

Special Session of Legislature Meets to Enact Emergency Laws Affecting Entire State

OLCOTT REVIEWS EMERGENCY NEED IN HIS MESSAGE

Increased Compensation Benefits; One of Chief Objects Sought; Capital Punishment Is Issue.

State House, Salem, Jan. 12.—Governor Ben W. Olicott, in his message to the extraordinary session of the state legislature which convened today, said:

The members of the Senate and the House of Representatives of the Oregon Legislature:— You have been convened in extraordinary session for the purpose of considering certain subjects which information at hand has led the chief executive of the state to believe of sufficient importance to warrant your careful and early consideration. These are abnormal times and abnormal times are productive of emergencies. It could scarcely have been expected that in your regular sessions last year human wisdom could have conceived of meeting all possible contingencies during a biennial period fraught with shifting conditions.

To grapple with and overcome the essential emergencies and, as far as possible, to alleviate burdens and solve problems leading to constructive ends, I have exercised the constitutional authority of the executive to "on extraordinary occasions, convene the legislative assembly by proclamation." Following further the constitutional provision I will state to you here in joint assembly the purposes for which you have been convened.

WORKMEN'S COMPENSATION

My primary object in calling together the legislators at this time is to meet a grave emergency seriously affecting the welfare, and in many instances, the lives of the men and women employed in the industries of our state. Compensation benefits provided for injured workmen by the workmen's compensation law were established by the legislature in 1913, when living costs were very materially less than now. If compensation payments were properly made at that time, it is self-evident they are wholly inadequate under present conditions.

They are so low that the families of many injured workmen, who are incapacitated for any length of time, are brought to a degree of want that should not prevail when the state has undertaken to provide for its injured workmen.

When the legislature was in session a year ago, the prevailing opinion was that the cost of living would soon begin to decrease. For that reason it was not considered necessary at that time to make a material increase in the compensation benefits. Two changes were made, one increasing the amount to be allowed an injured worker for his children under 16 years of age from \$8 to \$5 per month, and the other providing that the awards for permanent partial disability shall be, in addition to the amount paid to the injured workman for temporary time loss.

LIVING COSTS INCREASING

With the cost of bare necessities continuously on the increase, conditions in the homes of injured workmen continue to grow worse. The result is an appeal to the state industrial accident commission from injured workers or their wives for greater assistance grow in number.

When the members of the commission brought the situation to my attention I decided it would not be just nor fair to these sufferers to wait another year until the regular session of the legislature should meet to give them relief. It is a condition which should be remedied immediately.

As the workmen's compensation law was originally drafted by a committee representing the employers, the employees and the public, I called for a committee representing these three interests to consider the present situation and make recommendations to this extraordinary session of the legislature.

This committee was composed of five members selected by the organization representing the employers of the state, five selected by the organization representing the employees of the state, and five selected by myself to represent the public at large.

THIRTY PER CENT RISE URGED

This committee of 15 met and has unanimously recommended that a flat increase of 30 per cent be made on all compensation payments dating back to December 1, 1919. A careful investigation into the funds available to the state industrial accident commission indicates that this increase in compensation benefits may be made without an increase in the rates of contribution to the industrial accident fund by the employers or employees of the state.

The special committee recommends that the increase shall be embodied in an emergency measure and shall apply to all payments falling due between December 1, 1919, and June 30, 1921.

In addition to an emergency increase in the compensation benefits, this special committee recommends that an act be passed giving authority to the industrial accident commission to expend a portion of these funds for the vocational rehabilitation of injured workmen. It is intended that the commission shall turn its efforts to restoring permanently maimed men and women to position of self-support where they will again become assets rather than liabilities in their community.

Industry, with its modern machinery and speed of production, is producing more cripples than all the wars that have been fought. As the result of industrial accidents men are losing their arms or legs or eyes every week in the year. It is right that these industries, functioning through the state industrial accident commission, should aid in restoring these cripples to sufficient earning capacity to enable them to be self-

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Digest of Governor's Message

IN HIS MESSAGE to the legislature Governor Olicott recommends action on seven matters and urges that the special session be confined to consideration of the subjects outlined or "matters of similar urgency and importance." The governor's recommendations in brief are:

1. **Workmen's Compensation**—A flat increase of 30 per cent on all compensation payments dating back to December 1, 1919, is urged because of the increased cost of necessities. Authority also is asked for the industrial accident commission to expend funds for the vocational rehabilitation of injured workmen.

2. **Education Aid for Soldiers, Sailors and Marines**—Because the act passed at the special election in June, 1919, authorizing a tax levy of two-tenths of a mill for the education of soldiers, sailors and marines who served in the war has only realized \$198,000 for the first year, a sum declared to be inadequate to carry out the provisions of the act, an appropriation to meet the bills accruing under this act which are estimated at \$450,000 for the current year is suggested.

3. **State Guarantee of Irrigation Bond Interest**—Supplementary legislation to the constitutional amendment adopted at the special election of June, 1919, providing for the payment by the state of interest on irrigation and drainage district bonds, is recommended that would authorize the irrigation and drainage districts to advance to the state semi-annually by agreement the interest on state bonds, the proceeds of which are used to pay interest on district bonds.

4. **Capital Punishment**—Owing to the countrywide crime wave from which Oregon, too, has suffered, the repeal of the present constitutional inhibition on capital punishment is urged and the enactment of such measures in this regard as are deemed proper at a special election to be held in connection with the regular primary election Friday, May 21, 1920. To legalize such an election, however, requires legislative action, in the opinion of the attorney general, it is pointed out. Further, it is recommended that the present legislature react old statutes providing for capital punishment, that the same might be effective if the constitutional validity of such procedure is established by popular vote.

5. **Criminal Legislation**—Amendment of the parole law is advocated to the end that its operation be suspended in cases of all persons convicted of graver crimes against the person and a flat sentence imposed with a limited deduction for good conduct, and that in all other cases a longer minimum sentence be established.

6. **Ratification of the Suffrage Amendment**—Unanimous approval of the amendment to the federal constitution providing for woman suffrage is recommended.

7. **Fish and Game Legislation**—Because of dissension and factionalism attending the administration of fish and game matters, recommendation is made of the creation of a commission of three members to have control of the state's administration of the commercial fishing interests and a commission of five members with similar authority over the state's wild game and game fish interests or of other suitable legislation that harmonious action may prevail.

supporting citizens and not dependents on the state.

REEDUCATION ADVISED

To do this it will be necessary to re-educate many of them or train them in new lines of endeavor, and while they are gaining this new education or new training it is necessary for someone to support them and their families.

I am already informed that the commission is obtaining good results in the physical rehabilitation of injured workmen and that the commission contemplates immediate expansion of its efforts along this line. The commission should be given ample authority and the right to use a sufficient portion of its funds to carry on this work.

I fully indorse the recommendations of the special committee and believe there will be no hesitation on the part of any member of the legislature in thus meeting a situation which affects so many thousand injured workmen and their families.

Approximately 25,000 industrial accidents, affected by the workmen's compensation law, occur in Oregon each year. Considering the families of these injured workmen, it is estimated that between 50,000 and 75,000 persons will be directly concerned in these proposed measures of relief.

EDUCATION OF EX-SERVICE MEN

I desire to direct your attention to an action I deem necessary in connection with carrying out the provisions of the bill enacted by the people at the special election last June extending financial aid for the education of soldiers, sailors and marines who participated in the great war.

Under that bill a levy of .2 of a mill on the dollar of the total taxable property of the state is to be included in the state tax levy annually. This levy approximated slightly over \$198,000 for the first year. That amount is far below the sum which will be required to carry out the provisions of the act. In fact, it has developed on the basis of an estimate made by the secretary of state's office that the sum raised by the .2 of a mill levy will just about pay the bills to January 1 of this year, with no actual funds left available to carry out the balance of the act during the balance of 1920.

As you remember, the bill provides for the payment of \$25 a month toward the education of each of these men, but not to exceed a total of \$200 in any one year for any one man. This provides for aid during but eight months of the year. Consequently we must make provision for eight months of the year in 1920.

APPLICATIONS PILING UP

I regret that I can not give you exactly definite figures at this time. The number of applications for this aid fluctuates. Some who have applied for aid have dropped out, or probably will drop out, because of the circumstances. The secretary of state's office now estimates that \$450,000 will probably meet the bills accruing under the provisions of this act for the current year. I make no suggestion as to the necessity for providing funds up to the time the next legislature meets, which will be after the first of next year, because on January 1, 1921, a new sum of money will be available from the .2 of a mill levy which will tide over the situation until the regular session convenes in that year.

I wish to call your attention to the fact that the emergency board, being apprised of the situation, that it would arise, already has allowed the incurring of a liability in the sum of \$300,000. As you are aware, certificates of indebtedness, which bear interest at 5 per cent, bear interest at the rate of 6 per cent until paid. If an appropriation is made at this special session to cover the amount then it will be necessary to expend in administering this act during the year of 1920, several thousand dollars in interest will be saved, in fact, a saving which will, in a great measure at least, cover the cost of this special legislative session.

LAW ENFORCEMENT SOUGHT

I also respectfully call your attention to the fact that the emergency board has permitted the issuance of certificates of indebtedness in the sum of \$10,000 that law enforcement work may be further carried on by the executive office. Also an authorization of \$10,000 was made for the grain department of the public service commission. If flat appropriations were made in these amounts interest payments likewise could be avoided on certificates of indebtedness in such sums.

In making the appropriations mentioned it is necessary for you to know

payable after the irrigation or drainage district bonds have been paid off.

A statute should therefore be enacted authorizing the irrigation and drainage districts to enter into an agreement with the state to advance to the state semi-annually the interest on state bonds, the proceeds of which are used to pay interest on district bonds, and should also provide that the funds so advanced may be credited on the interest accruing on the district's certificate of indebtedness filed with the state treasurer. The irrigation securities commission should also be fully authorized to enter into such a contract in order that any question as to the legality of such proceedings be eliminated.

It may be desirable to frame a new constitutional amendment, so as to eliminate the objectionable feature of the present amendment. The only result of a failure to adopt such an amendment would be to leave the present amendment in effect.

CAPITAL PUNISHMENT VITAL FACTOR

Since the adjournment of the regular session in 1919 a wave of crime has swept over the country. Oregon has suffered from this criminal blight and during the past few months the commission of a number of cold blooded and fiendish homicides has aroused our people to a demand for greater and more certain protection and conservation, none is greater in value than human life. The first object of our laws should be for its protection and for that reason I am submitting to you at this time some recommendations relative to our criminal and penal codes which I trust will have your most careful consideration.

Because of the serious and increasing homicidal offenses, a distinct public sentiment has developed that the people of the state should once more be given an opportunity to pass upon the question of the restoration of capital punishment and that there should be no unnecessary delay in bringing this question before the electorate.

Because of this urgency I am taking the liberty of suggesting that the matter of repealing the present constitutional inhibition on capital punishment and enacting such amendments to our organic law in that regard as may be deemed proper, be submitted to a vote of all the people of the state at a special election to be held in connection with the regular primary elections on Friday, May 21, of this year.

SPECIAL LEGISLATION NEEDED

At my request the attorney general has examined into the legality of holding such a special election on primary day. He advises me, that after a thorough examination of the law, he is satisfied such an election would be held without fear of jeopardizing the validity of such constitutional amendments or statutes as may be enacted at that time. He advises further, however, that to legalize such an election would require a special legislative act.

The attorney general has called attention to the fact that following the abolition of capital punishment by enactment of a constitutional amendment to that effect, the legislature repealed a number of statutes which provided for the carrying out of the death penalty.

As a result, he points out, to merely repeal the constitutional phases of the question would not again place capital punishment in actual operation. To effect this course, whatever statutes that the legislature, at this session, reenact these old statutes, or replace them with others. By the legislature pursuing this course, whatever statutes might be enacted would become effective at such time as the people remove the constitutional inhibition against the death penalty.

Article XI-b of the constitution was adopted at the special election held on June 4, 1919, and provides for the payment by the state of interest on irrigation and drainage district bonds for any one or more of the first five years after their issuance. The irrigation securities commission, composed of the attorney general, superintendent of banks and the state engineer, have encountered many obstacles in the operation of the provisions of the amendment, and while a number of changes could be made to advantage, it being a constitutional amendment, it cannot be changed by statute. However, it can be supplemented by legislation to advantage.

In order to pay the interest on district bonds, the state is authorized to issue state bonds and it seems to have been the intent of the constitutional amendment that irrigation and drainage districts should advance to the state each year sufficient funds to meet the interest on the state bonds, in order that the state may stand in a position of guarantor of interest on the district bonds without expense to it. However, no definite provision covering this feature was included in the amendment.

PAROLE LAW ATTACKED

While touching upon the question of capital punishment I feel it incumbent upon me to further mention some phases of criminal legislation which I deem of such urgency as to warrant your serious thought. These recommendations also deal with the safety of the lives of our citizens and consequently are of paramount importance.

By watching the operation of the parole law of 1919 with a careful first hand survey I am satisfied that its provisions are such, in many particulars, as to have a tendency toward placing the lives and persons of our citizens in jeopardy.

I wish to respectfully recommend that your body so amend the parole law that its operation will be suspended and that it cease to function entirely as to all persons convicted of commission of the graver crimes against the person. In

my opinion the law should be so amended that flat sentences be imposed in cases where conviction has been had on charges of homicide in any degree; rape, where violence is an element of the crime; robbery of any kind; burglary, when armed with a dangerous weapon, and assault with intent to kill while being armed with a dangerous weapon. There can be no palliation of such offenses, and I would have the word go forth that Oregon will in the future meet such offenses with a flat penalty that will be carried out to the end. The only mitigation I would suggest would be to allow the deduction from the total sentence of a reasonable number of days for good conduct, but this deduction should be nominal and not such a deduction as to make any decidedly appreciable reduction in the sentence.

AMENDMENT IS ADVISED

For all classes of crime other than those enumerated, I would still leave the functioning of the parole law, but with such an amendment as I am about to suggest.

For those of you who may not remember distinctly the provisions of that law I will say, in brief, that for all offenses, except murder or treason, parole privileges are allowable upon the expiration of one fourth of the maximum sentence, minus deduction of certain days as credit for good conduct.

While I would make the law applicable for all cases except in the cases of men convicted for the grave crimes against the person, which I have pointed out to you, I would increase the minimum sentence allowed to one half the maximum now allowed. I still would leave in effect the credits allowed for good conduct. Grafting of such credits is excellent in theory and has worked well in practice.

The minimum sentence of one fourth of the maximum, as allowed by the law as it now stands, gives an inadequate degree of punishment. As a concrete example, a man sentenced to one year in the penitentiary is entitled to parole at the expiration of two and one half months, when he is given the benefit of his good time credits. This throws the parole board into an impossible position. Unless recognition is given for exemplary conduct the advantages of the good time credits are nullified. To give such recognition reduces the sentence to a travesty. The solution is in a much longer minimum. By imposing the longer minimum the courts may take into account the gravity of the offense in imposing sentence; the offender is given more nearly that degree of punishment which the crime calls for, and the good time credits feature gives the prisoner something practical to work for.

SYSTEM SUCCESSFUL GENERALLY

In further explaining my reasons for these proposed changes I wish to say primarily that as far as paroled men themselves are concerned, the parole system has been in the main a success. A great majority of paroled men have "made good," to speak in their own parole language. Cases of genuine reformation are frequent and many of them have been excellent citizens of your state for years.

In punishing criminals society has two functions to perform. One is for the protection of society itself; the other the reformation of the criminal. Society owes its first duty to itself. For that reason a criminal who commits a grave crime against the person should be sentenced for a definite term and should be compelled to serve that term unless his innocence is later established. Because some of that class of prisoners "make good" upon parole is not a com-

plete solution of their problem. The fact that many of such prisoners, by operation of the parole law itself, are allowed to enjoy parole privileges, sometimes after comparatively brief periods of incarceration, has a decidedly bad effect on the potential criminal. By a stern and unyielding application of the law in the cases mentioned, the potential criminal will realize what is awaiting him if he oversteps the bounds of the law. Rigid enforcement of the penalties imposed, I believe, will result often in staying the hand that otherwise might be raised to rob, to attack or to kill.

WATCH KEPT ON PARDONS

During my administration a decidedly serious effort has been made to use the power of executive clemency conservatively. In all cases where conditional pardons have been applied for no consideration has been given such applications without first receiving affirmative recommendations from the president, judge and district attorney who acted on the case. This rule may have been deviated from in one or two instances where the prisoner was in a serious physical condition which demanded prompt outside attention, but in those cases proper precautions were exercised.

The parole board has used as conservative a policy as the very broad and liberal law of 1919 has allowed. That law, with its good time credits and its very low minimum established, has practically forced the parole board on occasions to make recommendations even

against its judgment. This situation should be changed and because of its serious phases I earnestly urge your serious consideration of these recommendations that greater protection and safeguards may be thrown about the lives, persons and property of the citizenry of our state.

SUFFRAGE AMENDMENT INDORSED

It will be my pleasure to have forwarded to your honorable body for ratification the resolution of the congress of the United States of America providing for an amendment to our federal constitution which will extend to the women of our nation the right of suffrage. This is a matter which I recommend to your early attention and I am certain you will not deem it presumptuous if I express the hope that you give your unanimous approval to the ratification of this amendment.

FISH AND GAME LEGISLATION

Because of the relative value of Oregon's fish and game life in all that the state is endeavoring to accomplish in the attracting of tourists; in the move to make life better for our own citizenry, and in light of the fact that it involves one of our greatest and most productive industries, I feel that it devolves upon me to present at this special session of the legislature some pertinent recommendations in regard to the fish and game situation.

It is too well known a fact to need corroborative evidence from me that dissension and factionalism over the administration of this important branch of state government has resulted in robbing it of its highest degree of efficiency and materially impeding development and conservation work. I assume that all who have expressed conflicting opinions as to the situation have done so with honesty of purpose and the best of intentions.

(Continued on Page Five, Column One)

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