

# OREGON CITY ENTERPRISE

FORTY-FIFTH YEAR—No. 51.

OREGON CITY, OREGON, FRIDAY, DECEMBER 22, 1911.

ESTABLISHED 1868

## RICH MAN IS JAILED AS SLAYER OF HILL FAMILY

### N. B. HARVEY ACCUSED BY AUTHORITIES

#### PRISONER MAINTAINS INNOCENCE

#### SHERIFF MASS POSITIVE HE HAS MAN WHO COMMITTED QUADRUPLER MURDER—EVIDENCE CIRCUMSTANTIAL.

Maintaining his innocence and declaring that he is a victim of circumstances which will be explained, Nathan B. Harvey, charged with the murder of the four members of the Hill family at Ardenwald Station, June 9, was apparently the least concerned person in Justice of the Peace Samson's Court Wednesday afternoon, where he was taken for preliminary hearing. His attorney, C. M. Idema, of Portland, not appearing, Deputy District Attorney Stipp read the warrant charging the prisoner with murder, and Harvey asked that the hearing be postponed until he could confer with counsel. The request being granted, Harvey was taken back to jail where he was joined by Mr. Idema. It is probable that the hearing will be next Tuesday, when Sheriff Mass will allow only enough of the state's evidence to be given for the prisoner to be held.

While waiting for the case to be called, Harvey, who is a wealthy nurseryman of Milwaukie, and has always borne a good reputation, until his name was connected with the Hill tragedy, chatted pleasantly with Sheriffs Mass and Stevens. His conversation related to the weather, his business prospects, his little daughter who is ill, and other commonplace topics. Not once did he mention the crime for which he was arrested.

Harvey denies his guilt, and declares he can prove his innocence. His deepest concern seems to be for the welfare of his daughter. He fears his arrest will have a bad effect upon her condition. Sheriff Mass is confident Harvey is the guilty man, and bases his opinion upon the following points, which he says can be proved.

The crime was committed between 12:45 and 1:50 o'clock on the morning of June 9. The sheriff refuses to tell how he found out the exact time of the murder. Harvey got off a streetcar coming in this direction from Portland at Ardenwald at 12:25 o'clock. Several persons saw him when he alighted from the car. It is said he had to pass the Delk home, where the ax, the instrument of the tragedy, was obtained.

His wife and other members of his family do not know what time he returned home, for no one occupied the room with him.

Harvey, it is said, has revealed information which no one, but the slayer could possibly know.

Five days after the crime, according to the authorities, he went to a Portland firm of lawyers, of which Jay Bowerman, late candidate for Governor, is senior partner, and engaged the firm to defend him in case of his arrest for the Hill murder. He is said to have stipulated in writing that he would pay the lawyers \$20,000, and pledged his ranch at Milwaukie in payment of the fee.

Suspicion was not directed to Harvey until the authorities learned of the transaction with the lawyers.

It is said that he attempted, on several occasions, to hold up women, and that several years ago two girls, who were driving in a wood escaped from him by whipping their horse into a gallop. He is accused of having repeatedly insulted women.

The authorities say that the prisoner wanted to buy the property which was bought by the Hills, and he made threats of preventing the sale. Threats, it is said, were also made by him after the sale. He is reported as having said he would pay the property, which he wanted to give to a relative.

**Mother and Brother Slain.** Sheriff Mass says that criminal instincts are hereditary in the Harvey family. His brother Daniel and his mother were found slain in their home in 1888. The authorities at the time suspected Daniel of having killed his parent and then committing suicide.

Another brother of the prisoner was drowned in a pond two feet deep twelve years ago. Suicide was suspected. Not long after the death of Harvey's mother, Mamie Welch, a sixteen-year-old girl, was slain in Harvey's strawberry patch. A relative of Harvey, Charles Wilson, who was charged with the crime, committed suicide in the Clackamas county jail.

(Continued on page 8.)

## THOROUGHFARE IS FAVORED BY COURT

The County Court Thursday denied the motion to quash the order for the opening of the Sieben road. The order for opening the road was granted at the term of court in July, 1910. A petition, signed by several citizens of the district was presented to the court, but it was decided that the road was necessary. The road is in the Sunnyside district and will be about one mile long. An appeal will be taken to the Circuit Court.

## COMMERCIAL CLUB GAINS 43 MEMBERS

SPECIAL CAMPAIGN WITH REDUCED RATES BRINGS TOTAL UP TO 221.

### RECEPTION TO BE HELD NEW YEAR'S

Rooms Have Been Refurnished And Other Changes Made—Organization in Prosperous Condition.

The special campaign for members inaugurated by the Commercial Club several weeks ago ended Friday, the total membership now being 221, an increase of forty-three. The old rate of \$25 for resident and \$10 for non-resident members become effective again today. The club never was in a more prosperous condition than at present, and all but one or two business houses are represented. A big reception in honor of the new members has been planned for New Year's. The club has spent \$300 in remodeling the rooms and refurnishing the parlor.

The following is a list of the members:

- John Adams, L. Adams, James Adams, Frank E. Andrews, J. T. Apperson, Roy Armstrong, E. T. Avison, G. T. Anderson.
- Frank T. Barlow, R. W. Baker, A. L. Beattie, Wm. Beard, E. P. Berdine, C. L. Blackeisele, Charles Bollinger, H. P. Brightbill, E. E. Brodie, R. W. Brown, George C. Brownell, E. C. Burke, Earl C. Burke, Frank Busch, Sr., Frank Busch, Jr., John Busch, Leo Burdon, A. B. Buckles, J. W. Bennett, A. C. Brodie, M. J. Brown, E. P. Carter, S. L. Casty, J. U. Campbell, W. H. Cardridge, E. A. Chapman, T. L. Charman, John F. Clark, Mort J. Cockrell, J. W. Cole, E. H. Cooper, John J. Cooke, H. E. Cross.
- E. J. Daulton, G. B. Dimick, W. A. Dimick, H. E. Draper, C. H. Dye, E. C. Dyer.
- W. B. Eddy, O. W. Eastham, Clarence L. Eaton, O. D. Ely, C. A. Elliott, Duane C. Ely, George V. Ely, Charles Evans.
- Tom B. Fairclough, John B. Fairclough, C. P. Farr, E. T. Fields, C. C. Fields, C. E. Freytag, Perry Farnesley, A. O. Freese, Wm. Gardner, J. W. Ganong, F. C. Gadke, T. J. Gary, Lyonel Gordon, F. T. Griffith, G. F. Gibbs.
- Ed. Harrington, J. W. Hiatt, Wm. (Continued on page 4.)

## COUNTY JUDGES IN FAVOR OF HIGHWAY

PORTLAND, Dec. 15, (Special).—The county judges and commissioners spent today as guests of Multnomah county, visited the county institutions, and the committee will organize Friday night, and will probably have the conference with Mr. Josselyn early next week.

An announcement was made by Dr. Clyde Mount that persons at intermediate places had complained that they had not been benefited by the rearrangement of rates, and several said the rates were higher. He suggested that Oregon City might retail the rates when the committee will organize Friday night, and will probably have the conference with Mr. Josselyn early next week.

It was cited that before the new order went into effect a book movement for fifty rides from Gladstone to Oregon City could be purchased at a rate of four and one-half cents a ride, while now the cost was five cents. The four and one-half cent rate formerly applied to any five cent fare point, and the new rate is now effective to all these. The old rate between Gladstone and Capemah was five cents. Now it is ten cents. The same fare is charged from Gladstone to Oregon City. The fare from Risley to Oregon City has been increased from ten cents to fifteen cents, and one or two other stations are similarly affected.

The same fare is charged from Gladstone to Portland as is charged from Oregon City to Portland. County School Superintendent Gary took issue with Mayor-elect Dimick, who made the statement in an address in Portland that the law providing for the county supervisors was as useless as another pocket in his waistcoat would be. Mr. Gary said the new system should at least be given a fair trial.

"All the teachers like the system," said Mr. Gary, "and I believe the supervisors are doing good work in Clackamas county. The superintendent in Oregon City is paid \$1,800 a year. The teachers here are college graduates, therefore supposedly more proficient than the county teachers, and it would seem they would need less supervising."

M. J. Lazelle, secretary of the promotion department of the Commercial Club declared that a canny, if properly conducted, would be a success in this city. He said he had conferred with Portland business men, who said they would handle canned goods made in this city.

"The trouble with the canneries started in this county heretofore," said Mr. Lazelle, "was that they were not conducted in a business-like way. A large cannery in this city, conducted by business men, who have had experience in canning goods, would pay well."

**Couple Gets License.** A marriage license was granted Friday to Freda Steiner and Clifford Young, of Boring.

## H. G. STARKWEATHER IS GRANGE HEAD

The election of H. G. Starkweather, a well-known resident and foe to single tax in Clackamas county, as master of Milwaukie Grange, is said to be significant of the attitude of this grange toward this method of taxation. Mr. Starkweather has always been outspoken in his opposition and a few years ago introduced a resolution in Clackamas County Po-mona condemning single tax as dangerous and a menace to the state and especially to farmers.

In his remarks in accepting the office of master, Mr. Starkweather made it plain that he has not changed his mind, and believes that every farmer of Clackamas county should fight the measure. This was the sentiment of several who spoke on the subject.

Other officers elected are as follows: Overseer, Carl Hanson; lecturer, Captain J. P. Shaw; steward, Wm. Bunnell; assistant steward, Baptist Campbell; treasurer, A. L. Boistad; secretary, Miss Kate Caato; gatekeeper, C. B. Bunnell; Ceres, Mrs. Carl Hanson; Pomona, Mrs. D. McConnell; Flora, Mrs. Florence Robbins; lady assistant steward, Miss Florence Rowie; trustee, C. H. Duchey.

## COURT REFORM IS URGED BY LAWYER

### LOYAL M. MCCARTHY DECLARES JUDGES ARE NOT PAID ENOUGH.

### LACK OF DIGNITY IS DEPLORED

### H. G. Starkweather Takes Issue With Portland Man—Caution Is Urged in Use Of Initiative.

Loyal M. McCarthy, a prominent Portland lawyer, declared at the banquet of the Congregational Brotherhood Tuesday evening, urged moderation in the use of the initiative and referendum. He said that the petitions should not be signed promiscuously, but the signers should know what they were signing, and the signatures should be affixed in the presence of an auditor or an authorized judge.

"The courts should be reformed, too," said Mr. McCarthy. "The judges are not paid enough, and the courts are not dignified enough. If the salaries were higher, men with more dignity would be elected."

H. G. Starkweather, who followed the Portland lawyer, declared that Mr. McCarthy was wrong in advocating larger salaries for judges. The speaker said the salaries were large enough, and larger salaries would not add to the dignity of the courts.

"If it is a misdemeanor for a man to buy another's vote, it should be just as much a misdemeanor to use money in the legislature for the purpose of buying votes," declared the speaker.

Representative Carter opposed the indiscriminate introduction of bills in the Legislature. He said that 700 bills were introduced at the last session, and that members frequently voted for measures they did not understand, and it had been impossible for them to study.

Charles A. Miller entertained the audience with several readings, and Dr. Padlock, of Portland, delivered an interesting lecture upon the importance of the Bible from a historical standpoint. The Boyle Woman's Orchestra, of Portland, delighted those present with several selections, and Mayor Noble gave a recitation which was greatly appreciated. W. A. Shewman delivered an address upon "Men," which was well received, and President Gary introduced the speakers and other entertainers in his usual happy vein. About sixty members of the brotherhood partook of the beautiful spread prepared by the women of the church.

## RUEF WILL TESTIFY AGAINST EX-MANAGER

SAN FRANCISCO, Dec. 16.—(Special).—Former Mayor Eugene E. Schmitz will go to trial some time in January, either on the charge of extorting bribes in connection with the granting of the United Railway trolley franchise, or with the fixing of the rate immediately after the great disaster of 1907. The principal witness against Schmitz will be Abraham Ruef, the former political boss, now serving a term of fourteen years at San Quentin prison for bribery. The District Attorney's office made the definite announcement today that Ruef would be called.

The District Attorney was given until January 5 to select the charge on which Schmitz will be tried, and on that date the time for beginning the trial will be set. In view of the fact that Lawlor has already set the statute of limitation in motion, the trial must be begun next month.

Schmitz was indicted in July, 1907, for extorting money from the French restaurant but the judgment was set aside by the appellate and Supreme Court on the ground that the indictment had failed to state that Schmitz was the Mayor and Ruef the political boss at the time of the extortion. Schmitz has been engaged in mining and oil operations, besides conducting an insurance business.

## 'MOORE ATTACKED ME,' SAYS BICHER

PIONEER DECLARES RICH CEMENT MAN STRUCK HIM ON HEAD WITH STICK.

### INJURY PERMANENT, HE DECLARES

Three Panels Are Exhausted Before Jury is Obtained—Dr. Mount Says Patient's Sight is Impaired.

Joseph Bichner, a pioneer of Clackamas county, at the trial of the suit instituted by him against Aman Moore, president of the Portland Cement Company, testified Wednesday that he was attacked without provocation. Bichner is suing for \$10,000 damages, and alleges that he was permanently injured by the rich cement man. Moore, who also was wounded in the altercation, declares that he acted in self-defense, and was in no sense the aggressor.

The fight started over the ownership of a strip of land at Oswego where the Portland Cement Company is building a million dollar plant. The company bought the land from Henry Gaha, who said he bought it from Bichner in 1851. Bichner declares he never sold the strip in question. Bichner testified that he and his son Henry were building a fence, separating the strip from land owned by the cement company, when Moore and another man appeared. He said Moore picked up a stick and struck him on the head and shoulder. The wound on the head, the witness declared, was so severe that he had to come to Oregon City to have it dressed. He testified that it had caused his eyesight to fail and he had since suffered from insomnia. Dr. H. S. Mount, who dressed the wound, said his patient had complained of dizziness, pains in his head and falling sight.

The case is being tried before Judge Eakin and a jury. George C. Brownell and William Stone represent the plaintiff and Gordon E. Hayes, S. H. Pierce and John F. Logan represent the defendant. Three panels were exhausted before the jury was selected. Moore has a \$10,000 damage suit pending against Bichner, alleging that he was permanently injured by blows struck during the fight. Bichner recently obtained a verdict in his favor in a suit for possession of the strip of land over which the fight started.

## SCHOOL CONFERENCE IS HELD AT CLARKES

An interesting educational conference was held at the Clarkes schoolhouse, the forenoon being given to a teachers' institute and the afternoon to a general meeting. The women of Clarkes entertained the teachers at lunch. County Superintendent T. J. Gary, Robert Glather, Emma Klein-smith and several other teachers and visitors made addresses. Many pertinent educational matters were considered. Much interest was manifested in the explanations given respecting the supervision of rural schools, the purpose, cost, etc. This information brought out the following points: City schools, as well as all kinds of important business, have long been closely supervised. This supervision has been found to be not only necessary to prevent failure but a leading element in achieving success. Oregon City, with college and normal-trained teachers, less than thirty in number, pays an expert educator \$1,800 a year for supervision alone. But it has been thought sufficient that another educator, at a salary of \$1,000 a year, should supervise 200 rural teachers. Of course it is impossible for any county superintendent to supervise such a large number of teachers, many of whom have no training for their important work. The method of supervision for rural schools now being tried out in Oregon provides that not less than twenty nor more than fifty teachers shall have one supervisor. The plan has not yet had time to prove its value, though much good has already been done. Clackamas county has three supervisors besides the county superintendent. The cost of supervision amounts to about fourteen cents on \$1,000 of taxable property.

After the addresses the visitors examined the prepared by the pupils of F. H. Wilcox and Edna Gard.

## HOUSE TO BE BUILT FOR ROAD MACHINERY

County Judge Beattie announced Tuesday that John Heft, of Beaver Creek, had been employed by the County to lay a track on Eleventh street in Milwaukie. The franchise was granted by the court sometime ago after it had been declared by the property owners did not object to the siding. C. A. Wolfganz, Edmund Sweeny and others protested vigorously and their attorney, Col. Charles H. Dye, explained their attitude to the court, with the result that the franchise was revoked. The court admitted that the proposed siding would seriously affect property interests.

## BERG ESTATE \$1,000.

The estate of Charles Berg, who died November 12, 1911, in British Columbia, was filed for probate in the County Court Thursday. The real property, which is in this county, is valued at \$1,000.

## HYDE TO HAVE THIRD TRIAL.

KANSAS CITY, Mo., Dec. 14.—(Special).—Judge Porterfield announced that he would dismiss the jury impeached to try Dr. Hyde for the murder of Colonel Thomas H. Swope, on account of the mental incapacity of the juror, Harry Waldron, who re-appeared today after escaping from the hotel. A retrial of Dr. Hyde will probably be ordered immediately.

## PIONEER SUES FOR WIDER PRIVATE ROAD

Frank Dayton, a pioneer hardware dealer, of Portland, whose place of business is at First and Taylor streets, Saturday filed suit for possession of a road, against James T. Gray, a steamboat man of Alaska. Dayton alleges that he purchased 3.46 acres of land in Courtney from the defendant April 9, 1909, for which he paid \$5,200. The defendant also conveyed a "convenient right of way, of easy grade for ordinary road purposes" from the public road east to the plaintiff's property. Dayton has erected an expensive summer home, and declares the defendant staked out and built fences so as to allow him a road of from only ten to thirteen feet wide. He declares that the road is too narrow for vehicles to pass, and that friends who visit him have trouble in passing over the thoroughfare in their automobiles. When machines or other vehicles meet it is necessary for one "to back out." The plaintiff, who is represented by Dimick & Dimick, asks that he be allowed a road forty feet wide, and that the court determine the meaning of the phrase in the deed "convenient right of way, of easy grade for ordinary road purposes."

## FARMERS LEAD IN PAYING TAXES

\$275,349.93 OUT OF \$493,614.20 IN 1910 COLLECTED FROM THEM.

### TOWNS ALSO LARGE CONTRIBUTORS

J. O. Staats Furnishes Information That May Be Used in Campaign To Change System.

J. O. Staats, Chief Deputy Sheriff, has prepared the following for the benefit of persons interested in the tax controversy started by the campaign for the adoption of single tax:

"While the subject of taxation is being discussed, and much is being said on both sides of the question as to the best method of assessment so that a just and equitable distribution of the burden of keeping up our public institutions may be had; it might be well for us to take a square look at the tax-roll to see who actually does pay taxes under the present system, and the proportion of taxes paid by the farmers, the incorporated towns and the public service and business corporations.

"A careful examination of the tax rolls of Clackamas county shows that there has been collected up to December 1, on an assessment of \$190,492,614.20.

"Of this sum the public service corporations doing business in the county have paid \$77,918.35. The big land companies as follows: Southern Pacific railway, \$25,217.27; Weyerhaeuser Company, \$3,233.82; Collins Land Company, \$8,651.18; the one paper mill, \$278.65; the five incorporated towns of Oregon City, Canby, Estacada, Milwaukie and Oswego, \$82,115.00; the farmers of the county the balance of \$275,349.93.

"If the public service corporations, doing business in the county, the Oregon & California (S. P.) pay \$19,449.64; the in addition to amount paid on land; the P. R. L. & P. Company paid \$30,197.99; the Oregon Electric, \$2,678.74; Beaverton & Willburg R. R., \$2,755.18. The various telephone companies, \$2,140.24, and the telegraph companies \$278.03; The Pullman Company, The Wells-Fargo Express Company and two or three fast freight lines make up the balance of the amount from public service corporations.

"The farmer does not pay all the taxes, but he pays his share as shown by the above figures."

## RAILWAY SIDING IN MILWAUKIE DENIED

The County Court Thursday afternoon revoked the franchise of the Portland Railway, Light & Power Company to lay a track on Eleventh street in Milwaukie. The franchise was granted by the court sometime ago after it had been declared by the property owners did not object to the siding. C. A. Wolfganz, Edmund Sweeny and others protested vigorously and their attorney, Col. Charles H. Dye, explained their attitude to the court, with the result that the franchise was revoked. The court admitted that the proposed siding would seriously affect property interests.

## U'REN HITS BACK AT TAX CRITICS

DISCIPLE OF HENRY GEORGE DENIES THAT MISSTATEMENTS ARE MADE.

### NEWSPAPER BLAMED FOR ERROR

Singl' Tax Leader Asserts That Men Who Are Decrying Plan Are Not Well Informed.

W. S. U'ren Friday declared that the statement of Grant B. Dimick, Mayor-elect of Oregon City, at the meeting of the county judges and commissioners in Portland Wednesday that the single tax advocates were making misstatements regarding the assessments in Clackamas county was untrue. Mr. U'ren also said that others who were accusing the single taxers of unfairness were themselves misinformed. His statement follows:

"Some of these Live Wires speak in their haste, as the prophet did on one occasion. But in all this discussion about the Singl Tax it should be remembered that there is always a chance for misrepresentation.

"In the debate reported between Mr. Stone and Mr. Zeasle in last Tuesday's Oregonian, the twenty acres of land proved lodged off largely as much tax as the remainder of the section, was located in northern Washington and not in Clackamas county. The mistake was not difficult for the reporter to make because Mr. Stone was dealing largely in Clackamas county facts.

"As to errors in the Clackamas county single tax roll now being made, I have no doubt that it will be found fully as accurate as any other roll on which taxes have actually been collected. It is being made under the direction of Mr. G. F. Johnson, deputy assessor for Clackamas county, and the work is being done by people who have worked successfully on the regular tax roll in Multnomah and Clackamas counties, and the taxes on which were actually paid. Therefore we have no fear that there will be any errors sufficient to affect the general value of this single tax roll as an object lesson for the taxpayers of the whole state.

"In the course of this work we have learned that the P. R. L. & P. Company is using and selling water power in Clackamas county that is worth at least \$8,000,000, which is not and which good lawyers say cannot be legally assessed for taxation under the present laws. If this water-power was assessed on the same percentage of its real value that the property of many small home owners is assessed for, the county would have to pay at least \$12,000,000 assessment for this one item. But the State Tax Commission and the assessors are of opinion that there is no law in Oregon under which water-power can be assessed and taxed.

"If this is true, and I have not heard any lawyer questioning the Live Wires of Oregon City and other places who are or have been members of the Legislature, might do something for the smaller taxpayers by securing the enactment of a law under which the assessors could assess water-powers. To the best of my knowledge none of them ever introduced a bill into the legislature for this purpose. But that it will not be true after the next legislative adjourns.

"It is not so strange that these men should be alarmed. Many of them are land speculators on a small scale or attorneys for great land speculators. The Single Tax proposal is new to them and they have not made a study of the matter. There is nearly a year yet for such consideration and a fair chance that they will all have a better working knowledge before election day comes.

"As to Mayor-elect Dimick's statement concerning the two one hundred acre tracts in Clackamas county, he did not hear what he said he heard. It is not so many years since two very eminent lawyers of Portland published their opinion that the safety of most of the people of Oregon would depend largely on their ability to get out of the state if the people should really have power to make laws. Both of these lawyers are still making money out of their law business in Portland. Neither have I heard any (Continued on page 4.)

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## \$10,000 ASKED FOR BEING PUT OFF CAR

W. H. Timmons, through Attorneys Brownell and Stone, Monday filed suit for \$10,000 damages against the Portland Railway, Light & Power Company. The plaintiff alleges that July 30 he bought a ticket at Lioneman Station on the Spingwater Division to Gladstone, but was refused a transfer at the Golf Links and was finally put off the train. He alleges that a friend promised to pay his fare and he climbed aboard the train a second time, but was put off again.