

of men. Individual initiative in the larger enterprises is almost unknown. Corporations with large capital, organized in other states are constantly coming into and doing business of all kinds here, and in most cases cannot be or are not reached for the purposes of adequate taxation. Our efforts in the past have been, and should continue to be, directed to the securing of the investment here of capital, corporate and individual, from other states. The efforts that have been made in this direction are being rewarded, and from every state of the Union men of wealth and managers of vast corporate enterprises are coming among us, lured hither by the richness of our mines, forests and fields, and the salubrity of our climate. It should not be the purpose of legislation intended to tax this wealth to be discriminating and unjust. Such a course would nullify the efforts we are making toward commercial advancement and industrial development. But that this wealth should contribute fairly, equally and uniformly with other property of the state, all must concede, and those who come here to assist us in our own upbuilding as well as for their own betterment, claiming the equal protection of our laws, cannot oppose an objection to such a course.

What might be done in this state by a conservative system of taxation of corporations is indicated by the amount of revenue derived for state purposes from insurance companies alone. Under the statutes, they each pay a license fee and an annual tax of two per cent upon gross premiums less losses and premiums returned. For the year 1899 these companies paid \$26,371.48 in taxes and \$3,860.33 in license fees; for 1900 they paid in taxes \$31,248.84 and in license fees \$4,277.36, and for 1901 they paid in taxes \$33,988.40 and in license fees \$4,396.34.

No objection is urged against these taxes and license fees, nor are they considered unjust, and the system which has been applied in the cases of these companies ought to be gradually extended to other corporations doing business in the state.

The Secretary of State in his report to the legislature in 1901 shows that for the two years ending December 31, 1900, there were filed the articles of incorporation of 678 corporations, with a capital stock aggregating \$127,283,450, whilst he estimated that there were at least 2500 corporations doing business in the state. Between December 31, 1900, and September 30, 1902, there were filed the articles of incorporation of 346 corporations with a capital stock of \$231,562,981.

Why may not a system be devised for making each and all these corporations, organized as they are under the laws of the state, contribute directly to the expense of state administration, either by license fees or taxation proportioned to capitalization or both? Telephone, telegraph, express, surety and railroad companies, whether organized abroad or under local statutes, could be brought within the same category as insurance companies, and so the burden now borne by real estate measurably lightened.

All corporations organized outside of the state and doing business here ought to be compelled by law to file copies of their articles of incorporation with the Secretary of State, disclosing the amount of their capital stock, their officers and directors, and designating an agent upon whom service of summons could be had.

I realize the difficulties in the way of the enactment of a law at one session that will bring to the state revenue from all these instrumentalities of our business life and material prosperity, but I earnestly recommend that some step or steps be taken now having that ultimate end in view.

#### Inheritance Tax.

In New York and other states, statutes have been enacted imposing taxes upon inheritances. Such a system of taxation ought to be essayed in Oregon. It has been objected that there are no such colossal fortunes here as would warrant or justify the imposition of taxes upon inheritances either direct or collateral. This is in part true, and for that very reason there would be less opposition to such legislation now than there would be if it is postponed to a later date. The records of the county courts in every county in the state will disclose the astounding fact, that many, if not all of the estates going through probate, escape a just share of the burdens of taxation during the lifetime of the testators or intestates.

The tendency of modern times is to bring about as near as possible a divorce of local and state taxation, and there is no reason why, by a proper law taxing inheritances and local and foreign corporations doing business in the state, as well as the valuable franchises which they enjoy, Oregon may not, following in the footsteps of other states, raise the greater part, if not all, the revenue necessary for state purposes.

#### A Fellow Servant Law.

The law imposes upon every person the obligation of regulating and governing his own actions and business in such a manner as not to cause injury to others. (This rule is applicable to employers, so that an employer is responsible for his personal negligence occasioning injury to his employee. But while a man is responsible for the consequences of his own wrongful acts, he is not responsible for the acts of others, except that a master is liable to third persons for the wrongful acts and negligence of his servant performed while engaged in the pursuit of the master's business within the scope of his employment. This exception to the general rule, while holding an employer responsible to third persons for the wrongful acts of his servants, has no application in certain cases where a servant seeks to hold his employer responsible for an injury resulting from the tortious acts of another servant. This restriction is incorporated in what is known as the "fellow servant rule," which may be succinctly stated as follows:

"Where a master uses diligence in the selection of competent and trustworthy servants and furnishes them with suitable means to perform the service in which he employs them, he is not answerable, where there is no countervailing cause, to one of them for an injury received by him in consequence of the carelessness of another, while both are engaged in the same service."

The Supreme Court of this state in *Mast vs. Kern*, 24 Or. 247, in amplification of this rule, held that "It is the personal and absolute duty of the master to exercise reasonable care and caution to provide his servants with a reasonably safe place to work, reasonably safe tools, appliances and instruments

to work upon, reasonably safe material to work upon, suitable and competent fellow servants to work with them, and to make needful rules and regulations for the safe conduct of the work; and he cannot delegate this duty to a servant of any grade so as to exempt himself from liability to a servant who has been injured by its non-performance. Whoever he entrusts with its performance, whatever his grade or rank, stands in place of the master, and he is liable for the negligence of such employee to the same extent as if he had himself performed the act, or been guilty of the negligence. But when the master has performed his duty in this regard and provided competent employees, a reasonably safe place to work, suitable materials, tools and appliances to work with, and needful rules and regulations, and the like, he has discharged his whole duty in the premises and is not liable to a servant for the negligence of another servant while engaged as an operative."

The doctrine enunciated by our court is the commonly accepted common law rule of this country and Great Britain, and from which the courts have not appreciably departed in the absence of statute. But the rapid growth and development of railroads and the extremely hazardous occupation of those engaged in railroad work, have induced the legislatures of many states to modify the fellow servant doctrine as applicable to railroad corporations. Such laws have been assailed as being violative of both state and federal constitutions, but they have been uniformly sustained by the state as well as by the federal courts. *Chicago, etc., R. Co. vs. Pontius*, 157 U. S. 203; *Mo. Pac. R. Co. vs. Mackey*, 127 U. S. 205; *Dalbier vs. Chicago, etc., R. Co.*, 47 Wis. 138; *Herrick vs. M., etc., R. Co.*, 31 Minn. 11; *Pierce vs. C. I. R. Co.*, 73 Ia. 140; *G. R. Co. vs. Miller*, 90 Ga. 571.

One of the latest acts upon the subject is that of the state of Virginia, approved March 27, 1902. It provides that every corporation operating a railroad in that state, whether such corporation be created there or elsewhere, shall be liable in damages for any and all injury sustained by any employee of such corporation in the following cases: "When such injury results from the wrongful act, neglect or default of an agent or officer of such corporation superior to the employee injured, or of a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect or default of a co-employee, engaged in another department of labor from that of the employee injured, or of a co-employee on another train of cars, or of a co-employee who has charge of any switch, signal point, or locomotive engine, or who is charged with dispatching trains or transmitting telegraphic or telephonic orders. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death, whether instantaneous or otherwise results from any injury to any employee of such corporation received as aforesaid, the personal representative of such employee shall have a right of action therefor against such corporation and may recover damages in respect thereof. Any contract or agreement, express or implied, made by any such employee to waive the benefit of this section or any part thereof shall be null and void, and this section shall not be construed to deprive any such employee or his personal representative of any right or remedy to which he is now entitled under the laws of this state."

I recommend the general scope and purpose of this law to the legislature of Oregon, and earnestly urge the enactment of a similar statute at this session. Legislation upon this subject was defeated at the last session, but it seems to me that the demands of the thousands of men engaged in railroad employment here, are entitled to be heard as they have been heard, and favorably acted upon, in other states not more progressive than Oregon.

The strict application of the fellow servant law as it has been adopted by the courts of this and other states, virtually defeats recovery by a railway employee, or his personal representative, against the employer in case of death or injuries received in performance of duty, no matter how deserving or meritorious, for the defense is invariably interposed that the injury or death was due to the negligence of a fellow servant, and nearly always successfully. The corporations and their employees, without rules and regulations which they expect and intend shall be more honored in the breach than in the observance. To obey them in their entirety would be impossible, and to disobey them places a weapon of defense in the hands of the corporations, whenever accidents occur resulting in injuries and death to old and faithful employees.

#### Salaries for State Officers.

The platforms of both parties prior to the last election declared in favor of putting all the state officers on fixed annual salaries, and the payment of all fees earned by them in the performance of official duties into the state treasury. These platform declarations were the result of a demand on the part of the people and the press for further economy in the administration of state affairs. If platform utterances mean anything at all, if they are enunciated in good faith and with the intent that those nominated and elected thereon shall be bound thereby, then the duty devolves upon you gentlemen of the legislature to enact these promises into a law to be effective at once, as the duty devolves upon me and upon all of the state officers, not only to accept your determination in this matter gracefully, but to assist you in the framing and enactment of such a statute as will put these promises into effect.

Section 1 of Article XIII of the Constitution of Oregon provides that "the Governor shall receive an annual salary of fifteen hundred dollars. The Secretary of State shall receive an annual salary of fifteen hundred dollars. The Treasurer of State shall receive an annual salary of eight hundred dollars. The Judges of the Supreme Court shall each receive an annual salary of two thousand dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their respective offices; and the compensation of officers, if not fixed by this constitution, shall be provided by law."

Since the last election it has been asserted in some quarters, that under this constitutional provision, no other or different salary can be given by the

legislature to any of the officers therein named than those prescribed. If this contention be well founded, the constitutional provision is being violated every year by each and every of said officers, for each of them now receives a salary for services upon the different state boards and commissions which in the aggregate exceeds that named in the constitution. Further, in addition to these several salaries, laws have been passed from time to time which authorize schedules of fees to be charged by some of the officers for the performance of official duty, or these fees added to the salaries provided for services on boards and commissions, give to the officers receiving them compensation entirely disproportionate to the services rendered the state. And therein lies the vice of the system which has been in vogue for many years past. It is difficult now to ascertain, unaided by persons familiar with the laws, the emoluments received by some of the officers named in the constitutional provision quoted, and the time has now arrived when each and all of said officers should be placed upon such fixed annual salaries as shall afford them a compensation commensurate with the duties performed and the responsibilities assumed, and in those cases where fees are charged and collected, such fees should be, from this time on, paid into the state treasury. It matters not so much whether these salaries are fixed in a lump sum, or whether they are ascertained by allowing separate salaries for services as members of the different state boards and commissions, but it should be done in express terms and not subject to change during the term for which the officials shall have been elected. Again, it has been urged that the legislature is powerless to change the compensation of an officer during his term. This is not true. In the case of *Territory vs. Pyle*, 1 Qr. 149, the Supreme Court of this state, speaking through Judge M. P. Deady, held that public officers are created for convenience of the public and not for the officer, and that he is competent for the legislature to increase or decrease the compensation of an officer, and even to abolish the office in the absence of any constitutional prohibition. Substantially the same doctrine has been laid down in the later cases of *State ex rel. vs. Simon*, 20 Or. 365, and *State ex rel. Steele*, 39 Or. 419. The rule is well settled that the constitution, so far as it relates to the legislature, is a limitation and not a grant of power, and the legislature may exercise any of the powers of sovereignty not prohibited. That body is prohibited from giving to the officers named a less salary than the amount prescribed therein; it is prohibited from giving to any of them any fees or perquisites for the performance of official duty, but it does not prohibit the legislature from increasing the salaries beyond those named therein.

In *State ex rel. vs. Steele*, 39 Or. 419, Judge Wolverton speaking for the court, said: "Where the constitution a grant of powers, it would carry with it such implied powers as are necessary and proper to subserve and carry into effect the purposes of the grant. . . . If this be so as respects a grant of powers, with how much stronger reason does it apply to a constitution which is not a grant, but a limitation—where the residuum of power is retained by the people, to be exercised through the legislature, except as limited and circumscribed by that instrument. The people, in framing the constitution, says Chief Justice Deady, speaking for the legislature, 'committed to the legislature the whole law-making power of the state which they did not expressly or impliedly withhold. Plenary power in the legislature, for all purposes of civil government, is the rule. A prohibition to exercise a particular power the exception.'"

An examination of the Journal of the convention which framed the constitution will show, that it was not the intention of the framers of that instrument to limit the legislature to the salaries therein prescribed. When the provision quoted had been adopted, Mr. Peebles, of Marion county, moved to amend the section as it now stands by adding at the end thereof the following: "Provided, further, that the salaries of the Judges of the Supreme Court shall not be subject to increase, and the salaries of the Governor and Secretary shall never exceed two thousand dollars, nor that of the Treasurer exceed twelve hundred dollars." The vote on this amendment was as follows: Yeas, 15; nays, 35, so the amendment was lost. It will thus be seen that the intention to limit legislative action in this behalf was discussed, voted upon and defeated. It was plainly then the intention of the framers of the constitution to fix the salaries of the first officers elected thereunder, leaving the question of increasing legislative bodies, Eminent gentlemen who were members of that convention hold this view, with a full knowledge of the intent of the framers of that instrument. This view has received executive, judicial and legislative sanction. So eminent a jurist and executive as Hon. Wm. P. Lord, in his message prepared to be delivered to the nineteenth regular session in 1897, and not delivered (a copy of which I have), and in his message as delivered to the twentieth regular session in 1899, in discussing the subject of the creation of state boards, said: "But, it has been said, the object in creating these boards was to increase the salary of the Governor (and likewise of other state officers), the implication being that to raise it during the term of office would be contrary to the duties and responsibilities of the executive office would be unpopular and unconstitutional. The supposition is absurd. The passing of an act to effect indirectly an increase of the salary of an officer ought to be more unpopular than the passing of an act which directly increases it. If the people will consent or submit that the increase should be effected through the agency of a board, they will not object that it should be accomplished by a direct increase of salary, which only affords him a reasonable compensation for his services. Nor is the objection to an act directly increasing the salary of the Governor of any constitutional weight. It is entirely within the constitutional province of the legislature to raise the salary to such sum as is just and proper in its judgment, and the best lawyers and judges—some of whom served in the convention that framed the constitution—have expressed opinions on this subject with a unanimity that could not exist if there were any doubt of the constitutional power of the legislature to do so. It is not the salaries of officers that embarrass the operation of government, or burden the people with excessive taxation. It is 'jobs,' wasteful practices, lavish and

unnecessary public expenditures, pillaging state contracts, useless boards and commissions, freebooting the treasury with fictitious claims and needless appropriations, that put an unjust burden upon the people, and serve to retard the growth, development and prosperity of the state."

If the pledges of your platforms are carried out, and the Governor, Secretary of State, Treasurer and Judges of the Supreme Court placed upon reasonable annual salaries, and all fees earned paid into the treasury, it will result in a saving to the state.

There can be no question but that you, gentlemen, have the power, and it is a moral duty incumbent upon you to enact a law placing each and every of the officers herein named upon salaries commensurate with the services rendered, not to be increased or diminished during their incumbency, and requiring all fees to be paid into the treasury as a part of the general fund, such act to take effect at once.

#### State Printer.

In further support of the position assumed above as to the proper construction to be placed upon the constitutional provision there under discussion, the framers of the constitution expressly provided that the rates to be paid to the State Printer shall be fixed by law, "and shall neither be increased nor diminished during the term for which he shall have been elected." How easy it would have been, in case of the other state officers, to have adopted the amendment proposed by Mr. Peebles to the section fixing their salaries.

You are prohibited therefore in express terms by Article XII, section 1, of the constitution, providing for the election of a State Printer and fixing his charges, from either increasing or diminishing during his term, the rates to be charged by him. The rates charged are too high, but the abuses in this department are not so much due to the rates, as to the amount of useless work done therein with legislative sanction. At the last session of the legislature there was appropriated for the expenses of this department \$50,000, and from the 1st day of January, 1901, to and inclusive September 30, 1902, there had been expended for state printing the sum of \$37,687.40. This is in excess of what is just and proper, and the only way to stop the leak, which adds greatly to the annual amount of revenue to be raised, is to stop it, not the rate of charges, but the amount of printing done for the ensuing two years, at the same time reducing the rate of fees by an act to take effect at the expiration of the term of the present incumbent.

I recommend for your earnest consideration the propriety of limiting the space to be used in the publication of all biennial reports. Results might be given instead of detail in many of the financial and other reports, and with entire safety and propriety to the section I now herewithal am expending the books of all state officials be acted upon favorably.

#### Expediting Books of County Officials.

The Act of 1899, empowering the several District Attorneys of the state to file original information against those charged with crime has resulted in a great saving to the taxpayers. The courts are still invested with a discretion to empanel grand juries if they see fit. But as a rule, there is little for them to do, except to investigate the books of the several county officials, and to visit and inspect the public institutions of the counties, cities and the state. Their work, especially in the matter of examining the books of officials, is necessarily perfunctory. Besides, it is not unfrequently happens, that no matter how honest they may be in their work, they are men of accustomed vision, charge or prosecution for misdemeanor or felony where, in the opinion of the court in which such proceedings are pending, there is a reasonable ground to believe that such minor may be reformed and that a commitment to prison would work a manifest injury. Provision is made for the disposition of such minors in cases where there has been a suspension of judgment. This statute was passed before the creation and erection of the reform school, and though it has never been in terms repealed, it has been modified by subsequent legislation for the government of said school by the Acts of 1899, 1891 and 1893. Under the provisions of the later act, the court has the power to commit juvenile offenders between the ages of ten and sixteen years, charged with the commission of misdemeanor or a felony, except in capital cases, to the reform school instead of to the county jail or penitentiary. The jurisdiction of the courts under these statutes, between the age limit named, is ample, but circuit courts should be vested with a broader jurisdiction by positive statute. Ample provision is made for the exercise of discretion by courts of superior jurisdiction in many states, and even in the absence of statute, the exercise of a sound discretion with reference to suspension of sentence has been sustained. But the propriety of such course in the absence of statutory authority is questioned, and properly so. Numerous cases have arisen in my own experience as a public prosecutor, where young men between the ages of sixteen and twenty-one, and even older, have been inveigled into the commission of crime. In many cases these young men were of excellent antecedents, training and habits, it most frequently happens that in such cases friends or relatives are willing, notwithstanding these departures from the paths of rectitude, to take them, answer for their future conduct and give them employment. And again, positions can often be had for these unfortunate young men on board ships bound upon long voyages, in charge of capable officers, but under the law, as it is, no recourse is left to the courts except to commit them either to the county jail or to the penitentiary, or to exercise the questionable power of suspending sentence.

The hope of reformation in the event of confinement in the jail or penitentiary is gone, and the state deprived of the possibility of having a useful citizen added to its population, with every assurance that at the completion of a sentence of imprisonment, another criminal has been turned loose to pursue a life of crime.

I earnestly recommend some legislation looking to the enlargement of the jurisdiction and power of the circuit courts, with reference to youths between the ages of sixteen and twenty-one. They need not be committed necessarily to the reform school. Suspension of judgment and a system of parole, in my opinion, would meet the requirement and result in the restoring to citizenship of persons who under the present limited power of the courts are converted into confirmed criminals.

Former executives have recommended the advisability of legislative action

upon the subject of the conduct of prisoners from the place of trial and conviction to the penitentiary. No action has been taken by any former legislative body on these recommendations, but I earnestly trust that the matter will receive consideration at your hands at this session. This work is now done by the sheriffs of the several counties, for which they each receive a per diem for every day actually engaged in conveying prisoners, besides necessary traveling expense for themselves and the convict conveyed, and the necessary expenses incurred in guarding such convict during such conveyance. The money being paid by the state either to the sheriff or to the county where the conviction was had. There was appropriated for this service at the last session of the legislature for the two years ending December 31, 1902, \$12,500, and up to September 30, 1902, there had been paid out \$10,241.76. A material saving can be made to the state, if, instead of the present method, an act is passed, requiring the performance of this service by the Superintendent of the Penitentiary, or some of his subordinates, who shall only recover from the state the amount of actual expenses incurred, upon claims properly verified, presented to, and audited by the Secretary of State. Such course will, besides, provide a uniform course to be pursued by all of the counties, and the work will be done by men trained in dealing with criminals and the criminal classes.

#### Transporting Insane and Idiotic Persons to the Asylum.

Section 3558 Hill's Annotated Laws provides in substance, that when a person has been adjudged insane, such person shall be conveyed to the asylum by any proper person or persons selected and designated by the County Judge. The sheriff is usually designated for this service, and the expenses are paid out of the state treasury, not exceeding \$3 per day to the person appointed, and his actual, reasonable and necessary expenses, together with \$2.50 per day for the necessary attendants. For the payment of these expenses there was appropriated at the last session of the legislature for the two years ending December 31, 1902, \$27,500, and from January 1, 1901, to September 30, 1902, there was expended on this account \$23,178.94.

The transportation of the insane and idiotic to the asylum ought to be entrusted to the Superintendent of the Oregon State Insane Asylum and his assistants, not only on the score of economy to the state, but for reasons of humanity as well. That this unfortunate class should be entrusted in all kinds of weather, for long and tedious journeys and under any and all conditions, to persons who, in many instances, are not only entire strangers to them, and so careless of their wants, but who have had no experience in the care or treatment of those so afflicted, is discredit to the state. Recommendations have been made by former executives for amendment of existing laws touching this subject, the press of the state has expressed itself clearly and unequivocally in advocacy thereof, and these things supplemented by the plainest dictates of every sympathetic heart, suggest immediate action in behalf of a class of unfortunate who, though "they live, and move and have their being," can have no voice in aught that affects their welfare.

#### Youthful Criminals.

Section 1414 Hill's Annotated Laws of Oregon provides for the suspension of final judgment against minors under sixteen years of age, on any conviction, charge or prosecution for misdemeanor or felony where, in the opinion of the court in which such proceedings are pending, there is a reasonable ground to believe that such minor may be reformed and that a commitment to prison would work a manifest injury.

Provision is made for the disposition of such minors in cases where there has been a suspension of judgment. This statute was passed before the creation and erection of the reform school, and though it has never been in terms repealed, it has been modified by subsequent legislation for the government of said school by the Acts of 1899, 1891 and 1893. Under the provisions of the later act, the court has the power to commit juvenile offenders between the ages of ten and sixteen years, charged with the commission of misdemeanor or a felony, except in capital cases, to the reform school instead of to the county jail or penitentiary. The jurisdiction of the courts under these statutes, between the age limit named, is ample, but circuit courts should be vested with a broader jurisdiction by positive statute. Ample provision is made for the exercise of discretion by courts of superior jurisdiction in many states, and even in the absence of statute, the exercise of a sound discretion with reference to suspension of sentence has been sustained. But the propriety of such course in the absence of statutory authority is questioned, and properly so. Numerous cases have arisen in my own experience as a public prosecutor, where young men between the ages of sixteen and twenty-one, and even older, have been inveigled into the commission of crime. In many cases these young men were of excellent antecedents, training and habits, it most frequently happens that in such cases friends or relatives are willing, notwithstanding these departures from the paths of rectitude, to take them, answer for their future conduct and give them employment. And again, positions can often be had for these unfortunate young men on board ships bound upon long voyages, in charge of capable officers, but under the law, as it is, no recourse is left to the courts except to commit them either to the county jail or to the penitentiary, or to exercise the questionable power of suspending sentence.

The hope of reformation in the event of confinement in the jail or penitentiary is gone, and the state deprived of the possibility of having a useful citizen added to its population, with every assurance that at the completion of a sentence of imprisonment, another criminal has been turned loose to pursue a life of crime.

I earnestly recommend some legislation looking to the enlargement of the jurisdiction and power of the circuit courts, with reference to youths between the ages of sixteen and twenty-one. They need not be committed necessarily to the reform school. Suspension of judgment and a system of parole, in my opinion, would meet the requirement and result in the restoring to citizenship of persons who under the present limited power of the courts are converted into confirmed criminals.

#### Public Executions.

Within the past few years there have been a number of executions for murder in this state. These executions have taken place in the jail yards of the several counties, and of necessity have been more or less public. In two cases in Multnomah county, at least four hundred invitations were issued to officials and others to witness the double execution of two notorious criminals, and applications were made for as many more. The gallows was erected in the jail yard at the intersection of two of the most public streets of the city of Portland, and the morbidly curious were attracted there from the time the workmen commenced to build the scaffold until it was finally torn down. At the moment of the execution, although the ground was covered with snow, crowds of men, women and children stood in the adjacent streets to see and hear, if possible, what took place within the enclosure, and boys and men actually climbed telephone poles to look over the same. Such scenes are demoralizing, and ought not to be tolerated in any civilized community. All executions should take place within the walls of the penitentiary, out of hearing and out of sight of all except officials, and the bodies of those executed ought to be forfeited to the state as well as their lives, buried within the prison precincts and not given to either relatives or friends to be publicly paraded and viewed by persons whose tastes incline to the morbid.

I earnestly recommend such legislation as will carry out these suggestions.

#### The Sailor Boarding House Nuisance.

During the past eighteen months, great complaint has been made about abuses which exist at the ports of Portland and Astoria, occasioned by interference on the part of sailor boarding house keepers, runners or crimps, with seamen of vessels arriving from foreign ports and carrying the flags of foreign powers.

The legislative assembly of this state passed an act at its session in 1880 denouncing penalties against persons enticing seamen to desert, harboring seamen with intent to deprive the owner of their services, demanding or receiving from them any remuneration for providing them with employment on board any sea-going vessel, demanding or receiving from any owner, master or agent of a sea-going vessel any remuneration other than the fee of \$10 per man, for supplying any seaman to be entered on board any such sea-going vessel, and for boarding or attempting to board any ship on the Willamette or Columbia river, not engaged in the carrying of passengers, for hire, without the consent of the captain, master or other officer first obtained. Convictions for violations of the act may be had, either before justices of the peace, or in the Circuit Courts, and the penalties in cases of conviction vary from fines of from \$50 to \$250, or by imprisonment in the county jail for periods varying from ten days to six months. The right of appeal exists in each instance under the general laws of the state.

These penalties are not severe enough to prevent the abuses complained of, but this is not the most serious difficulty. Where the master of the vessel, assisted by the consular agent of the power whose flag the vessel carries, honestly endeavors to vindicate a violation of the statute, the delays incident to the right of appeal, and the consequent detention of vessels when laden, in the port for the purpose of prosecution, make the successful enforcement of the law a too expensive experiment, with the result that the owner of the vessel prefers to be, and is, constantly mulcted by the runner for furnishing a crew to take the place of deserters in excess of the amount provided by law, rather than be detained at a greater expense with a full laden ship to assist in bringing the violators of the law to justice.

Federal statutes exist having in view the accomplishment of the objects sought to be attained by the statutes of this state, but their scope is not broad enough, nor the penalties denounced by them adequate. A general revision of these to meet the evils which exist not only in this, but in other ports, would be the most effective remedy, and I suggest that you memorialize congress to take immediate action in the premises, at the same time appealing to your senators and representatives in congress to give this matter their attention.

I recommend also, that the laws of this state be amended at this session in these particulars: First, create a severe penalty by way of both fine and imprisonment; second, invest the municipalities of Portland and Astoria with the broadest authority to enact ordinances on the subject, operative within their corporate limits, not inconsistent with the general purpose and scope of the laws of the state, cutting off the right of appeal in cases arising under such ordinances, thus avoiding delays of which I have spoken.

The rapid growth of the state in wealth and population, and the possibilities of an increased oriental traffic, demand that all handicaps upon our shipping should be removed as summarily as possible, none of which are more serious than those to which attention is here called.

These suggestions may not be panacea for all the evils, but if carried out will at least tend to relieve the situation. It is a matter which affects not only the ports mentioned, but the commerce of the whole state, and of all that portion of the Northwest tributary to the Columbia river.

#### The Common Schools.

Oregon has just cause to be proud of the record she has achieved with reference to her public school system. She stands near the front rank in efficiency and in attendance proportioned to population. No state has so carefully paid attention to the schools, for it is in them that the minds and characters of the great majority of our children must of necessity be formed, and it is to them that the state must look mainly for useful and responsible citizenship. To maintain their efficiency is our solemn duty. The education there attained should be extremely practical, having for its object the preparation of the pupil for the everyday affairs of life. To this end, non-essentials should be eliminated, and essentials installed. It is to be feared, however, that the modern tendency is to reverse this wholesome rule, and reading, writing and arithmetic are giving way to music, drawing and other embellishments. Too many are the books