



## Oregon State Archives

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## GOVERNOR THEODORE T. GREER ADMINISTRATION

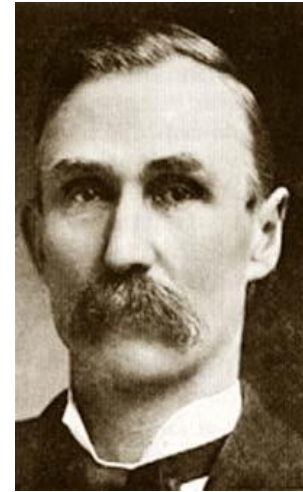
January 9, 1899 to January 14, 1903

### Inaugural Message, 1899

Source: Journal of House of the Legislative Assembly, 1899, Governor's Inaugural Address, Salem, Oregon, W.H. Leeds, State Printer, 1899.

### INAUGURAL ADDRESS OF GOVERNOR T. T. Geer TO THE TWENTIETH LEGISLATIVE ASSEMBLY 1899

Elected by my fellow citizens to serve them during the next four years as their chief magistrate, I come before you to assume the official obligation which requires me to support the constitution of the United states, the constitution of the state of Oregon and to see that the laws shall be faithfully executed. Deeply conscious of the great responsibility attaching the position which has been assigned me and profoundly grateful for the expression of confidence in me, which has been so generously shown, I approach the performance of my new duties with a clearly defined ambition and intention to serve all the people of Oregon with fairness and with fidelity.



IN compliance with a constitutional provision which requires the legislature to meet every two years, you are now assembled for the purpose of considering the wants of the people and of improving their condition wherever it is possible by legislative enactment. By virtue of another requirement of the same instrument it is made the duty of the executive to give an outline of the measures which, in his judgment, should engage the attention of the legislature. In obedience to this mandate, I will ask your consideration of a few suggestions, the heeding of which it is thought will subserve the best interests of the people. Your biennial assemblage is not to be regarded as a period of recreation, but rather as one of the work and application. Your coming together is simply a plain business proposition. You are ninety men bearing the great distinction of having been chosen to transact important business for 500,000 people, and the same adherence to the principles of economy that governs you in your private matters should guide you with double force in the care and expenditure of public money, while ours is believed to be one of the most economically administered state governments in the union, the fact furnished no reason why still further reductions should not be made wherever possible.

Fortunately, as it seems to me, there is no demand and, therefore, not necessity for any great amount of general legislation. The condition of the state does not require it. Not radical changes are needed anywhere, and during the pending session I advise every legislator to be careful as to what public or private interest he undertakes to affect by his proposed legislation. The most searching investigation would find it difficult to recall a period during the past twenty-five years when there was so little adverse criticism of existing conditions by the people or the press, or when there was so little demand for any kind of new legislation. The general trend of our law-making efforts during the last few years seems to have been in the interest of the people, and since the work is governed too much anyway, you can, perhaps, pursue no safer policy than to accomplish what little legislation seems necessary within the next thirty days and adjourn without further expense to the state or yourselves.

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This consummation is not only desirable, but feasible, in view of the work already done by your honorable bodies during the special session in October last. The same industry shown during the next thirty days would easily meet all the demands of the people, and it is, therefore, earnestly hoped that you will give them a shorter session than the constitutional limit of forty days. Each day you are at the capital, whether in session or not, costs the state more than \$1000, and since your own compensation is too small to offer any inducement to remain longer than the public interest actually requires, it is hoped that the general wish for an early adjournment will be granted. During the special session in October you appropriated \$28,000 for your own expenses besides \$40,000 for a legislative abortion two years before for which the people did not receive so much as one cent in return. In view of this, it is hoped that we are not now confronted by another appropriation of \$40,000 for a full forty days' session. The various committees appointed to pursue certain lines of investigation during your vacant have worked diligently and their reports, being now ready, will materially advance your work at the outset. As a rule, the best legislative results are job or ill-advised measure succeeds it is always the product of the leisure time which the longer session affords. I am extremely anxious that this legislature shall make a record that will meet the approbation of the people, and there is not a taxpayer in the state who would not speak approvingly of an adjournment at the end of a thirty days' session.

It will not be possible to do so, however, if the usual custom of introducing a flood of bills on all conceivable subjects is to be perpetuated. The number of bills introduced at the average regular session almost, if not quite, equals the whole number of laws on our statute books; and since few of them are of an original nature it follows that, as a rule, they are simply attacks in one form or another, on existing laws. No sooner does the common citizen become acquainted with what the law is, than a subsequent legislature changes it, and he finds himself in trouble before he knows it. Even the practicing lawyer, with the aid of a large library and the help of the courts, finds it difficult to fathom the meaning of the average legislature, and when this is so what is to become of the working man in the foothills of a distant county who has no assistance in the matter but his weekly newspaper?

The interminable multiplicity of conflicting laws is the curse of our legislation, both state and national, and burdens our judiciary whose principal business is to interpret obscure or ambiguous legislative enactments. No law should be passed the intent and effect of which cannot be easily understood by the plain citizen who is patiently building himself and family a home in a remote part of the state and thus upholding and strengthening the outposts of civilization. The laws passed here are for his government; he represents a class of people to which nine tenths of our fellow citizens belong and to whom we are indebted largely for that subjection of seemingly insurmountable difficulties which gave us originally this magnificent inheritance. This citizen and his class should be in your minds at all times during your deliberations, and especially during the third reading of bills. He is engaged today in that struggle which, if successful, will bring our state to that degree of industrial development which we are all hoping to realize in the near future, but his interests are not represented here save as they find expression in your votes in these two chambers. He is never represented by the professional lobbyist and any kind of crooked legislation always results in his injury.

It would be difficult to find better proof of the excellent condition of our state, even without any additional legislation, than is furnished in a public statement made by the distinguished retiring secretary of state only last year. Among other things he said: "There are fewer state officers in Oregon than in most other states and expenses are on a very economical scale. Most of the taxes collected are to carry on municipal and county governments. The rate of taxation for all purposes, municipal, county and state, is lower than the average in other states, and the assessed valuation of property is not more than one third of its real value, while in nearly all other states property is assessed for taxation at about its full value. For this reason, a 3 percent. Tax in Oregon is only about one third as costly to the owners of real and personal property as is a similar tax to owners of property in neighboring states. The assessed valuation of all property in Oregon for taxation is about \$150,000,000, or little if any more than one third of its real value, so a 3 per cent. on the actual value."

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This is a strong statement, and true, save that as to the tax levy the outgoing board has been compelled to almost double the rate for the ensuing year. This has been found necessary partly because the tax levy last year was too low to supply the needs of the state government, and deficiencies must always be met by an additional tax. Besides, the expenditures authorized by a session of the legislature one year must be charged to the next year. These levies and appropriations necessarily vary from year to year, but this increased tax levy is brought to your attention as a deterrent force in the matter of making appropriation that can, without crippling the state service, be avoided.

It is to be hoped that you will give the people the minimum quantity of legislation at this session. I am disposed to speak with some plainness on this subject for the reason that I have had somewhat extended service in your ranks and have seen and felt and even been controlled by the tendency to be over industrious in the matter of new legislation. It is a mistaken idea to suppose that to meet the approbation of your constituents, you must necessarily be conspicuously active; some times a man's activity results in his own undoing. One of the greatest dangers that confronts you, gentlemen, is the fact that you have forty days at your disposal in which to do less than thirty days' work. The state's prison is not the only place where an abundance of idle time is a sure progenitor of mischief; it is seen in all walks of life.

Assuming, as I believe I have a right to do, that scores on measures are introduced in every session more for the desire to appear industrious than from a sincere wish that they should become laws, the conclusion that it is all wrong is justified by the fact that it goes to swell the expenses of the state printing, --- a source of public expenditure that already amounts to vastly more than it should. Not only so, but it needlessly occupies the otherwise valuable time of the various committees. This thought naturally leads to the further consideration that this buncombe introduction of bills adds greatly to the grievous burden which already bears heavily on the army of committee clerks who are dragged here during every session from their homes in the various parts of the state.

Allow me to say a word here about this matter of clerk hire. My legislative experience reaches back to the regular session 18 years ago and in the meantime I have seen the most meager employment of clerk hire grow into an absolute public evil whose tenacity of life seems to successfully defy the opposition of campaign pledges, platform denunciation and even the public wrath itself. The abuse of this privilege has developed into a public wrong the continuance of which is absolutely without justification, and its abatements, not at some future session, but at this one, involves you a reputation and mine for sincerity in the matter of public promises to the people of Oregon. I can go no further, however, than to call you attention to the necessity for its discontinuance in the interests of public economy and the fair treatment of the taxpayers all over the state who can only support their families by constant toil and exposure. These people should never be forgotten when voting money out of the treasury for any purpose, and when you employ, if you do, an army of clerks for whom there is nothing to do, you do an act for which there is no extenuation whatever.

The people are not niggardly and do not require a niggardly policy at your hands. I believe they are perfectly willing to pay a fair and even a liberal compensation to officers who perform duties for which he is a public necessity, but it has been shown time and again that more than one half the standing committees of either house have no more use for a permanent clerk than they have for a Chinese interpreter.

AS a probable means of securing relief to the people in this matter I have instigated the records sufficiently to discover that in 1880 there were employed in the senate 14 clerks and 10 in the house. There were 268 bills introduced in both houses, giving an average of 11 bills to each clerk. In 1882 there were 28 clerks, all told, with 292 bills, giving an average of 10 bills to each clerk. IN the session of 1893 there were 153 clerks employed to consider 607 bills, or one clerk to consider every four bills. In 1895 there were 155 clerks employed to properly handle 630 bills, or an average of one clerk to every four bills. Of course, it is not difficult to comprehend the mental and physical exhaustion that must be the portion of a clerk who has been compelled to follow the career of four bills through a session in only forty days to do it in.

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IN the session of 1895 the number of senate and house clerks proper was only 138, or 15 fewer than the session previous, but, unfortunately, there appears at the same session a new species called "joint clerks," 17 in number, who drew nearly \$3,000 for "services" and swelled the total number, after all, beyond that of the previous session. To press this question a little nearer home, gentlemen, it becomes necessary to say that while the character and quantity of your work in the special session was very commendable, you employed in both houses 110 clerks to take care of 162 bills, or only one bill and a half to each clerk. The cost of this service was \$7,457 or \$61 for each clerk and \$46 for each bill.

Now, admitting that a number of these clerks were employed on investigating committees, the fact will still remain that the average task of each clerk was to look after not more than two bills, and most of these failed to become laws. WE would be compelled to go a long way before finding a taxpayer who would grow enthusiastic in support of this sort of business.

The entire reformation of this abuse can be accomplished by a concurrent resolution providing for the appointment of a chief clerk, under whose direction a force of committee clerks could be detailed for service from committee to committee, as application might be made to him by the chairmen of the different committees. There can be no doubt that 50 clerks employed steadily for eight hours each day could easily do all the clerical work required at any session of the legislature.

But there is another abuse which has been growing from year to year, and which has still less basis for justification from any point of view. I refer to the appointment of committees to "revise the journals" of the two houses after adjournment. I have served on two such committees and know from experience that they are absolutely worthless as a means of securing the object for which they are ostensibly intended. How is a committee to know when a mistake is found in the proceedings on a certain day, when perhaps six weeks have elapsed since the proceedings were had? And when it is thought a mistake has been discovered, what right has any member of the committee or the committee itself to interpose its recollection as against the record itself? I have never known an instance where this has been done in a case where the correction was of any consequence whatever. The power given to such a committee by the resolution authorizing its appointment is absolute, without any qualification of any kind. The legislature simply delegates to a committee the power to change the record, and the right to change the record is the right to legislate. There is no legislation aside from the record. I think it safe to say that no such committee has ever exercised the right to alter the record, because it has no right to such a right. This being true, there is no use for such a committee. Even the work of preparing the journals for publication by the state printer is done by competent stenographers employed by the secretary of state.

The cost of this work has been increasing from session to session with the same comfortable ratio that has attended the expense of other kinds of clerk hire. In 1889, it cost \$711; in 1893, \$1,300, and in 1895, \$1,489. For correcting the journals of the late special session \$500 have already been paid out, with some bills not yet presented.

Extended comment on the necessity for an abatement of these increasing and needless expenditures would be superfluous. The blame cannot be specifically located, but the reformation can be accomplished by a firm determination on the part of each member to return at once to the simpler methods that governed legislative bodies in earlier days. The fact that we know it would please the people to do so is all the incentive we should need to insure the effort being crowned with absolute success.

It is a source of constant regret that so much turmoil exists in many of the institutions located away from the state capital and governed by boards of trustees and boards of regents. There are reasons for believing that much of this is caused by the prevalent idea that the institution should be used as a means of permanently benefiting the town where it is situated. This perversion of intent is harmful in the extreme. Institutions have been located in various sections of the state, not with the expectation that the institution would help the locality, but that the locality would help the institution, and in some instances this interference of local interests cripples the institution, enters the social life of the town, and in some cases have been known to hamper the efficiency of the local public schools. This difficulty could be largely, if not altogether, obviated by providing that not more than two members of a board of regents or trustees should be appointed from

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the county where the institution is located. This would make it more nearly a state institution and remove it from a selfish interests of local influences. Besides these boards are all too large. Three trustees could transact all the business at the soldiers' home, for instance, not only as well, but far better than five do, and, of course, at much less expense. There ay be wisdom in the multiplicity of counsel, but the increased wisdom is usually rendered nugatory by the cross purposes and wrangling that generally attend the deliberations of too many counselors. This was perhaps the view of the framers or our state constitution when the provided that all state institutions should be located at the state capital, where they could be governed by a board composed of a limited number of state officials, who at any time can meet for the transaction of unexpected business, and who have no other calling to divide their attention from the performance of public business. The more nearly a certain business becomes everybody's business the more nearly a certain business becomes everybody's business the more nearly it becomes nobody's business's To be sure, this rule cannot be enforced in the case of schools and to her institutions located at a distance from the capital, whose boards and regents and trustees are required to serve without compensation, but where the state exacts the services of its citizens without pay it will get better results from the employment of the smallest possible number that will serve the purpose. Wherever it is possible to place or keep the management of a state institution under the control of a board of state officers, who are near it as all times and who have no other lines of business to demand their attention, it should surely be done. In examining the history of the control of our different state institutions, it will be found that the best results have been obtained from those governed by a board composed of a limited number of state officials, while there has been more or less trouble in those whose government is vested in aboard of trustees living in different parts of the state and who too often come together on a war footing for the transaction of public business.

#### FISHERIES

At the special session you very wisely passed an act to more thoroughly protect the salmon industry of the state. According to its provisions a state fish commission is created whose duty is to "select and locate a suitable site or sites for the construction of fish hatcheries, and to construct thereat such hatcheries as in their judgment will be to the best interest of the fishing industry." The fulfillment of the condition of this provision will necessitate and appropriation of a sufficient sum to construct the required number of hatcheries. The magnitude, importance and possibilities of the fishing industry cannot easily be over estimated, and I trust there will be no hesitancy in supplying the necessary legislation to make the new law effective. During the last 20 years the value of our salmon product has been nearly \$70,000,000, and gives employment to thousands of deserving laboring men. Remembering that this does not interfere with the amount of the land products of the state, but is confined to the rivers and smaller streams, we obtain a clearer conception of its importance. Computed merely by the actual area of surface occupied by our rivers, their value exceeds any equal amount of land surface in the state an hundred fold, and since these arteries not only of commerce, but of life-giving food, are distributed throughout our state, like many other blessings, more generously than in any other state in the union, we should our appreciation of them by the most careful and helpful legislation. To bring about the most satisfactory results in this matter it is absolutely necessary that our laws on the question should be as nearly as possible identical with those of the state of Washington. For this purpose you should immediately appoint a committee to confer with a similar committee from that state to adjust such differences as may be of greatest importance. Such committee, I am informed, will be duly appointed by the legislature of that state. You will find in the very exhaustive report of the fish commissioner a fund of information on this question that will aid you very greatly in the work before you.

#### RAILROAD LEGISLATION

IN obedience to what seemed to be a popular demand of several years' standing, you repealed at your special session the act creating a state board of railroad commissioners. This leaves the state without any legislation whatever regulating the freight charges by railroads. This, it seems to me, leaves us in an anomalous condition, and surely those of our fellow citizens who are disposed to look with alarm on the "encroachments of corporations" have just not ample ground for the most dismal anticipation. If the carious railroad companies of the state should conclude to double their present freight rates there is no power in the state anywhere to make any tangible resistance. Whether this is a safe and desirable condition to continue is for you to determine. Perhaps no better means has been devised for the regulation of these

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matters than is furnished by a railroad commission elected by the people or appointed by the governor. NO state officer should be elected by the legislature, for the reason that the vicious system of "log rolling" by which pernicious measures are often carried through on the strength of meritorious one, is quite apt to appear in the combinations always made in the effort to score the success of some particular candidate; and when a mistake is made in this manner it is impossible to fix the responsibility. When a mistake is fixed upon the shoulders of ninety different men it is not fixed at all in the sense that it is any relief to the aggrieved party. No governor, it is thought, that appoint a man to a position of trust unless he believed, at least, that he was eminently fitted for it --- competent and trustworthy. Frequently the man selected by the legislature for an important position, through the scramble of caucuses and joint conventions, is purely an accident, not intended seriously by anybody. I have known such instances and so have you.

Assuming that every citizen concedes the necessity of some kind of state control of railroads, it follows that this can only be done by either a railroad commission or a fixed law, which, when passed, must necessarily stand for two years, whether found to be just or not. A cast majority of the states have found the best method of accomplishing this end to be by means of a railroad commission. This is so, for the reason that different lines of railroads are surrounded by environments altogether dissimilar, and a general and fixed schedule of rates for all lines, which must necessarily stand for two years when once enacted, often results in absolute injustice. The justification of a railroad commission rests on the fact that an injustice on the part either of the state or a railroad company can be rectified at any time. It would be too much to assume that a committee appointed by yourselves could bring in a bill for the regulation of freight rates on all the lines of Oregon, with only a short time in which to study the details of the question involved, that would be at all adequate to the end in view. The regulation of freight rates have become one of the great questions of the time, and the interests of both shippers and the railroad companies are so vast, carried and vital that it is found to be necessary to lodge the power to accomplish this purpose in some tribunal where the adjustment of differences and the rectification of mistakes can be exerted every day, if necessary. Even in the state of Kansas, where the political party which makes the very loudest protestations of devotion to the interests of the common people has been in power for several years, no proposition has been made to abolish its railroad commission. In view, however, of your action on this matter at the special session, I do not feel disposed to urge you to re-enact a law providing for a railroad commission, although it is very doubtful if you discover any other method of regulating the question which would be as satisfactory to all parties interested. One commissioner, with a clerk, with fair salaries, who could give their entire time to a study of the question involved, could, and no doubt would, work for the best interest of the people and the railroad companies. As it is, we have neither a railroad commission nor a freight law of any kind, --- a condition that, perhaps can be found in no other state in the union. IN demanding the repeal of the railroad commission the people have seemed to demand no substitute, and it may be their wish to try the experiment of allowing the railways to transact their business without any legal control. It is doubtful, however, if this is a safe condition to continue.

It is well known that our supreme court, although, perhaps working harder than any other body of officials in the state, is so far behind with its business that the constitutional guarantee that justice shall be administered "without delay" has been rendered practically inoperative. I think there is no difference of opinion as to the correctness of this statement. Every consideration not only suggests but demands a remedy. Several solutions of the difficulty have been offered but none is so feasible and direct and without the appearance of subterfuge as the addition of two justices to the number now composing the supreme court. The objection to this plan in that it is of doubtful constitutionality has been in a measure removed by the report of a committee of the Oregon bar association appointed to examine into the question. This committee is composed of several of the most eminent lawyers in the state and their expressed opinion is that such a law would be in perfect harmony with the constitution. This opinion is concurred in, as I understand, by most of the survivors of the convention which framed the constitution, and if, in your opinion, their decision in the matter is worthy of your consideration I would urge the passage of a law increasing the number of the supreme judges to five. There is no doubt whatever as to the necessity of the relief referred to, and if the constitutional objection heretofore urged to an increase of the number of judges is removed, it is without doubt a much better solution of the question than the establishment of a

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commissioner's court. In any event the relief asked for should be granted in some form during the present session.

### GOOD ROADS

Few questions demand more serious consideration at your hands than the enactment of some system that will give our people better roads. Good roads are not only the arteries of commerce but they affect the very vitality of the business interest of the entire state, and especially of the country districts. That they are profitable, pleasant and necessary is not questioned by anybody. No one feature of any country gives it a more creditable reputation than a system of good roads, and perhaps no country needs it more than Oregon. The fact that we are blessed with a climate that is a perpetual guarantee against drought, makes it certain that we will always have bad roads until we overcome them by systematic legislation. This we have never had, not has any serious attempt ever been made in that direction. Surely, there is no reason why this matter would be further postponed.

Our present road laws, taken as a whole, amount to a mere travesty on the object for which they were intended. They are the result of haphazard, patchwork legislation from session to session, usually amendatory of previous acts that were themselves mere apologies for existing conditions. There is ample justification for the statement that, with exceptions so few as to be unworthy of mention, the average country roads in our state are in no better condition than they were 30 years ago. There are many roads in Oregon that have been traveled regularly for more than 30 years through thickly settled communities and that have never been so nearly impossible as during the last year. This discouraging condition is wholly attributable to the absence of an intelligent application of the efforts put forth for their improvement. If all the road work in Oregon during this period had been applied to their systematic draining, grading and top-dressing with gravel or crushed rock we would today have as good a system of roads as any state in the union. The amount of human energy absolutely thrown away is prodigious, but in no instance, perhaps, more inexcusable so than in the matter of alleged work in our roads.

While our people are a unit as to the necessity and desirability of better roads, it is not possible to bring about that condition until our present system is wholly revolutionized and our road taxes collected the same as other taxes, to be disbursed under the intelligent supervision of some competent person authorized by each county to look after the roads of that county. The experience of a generation should be sufficient to convince the most hopeful that even another generation of our present haphazard method would give us no improvement whatever. After all these years we should be satisfied that the system of "working" roads is a dismal failure, and adopt a system that contemplates the building of roads. I believe our people are public spirited enough to welcome a law imposing a moderate levy for road taxes if attended by an ironclad provision that would secure its economical and effective application to our roads. This should be attended by a provision encouraging the use of wide road tired wagons and discouraging the use of narrow tires after a specified time in the future. In France, as well as in some other countries, many wagons now used have tires five inches wide, and with the hind axle some wider than the front one, a heavily loaded wagon traveling the road is a positive benefit to it. We will never emerge from our present condition of deplorable roads until some legislature goes far enough at one stride to leave permanently in the rear the mockery that binds us now.

### GAME LAWS

Unless some steps are taken to protect our native and game birds from the wholesale and indiscriminate slaughter that has been their fate for the last year or two, the time is not far distant when they will be practically exterminated. It is surely no pleasure to the humane and enlightened sportsman to be permitted to continue this practice when the certain result will be the ultimate destruction of game birds altogether. The native grouse and pheasants which in past years have been the pride of our state are rapidly disappearing before the merciless onslaught of thoughtless hunters, while that king of game birds, the Mongolian pheasant, which grants the hunter by scorning to seek shelter in the protecting woods, has been diminished in number by at least 50 per cent. within the last two years. It would seem that the better judgment of those who engage in the sport of hunting would restrain them from such a destructive practice. A law should be passed at this session prohibiting the killing of game birds for any purpose whatever during

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the next year and every other year thereafter for a specified period. This is simply a question about which there can be no two opinions among those who have given any attention to the subject, and it is your duty to enact some measure that will prevent the further destruction of these desirable denizens of our forests, fields and pastures.

#### CONVEYING CRIMINALS TO THE CAPITAL

Perhaps the greatest single abuse that has fastened itself to the administration of our state laws is the unreasonable expense of conveying insane patients and criminals to the state capital. Repeated efforts have been made by former governors to have some legislative action on this question, but without avail. If you adjourn this session without securing this much-needed reform, you will be justly charged with a flagrant dereliction of duty. This service should be done by employees of the penitentiary or of the asylum, both because it would cost far less and would be performed by persons whose experience especially qualifies them for it. Many sheriffs have boasted that the compensation secured from these frequent visits to the capital pays the entire expense of their offices, leaving their salaries clear profit. Under this system it now costs between \$8 and \$10 to take a prisoner from the Marion county courthouse to the prison, while an attendant from that institution could do the same work for 15 cents. Instances are known where a sheriff from a distant county has brought a prisoner to the capital without any help whatever, and, after arriving at Salem, hiring a guard, to proceed to the prison, where he was presented to the authorities as having traveled the entire distance, and the state paid the bill. The alleged guard was employed less than an hour and his compensation by the sheriff probably not more than \$1. To merely call your attention to this outrageous abuse ought to insure its eradication, and it can be easily done within the next fifteen days. One of the worst features, however, of the present system is the inhumanity, not to say indecency, of requiring sheriffs to convey female patients to the asylum. Public morality revolts against the requirement, and no one should be permitted to have charge of these unfortunates but trained attendants from the asylum. This requirement should not under any circumstances be overlooked, and since public morals and the public purse unite in demanding the reformation outlined, I trust you will not neglect a duty that seems so imperative.

#### STATE HISTORICAL SOCIETY

Last month there was organized at Portland a state historical society, duly incorporated, whose object is to collect and preserve valuable historical information concerning the early settlement and later history of the state. Its intention is to unite its work with that of the university of Oregon, and since its membership will consist of hundreds of the leading citizens of the state, whose motives in the matter are wholely unselfish, the prosecution of its hour should receive a reasonable assistance at your hands. This has been done by other states with excellent effect.

#### THE OFFICE OF STATE PRINTER

For many years the cost of our state printing has been out of all proportion to what a due regard for economy would dictate. The tares allowed for that work are the same as when the cost of printing was nearly if not quite double what it is now. The tax payers of the state have a perfect right to advantages accruing from the improved methods of printing, and this unnecessary extravagance should be stopped at once by providing a reasonable salary for the state printer and a plant owned by the state with which to do the work. So many legislatures have had their attention called to his matter only to be passed over without any consideration whatever, that any further attempt in that direction seems useless; but the first bill on the calendar should be one to effect this possible and needful saving of public money. The law should take effect at the expiration of the term of the present state printer, and surely its passage would not be opposed by a single vote.

#### CONCLUSION

For general information relating to the condition of the state and its affairs you are specially referred to the message of my distinguished predecessor who has just completed a four years' service in a successful effort to maintain the credit and good name of the state. The reports of the different heads of the departments are on your desks and will be of aid to you in an intelligent disposition of the questions coming before you for consideration. You have met at a time in the history of Oregon, when, as never before, our people should be thankful to Divine Providence for the continued blessings of health and an abundance of the earth's



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products, and for the renewed one of comparative contentment among all classes. We have just passed through a gigantic and successful war with a foreign power, a war forced upon us by the persistent commission of brutalities against humanity and civilization; and yet, so strong is our government, so wonderful our resources and so patriotic our people that not a single interest within our national domain was crippled no and industry adversely affected.

In the general improvement in all lines of business which has blessed the people of the United States during the last two years no state has enjoyed a larger share than has ours. Under these circumstances you are assembled to inquire tint the condition of the state, and it would seem to be an opportune time to follow the adage "Let well enough alone." Although there are instances where additional saving can be attained in the public service, our state government has, in the main, been economically administered. If the burden of taxation resting on our people through the support of our county and municipal governments could be removed, the weight of the state government would be scarcely felt, and although tax levies are higher or lower from year to year as unavoidable expenses or improvement make the variation necessary, the average rate has been within the lines of practical economy. There are some wholly unnecessary extravagancies to which I have called your attention and which it is your duty to overcome.

In these closing years of the nineteenth century, Oregon occupies an eminence for which her people look back ward with a feeling of pardonable pride and forward with a hope that is abundantly justified by the lessons of history. Through the changing years of a well-rounded half century, the sturdy pioneers who first wrested this magnificent domain from the control of the savages and environments of the wilderness have steadily builder a commonwealth on the enduring foundation of honest conservatism. Compared with many other states, serious legislative excesses are unknown to us, and although we have had many protracted and even bitter political contests, no mercenary scandals have ever smirched the fair name of our state. Our people are wedded to the three virtues of industry, economy and sobriety. They have repeatedly declared themselves in favor of (and never against) the proposition that no dollar is too good for the working classes of this country. Our our-spoken declaration on this question last year, in advance of any other state, placed our credit and reputation second to that of no sister in the great galaxy of the American commonwealths.

Through the passing of the years, the keeping and control of this cherished inheritance has come to you and to me and to our fellow citizens --- the children and successors of the honored pioneers who are rapidly passing away. They looked no further westward than the eastern shores of the great Pacific, the murmur of whose waves is in our hearing; bur recent events, which seem to have been shaped by the and of Providence, are turning our attention still further westward until we easily see the first glimpse of an oriental trade that beckons us onward with a promise that guarantees us many years of increasing prosperity. Oregon is the natural gateway for the larger share of this great commercial movement that will involve the trade of two hemispheres. With the construction of the Nicaragua canal our trade relations will be established with every quarter of the globe and the great resources of our state will be apparent, appreciated and profitable.

Those of us who, for a short period, will be the guardians of great public interests will, in a measure, be held responsible for the maintenance of favorable conditions so far as our public actions may affect them. The power is delegated to us is in the nature of a sacred trust, and I feel sure of you unselfish co-operation in an earnest effort to promote the welfare of a worthy people whose confidence we share and whose interests are ours.

T. T. GEER.

### **Biennial Message, 1901**

Source: Journal of House of the Legislative Assembly, 1901, Governor's Biennial Message, Salem, Oregon, W.H. Leeds, State Printer, 1901.

BIENNIAL MESSAGE OF GOVERNOR T. T. GEER  
TO THE TWENTY-FIRST LEGISLATIVE ASSEMBLY 1901

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Gentlemen of the Senate and House of Representatives:

Section 2 of Article V of the Constitution of Oregon provides that the Governor shall, from time to time, give to the Legislative Assembly such information as to the condition of the state and recommend such legislation as, in his judgment, the public welfare may require.

In cheerful obedience to this mandate I feel disposed to say that by far the most important question that will present itself the most important question that will present itself for your consideration during the session just opening is the one involving the formulation and passage of a measure which will secure the uniform assessment and taxation of the property of the state.

Section 1 of Article IX of the Constitution of Oregon declares that "the Legislative Assembly shall provide by law for uniform and equal rate of assessment and taxation," but it is within the knowledge of every citizen of the state that quite the reverse of this condition prevails, and the necessity for certain action by this legislature is as generally admitted as the knowledge of existing conditions is widespread. For this reason it is not deemed advisable to more than bring your attention to a few comparisons which will illustrate the utter lack of uniformity which characterizes the operation of the law as it now stands.

As is well understood, the lack of uniformity in the valuation of property by the different assessors of the state has its origin in the unconcealed purpose of each to see that his county is not outstripped in the race to reach the lowest possible level of assessment in order to make the least possible contribution toward the support of the state government. A degree of astonishing success has attended this headlong rush, which began in 1894, until a point has been reached where the people themselves stand appalled and are demanding a halt. The valuation of the taxable property in the state in 1893, as returned by the assessors, was \$168,000,000.

Notwithstanding the fact that our population since that time has rapidly increased, and every county in the state has materially advanced in all lines of substantial wealth, the assessed value of the property of the state has fallen to \$118,000,000, a decrease of \$50,000,000. When, in the gradual and systematic reduction of the valuation of the property of the state, the sum of about \$150,000,000 had been reached, the then Secretary of State officially declared that it was only about one-third of its real value, and yet the bottom had not been reached.

With a degree of absolute indifference to the requirements of the law and the constitution, the process of purposeful undervaluation of all kinds of property has been pursued until the sum of about \$118,000,000, as has been stated, is the certified valuation of all property in the property in the state subject to taxation.

The limit to which this systematic evasion of the law can go has been reached. Practically we have no law on the subject. The chaotic forms under which we are at present working are farcical in the extreme, and if forty days do not afford sufficient time in which to give the people a law on this question that will in some measure meet the plain requirements of the constitution, an extra session, immediately following, will be much cheaper than two years more of a confessed effort to see which county can reach the lowest point of undervaluation.

The inclination here is to go into an extended dissertation on the theory and object of taxation in general, but this has been done so many times by my predecessors, and that, too, without visible effect, that I prefer to be content with a brief statement of conditions, with the hope that your understanding of the situation and your honesty of purpose will guarantee the enactment of a measure that will, in a large degree, be an effective remedy.

In the matter of securing a certain cure for the difficulty that confronts us, nothing need be done unless it includes some means of compelling compliance with the law on the part of the assessors. All other effort is as sinking sand. The failure of the assessors to do their duty has been a source of complaint since the formation of our state government. It is interesting to note that in 1868 Hon. Samuel E. May, Secretary of State, said in his report to the legislature: "I am confident that the present rate of taxation could, with safety

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to the state credit, which, I am proud to say, is unimpaired, be materially reduced, if all the property of the state was assessed equally. Even though the forms of the law are adhered to in the administration of any public duty, prudence would dictate that when a constant adherence to such custom leads to unfairness, by unequally distributing the burdens of government among the people, proper remedies should be adopted to remove the injustice. This inequality may be greatly diminished, if not entirely overcome, by the establishment of a board of equalization, composed of competent men, chosen from different sections of the state, to supervise and readjust the assessors' lists."

In 1870, Secretary May repeated his recommendations, as well as his complains, and after the amount of taxable property in the state as nearly \$27,000,000, added, "I feel confident that the actual amount of taxable property is largely in excess of the amount given. Some mode of assessing should be devised by which a more accurate and full amount of taxable property should be arrived at." In this connection, he renewed his recommendation for a Board of Equalization.

In 1972, largely at the request of Secretary of State Chadwick, a State Board of Equalization was created, consisting of three members. In his report, in 1874, the Secretary of State recommended some change in the law, but instead of heeding it, the legislature repealed the law outright. At that time the secretary called the attention of the legislature to the fact that "some of the counties having the advantage of water communication with the shipping ports, have actually decreased in property values in sixteen years." In his message to the legislature in 1872, Governor Grover said:

"There is now a manifest inequality in the assessments of the several counties of the state returned upon the same classes of property of equal value. There also exists in several counties of the state returned upon the same classes of property of equal value. There also exists in several counties a gross undervaluation of all classes of property. While this condition of things would make but little difference with county finances, it greatly diminishes the funds which should come into the State Treasury, being based upon a percentage of the assessments, and not upon a fixed proportion to be raised in each county."

Again, he says that "There is a gross undervaluation of the property of the whole state, produced by our present vicious mode of assessment. This state has property, as its cash value, over and above its liabilities, to the amount of \$120,000,000. Our last state assessment was \$34,000,000." And he adds that the property value of the state has increased four-fold within the past ten years, while the assessed valuation had increased but thirty-five percent.

These references to the history of the question of taxation in Oregon show that it has been a perplexing one from the beginning, and that in all these years of repeated effort, no progress whatever, in the matter of securing uniformity of assessment and taxation, as required by the constitutional provision referred to, has been made. Some of the features of the law, as it now stands, were incorporated as early as 1854, and our present system, if it may be called a system, is the result of a continuous piece of haphazard patchwork that nobody will own and few will indorse.

No system of taxation has yet been devised in any state or in any country that gives perfect satisfaction. In New York state, which has been at work on this question for more than one hundred years, there is much complaint about "the inequality of taxation." In his last message to the legislature of New York, Governor Roosevelt said: "At present our system of taxation is in utter confusion, full of injustices and queer anomalies."

Last year the state of Texas passed a law providing for the appointment of a commission to frame an assessment law that should "provide for an exhaustive and equitable assessment of all taxes upon every species of property in this state, real, personal, mixed, tangible, and intangible, and whether belonging to natural or artificial, to residents or nonresidents, to the end that no character of property, assets, holdings or valuation interests shall escape the due, just and equal burdens of lawful taxation."

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In making its report to the legislature, the commission says that “no systematic plan is in use in this state for valuing property and equalizing it for taxation, and it is unfortunately too true that in this respect inequality is the rule, and uniformity the exception.”

There seems a general tendency everywhere to conceal successfully personal property from taxation. The low valuation of real estate in our cities, when coupled with the almost complete elimination of personal property from consideration, has come to give the entire question the aspect of a hollow mockery when placed under the test of the constitution requirement of uniformity and equality. One of the mayors of New York City said, a few years ago, that “if all the personal property liable to taxation under the law could be reached and assessed New York would have a lower rate than any other municipality in the world without collecting one cent from real estate. Farmers are favored under the present system of undervaluation only so far as real estate is concerned, but their personal property is of tangible nature and could not well be concealed, if an attempt were made.”

But Oregon is suffering at this time with a case of combined inequality and undervaluation in acute form. All pretense to observe the law has been thrown to the winds and the effort to see which county can get away from it the farthest has become a matter of public record.

In some instances, where the assessment rolls have shown a large reduction below the year before, the findings have been still further reduced by the County Board of Equalization, for the publicly expressed reason that the returns for some other county had shown a great reduction for the year next preceding, and it was thought necessary to not be outdone in the race for the lowest assessment. In these cases it is not claimed that the law has been followed, but that in the effort to get as far as possible from the law it is necessary to be somewhere near the lead.

The legislature of 1891 passed a law providing for the creation of a State Board of Equalization, consisting of nine members, chosen by the people, which, after a stormy existence of seven years, was summarily abolished at the extra session in 1898. It was generally composed of conscientious men who fell short of performing their duty through the lameness of the law in not conferring sufficient authority and in the uniform persistence of the county assessors in disregarding the law governing the time in which they should make the return of the assessment rolls. The unsatisfactory work of the board resulted in a general demand for its abolition, which was also shared by some of its members. So certain was the legislature that the work of this board was worse than no equalization at all, that it added an emergency clause to the repealing law, to prevent its annual session, which would have occurred during the month next following. Evidently seeing its mistake and wishing to make some reparation, the same legislature, at its regular session in 1899, instead of re-enacting the same law, with its members limited, perhaps, to three members, with ample power to accomplish its purpose and with an amendment, power to accomplish its purpose and with an amendment, compelling, in some way, the assessors to comply with the law, created a Board of Equalization consisting of the Governor, Secretary of State and State Treasurer.

It was with deep regret that I felt impelled to interpose the executive veto against this measure, out of the high respect in which I held the senators and representatives who voted for it, and for the additional reason that some remedial legislation along this line was urgently needed; but the absolute certainty that a board so constructed, with the wholly inadequate powers given it, as was abundantly proven by the inability of the preceding board to satisfy even its own conception of what was required of it by the demand of the people for its repeal and the prompt recognition of that demand by the legislature, could, under the circumstances, do no better than its predecessors, seemed, after mature deliberation with the Secretary of State and State Treasurer, to be paving the way for another unavoidable failure in a different form. With all due respect to that legislature, my judgment is that a grave mistake was made when the Board of Equalization was abolished. Unless some measure is adopted which will assess the amount of the state tax due from each county against that county, in a lump sum, letting the county adopt its own method of raising it (and this would be the best method that could be devised), there is no part of the machinery of government that is more important or indispensable than a board of equalization, with ample power to enforce its findings absolutely and without delay. But this presupposes a stringent law that will in some way force an assessor to do what is required of him. Under the present system certain things are required of the assessors without

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even the shadow of a penalty to be enforced in case of non-conformity with the law. All effort to equalize taxes by means of a state board until this glaring defect is remedied will be absolutely without value.

It was during the life of this board that the total assessed valuation began to decline rapidly. The highest figure was reached in 1893—\$168,000,000—but in every succeeding year, although in some instances the state board increased the aggregate valuation by several millions, the amount was smaller than for the year before. This only serves to emphasize the fact that any effort to reform existing conditions will be futile, unless it begins with some measure that will compel a prompt compliance with the law on the part of the county assessors. Surely the constitutional requirement of uniformity of assessment and taxation was not the imposition of an impossibility, and if not, then there was never a more opportune time to demonstrate it than now.

For very valuable data, showing the astounding inequality at present existing in the valuations of the same kind of property in the different counties, you are respectfully referred to the report of the Secretary of State.

No State Board of Equalization could justly hope to equalize the property of the entire state under twenty days of continuous application. No more delicate or important duty could devolve upon any set of state officers, and it should be given the most thorough and careful consideration. This would be manifestly impossible in a state where, as in ours, almost the entire public business is performed by various boards, composed of four state officers, all of whose time is now practically occupied, especially during the winter months, by the multifarious duties required of them. The task of equalizing the property of the entire state should be undertaken by a board which could give its entire attention to that work, uninterrupted by other business until it is concluded. The measure under consideration, provided that the state officers should meet on the first Monday in December of each year and “continue in session until they have received the abstracts of the assessment rolls of the several counties.” But there are many days, for a week at a time, when neither of the state officers mentioned could spare a moment’s time, and more especially during the month of December, for the consideration of questions pertaining to the duties of a State Board of Equalization, without, indeed, neglecting or suspending other business, to attend to which, even now, it becomes necessary in all these offices to put in extra hours during many nights of the year. This is especially true of the office of Secretary of State, where some of the clerks, and often the secretary himself, are obliged to work not only during a part of many nights in the year, but this necessity included many Sundays, also. This is not said with the spirit or even a tinge of complaint, but for the purpose of expressing a fact the public should understand.

To those critics who have censured me for vetoing this measure, on the ground that an occasional absence from the Capitol of some of the state officers during one of the summer or fall months, either on business, which is often necessary, or on a short vacation, proves that this work could have been undertaken, it is only necessary to say that the work of equalizing the state taxes could not have been taken up merely now and then, as an odd job, but was to be begun on the first Monday in December, and the board was required to sit in continuous session until the assessment summaries from the various counties had been received. But, notwithstanding these objections, the state officers might have undertaken this work if they had not been required to proceed, under a law which was in no particular different from the one under which the former board made a confessed failure. With the best of intentions, the last legislature passed an act (Senate Bill 76) providing that “within twenty days from the time the assessment roll of any county has been equalized by the County Board of Equalization, the county clerk shall transmit to the Secretary of State a certified copy thereof.” But suppose he does not—then what is to be done? There is no power anywhere, either in the executive or judiciary, that has been discovered, by the exercise of which the county clerk can be punished for a non-compliance with the law. Indeed, he himself, is powerless, unless the assessor has completed his work in time for such compliance. And the assessor is as exempt from punishment for a failure to comply with the law as the clerk. Indeed, under our present system the county assessor, more than any other county or state officer, is subject to his discretion only, and it would probably be difficult to devise a law by means of which to successfully mandamus a man’s discretion.

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Under the law as it stands now there is no certainty when a summary of an assessment roll will reach the capital. The law is itself very implicit, and no man can surely say what it really means to the time limit. But no matter what it means, the county authorities follow their own discretion in the matter so far, that under a law which is supposed to require the returns to be made on the first Monday in December, some of them were not made last year until in January. Of course no step, whatever, can be taken toward equalizing the state taxes until the summaries from all the counties have been filed in the office of the Secretary of State, and this year the summaries of three of the most populous counties in the state were not received until January 11. I trust this presentation of facts, as they exist, will demonstrate to you that a law, requiring the state officers to constitute a Board of Equalization should be complete in details, having in view the proper discharge of their other duties, but I believe such a law is altogether feasible.

Under our system, as it now stands, the work of a State Board of Equalization would have to be done in the month of December, or later, and at least every other year, therefore, at exactly the time when the state officers are crowded with the preparation of their biennial reports to the very limit of their capacity for work. On top of all this and into the very midst of it, the responsible and careful duty of equalizing the entire property of the state should not be thrust, for reasons that must be apparent to every man who has investigated the subject. If this duty could be performed and concluded during the summer months, or any time before the first of December, it would be different, but the time set apart for it comes at the very season when other public business is at its highest pressure.

I leave the solution of this question with you, gentlemen, where it belongs, with the advice to steer clear of the breakers, which have often in the past wrecked the best legislative intentions in the very multiplicity of propositions, each bearing some good features, perhaps, but blocking the way to a necessary agreement. In my judgment you should adopt one of two theories. The best one, if it can be had, will be to devise some system by which the state can assess a certain amount against each county, for state purposes, in proportion to its wealth or population, providing that the first taxes collected shall be paid on the state tax. This would at once and effectually destroy the incentive to undervaluation; would result in a benefit to the state and county; would remove the annoyance and expense of delinquent state taxes, and dispense with the necessity for a State Board of Equalization. It seems feasible and certainly has more elements of fairness in it than any system yet proposed. I am disposed to specifically recommend this method of raising the state's revenue as appealing most strongly to my judgment as the best and simplest one yet presented. Just so far as the system finally adopted differs from the central idea of this one, just that far will it fail to accord with the constitutional ideal of uniformity and equality.

The only other practical system is the one somewhat similar to our present method, compelling prompt returns by the county assessors, with a State Board of Equalization of some kind, clothed with power to enforce its findings unquestioned and unquestionable. For this purpose, unless the state officers are commissioned with that task, under a law conforming with their other duties, a board of three members should be created. It is believed that number would accomplish the purpose better than a larger one and would be less expensive. It should be either elected by the people or appointed by the Governor. The latter method has two features in its favor—a responsibility for its personnel, definitely fixed, and, therefore, more care insured in its selection, and its removal from the wrangles of party conventions and politics in general.

In Iowa, which is one of the best governed states in the union, the valuations are practically equalized before the assessment is made. The township assessors meet before the time for the assessment and practically agree on valuations of property by classes, and of different grades in the same class, and the after work is principally to find the property. Of course we have no township organizations, but the County Board of Equalization can as well fix the value of horses, cattle, real estate, etc., in its county as could the assessors and with much less liability to partiality. It is within the knowledge of everybody that the assessor seldom actually sees and personally examines the property he lists. In nearly every case the owner is himself questioned as to the probable value of the property, and is asked of he thinks a certain figure is too high. Any new assessment law should include the taxation of incorporations of all kinds doing business within the state. In most cases the business itself should be taxed. There are many corporations doing business to the amount of many thousands of dollars per annum, but which have practically no personal or real property. All

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these should be made to contribute their share toward the support of the state government, and it is hoped you will investigate this phase of the subject thoroughly. The Secretary of State has compiled some valuable statistics touching this question, accompanied by appropriate recommendations, to which I call your attention as a profitable aid.

It is presumed and hoped that you will not adjourn without the enactment of a plain, just and easily understood out the enactment of a plain, just and easily understood assessment law. It should be direct and unambiguous. In an opinion delivered to the County Commissioner's Court of Multnomah, in December last, an ex-Attorney General of the state, said: "The laws of this state on the question of assessment and taxation and the duties of the several officers in respect thereto are a heterogeneous mass, thrown together in a crazy quilt fashion, by successive legislatures, to suit the whims of the occasion of locality, and, therefore, difficult to construe with anything like a feeling of security."

If the present system in outline is to be continued you can make no improvement that ignores the necessity of thwarting the general tendency to crowd values down instead of holding them up. All criticism of the work of assessors in lowering valuations should be tempered with the reflection that public sentiment has in one way and another encouraged and justified it. It is believed, however, that the extreme which has been reached with the requirement of the law.

When it is recalled that every biennial message for more than thirty years has made the same plea and along the same lines as that to which you are now listening, and that, notwithstanding, the condition has grown steadily worse, the prospect is almost without hope. Without variation, the policy at every session has been the introduction of "An act to amend an act entitled an act to further amend some other act" referred to as having been passed before the state was admitted into the union. A system that will allow the assessed valuation of the state to be reduced by the sum of \$50,000,000 during eight years surely has no further claims upon your patience or consideration. The State of Washington, which is far below Oregon in actual wealth, has this year returned for assessable purposes a full \$100,000,000 more than has our state. And the law in Washington has several good features that we could adopt with profit, among which is the provision that ignores the property owner, the tax being assessed against the property. The owner must hunt the official and pay his tax, without notice, or it becomes delinquent and the property is sold. There is not a man in the entire State of Oregon who does not know whether he has been assessed, and, therefore, whether he is owing any taxes. To notify a man of a thing which he already knows is not only superfluous, but in this case is an expensive superfluity. There is no man so uninformed that he does not know whether he owes any taxes and that they must be paid. The law requiring notification is useless and has been discarded by many states which are in the front rank of tax reform. In Washington the county treasurer is tax collector until the taxes become delinquent. The money goes directly where it belongs. The collector merely receives the money and issues receipts. Our system in this respect is precisely the reverse of what it should be. Instead of the authorities seeking the taxpayer, the taxpayer should seek the authorities. What we need as much as anything else is the adoption of a system of business regularity and promptitude. It would not only cost the taxpayer no more eventually, but would cost him less.

Another feature is the payment of taxes semi-annually, and assessments which are made only once in two years are made in conformity with the law.

I commend to your favorable consideration, as worthy of careful examination, the laws of both Washington and Idaho on the general subject of assessment and taxation.

#### THE STATE LAND BOARD

From the nature of communications received at the executive office at intervals during the last two years asking for information as to the manner of disposing of the public lands, it is inferred that the people generally are not familiar with the laws governing land sales, and that, therefore, suspicion that something may be wrong finds lodgment in the public mind. All the details of these matters should be public mind. All the details of these matters should be understood by the public, and, for that reason, it is deemed proper to make a more complete statement in regard to them than has usually been the custom in public messages.

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The sales of school lands during the past year, and especially the last few months, have been very large, the receipts for the month of December last amounting to more than \$26,000, or an average of \$1,000 per day.

Under the provisions of a law passed at the last session of the legislature, "any person who is over eighteen years of age and is a citizen of the United States, or has declared intention to become such," is entitled to purchase any of the lands of the state by making a proper affidavit to these facts and to the further fact that the proposed purchase is for his or her own benefit and not for the purpose of speculation, and that in no contract or agreement, expressed or implied, has been made for the sale or disposition of the land, etc. It has been under this provision that these large sales have been made. It has been publicly said that many of these applicants to purchase are men employed by capitalists for a nominal fee, and that their certificates of sale have been immediately assigned to the man by whom they were employed. Whether this is true in any case the State Land Board had no means of knowing. Nothing could be more impossible than for the land officers to identify and establish the character of an applicant to purchase state lands. Most of these certificates come by mail—few of the applicants ever appearing in person. The law does not contemplate that they shall. A man living in New York, being a citizen of the United States, has as much right to purchase our state lands as though he lived in Oregon, and if he sends his affidavit, exactly conforming to every requirement of the law, accompanied by the purchase price, no officer has any right to refuse him a certificate of sale. The object of the law in question is clearly to stimulate the sale of these lands rather than their settlement, because occupancy is nowhere required or mentioned. Oregon today has the best body of timber land, both in extent and quality, to be found on this continent. It was to secure this land that a vast majority of the purchases have been made, most of it wholly unfit for settlement and always will be. The probabilities are that no matter who the owners may be, most of it will be yet covered with timber for the next fifty years. The fact is well known to everybody, and was certainly in the mind of those who enacted the law. It is not required by its terms that the purchaser shall occupy the land in any sense, nor that he shall have ever seen it or been near it. The fact that so much valuable timber lands is to be had in Oregon is well known everywhere, and since the people of the United States have been by the terms of the act invited to purchase it, no one need be surprised that advantage has been taken of the offer. The terms under which the citizen of Maine may purchase any of this land without ever leaving his state are plainly set out. He is only required to make affidavit to certain facts. The burden of proof rests upon him, and, if he complies with every exaction required by the state, he is entitled to the land. The State Land Board is not merely authorized to sell this land, being left as a discretionary matter, but it is expressly stated that any citizen of the United States, upon making the required affidavit, "is entitled to purchase," his rights in the matter being thereby fully established.

The only thing required by this law is to establish the right of any man to purchase three hundred and twenty acres of these lands is for him to make the required affidavit. It is altogether probable that many men are employed for the purpose of securing certificated for immediate assignment in order to evade the provision restricting sales of more than three hundred and twenty acres to one person. But if so it has been done through plain perjury which the Land Board has had no means whatever of detecting. The requirements of the law have been fully complied with in every case, the money has been paid into the State Treasury, and if any false swearing has been done in any instance, it is within the province of any aggrieved or suspicious citizen to make complaint at any time against the suspected offender. For obvious reasons the State Land Officers could not undertake this kind of work, since it would necessitate the inauguration of the practice of investigating every application made by a man who might be personally unknown to them. There is as much reason for suspecting dishonesty of one stranger who makes application to purchase as another, and since of the thousands who have availed themselves of this offer of the state, not one percent of them is known to the land officers; to adopt the policy of suspecting every stranger, followed necessarily by an investigation of every suspicion, would convert the land department into a court of inquiry whose business in that line would require continuous sessions. If, however, there has been any false swearing in this matter to any extent, it is neither the fault of the State Land Board nor of the law, but must rest with the men who, for a paltry sum, have knowingly committed perjury.

Since most of these lands, however, are timbered sections and, therefore, not suited for settlement, but can be of no value until the timber is converted into lumber, it is not believed that the present manner of their



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disposition will deprive many, if any, intending settlers of homes. The mistake has been made in not at least doubling the price of all our public lands long before this. Our irreducible school fund should have been, and could have been easily, twice what it is if this policy has been adopted twenty years ago. Since the best lands have now been sold, it is too late to retrieve any part of the loss by increasing their price. It seems a poor policy, however, to continue adding to the irreducible school fund if a sacrifice is made for that purpose, when there is now on hand nearly \$600,000 which cannot be loaned, the amount of idle money having been increased during the last two years by over \$150,000. There is no necessity for adding to the sum until some provision is made for its investment. The Land Board has loaned every dollar for which application has been made when the security has seemed sufficient to accord with the requirement of the law. It is believed that no bad loans have been made, it having been deemed better to keep the money in the treasury than to risk its loss. A suggestion as to the advisability of providing for the investment of these idle funds in some kind of securities is made in the report of the State Land Board, to which your attention is invited for a full and detailed account of the business done in that department during the last two years. It is desired by the board that you appoint a committee to examine in the most thorough manner its record made since the last biennial session.

#### MINERAL BASIS

Under the laws and rules governing the land department of the general government, all known mineral lands are withheld from grants to the state, and when it is found that the sixteenth and thirty-sixth sections, or the greater part of any legal subdivision thereof, is more valuable for mineral than any other purpose, and it was known to be such prior to the date of survey, the land so found is withheld from the state, but the state is permitted to select an equal amount in acreage from any of the public lands subject to entry under the homestead laws; these selections are known as lieu or indemnity lands, and the mineral lands for which these lieu selections are made are known as "base" or "basis."

Unless the field notes of the United States deputy surveyor making the surveys state that the lands surveyed are mineral, the burden of proof of the mineral character rests with the state or any individual who may have an interest in the lands.

Under the law and rules of the department it is necessary to first file a list of the sections and parts of sections alleged to be more valuable for mineral than or other purposes with the register and receiver of the district in which the lands are located. The register and receiver will then order a hearing at a given date, notice of which must be given by a publication for five consecutive weeks in some weekly newspaper of general circulation nearest the lands so advertised.

At the date of hearing each tract must be proven to be mineral and known to be such prior to date of survey by at least two reputable witnesses. Therefore, to establish the mineral character of the sixteenth and thirty-sixth sections in the state requires careful research both as to location and as to valid proof involving much time and large expense, all of which must be paid, whether the mineral character is established or not. It will thus be seen that the process necessary to establish the mineral character of school sections is expensive and uncertain. In addition to this there is such a small quantity of it remaining that to undertake its adjudication by an agent of the state would diminish to the extent of its cost the price to be received for the indemnity lands. Most of the timbered lands selected in lieu of these basis are as easily worth to the purchasers the sum of \$10 per acre as they are the \$2.50 received by the state, and for this reason the state has refused to still further reduce the price of them by adding to their cost. If private parties have wanted lieu lands badly enough to incur the expense of establishing a base for them, instead of the state doing it, the state has sold such selection and thereby realized the full price of them to the treasury. It is rightfully presumed that in all such cases the purchaser knew whether the land was worth enough more to him than the \$2.50 an acre to justify the added expense of furnishing the base, and that he so regarded it or he would not have desired it. The only object the state has had in this matter was to secure the full \$2.50 an acre to the treasury, holding that even at this price the purchaser of the land has not paid in most cases more than twenty-five per cent of its value.

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The office of the State Land Agent was created six years ago for the sole purpose of making these selections and others, and after four years Hon. T. W. Davenport, who has been the agent during that term, reported to the Governor that there was not a sufficient amount of selections remaining to be made to warrant a continuance of his office, and he recommended its abolition unless other duties were added to it, the latter of which was done two years ago. To leave the establishment of the remaining base lands to private enterprise is the only method by which the state can realize even the low price of \$2.50 an acre for its indemnity lands, but if the state undertakes it the price should be advanced sufficiently to at least cover the probable cost of adjudication.

#### THE STATE LAND AGENT

Section 26 of Senate Bill 126, Laws, 1899, provides that the State Land Board shall proceed immediately to "foreclose all mortgages which are not adequate security for the debt, or upon which there is more than one year's interest in arrears." In obedience to this requirement, the board has foreclosed one hundred and sixty mortgages, using as much leniency as was compatible with the public interest. By reference to this section you will notice that it terminates abruptly in the middle of a sentence. The investigation has shown that the perfected bill which passed both houses and was regularly signed by their officers, contains the remainder of the section which proceeds to authorize the board to sell all lands secured by foreclosure of mortgages, to give the title to the same, and confirms purchases already made. This important part of the bill, as it passed both houses, was omitted by some clerk on the enrolling committee and does not appear in the enrolled bill, a copy of which was sent to the State Printer. Having this knowledge, the State Land Board has proceeded to sell as much of these lands as possible through the State Land Agency.

On January 1, 1899, the state had in its possession forty-eight farms it had acquired by foreclosure, amounting to seven thousand four hundred and fifty-eight acres, and which had cost \$82,945. Since that time there have been one hundred and sixty foreclosures, amounting to thirty-seven thousand two hundred and forty-three acres, and aggregating \$231,810. The total amount is two hundred and eight farms of forty-four thousand seven hundred and one acres, representing \$314,755. During this time the State Land Agent has sold ninety-two farms for \$188,880, which had cost the state \$165,935, being a net gain of \$22,945. This cost of \$165,935 included the principal of the loan, all the delinquent taxes that had accrued and all other cost of foreclosures, only the interest in arrearage being omitted from the computation. Sixteen thousand dollars which has been collected for rents and \$2,700 for partial sales, if added to the excess of \$22,945, will equal the amount of back interest.

Until the law of 1899 was passed, providing for a State Land Agent, whose duty it would be to find purchasers and renters for these foreclosed lands, there was no one to look after them and the rents had been left uncollected for several years in some instances, and in many others it was altogether lost.

These farms have been sold generally with a one-fifth payment down, the remainder to be paid on demand at six percent interest, and, in case of default, in all cases the terms are such that the certificate of sale can be cancelled without cost and the money already paid forfeited to the state. This is better than a mortgage, because in case of default of payment the title reverts to the state without any cost whatever.

Considering that these lands are situated in every county in the state, for which either purchasers or renters must be found, that rents must be collected, and that to attend to which they must be visited in person in nearly every case, it can be easily understood that the transaction of these duties requires a vast amount of labor. There are yet one hundred and sixteen farms belonging to the state and a few others under process of foreclosure. It is believed these figures make a very creditable showing in this department for the last two years.

It will be your duty to amend the section of the law to which I have just referred in accordance with its well-defined intention.

#### CONVICT ROAD WORK

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Provision was made at the last session for working convicts on the public roads leading from the penitentiary to the various state institutions, for the purchase of materials for such roads, for the employment of extra guards for such purpose, and a roadmaster at a salary of \$60 per month, and to pay the expenses of which the sum of \$2,500 was appropriated. It requires a vast amount of gravel to make a permanent road in this country, and it was soon discovered that, to make satisfactory progress in the matter, would require a number of teams to transport the gravel from the creek beds to the roads. The law required the superintendent "to use the state teams under his control in doing such work when they are not otherwise employed." But, as may be supposed, the state already had only such teams as its regular work demanded, before the road work was authorized, so that, unless additional teams could be purchased with the appropriation, it became manifest at once that the road work could be prosecuted only at intervals. The Attorney-General decided that the law would not permit the purchase of teams, so the work has necessarily been hampered from the beginning. Nevertheless, a pretty fair showing has been made. A saving of the fund has been effected by the employment of a roadmaster for only three months in 1899, and no guards have been employed at any time. The regularly employed farmer at the penitentiary is a very competent road-builder, and since none but the state teams could be used, he was given charge of them and enough "trusties" to handle all the gravel that could be moved, thus saving the expense of a road-builder and guards, and at the same time using as much convict labor as could be made available under the law. To enable the farmer to devote all his time to the road work while the teams were thus employed, the warden largely looked after the farmer's other duties, and by interchanging duties between several officers the expense of employing a professional road-builder was saved by the state.

There is now on hand the sum of \$750 unexpended. The purpose contemplated by the law is a good one, and the defect here outlined should be remedied at this session. You are respectfully referred to the report of the superintendent of the penitentiary for a full account of the results secured under its provisions.

#### INDIAN WAR VETERANS

There is no more flagrant case of ingratitude than that shown by the general government toward the Indian war veterans of this Northwest Pacific Coast, who unselfishly performed such a leading part in wresting this country from the hands of savages and vesting its title in the United States government. There are now no doubt thousands of names on the national pension rolls representing men far less worthy of a national bounty than these original settlers on this coast, who in order to save their homes were often compelled to leave their families huddled together while they resisted the attacks of the murderous Indians. For many years our delegations in congress have labored diligently to secure recognition of these deserving pioneers, but without avail. Success has seemed nearer during this congress than at any time in the past, but just now the outlook is indeed doubtful. It is generally conceded that if the bill now pending fails there is no use to ever entertain hope again. Many of these men who were a few years ago actively engaged in pushing this claim are now numbered with the dead, and those remaining are fast approaching the time when non earthly help will be of any avail. I understand you will be asked to take steps toward assisting in some way the creation of a sentiment in congress that will insure the passage of the bill now pending providing for the reward of these few remaining white-haired pioneers. I bespeak for them your earnest support of whatever measure may tend to hasten this end.

#### OREGON NATIONAL GUARD

I call your special attention to the report of the Adjutant-General, which you will find gives a full account of the workings of the military department of the state government. When the Second Regiment of Oregon Volunteers returned from the Philippines we had no National Guard. It had to be thoroughly reorganized, and so prompt were the young men of the state to respond to the opportunity that when the required number of companies had been secured the offer to organize several others had to be rejected. There are now eighteen companies of infantry, two troops of cavalry, and one light battery of artillery. This represents a somewhat smaller force than we had before the breaking out of the Spanish War, but is thought sufficient for the present at least. Since our people are peaceably disposed and the prospects for domestic disturbances of any kind very remote, it is thought best to not make the military establishment of the state too prominent. Such as we have, however, should be made thorough in military discipline and practice, to the end that when there might be need for a local militia for police duty or for furnishing the state's quota in

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the event of foreign difficulties, we would be ready for a prompt response. The National Guard is now quite liberally supported by the state and assisted also to some extent by the general government. It is believed that it is now better equipped in every way than ever before in the history of the state, and that in the character of its rank and file, of its officers, and in its general efficiency it will compare favorably with that of any state west of the Mississippi River. You will find the report of the Adjutant-General replete with statistical and other information of a very valuable nature.

#### BOYS' AND GIRLS' AID SOCIETY

It is believed that the Boys' and Girls' Aid Society of Portland is doing very effective work in the way of providing homes for orphan children and for the children of parents who, through poverty or negligence, allow them to become wayward and unmanageable. There are more children and parents who come within this description than the general public may suppose. This avoidance of public duty renders it necessary for the public to assume it, and no better agency can be named than the aid society of Portland. The motto of this society declares, "It is wiser and less expensive to save children than to punish criminals," and being under the control of a board of prominent men and women, who are able and willing to devote a large share of their time to its objects, I cheerfully recommend a continuation of the state aid which has been granted to it in the past.

#### STATE BOARD OF AGRICULTURE

Under the requirements of a law passed at the last session of the legislature the Governor was directed to appoint an entirely new Board of Agriculture, which was to take immediate control of the management of the state fair. This duty was performed and the result of the change has proven of the highest benefit to that institution. For the first time in many years a fair was held last September which met the expectation of the public, proved a financial success and established its reputation as a state fair in fact as well as in name. This result was attained in spite of unfavorable weather during two days of the fair by the application of purely business principles and unceasing industry. It was regarded by competent judges as the largest and best exhibition of fine stock ever made west of the Rocky Mountains, the estimated value of which being little less than \$500,000. The competition thus engendered has already resulted in the importation of a large amount of blooded stock of various kinds and has aroused an interest among stock men in all parts of the state. A state fair to be worthy of the name and of state support, should be so managed that the people generally will be interested in its success and benefits. The lack of this fact has been back of the repeated failures that have attended our state fair in its past history. Now, that it is on a better footing, has proven a financial success and has taken on a character that has removed it from the charge of being a merely local exhibition, I cheerfully bespeak for it a generous consideration, at your hands, of its actual necessities. The state is now the actual owner of the lands pertaining to the fair grounds and whatever improvements made there are simply investments on its property. I call your attention to the report of the State Board of Agriculture for a detailed statement of the facts here outlined.

#### ELECTION OF UNITED STATES SENATOR

Among the first and one of the important duties confronting you will be the election of a senator of the United States for the ensuing six years. It is to be hoped that you will, without unnecessary delay, unite upon some citizen of the state, well qualified to discharge the duties of the office, and thus be better prepared to approach the consideration of questions of purely local importance to the state. In this connection I desire to earnestly urge upon you the unquestioned necessity of passing a resolution calling upon congress to call a convention for the purpose of submitting an amendment to the National Constitution providing for the election of United States senators by a direct vote of the people. Article 5 of the Constitution of the United States provides that on the application of two-thirds of the states, congress shall call a convention for proposing amendments. The National House of Representatives has, within recent years, adopted resolutions on four different occasions in favor of electing senators by a popular vote, but the senate has never concurred and for obvious reasons probably never will.

The present National House of Representatives passed such a resolution by the decisive vote of two hundred and forty to fifteen. The other method provided in the National Constitution for its own amendment is for two-thirds of the states, through their legislatures, to make application to congress to call

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a national convention for the purpose of proposing amendments to that instrument. This method is feasible, easily followed and will quickly reach the desired result. The election of United States senators by the state legislatures is the one feature of our system of government, as handed down by the fathers, that is out of harmony with its otherwise ideal plan, and I trust you will not adjourn without formally passing a resolution conforming with the terms of this recommendation.

#### SCALP BOUNTY LAW

The last legislature passed a law providing for the payment from the state treasury of a bounty amounting to \$2 on each scalp of certain wild animals mentioned therein, when presented to and verified by the proper officers. The different county courts were instructed to make certain levies on property mentioned to provide for payment of the expense incurred under said law. The law went into effect at once, and the people of the counties where wild animals abound began to avail themselves of its provisions. But since no levies were at the times made, and could not be for nearly one year, an enormous number of certificates for warrants were presented to the Secretary of State before any funds were provided for their payment. At the same time, the courts of several of the counties decided that the law is sectional and therefore unjust, and therefore unconstitutional, the result being that we now have on hand two years of warrants against a fund that does not, in fact, exist, save in small degree. Many of the larger counties have never anything into the fund, and evidently do not intend to. Probably the friends of the measure have been surprised at the large number of animals which have been caught that come within its provisions, the total amounting to fifty thousand representing warrants against the state treasury to the amount of \$100,000, for the payment of which only \$10,000 have been paid by the several counties. This leaves outstanding warrants to the amount of \$90,000, bearing interest. It will be your duty to provide for the payment in some manner. If there is no way of compelling the payment of this money into the treasury in the manner provided by law, it should be paid promptly out of the general fund. The state has incurred the obligation to pay these warrants, and if the method provided for doing so is inefficient, then a direct appropriation should be made for that purpose. Nothing less than this will maintain the good name and credit of the state. Whether it will be wise to continue the policy paying bounties for scalps is for your to determine. I wish to add, only, that if you adopt the principle of disallowing every appropriation that does not directly benefit all parts of the state alike, you will most surely lessen the total amount by more than one-half.

#### ARID LANDS

I desire to call your attention to a provision of the laws of the United States, approved August 18, 1894, providing for the reclamation of arid lands. In this act the Secretary of the Interior is authorized and empowered, upon the proper application by a state containing arid lands, to contract with said state to grant to it an amount of such lands not to exceed state to grant to it an amount of such lands not to exceed one million acres, free of cost, upon sufficient proof being furnished by the state that tangible steps have been taken to actually irrigate the tracts in question. Under the provisions of this law the state may proceed to make contracts to cause the said lands to be reclaimed and sold to actual settlers, in tracts of not more than one hundred and sixty acres, and the money derived from such sales in excess of actual cost of reclamation to be held by the state as a trust fund to be applied to the reclamation of other desert lands. Within recent years the Oregon Railway and Navigation Company has through its industrial agent demonstrated that the possibilities of hundreds of thousands of acres of our arid lands just south of the Columbia River would be, under proper conditions, almost beyond belief. The same may be said of other sections of Eastern Oregon.

By many who have given the matter thoughtful consideration it is believed that modern inventive genius will devise some method by which enormous quantities of water from the Columbia will be raised above its banks by ponderous pumps or other contrivance and large tracts of desert lands, now utterly valueless, be made into productive and prosperous homes for thousands of worthy people. Similar undertakings in other parts of Eastern Oregon might be inaugurated with proper encouragement, and I especially request the members from that section of the state to examine this proposition of the general government and ascertain if it is not worth while for the state to avail itself of its liberal provisions.

#### HISTORICAL SITE AT CHAMPOEG

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At the request of the Oregon Historical Society, I went last May to the historic town of Champoeg, and with Hon. F.X. Matthieu, located the spot where the celebrated meeting was held by the early pioneers on the second of May, 1943, at which Joe Meek called for that division which resulted in the first, and for many years, the only governmental organization on the Pacific Coast. Mr. Matthieu is the only survivor of that great meeting, but having lived in the immediate vicinity for sixty years, had no difficulty in designating the exact spot where that band of brave and patriotic pioneers, standing in a little glade within fifty paces of the bank of the Willamette River, declared their allegiance to the government of the United States. It was a critical moment and its right decision was the result largely, of the impulsive nature and decisive character of that famous trapper and frontiersman, Jose Meek. The State of Oregon should take immediate steps to permanently mark this spot that it may not be lost to future generations. A stake was driven, cut from an adjoining oak tree that had grown since the meeting in 1943, and it was left to be cared for further by the State of Oregon. I recommend that you make provision for the erection of a plain stone at that site, which will remain permanently. It should not be gaudy or expensive, but in keeping with the characters of our forefathers, serve to unostentatiously mark the birthplace of a great commonwealth.

#### QUARANTINE MEASURES

The prevalence of smallpox in different parts of the state within the past two years caused frequent appeals to the executive office for aid in establishing quarantine measures to prevent the spread and ravages of this dreaded disease. These appeals served to emphasize the fact that Oregon has no quarantine laws, the only resort, in cases of danger, being to the United States quarantine law, which can only be enforced under United States authority. In order to do this the whole matter of quarantine and prevention would have to be turned over to the treasury department of the United States and placed in the hands of the marine military service. This would be a slow method for reaching quick results and would be so indirect as to be inefficient. While there was some danger during the last year of the introduction of the bubonic plague the various state health officers were instructed to be vigilant in the matter of inspecting all incoming vessels, and their efforts were crowned with successful results, but some measure should be enacted that would give the necessary authority to establish quarantine stations when necessary to prevent spread of any epidemic that might arise. There are several distinguished members of the medical profession who occupy seats in your honorable bodies, and I desire to invite their attention especially to a serious consideration of this important question.

#### EMPLOYMENT OF CONVICTS AT STATE INSTITUTIONS

On account of the reduced appropriations allowed by the last legislature for the support of some of the state institutions, as compared with former years, and through a desire to meet these reductions as nearly as possible, I have detailed convicts to assist in the work at the Reform school, the Mute school and the Blind school. After reducing the number of employees in some instances and consolidating their duties in others, it was still found impossible to conduct some of the institutions without going beyond the appropriation, and, as a last effort, I detailed two convicts to work regularly for several months at the Reform school, and a large share of the time there has been one at the Mute school and one at the Blind school. But I shall not adopt this course any longer unless specifically directed to do so by the legislature. The State of Oregon is not a mendicant that it must resort to this method of paying the bills. These three institutions are for the care of unfortunate children who are the wards of the state, and I question the moral effect of having convicts around them, especially at the Reform school, where they are necessarily thrown in many ways in direct contact with the boys. Aside from this view of the question I doubt the public policy of encroaching, even in this indirect manner, on the rights of free labor. Of course the convicts should be employed, but there is legitimate work at the penitentiary for all of the convicts at this time and for even more. There is, in my judgment, valid objections to the employment of convicts as attendants around other state institutions, and while I believe in and urge economy in the expenditure of public money, I trust you will provide sufficient funds to support our state schools without the necessity of drawing on the penitentiary convicts to lessen or avoid a deficit. The moral effect of having convicts around the schools for the blind and deaf children of the state is, at least, questionable, and as to the Reform school, certainly to be deprecated.

#### STATE LAND AT UNION

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At the session of 1893 provision was made for building a branch asylum in Eastern Oregon, in accordance with which a tract of land consisting of six hundred and twenty acres was purchased near Union, in Union County. After passing through various stages of litigation the state has secured a clear title to the land, but since the Supreme Court has held that construction of state buildings away from the State Capital would be unconstitutional, the proposition has been abandoned, and, awaiting the action of the legislature as to its final disposition, the State Land Board has temporarily leased the same to a private party for the sum of \$750 per annum. To authorize the sale of this property and the placing of the proceeds in the proper fund, or some other disposition of it, will be one of your duties during this session.

It has been urged in some quarters that, since practically all of the state appropriations are expended in Western Oregon, nearly one-half of which is paid by the eastern section of the state, it would be an act of justice and good policy to erect an agricultural college on the tract of land referred to. It is claimed in justification of this proposition that since agricultural colleges are largely supported by the general government, the constitutional objection to the erection of an asylum at Union would not apply to the former. I feel disposed to call your attention to the fact that the development of Eastern Oregon in population and wealth justified its claim for more generous consideration at the hands of the state's legislators than it has always received. It should be remembered that the section comprises over one-half of our area, that probably two-thirds of our common school fund arises from the sale of lands east of the Cascade Range, that fully two-thirds of the five hundred thousand-acre grant was selected in Eastern Oregon, nearly the whole of the Grand Ronde Valley being covered by this selection. This has principally gone into the common school fund, excepting what was used in the construction of the lock at Oregon City. Nearly ninety per cent of the Agricultural College land grant was selected in Oregon. When we consider that more than one-half of the gold and wheat and sheep and cattle exported from the states is produced in that section we begin to realize that it is a magnificent domain, worthy of equal legislative recognition at all times.

It will be well, therefore, for you to give thoughtful attention to the suggestion that the object of the federal law providing for the establishment of experiment stations at the agricultural colleges in the several states, had in mind the location of them at different points in the same state when thought needful or expedient. Several of the states now have two or more stations, which is necessary to secure practical results. It is sometimes urged that Oregon should be divided into two states, for the reason that its western and eastern sections are so unlike in climatic conditions and general character, but this very fact—this very diversity of character and possibilities—makes a perpetual union the more desirable and probably. It simply increases the variety of its products and adds to its natural wealth. It makes it more nearly self-sustaining. But for this very reason, an experiment made at the station at Corvallis had as well been made in Kansas so far as any fact has been developed that will be of any value in Eastern Oregon. In this respect, the object of the law providing for experiment stations is not being fulfilled so far as Oregon is concerned. This is a federal fund, and it is believed that a part of it could be directed from its present use and applied to a similar purpose in Eastern Oregon.

For the purpose of establishing an experiment station, it would be difficult to find a tract of land better fitted for that purpose than that referred to near Union. It would not require more than one-half of it for the uses indicated. In any event the State Land Board should be authorized to dispose of this body of valuable land in some manner, and if sold, the proceeds turned into some designated fund in the public treasury.

#### DIRECT PRIMARY LAW

Considerable public interest has developed within the last year in favor of the enactment of a direct primary law, and there seems to be a general demand in that direction. This is the outgrowth of the abuses of the present convention system under which the power to name candidates for office is often centered within the control of a few persons. Several propositions have been made along the line of this proposed reform, and if one can be formulated whose benefits will not be overcome by its inconvenience or inadaptability it should receive your favorable consideration. The principle of the plan is right, and if the people of the rural districts could be induced to take sufficient interest in it to make its practical working a success it would not doubt secure a much more faithful expression of the popular desire in the matter of naming candidates

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for public positions. A law that will eliminate the convention system altogether will necessarily require the nomination of all candidates for all offices by the direct method. In other words, it would require two elections instead of one—an election of candidates and an election of officers. This system, if neglected by the farming classes and other people living in remote districts, would be of doubtful improvement over the present one. It would have a tendency to increase the power to name candidates by the cities because of the increased opportunities of their people for personal consultation; in fact, it is believed that if the system could be applied to some of our larger cities only it would remedy all the complaint that is justly made in Oregon today. But a direct primary law to include the selection of all candidates must include the entire state. The object to be attained is admirable. One-man power, or anything approaching it, should be excluded from our nominating system. The more nearly the people can be consulted on all propositions the more nearly will good results be obtained. The proposed system, however, involves such a radical revolution from that which the people have been accustomed that a new law not carefully considered would probably soon become very unpopular. I desire to assure you that any measure which promises to be practical, uncomplicated and to curtail the power of those who may indicate a disposition to become what are known as “party bosses,” will meet my heart disapproval.

#### PAN-AMERICAN EXPOSITION

The management of the Pan-American Exposition to be held at Buffalo, New York, this year has invited Oregon to make an exhibition of its resources at that place and time. I believe this invitation should be accepted and that you should make a reasonable appropriation for that purpose. In the matter of internal development and securing increased population Oregon has fallen behind her sister states during the past decade, and that for no other reason than that we sit still and do not advertise our wares. This is the only explanation of the fact that Washington at this time exceeds us in population more than one hundred thousand. There is at this time no state in the union that has such a variety of undeveloped resources as ours, and the exhibits that could be made at Buffalo would meet the eyes of more wealthy men seeking opportunities for investment of idle capital than has ever before been possible. The farmers of the state are continually suffering in purse from the plain fact that we have fewer manufacturing establishments for our population and possibilities than any other state in the union. At Buffalo will be the opportunity, by means of a display of our resources, to induce men of means to want to see a country that can produce such samples of nature's bounties, astounding to them but so familiar to us that we pass them by unheeded. I believe a small appropriation carefully guarded in every detail as to its expenditure would be a good investment, and ultimately for our poorer people especially.

#### THE STATE PRINTER

One of the public expenditures which is wholly unnecessary but which has the sanction of law is the matter of public printing. No blame whatever attaches to the State Printer, but the amount of printing required by law is far in excess of the public needs. For a number of years the biennial appropriation for printing has been about \$60,000. This has always been exhausted and has been followed by some deficiencies beside. The present state officers have used every effort to curtail this matter, and have succeed in returning a surplus of \$6,000 after paying \$5,000 for the former printing and binding of “The Resources of Oregon,” making a practical saving of \$11,000. But if you will change the present law in several particulars a still further saving can be made. At the beginning of this administration there were found several tons of useless reports of various kinds stored in the basement of the Capitol, which were carted out and sold for junk in order to make room for an accumulation of another supply of the same kind of useless merchandise. The law now requires one thousand copies of all kinds of reports printed when two hundred and fifty of each would furnish an ample supply for all purposes. The thousand copies of the report of one of the Eastern Oregon district fairs were sent to the Secretary of State last summer, and having no use for them, were sent to the secretary of the fair interested. The secretary refused to pay the freight bill on the shipment, which, upon being presented to the Secretary of State, was paid, and it is supposed the reports have long since been destroyed. Section 3964, Hill's Code, requires the printing of two thousand copies of the session laws. After supplying all possible demands for the session laws of 1899, there are now eight hundred copies on hand. Of the session laws from 1880 to 1898 there are now on hand over four thousand copies for which there is no possible use. There are piled up in the basement at this time three thousand two hundred copies of the Senate Journals, and two thousand seven hundred and seventy-five copies of the House Journals prior to



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1899. The law requires the printing of eight hundred copies of each report of the Supreme Court. There have been four reports during the last four years, and there are on hand at present an average of \$4 each, making the cost of the surplus volumes now on hand fully \$28,000. Without going into further details I ask your earnest consideration of the necessity of providing for a reform in this matter. The number of all reports and documents should be limited to not more than two hundred and fifty copies.

In addition to this it may be said that the present cost of all state printing is believed to be far above what it should be, and since the term of the present State Printer, who has made a most excellent officer, will have expired before the printing for the next session of the legislature will become necessary, this is the proper time to revise the fees for future state printing. This is an important matter and should under no circumstances be overlooked, especially since the constitution provides that the rates fixed for state printing shall neither be increased nor diminished during the term for which a state printer shall have been elected.

#### FURNISHING MONEY TO CONVICTS ON EXPIRATION OF TERM

The general appropriation bill passed in 1893 contained the following clause: "The superintendent of the penitentiary shall, out of the foregoing appropriation for general expenses of said institution, pay to each convict, on his discharge, at least \$5 in money, and shall furnish him with a suit of clothes worth \$15, and shall procure transportation for such discharged convict from Salem to the place at which he was convicted, or for an equal distance to any other place in this state selected by such convict." I believe this is a sound policy and recommend the re-enactment of its general features. If there is any possible combination of circumstances that will incline a man to commit a crime who may have already, through heredity or association, the criminal instinct, but who also may be possessed with a desire to reform, it is the one surrounding a discharged convict when he is turned out without money, friends, influence, or acquaintances, with the usual avenues of employment turned against him and no means to get away from the place of his recent incarceration and disgrace. It is believed that a large proportion of the discharged convicts emerge from the doors of the prison with a determination to not again commit a penal offense, but through a system of neglect in the matter referred to the state virtually surrounds him with an environment that instead of destroying really stimulates whatever inclination to commit crime has not been fully eradicated from his nature.

This is altogether, wrong, and even ignoring the humane aspect of the case it will be cheaper for the state to remove this temptation to violate the law by making some provision similar to the one referred to. My attention has been specially called to this subject by the frequent visits of discharged convicts to the executive office asking for personal aid. Under the present appropriation for that purpose the sum allowed has not been more than \$1.50 per man, an amount scarcely sufficient to pay for a night's lodging and two meals, or, if used for railroad fare, then enough only to take him a few miles from Salem to be left absolutely stranded. If it is thought unnecessary to grant all that is included in the provisions referred to at least some more liberal one than that now in practice should be made. I leave the question for you to determine whether a continuation of the present system is either just, humane or economical. At the same time, while in seeming conflict with this position, it should be said that the number of convicts in the state's prison is more than one hundred less than it has been in former times.

#### APPROPRIATIONS FOR STATE INSTITUTIONS

While the legislature should be very careful in the matter of appropriating the public funds, and should examine every appropriation for that purpose critically, there is nothing gained by carrying the policy of economy so far that it results in actually crippling the state institutions. While actuated at all times by a desire to reduce expenses to the minimum, the present administration has, in some instances, been handicapped by insufficient appropriations to meet actual requirements. No appropriations of any kind were made in 1897, and, for that reason, the special session of 1898 passed an appropriation bill covering the biennial expenses of the state government for the years 1897 and 1898. That legislature found it necessary, for instance, to appropriate the sum of \$61,000 to defray the general expenses, including electric lighting, for the Reform school for the preceding two years. But at the regular session of the same legislature and by the same committee on ways and means four months later, the sum of \$35,000 only was allowed for the following two years for identically the same purpose, and that, too, for an institution that is, with the

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state, gradually growing. More than that, the next item in the general appropriation bill, which allowed this sum of \$35,000, is an allowance of \$2,277 for deficiencies for the same institution that had already been allowed \$61,000. If it required nearly \$64,000 to defray the expenses of that institution for the two preceding years, it is difficult to understand by what system of reasoning it was concluded the same work could be done for nearly \$30,000 less for the following two years. It is believed this institution has been conducted on an economical basis since its inception, and why it should be crippled is difficult to understand. On account of the nature of those sent there for reformation, it can well be imagined that it require constant attention to the matter of repairs to the buildings to maintain their efficiency and appearance. Some of these improvements could not be longer deferred, and while in this institution economy to the verge of parsimony has been practiced, a deficiency of nearly \$14,000 has been incurred, though the total expense is still about \$15,000 below the amount expended and allowed for the two years previous.

I wish to repeat that in all this constant attention should be given to economy by all state officers and heads of departments, at all times, in the interests of those who toil to pay the taxes, but deficiencies, with the attendant obligation to pay interest on warrants, for the sake of a brief reputation of economy by those in public position is not economy for those who finally foot the bills.

#### REFORM SCHOOL

It is not believed to be possible to conduct the Reform school on any cheaper basis than that which has prevailed during the past two years. A large majority of the boys are necessarily too small to be of any real service on the farm, and since it is a school for children on a plan not unlike other common schools, whose pupils cannot be sent home during the summer vacation (as the blind and deaf children are), its expenses never cease.

This school is productive of incalculable good, in the way of turning unfortunate and homeless and incorrigible boys in the right direction. Industrial teaching along several lines is now and has been for several years engaging the attention of the school, and facilities for it should be extended.

Boys who have nothing to do and do not know how to do anything useful, are the ones most likely to drift into wrongdoing. Boys of this character, taken up and trained in the right way, and taught something useful to do by the time they are ready to be discharged, are far less likely to drift into criminal ways than those who have not been taught how to do some useful work.

Hand training should be a feature, especially of the Reform and Mute schools. In fact, more attention should be given to this idea in the common schools generally. It is cheaper to teach boys trades in the schools first mentioned than to turn them out without employment or knowledge of some practical sort. The tendency in our modern schools is to teach away from manual labor, anyway. The average graduate is inclined to the conclusion that if his schooling does not enable him to live without doing manual labor, he will be regarded as a failure. This idea and tendency can be eradicated only by not encouraging it. After the average young man becomes "highly educated" his next effort is to become a lawyer, or doctor, or, failing in that, it is preferable to get a life job as stenographer or typewriter than to undertake clearing ten acres of land by actually doing it. All of our schools, so far as they tend to foster this idea, are doing a great degree of harm, and it should be remedied by encouraging education toward practical things that will fit our young people for practical affairs.

Viewed merely from the mercenary standpoint of dollars and cents, the Reform school is an economical investment. It is a waste of time to say that parents should look more carefully after their children. The condition remains just the same and the only question confronting the states is whether it will undertake the reformation of these children, or wait until a later period and care for many of them in the penitentiary after untold crimes have been committed. No one will say that it is not necessary that the morals of the children of the commonwealth should be looked after. In such extreme cases as where parents will not perform this filial duty the state cannot afford not to. Most of the states of the union have reform schools for wayward girls, and Oregon needs one as much as it does for boys. Surely no rules of ethics can be cited in justification of the process of reforming boys and neglecting the girls of the state who, in equal numbers, need the fostering care of a protecting commonwealth. This system of flagrant partiality and statutory neglect has

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been the policy of the state ever since the erection of the Reform school, and it is altogether probably that one-half the effort bestowed upon the boys is wasted by the state's indifference toward the equally deserving girls, who through parental disregard of duty, or other unfortunate circumstances, are allowed to drift along the paths of immorality. I trust you will see your duty in the direction of acting upon this important matter in some manner that will produce tangible results.

#### SOLDIERS' HOME

Under the provisions of the law passed by the last legislature the board of trustees for the management of the Soldiers' Home was abolished and the control of that institution placed under the direct charge of the Governor. This change has proven very beneficial, as there has been no complaint from any quarter of any kind. From a recent consultation with the members themselves, I was assured that they receive uniformly kind treatment, and all their wants are supplied. As compared with nearly all other homes in the United States, our own is at a great disadvantage. There is a national law which allows \$100 annually to each state home for every member who is drawing a pension from the national government. In all the eastern homes practically every member is a pensioner, but here fully thirty per cent of them are Indian war veterans, whose care and maintenance are patriotically provided for by our laws, but who, nevertheless, diminish the financial resources of the home to that extent. Ever since its erection the state has made an annual appropriation of \$12,000 for its support, until at the last session it was, very unwisely I think, reduced to \$10,000. Thus crippled in its means of support, all needed repairs which, in public institutions, should be met as they appear and not allowed to accumulate, have been forced to remain unattended to. This is not a sound policy nor real economy. It would not be on the part of a business man, and since the public institutions belong to the whole people, it is not, in the case of the state.

The Home owns forty acres of land on the Umpqua River, thirty of which are in use, and few tracts in the state, if any, are in better state of cultivation. An unusually large amount of produce was raised this year, the labor being mostly furnished by the soldiers themselves. It is a positive discredit to the state, however, that there is but one horse, and that of uncertain age, belonging to the Home, the team work being largely done with horses borrowed from kindly disposed neighbors. The mere reference to this condition should insure its reformation. If the former appropriation cannot be increased, it should at least be reinstated. For reasons easily understood the expense of maintaining a soldiers' Home cannot at this time be supposed to be decreasing, for, as the members grow older, a greater percentage of them require hospital treatment. The hospital facilities there at this time are crowded, and the central idea of a state home implies that the more helpless the members become the more binding is the duty of the state to care for them.

There are at this time in many parts of the state indigent soldiers who are as much entitled to the care of the Home as those who have been there for years, and when they appeal to the executive office for admission the only response to be made is that there is no further room either in the home or the hospital. I make this appeal to the humanitarian side of your natures, and for detailed information as to the workings of the home and its necessities, I call your special attention to the report of the commandant.

#### THE STATE INSTITUTIONS

Without going further into details of the management of the different state institutions I will refer you to the very complete reports of their several superintendents. It is confidently believed that they are all well officered and that the object for which each was established is being realized in a manner that will fully meet the public expectation. The last legislature made appropriations for the construction of additions to the asylum and penitentiary, and a new cottage at the asylum farm. These requirements have been met, and although the rapid increase in the cost of all kind of materials made it impossible to complete them all in the manner intended, the expenditures have been kept practically within the appropriation. I earnestly urge that the committees appointed to examine the various institutions make their investigations complete, especially for the reason that the general public has the right to be fully informed as to the disposition of the public funds and the results derived.

#### COMMITTEE CLERKS

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The last legislature enacted a law providing for the number of committee clerks to be employed and for the manner of their selections. The principal features of this law have been demanded by the people for many years. You are to be congratulated upon finding such a law on the statute books, as it will afford you a helpful fortification in the matter of defending ante-election promises for possible and necessary retrenchment.

#### MEDALS FOR THE SECOND OREGON REGIMENT

As a testimonial of the appreciation which the people of Oregon feel for the gallant service of the Second Oregon Regiment of Volunteers in the Philippine War I ordered a sufficient number appropriate bronze medals struck to present one to each member of that regiment. A similar step was taken by nearly every other state that had a regiment in that war, and, so far as I know, by every one. This regiment of model young men, volunteering as they did, from among the best families of the state, conducted themselves while in active service and at all other times when under fire or when making forced marches in manner that reflected credit, not only upon themselves, but upon the state that sent them forth to support and defend the flag of their country. One hundred and fourteen of them were college graduates, one hundred and fifty-six were students, fifteen were lawyers, one hundred and forty-one were clerks, one hundred and twenty-three were farmers, and the others were drawn from different walks of life, the creditable fact being that nearly every man left a good position in order to respond to the call of his country.

The reputation this regiment earned by its superb and never-failing soldierly qualities, is best recorded in the famous order of General Wharton, "Orderly, overtake those Oregon greyhounds on the road to Polo and order them to Melinto. Go mounted, or you will never catch them."

Under the most trying circumstances, they remained in the service after the terms of their enlistment had technically expired, and, after reaching Manila on their way home, were detailed on another two days' march after the skulking and treacherous Filipinos. By their soldierly bearing at all time they not only honored themselves, but added new luster to the fame of Oregon in every civilized nation on earth. They are entitled to the grateful remembrance of every patriotic citizen of the state.

Before ordering medals I corresponded with several firms in the east and in California, and after securing their most favorable prices, found a firm in Portland that offered to do the work at a cheaper rate than any of the competitors.

By a personal application to Secretary Root of the war department a bronze cannon, which had been captured from the Spanish at Manila by our forces, was shipped to Portland that offered to do the work at a cheaper rate than any of the competitors.

By a personal application to Secretary Root of the war department a bronze cannon, which had been captured from the Spanish at Manila by our forces, was shipped to Portland for the express purpose of furnishing the materials for the medals. Their design is suggestive of state as well as national patriotism and pride, their workmanship is of the best character, and I am sure the expense of securing them, which has been carefully guarded, will be gladly borne by the people of Oregon.

#### COMPLETION OF STATE SEWER

Your attention is called to the necessity of making provision for the completion of the state sewer leading from the state buildings to the Willamette River. A few years ago, by direction of the legislature, a permanent and ample sewer was constructed from the river to a point opposite the Capitol building on Court street, but was there abandoned by reason of the exhaustion of the funds provided. It was the intention to build this sewer to the asylum and penitentiary, and it seems imperative that its completion should not be longer delayed. The immense amount of sewerage coming from the asylum and penitentiary is discharged into the city sewers, which already have all they can carry. There is now nearly an acre of roof surface on the asylum building alone, and when a hard rainstorm occurs, which sometimes happens, the result is the inundation of many private and public basements in the city. During the present winter the furnaces in the basement of the City Hall were submerged and the fires extinguished. This has happened

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also in many private residences. Not only so, but it impairs the health of the city and the inmates of the state institutions concerned. The state has no right on should have no desire to thus impose on the rights of its citizens, and I earnestly recommend that you make provision for the remedy suggested.

#### IMPROVEMENT OF REPRESENTATIVE HALL

Ever since the completion of Representative Hall its acoustics have been so very unsatisfactory that it has been almost impossible to transact business in it with any degree of certainty as to what was being done. Various experiments had been tried without apparent improvement, when the last legislature directed the Board of Building Commissioners, consisting of the Governor, Secretary of State and the State Treasurer, to appropriate the sum of \$11,634 for the purpose of putting in a ceiling and diminishing the height of the hall by something like one-half. This sum was at first thought to be wholly inadequate for the purpose named, but after advertising for bids a firm was found willing to undertake the work, and it has been completed as you now see it practically within the appropriation. The workmanship and material have been first class, and it is believed the result attained will fully justify the expenditure.

#### ELECTRIC LIGHTING

In April, 1893, the state made a contract with the Salem Light and Power Company, in Salem, by the terms of which that company agreed to furnish certain state buildings with electric lights for the term of ten years. It is believed that the price paid for these lights is quite excessive and that upon the expiration of the contract some steps should be taken to provide lights on more reasonable terms.

Unless better conditions can be arranged with the company now providing the lights, or with some other company, it will be necessary for the state to install a plant of its own. I suggest that at this session you authorize the Board of Capitol Building Commissioners to consult with different lighting companies as to the best terms upon which another contract can be made and with experts as to the probably cost of installing a state plant, and to report the result of its findings to the next session of the legislature.

The present contract will expire on the first of April, 1903, and at that time the state should be ready to act promptly in the matter.

#### THE NORTHWESTERN STOVE FOUNDRY

Under the authority of an act approved February 25, 1895, the Board of Managers of the Oregon Stove Foundry, composed of the Governor, Secretary of State and State Treasurer, entered into a contract with the Northwestern Stove Foundry on July 29, 1895, by the terms of which that corporation agreed to pay the State of Oregon for the labor of one hundred convicts at the rate of thirty-five cents per day and a rental for the use of the foundry property at the rate of \$2,000 a year, to be paid quarterly. From the beginning the company defaulted in its payments, save the first amount due for the convict labor and rental on October 8 of the same year. This was largely because of the unusually depressed condition of business generally, and no further payment of any kind was made again until the fifteenth of January, 1898, when the sum of \$2,000 was remitted. This very unsatisfactory condition of affairs continued until the special session of the legislature met in September, 1898, when the entire matter was turned over to that body for investigation and settlement. The committee appointed for that purpose reported that the state's unpaid claim at the time amounted to the sum of \$63,261.55, and recommend as a basis of settlement, considering the very unfavorable conditions under which the company has been doing business, the acceptance of \$32,500 in full payment of all its claims.

This was the condition of affairs when the present Board of Managers came into office, and a contract was made with the Northwestern Stove Foundry, by the terms of which it agreed to pay the sum of \$10,000 at once, \$10,000 on the first of January, 1900, and \$12,500 on the first of January, 1901, with interest at the rate of six per cent. That company also agreed to pay \$2,000 per annum for the use of the foundry plant, payable quarterly, and the further sum of thirty-five cents a day of ten hours, or at that rate per hour, for the labor of one hundred convicts, the latter to be paid monthly.

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I rejoice at being able to report that all these payments have been met promptly and exactly according to contract, so that, instead of a large deficit to compromise, there is now in the treasury the sum of \$18,677 earned by convict labor during the last twenty-three months, or an average of over \$853 per month; \$3,916 have been paid for rent, a reduction of \$84 having been made to correspond with the time the foundry was closed, by the direction of the board, to take account of stock in order to ascertain the amount of the state's security, and the further sum of \$32,500 as back pay on the former contract. Against this stands the sum of \$2,600 paid out for repairs and other expenses, leaving a balance in the treasury to the credit of the penitentiary foundry fund in its various forms of \$42,800. The state has at this time no claims whatever against the Northwestern Stove Foundry, it having met all its obligations in full.

#### GAME WARDEN AND DAIRY COMMISSIONER

While I dislike very much to ask for increased appropriations in any case, it is apparent that if the state is going to look after the protection of its game, and to the prevention of the sale and manufacture of adulterated foods, more funds must be provided for the enforcement of the laws governing those questions. They are both of the utmost importance and should not be neglected through refusal of sufficient state aid to insure the purpose named. An increase in the salaries of the chief officers is not asked, but the small sums appropriated to discover and punish offenders is entirely inadequate to secure the purpose intended. This proposition does not require argument to present its just claim, and it is hoped you will grant the necessary assistance to enable those two very efficient officers to realize the object of the laws governing their departments. It is not likely that any other state in the union provides so small an amount of funds for the protection of its game and for the prevention of the sales of adulterated foods.

#### REGULATION OF RAILROADS

Since there was a general attack on boards and commissions of all kinds two years ago, I hesitate to say anything in favor of the re-establishment of a railroad commission, and will, not, further to remind you that there is not now, and has not been for two years, any law of any kind in this state regulating the freight rates on railroads. It is doubtful if this can be said of any other state in the union.

Under such circumstances it is a matter of congratulation that the different roads have been, as a rule, governed by a fair consideration of the public interest, but there are instances of the grave disregard of the rights of shippers that should not be allowed to continue. Many times during the past two years I have been asked through correspondence from different parts of the state what could be done to remedy certain acts of injustice, the details of which were furnished. There is scarcely a state in the union which has not a commission of some kind to regulate railroad fares and freights, and so settled has this policy become in most of them that there is no more thought of abolishing the railroad commission than there is of dispensing with the services of a state attorney-general or of any other necessary adjunct to the state government. The question is never even discussed. You are the representatives of the people, and I deem my duty performed when I call your attention to the fact that it is an anomaly for the people of a state to absolutely surrender all control of the railroads rather than to support a commission whose duty is to regulate inequalities and prevent extortion. The power to regulate them resides in the state and should be unquestionably exercised. It is for you to decide whether the present condition can be continued with safety to the public welfare.

#### FISHING INDUSTRY

For many years the salmon industry has been one of the leading interests of the state, but all efforts to stay the annual diminution of the supply has so far proven ineffectual. When observance is given to the varied kinds of processes used for catching salmon from the time they enter the mouth of the Columbia, including nets, traps, seines and wheels, it is marvelous that any ever escape to reach the hatcheries and spawning grounds. And yet nothing should be plainer that that the industry will be surely annihilated, and that shortly, unless something is done to allow the salmon to reach the upper rivers unmolested during an open season long enough for increasing numbers of them to find their spawning grounds and the hatcheries. This is not a matter which will call for more money, for there is a surplus in the treasury at this time which the Fish Commission could not use in any way. Hatcheries are useless unless salmon are allowed to reach them. Under the new law the commission erected a hatchery on the Upper Clackamas River in the summer of 1899, with a hatching capacity of ten millions, but, although practically every salmon reaching that point has

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been caught, the output has not in either year reached three million fry. Other hatcheries have been erected at small cost wherever there was any prospect for a run of salmon, but none of them has produced the output that was expected. We have more hatcheries now than fish. The restoration and perpetuation of this great industry, which gives employment to several thousand deserving workmen, and which should bring a vast amount of money into the state annually, depends altogether on the kind of legislation enacted governing the open seasons for salmon to ascend the rivers of the state when on their way to the spawning grounds. This one suggestion is the key to the situation and presents the principal difficulty in the way of building up a prosperous business not only for the fishermen, but for many others depending upon that industry. You are requested to give this matter your thoughtful attention, as stringent legislation, based on intelligent comprehension of what is most needed to reach the desired end, is urgently demanded. The Fish Commissioner has been a most industrious officer, is thoroughly acquainted with the habits of fish and has given the necessities of the industry in Oregon an extended consideration in his biennial report, which you are invited to carefully examine.

#### GENERAL EXPENSES

It is believed that the utmost economy has been practiced in every department, and while some deficiencies are reported, they have occurred, as elsewhere indicated, because of decreased appropriations as compared with former years and by the largely increased cost of meats and other provisions, which, of course, was unavoidable. Expenses have been reduced wherever possible, the result of which is that while the amount raised for the ordinary expenses of the state government on the assessment of 1898 was \$761,000, it was \$757,000 in 1899, and the amount to be raised on the assessments just returned for 1900 will be \$671,000, showing a reduction of \$80,000 from 1898 and of \$90,000 from last year. The tax levy this year is the same as two years ago, and smaller than one year ago by three-fifths of a mill, the expenses having been decreased to correspond with diminished valuations. As long ago as 1892 the state levy was seven mills on a valuation of \$160,000,000, or \$42,000,000 more than this year. In 1889 the levy was six mills. It is not to be supposed that a steady decline in the ordinary expenses of a state that is constantly growing can be maintained, but the effort made in that direction has been very satisfactory and will be continued wherever possible. On the supposition that Oregon equals Washington in wealth, if we had the same returned valuation on our assessment rolls as that state, our state levy based on our present expenses would be but three mills.

There is now a balance in the general fund in the state treasury of \$152,322, and \$25,948 due from the various counties of the state on deferred taxes, making a total of \$178,000. This is a sufficient amount to pay all outstanding warrants against the state and all other liabilities, exclusive of the scalp bounty and swamp land warrants, which have no connection with the general expenses of the state government. The school fund amounts in round numbers to \$3,500,000, it all being represented in notes and certificates in different forms, excepting \$596,000 now in the treasury. This is not reported as a surplus in the treasury, for it is not an asset of the state, and could not be used for any kind of liability in any way connected with the expenses of the state government. Oregon is out of debt and should remain so.

#### CONCLUSION

You are welcomed to the State Capital, gentlemen, clothed with the discriminating duty of making and unmaking laws for a free people. This is a sacred trust demanding your best thought and your most carefully considered efforts. In all countries, under all conditions and at all times there is a large class of people who are compelled by the stress of circumstances to labor incessantly to provide them with the necessities of life. These are known as the common people, and it is upon them that the burden of government largely falls, and it is upon their prosperity that the prosperity eventually of all other classes depends. You should bear them in mind while answering to every roll call. After the election of a senator has been accomplished there will be no questions of a political nature to consider. A large majority of you belong to one political party, but it is believed that on all other questions you can work in harmony with the minority who share with you an equal concern for the welfare of our commonwealth. The future is freighted with great opportunities for the Pacific Coast, and, for many reasons, the indications point to our own state as being destined to ultimately take the lead in matters of commercial supremacy. The well defined promises of a great oriental trade are beckoning us onward from the further shores of the great Pacific, and when the competition for traffic between the different overland lines reaches that point, which it surely will; when the difference between

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moving railway trains over high mountains and moving them on a water-level grade to the sea will mark the difference between loss and profit, then the Columbia River route will be the chosen one for the vast growing business between the two hemispheres. There can be no doubt about this whatever, and in that coming day, not very far in the future, Portland and Astoria, with a deep channel river between them, will be among the leading cities of the coast, prosperous, and working hand in hand for the advancement of the general public interest.

Let those of us who are the trusted servants of the people for the time being, address our earnest efforts to the upbuilding of our state's best interests, as, turning from the triumphs and failures of the past, we face the hopeful future, and, placing our trust in the Great Architect of the Universe, cross the promising threshold of the twentieth century.

#### **Pardons and Commutations for 1899-1900**

Source: Journal of House of the Legislative Assembly, 1901, Governor's Pardons, Page 59, Salem, Oregon, W.H. Leeds, State Printer, 1901.

STATE OF OREGON, EXECUTIVE DEPARTMENT,  
Salem, Oregon, January 14, 1901

Gentlemen of the Twenty-first Legislative Assembly:

In compliance with the law, I herewith submit to you a statement of the pardons, commutations, and remissions granted by me during the years 1899 and 1900. Included in each statement is a synopsis of the reasons upon which action was based, and all papers relating to each case have been filed in the office of Secretary of State as required by law.

Appended is also a statement of the executions that have taken place during the biennial period just closed.

Very respectfully,  
T.T. Geer,  
Governor.

#### **FULL PARDONS**

Jung Heung. Murder in the second degree. Sentenced January 1894 to life in prison. Pardoned March 3, 1899. Deportation

Luther Perkins. Larceny. Sentenced October, 1897 for 3 years. Pardoned July 26, 1899. Short unexpired term; exemplary conduct.

James Lee, Jr. Rape. Sentenced July 1899 for 3 years. Pardoned July 29, 1899. Recommendation of ten trial jurors, four grand jurors, sentencing judge, and citizens.

W.A. Willison. Forgery. Sentenced October, 1894 for 18 years. Pardoned Aug 2, 1899. Recommendation of district attorney, his successor and all jurors who signed verdict; served five years, exemplary prisoner, sufficiently punished.

Joseph N. Russell. Murder in second degree. Sentenced October 1897 for Life. Pardoned Aug. 29, 1899. Sentencing judge thinks prisoner was insane; prison physician thinks he can live but a short time

Charles Montgomery. Illegal disinterment. Sentenced June 1897 for 2 years. Pardoned Oct. 3, 1899. Including time in jail, served more than his sentence.

Edward E. Fuller. Burglary. Sentenced March 1899 for 2 years. Pardoned Nov 10, 1899. Recommendation of prosecuting attorney and sentencing judge; youth of prisoner; will be removed form state.

Thomas Goldworthy. Manslaughter. Nov. 1895 for 10 years. Pardoned Dec. 30, 1899. Recommendation of sentencing judge and a large number of people; district attorney has no objections.

R.F. Hollis. Forgery. Sentenced March 1897 for 8 years. Pardoned Feb 23, 1900. Recommendation of sentencing judge; prosecuting attorney and numerous citizens.



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M.E. McElvain. Forgery. Sentenced October 1896 for 2 years. Pardoned March 26, 1900. More than three years have elapsed since sentence, and the prisoner, in the meantime, has been out on bonds; large number of citizens ask his pardon.

William Marshall. Manslaughter. July 1898 for 8 years. Pardoned April 13, 1900. Recommendation of five trial jurors; youth; provocation.

George Gay. Larceny. Sentenced April 1899 for 2 years. Pardoned April 28, 1900. Recommendation of district attorney and prosecuting witness; no criminal disposition, law vindicated.

Bert Jacobs. Larceny. Sentenced February 1897 for 8 years. Pardoned June 14, 1900. Recommendation of prosecuting attorney and eight trial jurors; exemplary prisoner.

Otis Savage. Larceny. Sentenced November 1894 for 4 years. Pardoned Nov 15, 1900. Recommendation of district attorney; petition of citizens; out on bonds six years while sentence was only four.

Dennis Whitmore. Perjury. Sentenced May 1900 for 3 years. Released Nov 27, 1900. Recommendation of sentencing judge, district attorney, and taxpayers; youth; influenced by older parties; first offense.

George W. Bartmess. Manslaughter. Sentenced Oct 1898 for 10 years. Pardoned Dec 31, 1900. Nine of trial jurors and numerous citizens recommend pardon; served part of sentence; exemplary prisoner and previous good character; sufficient punishment.

#### COMMUTATIONS

J.M. Olberman. Murder in first degree. Sentenced March 22, 1898 to Hanging. Commuted to life. Existence of extenuating circumstances seeming to remove crime from class of deliberately planned murders; provocation; penalty too severe.

Frank L. Smith. Murder in first degree. April 3, 1899 to Hanging. Commuted to Life. Mental weakness; moral irresponsibility; recommendation of citizens; doubt as to guilt.

William Lindgren. Mayhem. Sentenced October 21, 1898 to 15 years. Commuted to April 21, 1899. Sentencing judge expresses doubt as to guilt; recommendation of prosecuting attorney and numerous citizens.

L.F. Gardner. Rape. Sentenced July 17, 1897 to 7 years. Commuted to April 21, 1899. Recommendation of trial jurors; prosecuting attorney expresses doubt as to guilt.

Lewis J. Allen. Larceny. Oct 19, 1896 to 3 years. Commuted to May 9, 1899. Recommendation of prison superintendent; extra service, good conduct.

James McDonald. Burglary, not in dwelling. Sentenced Oct 22, 1898 to 2 years. Commuted to Oct 22, 1899. Recommendation of sentencing judge and prosecuting attorney; trial jurors and prosecuting witness asked mercy of the court.

Ben A. Childers. Forgery. Sentenced Feb 19, 1896 to 6 years. Commuted to May 17, 1899. Recommendation of circuit judge and prosecuting attorney; sufficiently punished.

John Peterson. Mayhem. March 5, 1895 to 15 years. Commuted to May 17, 1899. Doubt as to guilt expressed by sentencing judge; recommendation of prosecuting attorney.

E. Enmark. Larceny. Sentenced March 23, 1896 to 4 years. Commuted to May 29, 1899. Recommendation of prison superintendent; poor health; good conduct.

John Vineyard. Assault with deadly weapon. Nov 19, 1898 for 1 year. Commuted to July 1, 1899. Recommendation of prison superintendent; time almost expired; good conduct.

Marcus Scholl. Larceny. Sentenced Nov 2, 1898 to 1 year. Commuted July 10, 1899. Recommendation of sentencing judge, petition of citizens.

R.G. Keith. Larceny. Sentenced Nov 18, 1898 to 1 year. Commuted to June 17, 1899. Recommendation of sentencing judge, prosecuting attorney, complaining witness, and reputable citizens; youth; good conduct in prison.

Lee Gett. Murder. Sentenced Dec 7, 1895 to Life. Commuted to July 8, 1899. Deportation.

W. Drollinger. Burglary. Sentenced July 7, 1897 to 5 years. Commuted to January 18, 1900. Recommendation of sentencing judge, trial jurors, and numerous citizens; prosecuting attorney has no objections; good conduct in prison.

Zibe Morse. Larceny. Sentenced March 7, 1899 to 3.5 years. Commuted to expire May 8, 1900. Losing eyesight; friends to have him treated at their expense.

W.E. Howe. Larceny of public money. Sentenced Dec 21, 1894 to 9 years. Commuted to June 15, 1900. Sentencing judge and prosecuting attorney favor clemency; exemplary prisoner; sentence almost served.

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T.R. Vincent. Robbery, armed with a dangerous weapon. Sentenced October 30, 1893 to 15 years. Commuted to July 27, 1900. Recommendation of sentencing judge; evidence of previous good conduct.  
Merton H. Cox. Larceny. Sentenced Oct 16, 1899. Commuted to July 30, 1900. Only one more day to serve; youth; previous good character.  
John Lavery. Assault with a dangerous weapon. Sentenced April 27, 1899 to 2 years. Commuted to Aug. 1, 1900. Petition of citizens, ten trial jurors, and prosecuting witness.  
F.I. Copeland. Forgery. Sentenced May 28, 1897 to 12 years. Commuted to Dec. 22, 1900. Recommendation of eight trial jurors, prosecuting attorney and successor in office to the judge who sentenced him, sentencing judge being dead, all on the ground of sufficient punishment.

#### REMISSION OF UNSERVED PORTION OF SENTENCE

William Taton. Selling Liquor w/o a license. Sentenced Aug. 26, 1898 to 3 charges, \$600. Remission on March 25, 1899. Time almost served; petition of services.  
Henry Scott. Larceny. Sentenced October 28, 1898 to 1 year. Remission on March 30, 1899. Recommendation of British vice-counsel; favorable statement of prosecuting attorney.  
Hollerz Hanson. Larceny. Sentenced January 30, 1899 to 8 months. Remission on April 14, 1899. Youth, sufficiently punished; recommendation of sentencing judge.  
M.P. Evans. Larceny. Sentenced January 18, 1900 to 1 year. Remission on April 14, 1900. Recommendation of sentencing judge and prosecuting attorney; mental irresponsibility.  
J.E. Robinson. Larceny. Sentenced January 5, 1900 to 3 months in jail. Remission on March 2, 1900. Recommendation of injured party, deputy district attorney causing arrest, deputy sheriff who made the arrest, and magistrate who imposed the sentence.  
Elmer Scott. Sodomy. Sentenced March 19, 1900 to 6 months in jail. Remission on May 7, 1900. Friends secure him a place on a seagoing vessel.  
Edward Worden. Larceny. Sentenced April 18, 1900 to 1 year in jail. Remission on August 8, 1900. Recommendation of sentencing judge, prosecuting attorney, their successors, superintendent of Boys" and Girls' Aid Society; youth; previous good conduct; time served; assistance to his mother.

#### EXECUTIONS

Claude Branton. Crime of Killing of John A. Linn on June 15, 1898. Sentenced Nov. 4, 1898. Hanged May 12, 1899, at Eugene, Lane County.  
William G. Magers. Crime of Killing of Raymond Sink on Sept. 1898. Sentenced Dec. 14, 1898. Appealed to Supreme Court; reversed, resentenced June 2, 1899; appealed to Supreme Court; affirmed; sentenced third time, December 13, 1899; hanged February 2, 1900, at Dallas, Polk County.  
Coleman Gillespie. Crime of Killing of Christina Edson on Sept. 17, 1899. Sentenced Aug. 23, 1900. Hanged October 5, 1900.

#### PARDONS TO RESTORE CITIZENSHIP THOSE WHO HAD SERVED THEIR TERMS

Name / Crime / Sentence / Date / Term / Discharge / Pardon  
Geo. F McConnell Forgery Sept 1896 3 yrs Nov 19, 1898 Jan 19, 1899  
Geo. R. Lash Larceny Jan. 1897 3.5 yrs Jan 29, 1898 May 17, 1899  
John R. Zachary Burglary June 1897 2 yrs Oct 26, 1898 June 27, 1899  
I.V. Howland Larceny by bailee Nov 1897 1.5 yrs Oct 1, 1898 Oct 29, 1899  
James Moxley Larceny Apr 1896 1 yrs Nov 23, 1898 Nov 11, 1899  
F.M. Simpson Embezzlement May 1898 2 yrs Nov 17, 1899 Nov 18, 1899  
John W. Baker Assault w. a dangerous weapon Dec 1892 1 yr July 20, 1893 Dec 2, 1899  
Geo H. Newsom Arson Feb 1893 6 yrs Dec 9, 1897 Dec 6, 1899  
Frank C. Davis Adultery Feb 1897 1 yr Sept 30, 1897 Jan 4, 1900  
Eli Derk Assault w. a dangerous weapon June 1896 1 yr (1st) Mar 16, 1897 Jan 19, 1900  
C. E. Dart Larceny Apr 1886 1 yr (1st) Nov 6, 1886 Feb 8, 1900  
C. E. Dart Larceny Apr 1891 3 yrs (2nd) July 20, 1893 Feb 8, 1900  
W.S. May Larceny June 1896 2.5 yr Dec 9, 1897 Mar 26, 1900  
A.B. Fuller Forgery Dec 1893 6 yr Sept 30, 1897 Mar 28, 1900  
R. Williams Assault w. a dangerous weapon Jan 1895 2 yrs Mar 16, 1897 Apr 2, 1900

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A. Turner Larceny Oct 1894 3 yrs Nov 6, 1886 Apr 14, 1900  
N.I. Curl Burglary Feb 1897 3 yrs Nov 19, 1891 Apr 16, 1900  
T.E. Scott Burglary Jan 1898 2.5 yrs Nov 10, 1899 Apr 16, 1900  
James Wetle Larceny Mar 1894 1 yr Apr 6, 1896 Apr 18, 1900  
John Tharp Larceny Oct 1894 4 yrs Aug 30, 1896 Apr 18, 1900  
John C. Manning Arson May 1895 5 yrs June 17, 1899 Apr 26, 1900  
R.M. Stevens Burglary June 1895 2 yrs Aug 26, 1896 May 1, 1900  
David L. Gee Forgery May 1895 5 yr July 4, 1898 May 4, 1900  
Orville Perdue Larceny Apr 1897 3.5 yrs Jan 7, 1900 May 7, 1900  
Enoch Rhoten Larceny Dec 1889 1 yr Sept 19, 1890 May 7, 1900  
John McDowell Manslaughter July 1897 2 yrs Aug 6, 1896 May 10, 1900  
J.C. Hartman Larceny June 1896 1 yr Dec 15, 1896 May 14, 1900  
W.O. Rust Larceny Oct 1894 3 yrs June 12, 1897 May 26, 1900  
James Burns Murder in the second degree May 1893 Life Mar 1, 1898 June 8, 1900  
Burdett Perkins Burglary Apr 1897 3 yrs May 15, 1899 Aug 17, 1900  
C.H. Davis Obtaining \$ by false pretense Oct 1897 4 yrs June 3, 1900 Oct 20, 1900  
Edward Long Illegal disinterment Oct 1897 2 yrs Apr 24, 1899 Oct 22, 1900

### **Biennial Message, 1903**

Source: Oregon Messages and Documents, 1903, Governor's Biennial Message, Salem, Oregon, W.H. Leeds, State Printer, 1902.

#### BIENNIAL MESSAGE OF GOVERNOR T. T. GEER TO THE TWENTY-SECOND LEGISLATIVE ASSEMBLY 1903

Gentlemen of the Legislative Assembly:

As the duly accredited representatives of the people of Oregon you have assembled in biennial session for the purpose of supplying whatever legislation may seem necessary to strengthen and maintain the public welfare. In this connection it is made my constitutional duty to communicate to you such information concerning the needs of the state as experience may have dictated or observation suggested.

If in this matter we may accept the complaints which have come from the people to the different state officers as a measure of their dissatisfaction with existing conditions, my recommendation must necessarily be brief and few, for certainly at no period in the history of the state has there been so little demand for any kind of new legislation, either by the people or the public press, as at this time. Abundant harvests of an increasing variety of crops at good prices have rewarded our farmers and stockmen, whose improved condition has stimulated business of all kinds. The hand of the law has rested lightly on the people, and domestic tranquility has especially characterized our condition during the past two years. Indeed, it is likely that if no legislation were had for the next two years, save that which is necessary to provide for the maintenance of the state government, no material interests would suffer anywhere.

It has long been a generally accepted maxim that the world is governed too much, and surely it may be truthfully said that more people give expression to a complaint that there are too many laws than to the contrary.

It is common for the legislature to assembly finding the condition of the state as good in every respect as it was at the adjournment of its predecessor, yet it will add from one hundred and seventy five to two hundred new laws to the already over-burdened statute books. The last five legislatures have enacted nearly nine hundred laws, those of the session of 1899 making a book nearly as large as one volume of the Cod itself.

I indulge these reflections merely as a caution against undertaking too much legislation. To be sure, changing conditions sometimes call for new legislation or amendments to that which we already have, but the present

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needs of the state are largely confined to such measures as have been recommended in the past, not only by myself, but by some of my predecessors.

The credit of the state remains unimpaired. Oregon does not owe one dollar and it may be said that no state in the Union is in better condition in every branch of its public service. More than this could not be reasonably asked or hoped for.

The last two years constitute the only period in the history of the state when there has not been a general and sometimes a vehement complaint against the inequalities of assessment and taxation. Two years ago I devoted a large part of my message to the legislature to an elaborate discussion and presentation of this question, as had all my predecessors, concluding in the following recommendation:

“In my judgment you should adopt one of two theories. The best one, if it can be had, will be to devise some system by which the state can assess a certain amount against each county, for state purposes, in proportion to its wealth or population, providing that the first taxes collected shall be paid on the state tax. This would at once and effectually destroy the incentive to undervaluation, would result in a benefit to the state and county, would remove the annoyance and expense of delinquent taxes and dispense with the necessity for a State Board of Equalization. It seems feasible and certainly has more elements of fairness in it than any system yet proposed. I am disposed to specifically recommend this method of raising the state’s revenue as appealing most strongly to my judgment as the best and simplest one yet presented.”

This recommendation was adopted by the legislature and the present law on the subject of assessment was passed. That it has met the expectations of its supporters is evidenced by the fact that at last the question has been eliminated from the list of subjects falling within the scope of public discussion. There seems no disposition anywhere to attack the central feature of this law.

There has, however, in some quarters, been a disposition to criticize the manner of collecting taxes in the matter of penalties against delinquents and rebates for those who pay promptly, but the improved condition of all the counties in the matter of promptly payment to axes protests in strong terms against any change along this line unless carefully guarded and attended by conservatism. Many of the counties have within the past week announced that their delinquent tax lists are the smallest in their histories. Most certainly the public good will be best subserved by retaining the principal features of the present method of collecting taxes.

#### THE LEWIS AND CLARK FAIR

You will be asked to appropriate the sum of \$500,000 in aid of an exposition to be held in the City of Portland in the year 1905, in recognition of the centennial of the exploration of this northwestern country by Lewis and Clarke. Whether you should appropriate the sum asked is, of course, for you to determine. I am convinced that the state should give this enterprise a liberal support and that its benefits will add to its growth and development in a manner that will many times over return to its treasury in the years to come. I shall not attempt any argument along this line, but feel it my duty to warn you against appropriating this sum or even a smaller one unaccompanied by legislation providing for raising additional revenue by some means other than that now provided.

Indeed, this would be a matter for your serious consideration without regard to the Lewis and Clark appropriation. Justice requires it. A very few forms of property have long borne practically all the requirements of the state government in the matter of support, and these, in many cases, least able to bear them. The attention of the last legislature was called to the necessity of reform in this direction by the Secretary of State, and in his report to you this year will be found a renewal of his recommendation. The very full discussion and consideration he has given the matter makes it unnecessary for me to more than earnestly call your attention to its importance. Your committees on assessment and taxation should at once prepare a bill looking toward the taxation of corporations and various kinds doing business in the state as a means of largely increasing our revenues from a source hitherto unproductive in that direction.

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This should not be done in a radical manner, for practically every corporation is an important factor in building up the industries of the state, and, therefore, contributing to the prosperity of all its people, but it should be required to yield a reasonable return to the state for the privileges conferred and protection guaranteed. I am not disposed to dismiss this question without again impressing on your not only its importance as a just measure, but that unless some provision along that line is made for raising a part of our state revenues, there is a strong probability that the Lewis and Clark appropriation would not successfully stand against a referendum of the question to the people.

The Lewis and Clark appropriation, considering its importance and the undoubted benefit it would be to the entire state for years to come, should be considered without reference to the success or failure of any other measure. It has a merit which should insure its passage independently of other considerations, and it should be enacted into law at the earliest possible moment, in order that the legislatures of other states may take similar action during their present sessions. The time is ample, if not frittered away by needless complications, a procedure not at all necessary to anticipate.

I have considered the Lewis and Clark appropriation in connection with the demand for an amendment to our laws on taxation, including corporations of all kinds, for the reason that to make the fair appropriation without providing for the other will certainly constrain the people to order a referendum vote on the former, which, even though it should result favorably, would necessitate a postponement of the matter until its final determination would seriously cripple a very worthy enterprise.

I regard an amendment to our laws on taxation providing for raising revenue from corporations as one of the first duties which call for your prompt attention. This should include a tax on inheritances, a just and equitable manner of raising revenue that has been adopted by many states with satisfactory results. Real estate, a form of property that is always in sight, and, therefore easily found by assessors, but which is generally less productive than many other kinds of property, has long been, and is now, the bearer of the greater share of our governmental burdens. With a provision of this nature added to our present laws on assessment and taxation, there would seem to be little need for radical changes for years to come.

#### THE STATE LANDS

In my message to the last legislature I explained at much length and in detail the working of the different laws providing for the disposition of the state lands. This was done in a manner which made it easily understood by every citizen and makes its repetition unnecessary.

There has scarcely been a session of the legislature for forty years that did not make some change in the state land laws. These changes have made it somewhat difficult, not only for the average citizen to keep pace with the changes, but has, in some ways, created conditions which render their interpretation and enforcement more or less complicated and dependent upon the discretion and judgment of the State Land Board. In all cases the land board has been guided by what seemed the best interests of those purchasing lands and of the funds interested in such sales.

When the state lands of Oregon were first offered for sale no one but an actual settler could become a purchaser. The law of 1864 provided that those already claimed by settlers should be sold for \$1.25 an acre, and those which were vacant, and yet to be designated as state lands, should be sold for \$2 an acre. In 1868 it had become evident that it was not always possible to give a deed to state lands that would stand the test of subsequent investigation and changing conditions, and the legislature of that year authorized the State Land Board to "audit and adjust claims which may be supported by satisfactory evidence where land has been sold as school or university lands, which had not been nor could not be selected as either, but which had been bought and paid for under a misapprehension of its condition." This provision has been reenacted and added to many times since, and is the law at present.

In 1878 the law was again amended requiring the board to sell all state lands, agricultural college lands at \$2.50 an acre, and all other kinds at \$2 per acre, allowing 320 acres to actual settlers and 160 acres to

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persons not settlers. It was by this act of 1878 that the policy of selling our lands to those not settlers was first adopted.

The land laws were again amended in 1887 requiring the land boards to sell all state lands, excepting agricultural college lands at \$1.25 an acre. This law provided that when an applicant desired to purchase lieu lands he should himself supply the deficiency, or base, and when the selection should be accepted by the register of the proper land office, the state should issue a certificate of sale, or deed, as the case might be. There being no law to the contrary this custom of issuing deeds has been since followed. In all cases where the selection afterward proved invalid, repayment was made, as now, to the purchaser.

By the act of 1895 lieu lands were withdrawn from sale for two years, and the price raised to not less than \$2.50 an acre. In 1899 the law was again amended, authorizing the state land board to sell all state lands, excepting lieu lands, at \$1.25 an acre, and the piece of agricultural college lands was reduced to \$1.25 an acre.

It will thus be seen that while at first the object was to dispose of state lands to actual settlers, this policy was long ago abandoned, and the principal object of the law for years has been to stimulate the sales of all our lands at the prices indicated and to convert them into money for the state school fund. Settlement or occupancy is nowhere required by our present land laws, and as a result of throwing our public domain wide open to purchasers who may never intend coming to the state, the sales have certainly met the expectation of those who have framed them.

It required no gift of prophecy to foresee that when the people of the entire United States were asked to purchase our lands, without any requirement of occupancy or settlement, the spirit of speculation was invited, and in many cases has appeared. The restriction of three hundred and twenty acres to one person would prevent speculation on a large scale, if purchasers could be prevented from afterwards disposing of their lands; but since no such law has ever been enacted in any state, and never will, it is not at all probably that men who desire to secure large tracts of lands will ever experience much difficulty in doing so. Indeed, section 16 of the law of 1899 plainly points out how purchasers who are restricted to three hundred and twenty acres may at once lawfully dispose of their certificates of sale to any purchaser of certificates who may want to acquire state lands in large tracts, and thus circumvent the ostensible intention of the law; but since the first object of the state has been to dispose of its lands, without any reference to settlement, and to convert their value, as indicated by law, into the school fund, no complaint can be legitimately made of the flattering success that has been achieved.

Yet, singularly enough, because the plain intention of the law has been carried out to the letter, and because the lands have been sold according to the policy of the legislature as established from session to session, officials whose duty it is to enforce the lands laws are sometimes accused of "frittering away the public domain". So far as the State Land Board is aware, not an acre of state lands has been sold that has not brought the price of it into the state treasury. If the state wants to keep its lands, or if it wants to realize a higher price per acre for them, or if it desires to sell to actual settlers only, or if it wants to prohibit any man from owning more than three hundred and twenty acres of land under any circumstances, let the legislature so declare, and there will be no difficulty in finding officers who comply with such requirements; but it is the sheerest of nonsense to invite the citizens of the entire United States to purchase our lands and at the same time to suppose that the State Land Board will sell such lands to actual settlers only.

We can not have our lands and sell them too, neither can we expect to confine the holdings of every man to three hundred and twenty acres of any one kind of land when the same law authorizing the sale points out the way by which one man may lawfully purchase a hundred certificates of sale the next day after the state has issued them to a hundred different men, with only one fifth of the purchase price paid down. The dominating feature of all our land laws is to encourage the hundred men to buy land, but, after they have done so and according to law have sold their claims to the purchaser of certificates, the purchaser at once becomes a "land grabber", and the state officials are accused of frittering away the public domain.

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I suggest gentlemen, that if you desire a change of policy in the disposition of the public lands, and if you will specifically provide for what you want, future state lands boards, will, as the present one has, comply with every requirement of the law.

#### STATE LANDS

The total receipts from the cash sale of lands, including payments on certificates, from January 1, 1901, to January 1, 1903, amounted to \$502,094.13. During the first twenty-one months of this period the sum of \$603,818 was loaned from the irreducible school fund. During the last three months the sum of \$201,540, including renewals, has been loaned, making practically \$780,000 of new loans during the past two years.

On September 30th last the total amount of the school fund loaned was \$2,423,014.87. This amount is held in different sums by 2,200 citizens of Oregon, averaging about \$1,200 each. The interest on these notes is paid up to some time in 1901, excepting about 10, and all but 300 are paid to some time in 1902. Never in the history of the state has the school fund in all respects been in such a satisfactory condition, a testimonial not only to the persistence of the State Land Board in collection of delinquent interest, but also to the prosperous condition of our people.

The amount of the school fund principal now in the treasury is \$729,435.42. For general recommendations and information relating to the school fund and the state lands you are respectfully referred to the report of the State Treasurer and to that of the State Land Board.

It is especially desire that you appoint a competent committee to investigate in the most thorough manner the records of the Land Department in all its bearings. The work of investigating committees should not be done perfunctorily, but in the most searching and effective manner. The people want no whitewashing examination of their public affairs and neither do the state officers. Make a thorough examination or make none.

#### THE STATE LAND AGENT

Your attention is called to the excellent work accomplished for the state by the State Land Agent. Under the law of 1899 his principal duty has been to look after the farms acquired by the state through the foreclosure of mortgages given to the common school fund. On January 1, 1899, the state had acquired forty-eight farms by this manner which had cost it \$82,945. It has been his duty to find purchasers for these farms as fast as possible, at the best obtainable prices, to find renters where sales were not to be had and to look after the collection of the rents.

These farms are situated in nearly every county of the state and their successful management necessarily requires incessant labor. On the first of January, 1901, there were 126 farms on hand and 38 have been acquire since, making a total of 154. Of these 91 have been sold, leaving 73 yet owned by the state. The cost to the state of these 81 farms was \$140,023, and they were sold for \$179,154, an excess in favor of the state of \$39,131. Partial sales have been made amounting to \$6,557, and the rents collected and forfeited payments, \$11,297, making a total in receipts of \$197,009.

During the two previous years ninety-two farms which had cost the state \$165,935 were sold for \$188,880, a net gain to the state of \$22,945. In the four years 173 farms, which cost the state \$305,958, have been sold for \$368,034, a net gain to the state of \$62,076.

This is a most excellent showing and considering that business of this character, involving the foreclosure of mortgages usually results in a loss, this gain of \$62,000 to the school fund indicates an efficiency and degree of industry on the part of the State Land Agent that is very gratifying.

Incidental to this duty of the State Land Agent is that of making selection of indemnity lands. For this work the office of State Land Agent was created in 1895, and at the end of four years Hon. T.W. Davenport, who had discharged its duties during that term, advised its abolition, for the reason that he had so nearly exhausted all the available base that a continuance of his office was unnecessary. In his last message to the legislature, Governor Lord, referring to the report of the State Land Agent, said:

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“His report is full of valuable suggestions relating to the disposition of our public lands, not the least amount which is his recommendation that the act creating his office and its duties, having accomplished the object for which it was enacted, be abolished. There being, therefore, no further need for the continuance of the act, I concur in his suggestion and recommend its repeal.”

For the purpose indicated the suggestion of Governor Lord should have been followed. There has not been a sufficient amount of indemnity selections to make to have justified the continuance of a land selecting agent, yet, paradoxical as it may seem, the smaller the area of base to be obtained the more difficult it becomes to be certain of its validity. When there was a vast reserve from which to choose, or other similar sources, base whose validity could not be questioned was abundant and no trouble need be encountered.

But in many sections of the state there were and are small fractional tracts of lands along the state boundary lines, or adjacent to the banks of lakes and rivers or the ocean, which, if the situation is favorable, can be used for basis for selections, but whether they are valid or would be accepted by the General Land Office can not be determined without making the selection and sending it forward for a decision.

But in many sections of the state there were and are small fractional tracts of lands along the state boundary lines, or adjacent to the banks of lakes and rivers or the ocean, which, if the situation is favorable, can be used for basis for selections, but whether they are valid or would be accepted by the General Land Office can not be determined without making the selection and sending it forward for a decision.

By a careful and continuous searching of the records attorneys for intending purchasers have discovered fractional tracts here and there and have insisted that selections be made upon them. If from his experience with the department the agent would suggest the probable rejection of a given tract and his preference to not make the selection, he would often subject himself to the charge of desiring to favor some other applicant, but if, on the other hand, he should comply with the request and make the selection and it should be rejected, those are not found wanting who easily connect the rejection of an attempted selection with an attempted fraud.

Practically all the base left over at the end of Governor Lord's administration was, as he indicated, fractional, and the validity of such tracts could only be determined by trying them out in the General Land Office. Considering the changed conditions indicated, the percentage of approvals attending recent selections, has been satisfactory. Rejection and duplications have been common from the beginning of our land history, and latterly, especially, all purchasers have been fully informed of the doubtful character of the base supplied, if any doubt existed. The difficulties attending making selections under present conditions are not generally understood, and no officer can be possibly foresee what the determination of the department at Washington will be in any given case.

In the early history of Oregon the different county school superintendents made the selections for indemnity lands and sold the lands as well. With the records imperfectly kept, and thus scattered all over the state, and with the inexcusable carelessness of some of the first clerks of the school land board, a great many of the earlier land transactions have no record at all in our land department. It is thus not always possible to avoid duplications of land transactions, as the complete records in many cases are to be found only in the department records in Washington.

#### MINERAL LANDS

Under all grants of lands from the general government to the state, those of a mineral character are expressly withheld and never become the property of the state. If the state sells such lands in good faith they can afterward be taken from the purchaser upon proof which they may be satisfactory to the general government that they were known to be of mineral character at the time of survey. For this reason and upon the basis of the recommendation of Governor Lord, regarding the further selection of indemnity lands, the state has, by declining to employ special agents under pay, encouraged private individuals who were so disposed, to adjudicate, at their own expense, such vacant school sections as might be mineral, while they are yet vacant, in order to determine the state's right to them, while such adjudication will not interfere with



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the rights of purchasers. This is a good policy, not only for subsequent purchasers but for the state as well, since every acre of these mineral school sections is practically worthless, but as base for indemnity selections is worth \$2.50 an acre, at least.

The temporary establishment of large reserves in the northeastern part of the state created an unexpected demand for school sections in that region, that had been for sale without any buyers for many years past, notwithstanding the unusual demand for land. Suddenly, however, these hitherto worthless sections were bought up, many of them in one day, and before the State Land Board had any information of the contemplated creation of the reserve. This supports the conclusion that the purchasers of these lands had some information of the intended withdrawal, and bought them with a view of using them for base in the selection of valuable indemnity lands. Some of these sections were already so far in process of adjudication as to have been approved by the local United States land officers but the fact had not been reported to the State Land Board. The result is, that these purchasers of hitherto unsalable lands for purposes of speculation will, if the reserve shall be finally established, be entitled to the selection of valuable indemnity lands in their place, but, if not made, it is not likely any further payments will be made, and the state will have gained the sum of twenty-five cents per acre already paid.

Not a single complaint has been made to the board by any one claiming to be a settler on any of the lands upon which adjudication is being made.

#### THE PENITENTIARY

Your attention is called to the necessity for an increased appropriation for guard service at the penitentiary. This has been requested repeatedly of former legislatures by the prison authorities but without success. No provision has ever been made for but one night watchman within the grounds at the prison, which has furnished little more than no protection at all. The prison stockade is so constructed with outside buttresses every twenty feet that nine men out of ten, as they might be selected at random, could easily scale it without any assistance whatever. There being no guards on the wall at night and only one inside, any ex-convict so disposed (and they are all informed as to the situation on the inside,) could, without trouble, scale the wall and deposit firearms or other weapons for mischief with a minimum of danger of discovery. It was this manifest deficiency in protection that made the escape of Tracy and Merrill possible. This danger was pointed out to the last legislature, but as to evil result had followed, it was suggested that no change was necessary.

After the break last June occurred, with the deplorable consequences that followed, the superintendent employed two extra guards on the night force. This extra force is still maintained, as it is an actual necessity; I urge that you make provision for its permanent maintenance.

Under the able management of Superintendent Lee the penitentiary has been and is a model penal institution, and with the exception of the unfortunate escapes of last June, and which under existing conditions could not have been avoided, the results have been satisfactory in every particular. In the interest of efficiency resulting from experience, a large percentage of the employees serving under the preceding administration have been retained. Good discipline has been enforced without the use of the dungeons at all and excessive or unnecessary punishment has in no case been resorted to. Accompanying this document you will find a record of the pardons and commutations issued during the last two years, with the reasons therefore.

#### OREGON NATIONAL GUARD

Resulting directly from the constant attention to duty on the part of Adjutant General and his assistants, the national guard has reached and is maintaining a high degree of efficiency. A well organized national guard is a necessary complement of every state government, as a guarantee for the protection of life and property in cases of riot or invasion. An increased appropriation for this purpose was made two years ago, and it has been used with a view only to the better equipment of our citizen soldiers.

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For the purpose of presenting certain claims of the state against the United States Government growing out of the Spanish war, I directed Adjutant General Gantenbein to proceed to Washington and represent the state in person. This was done at small cost to the state. The first claim was for articles furnished the Second Oregon Regiment, and amounted to \$40,258, but the War Department thought the claim unreasonable, and suggested a settlement by the payment of \$17,000. By the personal attendance and explanation by the Adjutant General the sum of \$32,881 was secured, or nearly \$16,000 more than was at first offered.

In January, 1902, the Adjutant General was again directed to proceed to Washington City and present the claim of the Second Oregon Regiment Volunteers who were members of the Oregon National Guard at the time they were mustered into the United States service, at the rate of \$1.50 per day from the day of rendezvous to the muster into the volunteer army. The amount thus secured, with other claims, was \$21,779. Of this sum the amount of \$17,106 was due to the volunteers who were accepted under the President's first call for troops, and the act of Congress authorizing it expressly provides that it shall not be covered into the state treasury, but shall be delivered to the Governor as trustee for the men. Payment was begun on February 25, 1902, and 832 first-call volunteers were paid upon properly verified vouchers to and including December 31, 1902. the addresses of 169 have not yet been found.

The total amount collected was \$54,660, \$32,881 as the result of the Adjutant General's first trip to Washington, and \$21,779.94 as the result of the second.

#### THE DIRECT NOMINATING LAW

For many years there has been a general demand for reformation in the manner of making nominations for public offices. The discussion of the question has taken a wide range, but the sentiment in its favor is practically unanimous. The instances where a country or state convention trample under foot the demands of the people have been to numerous and flagrant to require any argument in support of their proof. The convention system is a superfluous agency for doing that which the people may themselves as well do directly.

The people of the entire state, of every party, meet before the opening of every campaign in what are called primary meetings. This is done to select men to represent them in county conventions for the purpose of choosing their candidates for county offices and other men to represent them in the different state conventions. While assembled in their primary meetings the people had as well express themselves directly as to their preference for county and state candidates as to choose representatives to do the same thing, or, as is often the case, to not do it.

The direct primary nominating system has every argument in its favor. When the people are assembled in their primary meetings they can select their candidates instead of their representatives to choose candidates for them. The system will require two elections, one to choose candidates and the other to choose officers, and under it the opportunity for designing men to manipulate conventions and thwart the public demand will be entirely removed. Under our present system for decades past instances have been frequent where the popular will has been turned into the grasping vortex of unrelenting bossism, to be recognized or heard of again nevermore. If you adjourn without giving the people the relief they demand, and have been long demanding in this direction, you will have failed to perform your duty in a most important matter.

#### ELECTION OF UNITED STATES SENATOR

In obedience to a general demand from the people and the press of the state, the last legislature passed a law providing for a direct vote on candidates for United States senator. After a careful revision during its passage this law was enacted by a vote that was practically unanimous and in exact accord with its provisions the popular vote was held last June. Its passage was advocated on the ground that the people should be heard on this question and because for twenty years scarcely a session of the legislature has been held in Oregon without a prolonged contest that has unnecessarily retarded need legislation. To avoid this needless turmoil the present law was passed. In many states of the Union the result of this first attempt at the popular vote for United States senators is watched with much interest, and its prompt observance and

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ratification will not only encourage its adoption in other states, but will prove the sincerity of our protestations in favor of popular elections of senators, and render impossible repetition of former experiences in Oregon, to prevent which, this law was formulated, supported, and adopted.

#### THE OREGON HISTORICAL SOCIETY

During the last two years the Oregon Historical Society has accomplished a vast amount of good in the collection of valuable data in connection with the early settlement of the state. For the future historian of Oregon the facts thus collected will be invaluable. The pioneers, who, so wisely and patriotically laid the foundations for our present government are fast passing away, and since the early history of the state was not systematically preserved, it is of great importance that as perfect a record as possible be obtained from them while yet among us, by those specially delegated for that work. The last of our great home builders will soon have passed on to that undiscovered country, and for this reason I am prompted to earnestly urge upon you the necessity of an appropriation amply sufficient for the successful prosecution of the work now under way by the State Historical Society.

#### THE STATE FAIR

By the special direction of the legislature four years ago I appointed an entirely new board of directors for the state fair, which at the time was apparently upon the verge of final dissolution. Under the excellent business management of the board thus selected the state fair has become a magnificent success in every feature, and is so regarded everywhere. The display of stock, especially, for the past two years, has admittedly surpassed any exhibit in that line ever held west of the Rocky Mountains. With these results to speak for themselves in aiding and stimulating the agricultural development and resources of the state the former prejudice existing against the fair has changed into a feeling of popular approval, and I bespeak for the management a liberal support from the state treasury. It will be money well expended.

#### FLAT SALARIES

For many years there has been a growing dissatisfaction among the people as to the fee system which is applied to the payment of certain public salaries. During the past year the question was given a degree of prominence which secured for it a place in every party platform demanding its abolition. It is not a partisan question at all, and since it was one of the few questions upon which all parties pledged affirmative action by their representatives in the legislature, it may be well taken for granted that you will not let the session pass with the promise unfulfilled. I wish to especially impress upon the members of the dominant party the necessity for prompt and decisive action on this question. It may be assumed that no objection to the proposition will be urged, as all the new officers were elected upon this pledge. Where the people have directly expressed themselves on any question at the ballot box a disregard of the mandate can only be attended by disastrous results.

#### THE SALMON HATCHERIES

The salmon hatching industry has shown a marked stimulus during the past four years, as indicated by the increase of young fry turned out from the state hatcheries. In 1899 the total output from our state hatcheries was 3,000,000; in 1900, 3,600,000; in 1901, 15,000,000, and in 1902, 26,000,000. The fish commission has left nothing undone in the way of establishing hatcheries where there seemed a probability of success, and not only does the gratifying increase noted by the figures given establish without doubt the feasibility of artificial hatcheries, but the great increase of salmon in the Columbia River and its tributaries demonstrates the practical and permanent value they will be to the state. The salmon industry has become one of the great sources of our permanent wealth and furnishes employment to thousands of our worthy citizens.

Your especial attention is called to the report of the Master Fish Warden for a detailed statement of the business transacted in his department during the past two years.

#### BOARD OF PILOT COMMISSIONERS

By reference to the report of the Board of Pilot Commissioners it will be seen that the condition of the bar at the mouth of the Columbia offers a greater obstacle to shipping than for many years past. This is a serious

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matter, and not only affects the material interests and development of Eastern Oregon, but is a matter of concern to every section of the state. No question is of greater importance to the state's interests at large than the maintenance of a deep channel at the bar of the Columbia River and an open river to the head of navigation. I desire to urge upon you the importance of memorializing congress on this subject, asking for speedy and effective action looking toward the accomplishment of these ends.

#### NORTHWESTERN STOVE FOUNDRY

Under the reorganized contract with the Lowenberg & Going Co. the payments for convict labor continue to be promptly made each month when due. From the beginning of operations under the new contract, entered into four years ago, all the obligations of this company have been paid without trouble or delay. It has, for the last two years, employed all the convicts that could be spared from the regular prison work, and has frequently made application for more. The receipts for convict labor have amounted approximately to \$24,000 during the past two years, or an average of \$1,000 per month. In addition to this the state received the sum of \$2,000 per annum for the rent of foundry plant.

#### CHILD LABOR

As a measure for prevention, rather than for cure, I recommend the enactment of a law prohibiting the employment of children, within certain ages, in factories or similar places of labor. I am not aware that this is at present done in Oregon, but it is a species of injustice and indiscretion permitted in many other states, and it will be well to prevent its introduction here before it becomes a custom. Children are the incipient men and women who, in time, will be called upon to discharge the responsible functions of adult American citizens, and their proper preparation, in schools and otherwise, is a matter for general public concern.

#### THE TEXT-BOOK COMMISSION

The legislature of 1899 passed a law providing for the appointment of a State Board of Text-Book Commissioners whose duty it should be to adopt a new series of text-books for the six years beginning with their selection. Under the provisions of this law I was required to appoint these commissioners some time during the month of January, 1901. In accordance with this requirement I have to report that I selected five representative citizens of the state, who faithfully performed the great trust committed to their care, and in such a satisfactory manner that no word of complaint of any kind has ever been heard. It is seldom that a more responsible or more difficult duty is delegated to five men, and both the people and the commissioners are to be congratulated upon the successful and satisfactory manner in which the object of the law has been attained.

#### PROTECTION AGAINST FOREST FIRES

The devastating forest fires which destroyed so many lives and so much property during the past autumn in Oregon suggests the necessity of amending our present law on the subject of starting fires during certain months of the year. Without suggesting any special provision I desire to call your attention to the subject as one that should not be overlooked. Thousands of acres of valuable timber were swept out of existence within a week, an utter extinction of wealth that had been hundred of years in reaching its perfected stage. Strict penalties should be provided for starting fires under any circumstances during certain months of the year. We are inviting investors from all over the United States to buy our timber lands, and we owe this guarantee to them as well as to our own citizens. While fire, when under control, is an invaluable servant, it is a most unrelenting master.

#### THE STATE INSTITUTIONS

The system of government provided by our constitution embraces a form which, for economy, is not equaled by any other state in the Union. Oregon has fewer officers than any other state, and therefore, they perform more duties than are required of similar officers elsewhere. The four principal state officers, consisting of the Governor, the Secretary of State, the State Treasurer, and the Superintendent of Public Instruction, control and direct all our public institutions, as well as the vast business connected with our state lands, the irreducible school fund, our enormous fishing industry, and other interests not now necessary to mention. It may be well imagined that this entails a vast amount of work and constant attention to duty on the part of four men only. It is with a feeling of pride, shared by my colleagues in the state

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government, that I call your attention to the excellent condition of all these institutions, and the greater interests involved in some of the other departments mentioned.

Only men of character and integrity have been chosen for the discharge of the duties required of subordinate officers, and the exceedingly small number of complaints made against the management of any of the public interests attests the excellent character of their administration. It will be utterly impossible for a greater degree of economy to be enforced in any of the institutions. The wages paid to employees are in every instance extremely low, and in many cases are almost distressingly so. The cost of maintenance can not be well reduced at the present prices for supplies, which are purchased from the lowest bidders. I speak for my colleagues as well as for myself in stating that at all times, when discussing ways and means for the management of all our public interests, our dominating purpose has been to discover that which would best subserve the general welfare. Not in a single instance has there been any departure from this view of our public duty. The success that has attended our efforts is evidenced by the unusual scarcity of criticism of present conditions either by the press or the people.

#### THE SOLDIERS' HOME

There is, perhaps, no soldiers' home in the United States that is better managed than the Oregon home, at Roseburg, a fact that is a strong argument against the trustee system of management. Prior to the abolition of that system, four years ago, there was constant turmoil and trouble between the members of that board, the officers, and even the inmates of the home. This disappeared at once with the placing of the management of the affairs of the home under the control of the Governor, and the utmost harmony has since existed. It is the only home in the United States not managed by a board of trustees, numbering variously from three to twenty-one members.

The present system is an advantage over the trustee system because it is ten times as difficult for ten men to agree on a given proposition as it is for one man.

The soldiers' home is absolutely without fire protection of any kind, and is the only state institution so situated. This should not be allowed to continue, for it is not only indefensible as to negligence, but is flagrantly inhumane. The water supply is so scant as to be absolutely useless in a case of fire. There is no reservoir and no water supply of any kind, excepting that which is nearly closed by corrosion. The ordinary demand for water during the morning hours of each day consumes all the water which the present pipe will carry.

Considering that all the members of the home are old and many of them decrepit and sleep in the third story of the building, it should only require this statement of the situation there to guarantee an appropriation sufficiently large to provide against the possible loss of life and property through its unnecessary and unjustifiable continuance.

#### INSURANCE ON PUBLIC BUILDINGS

This leads to the consideration of the question of insurance on public buildings. It is my judgment, concurred in by other members of the different boards, that the state should carry no insurance on its public buildings. During the past forty years I believe there has been no fire in any public building, save the recent fire at the reform school. This fact shows that the chances for loss of property from fire are too small to justify incurring the expense of insurance. The most valuable of our state buildings, the capitol, is not insured for a dollar and never has been.

I bring this matter to your attention as an important question and one upon which you should take definite action.

There should be a law instructing the different boards to insure the state buildings in an amount definitely specified, or, you should declare that, since the state's resources are stronger than those of any insurance company, it is the policy of the state to carry its own insurance.

The failure to take definite action in this matter may well be taken as an indication that the various boards are not expected to maintain insurance on the state's property.

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## CONCLUSION

Gentlemen of the Legislative Assembly, I am about to lay down the great trust confided to my keeping four years ago by the people of Oregon. They have been four years of constant attention to the details of the multifarious duties devolved upon the chief executive under our constitution and the laws. Being subject to the limitations of human imperfections, I have doubtless made some mistakes, but at this moment I am conscious of having at all times been guided by an undeviating desire to enhance the welfare of my beloved native state, and the splendid condition of our financial and other interests at this time bespeaks the degree of success that has been achieved.

I cannot close without congratulating my colleagues in the state government upon their re-election, and this congratulation should and does extend to the people. Associated with these public officials in the closet of business relations each day for four years, I have found them at all times courteous, careful, industrious, and honest. No shadow has come across the pathway of our official duties to mar our pleasant relations and no disagreements upon matters of public business have arisen in any case. Daily consultations attended always by unrestrained confidence, have been held and advice has been sought and given on all matters pertaining to our respective positions and duties.

I make no attempt to conceal the sadness with which I now sever my official connections with them. I do so with the expressed hope that the term of office just opening to them may be attended with the same degree of success in the performance of their official duties as that which characterized the one just closing, and that my successor in the executive office may meet with an experience as pleasant as mine has been.

It is with a grateful heart that I think the people of Oregon for the generous and unfailing support they have at all times given me when the opportunity has been presented to them, and I return to private life dominated by the all-pervading hope that the future of this great commonwealth may be commensurate with that position among her sister states which, under the providence of God, her resources and her people have said should be hers.

### **Pardons and Commutations for 1901-1902**

Source: Oregon Messages and Documents, 1903, Governor's Pardons and Commutations, Page 31, Salem, Oregon, W.H. Leeds, State Printer, 1902.

## STATEMENT OF PARDONS, COMMUTATIONS, AND REMISSIONS

Issued by T.T. Geer, Governor of Oregon.

For the years 1901 and 1902

To the Legislative Assembly, Twenty-second Regular Session 1903

State of Oregon, Executive Department,  
Salem, Oregon, January 10, 1903.

Gentlemen of the Twenty-second Legislative Assembly:

In compliance with the law, I herewith submit to you a statement of the pardones, commutations and remissions granted by me during the years 1901 and 1902. Each statement includes a synopsis of the reasons upon which action was based, and all papers relating to each case have been file din the office of the Secretary of Stats are required by law.

Very respectfully,  
T.T. Geer,  
Governor.

FULL PARDONS

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Geo. W. Bartmess. Manslaughter. Received at prison Oct 15, 1898. 10 years. Pardoned Dec 31, 1900. Recommendation of nine trial jurors and numerous citizens; portion of sentence served; exemplary prisoner; previous reputation law abiding and uptight; ends of justice best served by his released.

Allen Edwards. Obtaining money by false pretense. Received at prison Feb 18, 1900. 1 year. Pardoned January 19, 1901. Served his sentence lacking one day; exemplary prisoner; not naturally criminal.

Edwin L. Mims. Manslaughter. Received at prison Aug. 24, 1900. 5 years. Pardoned March 30, 1901. Extreme mercy of court recommended by trial jurors, eight of whom petition for his pardon; also numerous citizens; delegation of representatives from that county; belongs to good family in another state; will be removed permanently.

O.C. Newman. Larceny. Received at prison Oct 13, 1900. 1.5 years. Pardoned April 17, 1901. Served portion of his sentence; all trial jurors; sentencing judge; large number citizens Grant and Malheur counties represent he is of reputable family and join petition for his pardon.

Charles A. Combs. Forgery and assault with dangerous weapon. Received at prison Feb 15, 1895. 2 terms, 2 years each; 1 term, 12 years. Pardoned June 21, 1901. Has served both sentences for forgery; part for assault with dangerous weapon; district attorney who prosecuted and party assaulted by him recommend clemency; conduct good; mother residing in another state ready to receive him.

C.A. Brown. Larceny. Received at prison Dec 1901. 1 year in Multnomah Co. Jail. Pardoned March 19, 1902. Sentencing judge, prosecuting attorney recommend pardon because of youth of prisoner minimum sentence imposed; exemplary conduct while prisoner.

M. Brown. Larceny. Received at prison Dec 1901. 1 year in Multnomah Co. Jail. Pardoned March 19, 1902. Sentencing judge and prosecuting attorney recommend pardon because of youth of prisoner; minimum sentence imposed; exemplary conduct while prisoner.

F.S. Ingram. Murder, second degree. Received at prison March 22, 1892. Life. Pardoned June 19, 1902. Model prisoner; in recent outbreak risked his life in defense of unarmed guards; lost a leg in so doing.

Frank Shinn. Larceny from the person. Received at prison March 6, 1901. 5 years. Pardoned June 24, 1902. Numerous responsible citizens of Baker County including many trial jurors, prosecuting witness, who expresses doubt as to guilt, committing magistrate, who doubts at this time if alleged crime was perpetrated at all.

William F. Beckman. Murder. Received at prison March 30, 1902. Life. Pardoned Sept. 9, 1902. Sentencing judge, three trial jurors, citizens of county where crime was committed, recommend clemency; citizens of Minnesota, his former residence, testify to previous good character; arrangements made for transportation to Minnesota, in view of age, infirmity and service during Civil War.

Ezra Durand. Forgery. Received at prison April 2, 1897. 12 years. Pardoned Nov 26, 1902. Prosecuting Attorney Lord, Judge A.F. Sears, Jr., Judge M.C. George, Hon. Henry E. McGinn, Hon. R.W. Hoyt, and many other representative citizens of Multnomah County, and many many of the injured parties, recommend pardon on the ground of his old age, and sufficient punishment. District Attorney Chamberlain waived service of notice.

George Morey. Murder. Received at prison June 22, 1894. To hang, commuted to life imprisonment. Pardoned Dec 20, 1902. He has served about ten years of his sentence, appears to not be of the criminal class, his pardon is recommended by the four judges of Multnomah County having jurisdiction over his district, by the prosecuting attorney, and many other reputable citizens.

Jake Sheets. Arson. Received at prison Nov 1901. 3 years. Pardoned Dec 23, 1902. Prosecuting attorney and reputable citizens of the vicinity where the crime was committed, including those interested in his prosecution, represent that, owing to his mental and physical condition and youth, he has been sufficiently punished.

Marion Hodge. Larceny by bailee. Received at prison April, 1902. 1 year. Pardoned Dec. 23, 1902. Circuit Judge Clifford, who sentenced him, recommends that from what he has since learned of the man and his case, he was only technically guilty and has received sufficient punishment.

J. F. Prestoon. Assault and robbery. Received at prison September 9, 1901. 5 years. Pardoned Jan. 7, 1903. Sentencing judge recommends and citizens acquainted with the prisoner at the time of commission of the act, represent that he has been an inmate of an insane asylum and that his offense was one of a weak-minded, foolish boy, rather than that of a vicious criminal.

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Etta Horton. Adultery. Received at prison Nov. 6, 1902. 1 year. Pardoned Jan. 8, 1903. Citizens in the community where the offense was committed believe she has been sufficiently punished and petition for pardon.

W. R. Smith. Assault with intent to kill. Received at prison Feb. 21, 1902. 2 years. Pardoned Jan. 9, 1903. Numerous citizens of the vicinity where the crime was committed petition for his pardon and it is recommended by the district attorney, complaining witness, and nine trial jurors.

#### COMMUTATIONS

William Brownlee. Larceny. Received at prison March 23, 1900. 1 year. Commuted to expire Feb. 5, 1901. Served his term lacking twenty days; numerous citizens, including prosecuting witness, petition for his release.

Joseph Gentemann. Uttering a forged check. Received at prison Nov. 22, 1899. 2 years. Commuted to expire Feb. 23, 1901. His release is recommended by prosecuting witness; all the trial jurors; large number of citizens among whom he has lived testify to previous good character, and ask for clemency.

Harry Dowling. Larceny. Received at prison Dec. 19, 1896. 7 years. Commuted to expire April 1, 1901. Served the major part of a long sentence; deputy district attorney who prosecuted case; five trial jurors recommend pardon; am assured employment awaits him in another state, and he will immediately depart for that state.

Jerry Nooman. Larceny. Received at prison Dec. 26, 1896. 7 years. Commuted to expire April 1, 1901. Served major part of long sentence; deputy district attorney who prosecuted case, five trial jurors recommend pardon; am assured employment awaits him in another state, and he will immediately depart for that state.

Samuel Mills. Rape. Received at prison July 1, 1899. 3 years. Commuted to expire April 9, 1901. Served major portion of his sentence; all trial jurors, district attorney, and numerous citizens recommend pardon; exemplary prisoner.

A. J. Gabhart. Larceny by bailee. Received Oct. 15, 1900. 1 year. Commuted to expire Aug. 24, 1901. Served his sentence lacking one day; merit time deducted; reputable citizens and taxpayers of county in which crime was committed, including prosecuting witness, petition for his pardon.

Benjamin Ownbey. Robbery, being armed with a dangerous weapon. Received at prison April 9, 1897. 7 years. Commuted to expire Aug. 27, 1901. Served his sentence lacking two months; sentencing judge and prosecuting witness, together with number of citizens recommend his pardon.

Robert Jordan. Larceny. Received at prison June 5, 1897. 7 years. Commuted to expire Sept. 27, 1901. Served portion of his sentence; prosecuting witness, prosecuting attorney, sentencing judge, ten trial jurors, numerous citizens petition for his pardon.

J. G. Lurman. Manslaughter. Received at prison July 8, 1900. 5 years. Commuted to expire Dec. 24, 1901. Sentencing judge, eleven trial jurors, together with majority of people of Sumpter, where crime was committed, numerous reputable citizens of Baker County petition for clemency in his behalf.

Gustave Lagny. Larceny. Received at prison Mar. 21, 1896. 10 years. Commuted to expire Dec. 24, 1901. Exemplary prisoner; rendered valuable service as prison druggist; little more than six months to serve; release strongly recommended by prison officials; prosecuting witness; prison officials and others.

George W. Baxter. Manslaughter. Received at prison July 3, 1896. 15 years. Commuted to expire Dec. 24, 1901. Served considerable portion of his sentence; district attorney who prosecuted him; his successor in office; his deputy; nine trial jurors reputable citizens acquainted with circumstances recommend pardon and represent him not to belong to criminal class.

Neil Campbell. Assault to rape. Received at prison Oct. 6, 1896. 10 years. Commuted to expire Jan. 14, 1902. Served his term, lacking one day, allowance being made for time earned.

Claude McHargue. Forgery. Received at prison Mar. 17, 1899. 4 years. Commuted to expire Mar. 11, 1902. Petition of representative citizens of Linn County; recommendation prison physician on account of failing health, been in hospital six months with no apparent hope of recovery.

P. G. Morris. Larceny of public money. Received at prison March 21, 1900. 4 years. Commuted to expire April 8, 1902. Served sentence, lacking less than three months; sentencing jurors and large number of citizens petition for pardon.

Louis Level. Burglary. Received at prison Feb. 21, 1902. 2 years. Commuted to expire Oct. 8, 1902. Sentencing judge is now in possession of facts, which if known at time would have given lighter sentence;



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district attorney recommends clemency; large number of citizens petition for pardon, recommend him to be not of vicious disposition.

H. S. Warriner. Burglary. Received at prison March 1, 1902. 3 years. Commuted to expire Nov. 13, 1902. Reputable citizens acquainted with the circumstances of the crime, represent that he is a young man, that it was his first offense, that he belongs to a hard working, industrious, respectable family, and the district attorney recommends clemency.

John Campbell. Murder in 2d degree. Date received at prison not known. Life sentence. Commuted to expire to a term of twelve years. District attorney, ten trial jurors, and large number of citizens recommend pardon.

George W. Hayes. Adultery. Received at prison May 12, 1902. 1 year. Commuted to expire Feb. 1, 1903. Citizens of the community where the offense was committed believe he has been sufficiently punished, and petition for his pardon.

Lafe Engel. Having in his possession deer meat out season. Received at prison Feb. 18, 1901. \$100. Commuted to expire Mar. 12, 1901. Petition unanimously signed by reputable citizens that he was more technically guilty than otherwise; is poor man, with family.

J. H. Harbin. Selling liquor with out license. Received at prison June 10, 1901. \$300. Commuted to expire Aug. 19, 1901. Sentencing judge, prosecuting attorney, and county court recommend remission, on ground that after two mistrials immunity from punishment may be asked for if he plead guilty; he has since taken out license.

Charles Wooley. Selling liquor with out license. Received at prison Aug. \_\_, 1902. \$200. Commuted to expire Sept. 26, 1902. Sentencing judge gave shortest sentence; ends of justice best subserved by remitting \$100.

Andrew Olsen. Selling liquor without license. Received at prison Aug. \_\_, 1902. \$200. Commuted to expire Sept. 26, 1902. Sentencing judge gave shortest sentence; ends of justice best served by remitting \$100.

John Bartell. Violating fishing laws. Received at prison Sept. \_\_, 1902. \$20. Commuted to expire Oct. 11, 1902. Defendants made diligent effort to learn provisions of law and were misinformed by peace officer who labored under misapprehension of its provisions; justice of the peace who imposed fine recommends remission; reputable citizens represent ends of justice will be subserved by granting remission.

Daniel Brack. Violating fishing laws. Received at prison Sept. \_\_, 1902. \$20. Commuted to expire Oct. 11, 1902. Defendants made diligent effort to learn provisions of law and were misinformed by peace officer who labored under misapprehension of its provisions; justice of the peace who imposed fine recommends remission; reputable citizens represent ends of justice will be subserved by granting remission.

W. G. Cleveland. Violating fishing laws. Received at prison Sept. \_\_, 1902. \$20. Commuted to expire Oct. 11, 1902. Defendants made diligent effort to learn provisions of law and were misinformed by peace officer who labored under misapprehension of its provisions; justice of the peace who imposed fine recommends remission; reputable citizens represent ends of justice will be subserved by granting remission.

John Whitehurst. Assault and battery. Received at prison Sept. 9, 1902. \$25. Commuted to expire Oct. 17, 1902. Superintendent of City Schools, Principal of Park School, Clerk of District No. 1, and Board of Directors represent that it was in discharge of his duty as janitor at the Park school that the crime was committed.

Sidney G. Dorris. Gambling. Received at prison March 1902. \$500. Commuted to expire Nov. 24, 1902. Many citizens represent that fine was unjust and ask for remission of sentence.

Chris Lund. Selling liquor without a license. Received at prison Oct. 15, 1902. 100 days. Commuted to expire Dec. 13, 1902. Prosecuting judge who imposed sentence, and numerous citizens of Union County, where the crime was committed recommend that the ends of justice have been subserved by the punishment received.

#### PARDONS TO RESTORE TO CITIZENSHIP THOSE WHO HAD SERVED THEIR TERMS

Name / Crime / Received at prison / Term.( yrs) / Date of Discharge / Date of pardon

John Lavery Assault with a dangerous weapon 4/27/1899 2 8/1/1900 1/18/1901

Henry Ross Forgery 6/29/1899 2 12/1/1900 2/20/1901

Albert Brannon Polygamy 5/25/1899 2 11/1/1900 2/28/1901

Geo. W. Weaver Rape 6/27/1896 4 7/3/1899 3/30/1901

Neil Campbell Assault to rape 10/6/1896 10 1/15/1902 2/6/1902

Harry Tucker Burglary, not in a dwelling 10/21/1900 2 2/7/1902 2/7/1902

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Benj. Ownbey Robbery, being armed with dangerous weapon 5/1/1897 7 10/21/1901 2/14/1902  
J. F. Rose Assault to rape 12/12/1895 2 2/3/1897 3/5/1902  
Thurston Pettyjohn Larceny in a dwelling 6/26/1901 1 2/1/1902 3/6/1902  
Nick Jenkins Rape 3/28/1899 4 12/31/1901 3/13/1902  
J. G. Lurhman Manslaughter 3/28/1899 5 12/31/1901 3/14/1902  
A. J. Beckelheimer Larceny 10/30/1898 5 12/11/1901 3/19/1902  
Oscar Arnold Larceny 10/13/1899 1.5 12/4/1900 3/21/1902  
William Hanna Buying stolen property 8/2/1899 3 5/22/1901 3/24/1902  
Francis T. Clark Forgery 12/24/1897 5 6/13/1901 4/9/1902  
John Kincaid Assault and robbery 9/25/1898 4 10/20/1902 4/16/1902  
Claude McHargue Forgery 3/17/1899 4 3/11/1902 4/18/1902  
Wm. H. Eusted Larceny 5/9/1897 1.5 3/10/1898 4/23/1905  
John Fiester Larceny 5/9/1897 1.5 3/12/1898 4/23/1902  
Wm. M. Hendren Larceny in a dwelling 10/17/1900 1 8/1/1901 4/28/1902  
Wm. Merrill Assault and robbery 11/28/1894 8 12/14/1899 5/17/1902  
Wm. H. Banta Larceny in a dwelling 10/16/1900 2 4/23/1902 5/19/1902  
Richard Stevens Larceny 6/8/1901 1.5 4/21/1902 5/31/1902  
Charles Clark Rape 5/27/1901 1 4/14/1902 5/31/1901  
Charles Gingle Larceny 6/2/1895 5 11/24/1898 5/31/1902  
George Sally Larceny 3/14/1897 2 5/11/1898 5/31/1901  
Edward Sally Larceny 3/14/1897 1.5 2/11/1898 5/31/1902  
Charles Albee Larceny 12/18/1900 3 6/30/1902 6/30/1902  
E. Simmons Assault to rob 12/2/1897 4 2/20/1901 8/4/1902  
John Kelly Assault with a dangerous weapon 10/24/1901 1 7/18/1902 8/4/1902  
Arthur Hicks Wanton and malicious injury to personal property 11/16/1901 1 7/27/1902 8/18/1902  
E. D. Horner Forgery 3/17/1899 6 8/8/1902 8/19/1902  
R. Blaylock Larceny 10/2/1900 2 3/16/1902 9/2/1902  
Frank E. Bodwell Larceny from a warehouse 10/31/1901 1 7/16/1902 9/8/1902  
Alfred Henry Hart Manslaughter 6/26/1902 1 9/29/1902 9/29/1902  
Henry Schroder Forgery 12/1/1900 3 8/26/1902 10/14/1902  
George Monroe Assault to rape 12/19/1895 10 3/22/1902 12/23/1902