

CORRESPONDENCE from all portions of Eastern Oregon is solicited for the DEMOCRAT. All communications, to receive attention, must be accompanied by a responsible name. Personal communications will be charged as special advertisements.

S. M. PETTINGILL & CO., 10 State Street, Boston, 37 Park Row, New York, and 701 Chestnut Street, Philadelphia, are our agents for procuring advertisements for the BEDROCK DEMOCRAT, in the above cities, and are authorized to contract for advertising at our lowest rates.

JOB WORK.
We are now prepared to do all kinds of JOB WORK on short notice and at reasonable rates.
All Job Work MUST BE PAID FOR ON DELIVERY.

GOVERNORS' MESSAGE.
GENTLEMEN OF THE LEGISLATIVE ASSEMBLY: In entering upon a second term as Chief Executive of the State, I congratulate you, as representatives of the people, upon the noticeable progress in our affairs and the marked development of our resources which have distinguished the last four years of our history. No State should be more heartily thankful for abounding natural resources, at the hand of an all wise Providence. Since your last meeting the blessings of good order, health, generous harvests and general prosperity have prevailed. You assemble here under happy auspices to consult for the continued prosperity, and, by judicious legislation, to promote the common good of our vigorous and proud young commonwealth.

It becomes my duty to tender to you such information of the present state of public affairs as may appear appropriate to the occasion, and to make such recommendations as may be pertinent. A detailed statement of the condition of the Chief Departments will be laid before you by their respective heads, to which I respectfully refer you for full accounts of their workings. I here present a condensed statement of the financial condition of the State.

FINANCES.
The balances in the treasury at the close of the financial year, September 6, 1872, were \$172,597 41, to the credit of the several funds, as follows:
General fund (including \$4,811 38 for advertised warrants), coin \$5,533 91
General fund, currency, 979 00
Common school fund principal, \$1,256 59; interest, \$1,208 19, coin 2,464 69
Common school fund principal, \$683 13; interest, \$1,075 96, cur'y 1,769 09
University fund, coin, 65 55
University fund, currency, 254 14
State land fund, coin, 25,557 16
State land fund, currency, 35,813 06
Five per cent. United States land sale fund, currency, 13,306 08
Escheat fund, coin, 1,612 92
Escheat fund, currency, 1,785 37
Soldiers' bounty fund, coin, 69,095 48
Soldiers' relief fund, coin, 14,370 96

Total balance, as above, \$172,597 41
RECEIPTS.
Received since, into the treasury, the sum of \$628,775 01 to the credit of the following funds:
General fund (including one and one-half mills relief and bounty tax), coin, \$460,695 22
General fund, currency, 456 00
Common school fund principal, coin 10,812 10
Common school fund principal, currency, 6,938 20
Common school interest, coin, 40,807 67
Common school interest, currency, 14,046 67
University fund, coin, 16,616 51
University fund, currency, 2,893 69
Escheat fund, coin, 5,810 35
State land fund, currency, 19,199 92
State land fund, coin, 25,940 56
Five per cent. United States land fund, currency, 5,226 36
Agricultural college fund, currency, 964 50
Swamp land fund, coin, 5,607 50
State Capitol building land fund, coin, 705 00
Tide land fund, coin, 3,025 75
Total, \$628,775 01

DISBURSEMENTS.
Paid since, out of all the funds, the sum of \$603,193 45, to the debit of the following funds:
General fund, coin, \$47,250 76
General fund, currency, 459 00
Legislative fund, coin, 24,011 96
Penitentiary fund, coin, 48,791 51
Judiciary fund, coin, 86,758 34
Executive fund, coin, 14,892 11
Insane fund, coin, 61,816 68
Convict fund, coin, 19,828 73
Printing fund, coin, 21,200 85
Incidental fund, coin, 61,969 78
State House building fund, coin, 99,790 00
Fugitive fund, coin, 3,817 77
Indigent fund, coin, 2,517 43
Agricultural College fund, coin, 773 15
Common school fund loans, coin, 16,986 74
Common school fund interest (distribution and expenses), cur'y, 5,035 70
Common school fund interest (distribution), cur'y, 41,452 95
University fund loans, coin, 13,895 78
University fund loans, cur'y, 16,685 05
University fund loans, cur'y, 1,000 00
Soldiers' bounty fund (exclusive of State house fund's transfer) coin, 25,146 85
Soldiers' relief fund, coin, 32,148 77
State land fund, cur'y, 4,546 68
State land fund, for lock bond interest and expenses, 35,647 25
Five per cent. United States land sale fund, currency, 18,526 86
Swamp land fund, coin, 5,556 32
State Capitol building land fund, coin, 55 00
Tide land fund, coin, 2,854 24
Total, \$603,193 45
Leaving funds in the Treasury, September 14, 1874, \$133,178 97, to the credit of the several funds, as follows:
General fund, coin, \$1,546 19
General fund, currency, 1,006 00
Common school fund principal, coin 4,081 95
Common school fund principal, currency, 2,585 63
Common school fund interest, coin 561 83
Common school fund interest, cur'y 1,720 56

University fund, currency	2,144 84
Escheat fund, coin	7,423 27
Escheat fund, currency	1,785 37
Bounty fund, coin	21,613 97
Relief fund, coin	21,054 86
State House building fund, coin	10 00
State land fund, coin	15,850 47
State land fund, currency	54,945 98
Five per cent. United States land sales fund, currency	5 58
Agricultural College land fund, currency	964 50
Swamp land fund, coin	51 18
State Capitol building land fund, coin	649 60
Tide land fund, coin	171 51
Total	\$138,170 97

LIABILITIES OF THE STATE.	
BONDS.	
Outstanding Soldiers' Bounty	\$56,500 00
Outstanding Soldiers' Relief	20,747 00
Total	\$47,247 00

LOCK BONDS.	
Payable out of Internal Improvement land fund and five per cent. land sales	\$200,000 00
Payable out of Swamp and Tide land and Five per cent. United States land sale funds	\$61,550 00
Total	\$261,550 00

STATE WARRANTS.	
Outstanding, on all accounts, payable out of State Revenue	\$287,459 00

It will be observed that the accumulations in the Soldiers' Bounty and Relief Funds are nearly sufficient to pay off the Bounty and Relief Bonds, and that the Lock Bonds and the Wagon Road Warrants stand against resources in hand sufficient, when available, to liquidate this class of liabilities, so that the only liabilities payable out of the revenue of the State are the outstanding State Warrants.

There has been an apparent large increase of outstanding warrants since my last biennial message. This is owing to the fact that nearly all the warrants drawn on the Treasury from 1868 to 1870 were suspended for the reason that they were drawn without an appropriation having first been made for their payment, the Legislature of 1868 having adjourned without making the general appropriations. The Assembly of 1870 provided for the payment of a part only of these warrants, while the balance were carried forward to be provided for by the last Appropriation bill. In addition to the payment of the face of these warrants, an addition of thirty per cent average increase upon their face has had to be paid for interest on account of the suspense.

Again, no building tax was levied for the construction of the new Penitentiary, and the entire cost, except proceeds of convict labor, was paid by warrants on the General Fund, which was sufficient only for the current general expense, and the devotion of convict labor to this work swelled the appropriations for the support of the prison.

There were several appropriations made by the last Legislature which need not be, and should not be, repealed. Our State Constitution limits the indebtedness of the State to fifty thousand dollars. The provision is as follows: Article 10, Sec. 7—"The Legislative Assembly shall not loan the credit of the State, nor in any manner create any debts or liabilities which shall singly or in the aggregate, exceed the sum of fifty thousand dollars, except in case of war," etc. It is contended by some that this provision refers to funded debts only, and not to the margin of outstanding warrants issued for current expenses. But it appears to me that the form of the liability does not vary the binding force of this restriction. The aggregate of all indebtedness against the State should be within fifty thousand dollars. In fact it was the evident intention of the framers of our State Constitution that the State should be absolutely free from debt.

Article 9, Section 2, provides that: "The Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any." Section 6, of the same article, provides that: "Whenever the expenses of any fiscal year shall exceed the income, the Legislative Assembly shall provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year." These are positive mandates of our fundamental law.—The Legislative Assembly is made responsible that the State be free from debt.

I desire to cooperate with you to enforce these requirements literally. The sole reason why Executive sanction was refused to the emigration bill two years ago, was that no means were provided to meet the expenditure proposed, and that the general appropriations already made exceeded the revenue, while the General Appropriation Bill could not be modified by Executive action without vetoing the whole bill at the beel of the session, and disorganizing the State government. You will, therefore, appreciate the co-relative duties of the Legislative and Executive Departments upon this subject.

The levy for current general revenue, by act of October 22, 1864, is five mills on a dollar. The military tax is a mill and a half on a dollar.—But, owing to a general misapprehension of the law, four mills only for general State purposes have been collected during the last four years, and for some time previously.

One mill of the military tax can now be dispensed with, as the Military Fund is now nearly sufficient to pay off the balance of outstanding Military Bonds. Reducing the Military Tax one mill, it might be well to institute a half mill building tax, to stand until all public buildings are completed, and to restrict, absolutely, all appropriations for building purposes to the resources of the Building Fund. Let the State tax be reduced to four mills, and confine the current general expenditures to the revenue arising therefrom, and let the other half mill, taken from the Military Fund, be transferred to create a Sinking Fund with which to liquidate the excess of outstanding warrants.

A more simple, and perhaps in the end, a more satisfactory plan would be to let the general tax stand as they are for the present.—Collect the five mill State tax, but confine current expenditure within a four mill revenue, until there shall be no outstanding State warrants, then reduce the State tax one mill. Draw upon the surplus military fund for State House expenditures, as heretofore, until the Capitol can be occupied. Liquidate all military warrants, then repeal the military tax altogether.

Lock Bonds.
The accumulating funds from the Internal Improvement Grant should be placed at interest, and authority be given for the gradual liquidation of these bonds, as the funds for their payment increase. As the faith of the State is pledged for the administration of the Internal Improvement Fund so as to meet these obligations prompt and sufficient appropriations to meet the maturing coupons are imperative.

Public Lands of the State.
By the act of the Legislative Assembly of October 15, 1862, the Governor was empowered and directed to locate all the lands to which the State was entitled, under the several acts of Congress, making grants to the State.

The condition of our public land interests, at the time of my entrance upon the duties of the gubernatorial office, four years ago, was fully set forth in my last biennial message. Since that period the work of securing the interests of the State in these public grants has steadily progressed.

Internal Improvement Grant.
The full amount of the Internal Improvement Grant of five hundred thousand acres, held under act of Congress of September 4, 1841, has been selected and finally approved to the State by the Secretary of the Interior—the exact quantity so vested being 500,006.99 acres, as per final statement of the Commissioner of the General Land Office, bearing date Feb. 6, 1874.

University Lands.
By act of Congress of February 14, 1859, admitting the State of Oregon into the Union, seventy two sections, amounting to forty six thousand and eighty acres of land, were set apart and reserved for the use and support of a State University.—These land have been fully selected and the quantity of 44,366.81 acres have been finally approved by the Department of the Interior. The limited balance will be approved in the due course of official business.

Indemnity Common School Lands.
The lands taken in lieu of the sixteenth and thirty sixth sections in each township, held for common school purposes under authority of the act of Congress of January 7th, 1853, have been selected as fast as the surveys have been completed in regions where the settlements have preceded the surveys.

In all cases where the settlements have not reached newly surveyed lands, at the time of the surveys, the sixteenth and thirty sixth sections become vested in the State without listing, by force of the original grant for common school purposes. The amount of the Indemnity Common School Lands, so far selected and approved by the General Land Office, is 109,709 acres. The amount selected and awaiting examination for approval is 580 acres. These selections cannot be finally completed until all the public land of the State shall have been surveyed by the General Government.

Agricultural College Lands.
The condition of the land granted by Congress by Act of July 2, 1862, providing for the establishment of Colleges in the several States for the benefit of Agricultural and Mechanical Arts, was fully stated in my last biennial message. On account of obstacles therein set forth, the lands selected under this grant had not been approved, although they had been selected by a Commission created and authorized by the Legislative Assembly at its regular session in 1868.

The special Act of Congress touching this subject, approved June 4, 1872, provided, in section second thereof, "that any such selections already made by said State (Oregon) and the lists duly filed in the proper district land office, be and the same are hereby confirmed, except so far as they may conflict with any adverse legal right existing at the passage of this Act." On examination of the lists of these lands for final approval by the Commissioner of the General Land Office they were found to conflict with the Klamath Indian Reservation, and that the quantity of 10,092 acres of the same lay within said reservation. The boundaries of the reservation were not definitely known to the commission charged with the duty of selecting these lands, hence the conflict. The amount of 79,235.17 acres of this grant is now finally approved, and the lands have been offered for sale pursuant to the provisions of the Legislative Act for that purpose approved Oct. 26, 1872.

The amount to be selected anew, after all rejections for conflict, is 10,784.83 acres. The selection of this balance has not been hastened, for the reason that lands of a greater value than now obtainable can be listed after the public surveys have been further extended.

These lands have not been disposed of as rapidly as was expected when first offered for sale. It is thought by some who are well acquainted with the premises that the limitations of the statute providing for their disposal requiring sales to be made to actual settlers only, and in quantities of not more than three hundred and twenty acres of land are debarred by the statute from purchasing any of the Agricultural College sections.

It is certainly a good public policy to divide the public lands of the State into as many homesteads as is compatible with successful settlement, but the early disposal of these lands, in order that the funds arising therefrom may be made available for the support of the Agricultural College, would seem desirable.—The minimum price is fixed by the Act of Congress making the grant, at \$2.50 per acre. I call your attention to this subject and suggest an inquiry whether, for the purpose of facilitating sales, a change in the conditions of sale prescribed by the act of Oct. 23, 1872, might not be advisable.

Public Building Lands.
The quantity of ten sections, or 6,400 acres of public lands, were granted to the State of Oregon by the act of Congress of February 14, 1859, before referred to, which, in the words, were "to be selected by the Governor of said State, in legal subdivisions, for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the Legislature thereof." Since your last session these lands have been selected and approved by the local land offices within whose jurisdiction the locations have been made, but final approval by the Department of the Interior has not yet been had.

Swamp Lands.
The right of this State to the swamp and overflowed lands within her borders, unequivocally granted by Act of Congress, of March 12, 1860, extending to Oregon the provisions of the Swamp Land Act of September 28, 1850, has not yet been fully acknowledged by the General Land Office.

In my last biennial message the following remarks were made upon the condition of this class of lands as existing at that time:

"But little notice was taken of this important grant by the public authorities of this State until the session of the last Legislature, at which an Act was passed bearing date Oct. 26, 1870, entitled 'An Act providing for the selection and sale of the swamp and overflowed lands belonging to the State of Oregon.' This Act provided that the Board of School Land Commissioners should appoint deputies to proceed, as soon as practicable, to select in the field all the lands rendered unfit for cultivation by inundation or overflow within this State, and to make return of the same to said Commissioners.

"Pursuant to this authority, deputies have been appointed who have proceeded to the field and made selection in their several districts of such land as they deemed to fall within the description of said Acts of Congress, omitting, under instructions from the Board, all such swamp lands as are claimed and occupied by bona fide settlers, under whatever right they claim. The amount of swamp and overflowed lands so selected, free from conflict, and reported to the Board up to the present time is 174,219.97-100 acres, lists of which have been duplicated and duly forwarded for filing in the office of the Surveyor General of Oregon.

"In examining the title of the State to these lands, and the condition of the grant, I found that there had been a practical omission on the part of the Department of the Interior to execute the laws of Congress making this grant, as far as the same related to Oregon. The usual special instructions sent to Surveyor Generals of other States, holding under the same acts of Congress, directing a segregation of the swamp lands, had not been transmitted to the Surveyor General of this State. Deputy United States Surveyors in the field had generally made no note of the swamp lands, but had returned all this class of lands as arable, and the several local Land Offices had been accustomed to dispose of them without reference to the title of the State, as public lands of the United States, subject to homestead and pre-emption settlement. By this means considerable portions of the swamp lands owned by the State and which are still vested in the State, had been disposed of as the lands of the United States.

"A letter was addressed by me to the Secretary of the Interior, bearing date Nov. 9, 1871, calling his attention to the acts of Congress under which we hold these lands, and to the omission of the Land Department of the United States to execute the laws. The correspondence upon this subject is herewith accompanying. In this correspondence I have urged the General Land Department to execute the Swamp Land Laws of Congress in favor of Oregon, as they have been executed in favor of other States under the same laws, and to suspend all action of our local land offices involving adverse possession of these lands until the question of title could be adjusted between the State and the United States. On the part of the Secretary of the Interior and the Commissioner of the General Land Office a willingness has been indicated to enter upon the segregation of the Swamp Lands, but no work has been done in that direction by them, and no instructions have been issued, to the knowledge of the Executive, in answer to the requests contained in the correspondence. I can state, therefore, as the present condition of this important interest, that the acts of Congress making the swamp Land grant to Oregon remain practically unexecuted by the land Department of the United States. In the meantime, lands unquestionably of swampy character are being disposed of by the local land offices, thus absorbing the property of the State and complicating the title to the swamp and overflowed lands within her borders. * * *

In relation to the right of the State to hold these lands, even without any action of the United States Land Department, and without patent, I have not the slightest doubt."

Since the last session of your body a leading decision has been made by the Supreme Court of this State, in the case of Joseph Gaston vs. Frank L. Stott, involving the possession of that tract of swamp and overflowed land known as Wappatoo Lake, in Yamhill and Washington Counties. The Court, Justice McArthur delivering the opinion, unanimously held that the acts of Congress recited, created a grant in present and passed a fee simple title to the State of all the swamp and overflowed lands within her borders; and that the State has a right to make selections and to dispose of the lands acquired under this grant before the issuing of the patent by the General Government.

This position has been held by the highest tribunals of all the States entitled to this class of lands under the acts of Congress from which we derive title, and also by the Supreme Court of the United States. In the case of Railroad Company vs. Smith, 9 Wallace, U. S. Supreme Court Reports, page 99, the Supreme Court of the United States in passing upon the effect of the omission of the Secretary of the Interior to segregate swamp lands in Missouri, as directed by the act of Congress of September 28, 1850 uses the following pointed language:

"Must the State lose the land, though clearly swamp land, because that officer has neglected to do this? The right of the State did not depend on his action, but on the Act of Congress, and though the State might be embarrassed in the assertion of this right by the delay or failure of the Secretary to ascertain and make out lists of these lands, the right of the States to them could not be defeated by that delay."

The condition of the swamp lands within the State is the same as stated in my message of two years ago except that progress has been made in segregation by State agents acting under authority of the Board of School Land Commissioners, as directed by statute. The total amount of swamp lands which have been surveyed and selected by the several deputy swamp land commissioners under authority of the act of the Legislative Assembly of October 26, 1870, is 266,600.42 acres.

No instruction of any character have been received at the office of the Surveyor General of this State, customary to be issued to that office in all States entitled under the swamp land acts of Congress.

The refusal of the General Land

office to act in the premises is now reduced to a mere technicality. The Act of Congress of September 28, 1850, the provisions of which were extended to this State, by the Act of March 12, 1860, provides, "That it shall be the duty of the Secretary of the Interior, as soon as may be practical after the passage of this Act, to make out an accurate list and plats of the lands described as aforesaid (the swamp and overflowed lands), and transmit the same to the Governor of the State; * * * and, at the request of the Governor, cause a patent to be issued the State therefor." On the 21st day of May, 1860, the Commissioner of the General Land Office addressed a letter to the Governor of Oregon, proposing the adoption of one or the other of two systems in segregating these lands, in the following words:

"1. Whether the State would be willing to abide by the field notes of the surveys, as designating the lands or

"2. Whether, in the event of the non acceptance of these notes as the basis, the State would furnish evidence that any lands are of the character embraced by the grant.

"This is important to the State also, as, by the second section of the Act, the selections in townships, where the surveys have been completed, are required to be made within two years after the adjournment of the first Legislature convened after the passage of the Act; and where the surveys are yet to be made or completed, within two years from the adjournment of the next session after notice to the State the surveys are completed and confirmed."

The Commissioner of the General Land Office, in a communication to the Governor of Oregon, dated April 26, 1873, referring to this subject, says: "This letter was acknowledged by the Governor in 1861 and information given that he had submitted the proposition, with the inclosures, to the Legislature which convened second Monday in September, 1860, but that the Legislature failed to determine which of the two propositions submitted from this office should be accepted." On the 3rd day of January, 1872, in reply to the objection, raised for the first time in a letter of the Commissioner to me, bearing date of November 9, 1871, that the State had not elected which of these methods would be the more agreeable, I stated that, by the provisions of the Act of our Legislative Assembly, of October 26, 1870, providing for the selection and sale of the swamp and overflowed lands, "the State of Oregon has elected to make selections of swamp and overflowed lands within her borders, by agents appointed by the State, and to furnish evidence that all lands claimed by her are of the character embraced by the grant referred to."

But the General Land Office still refuses to proceed because the Legislative Act did not declare, in so many words, that the State did elect to select the lands by its own agents, and does not provide for furnishing the General Land Office with any testimony whatever. I have not lately discussed this matter with the Department of the Interior, because I deemed further discussion of no value to the State. The acts of Congress under which we hold the swamp lands do not require any election on the part of the State as to what method shall be adopted in the segregation. The proposition of the Commissioner of the General Land Office, contained in his letter of May 21, 1860, to the Governor of Oregon, asking the State to elect between two proposed methods, which had before that time been practiced in other States in segregating swamp lands seems to have been made out of deference to the dignity and interests of the State to facilitate just and satisfactory action in the premises, rather than to clog the successful prosecution of the work. As to the Legislature of this State prescribing the manner of furnishing evidence to the Department of the Interior upon this subject, I do not deem it competent for a State to make and regulations for transacting any public business with the Departments of the United States.

Our Legislative act, of 1870, most certainly made election to select the swamp lands by agents of the State, because it provided directly that these lands should be selected in that manner, and such agents have been at work in the field performing this duty, from time to time, for four years. To say that the State has not so elected is to deny that a statute is the expressed will of the Legislature.

The reason which induced the Legislature to provide for making these selections by agents of the State was that this important grant might be wholly lost if left to the accidents of the general surveys.

To avoid further controversy, and to meet the views of the General Land Office, I recommend that a joint resolution be passed specifically electing to select the swamp and overflowed lands by agents of the State, and instructing the Board of School Land Commissioners to fur-

ther to execute the laws of Congress making this grant, as far as the same related to Oregon. The usual special instructions sent to Surveyor Generals of other States, holding under the same acts of Congress, directing a segregation of the swamp lands, had not been transmitted to the Surveyor General of this State. Deputy United States Surveyors in the field had generally made no note of the swamp lands, but had returned all this class of lands as arable, and the several local Land Offices had been accustomed to dispose of them without reference to the title of the State, as public lands of the United States, subject to homestead and pre-emption settlement. By this means considerable portions of the swamp lands owned by the State and which are still vested in the State, had been disposed of as the lands of the United States.

"A letter was addressed by me to the Secretary of the Interior, bearing date Nov. 9, 1871, calling his attention to the acts of Congress under which we hold these lands, and to the omission of the Land Department of the United States to execute the laws. The correspondence upon this subject is herewith accompanying. In this correspondence I have urged the General Land Department to execute the Swamp Land Laws of Congress in favor of Oregon, as they have been executed in favor of other States under the same laws, and to suspend all action of our local land offices involving adverse possession of these lands until the question of title could be adjusted between the State and the United States. On the part of the Secretary of the Interior and the Commissioner of the General Land Office a willingness has been indicated to enter upon the segregation of the Swamp Lands, but no work has been done in that direction by them, and no instructions have been issued, to the knowledge of the Executive, in answer to the requests contained in the correspondence. I can state, therefore, as the present condition of this important interest, that the acts of Congress making the swamp Land grant to Oregon remain practically unexecuted by the land Department of the United States. In the meantime, lands unquestionably of swampy character are being disposed of by the local land offices, thus absorbing the property of the State and complicating the title to the swamp and overflowed lands within her borders. * * *

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This position has been held by the highest tribunals of all the States entitled to this class of lands under the acts of Congress from which we derive title, and also by the Supreme Court of the United States. In the case of Railroad Company vs. Smith, 9 Wallace, U. S. Supreme Court Reports, page 99, the Supreme Court of the United States in passing upon the effect of the omission of the Secretary of the Interior to segregate swamp lands in Missouri, as directed by the act of Congress of September 28, 1850 uses the following pointed language:

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The condition of the swamp lands within the State is the same as stated in my message of two years ago except that progress has been made in segregation by State agents acting under authority of the Board of School Land Commissioners, as directed by statute. The total amount of swamp lands which have been surveyed and selected by the several deputy swamp land commissioners under authority of the act of the Legislative Assembly of October 26, 1870, is 266,600.42 acres.

No instruction of any character have been received at the office of the Surveyor General of this State, customary to be issued to that office in all States entitled under the swamp land acts of Congress.

The refusal of the General Land