to be held with the Indian chiefs at Umatilla Agency on the 26th of August last. I accepted the invitation, and with General N. H. Gates, General J. H. Kunzie, Col. W. P. Miller and Lieut. Fulton, of the State militia, met General Howard at the council. The object of the council was stated by General Howard. He wanted to adopt some method by which peace could be maintained, at least until Congress should assemble and take action in the matter. Nearly all of the chiefs present expressed themselves in terms of friendship towards the white people, and afterward gave substantial evidence of this fact. Upon invitation of the General, I presented the cause of the State, and requested that Indians who had violated the laws of Oregon should be turned over to

the proper authority for trial. This was demanded as an earnest of the sincerity of the friendship expressed by the chiefs. Under previous instructions informations had been filed and warrants issued for several Indians charged with crime, but the execution of these warrants had been suspended until action could be had by this council. It was important that the council should understand the situation and should aid or acquiesce in the arrest of all Indians known to the chiefs to have been guilty of participation in any of the crimes committed against citizens or their property during the late disturbances. The co-operation of the military with the State in bringing the guilty to justice would not only be of immense advantage to the State, but would also contribute greatly to a better understanding between the civil and military authorities. Hence, it was deemed important to know how far the military and the council of Indian chiefs could be relied upon to aid the State in these matters.

General Howard comprehended the whole question, and promptly acquiesced in all that was asked on the part of the State. He went so far as to hold the Indian chiefs, or such other Indians as they might substitute as hostages until the parties accused of crime should be surrendered. This measure met the approval of all the friendly disposed Indians. There were some, however, who hesitated and wanted time to consider whether they would comply with the order of General Howard or not. These were arrested and lodged in jail at Pendleton; all, or nearly all of them, are accused of crime.

The steps thus taken by the Department Commander will give greater confidence in the certainty of a prompt and efficient administration of the civil law in these cases. And so long as the commander of the United States forces in this military district is in full accord with the principle upon which the State acts, in holding to a strict personal accountability Indians who, under pretense of war, murder and rob its citizens, the people will feel more secure in their possessions. I take this occasion to say that the action of General Howard in this matter deserves, and will no doubt receive the hearty gratitude of our people. Before this Council was called, I had issued instructions, as already stated, to the proper officers to arrest the Indians known to have been engaged in any of the recent depredations wherever they might find them, and to hold them for trial for their crimes. But heretofore it has not always been the case that Indians could be arrested when protected by their agents or by the military authorities. The stand taken by General Howard in this instance, however, removes all obstructions to the free exercise by the State of its undoubted right to arrest, try and punish all Indians who violate its laws, whether they are treaty Indians or not.

The expense of these trials in Umatilla county should not be left to be borne by the county alone. This war was forced upon the people there, and it brought upon them great loss of life and immense destruction of property. It would be great injustice, therefore, to compel them, in their present impoverished circumstances, to bear the additional burden of the prosecutions of those who committed these depredations. Ultimately, however, the General Government should pay this as well as all other expenses incident to this war and all damage occasioned by it.

Fishing Interests

The experience of the present year furnishes additional proof of the necessity of immediate action by your honorable body in behalf of the fishing interests of Oregon. Within the last few years a large amount of capital has been invested in this business, and it has rapidly grown in importance. Indeed it is, in prospect, one of the most valuable branches of industry in our State, and perhaps also it is one of those most neglected by the authority that should protect it. With the necessary State aid this interest would become one of our leading sources of wealth, giving direct employment to hundreds of our citizens and affording support for many others. Without

some well defined system to foster and protect this trade, no accurate estimate can be made of its magnitude or of its permanency. So long as the business remains as it is, those who engage in it do so in great risk. It is, in a measure, all guess work at present, and many who are eager to invest their money in such enterprises find at least that in the absence of a proper system regulating the business, and owing to the want of definite information as to its capacity, it is so overdone that the capital embarked in it is worse than unemployed. This business, like all others, must be governed by some protecting rules. From experience in other parts of the country, and from the investigations of science it is possible to make proper estimates of the extent of the fish supply in Oregon, so that there need be no fear of failure by those who engage in this important branch of industry. Proper laws should be passed also to prevent the supply of fish from becoming exhausted in our chief rivers.

I would suggest that the Legislative Assembly should provide for the selection of a Fish Commission, composed of competent men, who shall be authorized to take this whole subject under control. It should be made the duty of the Commissioners to see that the laws relating to Fisheries and to the fishing interest are faithfully carried out. They should be authorized also to consider the subject of the introduction, propagation and culture of fish in the waters of this State, and, if deemed expedient, to provide for stocking our rivers with valuable varieties of fish by the known scientific methods. The Commissioners should be given power to appoint seine inspectors, etc., to co-operate with the commissioners of other States and to do all other things necessary to foster this important interest. To this subject I call your special attention.

The President and Secretary of the Portland Board of Trade, in their last annual report, claim that the receipts of our salmon fisheries for the present year were over half a million dollars less than for the previous year, and attribute much of this diminution of trade to the want of proper legislation upon this subject. I submit for your consideration the following extract from that report:

“The catch for the last year-1877-of canned salmon amounted to 395,000 cases, the average price obtained for which was about \$6, or \$2,370,000. The catch of this present year ending August 1st, is about 50,000 cases less, or only 345,000 cases; while the price is also reduced at present to \$5 20, at which price it realizes about \$1,800,000 to our canneries. In 1876 the production was 438,730 cases, so that in two years our canned salmon has decreased 22 per cent. -a serious matter for the careful consideration of our next Oregon Legislature, who have in their hands, by wise or imprudent legislation, the power either to increase and develop our fisheries, or to let them decay each year (as the above figures show they have been doing) until that valuable article of commerce will be forever lost to our people. We have each year so often pressed the importance of legislation on this vital question, that it seems scarcely necessary to repeat the same. As the matter now stands, Congress believes it has no power to regulate our salmon fisheries, and, therefore the Territory of Washing and State of Oregon can be alone mutually pass laws at this point. Washington Territory has done her part, having passed a law which was very carefully framed in accordance with the experience and wishes of the proprietors of the canneries on both sides of the Columbia river and the salmon protection committee of this board, and which law can only take effect upon (1) a legislative enactment of the State of Oregon, and (2) on the Oregon Legislature ratifying and adopting the same law, verbatim, which the Territory of Washington has passed.”

River and Harbor Improvements

For years past, necessary appropriations have been made for the improvement of our rivers, but the harbors on the coast of Oregon have not received these benefits to any considerable extent.

The commerce of the coast is now growing so rapidly that improvements are absolutely necessary to afford facilities for this increasing trade. The bars on our harbors are constantly shifting. In some places they not only change their location but bank up so that loaded vessels cannot cross them. It often happens that vessels entering without cargoes and loading inside for the outward voyage are land-locked for months during the winter by these shifting bars. Persons engaged in business at Coos Bay and Coquille River have had some very severe experience in this respect. For the extent of its coal deposits, and for the variety, abundance and excellent quality of its timber, Coos county cannot be surpassed in our State, and perhaps not on the coast. But the important and growing trade of this section is greatly retarded every year by the shifting of the bar at Coos Bay, and also at the mouth of the Coquille River. It is estimated that the loss of business there this year on this account, will exceed a half million of dollars.

Such a bar can be improved and a permanent channel kept open by the aid of jetties within the harbor. In 1873, the currents inside the bar at Coos Bay formed a natural jetty and passed out where there is at present a sand spit to be seen at all stages of the tide. The water on the bar at that time was thirty feet in depth. But there was nothing to fix these eccentric currents, and they were so changed by storms and other causes during the next year as to open up new outlets, and the bars were shifted to different places the water over them being reduced to less than half its previous depth.

The Columbia River and bar also require attention. It is not necessary to enlarge upon the importance of this want. It will be most unwise to wait until the valuable commerce of this river is injured by heavy sand deposits within present channels. The time will come when jetties will be needed at the mouth of the Columbia, and we should begin at once to press upon Congress the importance of this improvement. There are other harbors in our State also that should receive similar attention.

In order to aid our Senators and Representatives in their efforts to procure the necessary appropriations for these improvements, you should, by joint memorial, urge the matter upon the attention of Congress. Appropriations have already been made for the survey of Coos Bay and Coquille River. This should be followed up by the urgent request for further congressional aid to make such improvements as may be found to be necessary. The works which have been projected, and which are now in progress for the purpose of opening up the Columbia River to general trade and competition, will be of a very substantial character when completed, and will be of immense value to the people of that section of the State. Let the same aid be given to our coast harbors which has been extended to our rivers, and all obstructions to a free and healthy trade will soon be removed.

Swamp Lands

There is urgent need of some additional legislation with references to the sale of the swamp lands belonging to the State of Oregon. The present law does more to embarrass than to aid the Board of School Land Commissioners in disposing of these lands. The chief object which the State has, or ought to have, in view in accepting this grant, is to sell the land acquired under it at the earliest possible moment, for its own benefit and for that of the purchasers. It is obvious, therefore, that the sooner it is disposed of and the money paid into the treasury the better it will be for all concerned. The law of 1870, however, instead of declaring the title to the grant to be in the State absolutely, and directing the proper officers, as soon as selections could be made, to sell the lands outright and to give full and final conveyances to the purchasers immediately upon the payment of the price, was so framed as to postpone the issuance of patents for an indefinite period, and indeed to render it extremely uncertain. Under this law the applicant is required to

drain the land applied for, or otherwise to render it fit for cultivation. Cultivation of the land for three years "in either grass, the cereals or vegetables" is declared to be a sufficient reclamation within the meaning of the act. The modes of reclamation are not definitely stated; but it seems that the law contemplates that the land shall be drained in all cases. It is claimed, however, that the most of this land is of such a character that draining it would destroy its value entirely. It is more profitable at present for its grasses than anything else, and to produce these it is best that it should remain as it is. Besides, as fast as it is needed or can be rendered valuable for other uses, it will be made available by its owners without any legal enactments on the subject. It is to the interest of the owner of the land to apply it to that use for which it is best fitted and which will yield him the greatest returns; and in this regard his interests are identical with those of the public. If drainage will improve the swamp lands and make them more valuable, the purchasers will drain them without being required to do so. On the other hand, if drainage will diminish their value it ought not to be demanded by the Legislature. In either case, whatever is best for the purchasers is best for the State also.

The restrictions imposed by the present law upon purchasers of swamp lands certainly operate to prevent a disposal of them. Applicants do not feel like paying for draining land which, when drained, will be worthless to them. They may dig a few ditches, it is true, for the purpose of getting title, but they will close them again as soon as they have obtained their patents. To require drainage in such cases, therefore, is to impose upon the purchaser an entirely useless expense.

This requirement seems to be based somehow upon the supposition that the grant to the State is made conditional upon the reclamation of the lands. This is, however, wholly erroneous. The State is the absolute owner of these swamp and overflowed lands. This fact is settled so far as judicial action can be had. "This title is clogged by no conditions. * * * The State became the owner with absolute power of disposition of all the swamp lands within her limits, and her title in no way depended on a patent. If these lands were not drained, no inference from the grant can be drawn that the General Government would resume the grant. But Congress said to the States: 'These lands are of no use to the nation; take them; we make you a perfect title to them; drain them, and reclaim them if you can; we commit them and the whole subject to your Legislature; adopt the policy we recommend, but take the lands.'" The position taken by the State on these questions is found in the decisions of the Supreme Court of Oregon, in the case of *Gaston vs. Scott*. Indeed, it is clearly to be gathered from all the authorities, that this is a matter exclusively within the control of the Legislature. There can be no question, therefore, as to the right of the State to sell these lands at once, and unconditionally. It need not require reclamation unless it chooses to do so.

At all events further time should be given to applicants to reclaim their lands, and there ought to be some definite regulations as to what shall constitute reclamation. The mistaken notion, already referred to, that the State's title to this class of lands depends upon the issuance of patents has occasioned many delays, for which purchasers should not be made to suffer. Besides, in many cases, the United States officers have permitted persons to pre-empt lands which were known to be of a swampy character and upon which applicants had already paid their 20 per centum under the State law, on the ground that notice had not been given of the withdrawal of such lands from the market. Thus one pretense after another has been resorted to for the purpose of defeating the right of the State and its vendees under this grant. And unfortunately the present law has afforded no protection to applicants. They have been constantly exposed to vexatious contests without any certain prospect of finally acquiring title even if they should establish the right of the State to the land. It is simple justice, therefore, that

they should at least be allowed further time to comply with the conditions imposed by the present law.

It would be far better, however, if sales were made at once, without any embarrassing restrictions, vesting the title immediately in the applicants. They would thus be placed in a position to vindicate their rights promptly, and no time would be given to pre-emptors to change the character of the land by drainage, etc. So long as the sales of these lands are made to depend on the conditions inconsistent with the ordinary laws of trade, purchasers will move with caution.

The laws of the State, as it now stands, is contrary to those laws of trade which recognize the right of the purchaser to make the most out of the thing purchased. No man will buy an article under restrictions which are expensive and useless. The State should assert its title in fee to the swamp and overflowed lands, and its right to dispose of them to the best advantage and in the least possible time. And the purchaser should be permitted to take the lands at once, upon payment of the price, and to use them in whatever way he may find most profitable for himself. This would reduce the matter to a commonsense business basis. It would afford the State a fund for the immediate payment of her outstanding swamp land warrants, thus stopping the accumulation of interest, and would on the other hand enable the purchasers not only to defend their land, but also to turn it to profit at once.

I therefore recommend that the law of 1870 be so amended as to conform to the views here expressed. Section 4 of the act should be repealed, and such further changes should be made as to afford ample protection to the rights of the State and to those of its grantees. In order to hasten the sale of the lands, and to provide for the speedy extinction of the debt which has grown up against this fund under the legislation of 1872, I would suggest that swamp land warrant be made receivable in payment for such lands. Since the funds to be derived from these lands are to be applied to the payment of these warrants, there can be no reasonable objection to using the lands themselves for that purpose. It would save delay and trouble and would stop the interest on the warrants. Perhaps, also, it would be well to give the Board of School Land Commissioners more specific authority in regard to determining the character of the lands included in the swamp grant. Under the present law the proper officers of the State are authorized to select the lands in the field. But the rules governing the General Land Office at Washington will not permit these lands to be listed to the State, unless they are selected by the United States surveyors, or unless their swampy character at the date of the grant is conclusively proved. The State, however, should insist upon its right to make its selections by any method by which the fact can be ascertained that the lands are actually swampy. Lands of that character belong to the State by a perfect and absolute title, and that title cannot be defeated by any rules devised by the General Land Office or by the captious objections of Registers and Receivers. It is to be understood, of course, that these remarks are not intended to apply to those cases where lands have been selected as swamp lands which are not in fact swampy. The State has no right to such lands under this grant, and cannot acquire any by any possible mode of selection.

The rules and regulations of the General Land Office of the United States will not permit the State to prosecute or defend contests for swamp lands, before the local land offices, without depositing the money to pay the expenses of such contests. As there is no provision of law authorizing the Board of School Land Commissioners to make this deposit, the result is that, unless applicants for the land will furnish the money, the interests of the State frequently go unrepresented. I suggest, therefore, that you give the Board the necessary authority in such cases, and make an appropriation for that purpose.

Vagrant Law

The long-continued business depression in California and the low fares by steamer from San Francisco to Portland, have contributed to bring into the State during the present summer, as well as the last, an influx of tramps and vagabonds, who have already become a nuisance to our people. There is a great increase of crime all over the State, and outrages of the most daring character are frequently reported. Some portions of the State, and particularly the town, are annoyed by the presence of idle and lawless men, who will do anything but work to make a living. Prompt and decisive measures must be adopted to abate this nuisance. For my own part, I know of more effective way of doing this than the enactment of a rigorous vagrant law. In a State like ours, where any man who will work can make a living, it ought to be a crime for a healthy person to beg.

Natural History Society

Since the last session of your last body, a society has been organized known as the Oregon School and College Association of Natural History. This society is composed largely of teachers and scientific men, and its avowed object is "to collect, study and examine specimens of natural history, and thus contribute toward a natural history survey of the State, and also to form a State cabinet that shall ultimately contain specimens of all our State plants, animals and minerals. The society is permanently located at Salem, and now occupies, temporarily, with the Superintendent of Public Instruction, a room in the Capitol building. But owing to its rapidly increasing collections, and to the want of space for the proper display of the extensive Flora and Fauna of our State, it becomes necessary that permanent rooms and cases be provided for this purpose. Knowing the officers of the Society to be gentlemen of zeal in this matter, I would recommend that they be allowed to use the room now occupied by their specimens until they can be provided, with better accommodations in that part of the building yet to be finished. I would further recommend that the State fit up their rooms with proper cases and other furniture free of charge.

Board of Equalization

I desire to urge upon you the importance of taking some efficient measures for equalizing assessments throughout the State. The burden of taxation now falls with unequal weight upon the different counties, and inequality in this matter is injustice. As a necessary result, also, there is a constant and serious loss of public revenue. I know of no better remedy for this evil than the establishment of a State Board of Equalization, with such limitations and restrictions upon its powers as will prevent injustice to individuals as well as to counties. I invite your earnest attention to this subject.

Paris Exposition

In order that the interests of Oregon might be suitably represented at the International Industrial Exposition, held in Paris this year, I nominated John Van Beurden, Esq., and Homer D. Sanborn, Esq., as Honorary Commissioners, on behalf of this State, under a Joint Resolution of Congress, approved December 15, 1877, and they were duly appointed by the President. I also appointed as additional Honorary Commissioners, under authority of said resolution, Stephen G. Skidmore, Levi White, Leon Vial, T. Egerton Hogg, William T. Gray and Walter V. Smith. I received no official report from the Commissioners, but I am pleased to learn, through other sources, that Oregon's place in the Exposition is well filled, and that, through the industry and

zeal of Mr. Van Beurden and those who have acted with him, she has there, perhaps, a better representation of her resources than any other State in the Union.

Election of a Senator

It will be a part of your daily at this session to elect a Senator to represent this State in the Congress of the United States, for six years from the 4th of March next I have no doubt, however, that you will give this subject the consideration which its importance deserves. Hence I deem it unnecessary to enlarge upon it further than to express the hope that you will be able to make a selection which will reflect honor not only upon yourselves, but upon the whole State.

In closing my term of service as Governor, I desire to express my acknowledgements to the outgoing Treasurer, Hon. A. H. Brown, for his uniform courtesy, and for his acts of personal kindness during the period of our official association. My thanks are also due to the other officers and employees of the State for many favors. I shall always hold in grateful remembrance my pleasant and friendly relations with these gentlemen.

And now, Senators and Representatives, permit me, in conclusion, to wish for you a harmonious and successful session. May you be able to accomplish all that those, who sent you to these halls, expect at your hands. May the work that you do here redound to your own honor and to the permanent good of the State, and when you return to your constituents may they be able to receive you with the approving salutation: "Well done, good and faithful servants."

Appendix

Report of Pardons

State of Oregon,

Executive Office,

Salem, Sep. 9, 1878

To the Honorable,

The Legislative Assembly of Oregon:

I respectfully submit the following list of pardons granted during my term of office.

Louis C. Pillsbury. Multnomah county. Forgery. Pardoned February 16, 1877, on petition of citizens, relatives and friends, on account of youth and previous good character of prisoner, this being his first offense, also because of his good conduct in prison and the respectability and high standing of his family in the East. Pardon granted on condition that the prisoner return immediately to the home of his parents in New York.

John Collins. Multnomah county. Larceny. Term, one year. Received October 26, 1876. Pardoned March 9, 1877, on the recommendation of the Prison Physician, and on his certificate that the prisoner was afflicted with consumption that could not possibly recover, being wholly incapable of rendering service to the State, and that his longer confinement would hasten his death.

Thomas D. Markham. Yamhill county. Arson. Term, ten years. Received at prison April 27, 1873. Pardoned March 17, 1877, on petition of a large number of citizens of Yamhill county. On the ground that there was probable cause to believe from newly discovered evidence that the prisoner was not guilty of the crime of which he was convicted, the principal witness against him at the trial having since voluntarily confessed that he alone perpetrated said crime, and that his testimony was wholly false, and was prompted by motives of revenge, and it further appearing to the satisfaction of the Governor that the prisoner was at home with his family when the crime was committed.

A. L. Moyer. Linn county. Forgery. Term, three years. Received at prison March 21, 1877. Pardoned March 22, 1877, on numerous signed petition of the best and most substantial and influential citizens of Albany, on the ground that the prisoner was a young man of respectable family connections, of previous good character and correct habits, and had made restitution to the party injured, and given evidence of thorough repentance and fixed purpose to reform, it appearing that this was the prisoners first offense, and was committed under great and overwhelming temptation to extricate himself from pressing pecuniary difficulties, in the vain hope that he would be able to take up the forged paper before it became due. Pardon strongly urged by leading clergymen and businessmen in personal letters to the Governor.

Frank Johnson. Baker county. Larceny. Term four years. Received at prison October 23, 1874. Pardoned April 9, 1877, on petition, on the ground that he had voluntarily rendered great service to the State in bringing to justice notorious criminals who could not otherwise have been convicted, and on the further ground that his conduct had been excellent, and that he had a family dependant upon his labor alone for support, and needing his personal care and attention

R. S. Rice. Douglas county. Rape. Term, ten years. Received at prison May 24, 1873. Pardoned April 20, 1877, on petition, and on the recommendation of the Judge and Prosecuting Attorney who tried the cause, on the ground that there was probable cause to believe from the statements of said Judge and Prosecuting Attorney, and from other evidence on file, that the prisoner was wholly innocent of the crime of which he was convicted; that his conviction was the result of a wicked conspiracy between his wife and the prosecuting witness; that the physician who attended the prosecutrix in her confinement, who was an important witness for the defense, was not present at the trial, though subpoenaed, and that if present his testimony would have fatally impeached that of the prosecutrix and acquitted the prisoner; and on the further ground that the prisoner being unable to employ counsel an attorney was appointed to defend him, who, being a stranger, was unable to conduct the defense as successfully as one more familiar with our system of practice might have done.

David Briggs. Jackson county. Manslaughter. Term, five years. Received at Prison, Dec. 4, 1875. Pardoned May 24, 1877, on strong petition of citizens of Jackson, Josephine, Douglas and other counties, on the ground of the youth of the prisoner at the time of the commission of the offense, and of the fact that the same was committed at the instigation and express command of his mother, who had already been pardoned, and under the mistaken belief that deceased had perpetrated a great wrong upon his sister. It further appeared to the Governor that the conduct of the said Briggs in prison had been good, and that he had already been sufficiently punished.

Henry Stewart. Benton county. Crime, larceny. Term, two years. Received at Prison, April 15, 1876. Pardoned August 8, 1877, on recommendation of Prison Physician and on his certificate that the prisoner was suffering with consumption and rapidly growing worse, and that his longer confinement would destroy his life.

John Brady. Marion county. Crime, Murder in second degree. Term, life. Received at Prison March 17, 1871. Pardoned Oct. 15, 1877, on petition, on the ground that there was probable cause to believe from the statement of the Judge who presided at the trial, and from other evidence that the homicide of which the prisoner was convicted was not committed purposely or maliciously as to constitute murder, but was at the most was manslaughter only, for which he had already been sufficiently punished, and that his conduct in prison had been uniformly good; and on the further ground that said prisoner was, and had been for a long time failing in health, and that his continued confinement would probably soon destroy his life.

Henry L. Emery. Multnomah county. Crime, forgery. Term, five years. Received at Prison Feb. 15, 1871. Pardoned December 12, 1877, on the ground that the said Emery was a young man of previous good character and of respectable family, this being his first offense; and his conduct in Prison had been uniformly good; that he had given satisfactory evidence of his intention to lead an honest life, and that the pardon was recommended by the person injured by the crime. Pardon granted on condition that said Emery immediately leave the State and never return.

John Zigler. Multnomah County. Crime, larceny. Term, one year. Received at Prison October 25, 1877. Pardoned February 12, 1878, on the ground that the statement of the Judge who tried the cause, and others familiar with the facts, showed that the prisoner, being a German, ignorant of the English language, pleaded guilty by mistake, simply intending to confess the taking but not the stealing of the goods, and that there was probable cause to believe, notwithstanding said plea, that said Zigler was not guilty of said crime, the goods haven been taken without any felonious intent, and that if he had been tried upon said charge, he would have been acquitted. Pardon recommended by the Judge, Prosecuting Attorney, and other officers of the Court where the prisoner was convicted, and by many leading members of the bar.

Charles Collins. Lane County. Crime, assault to commit rape. Term, Two years. Received at Prison November 12, 1877. Pardoned February 25, 1878, on petition of a large number of prominent and influential citizens of Lane and Linn counties, on the ground that it appeared to the Governor from the statement of the Judge before whom the case was tried, and from other sources, that the prisoner had always borne a good character, that the evidence against him was of a very indefinite and unsatisfactory nature, and that therefore there was probable cause to believe that said prisoner was not guilty of the crime of which he was convicted, but at most was guilty of an assault only, for which he had been sufficiently punished. Some of the jury did not only recommend but urged the pardon.

William Spencer. Wasco county. Perjury. Term, five years. Received at prison December 2, 1876. Pardoned March 8, 1878, on a numerously signed petition of citizens of Wasco county, on the ground that the said Spencer, being a man of good character for honesty, integrity and industry, and having an imperfect knowledge of the English language, there was probable cause to believe that he was not guilty of the crime charged, but that the witnesses who testified to the alleged perjury misunderstood him on account of his having failed to express himself correctly, and that he did not intend to swear falsely. It further appeared that Spencer, at the time of his conviction, had taken up and nearly perfected a homestead claim, which constituted almost his whole property and that he would certainly lose it if longer kept in prison, leaving him little or nothing upon which to support his family.

James Howard. Marion county. Larceny in a dwelling. Term, six years. Received at prison November 22, 1873. Pardoned March 14, 1878, on the ground that another person had freely and voluntarily confessed that he alone committed the crime of which the prisoner was convicted, and that the prisoner had nothing to do with it; that the conviction was obtained chiefly upon the testimony of one Patrick Flynn, a person of infamous character; that the prisoner was sentenced to imprisonment for six years for said crime, whereas the real and confessed perpetrator of it was sentenced for only five years;; that said Howard had only about nine months of his time to serve; that if guilty he had been sufficiently punished, and that his conduct in prison had been so good as to entitle him to an immediate discharge.

Henry Elkeles. Multnomah county. Larceny. Term one year. Received at prison March 21, 1878. Pardoned March 21, 1878, on a petition signed by a large number of the best citizens of Multnomah county, including all the jury who tried the case, the prosecuting witness and all the officers of the court on the ground that the prisoner was a mere boy and had always borne a good character for honesty, this being his first offense, that his family connections were very respectable, and that he had already been imprisoned for this crime for a considerable length of time in the county jail of Multnomah county. Pardon granted on the condition that prisoner leave the State.

Lawrence Lynch. Baker county. Manslaughter. Term, ten years. Received at prison Nov. 8, 1872. Pardoned April 16, 1878, on a petition largely signed of citizens of Baker county, on the ground that it appeared from the statement of the Judge that there was mitigating circumstances connected with the commission of the crime; that the killing was done in a sudden heat upon provocation, that the prisoner was recommended by the jury to the mercy of the Court, which recommendation was in a measure disregarded for reasons stated by the Judge having no connection with that particular case; that the prisoner had already served nearly six years of his term, and as he was about seventy years of age his further imprisonment would answer no good purpose, but would be a useless severity.

Joseph Bartlett. Baker county. Crime, assault with intent to kill. Term four years. Received at Prison Oct. 18, 1876. Pardoned July 6, 1878, on the urgent request of citizens along the border of Idaho and Oregon, on the ground that in Indian wars in Oregon and Idaho he had rendered great and meritorious services as a scout, and because his services as a scout, and because his services in that capacity were greatly needed in the Indian war going on at the date of the pardon. It was made a condition of the pardon that the prisoner should go immediately to the front and report for duty to Gen. Howard as a scout.

J. W. Maxon. Umatilla county. Crime, assault and robbery, armed with a dangerous weapon. Term ten years. Date of sentence, April 29, 1876. Pardoned August 30, 1878, on a strong petition of citizens of Umatilla and other counties, and on the recommendation of the Judge who tried the cause, on the ground that the failing health of the prisoner rendered him unfit for further service, and that his continued imprisonment would probably hasten his death and would be contrary to the dictates of humanity. It further appeared that the prisoner's family connections were highly respectable, his aged father, Colonel Maxon, being an old prisoner on the coast. The conduct of the prisoner during his confinement was reported uniformly good.

James Jordan. Wasco county. Larceny of a steer. Term, one year. Received at prison July 3y1, 1878. Pardoned August 8, 1878, on a petition signed by a large number of the best citizens of Wasco county, including several of the jury, on the ground that it appeared from the statement of the Judge, and from other evidence furnished to the Governor, that there was probable cause to believe that the alleged criminal act was not committed with any felonious or other unlawful

intent, but was the result of a misunderstanding, and on the further ground that the prisoner had previously borne a fair character, and had a large family dependant upon him for support. Pardon not opposed by the Judge.

John C. Wilson. Umatilla county. Larceny of a steer. Term, three years. Received at prison November 7, 1877. Pardoned September 3, 1878, on a numerously signed petition of citizens of Umatilla county, signed by all the jurors, on the ground that there was probable cause to believe, from the statement of the Judge and from other evidence furnished to the Governor, that the act of which Wilson was convicted was not committed with any criminal intent, but from an honest mistake as to the ownership of the steer alleged to have been stolen. The prisoner had previously borne a good character. He was not convicted until the third trial.

G. W. Duffey. Marion county. Crime, forgery. Term five years. Received at Prison, June 24, 1875. Pardoned Sept. 5, 1878, on a petition of many citizens of Marion county, on the ground that he already served nearly four years of his term, and that his conduct in prison had been such as to lead to the belief of his thorough reformation, and that he had already been sufficiently punished. The pardon was recommended and urged by the Judge who tried the case, and also by the prosecuting witness.

William Dearberry. Jackson county. Larceny. Term, twelve years. Received at prison April 25, 1872. Pardoned Sept. 7, 1878, on the recommendation of the Superintendent and the Wardens of the Penitentiary, on the ground of good conduct in prison, leading to belief in his thorough penitence and reformation, and also particularly because of valuable service rendered to the State by the prisoner by voluntarily discovering and divulging a plot among the convicts in connection with outside parties, to murder one of the guards and make their escape, by which meritorious act on his part the plot was defeated, and one of the outside accomplices of the convicts was captured and sent to the Penitentiary. From all the circumstances in this case it appeared to the Governor that the imprisonment already suffered by the said Dearberry was sufficient, he having served more than six years of his term.