citizens in the southern part of Umatilla county. The gunboats on the Columbia river fired into them and they returned the fire with all the earnestness and readiness of avowedly hostile Indians. There was nothing to show that they were friendly Indians peacefully traveling from one reservation or camas ground to another. On the contrary their daring and warlike attitude left no doubt of their hostile character. Besides there were found in their camps and packs, articles of wearing apparel, etc., which they had stolen on their errand after camas. The gunboats rendered effective service in thus frustrating the original plan of the hostile Indians and compelling them to abandon their design of crossing the Columbia with their stolen property.

There appear to be three classes of Indians who are not likely to go on the war path. First, those who are too old to fight; second, those who are too rich, having improvements on the reservation and large bands of stock; and third, a few of middle age who prefer to remain as they are in peaceful security. But the young men will fight. It is natural that they should show the Indian in them as early and as fully as possible. When hostilities are in progress anywhere within their reach they will steal out from their reservations and do their share of crime and then sneak back to the support and protection of the Government. The case of Umapine and his men is but one of many examples of this sort. It is estimated that there were, at one time, no less than 300 Columbias, Umatillas and other renegades with the original band of hostile Indians. On the morning of July 11th, the day before Cayuse Station was burned, the agent, Mr. Conoyer, confidently believed that all his Indians were on the reservation, except Yellow Hawk, who had been with Egan, and being ashamed to return, had gone to Fort Hall. At that moment Umapine, from the reservation, at the head of a band of warriors, was in readiness to join, if he had not already joined, the Snakes, who were expected to attack the agency that morning. It is very probable that the presence of Capt. McGregory's company at Cayuse Station, near the agency, alone prevented this attack, for as soon as these soldiers left the station the Indians took possession of it. The next day the hostiles Indians were above, below and over the agency, and Capt. Miles on the 13th had an engagement with them. Umapine and his warriors were with them in this engagement. It was only after the Snakes had been defeated and had fled to the mountains that Umapine quarreled with Egan and treacherously put him to death. He was true to his murderous allies until he lost confidence in their success, and then he deserted and betrayed them, and assassinated their chief in order to be able to take back his scalp to the Indian agent as a proof that he was sorry for having made war upon the whites. Had Umapine joined General Howard at Camas Prairie he would have acted in good faith and rendered valuable service. Instead of this, while on the reservation and enjoying the protection of the Government, he was constantly giving the enemy aid and comfort, and he abandoned their cause only when it became hopeless. This is simply a fresh illustration of the truth that dependence can not at all times be placed upon the fidelity of "friendly Indians."

It is claimed, as already mentioned, that the Indians fired upon by the gunboats were Yakimas, returning from their camas grounds. But what right had they to go Camas Prairie? Treaties with Indians, like other treaties, must be intepreted according to the intention of the makers of them. And certainly it could never be intended that a treaty made with a tribe of Indians in one Territory or State. By the treaty with the Yakimas, the rights and privileges therein enumerated were granted to them in common with citizens of that Territory (Washington). This does not give them, and it was not intended to give them, any lawful claim to the use of camas grounds in Oregon. Both the express language and the necessary intent of the treaty restrict them to their own Territory. Hence, those of them who were at Camas Prairie, on the arrival of the Snakes in July last, were trespassers, and were entitled to no consideration. And, besides, when they were found and fired upon, as already stated, they were aiding the hostile Indians in moving their stolen property into Washington Territory, in perfect accordance with the original plan of the Snake campaign. It is preposterous therefore to claim that they were "friendly Indians." They were the worst of enemies, because they were enemies in the guise of friends.

If these reservation Indians will not voluntarily maintain in good faith their amicable relations with the white people, prompt and decisive measures must be taken to compel them to do so. Otherwise, their treacheries will continue. Reservations will become more and more the rendezvous of hostile Indians. A reservation of friendly Indians ought not to be an armed camp. The idea of teaching the arts of agriculture to Indians with arms in their hands is a fearful absurdity. As a measure of precaution they should be at once deprived of the improved firearms of long range with which they are now too abundantly supplied. Weapons of much less formidable character can be furnished them temporarily for hunting purposes.

In Washington, Oregon and Idaho, there are about 27,000 Indians, nearly all of them east of the Cascade Mountains. There are included in their reservations nearly 17,000 square miles of 10,000,000 acres of land, or about 370 acres to each individual Indian; and of these lands about 143,000 acres are reported tillable. In the Oregon reservations alone there are 6,022 square miles or 3,850,088 acres of land to 7,000 Indians, making more than 550 acres to each Indian. With this large area of land in their possession and with the liberal privileges which their treaties give them upon other lands it is almost impossible to control them under present management. Settlements are fast encroaching upon their grounds and jealousies are constantly arising. To secure permanent peace therefore in the vicinity of these should be stationed at points convenient for co-operation, among the Indians of Oregon and the adjoining Territories from five to ten thousand U. S. troops. The Indians themselves should be disarmed, and placed under the direct control of officers of the army. The integrity of these officers is a sufficient guarantee that good faith will be kept with the Indians and that peace will be maintained. Until this can be done I would suggest that some means be devised by which, in case of danger, settlers on the frontier can be armed and brought into immediate service. For this purpose I would recommend that the guns now in the several counties be obtained from the Government for permanent use for border defense, to be placed in the keeping of the county judges of the eastern counties. It would be still better, however, if Congress could be induced to remove these Indians entirely from the State, and place them upon a reservation where they could remain undisturbed, and where they would not be likely to disturb settlers. Such a place is found above Priest's Rapids, Washington Territory, reaching to the British possessions.

I would say in this connection that General Howard, realizing the danger of a renewal of hostilities, has temporarily bivouacked two companies in the vicinity of Umatilla Agency, but it will be difficult to tell how long he will be able to retain them there.

FISHING INTERESTS.

The experience of the present year furnishes additional proof of the necessity of immediate action by your honorable body in behalf of the fishing interests of Oregon. Within the last few years a large amount of capital has been invested in this business, and it has rapidly grown in importance. Indeed it is, in prospect, one of the most valuable branches of industry in our State, and perhaps also it is one of the most neglected by the authority that should protect it. With the necessary State aid this interest would become one of our leading sources of wealth, giving direct employment to hundreds of our citizens and affording support for many others. Without some well defined system to foster and protect this trade, no accurate estimate can be made of its magnitude or of its permanency. So long as the business remains as it is, those who engage in it do so at a great risk. It is, in a measure, all guess work at present, and many who are eager to invest their money in such enterprises find at least that in the absence of a proper system regulating the business, and owing to want of definite information as to its capacity, it is so overdone that the capital embarked in it is worse than unemployed. This business, like all others, must be governed by some protecting rules. From experience in other parts of the country, and from the investigations of science it is possible to make proper estimates of the extent of the fish supply in Oregon, so that there need be no fear of failure by those who engage in this important branch of industry. Proper laws should be passed also to prevent the supply of fish from becoming exhausted in our chief rivers.

I would suggest that the Legislative Assembly should provide for the selection of a fish commission, composed of competent men, who shall be authorized to take this whole subject under control. It should be made the duty of the commission to see that the laws relating to fisheries and to the fishing interest are faithfully carried out. They should be authorized also to consider the subject of the introduction, propagation and culture of fish in the waters of this State, and, if deemed expedient, to provide for stocking our rivers with valuable varieties of fish by the known scientific methods. The commissioners should be given power to appoint seine inspectors, etc., to co-operate with the commissioners of other States and to do all other things necessary to foster this important interest. To this subject I call your special attention.

The president and secretary of the Portland Board of Trade, in their last annual report, claim that the receipts of our salmon fisheries for the present year were over half a million dollars less than for the previous year, and attribute much of this diminution of trade to the want of proper legislation on this subject. I submit for your consideration the following extract from that report:

"The catch for last year—1878—of canned salmon amounting to 395,000 cases, the average price obtained for which was about $6, or $2,370,000. The catch of this present year, ending August 1st, is about 50,000 cases less, or only 345,000 cases; while the price is also reduced at present to $5 20, at which price it realizes about $1,800,000 to our canneries. In 1876 the production was 438,730 cases, so that in two years our canned salmon has decreased 22 per cent.—a serious matter for the careful consideration of our next Oregon Legislature, who have in their hands, by wise or imprudent legislation, the power either to increase and develop our fisheries, or to let them decay each year (as the above figures show they have been doing) until that valuable article of commerce will be forever lost to our people. We have each year so often pressed the importance of legislation on this vital question, that it seems scarcely necessary to repeat the same. As the matter now stands, Congress believes it has no power to regulate our salmon fisheries, and therefore the Territory of Washington and State of Oregon can alone mutually pass laws on this point. Washington Territory has done her part, having passed a law which was very carefully framed in accordance with the experience and wishes of the proprietors of canneries on both sides of the Columbia river and the salmon protection committee of this board, and which law can only take effect upon (1) a legislative enactment of the State of Oregon, and (2) on the Oregon Legislature ratifying and adopting the same law, verbatim, which the Territory of Washington has passed."

RIVER AND HARBOR IMPROVEMENTS.

For years past, necessary appropriations have been made for the improvement of our rivers, but the harbors on the coast of Oregon have not received these benefits to any considerable extent. The commerce of the coast is now growing so rapidly that improvements are absolutely necessary to afford facilities for this increasing trade. In some places they not only change their location but bank up so that loaded vessels cannot cross them. It often happens that vessels entering without cargoes and loading inside for the outward voyage are landlocked for months during the winter by these shifting bars. Persons engaged in business at Coos Bay and Coquille river have had some very severe experience in this respect. For the extent of its coal deposits, and for the variety, abundance and excellent quality of its timber, Coos Bay cannot be surpassed in our State, and perhaps not on the coast. But the important and growing trade of this section is greatly retarded every year by the shifting of the bar at Coos Bay, and also at the mouth of the Coquille river. It is estimated that the loss of business there this year on this account, will exceed a half million of dollars.

Such a bar can be improved and a permanent channel kept open by the aid of jetties within the harbor. In 1873 the currents inside the bar at Coos Bay formed a natural jetty and passed out where there is at present a sand spit to be seen at all stages of the tide. The water on the bar at that time was thirty feet in depth. But there was nothing to fix these eccentric currents, and they were so changed by storms and other causes during the next year as to open up new outlets, and the bars were shifted to different places, the water over them being reduced to less than half its previous depth.

The Columbia River and bar also require attention. It is not necessary to enlarge upon the importance of this want. It will be most unwise to wait until the valuable commerce of this river is injured by heavy sand deposits within present channels. The time will come when jetties will be needed at the mouth of the Columbia, and we should begin at once to press upon Congress the importance of this improvement. There are other harbors in our State that should receive similar attention.

In order to aid our Senators and Representatives in their efforts to procure the necessary appropriations for these improvements, you should, by joint memorial, urge the matter on the attention of Congress. Appropriations have already been made for the survey of Coos Bay and Coquille river. This should be followed up by an urgent request for further congressional aid to make such improvements as may be found to be necessary. The works which have been projected, and which are now in progress for the purpose of opening up the Columbia river to general trade and competition, will be of a very substantial character when completed, and will be of immense value to the people of that section of the State. Let the same aid be given our coast harbors which has been extended to our rivers, and all obstructions to a free and healthy trade will soon be removed.

SWAMP LANDS.

There is urgent need of some additional legislation with reference to the sale of lands belonging to the State of Oregon. The present law does more to embarrass than to aid the Board of School Land Commissioners in disposing of these lands. The chief object which the State has, or ought to have, in view in accepting this grant, is to sell the land acquired under it at the earliest possible moment, for its own benefit and for that of the purchasers. It is obvious, therefore, that the sooner it is disposed of and the money paid into the treasury the better it will be for all concerned. The law of 1870, however, instead of declaring the title to the grant to be in the State absolutely, and directing the proper officers, as soon as selections could be made, to sell the lands outright and give the full and final conveyances to the purchasers immediately upon the payment of the price, was so framed as to postpone the issuance of patents for an indefinite period, and indeed to render it extremely uncertain. Under this law the applicant is required to drain the land applied for, or otherwise to render it fit for cultivation. Cultivation of the land for three years "in either grass, the cereals or vegetables," is declared to be a sufficient reclamation within the meaning of the act. The modes of reclamation are not definitely stated; but it seems that the law contemplates that the land shall be drained in all cases. It is claimed, however, that the most of this land is of such a character that draining it would destroy its value entirely. It is more profitable at present for its grasses than for anything else, and to produce these it is best that it should remain as it is. Besides, as fast as it is needed or can be renderd valuable for other uses, it will be made available by its owners without any legal enactments on the subject. It is to the interest of the owner of land to apply it to that use for which it is best fitted and which will yield him the greatest returns; and in this regard his interests are identical with those of the public. If drainage will improve the swamp lands and make them more valuable, the purchaser will drain them without being required to do so. On the other hand, if drainage will diminish their value it ought not to be demanded by the Legislature. In either case, whatever is best for the purchasers is best for the State also.

The restrictions imposed by the present law upon purchasers of swamp lands certainly operate to prevent a disposal of them. Applicants do not feel like paying for draining land which, when drained, will be worthless to them. They may dig a few ditches, it is true, for the purpose of getting title, but they will close them again as soon as they have obtained their patents. To require drainage in such cases, therefore, is to impose upon the purchaser an entirely useless expense.

This requirement seems to be based somehow upon the supposition that the grant to the State is made conditional upon the reclamation of the lands. This is, however, wholly erroneous. The fact is settled so far as judicial action can be had. "This title is clogged by no conditions. * * * The State became the owner with absolute power of disposition of all the swamp lands within her limits, and her title in no way depended on a patent. If these lands were not drained, no inference from the grant can be drawn that the general government would resume the grant. But Congress said to the States: "These lands are of no use to the nation; take them; we make you a perfect title to them; drain them, and reclaim them if you can; we commit them and the whole subject to your legislature; adopt the policy we recommend, but take the lands." The position taken by this State on these questions is found in the decision of the Supreme Court of Oregon, in the case of Gaston vs. Stott. Indeed, it is clearly to be gathered from all the authorities, that this is a matter exclusively within the control of the Legislature. There can be no question, therefore, as to the right of the State to sell these lands at once, and unconditionally. It need not require reclamation unless it chooses to do so.

At all events further time should be given to applicants to reclaim their lands, and there ought to be some definite regulations as to what shall constitute reclamation. The mistaken notion, already referred to, that the State's title to this class of lands depends upon the issuance of patents has occasioned many delays for which purchasers should not be made to suffer. Besides, in many cases, the United States officers have permitted persons to pre-empt lands which were known to be of a swampy character and upon which applicants had already paid their 20 per centum under the State law, on the ground that notice had not been given of the withdrawal of such lands from market. Thus one pretense after another has been resorted to for the purpose of defeating the right of the State and its vendees under this grant. And unfortunately the present law has afforded no protection to applicants. They have been constantly exposed to vexatious contests without any certain prospect of finally acquiring title even if they should establish the right of the State to the land. It is simple justice, therefore, that they should at least be allowed further time to comply with the conditions imposed by the present law.

It would be far better, however, if sales were made at once, without any embarrassing restrictions, vesting the title immediately in the applicants. They would thus be placed in a position to vindicate their rights promptly, and no time would be given to pre-emptors to change the character of the land by drainage, etc. So long as the sales of these lands are made to depend on conditions inconsistent with the ordinary laws of trade, purchasers will move with caution.

The law of the State, as it now stands, is contrary to those laws of trade which recognize the right of the purchaser to make the most out of the thing purchased. No man will buy an article under restrictions which are expensive and useless. The State should assert its title in fee to the swamp and overflowed lands, and its right to dispose of them to the best advantage and in the least possible time. And the purchaser should be permitted to take the lands at once, upon payment of the price, and to use them in whatever way he may find most profitable for himself. This would reduce the matter to a common sense business basis. It would afford the State a fund for the immediate payment of her outstanding swamp land warrants, thus stopping the accumulation of interest, and would on the other hand enable the purchasers not only to defend their land, but also to turn it to profit at once.

I therefore recommend that the law of 1870 be so amended as to conform to the views here expressed. Section 4 of the act should be repealed, and such further changes should be made as to afford ample protection to the rights of the State and to those of it grantees. In order to hasten the sale of the lands, and to provide for the speedy extinction of the debt which has grown up against this fund under the legislation of 1872, I would suggest that swamp land warrants be made receivable in payment for such lands. Since the funds to be derived from these lands are to be applied to the payment of these warrants, there can be no reasonable objection to using the lands themselves for that purpose. It would save delay and trouble and would stop the interest on the warrants. Perhaps, also, it would be well to give the board of school land commissioners more specific authority in regard to determining the character of the lands included in the swamp grant. Under the present law the proper officers of the State are authorized to select the lands in the field. But the rules governing the general land office at Washington will not permit those lands to be listed to the State, unless they are selected by United States surveyors, or unless their swampy character at the date of the grant is conclusively proved. The State, however, should insist upon its right to make its selections by any method by which the fact can be ascertained that the lands are actually swampy. Lands of that character belong to the State by a perfect and absolute title, and that title cannot be defeated by any rules devised by the general land office or by the captious objections of registers and receivers. It is to be understood, of course, that these remarks are not intended to apply to those cases where lands have been selected as swamp lands which are not in fact swampy. The States has no right to such lands under this grant, and cannot acquire any by any possible mode of selection.

The rules and regulations of the general Land office of the United States will not permit the State to prosecute or defend contests for swamp lands, before the local land offices, without depositing the money to pay the expenses of such contests. As there is no provision of law authorizing the board of school land commissioners to make this deposit, the result is that, unless applicants for the land will furnish the money, the interests of the State frequently go unrepresented. I suggest, therefore, that you give the board the necessary authority in such cases, and make an appropriation for that purpose.

VAGRANT LAW.

The long continued business depression in California and the low fares by steamer from San Francisco to Portland, have contributed to bring into the State during the present Summer, as well as the last, an influx of tramps and vagabonds, who have already become a nuisance to our people. There is a great increase of crime all over the State, and outrages of the most daring character are frequently reported. Some portions of the State, and particularly the towns, are annoyed by the presence of idle and lawless men, who will do anything but work to make a living. Prompt and decisive measures must be adopted to abate this nuisance. For my own part, I know of no more effective way of doing this than the enactment of a rigorous vagrant law. In a State like ours, where any man who will work can make a living, it ought to be a crime for a healthy person to beg.

BOARD OF EQUALIZATION.

I desire to urge upon you the importance of taking some efficient measures for equalizing assessments throughout the State. The burden of taxation now falls with unequal weight upon the different counties, and inequality in this matter is injustice. As a necessary result, also, there is a constant and serious loss of public revenue. I know of no better remedy for this evil than the establishment of a State Board of Equalization, with such limitations and restrictions upon its powers as will prevent injustice to individuals as well as to counties. I invite your earnest attention to this subject.

* * * * *

CONCLUSION.

In closing my term of service as Governor, I desire to express my acknowledgements to the outgoing Treasurer, Hon. A. H. Brown, for his uniform courtesy, and for his acts of personal kindness during the period of our official association. My thanks are also due to the other officers and employes of the State for many favors. I shall always hold in grateful remembrance my pleasant and friendly relations with these gentlemen.

And now, Senators, and Representatives, permit me, in conclusion, to wish for you a harmonious and successful session. May you be able to accomplish all that those who sent you to these halls, expect at your hands. May the work that you do here redound to your own honor and to the permanent good of the State, and when you return to your constituents may they be able to receive you with the approving salutation: "Well done, good and faithful servants."

S. F. CHADWICK.

SALEM, Sept. 9, 1878.

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Prepared expressly for this climate by Messrs Pfunder & Co., Portland, has been found to be the best Fever and Ague medicine ever offered to the citizens of Oregon. All druggists have it for sale.

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We carry a complete assortment, adding all new remedies as fast as they appear.

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Complete in all its appointments. We have many Novelties in the way of
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That must be seen to be appreciated.

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By far the finest ever brought to this market.

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On the Bain Wagon is a valuable improvement, and is on no other wagon. For the coming season all farm wagons will have the new

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Which avoid the necessity of taking off the wheels to oil the axles—an arrangement which teamsters will fully appreciate. We feel safe in asserting that there is no other wagon in the market that will compare with the Bain as now made, in quality of material used, and in completeness and excellency of workmanship. Our wagons are made to order, especially for our trade, and we pay extra to have all the timber EXTRA SELECTED out of thoroughly seasoned stock. All the wheels are put through—soaked in—boiling linseed oil before setting of tires, making shrinkage impossible. Mr. Bain does this in a more thorough manner than some others, who simply make a pretense of doing it, and make the application, if at all, only in "homœopathic doses." The wood work, tires and ironing are extra heavy, but at the same time everything is well proportioned. We challenge the most critical comparison with any and every other make of wagon, and while we do not claim to sell the "cheapest" wagon, as far as dollars and cents are concerned, we do claim to sell as good a wagon as can be made, and one that will prove the cheapest in the end.

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Size No. 2.—Patent wheels, three feet eight inches and four feet ten inches high. Solid collar axles, one and one-eighth inches; plain bed, with patent round corners; two steps; top of body bound with iron; leather dash; two cushioned seats, with lazy backs; with pole and ratchet brake. Capacity, 800 pounds. Price, with patent wheels, $200.

Size No. 3.—Solid collar axles, one and one-fourth inches; same style and finish as size 2. Capacity, 1,000 pounds. Price, $210.

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Same wagon with longer bed and three seats, $235.

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