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GOVERNOR JAY BOWERMAN ADMINISTRATION

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Acting Governor's Message, 1911

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Message Of Jay Bowerman Acting Governor of Oregon, To the Twenty-sixth Legislative Assembly Regular Session 1911

To the Honorable Members of the Legislative Assembly of the State of Oregon:



GENTLEMEN: Section 11 of Article V of the Constitution of this State requires the Chief Executive to give to the Legislative Assembly information touching the condition of the State and to recommend such measures as he shall judge to be expedient.

By reason of the serious illness of Governor Frank W. Benson during the last six months and because of the fact that I have been, during that time, President of the Senate, I have, by virtue of Section 8 of Article V of our State Constitution, occupied the office of Governor of this State and discharged the duties pertaining thereto; and by reason of the continued serious illness of our Chief Executive, and the resulting inability on his part to prepare and deliver the customary biennial message to this Legislative Assembly, I have, at his request and in discharge of the obligations resting upon me as the Acting Governor of this State at the close of the last biennial period, prepared for your consideration the following report of the condition of the affairs of the State and recommendations relative to certain legislation.

SCHOOL FUND

The trust funds belonging to the State and loaned for the benefit of the Agricultural College, University and Common School Fund have been well cared for and loaned with diligence, caution and integrity, with the result that the earnings from these funds, during the last two years, have been larger than during any like period in the history of the State. These funds are in good condition; with few exceptions, the interest is paid promptly and I find that the number of loans in default is very few.

STATE LANDS

As a result of litigation commenced and prosecuted by the State, the title to about 23,000 acres of land in what is known as Warner Valley (Lake County) is likely to be reinvested in the State and the school funds, by reason and as a result of this litigation, will be increased several hundred thousand dollars. Immediately after the determination of this litigation, large number of persons who were familiar with the history and probably result of these cases, applied to purchase a large part of the land involved at \$5.00 per acre; their applications were suspended and finally denied, for the reason that the land was worth several times the price offered. The applicants have retained attorneys and are threatening to bring mandamus proceedings against the State Land Board to compel the sale of these lands at the price offered, their contention being that, under the present statute governing the sale of the State's lands, the State Land Board is without discretion or authority, but acts in a purely ministerial capacity. While I do not concur in their contentions,

or believe that any court would enforce their demand, nevertheless, for the purpose of settling this question in the interest of the State and in the interest of the public schools, I would urge you to so amend the present laws, that there may be no doubt that the State Land Board has the right to exercise a reasonable discretion in the interest of the public, to exercise a reasonable discretion in the interest of the public, to the extent of raising the price of any of the State's land and of refusing to sell any part of the same. Under the present statute, it is possible for a citizen to acquire title to the tide lands and shore lands along the bays and navigable streams. Many of these bays are now of little consequence from a commercial standpoint, but in the immediate future, and as a result of the great development movement now in progress in this State, some of them will be of prime importance. As the owners of the tide lands will be in a position to control the movements of commerce, and as the value of these lands is now of little consequence and their sale brings practically nothing into the State Treasury, and their value in the future is a matter, while uncertain in amount, yet of public interest, I would therefore suggest that the law be amended so that, for the period of ten years, the tide and over-flow lands of the State may be withdrawn from sale except in cases where the public interest of a community require a limited amount for commercial purposes or for the developing some local industry. The State has no means of acquiring definite knowledge as to the resources or value of these tracts, but depends entirely upon the information furnished by the interested applicant. It is in every sense of the word a one-sided transaction, in which the public, even in the locality where the lands are situated are not advised, and I deem it to be in the interest of the future development and greatness of this State that the title to these lands be retained by the State, in trust for the general public, until our further development shall necessitate the disposal of a part of them for the purpose of providing transportation lands and sites for manufacturing concerns with suitable means of communication between the main land and the navigable waters.

STATE INSTITUTIONS

The State institutions at the present date are nominally governed by various boards, consisting of State officers. The Asylum, Feeble-Minded Institution and Reform School are governed by a board consisting of the Governor, Secretary of State and State Treasurer; the Mute School and Blind School, by a board consisting of the Governor, Secretary of State and the Superintendent of Public Instruction; the Tuberculosis Sanatorium by a board consisting of the Governor, four other members appointed by the Governor, and the president and secretary of the State Board of Health; the Penitentiary and Soldiers' Home by the Governor acting alone.

The contracts for supplies for all the institutions, except the Asylum, are awarded by the various superintendents and, in fact, these institutions have been for many years virtually controlled by the several superintendents, acting of course, upon such instructions as the boards, from time to time, may have given. This system of handling the State's business affairs is not in accordance with good business principles and results in a lack of efficiency on the one side and gross extravagance on the other. No private concern competing in the business world could continue its affairs in the manner in which the public affairs are conducted without certain bankruptcy. The State spends now one million dollars annually in caring for and supporting its various wards, including the convicts. In doing so, it buys some of its supplies under contract after bids have been solicited and submitted; but some institutions buy almost exclusively in the open market at retail, while other institutions are small and their requirements correspondingly meager, with the result that their contract prices are little, if any, less than the ordinary retail prices at small stores. The Asylum buys in large quantities and its supplies are delivered at practically wholesale rates. Several of the institutions require men of special training and technical knowledge, and in this particular, I feel that the State of Oregon has in its employ men of high standing in their special lines, but it does not necessarily follow that these men possess executive and business capacities sufficient to justify the State in placing in their hands the administration of the business side of their institutions.

While temporarily filling the office of Governor, I devoted a considerable portion of my time to ascertaining, so far as possible, to what extent the public funds were being wasted. I found that the prices paid by the smaller institutions for the same article were never the same and that, in some instances, fifty per cent more was paid than at the Asylum. I also discovered that the Soldiers' Home at Roseburg was buying all of its supplies in the open market at retail, and that the prices paid were far in excess of those paid at some of the

other institutions. The superintendent of this institution advised me by letter that, under the direction of Governor Geo. E. Chamberlain, he had discontinued the practice of advertising for bids and purchasing his supplies under contract. This institution pays more for its electric current than do the citizens of Roseburg, notwithstanding the fact that it is one of the large consumers.

The public has the right to expect and demand that public money be expended with the same judicious care exercised by an ordinary prudent business man. There is neither reason nor justification for the present method of managing the State's affairs. It is not economical. It is out of keeping with good business methods. Many employees whose services are unnecessary are upon the pay roll by reason of the present method. Every institution has its store-keepers and some of them have clerks duplicating the same class of work. I would recommend that the management of all of the institutions be placed under the control of the same board; that all supplies be purchased under one set of contracts; that a general commissary at some central point in Salem, preferably at the Asylum, be established and placed in the charge of some competent and sufficiently-compensated man, who should be under sufficient bonds to insure the protection of the State's interests, and that the several institutions draw their supplies as required from this commissary. I would further suggest that it be made a crime for the superintendent of any institution to purchase supplies for his institutions except under this contract system without having shown to the board of control that an emergency existed and secured from the board authority for making the purchase. I would recommend that the employees of these institutions hereafter be engaged and retained for their efficiency and not as compensation for some political service rendered or to be rendered; that these employees be placed under civil service regulations and retained during their good behavior and efficient service. I would also recommend that the salaried employees of the State, during the time of their employment, be compelled to devote their time and energy to the public service and denied the privilege of active participation in political affairs, further than the right of a citizen to vote.

Many of the superintendents have found it convenient in advertising for supplies to adopt the use of trade names and trade marks in specifying the goods they wished to purchase. This custom is growing and today a very large amount of the State's supplies are purchased under specifications which call for bids upon the product of a particular manufacturer or some patented article. The result of this system is that all the products of competing manufacturer or some patented article. The result of this system is that all the products of competing manufacturers are eliminated from competition and the State is compelled to pay whatever prices may be asked for this particular product. All specifications should be drawn in general terms which will allow the makers of all goods of the class or kind required to compete. This is fair to the seller and will result in a marked economy to the State.

From time to time, new institution have been created to meet the growing conditions of the State and the new industries of its people. The Tuberculosis Commission, the Feeble-Minded Institution and the Desert Land Board are all recently created affairs, and each add to the Governor's office new duties not ordinarily appurtenant thereto. Under the present system of government in Oregon, the office of Chief Executive is a general clearing house of trouble, worry and annoyance, leaving to the Governor but little time for the consideration of the duties naturally devolving upon his office. He is called upon pass upon samples of goods submitted with bids for State supplies; he is supposed to be an expert as to the quality of calico and other fabrics and all the various kinds of groceries and supplies. Upon his private secretary is placed the further burden of keeping the minutes of the Asylum board, preparing contracts, and advertising for bids, and the Governor is personally compelled to audit and allow the vouchers for these institutions. These vouchers number several hundred every month. The Tuberculosis Commission is also under his supervision; and his private secretary is the clerk of this board and is compelled to discharge the duties of that office in a similar way. The Desert Land Board is of great importance now and the development and reclamation of our desert lands in the future will increase its burden.

I believe the time has come when the direct management and control of the State's institutions should be placed in the hands of competent men of high character and qualifications who will give to them their whole time and personal attention, and that, by so doing, the State will save to itself many times the expenses incurred in this manner. A board of this character could save several thousand dollars a year in architect's

fee alone by securing the services of one competent and experienced architect. During the last year of Governor Chamberlain's administration, the State paid out more than twelve thousand dollars (\$12,000) for architect's fees alone. In other words, the work which could have easily been attended to by one man, cost approximately two and a half times the Governor's salary.

EASTERN OREGON ASYLUM

Under a statute passed by the last session of the Legislature and approved by the people at the last general election, and insane asylum was authorized in Eastern Oregon. By the terms of this law, the Board of Trustees of the Asylum, consisting of the Governor, Secretary of State and State Treasurer, was required to locate this institution within sixty days after the proclamation of the law, at some point within five miles of either Baker, Union, or Pendleton. At the earnest request of Governor Benson, I consented to attend to this duty for him. Owing to the great importance of this matter now and on future occasions, I sought the aid of a competent civil engineer. I also secured, through the Oregon Agricultural College, the services of Professor H.D. Scudder as a soil expert. In company with Senator C.W. Nottingham, I visited the different towns and the several sites offered. The matter came on for final determination before the board at Salem on December 27th. The advice of Dr. R.E.L. Steiner, Superintendent of the Oregon State Insane Asylum, at Salem, was secured. Dr. Steiner recommended the location at Pendleton on account of the elevation and climatic conditions. Senator Nottingham concurred in this recommendation. The board believed that the patients would be better served and their physical and mental condition better cared for if the institution were located there than at either of the other places. An order was therefore made designating Pendleton as the location and three tracts of land adjoining Pendleton on the west were purchased as a site for this institution. By this purchase, the State has acquired a valuable tract of rich bottom land, irrigated from the waters of the Umatilla River, upon which there is now a bearing orchard and other valuable improvements. An excellent building site is also included.

The completion of this institution, according to the requirements of this law, will necessitate the appropriation of more money. I would recommend that you secure from Dr. J. Dillon Plamondon, superintendent of this institution, the data and statistics which he has gathered since his appointment for your information and guidance, and that money sufficient for the prompt building and equipment of this institution be appropriated.

AUDITING ACCOUNTS AGAINST THE STATE

By reason of negligence and carelessness on the part of former legislatures, Oregon does not have a uniform system of accounting by its several officers, commissions, board and employees. Most of the accounts against the State are kept differently. The Secretary of State is, under the constitution, the auditor of all claims against the State, but by reason of neglect at former sessions, some of the State officers and employees draw against special funds in the State Treasury, and there is no person authorized or empowered to audit these claims. These methods are undesirable and will lead to extravagance and even fraud. No claim against the public fund should be paid until it has been examined into and allowed by the Secretary of State. I would earnestly urge you to enact a law governing all public funds and requiring that all claims against the same be audited and allowed by the Secretary of State and paid upon his warrant drawn against the State treasury.

PUBLIC SERVICE COMMISSION

Under a statute enacted in 1907 the steam railroads of the State and the inter-county electric railways are, in their dealings with the public, regulated to a certain extent. There are, however, a large number of other public service corporations exercising the right of eminent domain and owning valuable franchises granted by the public, whose income is derived from the exercise of their quasi-public functions and who owe to the public certain duties and obligations in the performance and discharge of which the public is compelled to look solely to the good intentions and honorable motives of these corporations, and in the settlement of the innumerable disputes and differences that arise between them and the public, dissatisfaction is continually present and the people frequently do not receive fair consideration. Other states have found it satisfactory and to the advantage of both the public, and the public service corporations to have the dealings of these concerns under the supervisory control of a State board or commission. The State of New York regulates all

public service corporations by means of two public service commissions, one having jurisdiction within the corporate limits of greater New York and the other of the remainder of the state. I would recommend the enactment of a fair, reasonable, public service commission statute, giving the control and regulation of the steam railroads, electric roads (both municipal and interurban), electric light and power companies and any other concerns dealing in public utilities within the State. This commission could take the place of the present Railroad Commission, although it might be composed of the same individual officers. In addition to the authority now given to the Railroad Commission, this new body should be authorized and empowered to supervise the issuance of stocks and bonds by public service corporations, to the end that the watering of these stocks and bonds and the resulting levy of illegitimate tribute upon the people may forever hereafter be impossible. This statute should be comprehensive in its nature, giving to the commission full power and authority to protect the rights of the people and upon this commission should also be placed the responsibility of dealing fairly with both parties to any controversy. It is not only a matter of public interest and general concern that our public service corporations be regulated in the interest of their patrons but that the interest of the public be generally protected, but on account of the undeveloped condition of our State, the many parts of it which are not now served by transportation facilities and without other necessities and luxuries of life, Oregon cannot afford in the interest of her people to pass any statute that will hamper development or in any way tend to prevent the legitimate investment of outside capital. On the other hand, everything should be done which will tend to bring our great latent resources into development for the benefit of our people and which will induce capital from other portions of this and other countries to seek investment here. The fair return upon invested capital is a matter of right and justice and the safety and security with which investments in Oregon are or may be made will largely tend either to developing the State by outside capital or to preventing the same. Therefore, I urge that in the preparation of a bill of this character, all attempt to unduly hamper these concerns or to embarrass them without reason be eliminated; but that your efforts be confined solely to the proper and necessary regulation and control of these concerns along lines that will be fair to the public and the consumer and fair to the corporation.

EMPLOYERS LIABILITY ACT

Owing to the existing conditions in commercial life at the present time and especially in manufacturing lines in this State, the people have felt that regulation of factories and shops and those employing labor is a proper subject for legislation and Oregon has in recent years, enacted a number of laws for the protection of the life and health of the employees of these concerns. This class of legislation is altogether wise and wholesome and when confined within reasonable bounds has a tendency to promote rather than retard manufacturing industries.

However, conditions now exist in this State which may easily tend toward an undesirable end. The injuring of a citizen is a matter not only of private misfortune but of public interest, for the public is specially and pecuniarily interested in the welfare of each citizen of the commonwealth and his ability to earn a livelihood and properly support himself and those necessarily dependent upon him, and when an employee is injured, his earning capacity destroyed or impaired and he is made a probable charge upon the benefaction of the public, each citizen is interested in his misfortune.

At the last general election a statute was adopted by the people, having for its purpose the amelioration of the unfortunate conditions heretofore existing and giving to an injured employee redress in the ways of damages. By this statute, some of the harsh rules of law heretofore in vogue in the courts of Oregon and now in force in most of the other states were abolished, so that our manufacturers and employers are denied certain rights heretofore accorded to them and which are now enjoyed by competing concerns in other states. To what extent this handicap may affect the manufacturing industries in this State and tend to induce other factories to locate elsewhere is a problem that only experience can solve.

There is, however, one feature of the present statute which is to my mind unfair to both the employer and the employee, and is a proper subject for consideration at this time. I refer to the litigation resulting from an injury and to the exorbitant fees frequently charged to an unfortunate victim of some unavoidable accident. Under existing laws, when an employee is injured, there is an obligation and liability flowing from the employer to the employee. A law should be passed which will at once make it possible for the employee to

collect his full dues without delay and without expense and which will remove from the employer the necessity of not only paying his proper obligation to his injured employee, but in addition thereto, from paying as he frequently does, a like amount to some attorney to whom he owes no obligation whatever. The solution of this problem will go far toward giving to the unfortunate citizen a proper compensation without the usual delays and unpleasant features following prolonged litigation, and will also relieve the manufacturers of this State of a heavy burden.

I would therefore recommend that you give serious attention to the problem of providing a method of prompt and complete compensation to the employee without expense to him.

STATE LAND AGENT

The office of State Land Agent was created in 1899. That official represents the State in leasing and selling lands acquired under foreclosure proceedings. Theoretically the agent also represents the State in acquiring title to lieu or indemnity lands, but as a matter of fact, his service in this particular is perfunctory in the extreme.

The present State Land Agent, Hon. Peter Applegate, has discharged the duties of his office faithfully and with great efficiency. He has disposed of all of the land acquired by the State under foreclosure proceedings. He has checked up the State records with the United States records at the several land offices for the purpose of determining what land, if any, was still due to the State as indemnity land. His records are now complete and there is at the present time no further occasion for continuing any officer in this position; his records should be transferred to the office of the State Land Board and placed in the custody of its clerk, who, by proper enactment, should be authorized to discharge the nominal duties heretofore performed by the State Land Agent in making indemnity selections. These offices, in the interest of better service, should be combined, and in the interest of economy, the office of State Land Agent should be abolished.

EMPLOYEES OF PUBLIC SERVICE COMMISSION

Many of our citizens devote their time and earn their livelihood from employment with the large transportation and other public service corporations. The earlier years of their life have been devoted to acquiring knowledge and experience sufficient to entitle them to hold positions of trust and remuneration and it frequently happens that these citizens or some of them are, without fault on their part, discharged on account of some false or misleading complaint and without the right of a hearing or an opportunity to defend themselves, their means of livelihood is destroyed and, at an advanced age in life, they are turned out of their usual vocations to seek another and in doing so are handicapped by their wrongful discharge. It is a matter of public concern that these men be given an opportunity to defend themselves against unwarranted charges.

I would therefore recommend that you enact a statute giving to any employee of any public utility corporation, before he is discharged, the right to be heard, to meet his accuser, and answer the charges made.

GOOD ROADS

Throughout recent years there has been a general campaign, having for its purpose the arousing of interest among the public in the question of good roads. It is manifestly a matter of economy that our roads be properly constructed and thereafter repaired and maintained properly. The settlement and development of many portions of our State is retarded and the happiness of many of our citizens lessened by reason for the unintelligent manner in which our road system has been permitted to grow up.

Statutes should be enacted at this session which will provide for the scientific construction of permanent highways. This work should be upon a systematic plan, under the supervision of a competent State engineer, who is thoroughly versed in modern methods of constructing permanent highways, acquainted with the conditions and able to bring beneficial results to our people. Other states are employing a large number of their convicts in the construction of roads. They are used in quarries and in preparing rock for permanent highways, while the convicts in Oregon are employed in farming in the vicinity of the penitentiary and in labor at the foundry. The State owns the land and buildings at the foundry and furnishes these, together

with the convict labor, to private corporation for the purpose of building stoves. In pursuing this policy, the State is placed in a most unfortunate position. It is placing these convicts in open competition with free labor which, in itself, is reprehensible in the extreme. No free man should be compelled to sell his labor in a market in competition with that of a convict and the laborers of Oregon are entitled to protection from this class of labor. There may be a few convicts who cannot with safety be used in building highways, but by proper and intelligent attention to this subject, I feel confident that the per cent would be very small. I would therefore respectfully urge upon you're the passage of a comprehensive highway statute and a passage of another law doing away with the foundry at the penitentiary at the expiration of the present contract with Lowenberg & Going co., and requiring the employment of the convicts in preparing material for and in the constructing of highways for the use of the entire public. I would suggest that additional credit be given to the convicts for their work in this line, in order to encourage a better feeling among these men, and, if possible, induce a reformation.

REAPPORTIONMENT OF SENATORS AND REPRESENTATIVES

Section 6 of Article V of the constitution requires that at the next session of the legislature following an enumeration of the inhabitants of this State by the United States, the State shall be divided into representative and senatorial districts and the membership of the two houses of the legislature apportioned in the manner provided in this section of our constitution. I deem this section mandatory and respectfully urge you to prepare and enact a law which will fairly distribute the membership of each house among the several portions of the State. I deem it proper at this time to call your attention to the question fo submitting to the people a proposed amendment to the constitution by which each senator or representative would represent a complete district, i.e., that counties having more than one senator or representative, should be divided into as many districts as there are members from such county, to the end that the membership of the legislature may be made up of men closer to their people and that the matter of representation may be localize. Under the present constitutional arrangement, several of our counties have no direct representation in the upper house and two of them have no direct representation in either house. Inasmuch as the county is the unit with which the State deals in matters of taxation and other affairs of government, it is highly desirable that each county be represented by one of its citizens, chosen by its electorate. Other states have followed the general plan of the federal government and have given to each county one member of the Senate and required that the house be made up according to population, provided that each county have at least one member. This plan would slightly increase the present membership of each house, but, at the same time, would give to the smaller counties and to those portions of the State now undeveloped, which in the future must be the homes of many of our citizens, their proper representation.

I would suggest that this matter be given careful consideration by you, and if deemed wise, that it be submitted to the people for their action. Under the present system, the counties of Benton, Columbia, Crook, Curry, Harney, Hood River, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Willamette and Wheeler, (14 out of 34 counties of the State), are without representation in the Senate, except indirectly, while the counties of Harney and Wheeler are not directly represented in either house. It is not only unfair to tax and legislate for the people of a county without having some citizen of that county take part in the enactment of such statutes, but owning the many and varied resources and industries of other counties and which should be represented by a person familiar with them, it is detrimental not only to the people of these counties but also the public generally to permit the present condition to continue.

Some of the legislative districts in this State are larger in area than three of the New England states and are so situated with regard to transportation facilities that there are today in this legislature men representing counties within whose borders they have never even traveled. The twenty-first district, consisting of the counties of Grant, Crook, Klamath and Lake, has an area larger than the combined area of the states of Vermont, Hampshire and Massachusetts. They possess a great diversity of climatic conditions, soil and resources and should support a large population. The county of Harney has no voice in either branch of the legislature, except by a representative of another county, and the counties of Crook and Lake have no senator of their own in the Senate.

PUBLIC OFFICERS SHOULD NOT SELL GOODS TO THE PUBLIC

It has come to my attention that certain officers of the State and the officers of certain counties and other municipal corporations within the State are dealing with the State or municipalities of which they are officers for the gain of themselves. No person holding a public position should be interested directly or indirectly in any contract with the public concern of which he is an officer. The charters of some of our municipalities prohibit this practice which is not only questionable but, in my opinion, reprehensible in the extreme. I would therefore recommend the passage of a statute making it a crime for any officer of the State to sell goods to or in any manner contract with the State, either directly or through any other person, corporation or agency, and that the counties, school districts, cities and other municipal corporations of the State be in like manner similarly protected.

AMENDMENT TO THE FEDERAL CONSTITUTION

I have submitted to your honorable body a certified copy of Senate Joint Resolution No. 40 of the sixty-first Congress of the United States, which has for its purpose the amendment of Article XVI of the federal constitution, so that Congress may be able to levy and collect an income tax. I earnestly recommend the adoption of this amendment at the earliest possible moment; I deem its purpose wise and in the interest of modern principles of good government and believing that its passage is assured in this session, I shall not enter into any extended discussion of the reasons why it should be adopted.

CHANGES IN ELECTION LAWS

At the present time the statutes of the State require the primary nominating election to be held on the forty-fifth day prior to the general election and since the amendment of the State constitution at the general election in 1908, our primary nominating election is and always will be held on Saturday unless the law is amended. This arrangement is distasteful and inconvenient to a large number of our citizens. Many of the laboring people in the cities are accustomed to having half holiday on Saturday of each week, while others are particularly busy on that day; the one class is denied either the privilege of voting or the benefit of usual vacation, while the other is denied the privilege of voting by reason of the unusual amount of work to be performed on that day. Under the primary election law, the polls are open only seven hours, i.e., from 12 o'clock noon until 7 o'clock P.M. There is no reason why the polls should not be opened during the entire day, for no additional expense would be incurred. The present law is unsatisfactory to many people and results in a light vote being cast.

I would recommend that you consider this matter carefully and adopt a statute which will provide that the primary nominating election be held on some other day of the week than Saturday, and that the polls be opened from eight o'clock A.M until seven o'clock P.M., with one hour intermission between the hours of one o'clock and two o'clock P.M the same as the law now provides for a general election.

Under our existing statutes, the names of candidates for any certain office are placed upon the ballot in alphabetical order and those whose names commence in the latter part of the alphabet, in the more populous counties of the State at least, are handicapped to a certain extent by this arrangement. This is especially true in Multnomah County in the election of members of the legislature. It frequently occurs that a very large per cent of the successful candidates in that county are men whose names commence with the first three or four letters of the alphabet. Inasmuch as it is ability and integrity which are desired, rather than any particular name, I believe it would be beneficial to the State as well as fair to those other members of a community whose names begin with some other letter than A,B, or C, if the laws of several other commonwealths be considered and a statute adopted in this State which will provide for a rotation of names, i.e., that upon every one hundred ballots the order of the names be changed regularly. The practice of numbering the names of the candidates upon the ballot serves little if any useful purpose, but is taken advantage of by political bosses and professional politicians in having the numbers of certain candidates printed upon slips and distributed among the heelers and henchmen for their information. Therefore, I would suggest that you carefully consider the advisability of doing away with the numbering of names upon the ballot to the end that the elections in this State may be as nearly as possible the true expression of a free and unbiased opinion of our electorate.

CONSERVATION AND PROTECTION OF THE FORESTS

The question of national or State administration of our forests is becoming acute. The eastern portion of the country, under the agitation of a former federal officer and his supporters, is manifesting a deep interest in the forests and other natural resources of this and other western states. The water power, timber, minerals and other resources of the older states have passed into private ownership; these have been developed and are the basis of large commercial enterprises and the means of employing great numbers of persons and are bringing great wealth and permanent development to these localities.

During President Cleveland's administration a small amount of our timber lands was withdrawn from entry. The purpose of these withdrawals was to protect the watersheds and stream sources of our principal waterways. Following these withdrawals, succeeding administrations have withdrawn great areas of our public lands, the more recent withdrawals being made upon the theory that the government should retain the title to and control of all timber and mineral lands and available water power sites. Together with the above classes of lands have been withdrawn large areas of agricultural land. Under a statute recently enacted, an actual settler is entitled to have these agricultural lands segregated and to be permitted to make entry of them, but in actual practice we find that in some counties where more than one-half the area has been withdrawn from entry and settlement, a settler is allowed to survey these agricultural lands and to go to great expense under the honest belief that the government will permit him to enter and homestead the lands according to the provisions of these statutes; but after a lapse of considerable time and the expenditure of some money, he is advised that the particular tract he desires is needed for administrative purposes and it is immediately covered by a further withdrawal for such purposes. This policy on the part of the federal government results in a great loss of the State. It damages the State and counties by preventing large areas from being settled by bona fide homeseekers and places upon the remainder of the community a heavy burden of taxation by requiring the other property to support the local government and contribute the entire county's portion of the State tax, while the taxing power is denied as to these reserves. The timber in these reserves is largely ripe and should be manufactured. Under the present policy, it is permitted to stand until it has been burned over and then sold in large holdings. In Eastern Oregon, a great area of excellent pine timber is destroyed each year. It is a matter of interest to every resident of Oregon that this policy be changed, so that timber which is suitable for manufacturing purposes and is past its growing stage may be manufactured into lumber. Land which is suitable for agricultural purposes should, without expense to the homesteader and without delay, be vacated and made available for entry. The large sums of money expended each year for the horde of federal office holders which today infests our State and embarrass our settlers, retards industrial growth and hampers legitimate enterprises, should be saved to the federal government and the State, under proper federal regulation, permitted to administer these affairs in the interest of the people of Oregon.

Our livestock industry has been hampered, and in certain localities almost exterminated, by the officious and unwarranted conduct of some of these petty federal employees. An unwise and unwarranted policy of limited, and in some cases, preventing the grazing of livestock upon these reserves, is reducing the number of animals produced in Oregon each year, thereby not only curtailing the income of the State at large from this source, but also tending to increase the cost of meat products to the remainder of the State and its people.

Large areas of the State now without transportation facilities are remaining undeveloped because they lie in localities in which a great portion of the lands are under federal control. Settlers residing in the vicinity of these reserves are denied the privilege of neighborhood associations, schools and highway improvements because of the blight of the present federal policy. Brush and weeds are the products of thousands of fertile acres of untimbered land which would be the homes of independent, happy and prosperous citizens if the present system were abolished. Our arid lands in Eastern Oregon remain undeveloped and unwatered because our portion of the great Reclamation Fund has been invested by these same federal office holders for the more favored localities of other states.

During the last summer, great areas of timber, having a value running into large sums of money, were burned over by forest fires, which were largely the result of the present unwise forest policy of the federal government. The State appropriates five hundred dollars (\$500) each two years for forest fire protection

and five thousand dollars (\$5,000) for a like period for the Oregon Conservation Commission. This commission was created by an act of the last legislature and is made up of prominent citizens of the State, but its policy has frequently been to enter into controversy between factions of the federal government relative to Oregon resources and the conservation thereof. It has performed little, if any, real service for the State, but on the other hand has added its influence to that of the present administrative policies of the federal government in preventing the development of the State and in encouraging the withdrawal of our lands from entry and has accomplished nothing toward securing our just portion of the Reclamation Fund. It has rendered some service of a political nature to those office holders with whose views and policies its dominant members concur.

I would respectfully recommend prompt action upon your part in enacting effective forest fire legislation which will assist in preventing the ravages of fires similar to those we experienced last summer and the appropriation of a reasonable amount of money to assist in this work. The Conservation Commission should be abolished and the money heretofore appropriated to it devoted to some useful purpose. This legislature should emphatically declare it to be in the interests of this State that agricultural lands within forest reserves be released and made subject to settlement, without expense to settlers and without the present unreasonable and unnecessary delay.

A strong memorial should be adopted, praying the federal government to do justice by Oregon in the apportionment of the Reclamation Fund, and our Representatives in Congress should be memorialized to seek the enactment of federal statutes which will at once do away with the extravagance and waste following the present policy of handling our resources and which will give to the State the administrative control of them under federal authority and State enactments which will safeguard the interests now and in future generations, and also promote the development of the State and permit the settlement of those of the public lands which are suitable for agricultural purposes.

During the last summer, the forest fire situation became so acute and the homes of many settlers and farming neighborhoods were being destroyed or endangered to such an extent that I deemed it not only wise but entirely necessary that the State should render assistance. Therefore, under the authority vested in me as Commander in Chief of the Oregon National Guard, I called into service certain organizations of that body. These men rendered notable service and protected the lives and property of a large number of citizens and succeeded in saving from entire destruction many homes. Inasmuch as this service is out of the line of ordinary employment of the members of these military organizations, I feel that the State is under a peculiar obligation to them, and that they should be compensated for their time; their uniform and equipment which was damaged or destroyed should be replaced and I would urge that you adopt a resolution expressing the gratitude of this State for the excellent service rendered by these men outside the line of ordinary military duty.

DEPUTY SECRETARY OF STATE

Owing to the continued serious illness of Governor Benson, the administration of the State's public affairs by the several boards of which he is a member as Secretary of State, has been hampered. Inasmuch as a great portion of the State's business affairs is conducted through the office of the Secretary of State, and by him as a member of the various boards and commissions, it is highly important that his position be filled at all times by a man conversant with the situation and clothed with the full authority of that position. The present condition may recur at any time hereafter and I would recommend that you create the office of Deputy or Assistant Secretary of State. No additional expense need be incurred for the position could be filled by the chief clerk now authorized by law and employed in that office. All that is needed is to give to this officer the right and authority to do that which he is now doing with the additional power of sitting upon the boards in place of the Secretary of State.

LIEUTENANT GOVERNOR

The time has arrived when this State should create the office of Lieutenant Governor. We have recently beheld the spectacle of a man compelled to fill the two chief offices of the State; either position carries with it duties and responsibilities sufficient to fully occupy the time of a most capable man and it is not in the

interest of good government or economy to continue the present arrangement and to undertake to require a man to do work which is impossible for any man to perform.

I would therefore recommend that you submit to the people of the State, by resolution, a constitutional amendment having for its purpose the creation of the office of Lieutenant Governor, to serve during the absence of incapacity of the Governor, or vacancy in that office, and during the legislative sessions to act as the presiding officer of the Senate.

STATE ENGINEER

At the time the office of State Engineer was created, Oregon was making its tardy entrance into the field of reclamation of its arid lands. The State Engineer is a member of the State Board of Control and performs duties, as such, equivalent to his associate members of that board, in settling disputes and establishing rights for the use of water. He is also a member of the Desert Land Board and the other members of that body look to him to protect the State and the settlers in the contract with the several companies operating under the Carey Act. Today more than five hundred thousand acres of arid lands in Eastern Oregon are being reclaimed under this statute. The State Engineer has many duties to perform in connection with the reclamation of these lands. The interest of the public and the settlers demand that the State Engineer be a man of integrity and large experience in his chief line. We cannot afford to have in our employ a man of mediocre ability or questionable integrity and an official of the character, ability and experience necessary to properly fill this position must be well compensated, moreover, at the last session of the legislature, the office of State Engineer was made elective and he is compelled now to bear the burden and expense of two campaigns and two elections in order to secure employment for a term of four years.

We have at the present time an efficient and satisfactory office in Hon. John H. Lewis, but I am reliably informed we cannot retain his services unless his compensation is increased, therefore, in the interest of the public and the settlers upon the lands now being reclaimed, as well as the large number of other residents of Eastern Oregon who must depend upon his office for their titles to water and the right to use the same, I would urge that you carefully look into this question and arrange for a suitable increase of his salary.

CONCLUSION

In conclusion, I trust that your labors may be marked with fidelity and accomplished in harmony and that at the adjournment of this session you may each return to your several homes conscious of duty well performed and a feeling that the arduous and under-compensated services of a member of the Oregon Legislature have been discharged successfully, with integrity and fearlessness, solely in the interests of a progressive State government of this magnificent commonwealth.

JAY BOWERMAN.
Acting Governor.