

OREGON'S LAST LEGISLATURE

Members Who Voted or Promised to Vote for the Initiative and Referendum Amendment to the Constitution.

REPRESENTATIVES.

Baker County—W. E. Grace, Dem.
 Benton County—R. J. Nichols, Rep.
 Benton and Lincoln Counties—G. E. Davis, Rep.
 Clackamas County—George Knight, Sil. Rep.; Lorin Kruse, Rep.; Alex. Thompson, Rep.
 Clatsop County—C. J. Curtis, Rep.; Johan E. Young, Rep.
 Columbia County—J. E. Hall, Rep.
 Coos County—George P. Topping, Rep.
 Coos and Curry Counties—E. S. Piatts, Pop.
 Crook County—J. N. Williamson, Rep.
 Douglas County—J. W. Conn, Dem.; W. W. Wilson, Pop.; G. W. Womacott, Dem.
 Gilliam County—S. G. Hawson, Rep.
 Grant and Harney Counties—R. N. Donnelly, Rep.
 Jackson County—E. V. Carter, Rep.; Matthew Stewart, Rep.; E. A. Sherwin, Dem.
 Josephine County—James W. Virtue, Dem.
 Klamath and Lake Counties—W. A. Maasngill, Rep.
 Lane County—F. M. Brattain, Rep.; W. F. Gray, Sil. Rep.; Ivan McQueen, Rep.
 Linn County—D. M. Jones, Sil. Rep.; H. M. Palmer, Pop.; J. J. Whitney, Dem.
 Malheur County—J. M. Blackaby, Dem.
 Marion County—William L. Cummings, Rep.; E. H. Flagg, Rep.; Abner Lewis, Rep.; John McCourt, Rep.
 Multnomah County—J. C. Bayer, Rep.; S. C. Beach, Rep.; George H. Hill, Rep.; Peter Hobkirk, Rep.; R. E. Moody, Rep.; George T. Myers, Rep.; J. T. Ross, Rep.
 Polk County—N. F. Gregg, Dem.; J. B. Stump, Sil. Rep.
 Sherman and Wasco Counties—A. S. Roberts.
 Tillamook and Yamhill Counties—J. W. Maxwell, Rep.
 Umatilla County—A. D. Stillman, Dem.
 Union County—D. A. McAllister, Dem.; F. S. Stanley, Rep.
 Wallowa County—Peter Fordney, Pop.
 Yamhill County—Clarence Butt, Rep.; E. F. Lamson, Rep.
 Republicans, 32; Democrats, 10; Populists, 4; Silver Republicans, 4. Total in the House, 50.

SENATORS.

Columbia, Washington and Tillamook Counties—G. W. Patterson, Rep.
 Crook, Lake and Klamath Counties—B. Daly, Dem.
 Douglas County—A. W. Reed, Rep.
 Wasco, Gilliam and Sherman Counties—E. B. Dufur, Dem.
 Multnomah County—Geo. W. Bates, Rep.; Donald Mackay, Rep.; Ben Selling, Rep.; S. E. Josephi, Rep.
 Union and Wallowa Counties—Justus Wade, Pop.
 Baker County—William Smith, Pop.
 Benton County—John B. Daly, Rep.
 Clackamas County—George C. Brownell, Rep.
 Clackamas and Marion Counties—L. L. Porter, Rep.
 Clatsop County—C. W. Fulton, Rep.
 Grant, Harney and Morrow Counties—J. W. Morrow, Dem.
 Lane County—W. Kuykendall, Rep.
 Linn County—J. Clem, Pop.; P. R. Kelly, Rep.
 Marion County—L. J. Adams, Rep.; N. H. Looney, Rep.
 Yamhill County—W. A. Howe, Rep.
 Umatilla County—George W. Proebstel, Rep.
 Senators—Republicans, 16; Democrats, 3; Populists, 3.
 All the hold-over senators voted or promised to vote for the amendment.
 In the House Mr. J. T. Ross is recorded as voting against the amendment, but this is an error.

THE LEGISLATURE OF 1899

It is said that there are two sides to every story, and this is sometimes true even of a legislature. It is the purpose of this review to call the people's attention to the better side of the story of our last legislature; its faults and shortcomings have been well told by others.

First, as to public money: It appropriated less for the expenses of the state than any legislature since 1859, though the district attorneys of the state were for the first time placed entirely on the salary system and paid wholly from the state treasury. The following is the record of total appropriations by each legislature since 1857:

1857	\$ 784,618 69
1859	1,010,216 62
1861	1,202,764 65
1863	2,241,696 37
1865	1,359,564 69
1867	1,258,211 15
1869	1,260,928 91

Deducting from the appropriation of 1899 \$55,000 for district attorneys' salaries, which was a new appropriation, and the total is but little more than one-half the appropriations of 1863.

Of the half million dollars increase in 1869 over 1857, \$406,000 is in the insane, penitentiary and judicial funds; these are expenses that necessarily grow with increase of population and wealth, and the population and assessment has nearly doubled in Oregon during the past twelve years.

Now, as to the laws it made and refused to make: First, it defeated more

than four hundred and fifty bills. This entitles the body to some credit from men who complain that too many laws are made. Many of the rejected bills were good measures, but it is impossible for any member to study and judge fairly nearly seven hundred bills in forty days. It rejected the sugar-bounty bill and the artesian well experiment, which would have cost the state \$242,000.

The legislature enacted one hundred and seventy laws. Ninety were of a local nature—city charters and amendments, salaries of county officers, etc., all relating to questions which will be settled at home by the voters immediately interested within five years after the adoption of the initiative and referendum amendment to our constitution. The state legislature ought never to be troubled with these purely local questions. Fifty-eight laws were changes in the code and general laws, commonly believed to be improvements. Only about twenty of the general laws enacted caused much discussion or met with vigorous opposition.

The legislative body that enacted the Bingham registration law, and laws for the election of road supervisors by the people, the schoolbook commission, city park commissions, with a referendum provision as to their more important acts; the practical abolition of the useless and expensive grand jury system, reforming the clerk-hire abuse in future legislatures, prohibiting the maintenance of armed bodies of men by any private person or corporation, reduction of interest to 6 per cent. on school fund, placing district attorneys and clerk of supreme court on salaries, codifying and simplifying the law of negotiable instruments, abolishing compulsory pilotage, not to mention other improvements in our law—and last, but by no means least, the constitutional amendments for the initiative and referendum, and for a fixed term of residence in the precinct as a necessary qualification for a voter—surely the legislative body that did these things has some claim to be honored by the people of Oregon.

This legislature was fairly free from bitter partisanship. Most measures were considered on their merits, without regard to party lines. Except on the apportionment bill, the writer did not hear a partisan speech during the session, and be it remembered to the honor of the members who voted against the initiative and referendum amendment that not one of them tried to defeat it by arousing party prejudice.

Some citizens fear to adopt the initiative and referendum because they say it is too cumbersome; that there will be no end to voting on laws. Yet, out of the nearly seven hundred bills introduced in the last legislature, it is not probable that the people would have been called to vote on more than five if direct legislation had been in full operation.

Of those that passed, the referendum would probably have been demanded on the schoolbook bill and the apportionment bill. Perhaps the pilots of the Columbia river would have obtained a five per cent. referendum petition on the bill for abolition of compulsory pilotage.

The Torrens land system bill and the sailor boarding-house bill, rejected by the legislature, would probably have been passed by that body and referred to the people, if it had power to order the referendum on such bills. The sailor boarding-house bill was urgently demanded by the shipping interests of the state, and would almost certainly have been submitted to the people by initiative petition if rejected by the legislature. Therefore, five is the utmost probable number of laws on which the people might be called to vote at the next June election if the initiative and referendum system had been in full operation last year. No one will pretend that the addition of five numbers to the official ballot would greatly trouble either the intelligent voters or the judges and clerks of election.

Do not fail to ask a promise from every delegate to a convention as well as from every candidate for the legislature, that he will do what he can to submit to the people the Direct Legislation amendment. Appeal to his sense of fairness as a representative American for the opportunity to get a decision of the people at the ballot-box on this question.

Let us show to the politicians of the United States, as well as those of Oregon, that support for the submission of Direct Legislation amendments is a sure way for the politician to get votes for himself—that party lines cut no figure on this question. Prove to the politicians that we are loyal and true at the ballot box to those who help us in the legislature.

When our government was created, amendments to the state constitutions were made by the legislatures without referring them to the people. Now this is done in only one state. Then the president and vice-president were elected by the members of the electoral college and the members of that college were elected by the legislatures. Now all the presidential electors are elected by the people, and are elected to vote for the candidates who have been nominated by the people in their different party conventions; a presidential elector is now a mere agent to vote for the candidates chosen by his party and has no will or discretion of his own as to his vote in the college.

TO THE CITIZENS OF OREGON

An Address by the Executive Committee of the Oregon Direct Legislation League.

Direct legislation is not in any sense a party question. For the last eight years the demand has been growing in this state for the Initiative and Referendum. At first it was for the most radical form. Five years ago nearly 14,000 voters signed a petition to the legislature for a constitutional convention, to submit to the people a new constitution including this system. As now offered in the amendment passed by the last legislature, it is a safe and moderate proposal, the Referendum being in the optional form. This amendment is printed in full in another column, and the following is a brief statement of its provisions:

Referendum
 It grants to the legislature power to refer any law to the people; it grants to 5 per cent. of the voters power to refer any new law to the people by filing their petition with the secretary of state within 90 days from the last day of the session at which the law was passed. EXCEPT laws providing for the immediate preservation of the public peace, health or safety. Only one law can be referred by one petition. The power of the legislature to make laws is not changed except as to those on which the Referendum is demanded.

No special elections unless ordered by the legislature.

It grants to 5 per cent. of the voters the same power to propose any measure to all the voters that one representative or senator has to introduce any bill in the legislature. The Initiative

petition must include the full text of the proposed law or constitutional amendment and be filed with the secretary of state not less than four months before a regular election.

The governor cannot veto any bill referred to the people. Unless a majority at the polls vote for the measure it does not become a law. The forms of petitions, verifying signatures and other details are left for future legislation, as it was in South Dakota.

The proposed amendment grows steadily in favor with thoughtful citizens. It is in line with the progress of our government toward more direct power and responsibility in the individual voter. This is the natural outgrowth of the New England town meeting system, and if adopted we believe it will gradually introduce into the business of the state the thoughtful economy and frequent re-election of capable officers which distinguishes the New England towns.

The submission of this constitutional amendment to the people can do no harm. If it is adopted, we believe it will result in better government—that there will be less of violent agitation and more thoughtful consideration of proposed reforms. Such important changes as may be made in our laws will be brought about in a more gradual and orderly manner. No great change can then be made before the majority of the voters are fully convinced of its wisdom.

Alleged improvements in our system of government will then be brought directly before all the people. New ideas in government will be considered with more of the calm thoughtfulness of business methods and less of bitter party spirit. In operation this system will speedily put a premium on intelligence and honesty in the individual voter. It will not then be necessary to destroy a public man in order to show disapproval of his vote on any question.

We appeal to your American spirit of fairness for your aid in submitting this amendment to the people. INDEPENDENT of party lines, we ask your influence in obtaining from ALL POLITICAL PARTIES, and from all CANDIDATES for the NEXT LEGISLATURE, their PERSONAL and PARTY PLEDGES to submit this constitutional amendment to the people.

Speaking now particularly to the advocates of the Initiative and Referendum:
 Most Referendum men have a very friendly feeling for the members of the last legislature who voted or promised to vote for this amendment. It may be that some of these old members, populists, republicans and democrats, will be candidates again this year, and, of course, will promise to vote again for the submission of this amendment to the people. Other things being equal, we believe these men should have the united support and votes of all believers in Direct Legislation.

Their record is greatly in their favor, and this is true whether they believe in the system or not. Their willingness to submit this important question to the people shows of itself a very high type of American citizenship. As to these ex-members, where they are renominated, we believe it will be right and wise for all referendum men, regardless of party lines, to unite in striving for their re-election by the largest possible majorities. Send these men back to the legislature by larger majorities than any candidate ever had before in their respective districts.

This course ought to be easy for the independent voters of Oregon; for the gold democrats who voted for McKinley because they were against free silver though he favored a protective tariff; for the republicans who voted for Bryan because he favored free silver though he was also a free trader; for the populists who voted for Bryan because he favored 16 to 1 though he and his party were against paper money and government ownership of railroads and telegraphs; for the prohibitionists who vote always for a principle, regardless of defeat; a large majority of these citizens favor Direct Legislation. To all these independent voters, we say it ought to be easy to combine your votes for men who have voted once for your measure and promise to do so again.

Many of the members of this committee belong to one or another of these groups. You have made earnest and sincere profession that you were seeking measures first and foremost—that the success of any political party or candidate was of little consequence if only the principle could succeed. You have not only professed this faith of principles first—parties and men second—but you have practiced it. In the June campaign let us be true to this record.

With reformers the Initiative and Referendum is and for several years has been the most important of state issues. Let us lay aside our party prejudices and work and vote in the June campaign with an eye single to the success of this constitutional amendment in the next legislature.

The Oregonian says, and with much truth: "The cowardice of members of Congress is the most contemptible feature of our public life. Few have courage to stand up for anything lest they lose votes in the ensuing election." This applies oftentimes also to State legislators. Yet the men are less to blame than the system under which they work.

Representatives are elected to enact the will of the people into law. Now they can only guess at the people's will on any great question, and if one guesses wrong, political death is the probable and always possible result. Then we lose a valuable public servant, valuable perhaps because of many years of experience, wide acquaintance with public men, and positions on legislative committees, as well as unusual natural ability. The system is terribly wasteful of talent as well as courage in public life.

When Direct Legislation is adopted, if the representative is in doubt as to the will of the people on any great question, he can refer it to them for their own decision—and let them take the consequences as well as the responsibility. If he guesses wrong at any time the people can then correct him without losing his services and experience.

It is not strange that representatives and public men now hesitate until we who have neither the responsibility nor the office jeer at them for cowards.

The advocates of the Initiative and Referendum say that the true question is not whether our present system of government is good—that is admitted, but "Can it be made better?" Our government has been greatly improved in the last one hundred and twenty years, and we believe it can be greatly strengthened and further improved. We do not suggest the abolition of any legislature or house of legislature. We believe in legislative bodies for quick action in the ordinary affairs of government, and as a system of checks and balances, but we ask also a final check on them in the hands of the people.

We do not ask its application to national affairs until the American people have proved its value and practicability to them on important State laws.

The principle of Direct Legislation is not new in the United States nor in Oregon. We have it in the school meeting, in the New England town meeting, in the local laws of mining camps, in the amendment of state constitutions, in deciding whether stock shall run at large in counties, in allowing the issue of bonds for many purposes, and in other more or less important matters. All that is new is the proposal to allow the people as well as the legislature to say what questions shall be submitted to them at the ballot-box. The perfecting of the printing press and the reading habit among the people makes universal debate and discussion possible, and the invention of the ballot gives us power to have a count of all the ayes and noes on important questions. The people become another and supreme legislative body.

Preserve this supplement, Judge Lowell's address to the Bar Association of Oregon, reprinted in this number, is well worth careful reading and study. If you are too busy now to give it attention, file it away for study when you have leisure.

Do not urge a candidate to declare for or against the Initiative and Referendum as a system. If he will promise to submit the amendment, that is enough. If he is not convinced of its wisdom, it will be his duty to oppose it at the ballot-box, as it is ours to advocate it.

PROPOSED AMENDMENT

To the Constitution of the State of Oregon—House Joint Resolution No. 1.

Section 1 of article IV of the constitution of the state of Oregon shall be and hereby is amended to read as follows:

Sec. 1. The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by petition, signed by five per cent. of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the state of Oregon." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be especially provided therefor.

Adopted by the house January 27, 1899.
 E. V. CARTER,
 Speaker of the House.
 Concurred in by the senate February 2, 1899.
 T. C. TAYLOR,
 President of the Senate.
 Approved February 6, 1899.
 T. T. GREEN, Governor.

Since the organization of this League Hon. W. S. Vanderburg, who was an honored member of the Executive Committee, and one of the first to advocate Direct Legislation in Oregon, has removed to California, but he is working as earnestly there as he did here in the effort to place supreme power over law-making in the hands of the people.

Since the organization of this committee, Hon. Nathan Pierce has joined the silent majority. He was one of the first to advocate the Initiative and Referendum in the United States. Mr. Pierce was an able and efficient member of this committee, and a constant worker for the principle to the time of his death. He was one of the men who are reformers from principle, regardless of office or other personal reward, one of God's noblemen.

This supplement is supplied by the Nonpartisan Direct Legislation League of Oregon.

Following are the officers and members of the committee:

President, D. C. Sherman, Salem;
 Secretary, W. S. U'Ren, Oregon City;
 Treasurer, F. McKecher, Portland;
 Stephen A. Lowell, Pendleton; C. S. Jackson, Pendleton; E. C. Pentland, Independence; Dr. Harry Lane, Portland; C. C. Hogue, Albany; C. E. S. Wood, Portland; Hon. J. B. Waldo, Macleay; George M. Orton, Portland; Hon. W. D. Hare, Hillsboro; Hon. W. H. Spangh, Hecla; D. K. Warren, Astoria; F. E. Beach, Portland.

The expenses are paid by voluntary contribution, and friends of the movement are requested to send such sums as they can afford, to F. McKecher, Treasurer, Portland, Oregon, who will receipt for the same and render to the contributors itemized accounts of the receipts and expenditures of the committee.

For further information apply to any member of the committee.

