clork of the state land board of the haracter; (2) prior sales of the same past two years. and in place; (3) prior use of the same land as a base for indemnity sehis land for cancellation. General W. jury to their employes in M. Odell, who occupied desk room in cases." This act is commonly be office of the state land agent, consections in the general land depart plies with equal force to all who are lature, range difficulties in Lake and of a law granting all of these lands of the state for school purposes. If the state for school purposes at the last session of the legister of the state of a law granting all of these lands of the state for school purposes. If the state for school purposes at the last session of the legister of the state of a law granting all of these lands of the state for school purposes. If the state for school purposes at the last siternative could be adopted to the state for school purposes. If the state for school purposes at the state for school purposes at the last siternative could be adopted to the state for school purposes. If the state for school purposes at the last siternative could be adopted to the state for school purposes. If the state for school purposes at the last state of the state for school purposes. If the state for school purposes at the last state of the state for school purposes. If the state for school purposes at the state for school purposes. If the state for school purposes at the school purposes at the school purposes. If the state for school purposes at the school purposes at the school purposes. If the school purposes at the school purposes at the school purposes at the school purposes. If the school purposes at the school purposes at the school purpose at the school purposes at the school purposes. If the school purpose at th ands in question, and upon my assumng the duties of the executive office applicable to all such employments. A general statng the duties of the executive office applicable to all such employments.

Crook counties have reached an acute to the state in the wilful killing this last alternative could be adopted, dors were awarded the contract
this last alternative could be adopted, dors were awarded the contract
this last alternative could be adopted, dors were awarded the contract
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of many hundred sheep, and it is the policy of the build the road for approximately \$115,
of many hun continued bim in the same position or the following reasons: First. He uitously and pay all the expenses in-urred. Becond. Having adjudicated alleged base to purchasers of inemnity lands for a consideration of bility of injury to himself through the rom 75 sents to \$1.50 per acre, no man carelessness of a fellow servant. If he the state was more deeply interestd than he in establishing said base as Fourth. To have removed im during pendency of proceedings in he general land department would ave furnished ground for the charge ease of decision adverse to the inunity purchasers that but for exective interference the decision might ave been favorable because of Odell's amiliarity with the facts. The attorgeneral was requested by me ender what assistance he could to leneral Odell in the trial of the cases efore the general land office on aphonorable secretary of the in prior has practically held for concelevery selection made on base

praished and sold by General Odell. s these selections have been held for ancellation, the state land agent has otified all the purchasers from the ate of the condition of their titles, limbs of all employes. their right under the law to cover back the amounts paid by n to the state as the purchase price the lands. It will appear from report of the clerk of the state year 216 claims have been pre it has over experienced before. uted to the state for repayment 868.66 acros of indemnity school land sected prior to January 1, 1903, mounting to \$77,419.70 of principal id interest, while 17 claims for re-syment on 3,777.15 acres of school s interior and the honorable commismer of the general land office in refhad received from their sale, but gence of his fellow servants. attempting to sustain them all I is not aware of the fact that many legislation is demanded for the protec-

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or to its attempted use as base, that mercy of such institutions. a has been recognized. If it WAS ght to be used as base for indemselection prior to its sale in place the records of the state land of

disastrons to the credit of the of these purchasers who, in ad-

dien of the alleged base land, held the an act entitled 'an act imposing upon for it is better late to redeem a promthe land for cancellation of the legislature at once. It ought to be passed now, landgrabbers from all ever the court expended. This contract was extended to the courts for a determination of the legislature at once. It ought to be passed now, landgrabbers from all ever the court expended. This contract was extended to the courts for a determination of the legislature at once. It ought to be passed now, landgrabbers from time to time at the request of the legal questions involved in this track of cases." This act is commonly known in the violation of party and platform wealth of the state. Congressional act the McCabe Construction company to as "the fellow-servant law," and as pledges can rest assured that soon or the state. incted the proceedings in adjudicatits title implies has application only late will come a day of reckoning at vent this, for with congress rests the the terms of the contract and the cost and the cost the state, the required ng the 90,000 acres referred to as to cases growing out of employment in the bar of public opinion. seral before the local land offices, the railroad service. All that was said and was appointed by the executive as in my last message in behalf of rail- courts and indeterminate sentence. sgent and attorney for the state to way employes and that in advocacy of

edertake to sustain the indemnity set the act passed for their protection ap-The laborer in the logging camp and ras willing to furnish his services gra- has no voice in the selection of those as presumed he was familiar with all other similar employments assumes the had a voice in the selection of his co servants, or could without jeopardizing his position, protest against the employment of or retention in service of the careless or incompetent, there might be less reason for suggesting legislation in his behalf. We know from experience that the man who is compelled to seek employment can impose no conditions even for his own protection. If he undertook to do so he would soon be given to understand that he could work or let it alone, and the trend of modern legislation is towards statutory protection. The moral effect of the law modifying the fellowservant doctrine as applied by the Desertion of Family and Wife-Beating. courts is most excellent, for it not only compels the employment of competent be made a crime for which the desertmen and exacts a penalty in case of failure so to do, but inevitably leads in which he seeks an asylum. Investito the adoption of improved machinery for safeguarding the lives and the

> I urge upon your consideration general law upon this subject, which is The laws for the punishment of this all the more needed at this time be- grievous grine are insidented and decause our state promises a more rapid serters know that they have only to development in the near future in all step over the state line to secure im the above limitation as to expense to

Employers' Liability Insurance. The varied conditions of modern and children, and the burden of their board, in conjunction with the attor-life, the rapid growth of corporations support is thus shifted from the ney general, kept up its negotiations and associations of men employing shoulders of a heartless husband and for rights of way, and practically arvast numbers of laborers, have very refather to the public. A stringent crim-cently resulted in the extension of the inal statute will have a wholesome efnds have been presented and paid, insurance principle so as to cover and feet upon these deserters, and I rec. Co. Between these and the board no protect against the legal liability ommend the passage of a law that will yet, and in all probability claims which is ordinarily assumed in becomill be presented for repayment of an ing employers of others. The employ- to discharge their duty, then to be matter of procuring these rights of supported by the latter in the state within the way was finally placed in the lands with the honorable secretary of the course of service and as a result of But criminal statutes will not reach to condemn were commenced by him the employer's want of proper care, the brute who strikes and beats a de against both the O. R. & N. Co. and subject to the qualification, however, fenseless woman, the mother of his Taffe. see to these indemnity selections, that the servant assumes the hazards children. Imprisonment may be a d have endeavored to sustain them which are incidental to his employas to avoid refunding from the irrement, among which are the servant's severe one for the helpless wife and filed by the engineer November 5, 1903 e school fund the amounts which contributory negligence and the negli-children who are dependent upon him To meet these new conditions, new

so had either been sold in place by in the development of our industries, mend such a law for your considera- while proceedings were still pending to state prior to its attempted use if the employe is injured because the tion. the basis for indemnity selections employer, secure in the knowledge that Veto Power and Irregular Approhad previously been used as the his policy protects his, is carcless in sis for indemnity selections. This failing to furnish a reasonably safe et the records did not disclose, and it place to work, and reasonable safe ma be submitted to the people for adopbeen brought to my attention terial to work upon, he should be per- tion which will authorize the executive through the efforts of the mitted to sue either the carcless em- to veto any single item in an approits land agent and the clerk of the ployer or the insurance company that printion bill which meets his disapproto land board, who have spent much offers a reward for carelessness, or val. It sometimes happens that it beboth, as he may elect. Without some comes necessary to veto an appropriating the United States, and appropriating and labor in tabulating and list both, as he may elect. Without some comes necessary to veto an appropriating the United States, and appropriating the united States are united States, and appropriating the united States are united States and the united States are united States and the united States are united States ar A see bases for indemnity selections this cannot be done, and I carnestly that should not under any considerate a temporary delay in the portage consideration by the state in place.

Will confer this right. But it is said be out of place to suggest to you now right of way the board had no voice; Under the policy which the state such legislation will drive liability in that I feel it my duty to veto any, that was a matter completely within board has adopted with refer surance companies out of the state. To even the most important, measure ap- the jurisdiction of the government ene to these lands, the first in time this I answer that without such right propriating public money if riders are gineers, and when the board was furrecognized as the first in right, and it were better for the state that they superimposed thereon in violation of nished with the descriptions of the constitutional provisions. If such rights of way necessary to be acquired Salaries for State Officers.

have paid the grantees of the ances, but nothing resulted therefrom, for the land, or the individual and these pledges remain unperformed. furnished the alleged mineral base. The argument that a law placing the he state is irresponsible financially, fore judicial, executive and legislative a speedy end to litigation.

To this end Mr. A. J. McMillar was annetion. If it be insisted that such it is questionable if the legislature employed as engineer for the state. oppress for the difference between legislation is unconstitutional, what is to be said of those statutes which an effect the proposed reform in our jury systimity that as matters then stood work and the amount paid by the state, therine the collection and appropriation of fees by officers who are in ex- tion. This has been done in some of menced without an increased approto the price paid to the state, press terms inhibited from so doing by

message to the present congress President Roosevelt, recognizing the abuses which have grown out of a statute as During the present administration which have grown out of a statute auappearations in alleged mineral base thorizing the commissioners of Alaska may be found in the November numhave been entirely done away with, to collect fees for official services. drawn from sale, and so noted on the plats of the office. It resulted from this neglect that the records of the office would frequently show a section of land as open to sale, when a sa matter of fact the same had all great the same had all great misforium to the state land should be abolished in all offices in adjudging the several local land office, not being satisfactory of the clerk of the state land show mentioned as mineral, for seven mentioned as mineral in seven mentioned in the November num may be found in the November and mentical sevents and committee and and retrievable to the sent of a large triple and the state of a large triple Release of proof as to the mineral tions of the land department for the supervision of the same of the same of the same of the supervision of the same There was passed at the twenty-second bicunial session of the legislature an act entitled "an act imposing upon for it is better late to redeem a new ought to be passed now, railroad corporations lightly." ise solemnly made to the people than speculative purposes only, without any the committee. On the 3d day of Decertain not to do it at all. Those who persist idea of using them for developing the committee designated and as pledges can rest assured that soon or tion should be taken at once to pre- the board, and after agreeing upon

> An Emergency Fund. "Since the last session of the legis-

the sawmill, the mine and the smelter from time to time come to me for ex- of forests against fires. So long, how ner, Henry Hahn and J. A. Smith, of ecutive interference and protection, ever, as all our timbered lands are the Open River association, have conwith whom he is compelled to work to but under the constitution and laws I either within reserves or in private tracted to furnish the necessary equip-Becond. Having adjudicated carn his daily bread. The careful and am practically powerless to render as ownership, I can see no good reason ment in accordance with the plans and lution adopted at the last session will need to render as ownership. I can see no good reason ment in accordance with the plans and lution adopted at the last session will present to you a report of their work. competent laborer in all of these and sistance. The only arm of the public why the people of the state should be specifications in consideration of \$1 present to you a report of their work, other similar employments are stated in the public why the people of the state should be specifications in consideration of \$1 service subject to my command is the heavily taxed to protect them. There and such additional sum of money as with a bill for the regulation of ripa Third. Having furnished to base to purchasers of in base to purchasers of in be engages, and one of these is the liamed asks creation of an emergency fund.

There and such additional sum or money as rian and water rights. The adoption is no objection to the ereation of a may remain of the appropriation of the payment to Nelson & White, and one of these is the liamed asks creation of an emergency fund. Election Expenses.

Laws have been passed in many states limiting the amount of money allowed to be spent in elections by candidates and party organizations, Portage Bailway and Canal Right of cuted a bond in the sum of \$50,000. and requiring itemized statements connames of contributors, amounts contributed by each, amounts sion appointing a board of Portage expended and to whom paid, to be commissioners, consisting of the govfiled as public records in the offices ernor, secretary of state and state where the certificates of nomination treasurer, and appropriating \$165,000, of the candidates are required to be filed.

Such laws are most salutary in their effect and tend to prevent the debauching of the electoral franchise. I suggest the passage of such a law at this session.

Desertion of wife and family should er may be extradited from the state gation will show that of all the families under the care of private charitable associations no less than one in ten owe their destitution to this cause. grievous crime are inadequate, and de- port to the board, with estimates as to board that up to the end of the lines of manufacturing enterprise than munity. These desertions are, in be insurred. Maps of definite location many instances, for the deliberate purpose of evading the support of wife tember 23, 1903. In the meantime the bring them back to the state, if not line mapped out by the engineer. The

severe one for the helpless wife and filed by the engineer November 5, 1903, for their daily bread. For such inhuman treatment the public whipping post has been proven to be the most carry out the terms of this act. When mand acres of this alleged mineral tion of those who are new engaged effective punishment, and I recommatters had progressed thus far, and

priations.

A constitutional amendment should which time an act was passed creating If the land was sold in place the citizen be dependent upon the measures are passed over my veto, the for canal purposes, it was ascertained responsibility must rest with the legis that for a great part of the distance lature and not with the executive.

of placing all state officers of fixed the United States guarantees to the way mapped out for the portage, and show that fact, the title is given salaries, and the payment of fees, if accused in all criminal prosecutions as the United States required a grant any, carned by them into the state and to litigants in civil cases the right from the state of a right of way for tronsury. In my last message to the of trial by jury. There are many mis canal purposes unencombered is any legislature I urged as strongly as I carriages of justice and much expense way, a new survey for the portage befor those who have held certification for these pledges voluntarily made by based thereon have assigned such party conventions, and implied if not that all the jurors shall agree upon a the fact that the state's engineer had a property convention of the state of the state's engineer had a property convention of the state of is based thereon have assigned such islands or conveyed their titles to come all every the country who felt date of every party elected at that jury system, and hold it to be the line which he had located was the election. Several acts were introduced at the last session looking to dispersely assented to by every candiverded. I am a firm believer in the already reported to the board that the last of every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be every party elected at that jury system, and hold it to be the line which he had located was the duced at the last session looking to dispersely assented to be expressed as a line of the rights and the right and the right and the state of the second that the last asset the last as the last as a second located was the dispersely as a second to the second that the last as a second located was the last as a second located was the like the last as a second located was the last as It matters not how much they the fulfillment of these platform utter neither reason nor justice in permit penditure of a sum in excess of the apting a minority, or even one of 12 propriation, though the board intend jurors, to prevent a verdict either in ed to cause a new survey to be made a criminal or civil case. Under our immediately after the canal rights of amount netually received by it the original applicant. It has several state officers on salaries is unconstitutional is without merit in view of the fact that the power of the legularity happened that the grantee islature so to do has received heretogeneously happened that the grantee islature so to do has received heretogeneously in the trial of the fact that the power of the legularity and the same documents are same to your body for further action.

tem without amending the constitution the portage could not be comprice paid to the state, press terms inhibited from so doing by the states, and I suggest the summs priction, and the section I of article 13 of the constitution to the people of a proposed ulation of freight charges pending the amendment to the constitution which time which must necessarily clapse be careral Orient for information as the constitution of the constitu

sondition of affairs was brought about the executive lastituted proceedings for the adjudication of the alleged mineral lands he failed to notify the clerk of the state land board of the state land beard states forest policy. It is a comprehensive forest and to render the state board its more approached has this fact become that sall past two years, I am advised, with the work of pertage construction, asy private individual to occupy a position where the public would have a state forest in the mine on a sound states forest policy. The with the work of pertage construction, asy private individual to occupy appears the state become that sall past two years, I am advised, with the work of pertage construction, asy private individual to occupy appears the state become that sall past two years, I am advised, with the work of pertage construction, asy private individual to occupy appears to state of California in order to determine the with the work of pertage construction, asy private individual to occupy appears to state of California in order to determine the with the work of pertage construction, asy private individual to occupy appears to the place of the state sal

sole power of granting immediate re- of the road to the state, the required The message recommends juvenile lief by amending the lieu land laws. bond and contract were not executed gives a detailed account of the reclamation projects now under way in But a still better course for our representation. sentatives in congress to pursue would diately new bids were advertised for be to endeavor to secure the passage by the Open River association. These and the progress that is being made. in the former county. Appeals have pass stringent laws for the protection rails and fastenings, and W. J. Mariwardens and rangers with ample pow- after the payment for rails and all oth- do much for the future welfare of the er to protect the forests of the state er expenses incurred by the board of whole state, but more particularly those if the corporations and individuals portage commissioners in constructing parts which have been reclaimed and who own them will pay the expenses the road. Nelson & White have exe. where, in the absence of a wholesome

Way on Columbia, An act was passed at the last ses or so much thereof as might be necessary, for acquiring the rights of way building and equipping a portage railway between the highest and lowest points of the navigable waters of the Columbia river between The Dalles and zens of Oregon, Washington and Celilo in Oregon. The act in question Idaho. expressly provided that "no expenditure should be incurred thereunder in excess of the sum appropriated."

Immediately upon the taking effect B. Hammond as its engineer, with instructions to survey a route for a port age road between the points named prepare plans, maps and specifications and as expeditiously as possible to rewere presented by the engineer Sepranged terms with all the owners exagreement seemed possible along the

showing conclusively that a large expense in excess of the appropriation would have to be incurred in order to condemn and acquire said rights of way, the legislature convened in spesession December 21, 1903, at a board of commissioners of canals and locks, with authority to procure rights of way for improving the Columbia river between the foot of The Dalles The platforms of all parties at the Modification of Jury Trial. demnation proceedings had already last state election declared in favor. The constitution of the state and of been begun, it overlapped the right of

and Mariner, Smith and Hahn a bond stant danger of litigation and strife. in the sum of \$20,000, for the faithful performance of their several contracts. I refer you to the contracts and bonds done by the contracting parties. All sums in excess of the appropria tion of \$165,000 have been or are to be raised by the Open River association by voluntary subscription of citi

No one not an active participant can appreciate the difficulties that have beset the board and the Open River association in attempting to harmonize of the net the board employed Mr. A. the conflicting interests of private owners who possessed valuable fishing interests, the O. R. & N., with its right distance of about eight or nine miles along a narrow strip of land bounded on the one side by the Columbia river and on the other by precipitous cliffs. All have made concessions and some over to the state.

The right of way for the canal has ters of an acre owned by I. H. Taffe, eedings will have to be instituted.

locks at Oregon City provides that the tle if any value. issuance and payment of the bonds thereby authorized to be issued are oring to ascertain the rights of the would correspondingly increase. state in the premises, and will in due He commends the Oregon Historical course institute proceedings to test the society and the Jamestown Inter-cenquestion as to the liability of the pres centennial exposition. ent owners of the canal and locks, and its predecessors in interest, and to as. I trust that you will not consider certain what, if anything, is due the it out of place for me to suggest a nothing came of the report. The right

This have been placed within the power of ognized has this fact become that sal- past two years, I am advised, with the tion, would be sufficient to proceed the people of Oregon, and the profrom a reduction in freight charges

attempt, and to that end has referred the matter to the attorney general.

Reclamation of Arid Lands.

The report of the state land board this report. Many thousand acres of heretofore worthless land are being reclaimed, and it is safe to predict that in a very few years all of it will be

It is to be hoped that the committee appointed in pursuance of a resostatute upon the subject, there is con-

Sailor Boarding Houses. In my message to the last legislature I called attention to the abuses on file with the clerk of the board for which existed at the ports of Portland minute details as to the work to be and Astoria, occasioned by interference on the part of sailor boardinghouse keepers, runners and crimps, with seamen on vessels arriving from foreign ports and carrying the flags of foreign powers. As a corrective measure to these abuses the act was passed creating a board of commissioners for licensing and regulating sailor boarding-houses. The act named the board of commissioners. This act is the first step in the direction of relieving the ports from abuses which have been in existence for many years, and I have no doubt but that if properly enforced of way, spurs and switches, and the by a fearless commission, it will enauthorities of the United States in tirely eradicate the evils which have their efforts to have provided a suffi- given said ports an unsavory reputacient right of way for a canal, over a tion among shipowners everywhere.

There are but two amendments that I would suggest. First, that the power of appointment of the commission should be vested in the executive of the state, where it is lodged by the sacrifices, but the work when com- constitution, and, second, there should pleted will amply repay for all these, be exempted from the payment of li-It must not be overlooked that when censes the Seaman's institute or any the Portage railway is completed, the organization which undertakes, from appropriation will be exhausted, and motives of philanthropy and charity, for a time, at least, it cannot be ex- to find positions for sailors desiring pected to be self-sustaining. I there them. The question as to the bons fore suggest that at least \$10,000 per fides of such charitable institutions annum be appropriated or so much could be left entirely to the boar hereof as may be necessary to meet with power to give them a permit to all emergencies and to put the road in act without the payment of any lifull operation as soon as it is turned cense, or withhold it, as to them might seem best.

He approves the recommendation of een obtained except about three-quar- the secretary of state relative to the enumeration of the inhabitants and infor which he insists upon being paid dustrial products of the state once in more than the board thinks is reason. 10 years. This enumeration must be able, and for this condemnation pro- made this year under the statute. The law governing the subject was passed Canal and Locks at Willamette Falls, in 1864, and as stated by the secre-The act of 1870 appropriating money tary, it is entirely out of date and an for the construction of the canal and enumeration under it would be of lit-

Good Roads. Some method should be adopted for upon the express condition that the improving the country roads. Much Willamette Falls Canal and Locks com- interest has been attracted to this subpany shall pay for the benefit of the ject in the past two years through the ommon school fund 10 per cent of the efforts of the State Good Roads asast profits from tolls collected for pass sociation, and it may be that some ing freights and passengers through measure will be presented by this assaid canals and locks. In the subse- sociation for your consideration. quent compilations of the code this so, I invite your serious attention statute seems to have been omitted thereto. There is no question but that No attempt, so far as I have been able through the methods which have been to ascertain, has ever been made to in vogue in this state, results have not ollect anything from this company been satisfactory, and our roads are or its successors in interest, and the in little if any better condition than only payment ever made to the state they were 20 years ago. The value of was \$435 paid in 1873. Recently my every acre of farm land would be enattention has been called to the mat-ter, and the attorney general is diligently at work at this writing endeav. while the business of the tradesman

state. A joint committee of the sen short session of the legislature and an ate and house was appointed in 1893 early adjournment. There is nothing to consider a plan for the acquisition you could do which would so strongly by the state of the canal and locks, commend you to your constituents. as well as to consider the use then In order to do this it is necessary to be made begin your labors speedily and conof the water of the river at the falls sume as many hours as possible tee prepared an extensive report with do not put off until the last days of coperty for the use of the state, but tant legislation, but take it up and disthe the session the consideration of imporwas reserved to the state in the act Measures are frequently passed in the of 1870, at the expiration of 20 years last days of each session that should from the completion of the canal and not find lodgment in the statute books, ocks to appropriate the property to nor would they if they could be disits own use upon payment of the value cussed and digested in the opening thereof. This public highway ought to days. Besides, when innumerable bills be owned by the state or the general are passed at the end of the term, to they come into the hands of the execu-I suggest that an appeal be made that these measures become laws within five days next after adjournment the supposed they were dealing the proposed they were dealing while they enter no protest to the prothe state ought to refund to them
at a geat while they swallow a camtan paid for this alleged informain some instances there is merit
in the swallow and it ought never to fees is lights to abuse, and so well recfurcistry has been co-operating for the
added to the amount of the appropriaopening up of the Willamette river is office and ill employee of the state,

The same instances here is merit
in the time thus limited to give
the probability of the collection of forests. The bureau of
object the raining of a formation proceedings should be instithere are dealing
while they enter no protest to the proat a geat while they enter no protest to the proat a geat while they enter no protest to the proat a geat while they availow a camfurcion of the interval of
the shippers and counterval of the interval of the opening up of the Willamette river is office and all employee of the state,

The general Counterval of the interval of the interval