

MESSAGE OF

Governor Addison C. Gibbs

LEGISLATIVE ASSEMBLY.

SPECIAL SESSION, DEC. 5, 1865.

(Continued from last page.)

If slavery was not wrong in any other sense, the fact that it was the cause of and began the late wicked rebellion, is a sufficient reason for its abolition. Slavery first began the first gun at Fort Sumpter and thus began the war. To deny this, is to combat one of the best incorporated facts in our history. If its existence be suffered, it will remain a constant menace to our government and an inevitable source of future trouble, sooner or later to culminate in open war when the object we now seek will be accomplished or slavery will be nationalized.

The slaves in most of the rebellious states have been emancipated by proclamation and act of Congress, but it is contended that such acts are illegal. Without stopping to argue that question, let us now, as if nothing had been done, abolish slavery in the manner prescribed by the Constitution, so that none can reasonably cavil. Not included in such act or proclamation, there remain probably over half a million of slaves scattered over a long narrow border strip, bounded on the north by free States and on the south by States where slavery has been legally banished, or else scattered in isolated districts intermingled with enfranchised slaves. Certainly such an anomalous condition of things as this cannot peaceably exist. At every step, innumerable embarrassments obstruct our progress. No human energy and sagacity would be able to determine the ten thousand conflicting questions which would surely arise out of such chaos. It would be impossible, if desirable, to protect the struggling remnant of slavery in the border States; and no freedman would be secure in his liberty so long as slavery existed in a single spot in the United States.

Again, the negroes have earned their freedom and faithfully paid the price in blood—blood shed not only for their liberty but for ours and for the cause of humanity. Nearly two hundred thousand served our beloved country in the recent struggle. Had all the slaves been as faithful to the rebels as those soldiers were to us, with the aid and comfort given to secessionists by their friends in the North and Europe, according to human wisdom, it would have been impossible to have crushed the rebellion and saved the Government. Thus we owe a debt of gratitude to these brave and faithful black soldiers, upon whom they will repay.

We have tried, I trust to the satisfaction of all, the experiment of keeping Negroes in slavery and ignorance, and it has proven an utter failure, and nearly depleted one third of our country, which from natural resources, under free labor would have out yielded any other part in wealth and progress. It is time we begin the policy dictated by justice, reason and humanity—free the slaves and educate them—the heathen are at our doors. Here is the field for the philanthropist and missionary.

But we can no longer keep in slavery those who have breathed the breath of freedom and tasted the sweets of their own labor. They now know the power and the use of arms. Let us profit by the lesson taught France in St. Domingo—a lesson taught by the bloody resistance of the inhabitants of that island to the attempt of their former masters to re-enslave them. Every possible irritating cause, tending to another attempt at disrupting our country should be removed.

The persistent opposition to this called session and the adoption of this amendment both here and in the east, indicate that plans are formed to prevent the further abolition of slavery and if possible to re-establish it. We have had one slaveholders' rebellion; let us prevent the historian from recording another. If we wish to deserve and preserve the respect of mankind; if we would act as statesmen, having in view the peace and safety of our country in all future time we must meet the great question before us broadly, effectually, honorably and in accordance with the dictates of Christianity and civilization. Let us follow the noble example of at least seventeen States which have written their names upon the honorable page now laid before you and awaiting your signatures.

England, France, Denmark, Sweden, Portugal, Holland and Russia have rid themselves of the vile incubus. Let us do the same and act promptly; the relations existing between us and the negroes should not be left in the present anomalous condition, their status should be defined at once, and the necessary legislation had at this Congress to settle the vexed question. Four millions of oppressed human beings look up and stretch forth their hands imploringly for deliverance. A year is an age with them in their present suspense.

Oregon has a noble record during this war—let us not now refuse this crowning act of glory, or be the last State to record its name on this scroll of fame.

Vattel has said that "to deliver an oppressed people is a noble fruit of victory," and history declares that nations grow in honor and power as they do well. Let us place our greatness in the front rank of Christian Republics, by doing equal and exact justice to all men.

I herewith transmit the resolution of Congress on the subject:

SUPPLEMENT.

Article II of the State Constitution says, that in all elections, not otherwise provided for in this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

The parity of elections is indispensably to our form of government. It is a well known fact that heretofore there have been many illegal votes cast at every election in the counties bordering on California and Washington Territory. There are also many migratory characters parading the Pacific coast, who have no particular interests or home anywhere, and many of them offer to vote and generally do vote wherever they happen to be, regardless of any compliance with Constitutional and lawful provisions giving such right. Good government implies that its officers should be the friends of at least a majority of the governed. "A person who has no sympathy with our government ought not to vote." We do not allow a man even from friendly foreign power to exercise the right of suffrage immediately on his arrival in our country; much less should we permit a man to vote, who, after being educated under our form of government, hates it so badly that he improves the first opportunity to take up arms against it. Treason is a crime, and persons guilty of it, in all countries forfeit their rights and cannot vote unless they have been pardoned. That we have persons in the State who are so unfriendly to the government that they are unwilling to take the oath of allegiance, and that there are others among us who have fought against the government cannot be denied. Such persons ought not to attempt to control a government at the polls which they could not destroy by the sword. We cannot ignore the national debt—the dead cannot be raised—there can be no indemnity for the past; but we should do all in our power for security in future. To remedy evils similar to the above and to provide such security, other States have passed registry laws. There can be no objection to such a law here on the part of any man who wishes the elective franchise exercised by legal voters and loyal men.

The term "citizens of the United States" as used in our Constitution means more than a man who has been born and raised in the United States. It implies that he is a law-abiding, loyal man—one who has not forfeited his rights by the commission of any crime. Voting in a loyal State always implies loyalty in the voter. Under the Constitution of the United States, one of the obligations which a State assumes on its admission into the Union is that its citizens shall remain loyal to the Government. When such obligation is thrown off by a State, it loses its rights as such State, but the general government is bound to secure and maintain a republican form of government within the boundaries thereof. Hence a majority of the citizens of a State may require as a fulfillment of such obligation and as a keeping of its pledged faith, that its inhabitants shall swear that they have not done that which forfeits their right to vote—are not traitors nor abettors of treason,—on penalty of perjury and the exclusion from the polls.

This is no new principle, but the extending of one invariably recognized here, ever since the organization of our State Government. When the vote of a man has been challenged, he has been required to swear that he was twenty-one years of age, that he was a citizen or had declared his intention, that he had resided in the State and county the prescribed length of time. If all this can be required, may we not, with a greater propriety, in times like these, require that a voter shall not be a traitor and that he has not committed the crime of treason which is subversive of all good government.

This principle was especially recognized by an act of the Legislature, approved October 16, 1861, but the act was not as complete as it ought to have been, and it was not made anybody's special business to challenge, and frequently where challenges were most needed, none were made. A registry law should require every man to take the oath of allegiance before his name is entered on the list of voters, and none should be allowed to vote whose names are not registered. No good citizen who has been true and faithful to his government can reasonably object to taking the oath. The law should be so framed as not to make it burdensome or expensive to the people.

COUNTIES.

I respectfully call your attention to the condition of the country in the vicinity of Fort Klamath, in Wasco county, and recommend that you take into consideration the propriety of changing the southern line of Wasco and the eastern line of Jackson

county, so as to include the Klamath Lake country in Jackson county. I am informed by reliable citizens of Southern Oregon that such a change is desirable. A wagon road is now completed from Jacksonville to Fort Klamath, a distance of about ninety miles, while the distance from the Fort to the County seat of Wasco county is about two hundred and fifty miles. I think it is about the same distance from the Fort to Canyon City. In the transaction of all county business the settlers in Klamath valley can be better accommodated by being connected with Jackson County.

Eight hundred and eight pages of the Code and Laws have been printed. To correct slight errors and omissions which may have crept in, some amendments ought to be made; but it would be very unwise to repeal the Code as a whole.

A question has arisen in the public mind concerning the proper construction to be given to section 453 of the criminal code, commonly called the Sunday Law. It is,—are there any kinds of secular labor to be deemed works of necessity, except those specially declared to be so? For the purpose of preventing unnecessary litigation, I would recommend that that section of the criminal code be amended so as to declare what construction should be given to it in this particular; as for instance, that except as to those acts specially prohibited or allowed by the section, what constitutes a work of necessity should be a question of fact to be determined on the trial of the action therefor. The better opinion seems to be that such is the proper construction of the section as it now stands, and doubts as such was the understanding of the Assembly in passing it. But it is well enough to take the dust out of the law, by constraining it strictly or enforcing it beyond what was intended.

I also recommend the amendment of section 2, of the Justice's act, defining the criminal jurisdiction of Justice's courts. The first subdivision should be changed so as to give jurisdiction of larceny, when the punishment may be imprisonment in the county jail or fine. As all larcenies are liable to be punished by imprisonment in the penitentiary, the subdivision as it now stands confers no jurisdiction on Justice's courts at all. I would suggest that a clause be added to this section, allowing a Justice's court to impose a less punishment in the cases of assaults and battery over which it has jurisdiction, than as permitted by section 533 of the criminal code, prescribing the punishment for such acts. It is only in cases of the most simple assaults and battery, that Justice's have jurisdiction and it often happens that the lowest fine now allowed—fifty dollars, is an excess of the offense.

MILITARY.

The Adjutant-General's report herewith transmitted is so full and complete that I deem it unnecessary for me to add more than the following suggestions:

The Constitution of every State provides for the organization of the State Militia. All the Governors of Oregon have recommended the organization of the militia, and for the first time, we now have something like a complete system. It is difficult to devise any plan that will please everybody. It is not expected to please those who are opposed to all law, nor to satisfy those who for the last four years have hotly opposed the military power of the Government. The law requires every man who is liable to do military duty to either join an independent company or pay the sum of two dollars a year in lieu thereof. The money thus raised is expended in paying those who do train, the sum of two dollars a day while they are thus employed. Every dollar thus collected is accounted for in the Adjutant-General's reports. The law is not oppressive, as two dollars a year is not high for "exempting a man from doing military duty." Those who think it is, can perform military service instead of paying that amount. A system that required military service, wholly would be of little utility, unless it required at least two or three days service annually, and that amount would be worth more than two dollars a year to most men.

Unless there are more companies of the organized militia formed, there will be a surplus of military funds in the Treasury at the end of the year, and it may be well to authorize the Treasurer to pass the same to the general fund whenever such surplus accumulates.

The last Legislature authorized me to use the sum of ten thousand dollars, at my discretion, for military purposes, and I am happy to say that there has been occasion for its use; and not a cent of it has been used or drawn from the Treasury. The accidents of the war have rendered the labors of the Adjutant-General much greater than was contemplated, and he should have additional compensation.

For the credit of Oregon, it affords me pleasure to state that all the troops called for by the War Department through Major General McDowell, have been raised, and our patriotic citizens, who responded to their country's call, are entitled to greater consideration when we reflect that they enlisted with less inducements, in the way of bounties, than were held out by any other State which was raising troops at the same time. It would have been an act of great injustice to have required

these volunteers to perform military service, in which all were alike interested, for seventeen dollars a month in currency, without additional bounties. The bounties should have been greater instead of less. The law provided two classes of bonds for this purpose, one class redeemable in ten years, and the other in twenty. The aggregate amount directed to be issued has been greatly misrepresented.

The aggregate bonds of each class issued is as follows:

Table with 2 columns: Bond type and amount. Includes 'Additional pay bonds' for \$58,799.00 and 'Probable amount to be issued' for \$2,000.00.

FINANCES.

The financial condition of the State appears in the reports of the Secretary of State. There are no liabilities or debts against the State, other than the bonds above referred to, which are due in ten and twenty years, while our State taxes are less than they are in a majority of the States. I am of the opinion that the current expenses can be met and the redemption of the bonds provided for at a less rate of taxation. I therefore recommend that the rate be reduced.

INSANE ASYLUM.

Herewith, I transmit a report from Drs. Hawthorne & Lorenz, upon the condition of the Asylum. It affords me pleasure to be able to state that the institution continues to be well managed, and that the proprietors are faithfully performing the conditions of their contract. The asylum is a credit to the State and the proprietors.

The past year has been an eventful one; feelings mingled with hope, sorrow and rejoicing have pervaded the public mind. The ordeal through which the nation has passed has been a terrible one, but the triumph of the battle field and the halloo from the sublime specter. We have tested the courage, constancy and strength of the people, and in spite of the discouragements of the men of our faith—in spite of the predictions of high officials, even in Oregon, that the war "must result in the eternal severance of the Union" that "the war was never intended to restore the Union" that "the time is now close at hand, and beginning to be felt, when all must share the common ruin." In spite of such opposition to the efforts of our government at self-preservation, the armies of the enemies of our country are scattered, and those who were their leaders are now humbly bowing with entreaties for mercy from a power which they could not break.

Powers depart, Possessions vanish, and opinions change, And passions hold a fluctuating seat, But by the storms of circumstance shaken, And subject neither to eclipse nor wave, They stand.

The work of re-organizing society and establishing law and order in the rebellious States is now before us. Nothing should be done in the spirit of malice or revenge. The great mass of those who engaged in the unholy warfare against the Government of were deceived and enraged by false statements of their wicked leaders, as to the character and purposes of the people of the North. Unmistakable security for the future must however be required; that Providence which has so manifestly guided our destinies, has permitted the direction of the work to fall into the hands of the able and patriotic Andrew Johnson. In him we trust, and with him are the duties of the golden-hour.

From the issuing of the Emancipation Proclamation, victory after victory followed each other in quick succession; and when the spirit of secession found it could not otherwise conquer, it was prepared to murder. And as halcyon peace was preparing to rest upon the bosom of the nation like a descended god, Abraham Lincoln, that good man—the preserver of his country—fell, struck down by the hand of the assassin. No pen can describe the gloom that pallid the nation and shocked the world. Twice the nation had been called to mourn the loss of the chief magistrate; but now it seemed that the fountain of tears had been broken up and there was none to comfort. The blow was not aimed at him only, but was designed to strike the central power of the Government. We would that he might have lived out his three score years and ten, that he might have seen a nation's gratitude for its deliverance in her hour of peril. And if die he must, we would that it might have been a calm and peaceful death, in the enjoyment of his faculties, surrounded by his family and friends. How richly do we cherish the farewell address of the father of his country; none the less would we prize one from its preserver. His name, embalmed in the memory of a grateful people, with those of our brave, patriotic and self-sacrificing soldiers, who suffered torture in prisons and laid down their lives upon the altar of our beloved country, shall be handed down to a grateful posterity; and the blood of this noble army of martyrs shall be, as of old, the seed of the church.

"Flung to the viewless winds, Or on the water-cast, Their ashes shall be watched And gathered at the last; While from their scattered dust, Around us and abroad, Shall spring the precious seed Of witnesses for God."

ADDISON C. GIBBS.

HOLIDAY GIFTS.—Read J. Row's new add, for we are very confident you will see something mentioned, which is desired for the Holidays, and go there to purchase it.

OSBORN & SESSIONS, PURCHASING AND COMMISSION AGENTS,

619 Market St., San Francisco, Cal. Having had extensive experience in both Wholesale and retail trade, we feel confident that to COUNTRY MERCHANTS and purveyors, we can offer superior inducements. Particular attention given to collections, the purchase and sale of Legal Tender notes, Drafts, Stamps, Sewing Machines, etc., or other transactions requiring the services of experienced and reliable agents. Purchases will be made for cash only, except in cases of special agreement to the contrary.

Geo W. Osborn, Formerly with CASPARI, PUNSON & Co., Wholesale dealers in fine clothing, San Francisco.

C. C. Sessions, Formerly with C. R. Gowenry, & Co., Wholesale Grocers, San Francisco; also, BRADSHAW & Wade, Jacksonville, Oregon.

REFER BY PERMISSION TO A. WOOD, book and shoe dealer, San Francisco. L. H. BENDLEY & CO., Hardware Dealers, San Francisco. C. W. BELL, Assayer, San Francisco. CLARK & PERKINS, Wool Dealers, San Francisco, March 25, 1865.

ATTENTION ALL

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IS AGAIN IN TOWN AND AT HIS old business of saloon keeping. His friends can find him, with the

BEST LIQUORS

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In town, in the OLD EXPRESS OFFICE, Next door west of P. J. Ryan's Store. Commence all. October 12, 1865. oct14f

NEW IN JACKSONVILLE. DASHAWAY WASHING MACHINE, BLOOD'S PATENT, With Wringers Attached.

THIS works the same as by hand, doing as much work in one day as six weeks, with equal cleanliness, less wear to clothes, and one-half less soap. A child ten years old can work this machine with ease, washing any fabric from a thread to a bed quilt. I have purchased the right for the manufacture and sale of the above named machines in this country. The machine is for sale and can be seen at my shop, on California Street, one door above Drumm's Livery Stable. Give me a call. C. F. WILSON. Wringers will be furnished as soon as they arrive.

Happiness or Misery; THAT IS THE QUESTION.

THE PROPRIETORS OF THE MUSEUM OF ANATOMY AND SCIENCE, have determined, regardless of expense, to have FREE (for the benefit of the suffering humanity) four of their most interesting and instructive LECTURES on MARRIAGE and its disqualifications; Nervous Debility, Premature Decline of Manhood, Indigestion, Weakness or Depression, Loss of Energy and Vital Power, the great Social Evil, and those maladies that result from youthful folly, excess of maturity, or ignorance of Physiology and Nature's Laws. These invaluable Lectures have been the means of enlightening and saving thousands, and will be forwarded FREE on receipt of Twenty-five Cents in postage stamps, by addressing "Secretary Pacific Museum of Anatomy and Science, Pine Street, San Francisco." Letters to be sent through Wells Fargo & Co. mrljly185

Umpqua Academy!

THE Trustees of Umpqua Academy have thoroughly repaired the building, and it is now ready for school. The Winter Term of 22 weeks will commence Nov. 27th. The Spring and Summer Term, let Monday in MAY, 1866.

Table with 2 columns: Rates of Tuition Per Quarter. Includes 'Primary Department' for \$1.00, 'Secondary do' for \$2.00, 'Higher English' for \$3.00, 'Dead Languages, Drawing and Painting, each, extra' for \$1.00, 'Music' for \$1.00, 'Board in private families' for \$3.00.

F. F. ROYAL, Principal. Mr. CLARK SMITH, Ass't Teacher. MASONIC NOTICE. A PUBLIC "Installation" of the officers of the M. E. Lodge No. 10 F. & A. M., for the ensuing Masonic Year, will take place at the M. E. Church on the evening of Wednesday, December 27th 1865. J. E. ROSS, W. M. By CHAS. W. SAYAGE, Sec'y. Jacksonville, Dec. 9th 1865. dec9w2

BATHS.

Dr. Overbeck, has refitted his bath room at the OVERBECK HOSPITAL. Those who wish to indulge in the luxury of a good bath, can be accommodated by giving him a call on Wednesday and Saturday.

GO TO THE CITY DRUG STORE

and buy Row's Medical Discovery, and let your toils, pimples, and all other humors to which you are subject, take their flight. SUPERB Photograph Albums can be had cheap, for cash, at J. Row's, next door above Bradshaw & Wade. GO TO THE CITY DRUG STORE and buy your extracts, ointments, &c. pure cream of tartar, pu-