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DEVOTED TO THE POLITICAL AND GENERAL INTERESTS OF THE PEOPLE.

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Special Message.

Gentlemen of the Legislative Assembly: Article 5th of the Constitution of the State provides that the Governor shall from time to time, give to the Legislative Assembly information touching the condition of the State, and recommending such measures as he shall judge to be expedient. In compliance with that provision I repectfully submit the following suggestions:

CODE.

A transition from a Territorial to a State organization always requires a change of laws Oregon had been an organized Territory for ten years. The members of the last Legislature found that the laws were embraced in a number of volumes, and that the bound volumes, including the "practice act," were "out of print," and could not be purchased at any place; hence the Legislature wisely appointed a committee to collect and revise the laws. Owing to the absence of Hon. Amory Holbrook to the Atlantic States, the other members of the committee selected Hon. M. P. Deady to assist them. The temporary absence and sickness of other members of the committee has caused most of the labor to fall on Judge Deady.

Their report is herewith submitted, and I earnestly recommend its passage without amendments, unless the same are well considered, so as not to destroy the harmony of one part with another.

The report is not as full as might have been desired, but it embodies a complete code of practice in our courts, and many general provisions. I trust the Legislature will connect with it some other necessary laws and order it printed in permanent form. But it may be well to take into consideration the propriety of publishing the code and such other laws as are passed this session, in pamphlet form, and of retaining the committee or appointing a new one to make further report and perfect this. When the statutes are published in a bound volume, it will probably be a number of years before they will be revised and published again, which is an additional reason why they should now be prepared with great care.

The resolution appointing the code committee made no provision for payment for their labors. I therefore respectfully recommend the passage of an act requiring the Secretary of State to audit and draw warrants on the State Treasurer for their labors at the rate of $——per day, upon the sworn statement of each member of the committee for the actual time employed.

PENITENTIARY.

The Penitentiary has been a subject of considerable legislation and some experiment. Its location is an unfortunate one, as part of it is located on block No. 106 in the city of Portland, upon the property of Stephen Coffin. A part of it is situated on block No. 107, which purports to have been conveyed for the purpose of a site for the Penitentiary. The balance of the building is situated in the street, between said blocks, to which the State has not the shadow of a title. Block No. 107 covers a deep gulch, fifty or more feet deep, so that it is impracticable to improve it, as the immediate wants of the Penitentiary demand.

Upon this point the committee appointed by the last Legislature reported—"All the lands in the vicinity of the Penitentiary belonging to the State is so broken and rough that the amount required to level and prepare the ground for improvement and occupancy is equal to erecting and completing new buildings and improvements in almost any other locality." If the situation of the land was otherwise, one block two hundred feet square is entirely too small for penitentiary purposes. In this State, where land is cheap, five acres should be selected and secured. By the correspondence herewith submitted, it will be seen that Stephen Coffin, the owner of block No. 106, upon which a part of the penitentiary is situated, is unwilling to sell the land to the State. A high substantial wall should enclose the penitentiary, work shops, etc., which cannot be built on the present site, if the Street Comissioner of Portland, or owners of private property should object to it.

I therefore respectfully recommend that as early as practicable, the location of the Penitentiary be changed to some accessible point, where title to enough land can be secured possessing as many natural advantages for such an institution as possible. And that the present Penitentiary property or that part of it which would be impracticable to remove, be sold, and the proceeds be applied in building a Penitentiary at a more proper and convenient point. If the seat of government was permanently located, I should recommend its establishment at such point, together with all other State Institutions, that they might be more directly under the supervision of the State officers, and that their workings and management might be within the view of each member of the Legislature.

In new States the real or fancied interests of some town is too frequently made to influence Legislation in locating State Institutions.

By the provisions of the Act of June 2d, 1859, the Penitentiary was leased to Robert Newell and L. N. English for five years from the fourth day of June, 1859. The above lessees sublet the same to Layerne Besser, who now has charge of the institution and convicts. There are now Twenty five convicts in the Penitentiary. Twelve persons have been pardoned by the Governor since the last session of the Legislature. The terms for which five were sentenced have expired, and they have been discharged. Twenty-five have escaped.

It is the general custom of the lessee to work most of the convicts outside of the Penitentiary within the city limits, in some mills, brick yards, and at grading streets, digging ditches, sewers, etc. While this system has been a pecuniary benefit to the State, it has not answered the ends for which the institution was established. Those who need punishment the most, the most desperate, are the first to escape.

Again, the working of convicts around the city brings them in competition with and degrades the free honest laborers of Portland. It is true, that if convicts work as they ought to, they will come into competition with labor somewhere, but that competition should, at least, be equal all over the State, and not borne by a single class of laborers in one town. If workshops are built within walls and convicts kept at some mechanical business, their competition will be generally with the Atlantic States, with an advantage of freights, commissions and interest of money, for what they manufacture, in favor of this State.

I therefore respectfully recommend that the system of working convicts away from the prison or prison grounds, be prohibited.

As the present lease expires some three months before the next session of the Legislature some provision ought to be made, at all events, directing the management of the institution thereafter.

If five acres of ground was selected at some proper point for making brick, temporary log buildings could be built as secure as the present penitentiary, and thereafter the convicts could make brick and build a substantial penitentiary, work shops, and a wall to enclose the same. Thereafter the convicts might be employed in making brick for other State buildings now needed, or they could then be profitably employed in manufacturing.

Herewith I submit the report of L. Besser, sublessee of the Penitentiary.

INSANE.

Owing in part to the anxieties and disappointments of those who come to this country to become quickly rich, and their habits of life, there is a very large number of insane persons in this State in proportion to its population.

This unfortunate class of our citizens are entitled to our sympathies and care. It is the duty of the state to make permanent provisions for their care and medical treatment, and also for the blind and deaf as soon as the wealth and condition of the country will permit. At an early day, while lands are cheap, good locations should be selected upon which asylums can be built by convict labor or otherwise as the wisdom of the Legislature may direct. Until this can be done, some temporary arrangement at State or county expense can doubtless be made with Drs. Hawthorne and Loryea for taking care of the insane.

In view of an enlightened and humane policy, worthy of their high standing in the medical profession, they have, at considerable expense, erected in East Portland, a private asylum, which is quite creditable to themselves and the State. Every convenience for the safety, care and comfort of patients which the new state of the country permits, appears to be there provided.

AGRICULTURE.

The last Congress has manifested a disposition to promote industrial pursuits and elevate the standard of labor in the nation. I respectfully call your attention to the law establishing "The United States Department of Agriculture," and also Agricultural Colleges. The general designs of the former are to acquire and diffuse among the people of the United States useful information on subjects of agriculture, in the most general and comprehensive sense of that word, and to procure, propagate and distribute among the people new and valuable seeds and plants.

For several years efforts have been made to obtain from Congress donations of public lands, the avails of which should be applied for the endowment of an Agricultural College in each State of the Union. At the last session of Congress, these efforts were successful. An act was passed granting to every State an amount of public land to be apportioned to each State in quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment of 1860; provided that no mineral lands shall be selected or purchased under the act. When the State selects its lands they will be under the control of the State and managed at its expense until the sale. All moneys realized under the law for lands are required to be invested in stocks of the United States or of the State, which yields five per cent. or more interest per annum; and the money so invested must remain a permanent fund, the interest of which shall be inviolably appropriated by each State which claims the benefit of the act for the endowment, support and maintenance of at least one College, where the leading object shall be, without excluding other scientific and classical studies, and including military science, to teach such branches of education as are related to agriculture and the mechanic arts in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

The proposition of the Government, if accepted and properly carried out, will doubtless be of incalculable benefit to Oregon. States to be entitled to the lands must accept the proposition within two years from the approval of the act by the President. That time will expire before the next regular session of the Legislature in Oregon, hence the necessity of immediate action.

COUNTIES.

The rich and extensive gold mines recently discovered in the Eastern part of the State, have attracted a large population in the vicinity of John Day, Burnt and Powder rivers. In prospecting for gold, farming lands have been found on the tributaries of those rivers of greater extent than had been supposed before to exist in those regions. I am informed that considerable portions of said lands have already been taken and occupied by actual settlers.

This state of facts, with every reason to believe that there will be other discoveries and more extensive settlements before the Legislature meets again, seems to require that there should be organized two or more counties. In the fourth judicial district, including Wasco county, there is already more court business than can be disposed of by one judge, and I consider it impracticable and unjust to require the judges of other districts to perform more labor than they now do, particularly with the small salary they now receive. I therefore respectfully recommend that if new counties are organized that a new judicial district be erected, including such counties and Wasco county.

CORPORATIONS.

During the last session of the Legislature a number of petitions were presented for charters for bridge and road companies. Under the Constitution of the State, no special privileges can be granted. Companies must be organized under general laws.

In some portions of the State, roads are easily made, and in other, good roads can never be made except by private enterprise, without inflicting heavy burthens on the few persons living in the vicinity of them. The same may be substantially said of bridges.

There is no injustice in requiring those who travel over roads and bridges, to pay their share of the expenses of making them, in proportion to the amount of their travel.

At present there is no law for the organization of turnpike or bridge companies, nor for engaging in other business as corporate companies.—A general incorporation law should be passed at this session of the Legislature, under which incorporated companies may be formed to carry on any lawful business. It is believed that under such an Act much money in the State which is now being loaned at ruinous rates of interest, would be invested in manufacturing establishments, bridge and road companies, required for a development of the resources of the State.

SCHOOLS.

By the Constitution, the Governor of the State is made ex-officio Superintendent of Public Instruction. There is no law requiring the County Superintendents to report to the Governor the number of scholars, or the condition of the school funds in their respective counties.

The county Superintendents are the only persons authorized to grant certificates to teachers, and there is no person to whom teachers can appeal in case the superintendents abuse their power by refusing certificates. I have known instances where great injustice has been done teachers, and some person ought to be empowered to grant State certificates to prevent such abuses, and to accommodate such teachers as are really qualified to teach a common school in any part of the State.

ESCHEATS.

Finice Cruthers, late of Portland, died, it is supposed, without heirs, leaving real estate to the value of some forty thousand dollars. If so, his property escheats to the State, and I therefore respectfully recommend that a law be passed providing for the selection of an Attorney General of the State, whose duty it shall be to represent the State in all such cases. Or, that a suitable person be appointed in this case to preserve the rights of the State in the premises.

MILITIA.

The late Governor of this State, in his message of September 25th, 1860, very properly said: "There is no State or Territory belonging to the American Union in which well trained militia is more likely to be needed than in Oregon."

It is notorious that we are surrounded on all sides by a treacherous and warlike race of Indians, some of whom have been in a state of open hostility during the past summer, and it is well known that in the event of the United States becoming involved in a war with any of the great powers of the civilized world, Oregon would be among the first to suffer from a descent upon her shores of a well disciplined soldiery. I see no reason to change that recommendation. In fact there is more danger of internal commotions, foreign war, and trouble with our Indians in the Eastern part of the State, now than then.

I cannot therefore too strongly urge upon you the importance of an immediate organization of an efficient military system for our State.

VOTING.

The purity of the ballot-box is indespensable to the safety of a Republican government. A person who has no sympathy with our government ought not to vote. As the law now is, when the vote of a person is challenged before he can vote, he must swear that "he is twenty-one years of age, that he is a citizen of the United States, and has resided six months in the State, and fifteen days in the county, next preceding the election, and that he has not voted at this election."

I respectfully recommend that the law be amended so as to require persons whose votes are challenged to take an oath to support the Constitution of the United States and of the State of Oregon before they shall be allowed to vote at any election. And that no person be allowed to vote at any election authorized by law, who has not paid all taxes assessed and due against him at the time he offers to vote.

The unanimity and energy which have marked your labors thus far, leads me to believe that, under Divine aid, you will have a useful session. And if by your wisdom and vigilance and that of the State officers, that peace and prosperity which now surrounds us shall be continued, a grateful constituency will remember you, while all will have abundant reason to be grateful to Almighty God. ADDISON. C. GIBBS.

EXECUTIVE OFFICE,
Salem, Oregon, Sept. 15, 1862.

FENELON thus reproves a too common sort of exacting friendship: "It soon sees the termination of what it believed was inexhaustible; it looks for what is perfect, and finds it nowhere; it becomes dissatisfied, changes, and has no repose; while the friendship that is regulated by the love of God is patient with defects, and does not insist upon finding in our friends what God has not placed there."

A NICE YOUNG MAN.—The Lowell *Courier* is responsible for the following:

In a neighboring city, at the lecture a few evenings since, a gentleman, the modest man of his sex, and no less polite than modest, was sitting in a pew, remote from the light. A pretty girl sat next to him. Looking on the floor during the lecture, he espied what he thought was the ladie's handkerchief, the lace trimming edge just visible from under her dress. Turning to his pew mate he gallantly whispered, "you've dropped your handkerchief, madam!" and before she could reply he proceeded to pick it up. Horror! he had seized the end of her pet—skirt, and did not discover his mistake until the top of a gaiter boot stared him in the face; and a faint sound of a laugh just nipped in the bud by the application of a real handkerchief, warned him of his mistake. Moral—don't attempt to pick up anything with lace before you know what it is.

HORACE GREELEY.—Horace Greeley has written a letter to the President, urging him to a more prompt enforcement of the Confiscation law. The President has replied in a characteristic letter, in which he says:

"My paramount object in this struggle is to save the Union, and not to save or destroy slavery. If I could save the Union without freeing any slaves I would do it. If by freeing some and leaving other States alone, I would also do it. What I do about slavery and the colored race I do because I believe it helps this Union, and what I forbear I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when they are shown to be errors, and shall adopt new views so fast as they appear to be true views."

THE best light for a ship's binnacle. A stearin candle.

A VENERABLE lady in her hundredth year lost her daughter, who had attained the good old age of 80. The mother's grief was great; and to a friend who came to condole with her, she remarked, "Oh dear! oh! dear! I knew I should never be able to raise that child."

MANY a man who is proud to be a quarter master, has a wife at home who is a whole master.

Dogs are said to "speak with their tails."—Would it be proper to call a short-tailed dog a "stump orator?"

A GOOD man is kinder to his enemies than a bad man is to his friends.

WHY is a crow a brave bird? Because it never shows a white feather.

WHEN you see a rebel army "in full feather," you may guess it will soon be in full flight.

EXCHANGE OF COLORS.—While our soldiers are getting the blacks, the slaveholders are getting the Blues.

THE WATCH OF GENERAL WASHINGTON.—We were shown yesterday, says the Louisville *Journal*, a gold watch of the olden time, which is of great value as a memento of an important event in American history. The watch was a present from Gen. Washington to Gen. Lafayette and bears the following inscription on the back of the inner case: "G. Washington to Gilbert Mattiers de Lafayette. Lord Cornwallis' capitulation, Yorktown December 17, 1781." the watch is of London manufacture, and was made in 1729. It is said that the watch was taken to San Francisco from Paris by a Frenchman who became embarrassed there, and sold it to the present owner for the sum of fifty dollars.

A certain lady of quality carried her purity so far as to warmly rebuke her librarian for putting the male and female authors together on the same book shelves.

EASTERN NEWS.

[From the REPUBLICAN-Extra of last Saturday evening.]

[From the Yreka *Journal* of Sept. 17.]

Cincinnati, Sept. 12. A skirmish yesterday afternoon, resulted in the capture of 20 prisoners. They report rebel army in good spirits. Kirby Smith made a speech to the army Wednesday, the 10th, assuring them that he would quarter in Cincinnati in a few days. Prisoners say that Bragg reinforced Smith with 12 regiments. At 10 o'clock this forenoon the rebels [illegible] their pickets are within five miles of the city.

Baltimore, Sept. 12. From a reconnoisance in the vicinity of North Mountain, seven miles from Williamsport, it was thought that Lee and Jackson had re crossed the Potomac near that town. It was thought that Longstreet would cross further up the river.

Chicago, Sept. 12. From all reports received, we judge that it is the intention of the rebels to leave Maryland by way of Williamsport. With the force they first threw across the Potomac, at or near Edward's Ferry, they could not hope to hold their position, and the only object they could have had in view was gathering supplies, of which doubtless they carried off immense quantities.

Cincinnati, Sept. 12. The rebel army has fallen back beyond Florence. The Strength of the rebels is estimated by prisoners at from 10,000 to 20,000, only one half of which came this side of Florence. Prisoners say retreat was made because they heard of Buell's advance into Kentucky. Our scouts last night reported enemy retreating in confusion to Florence, ten miles southwest of Cincinnati.

St. Joseph, Sept. 12. The guerrillas did no damage to Palmyra this morning; they remained but a few hours.

Washington, Sept. 12. At an early hour yesterday morning, a portion of one of our divisions drove rebels from Sugar Loaf Mountain, a point of much importance in Frederick county, Md. Some resistance made, but it was over come with the loss of halt a dozen Federals killed and wounded.

Baltimore, Sept. 12. A gentleman who left Frederick this afternoon, says Wednesday afternoon heavy firing was heard in the direction of Harper's Ferry.

The secessionists are much troubled about the news from that quarter, which was to the effect that rebel General Loring crossed the Potomac at Williamsport and marched toward Harper's Ferry, where he commenced an attack on the Federals, who opened masked batteries and repulsed him with great slaughter, and captured many prisoners.

Our informant says rebels commenced moving from Frederick Tuesday night, their force numbering about 30,000. They moved in retreating order with trains in advance. He thinks they do not intend invading Pennsylvania, but have been driven into Maryland for supplies. This confirms the previous account of the utter wretchedness and destitution of the rebel hordes. The rebels abandoned Westminster and marched towards Hagerstown.

Philadelphia, Sept. 12.—Heavy rains this morning caused overflow of the Schuylkill river, doing immense damage, estimated at a million of dollars. Five persons were drowned.

New York, Sept. 13.—A citizen of Frederick, Md., arrived yesterday, having left after the evacuation. He says the rebel force was estimated at from 50,000 to 60,000. His neighbors had lost all cattle, blankets, provisions—everything that could be applied to the use of the army being taken by the rebels, who paid for nothing. But few Marylanders had joined them.

Sloop of war Adirondac has been wrecked off Man of War Point. The crew were rescued by gunboat Canandagua.

The bark Fanny Lowry, from Nassau, was capured off Charleston with a cargo of salt, arms and ammunition.

Washington, Sept. 13.—The Government has completed arrangements for the settlement of free colored persons in Central America. The precise place depending on circumstances. Senator Pomeroy will conduct the expedition. He has full power in premises, and will start early in October with 500 persons, all provided with implements of husbandry. 4,000 colored persons have informed Pomeroy of desire to avail themselves of the President's colonization scheme.

Fifteen thousand men under Buell leave Nashville, Ky., thought to pay respects to Kirby Smith's rear. 8,500 of Rosencranz army arrived at Nashville to day.

Louisville, Sept. 12.—Two soldiers from Cumberland Gap report Gen. Morgan made a foray through rebel lines and captured enough provisions to subsist his army sixty days.

Cincinnati, Sept. 13.—Government, to day ordered home militia for defense of border. The Cincinnati troops returned to the city this afternoon, their services being no longer required, as army here are sufficient. It is reported that Charleston, Va., has been evacuated and burned by Federals, who are falling back towards Ohio river.

Baltimore, Sept. 13.—Our information in regard to the crossing of the Potomac is from the most reliable source. A dispatch from Frederick, dated noon to-day, says firing was heard in the direction of Harper's Ferry. Gen. Hooker took possession of Frederick last night. McClellan entered that city this morning. We captured rebel wagon train.

THERE was a singular problem among the stoics, which ran to this purpose: When a man says, 'I lie' does he lie or does he not? If he lies he speaks the truth; if he speaks the truth, he lies!"