

THE SPECIAL SESSION

Both Branches of the Legislature Down to Business.

MANY BILLS WERE INTRODUCED

Joseph Simon Elected President of the Senate—E. V. Carter, Chairman of the House.

Salem, Sept. 26.—In obedience to a call issued by Governor Lord, the Oregon legislature convened in special session at the state capitol today.

Senate.

The senate was called to order at 10:10 o'clock by Taylor of Umatilla. Temporary officers were elected upon a strict party vote of 24 to 6.

A committee on credentials was appointed, consisting of Ben Selling, G. W. Proebstel and William Smith.

The senate adjourned until 10:45 to give the committee on credentials a chance to make their report. The report was adopted when the senate reconvened, and the new members were sworn in by Chief Justice Wolverton.

The resolution providing for permanent organization was presented by Reed of Douglas, and was adopted.

The election of officers proceeded, with the following results:

President—Joseph Simon, of Multnomah.

Chief clerk—S. L. Moorehead, of Junction.

Assistant chief clerk—J. F. Yates, of Multnomah.

Reading clerk—J. D. Lee, of Multnomah.

Calendar clerk—Frank C. Middleton, of Multnomah.

Sergeant-at-arms—Joseph S. Purdom, of Grant's Pass.

Doorkeeper—W. W. Smith, of Clackamas.

Mailing clerk—V. H. Humphrey, of Salem.

Pages—Harvey Bell and Frank Hartman.

The minor officers of the senate were then sworn in.

A resolution calling upon the secretary of state for his report on the financial condition of the state was presented and adopted.

The rules of the session of 1897 were adopted.

Mulkey of Polk, introduced a resolution for a joint committee of two from each house to examine and report upon the books of the secretary of state. It carried.

A bill was introduced by Brownell of Clackamas, to repeal the act creating the state railway commission, and passed to its second reading.

Mackay of Multnomah, introduced a bill to provide new pilotage rules for the port of Portland.

Daly of Benton, introduced a bill to reduce the statutory rate of interest to 6 per cent.

The senate then adjourned until 10 A. M. tomorrow.

Sept. 27.—The senate convened at 10 A. M. After the reading of the journal, President Simon announced standing committees as follows:

Agriculture and forestry—Looney, Kelly, Clem.

Assessment and taxation—Mulkey, Mackay, Porter, Cameron, Taylor.

Claims—Howe, Fulton, Daly of Lake.

Commerce and navigation—Selling, Howe, Proebstel.

Counties—Mackay, Taylor, Howe, Cameron, Patterson.

Education—Kuykendall, Harmon, Porter.

Elections and privileges—Harmon, Brownell, Wade.

Engrossed bills—Daly of Benton, Reed, Michell.

Enrolled bills—Patterson, Mulkey, Cameron.

Federal relations—Driver, Proebstel, Dufur.

Fishing industries—Reed, Michell, Bates.

Horticulture—Daly of Benton, Patterson, Looney.

Insurance and banking—Haines, Adams, Bates.

Printing—Michell, Selling, Haines.

Irrigation—Proebstel, Cameron, Morrow.

Judiciary—Fulton, Brownell, Michell, Kelly, Dufur.

Medicine, pharmacy, dentistry—Daly of Lake, Kuykendall, Morrow.

Military affairs—Haseltine, Taylor, Wade.

Penal institutions—Haines, Driver, Looney.

Mining—Cameron, Harmon, Smith.

Municipal corporations—Haseltine, Harmon, Smith.

Public buildings and institutions—Adams, Haseltine, Reed.

Public lands—Porter, Mulkey, Howe, Driver, Wade.

Railroads—Brownell, Patterson, Mackay, Morrow, Daly of Benton.

Revision of laws—Kelly, Reed, Fulton, Smith, Daly of Lake.

Roads and highways—Bates, Looney, Proebstel, Clem, Daly of Benton.

Ways and means—Taylor, Mulkey, Kuykendall, Selling, Adams.

Following bills were introduced:

By Dufur, to amend the statute relating to terms of circuit courts. By Daly of Lake, to amend the statute in

the matter of assessment and taxation.

By Fulton, to create the office of game warden, in each county, and fixing terms and salaries thereof. By Selling, bill to regulate the salary and compensation of the fourth judicial district and officers of Multnomah county. By Haseltine, to provide for the expense of the Oregon commission at the Trans-Mississippi exposition at Omaha. By Brownell, to provide for a constitutional convention in the state of Oregon. By Clem, to define titles of land and real property for purposes of taxation. By Driver, to confer upon Eugene divinity school rights of a corporate character. By Mackay, to amend the statutes relating to pilotage. By Daly of Benton, to provide for a free ferry across the Willamette river at Corvallis. By Harmon, amending the statutes relating to the character of the city of Grant's Pass. By Fulton, to protect the sturgeon-fishing interests. By Brownell, to facilitate the administration of estates of decedents. By Dufur, to provide for road and regulate procedure in justice courts. By Patterson to amend the statutes in relation to the terms of the various circuit courts of the Third judicial district. By Dufur, to protect hotel and boarding-house keepers. By Mackay, joint resolution protesting against the proposed reduction on the Canadian-American lumber tariff; adopted. By Selling, to fix the compensation of state officers and provide for payment of same. By Daly of Lake, to repeal the act establishing state railway commission. By Fulton, to provide for a physical examination of parties claiming damages by reason of accident (introduced by request). By Mulkey, to provide for a recorder of conveyances in and for the county of Polk; read first, second and third time and put upon final passage. By Harmon, to amend the statutes in relation to appeals in civil actions. By Daly of Lake, to limit and fix salaries of certain state officers. By Brownell, relating to the contest of wills and procedure in trials thereof. By Daly of Benton, authorizing sale of equities in estates of decedents. By Kelly, to repeal the act in relation to the statute in the matter of adulterated foods, and doing away with the commission. By Adams, providing for a tax on dogs in the state. By Bates, for an act regulating fraternal societies. By Harmon, resolution directing the secretary of state to provide codes for the senate; adopted. By Looney, providing for a joint committee of two from the senate and three from the house to examine the books of the state treasurer and report; tabled. By Taylor, resolution (joint) providing for examination of the books of the Oregon asylum for the insane; carried.

House.

Salem, Or., Sept. 26.—At 10:30 A. M. Ralph E. Moody, member from Multnomah and chief clerk at the last two sessions of the house, called that body to order. The following temporary officers were named:

George T. Myers, temporary chairman.

A. V. R. Snyder, temporary clerk.

Messrs. Hill, Hawson, Massingill, Nicholas and Gregg were appointed a committee on credentials.

On motion of Moody the house adjourned until 1:30 P. M.

The house met and organized at 1:30 this afternoon, with E. V. Carter, Jackson county, as chairman.

Chief clerk—A. C. Jennings.

Assistant chief clerk—A. V. R. Snyder.

Sergeant-at-arms—Frank Motter.

Doorkeeper—A. D. Griffin.

Calendar clerk—M. P. Eisenberg.

Clerk—D. B. McKay.

Sept. 27.—The house was called to order at 10:05 A. M.

A concurrent resolution of the senate to have a joint committee examine into the books and accounts of the secretary of state was laid on the table.

The speaker appointed Bruce C. Carry of Clackamas, mailing clerk.

A resolution was adopted authorizing the secretary of state to purchase 90 copies of Hill's code at a cost of some thing over \$1,000.

A resolution by Ross that the speaker appoint a committee to arrange for appropriate exercises on February 14, 1899, to observe the anniversary of Oregon's admission to the Union, was tabled.

Young secured the adoption of a resolution to have each member provided with 200 2-cent postage stamps.

House bill No. 1 provides for a general means of propagation of salmon, and taxing of fishing gear to assist in defraying the expenses of propagation. Other bills were introduced as follows:

By Whitney, providing for the manner of assessment and taxation of certain real estate and making mortgages of real estate for the purpose of taxation. The bill is a virtual reinstatement of the mortgage-tax law. By Bayer, to regulate letting state contracts on public works in matter of citizenship bidders, bonds, etc. By Stillman, amending section 40, Hill's code in relation to actions for recovery of specific personal property. By Curtis, to regulate the catching and protection of sturgeon. By Curtis, providing for the office of game and forestry warden. By Hill, to regulate the manner of holding elections to require registration, etc.

One bill was introduced, but before it could be read a motion to adjourn was carried.

GOVERNOR'S MESSAGE

Full Text of the Document Delivered Before the Joint Session of the Oregon Legislature.

SALEM, Or., Sept. 27.—At 2:30 today, in the hall of representatives, in the presence of the members of both houses of the legislature, judges of the supreme court, and other state officers, Governor Lord delivered his message to the special session. Its delivery occupied half an hour, and it was closely listened to. The full text of the document follows:

"The constitution authorizes the governor, on extraordinary occasions, to convene the legislative assembly by proclamation, and, when assembled, devolves upon him the duty to state to both houses the purposes for which he has convened them. By virtue of such authority, and in compliance with this requirement, I shall endeavor briefly to state the reasons which have induced me to summon your body in special session.

We are at a critical period in the history of our country. The next few years will mark an advance or retrograde movement in our national destiny. Not since the war of the rebellion has the statesmanship of our country been confronted with questions of such transcendent importance as those which have grown out of our victorious contest with Spain. They are questions involving considerations of such various sort and far-reaching effect that they will require for their rightful solution the best brains and wisest heads of our country. Cuba and Porto Rico in the west, and the Philippine Islands in the far east, have been wrested from their Spanish oppressor by our victorious arms. They are now in the possession of the United States, to be dealt with on those enlightened principles of justice and equity which animate the conduct of free governments. Hawaii has gravitated to us, by the law of political affinity, and by annexation has become a permanent part of our territory. All these islands lie within the tropical regions; their climate is mild and their soil fruitful to exuberance, rendering the struggle for existence free from that constant labor and effort exacted by the rigor of the temperate zones. Their people are of an alien race, whose habits and customs, modes of thought and civilization, form of government and institutions, are different from our own, and whose condition of poverty, ignorance and wretchedness is the result of pitiless taxation and merciless tyranny. As a consequence of these causes, and of blood adulteration, deteriorating their mental and moral fiber, these islands, though richly endowed by nature, have been only partially developed, their civilization is stationary or backward, and in some of the Philippine Islands a condition prevails that verges on semi-barbarism.

To meet these complex conditions and undertake their general improvement; to institute regulations aiming to revive trade, improve sanitary conditions, induce social reform, and aid in the educational and political advancement of these people; to win their loyalty by providing a government that shall lighten the burden of taxation, add to the wealth of the country by development of its natural resources and the interchange of trade and commerce, protect rights of property, and secure the blessings of civil and religious liberty, is a herculean task, demanding for its proper performance our best thought and wisest statesmanship. If we must retain these islands, or any part of them, considerations of this kind must confront us for determination. We are in legal possession of them, and cannot shirk the responsibility to save them. Can we give them back to Spain? Would not such an act be a crime, and turn the glory of our battles into victories of dishonor? All commercial nations now are fighting for trade, and in their race of cupidity and inordinate ambition China is threatened with partition. We need the business of these islands. Exchange of products, natural and artificial, would be mutually beneficial to them and to us. We must find an outlet for the surplus product of our fields and forests, our factories and workshops; we must share on equal terms with all other nations the opportunity for trade in the Orient, which our possession of the Philippine Islands affords us. Their location is said to be the key to the Orient, and now to throw away the opportunity it affords would be worse than a blunder—it would be a calamity. What, then, shall we do with these islands? Shall we retain them as naval stations, or as a permanent part of our territory? And if the latter, what form of government shall be devised for them? Shall it be a protectorate, or a dependency, or what? These are some of the important questions which will confront our national legislature at its next session, in December, and demonstrate the need of a full presentation in that body. Already, peace makers to agree upon terms of States and Spain, and have received their instructions from their respective governments, and the strong probability is that they will close their labors and make their report before the meeting of the United States congress in December.

It is important, then, to our state and the nation, that we should have a senator present to assist in the discharge of the onerous and responsible duties of the senate. If his election be delayed until the regular session, he will not be likely to reach Washington until near the end of the session in February; but his election now will afford him opportunity not only to ascertain the will of his constituents, but to study the situation and acquaint himself with its environments, so as to be ready to render intelligent and faithful service when the session of congress begins in December, and when the country needs his service and the administration his support.

There is another matter incidentally connected with these considerations, which furnishes additional reason for the election of a senator at the present time. I refer to the early construction of the Nicaragua canal. The wonderful voyage of the battleship Oregon has demonstrated the necessity of its construction, to protect our coast from depredation and our commerce from spoliation. Its building ought to be undertaken without further delay; it should be built, owned and operated exclusively by the United States. The canal should be in name and fact an American canal, under American control. No corporation should be allowed to construct it, or supervise its operations. The building, though, of this isthmian waterway, uniting two great oceans, will necessarily affect the interests of all commercial nations, and give rise to many conflicting questions of public policy and international relations which our country cannot ignore, and which will require the wisdom of its best statesmen to solve on principles of justice and equity.

But built this canal must be, whatever the responsibility it imposes, to meet the demands of our growing commerce, and to strengthen our coast defenses. The signs of the times, the future development of our boundless resources, the growth of our industrial interests, and commercial enterprises admonish us of the necessity of its early construction, and of the importance of organizing a naval force adequate to protect our commerce and coast from the depredations of hostile nations, and equal to the task of meeting all questions for which our government stands sponsor among the nations of the earth.

These considerations, gentlemen, are suggested as showing in part the necessity of an extra session, to enable your body to select a senator before the meeting of congress in December, and thus afford our state an opportunity to be heard in its deliberations, and to cast its full vote in determining these various important questions, which so largely affect the interests and welfare of our state and the states of the Pacific coast.

The failure of the legislature to organize at its regular session in 1897 left the state without an appropriation of money to meet its current expenses, and in consequence many warrants have been issued for salaries and audited claims, and many vouchers exist for unaudited demands that need to be examined, and, if they are found correct, warrants should be drawn for their payment, after which an appropriation should be made of the funds in the state treasury to pay all such outstanding warrants.

The appropriation for such objects ought to receive your attention early in the session to enable you to give full consideration to its various items, and prevent the payment of fraudulent or illegal claims. It would greatly augment the labors of the



Governor William P. Lord.

regular session to impose upon it the work of examining the accounts and providing appropriations for their payment, in addition to estimating the revenue to meet expenses for the ensuing two years. An appropriation bill is always exposed to more or less dickerings and jobbery, and to have two such bills pending before the regular session would afford too great an opportunity for raiding the treasury with swamping jobs, needless appropriations and pillaging contracts. It is better—far better—that the regular session shall be relieved of this work, and its time occupied with providing remedial legislation so urgently demanded, and enacting wise laws to advance the interests of the state and the happiness of its people. I am desirous that the affairs of the present administration shall be examined and closed, and not imposed upon the incoming administration. I want the decks of our splendid ship of state cleared and ready for action when my successor shall take her helm, though I trust that, during his term and under his pilotage, with banners streaming and sails set to catch the favoring gales, she may be wafted over summer seas on a prosperous voyage.

The business of the supreme court has increased so rapidly that the court is now behind more than two years in the hearing of cases. It is imperative that some relief should be afforded the court, so that a prompt hearing and adjudication of causes may be obtained. To afford such relief two remedies have been suggested: One is to enact a law that shall limit appeals to the supreme court, in civil cases, to those involving title to real estate, or matters affecting the public revenue, the construction of the constitution of the state or of the United States, or where questions of franchise are raised, or where the amount of the judgment exceeds \$300; the other is to enact a law authorizing the supreme court to appoint three commissioners, for a term of four years, to assist the court in hearing and deciding cases. The objection raised to the first law is that every citizen should have the right of appeal, no matter how small the sum involved in litigation, and that its denial would affect largely the poor man, whose money demands are usually small. The second law suggested would, of course, remedy the evil complained of, and is preferred by the supreme court. As the interest amounts to a denial of justice, it is desirable, if a law is to be enacted authorizing a commissioners' court, that it should be enacted at this session, in order that such court may begin the work of relieving the congested condition of the supreme court docket as early as practicable, or at least begin its sessions at the first of the ensuing year.

The act of congress, approved July 19, 1897, entitled "An act making appropriation to supply deficiencies," etc., contains a provision to the effect that the invitation of the republic of France to take part in an exposition of works of art and the products of manufacture and agriculture of all nations, to be held in Paris, commencing the 15th day of April, and closing the 5th day of November, 1900, is accepted, and that "the governors of the several states and territories be, and are hereby requested to invite the people of their respective states and territories to make a proper representation of the productions of our industry, and the natural resources of the country, and to take such further measures as may be necessary, in order to secure to their respective states and territories the advantages to be derived from this beneficent undertaking." In conformity with this provision, and with especial reference to the latter portion of it, the secretary of state of the United States, the Hon. John Sherman, in a letter to me as governor of the state, dated September 27, 1897, urges the propriety, as well as the necessity, of taking steps immediately to secure representations of the natural and industrial resources of our state, "to the end that an exhibit on behalf of the government of the United States, befitting its material and industrial importance, may be assured." Owing to the limited time now available for selecting and arranging the exhibits of our state, it is proper that this subject should be brought to your attention, for the reason that it is absolutely necessary, if our state is to participate in this great international exposition, that a law be enacted at once, providing

for the appointment of commissioners, and appropriating sufficient funds to make a proper representation of the products of our industries and the natural resources of our state.

Under an act passed by the 18th legislative assembly, a contract was made with J. Loewenberg, of the Northwestern stove foundry, in July, 1895, for convict labor, and the board of managers of the state foundry leased him the plant and sold him the manufactured stock on time. His obligations to the state were not met; but, in view of bad business conditions, and the desirability of keeping the convicts employed, great leniency has been shown him. First, he was allowed an extension of time, and later, in the spring of 1898, a second accommodation was arranged for him, under which the Loewenberg & Going Co., of Portland, the owners of the Northwestern stove foundry, but notwithstanding these accommodations, Loewenberg has not kept his promises, nor met his obligations to the state. The sums due the state, with interest, aggregate a large amount. In view of these facts, I have deemed the matter of his default of such importance as to be a proper subject for your immediate consideration.

I have purposely refrained from recommending any new legislation, except the organization of a commissioners' court, which the exigencies of the public service require without delay. In this case I have done so because I know there are few evils which affect the people of the state so seriously and injuriously as delay in the administration of justice. The bill of rights of our state, and of every free state, recognizes the evil resulting from such delay, and the necessity of their prompt removal, whatever may be the source from which they spring, by declaring that "justice shall be administered openly and without purchase, completely and without delay." I do not wish, however, to be understood as being adverse to new legislation, or as doubting your authority to enact it, whether general or special.

Owing to a senatorial contest, which only ended with the election of a senator in the expiring course of its session, the legislative assembly of 1895 failed to enact much remedial legislation demanded by the people in the platforms of their different parties, and needed to correct existing evils, and the legislative assembly of 1897 failing to organize, there has been but little opportunity for legislation, and practically none of importance has been enacted, though public interests have greatly suffered in consequence thereof since the legislative session of 1893. Much legislation, especially of a remedial character, which properly belonged to those sessions, and still is needed for the protection of the public interests, must be considered by your body at the next regular session, in addition to its own legislative belongings, thereby greatly increasing your labors and responsibility. It is always desirable that legislation affecting large classes of society in person or property should be examined with deliberation, and discussed with fullness, before enactment into law. In this way whatever defects lurk within the terms of a statute are likely to be discovered and eliminated, and whatever amendments are necessary for its improvement or efficiency may be suggested and added. The vicious habit sometimes indulged by legislative bodies, of hurrying important measures through their different readings, and especially appropriation bills containing obnoxious clauses, without investigation or discussion, is subversive of the time-honored custom of open debate, and inimical to the public good. Bills for assessment and taxation, for registration of voters, to preserve inviolate the ballot box, for the abolition of useless boards and commissions, for reorganization of the circuit courts by equalizing their judicial labors, for the revision of court costs, and especially criminal costs, which are a grievous burden on the counties, and for the appropriation of public money, and the like, require time for their proper examination, and should receive the fullest discussion before passage by either house.

To afford you time and opportunity for the full consideration of all such important matters, the regular session ought to be relieved of those more urgent matters of public interest, which need prompt legislative attention, by an extra session. In view of these conditions, not to call an extra session, but to leave to the regular session the election of senator, with its exciting and often obstructive incidents, and two appropriation bills, with their important measures, would imperil, and probably prevent, the enactment of much needed legislation, and prove disastrous to the highest good of the state. For these reasons, I have conceived it my duty to call an extra session, believing that you would meet its responsibilities with patriotic zeal and intelligent service.

A Drydock for Portland.

In the senate Donald Mackay, of Portland, introduced a bill to amend the Port of Portland act so as to authorize the Port of Portland corporation to borrow \$100,000 over and above the \$500,000 already authorized, "for the purpose of constructing, maintaining and operating a drydock, floating dock, or marine railway." If it shall be deemed advisable. For a temporary loan, a note to run no longer than six months may be given. The bonds to be issued for the drydock indebtedness shall be in denominations of \$100, \$500 and \$1,000, to bear 5 per cent interest and run for 30 years.

This bill also provides for the amending the Port of Portland act so as to permit that corporation to "establish a scale of harbor and wharfage dues, and assessments on freight, goods and property landed upon the wharves and upon all ships and vessels arriving at or departing from said port of Portland, or within the limits of the territory under its jurisdiction." It is provided that "from the dues so collected, if any, and from the regular taxes levied and collected by it, the said corporation, the Port of Portland, shall pay the interest on its indebtedness and provide a sinking fund for the payment of its bonds at their maturity, and no funds derived from the sale of its bonds shall be expended other than in making improvements of a permanent nature to the channel of the rivers aforesaid (Columbia and Willamette), or for the construction of and operation of a drydock, floating dock, or marine railway."

The power and authority to be given by this act, it is provided, shall be exercised by a board of commissioners, to be composed of John McCracken, Ellis G. Hughes, Theodore B. Wilcox, J. C. Flanders, Donald Mackay, J. A. Brown and Charles E. Ladd.