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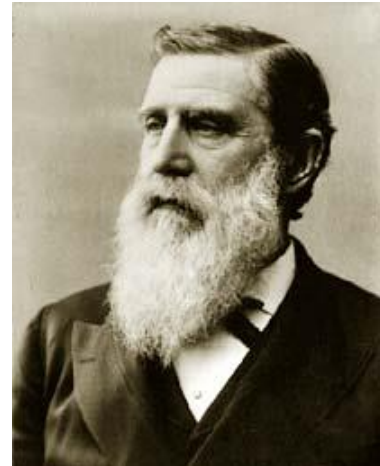
GOVERNOR ZENAS F. MOODY ADMINISTRATION

September 13, 1882 to January 12, 1887

Governor's Biennial Message, 1885

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BIENNIAL MESSAGE GOV. Z. F. MOODY
To The LEGISLATIVE ASSEMBLY 1885



Members of the Oregon Legislative Assembly:

Gentlemen----- In welcoming you to the Capitol of the State to discharge the duties prescribed for you by the Constitution, I can but congratulate you upon the auspicious circumstances under which you meet. Never before in the history of our State have Oregonians had so much to be congratulated upon. No State in the Union is receiving more attention. Her agricultural products, her mild climate, her great natural resources, invite the immigrant, the capitalist and the pleasure seeker, while the sound basis upon which rest her finances, and the fact that within two years her taxable property has increased more than ten millions of dollars, clearly indicate that the State, in the face of a general business depression throughout the land, is in no danger of deterioration or decay.

The Constitution of the State of Oregon makes it the duty of the Governor to report to the Legislative Assembly, at each regular session thereof, the condition of the State, and recommend such measures as shall seem expedient.

The Constitution was adopted at a time when the population of the State was less than 50,000, at a time when its wants and its resources were comparatively unknown. The small State Penitentiary then located at Portland was almost the only State institution, the agricultural products of our State were hardly sufficient for home consumption, and came almost exclusively from the west side of the Cascade range of mountains. We did not realize that we possessed undeveloped, such elements of greatness. During the years, which have since intervened, extraordinary progress had been made. Our population now numbers a quarter of million. Our State institutions have developed in strength and usefulness. That portion of the State aptly termed the "Inland Empire" has been found to possess equal resources and possibilities and now contributes an equal share towards the various revenues of the State. Her development is not yet complete, but with the early Construction of the locks at the Cascades and The Dalles the commerce of a continent will traverse all her thorough fares. We may without boasting and with a pardonable pride, invite comparison with any State in the Union.

Our common school facilities, with an irreducible school fund, ample to give every child in the State a common education, several colleges and institutions of learning that are self-sustaining, a State University, an Agricultural College aided by lands donated for its institution and support and many important industries including agriculture, lumber, our fisheries, &c., &c., which have made the name of Oregon famous throughout the world, all attest the advance that has been made by our State during her existence of a quarter of a century. This increase in our wealth and resources has added largely to the responsibility of those who are called upon to legislate for the Commonwealth, and perhaps at no session of the Legislative Assembly of this State has there been a greater need and demand for the exercise of wisdom and prudence upon the part of our law-makers. Recognizing the responsibility resting both upon the Legislative and Executive departments, it is our trust that both may be guided by wisdom and moderation, and controlled in every act by a desire to meet, in the fullest sense, the requirements of our respective positions.

FINANCES.

Your attention is first called to a statement of the financial condition of the State. For the figures presented herewith, we have been compelled, as to some minor details, to rely upon unofficial reports, but the figures were not official will be found approximately, if not exactly correct.

For an accurate and complete knowledge of the finances, reference must be had to the very full and comprehensive reports of the Hon. Secretary of State and State Treasurer.

The receipts for the period beginning September 1, 1882 and ending in December 31, 1884, are as follows:

Four Mil Tax of 1882.....	\$255,374 43
Four Mil tax of 1883.....	301,227 80
Penitentiary earnings.....	26,055 36
Delinquent taxes.....	6,054 24
Private Insane.....	5,363 71
Idaho Insane.....	4,705 72
Sale of stamps.....	9,657 97
Sale of Books.....	598 80
Miscellaneous.....	43,655 85
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Making a total of.....	\$652,693 88

Adding to this amount, the sum of \$122,608.36, which stood in the Treasury on August 31st, 1882, to the credit of the general fund, we have the sum of \$755,302.24 against which is to be charged the amount of the general appropriation made by the last Legislative Assembly, which leaves a balance to the credit of the general fund at the end of the fiscal year just closed of about \$300,000, an excess of \$175,000 over any surplus to the credit of the general fund ever heretofore reported to any Legislative Assembly of the State. This is an approximate estimate but will be found to vary but little from the amount standing to the credit of that fund, as reported by the State Treasurer.

This showing must be regarded as very satisfactory, as the indebtedness of the State, aside from deficiencies which have accrued during the past two years, is wholly provided for from other sources, outside of the general fund.

GENERAL BONDED INDEBTEDNESS

The general bonded indebtedness of the State has been largely diminished during the past two years, and for a large part of that still outstanding there are funds on hand in the treasury. This indebtedness includes the Umatilla Indian War debt, the bonded debt created by the act approved October 25, 1880, to complete the payment of the Modoc war bonds, the soldiers' bounty bonds, and the soldiers' relief bonds. Provision was made by the act of October 25, 1880, for the funding of the Modoc war bonds, and to meet the payment of Umatilla Indian war bonds. This act authorized the State Treasurer to sell the bonds of the State of Oregon to such an amount as, with the surplus moneys not otherwise appropriated which had or might accrue from the three mill tax levied pursuant to an act to provide for a tax to defray the current expenses of the State, and to pay the indebtedness thereof, approved October 20, 1876, would realize enough money to pay the said Modoc war bonds in full, including the accrued interest. This act also provided for the levy of a one half mill tax to be applied in paying off not only the principal and interest on the Umatilla Indian war bonds, but also to principal and interest upon the new bonds of the state of Oregon thus issued to take the place of the old Modoc war bonds. In pursuance of the authority conferred by this act, the Treasurer sold one hundred and twenty bonds of the State of Oregon. Each being for the sum of five hundred dollars. From the proceeds of the sale of these bonds and from the surplus accruing from the said three mill tax, funds were provided for paying off all of the Modoc war bonds, and said bonds have all been paid except about \$300 which, although advertised for, have never been presented for payment. From the remaining proceeds of said half mill tax, thirty bonds of the new issue have been paid, leaving ninety bonds unpaid representing an indebtedness upon this account of \$45,000, together with accrued interest. On account of the Modoc war indebtedness there has been refunded to the State of Oregon, by the general government, the sum of \$70,000, of which amount the sum of \$37,019.01 was paid in cash, and the balance was applied to meet the amount due from the State of Oregon to the general government on account of the direct tax of 1861.

On the soldiers relief bonds there remain unpaid but \$761.10, and money to meet this amount is in the treasury, and readiness to make payment of same has been advertised.

Of the soldiers bounty bonds there are still outstanding one hundred and fifty-nine of the denomination of \$50 each.

This constitutes the general bonded indebtedness of the State, and money for the immediate or proximate payment of the same is now available.

In addition to what has already been paid into the treasury of this State on account of the Modoc war claims, there is still a further sum due from the general government on account of the losses sustained by this State in the prosecution of the Umatilla Indian war, which will doubtless be paid in due time and go to swell the coffers of the State.

For more definite and specific information in regard to the condition of the funds available to meet these various claims you are respectfully referred to the report of the Honorable State Treasurer. The character and amount of outstanding liabilities, and resources to meet the same, are therein fully and completely set forth.

SPECIAL BONDED INDEBTEDNESS

An act was passed by the Legislative Assembly October 21, 1870, providing for the issuance of bonds to aid in the construction of a canal and locks at Oregon City. This bonded debt was made payable to the Willamette Falls Canal and Lock Co., or its assignee, out of the fund arising from the five per centum of the net proceeds of the sales of the public lands of this State,

and the fund arising out of the sales of the five hundred thousand acres of land donated to the State for the purposes of internal improvement. The original amount of these bonds was \$2000,000. At the date of the opening of the last session of the Legislative Assembly there was yet outstanding of these bonds the amount of 68,000. Since that date these have been paid in full.

Of the swamp land warrants there are yet outstanding to the amount of \$87,547.36 with accrued interest. As these are payable only out of the proceeds of the sales of swamp lands their redemption has been necessarily slow, owing to the trouble and delay heretofore experienced in having listed to the State the swamp lands to which she is entitled. The steps taken during the past two years to hasten the approval to the State of the swamp land selections heretofore made are set forth elsewhere. The amount due on the outstanding swamp land warrants is very small as compared with the value of the swamp lands for which the state should years ago have received a patent, and as soon as patent for these lands can be secured from the general government their sale will quickly provide funds for the final disposition of all outstanding swamp land warrants.

LANDS GRANTED TO THE STATE

For a full and specific statement in regard to the condition of the various land grants belonging to the State I must refer you to the report of Hon. E. P. McCornack, Clerk of the Board of School Land Commissioner.

The ninety thousand acres of land granted for the State Agricultural College, and the seventy-two sections set apart for the State University have been selected and secured in full to the State. The proceeds of the sales of these lands, and of the lands set apart for the support of common schools have been carefully loaned by the Board, are safely secured, and are bringing in a large and constant revenue for their respective funds.

The amounts of these funds are as follows:

University fund principal.....	\$78,000
Agricultural College fund principal.....	77,000
Common School fund principal.....	980,000

Of the different classes of lands belonging to the State there has been sold since Sept. 1, 1882, as follows:

University lands.....	2,218.26 acres
Agricultural College lands.....	4,559.69 acres
Common School.....	122,646.17 acres
Internal Improvements.....	32,743.13 acres

The revenue from the sale of lands belonging to the 500,000 acres granted to the State by the General Government for the purposes of internal improvements, has been, since the act of 1870, granting aid for the construction of Canal and Locks at Oregon City, devoted to the payment of the principals and interest upon the Bonds for \$200,000 issued in aid for that work. These Bonds have been paid in full, principal and interest, and the revenue hereafter arising from the sale of these lands will be devoted to the support of the Common Schools of the State.

SWAMP LANDS

The law governing the selection, approval and disposition of the Swamp Lands granted to the State of Oregon by the act of Congress of March 12th, 1860, has been a constant source of vexation in the past and is likely to prove a source of much litigation in the future. For years past

this State has been making earnest and persistent efforts to secure a Patent for the swamp lands to which she is entitled under the provisions of said act of Congress, but thus far with comparatively little success.

The method adopted for determining what lands inure to the State under the provisions of said act has contributed largely if not almost under the provisions of said act has contributed largely if not almost altogether to the vexatious delays which have attended this matter in the past. But a short time after my accession to the Executive Office a communication was received from the General Land Office, returning as insufficient, proofs upon upwards of 100,000 acres of what was claimed to be swamp land, which had been prepared and forwarded during the administration of my predecessor. The objections offered to the proofs were felt to be without reasonable foundation, but the State was without recourse and preparation of new proofs was absolutely necessary. The State might have less reason to complain if upon which the proofs were complete and regular, but notwithstanding the most persistent efforts made upon my part to secure action upon large lists against which no objection has been urged by the Department the General Land Office has failed to take action.

The plan heretofore adopted for determining the character of, and the right of the State of Oregon to lands claimed as swamp has provide^d for the submission of the sworn statement of two reputable witnesses familiar with the land claimed, showing the land to be swamp or overflowed. This proof is filed in the Executive Office, and is the basis upon which the Governor proceeds to make formal selection of the land described. The proof thus filed accompanies the Surveyor General, who in turn passes upon and forwards it to the Surveyor General, who in turn passes upon and forwards it to the General Land Office at Washington. An Examining Agent is thereupon appointed by the General Land Office to proceed to the field, and in conjunction with an agent appointed by the State, make an examination of the lands covered by the proofs files. During the administration of Governor Thayer this work was prosecuted by Gen. R. C. Ankeny acting on behalf of the General Government, and Dr. J. C. Whiteaker on behalf of the State. Prior to the expiration of Gov. Thayer's term Gen. Ankeny had been succeeded by Mr. P. I. B. Ping, and during the summer of 1883 Messrs. Ping and Hewitt examined and approved as swamp and overflowed, and as ensuring to the State of Oregon, 2,226.08 acres in the Dalles District and 17,143.65 acres in the LaGrande District. Their favorable report was promptly forwarded to the General Land Office but no further action has yet been taken by the department, notwithstanding the efforts of our State agent in Washington and our delegation in Congress.

During the summer of 1884 much valuable time was lost which should have been devoted to the work of examining lands, but owing to the fact there was no agent of the Government in the State the work could not proceed. Late in the season Mr. H. C. Bulis appeared to represent the Government, and in company with State agent examined a tract of 3,00 acres in the Oregon City district, (Which list has since been approved by the Secretary of the Interior,) and immediately afterward returned to the East.

Since the 1st of September, 1882, there has been selected by me 141,298.67 acres of swamp and overflowed land ensuring to the State, and proofs of the swampy character of the same have been forwarded to Washington. No action, however, has yet been taken by the department upon these lands. The progress made during the past two years in the matter of the swamp land grant is not satisfactory, but we feel that no reasonable effort has been spared on the part of the State. On the first day of February, 1884, a long and urgent communication was addressed by me to the Honorable Secretary of the Interior calling his attention to the tedious delay to which the State had been subjected in her endeavors to secure a final adjustment of her swamp land

grant, and urging upon him the adoption of some more speedy and efficient plan of operations. His attention was called to the fact that the law imposed upon the Secretary of the Interior, himself, the duty of preparing all lists and making all plats and setting apart to the State the swamp lands to which se was entirely gratuitous. It was further urged that " The present plan of taken evidence ex parte be entirely dispensed with, and that the agent of the Government and the agent of the State, acting together be empowered to take proofs of the character of lands claimed under this grant, receiving such evidence as the department may require and passing upon its sufficiency, all of this to be supplemented by their own observations and examinations - --- the proofs to be prepared in accordance with apt land suggested by the Interior Department and accepted by the State, and the decision of the two agents, acting together, upon proofs thus prepared to be accepted as final, and insure issuance to the State of patents for all undisputed lands, providing the evidence accompanying each report be sufficient to sustain it." In all cases of disagreement the character of the land in dispute might be determined by such other method as the law might provide.

It would seem that by the adoption of some such plan as the outlined above, two energetic agents might in one season examine and pass upon almost the entire swamp land grant of the State. Concerning the possession of the great bulk of the swamp and overflowed lands as against the State, there is no contest whatever, and the character of the lands is the only question to be considered and determined. The longer, however, the settlement of the question is delayed, the greater are the complications which are likely to arise. Nearly all of the swamp and overflowed lands which have been surveyed have been selected by the State and proper proofs of swampy character forwarded. The delay, however, of the General Land Office to act upon these selection is tempting many to file upon these lands I and the different United States local land offices and appear as contestants against the State. These complications should, if possible, be avoided and a speedy settlement of this long vexed question be secured. The acquiring of a great area by the State, seems now, from every point of view, to be of less importance than the immediate determining of the title of the State and the securing of quiet possession of those claiming under the State, and to relieve settlers claiming under the homestead and pre-emption laws from the expense and delays incident to a contest with the State.

INSANE ASYLUM

At the commencement of my term of office, the building at present occupied and known and the Oregon State Insane Asylum was incomplete. The insane of the State were under the care and control, at East Portland, of Mrs. J. C. Hawthorne and Dr. S. E. Josephi, as representatives of the estate of the late Dr. J. C. Hawthorne, who for so many years had, under contract with the State, cared for these Helpless wards. The Legislative Assembly, at its last session, authorized the Governor of the State to extend the contract with Mrs. Hawthorne and Dr. Josephi for keeping the insane until such time as the state asylum building should be so completed as to warrant the removal of the patients thereto. The date of the completion of the asylum building could not be definitely determined, and owing to the remarkably busy season and the unusual demand, elsewhere, for labor and material of all kinds, the building was not in readiness so soon as had originally been contemplated by the architect. A contract, however, was entered into with Mrs. Hawthorne and Dr. Josephi, for the care of the insane until such time as the State might be able to assume control, it being conditioned that the State should give ninety days notice of their readiness to assume the care and control of the patients.

The insane asylum building was reported by the architect to be in readiness for the reception of the patients late in October, 1883, and preparations for their immediate removal were made by the Board of Trustees of the asylum, consisting of the Governor, Secretary of State and State

Treasure. The removal was successfully accomplished, without accident, on the 23rd and 24th days of October, 1883. Thanks are due to Dr. Josephi and Mrs. Hawthorne, for courtesies extended and advice and assistance rendered at the time of the removal of the patients, and too much credit cannot be awarded to Hon. John Kenworthy and Mr. W. J. Beatty and their assistants, for the efficient services upon the same occasion.

The number of patients received at this time was 268 males and 102 females. Among the patients thus received were the insane of Idaho Territory, who had been previously kept, under private contract, by Dr. J. C. Hawthorne and his successors. Just prior to the removal of the patients to Salem, a contract was entered into with the authorities of Idaho for the keeping of the insane of that Territory, at our State asylum, for the sum of \$6 per week per capita. The authority for entering into this contract is not clear. The insane of the Territory, however, had been cared for under private contract with Dr. J. C. Hawthorne and his successors, and it was the desire of the authorities of Idaho, that, upon the final transfer of the Oregon insane to State control, the insane of the Territory should find a home in our State asylum, unto other provision for their care could be made. In view of this fact, and the further fact that the Idaho insane could be cared for at a reasonable profit to the State and without detriment to any interest, whatever, that contract named was entered into.

For the care and maintenance of these patients, from the date of their reception to the 1st day of November, 1884, there has been paid into the treasury of this State, by the Territory of Idaho, the sum of \$4,705.72.

Owing to extreme dry weather and a general shortness of crops in 1883, almost all kind of produce necessary for the use of the patients was scarce and unusually high. The asylum farm was not at that time in a condition to furnish needed supplies. It was necessary to purchase from private parties, almost everything needed, and the various disadvantages usually arising at the inception of every new enterprise, tended to make the expenses of the institution excessive. It is gratifying to note, however, that notwithstanding these disadvantages, the cost per capita for the keeping of the insane since their removal to the State asylum, has been reduced to less than \$3 dollars per week, a saving of more than \$2 per week upon former contract prices. It is confidently believed that with the experience of the past year, and with added facilities for the raising of supplies upon the asylum farm, the cost of the management of the institution will be still further largely reduced in the future. This reduction of expenses has not been at the expense of the comfort of the patients. The asylum building was modeled upon the best plans and could scarcely be improved upon, and in the matter of food, clothing and medical attendance the condition of the patients is all that could be desired.

I would respectfully urge upon you the necessity of construction a water main for the asylum to connect with the penitentiary pumps. The present supply of water , which is furnished by a main belonging to the State Agricultural Society, is inadequate to meet the wants of the asylum and proper precaution against fire require the construction of a new main. The health of the inmates of the asylum, as well as the health and comfort of the residents of the neighborhood, urgently calls for the construction of a sewer to connect the asylum with main sewers of the City of Salem. For further recommendations in regard to the needs of the asylum, you attention is called to the report of the trustees and that of Dr. H. Carpenter, the Medical Superintendent.

STATE PENITENTIARY.

For a detailed statement of the management of the State Penitentiary during the two years last past, you attention is respectfully called to the report of the Superintendent.

At the last session of the Legislative Assembly, a law was passed authorizing the Superintendent of the Penitentiary to contract for the leasing of convict labor, at a rate of not less than 40 cents per day for each convict. Under the authority conferred by this law, a contract was entered into between the superintendent and Messrs. Goldsmith and Lowenberg, of Portland, whereby the latter agreed to employ all of the convicts fit for labor and not needed for the purposes of the state. In order to make this contract available, it devolved upon the State to erect building suitable for shops. Without some such step the utilization of the convict labor was impossible. For the erection of shops the sum of \$2,000 was appropriated at your last session. After the adjournment of the Legislature it was found that the appropriation was entirely inadequate to meet the requirements. Additional shops have since been erected to meet what appeared to be an absolute necessity. A detailed statement of this matter will be found in the report of the Superintendent.

Upon my assumption of the duties of Governor of the State, I found that in the conduct of the Penitentiary in preceding years various additions and repairs had been made in the buildings and upon the grounds from time to time, sufficient only, however, to bridge over present necessities. Few, if any, of the changes and repairs made were of a permanent character. Repairs had been made pairs evidently with the idea of answering a temporary purpose, and to meet the requirements of the institution until such time as the State might be able to incur the expense of additions and improvements of a more permanent character. So far had this course been followed, that the security of the prison was endangered. A general overhauling was found necessary, and provision for additional cell room became an absolute requirement. As the report of the Superintendent will show, the number of convicts had increased from 178 on August 31st, 1882, to 256 on September 7th, 1884. Since the last named date the increase has been in equal ratio. In view of this lack of facilities for the accommodation of the rapidly increasing number of convicts, one of three things became necessary: The incurring of an indebtedness for additional accommodations; the pardon and discharge of an unwarranted number of the inmates of the prison; or the convening of the Legislature in extra session to provide measures of relief. Deeming it the only prudent and economical course, it was resolved to provide additional cells, and trust to the Legislature at its present session for the means to meet the expenditure thus uncured. Forty-four additional cells and three dungeons were thus provided for, and yet, notwithstanding these additional accommodations, the prison is so crowded as to interfere with the discipline as well as the comfort and health of the inmates. I respectfully urge upon your attention the suggestions of the late Supt. Stratton, in regard to this matter, and cordially approve of his recommendations, that a wing be added to the prison upon the east side, and that a brick stockade be erected about the grounds. Additional protection is imperatively demanded, and the wisest economy, it appears to me, requires that the stockade should be built of brick. The management of the Penitentiary during the past two years has been efficient and economical. The officers have been diligent in the discharge of their duties, guarding well the sanitary condition of the inmates, so that, notwithstanding their crowded condition, no epidemic or contagious disease has made any inroads, a result which is largely due to the competent medical service provided. The food had been abundant and substantial, and the discipline, while exact, has always been tempered with mercy. Only upon one occasion has there been a serious attempt upon the part of the convicts to escape from the prison, and this was met in such a manner that a repetition has not been attempted. This outbreak occurred on the 3rd day of July, 1883, and of the number engaged in it, 14 persons escaped from the prison yard. Four of these were shot down by the guards, and died instantly, or within a few hours. One other was killed in an attempt at his recapture, two or three were wounded, and but for this connection, that the guards showed in the affair a commendable coolness and determination, and that the taking of life was remanded to prevent a general stampede of the convicts. The report of the Superintendent is made out with such fullness, that any detailed

reference upon my part to the internal management of the Penitentiary would be superfluous. The disadvantages under which he has been compelled to labor, and the slightly increased expenditures which have been necessary in certain departments of his work, are fully and satisfactorily set forth in his report.

Submitted herewith is a report of the pardons, commutations and remissions granted for the period beginning September 12th, 1882, and ending December 31st, 1885.

A very large number of the inmate of the prison constantly have petitions on file in the executive office, asking for their release. These petitions are usually largely signed, and not infrequently contain the names of all or a majority of the jurors by whom the petitioners were convicted. I have seldom felt at liberty to grant the prayers of these petitioners, excepting where there was a showing of newly discovered evidence, tending to show innocence, or strong mitigating circumstances. In almost every case the recommendation of the judge and District Attorney by whom the petitioner was tried, has been required. The number of these petitions that have been denied admonish me that perhaps injustice has been done in occasional cases, and considering how important to every man are all questions affecting his life and liberty, the determination of these questions should not finally rest in one man. The responsibility is too great, and the likelihood of securing exact justice would, in my opinion, be increased by the creation of a Prison Board, with power to consider all petitions of the kind named, and report their conclusions to the Governor. Other powers and authority relating to prison management might be conferred upon this Board. The number of these petitions that have been denied admonish me that perhaps injustice has been done in occasional cases, and considering how important to every man are all questions affecting his life and liberty, the determination of these questions should not finally rest in one man. The responsibility is too great, and the likelihood of securing exact justice would, in my opinion, be increased by the creation of a Prison Board, with power to consider all petitions of the kind named, and report their conclusions to the Governor. Other powers and authority relating to prison management might be conferred upon this Board.

REFORM SCHOOL

One of the most important matter to be considered by you is the provision of some place fore the care and proper education of youthful criminals, many of whom have never had, or have been deprived of, the comforts of a home, and for want of restraining influences have begun a career of crime. There are numbers of the young in almost every community virtually houseless and homeless, denied many of the most ordinary comforts of life, who are rapidly being schooled in vice and who can only be saved from a career of crime and shame by some act upon the part of the State looking to their reclamation. Forty-four boys under the age of 20 years have been sent to the penitentiary of this State during the past two years. One of these is but 13 years of age, and twenty-five of them are under the age of 17 years. Once there they are compelled to consort with the most depraved criminals. The Influences are necessarily bad, and they are likely to leave the prison at the expiration of their terms of sentence, not improved, but rather hardened and more depraved. The strong arm of the State should be extended for the salvation and protection of this class. Suitable provision for their education and elevation is, in my opinion, imperatively demanded.

CONCEALED WEAPONS

A prolific source of crime is the too common habit of carrying concealed weapons. The presence of a weapon in case of personal encounters always presents a strong temptation for its use, and such use in the heat of passion has come to be too lightly regarded. Anything is to be commended which will tend to repress and restrain this too prevalent habit. If the mere carrying of a concealed weapon were, in public estimation and under the law, branded as

criminal, fewer instances of justifiable homicide would be reported from our courts. A stringent law upon this matter is recommended.

PUBLIC INSTRUCTION

The report of the State Superintendent of Public Instruction is so full and complete that little remains to be said upon topics therein discussed. Your attention, however, is called to the importance of devising some plan by which the rural communities of the State may more generally enjoy the advantages of our common school system. As compared with our more populous districts they work at a constant disadvantage and are denied their proper share of the proceeds of the school tax. The moveable property, for instance, of all of our transportation companies is taxed the same as the home office of such companies, while the entire county traversed by their rolling stock contributes to their support and assists in swelling their revenue. Some more equitable plan should be adopted whereby the school tax levied upon such rolling stock and other corporate property, might be more satisfactorily apportioned. An education is now within the reach of the humblest and poorest citizen of our State, and it behooves us in every way to foster and encourage our common school system and to legislate wisely for its maintenance and protection. Under the liberal provisions made for our public schools the pathway is made clear for the child of the farmer, mechanic and laborer to any position of trust or honor, and whatever can be done to build up and strengthen the schools of our sparsely settled districts will bless the State at large, and tend to strengthen her whole system.

The reports of Hon. M. P. Deady, President of the Regents of the State University, and Prest. B. L. Arnold, of the State Agricultural College, which are submitted herewith, are so complete that extended reference to these institutions would be superfluous. Their management is dealt with in detail, and the results reported are such as to show the wisdom of the State in their establishment. The importance of fostering and encouraging these, the only two Educational Institutions receiving State aid, need not be impressed upon you.

NORMAL SCHOOLS

The two State Normal Schools, situated respectively at Monmouth and Ashland, are reported in a flourishing condition. They have grown in public favor. Their geographical situation renders them of easy access by rail at all seasons of the year, and their locality in the heart of communities known for intelligence and morality, adds to their efficiency.

SCHOOL FOR THE BLIND

I take the pleasure of calling to your attention the report of the Superintendent of the Institution for the Blind, and bespeak for this school your most favorable consideration. The high character of the gentleman who directs the affairs of the school, calls for a careful consideration of the suggestions contained in his report, and common humanity challenges sympathy for the unfortunate inmates of the school, and will move you to make the appropriation necessary for their care, comfort, and education.

SCHOOL FOR THE DEAF AND DUMB

For the School for the Deaf and Dumb, I invoke the same kind and generous consideration. The present Superintendent, Rev. P. S. Knight, has for years labored in his capacity as such Superintendent, to promote the efficiency of the school, and to advance the comfort and happiness of the inmates. Many obstacles have in years past beset the pathway of this institution, the chief of which have been want of funds and a lack of proper building accommodations. Owing to the active efforts of the Superintendent, grounds have been secured and commodious buildings for the school provided. Provision for the proper education of the deaf and dumb, as well as the blind, is a public duty. It is the province and duty of the State to

extend a helping hand to those to whom nature has denied the capacity to help themselves. If these institutions merit your consideration and are entitled to public support, we trust that no false notions of economy will prevent the appropriation of amounts sufficient to carry them on in a proper way, so that their efficiency may not be impaired, as it has sometimes been in the past.

WILLAMETTE VALLEY AND COAST RAILROAD COMPANY

An act of the Legislative Assembly approved October 24th, 1874, provided that "there be and is hereby granted to the Willamette Valley and Coast Railroad Company, or its assigns, all the tide marsh lands situated in Benton County," &c., &c. The terms upon which this grant was to become irrevocable were set forth in full in the body of said act. "Among other provisions it was required that said company should fully complete and equip said railroad line from Corvallis to tide water on the Yaquina Bay in said (Benton) County within five years from the approval of said act by the Governor."

By an act approved October 14th, 1878, the previous act of October 24th, 1874, was so amended as to provide that when the president of the Company constructing said road "shall notify the Governor, under oath, that ten miles of said Railroad have been completed then the Governor shall appoint three commissioners to examine the same, and if said commissioners shall report that ten miles of said road have been completed in a good, substantial manner, and furnished with the rolling stock and equipments of a first-class standard gauge, or narrow gauge Railroad, then the Governor shall cause the lands granted by the first section of the above recited act to be surveyed, designated and set apart for the benefit of said Company." The last named act further extended the time for the completion of the road for six years from the approval thereof.

In pursuance of the requirements of said act, Mr. T. Egerton Hogg, President of the Willamette Valley and Coast Railroad, under date of August 22nd, 1884, gave under oath to the Governor the notice required of the completion of the first ten miles of said road. I thereupon appointed, September 3rd, 1884, Messrs. John Minto of Marion County, R. B. Cochran of Lane County and Jeremiah Hinkle of Benton County, Commissioners to examine said road as provided by the act. They at once proceeded to the work of examination, which was made by them on the 6th day of September 1884, and reported that "ten miles of said Railroad have been completed in a good substantial manner, and have been and are furnished with the rolling stock and equipments of a first class standard gauge Railroad; and in particular that the grade of such road has been well and substantially made, and laid with steel rails from the Krupp & Barrow Rolling Mills of fifty pounds weight to the yard, that the trestles are of good and accurate workmanship and first class in all respects, that the equipment consists at present of three first class 48-ton locomotives from the Rogers works, one 50-ton locomotive from the Danforth works and one 20-ton locomotive from the Grant works, and a full Manufacturing stock of passenger coaches and freight cars from the Wasson Car Manufacturing works sufficient for a considerable traffic; that the Railroad in question is provided with terminal facilities, round house, car shops and other necessary and appropriate buildings." This report having been duly filed in the Executive Office, Mr. Wm. M. Hoag, First Vice President of said Company, made a formal application for the appointment of a surveyor to survey such lands as the Company might be entitled to under this act. It appearing however that the act did not contemplate that the expense of such survey should be borne by the State of Oregon, no surveyor was appointed, by me until assurances were received from said Company that the expenses of the survey would be borne by them and that the State would not be held responsible therefore. Said assurances having been given, Mr. Geo. Mercer, County Surveyor of Benton County, was authorized to proceed with the survey. His commission set forth briefly the provisions of the act relating to the survey and instructed him that "said survey should connect with and conform to the surveys of the United States

adjoining thereto, ---- that the lands included in said survey should be so fully described as to be readily identified, and that field notes giving the courses and distances and describing the character of the different tracts should be carefully prepared, and that copies of all field notes and plats of all tracts surveyed should be forwarded to the Executive Office without delay." It is understood that the work of surveying is being prosecuted but no report has been returned to the Executive Office and fuller information upon this matter is not now available.

THE NEW ORLEANS EXPOSITION

Since the last assembling of the Legislature there has been projected at New Orleans in exhibition know as "The Wold's Industrial and Cotton Centennial Exposition," which is now in progress. It has received the endorsement and patronage of Congress and it is understood that every state and territory of the Union has prepared and forwarded an exhibit. No law or appropriation has been made authorizing me to incur any expense in the way of preparing and forwarding an exhibit. However, out of the \$1,000,000 loaned by Congress for the purposes of the Exposition, there was appropriated by the board of management of the Exposition the sum of \$5,000 for each state, to be used "for the purpose of aiding in gathering, preparing, transporting and displaying as collective exhibit of the natural resources" of such state.

Hon. Jacob Mayer, of Portland, and Hon. J. D. Lee, of Polk county, were duly commissioned by President Arthur as Commissioner and Alternate Commissioner respectively, for this State. Owing to inability to attend to the duties of the place, Hon J. D. Lee tendered his resignation as Alternate Commissioner, and upon the recommendation of Mr. Lee and others Rev. T. B. White, of Albany, was commissioned in his stead. Mr. Mayer secured the assistance of Hon. J. W. Crawford, of Salem, to act in his behalf in the collection, and in the forwarding of Oregon's exhibit. T> F> Oakes, Esq., vice president and manager of the N. P. R. R., on their behalf, telegraphed me that the whole of the Oregon exhibit would be transported over the line of that company free of charge, and the same courtesies were extended by the O. R. and N. co., and the O. and C. R. R. Co. The assistance of E. W. Allen, Esq., late superintendent of the Mechanics Fair at Portland, and of M. Wilkins, Esq., late president of the Oregon State Agricultural Society, was secured to accompany the shipment to the Exposition. These gentlemen, together with Mr. J. C. Swash of Union county, were named as Assistant Commissioners and are all now in attendance upon the Exposition. A small appropriation may be asked at your hands to make up any deficit that may arise on this account, but upon this point I am no advised. As the placing of this exhibit will tend to advertise our resources to the world and diffuse information concerning the State, we think that a request for an appropriation to meet any proper and reasonable deficit should be favorable considered.

IMMIGRATION

The Executive Office is constantly receiving applications for information in regard to the resources of our State. These applications come, not only form all parts of the United States, but form foreign countries. Besides inquiries made by correspondence, tourists and travelers visiting our State make frequent application for publications giving reliable descriptions and information concerning our climate, soil and general resources. Many of the letters received are from business men representing capital and speaking for large numbers who contemplate making their home in this State. The money thus seeking investment could be employed here in various profitable industries, and the large numbers who contemplate making their homes upon this Coast would prove a welcome accession to our population. To encourage an increase in wealth and population is the policy of every progressive State, and a small appropriation for the purpose of furnishing reliable inf0ormation concerning our resources would certainly prove to be "bread cast upon the waters." Nature has done much for us and the completion of the various transcontinental railroad lines has attracted universal attention to our State, but with out proper effort upon our part, other States and Territories, with fewer attractions of natural wealth, will

secure that which is justly ours. Commonwealths that had scarcely and existence at the date of Oregon's admission into the Union, have already far outstripped us in the race for wealth and population. They have don't this by advertising their resources to the world. There is no publication of recent date and no comprehensive compilation of statistics to which the attention of the inquirers can be directed, and there is no recognized source to which they can apply for such information as the desire. Even those who have already come into the State and are at our very doors, often turn back and are lost to us for the reason that the cannot even here within our borders, secure complete, impartial and trustworthy information. There should be some authorized publications that would meet the inquiries of those contemplating a residence in the State, and such publication should be so places as to be of easy access to those for whom they are intended. The Portland Board of Trade has recently organized a Bureau of Immigration and is doing gratuitous and effective work in this direction. Reliable statistics, compiled by authority of and paid for by the State, and placed in the hands of the Board and of other associations and individuals, would meet the demands of all inquirers and prove a source of advantage and profit to every section.

Bearing an intimate relation to the question of immigration is that of agriculture, at present the chief employment of our people. It would seem that the time had arrived for us to move in the establishment of something in the nature of a Board of Agriculture. This would serve the double purpose of arousing those engaged in this pursuit to a proper sense of the importance of their vocation and the dignity of their calling, and thus assist in importing our agricultural methods and would lead to the dissemination of valuable information. The importance and necessity of such a Board is left to you judgment, and such legislation as is proper upon this subject will doubtless meet your cordial support. Whatever might be done to build up this great interest, to add to its importance and stimulate it's growth, will build up other interests and redound to the advantage of the entire State. In this connection it is proper to consider the work of the State Agricultural Society, Which has heretofore, gratuitously published and circulated large numbers of pamphlets setting forth the resources of Oregon. This institution was founded be the farmers of the State and for more than twenty years has been conducted chiefly under their auspices. During that time it had done a work of material value and is entitles to the respectful consideration of your Honorable Body, and we trust that such encouragement of its work as may seem wise in you judgment and such aid in that work as may be legitimate, will be freely bestowed.

FISH

Some legislation may be asked, looking toward a change in the present law relative to the protection of salmon fishing. The subject is one that the first consequence, is nearly one-third of the exports of the State is credited to this industry. AN indiscriminate abuse of the privilege of fishing is liable to work a serious detriment, and proper safeguards for the protection of this industry should be provided. Without any limitations upon the privilege of fishing, its total destruction would be but a question of time. In the older States, whose streams in the early days so abounded in fish that they were considered inexhaustible, there is now a comparative scarcity and perhaps not one is entirely stocked with native fish. As large numbers of our people depend entirely upon fishing as a means of livelihood, and as its fate as a permanent industry depends largely upon the safeguards thrown about it, it is to be hope that that this subject will receive the most careful attention at your hands.

At the last session of the Legislature there was appropriated the sum of \$5,000, for the construction of a fish way and ladder at the Willamette falls, and the Governor was authorized to appoint a Commissioner to superintend this work of construction. In accordance with the authority thus conferred, Hon. Wallace Baldwin, of Benton county was appointed such

Commissioner. Since his appointment he has been diligent in his efforts to accomplish the object sought. It was found however, after an examination and through survey of the falls are Oregon City, that the appropriation was entirely insufficient to accomplish the desired work. As no part of the appropriation could be used until the work was completed, and as the appropriation was insufficient for this purpose, no work except of a preliminary character, such as the making of a survey and the drawing of plans could be accomplished. As the completion of the proposed fishway and ladder is of great importance, I recommend the appropriation of a sufficient sum for that purpose. Your attention is respectfully called to the report of Mr. Baldwin, which is presented herewith.

PUBLIC BUILDINGS

IN the near future the State should take steps looking to the completing of its public building. During the last session of the Legislature a bill was introduced providing for diverting the one mill tax originally levied for the building of the State Insane Asylum towards the completion of the State Capitol. This tax had served its original purpose and left a surplus which might appropriately have been applied toward completing the Capitol. The bill, however, failed. The levy still remaining in force there is now in the treasury to the credit of this account the proceeds of the levy. Could the accumulation from this tax, now on hand, be diverted to that purpose and the tax levy remain for two years longer, the fund would be ample for the completion of the building. A reasonable state pride would prompt the step, and no objection, as I believe, can be urged upon grounds of extravagance.

CORPORATIONS

The doctrine holding corporations strictly responsible for all liabilities under the law and recognizing the right of legislative bodies to impose reasonable limitation upon corporate powers, has been firmly established. There should be, and there need be, no conflict between corporations and the people. Properly understood, the true interests of both go hand in hand. There is, however, a public demand for legislation to remedy certain existing evils, and to prevent unjust discriminations. To determine what legislation will correct existing abuses without working injustice either to the people or the railroad and other corporations, requires a knowledge of the expenses, responsibilities and various disadvantages incident to the management of such corporations and a clear understanding of the abuses complained of. Discrimination in rates of transportation may build up or destroy cities and agricultural communities. Favoritism for a place or an interest may impoverish or destroy other places and other interests. The substantial business interests of the State require that the rendering of a service for one patron should rest upon the same footing as the rendering of like service for another, and legislation to accomplish this end is demanded. In framing legislation upon this subject ample field is afforded for the exercise of the highest wisdom of the lawmaker. The business of the carrying companies of the county is one which touches every interest of the community. The merchant, the mechanic, the laborer and the farmer are equally interested in demanding that whatever laws are enacted affecting their complex interests should be based upon exact justice and the most enlightened policy. IN the legislation of our sister States it has sometimes happened that measures which were intended to prevent oppression and remedy admitted evils became the cause of greater injuries to the producing class, than those sought to be remedied. I doubt not that measures as, while having due regard for the rights of the corporations on the one hand, will on the other afford to the people adequate protection against the abuses of corporate power.

STATE MILITIA

There is upon our statute books a law providing for the organization of a State militia. Our law upon this subject is, however, imperfect and comparatively inoperative. There is no fund

appropriated for carrying into effect its provisions, or for meeting the legitimate expenses of a well organized militia. Under the law as it stands there is little to foster and encourage military pride and spirit. If it is the policy of the State to maintain a military force, provisions should be made for doing so in an efficient manner.

ASSESSMENT

The assessment law passed at the last session of the Legislature was returned without my approval for the reason that it repealed a portion of the existing law and made for provision for collection revenue during the time elapsing between the passage of the act and ensue during the time elapsing between the passage of the act and the period at which certain of its provisions were to go into effect. Determination of the mode and amount of assessment, as well as the means to be used in the collection of taxes, is the most important matter coming within the purview of legislative authority. Tax upon polls and property being our chief source of revenue, the adoption of an equitable and efficient system of assessment is a matter of vital concern to every business interest. It is idle to argue upon the importance of the matter. The question that concerns the law maker is one of methods. No legislation is regarded with more jealousy and suspicion than that which relates to the amount and kind of property to be made liable for taxation, the amount of tax to be levied, and the mode of performing the service of collection.

No one disputes the proposition that taxation should as far as possible bear upon all interests alike and that it should always be limited to the necessities of an economical administration. Our constitution provides that "the Legislative Assembly shall provide by law for a uniform and equal rate of assessment and taxation of all property, both real and personal." To tax any one kind or species of property at less than its value, and thus discriminate against other property, is so palpable a violation of the letter as well as the spirit of this instrument as to merit universal condemnation, and yet the constant tendency is in this direction and the wisdom of all our law makers in the past has not been equal to the task of securing equity and uniformity. The law makes it your duty as member of the Legislative Assembly to prescribe such regulations as will secure just valuations of all property not exempt from taxation by the provisions of the statute of the constitution. There is, however, almost universal and, as I believe, well grounded complaint of irregularity, inequality, and injustice in assessing and of inefficiency in the work of fixing the real taxable value of certain classes of property, notably real estate and railroad property, and property covered by mortgage liens. It requires an appropriation of at least \$200,000 per year to carry on our State government, and this amount must be raised by taxation whether the property of the State be assessed as at present at \$78,000,000 or at its real value which is at least \$150,000,000. At the low valuation fixed by the assessors, the levy must be double what it would be if property were assessed at its real value. It is the same to the tax payer, whether the rate of taxation be higher and the value assessed lower, or the taxation lower with a corresponding rate of increase in the valuation, but to the inquirer abroad who may think of seeking a location in our State it appears far better where the property of the State is reported at its actual valuation and the rate of taxation is low.

I can but suggest these facts and leave the remedy to the practical judgment and experience of you, Senators and Representatives, fresh from daily contact with the whole people of the state, and familiar with the workings, in your various localities, of our present inefficient system. Until some practical measure is agreed upon and embodied into the laws of the State, providing for an equitable distribution of the burdens of government among all holders of property, subject to taxation, this issue will remain. Such attention to this subject as its great importance demands, is earnestly recommended.

REGISTRY LAWS

Your attention will doubtless be called to the necessity of a registry law. The importance of some legislation of this kind has long been felt. Any measure calculated to prevent and abuse of the elective franchise and to secure complete fairness and honesty in the conduct of our elections, should receive the encouragement and support of every patriotic citizen. Every safeguard possible should be thrown about the ballot-box, so that every citizen may feel, in casting his vote, that it has been cast to some purpose, and will exert its proper influence. Nothing is of more importance to a free commonwealth, to insure its integrity and permanence, than good election laws and a wise and efficient regulation of the elective franchise.

ATTORNEY GENERAL

It is believed that the best interests of the State require the creation of the office of Attorney-General. This has long been the form opinion of those who have considered the disadvantages under which the State labors in the matter of securing legal counsel. It has been found necessary to great such an office in the nearly every State in the Union and the same necessity exists here as elsewhere. Even here, many municipal corporations have the regularly elected or appointed attorneys. In the past, the State has paid large sums as attorney fees, and questions of law are constantly arising in the administration of State affairs in which the advice of a counsel is essential. It is often the duty of the various District Attorneys to appear and act on behalf of the State in cases outside the ordinary sphere of their work. The service thus rendered by them, however, is viewed rather as an incidental matter and does not, and in the very nature of things cannot, receive the attention which should be given to it. In which are constantly arising in the administration of the affairs of the State, the creation of this office is of the utmost importance, and action upon this question upon your part is recommended.

APPORTIONMENT

In my inaugural I called attention to the importance of a new apportionment in the membership of the Legislative Assembly, based upon the last preceding government census. No action upon this question was taken by the last Legislature, and I trust that the matter will receive your attention. Our State Constitution, article 4, section 6, provides "that the number of Senators and Representatives shall, at the session next following an enumeration of the inhabitants by the United States of this State, be fixed by law and apportioned amount the several counties according to the number of white population in each." N apportionment has been made in this State since the session of 1872. Since that date the relative population of the different counties has radically changed. Under the present apportionment, certain counties have the same representation in the Senate upon a bases of less than 600 votes cast that other counties have upon a bases of between 3,0009 and 4,000 votes cast. A similar disparity exists in the House of Representatives. The injustice of continuing an apportionment which deprives a large proportion of the people of the State of their just representation in the case of legislation is so plain as to require no comment.

CONSTITUTIONAL CONVENTION

Our State has reached a point in its history at which it is apparent that certain changes in its Constitution are desirable. The wants of the State are in many respects entirely different from what they were at the date of the adoption of our present Constitution. In all of its various internal affairs, as well as in its relation to the other States of the Union and to the world at large, radical changes have occurred. To meet this new order of things many changes, not only in our statutes passed under authority of our present Constitution, but in the organic law itself, are demanded. I am aware that the adoption of a new Constitution is often fraught with many dangers and the responsibility of those charged with a work of that kind is very great. No time is more propitious, however, for such a work than while the people are not convulsed with any great overshadowing question. Under such circumstances they are able to address themselves

to the task with a full sense of the responsibility resting upon them and unbiased by strong partisan consideration such as have sometimes marred the work of our sister States. It is unnecessary to call particular attention to the many changes in our Constitution which appear to be desirable.

LEGISLATION

By the terms of our Constitution it is provided that members of the legislature shall receive pay for no more than 40 days during any one session. The compensation is small and there are few members that desire or can afford to remain in attendance upon a session longer than the time prescribed. The time at vest is short. In tow terms our of three the interest and excitement incident to the election of a U. S. Senator is naturally attended with neglect of other important subjects, and undue hast in the dispatch of business in the closing days of the session. To avoid this evil of hasty and poorly considered days of the session. To avoid this evil of hasty and poorly considered legislation it is important that you should apply yourselves promptly and vigorously to mature and prefect the most important legislation at the earliest practicable moment. By so doing an opportunity is given to all to examine and acquire and understanding of such measure as they are called upon to consider, and the work of both the Executive and the Legislative Departments is better matured and likely to better meet the wants of the people.

Although having called attention to a number of important matters that will require your consideration, I have doubtless omitted mention of many that may present themselves to you. I can only assure you of the willingness of the Executive to join in whatever legislation may be deemed necessary or expedient. The people will closely watch our work as public servants and intelligently criticize. Let us guard well against any appropriation of the public moneys not required for the needs of the State, and if possible enact only such legislation as the public service demands. Called, as we have been, by the people and from the people, to discharge important public trusts, let us consider well the importance of our work and the high responsibility which attaches to it, trusting that under the guidance of the Divine Ruler error may be avoided and the best interests of the State subserved.

Z. F. MOODY