DON'T LIKE HIS BOOK

Senate Roasts General Gantenbein's History.

UNFAIR TO MEN IN THE RANKS

All the Credit, It Is Said, Goes to the Commissioned Officers, and All Petty Offenses of the Privates Are Recorded.

SALEM, Or., Feb. 17.—(Staff correspondence.)—Adjutant-General Gantenbein's history of the Second Oregon in the Philippines was bitterly denounced on the floor of the Senate this morning as being unfair to the privates in that famous regiment. A resolution was adopted by unanimous vote authorizing the appointment of two privates and one commissioned officer of the Second Oregon to revise and correct the history so as to do justice to the Second Oregon boys. Spirited addresses paying tribute to the valor of the Oregon soldiers in the Philippine campaign, and denouncing Gantenbein's history, were delivered by President Brownell, Senator Kuykendall, Senator Smith, of Multnomah, and Senator Mulkey.

The resolution on the subject was introduced early this morning by President Brownell, who called Senator Mulkey to the chair in order that he himself might take the floor. The resolution is as follows:

Whereas, The alleged history and official records of the Oregon Volunteers in the Spanish War and Philippine Insurrections, as compiled by Brigadier-General C. U. Gantenbein, is deficient in this:

That it does not contain a record of or any reference to the participation by the enlisted men in any one of the 42 battles in which they were engaged; and

Whereas, No history is complete or creditable to our state which fails to make mention of adn give proper credit to the individual volunteers for their many acts of heroism; therefore be it

Resolved, That the Secretary of State be and hereby is authorized and empowered to select from among the enlisted men who served in said war two enlisted men and one commissioned officer, who shall be competent persons, to revise and correct said history and publish muster-roll, so as to make the same give a true record of said enlisted men in said war.

Senator Brownell said, in moving the adoption of the resolution, that he was very greatly and painfully surprised, upon reading the history of the Second Oregon, to find that nowhere in its 300 pages was there any record of any kind of the deeds of bravery of the individual members of that regiment, but that every little dereliction of duty and every wrongful act had been recorded and published to the world for all time to come.

"I feel that this is a great wrong," he said, "and as a citizen of Oregon I am grieved over it. Those gallant boys of the Second Oregon went through 42 battles in the Philippine campaign, and on every occasion they conducted themselves in such a manner as to win not only the plaudits and praises of the people of Oregon, but also the admiration of the members of every other regiment engaged in that war. Every citizen of Oregon knows that a history of that regiment should, if it be a true history, contain the record of many magnificent achievements and many acts of heroism. This so-called history contains no such thing. I have examined it carefully. I find not a single line devoted to the mention of any brave act by any individual soldier in the ranks of the Second Oregon. I find, to my deep regret, that every small violation of military law is recorded. If a soldier was so unfortunate as to drink a little too much and be fined or imprisoned for being disorderly, that fact is printed here for the information of the people of Oregon and their children, and their children's children, for all time to come.

"This history was printed for the purpose of preserving the records of the Second Oregon boys, so that it might be known to future generations and due honor might be done to the men who bore the battle in defense of the honor of our flag. This book which I hold in my hand can fulfill no such purpose. It is only a partial record. If any officer in that regiment performed any act that was worthy of mention, that act is recorded here. And it is right that it should be. But the glorious victories of the Philippine War were not won by the officers. They were won by the men in the ranks. To them is due a fair proportion of the honors of war, and that they may receive credit where credit is due, I have introduced this resolution."

As an illustration of the manner in which the records have been presented in the history, Senator Brownell read the record of Private Poindexter, of Company I, Oregon City. Poindexter's gallantry has since been rewarded by an appointment as First Lieutenant in the regular Army. The record set forth every instance of Poindexter's being in the hospital and instances of his having been fined for some trivial offenses, but no mention was made of any acts worthy of commendation.

"It is the same all through this book," continued President Brownell. "This book is a disgrace and a dishonor to the Second Oregon and to our state. The conduct of our boys in the 42 battles in which they participated is a matter of honor and pride to the people of Oregon. If we are to have a history of their achievements, let it be a true and fair history. If something must be left out of it, let us leave out some of the records of things we can well afford to forget, but not leave out one word that helps to tell the story of the splendid deeds of bravery and self-sacrifice which all of us love to remember and repeat. Let us not preserve record swhich will blacken the reputations of these heroes of the Second Oregon. I submit that it is a duty we owe to the veterans of the Second Oregon to have this history corrected so that it shall truly present the record of that noble body of men."

Senator Kuykendall said that he desired to concur in all that President Brownell had said, and to take occasion to comment upon another matter connected with the publication of this alleged history.

"I was greatly displeased with this book when I found it upon my desk. The Legislature never intended that any such book should be published. The act of the last Legislature authorized the publication of the muster-roll of the Second Oregon, which would have been as valuable as this book and not near so costly. No one supposed that the power given to the authorities of the National Guard would be abused in this manner. We authorized only the publication of the muster-roll, and here we have this large book in leather binding, presented with the compliments of Governor eGer. This would seem to indicate that the book had been paid for by Governor Geer, and not by the State of Oregon. If a muster-roll had been published, as intended, a sufficient number could have been printed so that every member of the Second Oregon could have a copy, and the expenses would not have been so great as for the book, copies of which have not been given to the men who bore the brunt of the battles in the war in the Philippines. If we are to have a record, let it be a true record of the deeds of bravery which have endeared the Second Oregon boys to the people of this state. I favor the resolution."

"Mr. President," exclaimed Senator A. C. Smith, of Multnomah, as soon as he could get the floor, "I want to take your attention just long enough to say that I consider this alleged history of the Second Oregon a damnable outrage upon the soldier boys and upon the people of Oregon. If there is anything that saps the patriotism of the young men of this country, it is the tendency of military authorities to give all the credit to the officers and none to the men in the ranks. At their homes the officers and men were equals in society, in business and in all walks in life, but as soon as they went into the Army the officers assumed an air of superiority and now try to take all the credit for the victories achieved."

Before putting the motion, Senator Mulkey, who was presiding, remarked:

"Some of the bravest deeds ever performed upon the field of battle were performed by the privates in the ranks of the Second Oregon at Malabon and Pasig. The heroism of those Second Oregon boys should not go unrecorded."

When the vote was taken there was not a dissenting voice, but every Senator answered with such a vivacious "aye" that it was apparent that every one was in hearty accord with what had been said.

The House this afternoon passed a bill to authorize the Board of Public Building Commissioners to procure lights for capital buildings and institutions. The Commissioners are empowered to procure lights either by lease, purchase or construction of a plant therefor. They are empowered also to condemn and appropriate rights of way for poles and wires or conduits. All contracts are to run for not less than four or more than ten years. The sum of $15,000 is appropriated for carrying out the provisions of the act. The measure has an emergency clause. The bill was prepared by the special joint committee appointed to investigate the needs and requirements of state institutions. The Commissioners are the Governor, Secretary of State and State Treasurer.

The House today refused to concur in an amendment offered by the Senate to a House bill which provides that litigants shall receive free copies of Supreme Court opinions. The amendment provided for stereotype plates of the opinion. Orton said that the amendment was unnecessary and would entail needless expense. Eddy took the same view and said that the present law had a provision to the same effect as that of the amendment, but that the provision was not observed.

The House today passed the Davey bill to compel attendance of Indian children between the ages of 5 and 18 at the Chemawa Training School. The bill had been amended in committee so as to include deaf mutes and and blind children of the same age, who must be sent to the state institutions at Salem. Penalties are provided for failure by parents or guardians to comply with the provisions of the act.

The House today passed the Banks bill substituting the general denial for the specific denial innovation in court practice that has long been advocated by many lawyers.

MORROW GETS A CLERK.

Senate Decides to Give Help for State Land Agent.

SALEM, Or., Feb. 17.—(Special.)—The Senate this forenoon passed Senator Pierce's bill to provide a clerk for the State Land Agent. There was strong opposition to the measure, but it passed for the reason that it conferred additional duties upon the State Land Agent. Senator McGinn declared there is no need for a clerk for the State Land Agent, as the work of that department has greatly decreased as the state farms have been disposed of.

"This is a graft for the benefit of Billy Morrow," shouted Senator McGinn. "This bill, as you will all remember, was introduced by Senator Pierce with the assurance that it was an exact copy of the present law, but after it had been passed, we found that it contained a stringer—that it was not a copy of the present law, but provided for an additional officer. We reconsidered the bill and I now submit that it should be voted down. The only purpose of it is to give the Democratic administration one more graft. It will enable Billy Morrow to draw his salary and yet spend his time in Portland, while his clerk stays here and does the work."

Senator Pierce said that it was true that he introduced the bill, and that it was not a copy of the present law, as represented. He realized that he had made a mistake, and desired now to apologize to the Senate. If the bill is not now right, after having been considered, amended and approved by the committee on public lands, he hoped that it would be further amended and then passed.

Senator Mays, of the committee on public lands, said that the State Land Department has been subjected to severe criticism in the last year or two, and that much of the criticism has been for causes which this bill seeks to remedy. He said that the present law does not require that lists of lieu lands and base lands shall be kept while this bill does. One difficulty in the past has been that the State Land Agent has been compelled to be away from Salem much of the time, and when he is away, his office must be locked up. He should have a clerk.

The bill passed with a good majority.

RATE CUT TO FOUR PER CENT.

Port of Portland Must Put Low Figure on Bonds.

SALEM, Or., Feb. 17.—(Special.)—Before passing the Port of Portland bill, authorizing the issuance of bonds, to cover the expenses of the new dredge, the Senate reduced the rate of interest on the bonds from 5 to 4 per cent. This action was taken on motion of Senator A. C. Smith. The bill as recommended by the committee provided that the bonds should bear 5 per cent interest. Senator Smith asserted that loans on such security as Port of Portland bonds can be had at 4 per cent and moved the amendment.

Senator Carter inquired why the majority report recommended 5 per cent. Senator Hunt explained that on one occasion the Port of Portland Commission advertised for bids for bonds at 4 per cent but had received no bids, and the expense of advertising was lost. He said that if bonds are offered bearing 5 per cent, the bids will carry a premium, so that the bonds will sell at such an amount as will make the rate less than 5 per cent. He thought probably the rate would be as low as 4 per cent, but wanted the rate fixed at 5 per cent so that there would be no trouble. A majority of the delegation had been of this opinion and recommended the passage of the bill as reported.

Senator Smith declared that the intention of the bill is to permit some favored persons to get 5 per cent interest, when loans in the money market can be had at 4 per cent.

His motion prevailed, and, as amended, the bill passed.

The House later concurred in the amendment.

CAUSES LIVELY DEBATE

SENATE PASSES KAY'S BILL AFTER MUCH TALK.

Speakers Are Generous With Left-Handed Compliments, but the Best of Humor Prevails.

SALEM, Or., Feb. 17.—(Special.)—After a long and exhaustive discussion involving every feature of the question, the Senate this afternoon passed Kay's bill to repeal section 259 of the code, which exempts public officials from garnishment proceedings. The vote was 20 to 7. The debate over the bill was one of the most spirited of the session, but in the best of humor. The doctors and the lawyers exchanged left-handed compliments, much to the amusement of the other Senators and the spectators in the lobby. The main argument in support of the bill was that public officials or employes of the state or county, or persons having contracts with the state or county should not be secured against the collection of debts due from them. The argument was made that the dignity of the state should not be subjected to such proceedings, but this was answered with the assertion that the dignity of the state should not permit it to shield its officers and employes from the payment of their honest debts. Equality before the law was the cry of the supporters of the measure.

"It would be a disgrace to this state to have the salary of its Governor garnisheed," was the argument of Senator Rand.

"It would be a greater disgrace to have a Governor who would not pay his debts," was the answer of Senator Smith of Multnomah.

When the bill came up in the Senate, without recommendation from the judiciary committee, Senator McGinn moved that the bill be indefinitely postponed. Senator Mulkey opposed this motion, and insisted that a vote be taken upon the merits of the bill. The motion to postpone was defeated.

Senator Mulkey advocated the passage of the bill, on the ground that it is unjust to permit public officers or employes to incur debts and not make their wages subject to garnishment on exactly the same conditions with all other persons. He said that he knows of one instance where a college professor was surety on a note given for money borrowed from an old man. The principal on the note died, and the old man called upon the professor to pay the note. The professor put all his property in his wife's name, and then refused to pay the note. He was drawing $625 every three months from the State of Oregon, but the old man was unable to enforce payment of the debt. He died in poverty, while his debtor lived in luxury.

Senator Mulkey said he could see no reason why a distinction should be made between a man who works for private individuals and one who works for the state. Justice to the creditor demands that both be made equally amenable to the law.

Senator McGinn said that he knows of Judges in Multnomah County whose salaries would be garnisheed if this bill should become a law, and they would have no means of supporting their families. The exemption of $75 per month is not sufficient, he said, to support their families. "The intention of the law is that public officials shall not be compelled to engage in any other occupation in order to make a living. Their salaries are small, and the policy of the law is to secure them in their pittance from the state."

Senator Fulton said that every consideration of justice favored the passage of this bill. He said he appreciated the fact that lawyers are usually poor business men and that some Judges are in debt. It is also true, however, that people who are not lawyers and Judges are in debt. Whether men are Judges or not Judges they should be required to meet their just obligations. He admitted that it is the intent of law that public officials shall not engage in other business, but they do engage in other lines of work and make investments which sometimes fail. When they incur debts in this way they should be subjected to the usual processes of law to enforce payment. They should not contract debts unless they are willing to pay them. It is true the compensation is small, but there seems to be no dearth of candidates for office. If men do not want offices, when their salaries are subject to garnishment for debt, they need not have them.

Senator Smith, of Multnomah, said that he felt some hesitancy about speaking upon a subject which seemed to be of most interest to the lawyers, yet though a laymen, he could not help feeling that this bill should pass even if it did compel the lawyers to pay their debts. "We doctors have no protection," he concluded.

"That is no reason why Judges' salaries should not be exempt from execution," responded McGinn. "A doctor often makes more money from one operation than a Judge earns in six months. I brought suit once myself and collected $1000 for a doctor for an operation that required less than half an hour."

"You should have been ashamed of yourself for being a party to such a thing." (Laughter).

"Ashamed of myself? The Senator knows that he himself has received $1000 for a single operation, and even then the patient died." (Laughter and applause).

"That is nothing," replied Smith, "to the excrbitant fees you lawyers charge for services that make your clients wish they had died." (Hearty laughter).

Senator Rand insisted that the real objection to the bill had been overlooked. "I do not believe," he said, "that public officers should be dragged into court either by having their own salaries garnisheed, or by having public funds in their hands levied upon for debts due to others. If this bill passes, the State Treasurer, the County Treasurer and every Sheriff will be liable to garnishment proceedings whenever they have money which is due to judgment debtors. I believe it is also against public policy and would be beneath the dignity of the state to permit the salaries of its Governor and Supreme Judges to be garnisheed."

The vote on the bill was:

Ayes—Booth, Carter, Croisan, Farrar, Fulton, Hobson, Holman, Kuykendall, Marsters, Mays, Mulkey, Pierce, Smith of Multnomah, Smith of Umatilla, Smith of Yamhill, Steiwer, Wade, Wehrung, Williamson, President Brownell—20.

Noes—Daly, Johnston, McGinn, Miller, Myers, Rand, Sweek—7.

Absent—Dimmick, Howe, Hunt—3.

IN THE SENATE.

Adoption of Resolution About the Boys in Blue.

SALEM, Or., Feb. 17.—(Special.)—The Senate was opened with prayer by Rev. John Parsons, of the First Methodist Episcopal Church, Salem.

S. C. R. 25, by McGinn—To authorize the issuance of a quantity of souvenirs in facsimile of the "beaver" money of the Territory of Oregon, for sale at the St. Louis Exposition; adopted.

S. C. R. 26, by McGinn—To ask the State Agricultural College to assist in preparing the agricultural exhibit at the Lewis and Clark Exposition; adopted.

S. C. R. 27, by McGinn—To authorize the issuance of a quantity of facsimiles of the medals given by Lewis and Clark to Indians in the Northwest; adopted.

S. C. R. 28, by McGinn—To direct the Secretary of State to loan to the Oregon Historical Society the medal in his possession commemorating the discovery of the mouth of the Columbia River; adopted.

S. B. 207, by committee on assessment and taxtion—To create the office of state examiner of public accounts; passed.

The Senate received a list of lieu land selections made by the State Land Department during the last four years. The list was ordered printed.

S. B. 236, Croisan—To amend the charter of Jefferson; passed.

H. B. 166, Hawkins—To amend charter of Falls City; passed.

The Governor's veto of Senate bill 14, by Mays, to punish the stealing of bicycles, was sustained.

Senate resolution 22, by Brownell, to provide for the revision and correction of the History of the Second Oregon, was adopted.

H. B. 300, by Test—To fix salaries in Malheur County; passed.

H. B. 36, by Nottingham—To protect birds and their nests and eggs; passed.

H. B. 27, Reed—Port of Portland bill; passed.

S. B. 221, Croisan—To amend Salem charter; passed.

S. B. 202, Rand—To fix terms of Supreme Court; passed.

S. B. 15, Sweek—Defining duties of executors and administrators; re-referred.

S. B. 137, Sweek—Amending act regulating sale of liquors; passed.

S. B. 177, Kuykendall—To repeal the law authorizing the appointment of a health officer and a boatman at Astoria; passed.

S. B. 169, Rand (by request)—Curing defects in articles of incorporation; defeated.

S. B. 203, Myers—To regulate the giving of notices of mining claims; defeated.

S. B. 107, Mulkey—To authorize Indian War Veterans to bring suit against the state upon their claims; passed.

S. B. 225, by committee on game—To amend the game laws; passed.

S. B. 169, Rand (by request)—To cure defects in articles of incorporation; reconsidered and laid over until tomorrow.

President Brownell appointed Senators Kuykendall, Hobson and Miller upon the committee to investigate the legal status of the claims of the Indian War Veterans, the committee to report to the next Legislature.

H. B. 361—To appropriate money for the maintenance of state eleemosynary and final institutions was passed.

The President appointed Senators Kuykendall, Carter, Croisan and Wehrung to serve with himself on the part of the Senate on the joint committee to receive and entertain the President of the United States when he visits Oregon.

H. B. 362—To appropriate money for the state departments; passed.

H. B. 343, Kay—To repeal the law exempting public officers from garnishment proceedings; passed.

IN THE HOUSE.

Passage of the Several General Appropriation Bills.

SALEM, Or., Feb. 17.—(Special.)—The House was called to order at 9:30 A. M. by Speaker Harris.

Senate amendments to H. B. 94, Phelps, relating to District Attorney and Deputy of Ninth Judicial District, were concurred in.

Senate amendments to H. B. 147, Bailey, to prevent misrepresentation in procuring employes, were concurred in.

Senate amendments to H. B. 148, Bailey, to guarantee to employes their right to membership in labor unions, were concurred in.

Senate amendments to H. B. 214, to furnish litigants free copies of Supreme Court decisions, were not concurred in.

Senate amendments to H. B. 39, Banks, to regulate female labor, were concurred in.

H. B. 361, ways and means committee, to pay expenses of state, was considered in committee of the whole and passed.

H. B. 362, ways and means committee, to pay expenses of departments of state government, was passed.

H. B. 363, ways and means committee, to pay certain claims against the state, was passed.

Senate amendments to H. B. 73, to license warehousemen, were concurred in.

Senate amendments to H. B. 37, Murphy, for annual census of school children of state, were rejected.

H. B. 196, Harris, to tax intangible property of corporations, failed to pass, 28 to 26.

H. B. 329, to authorize Board of Public Building Commissioners to procure light for state institutions, was passed.

Senate amendment to H. B. 253, Johnson, to incorporate town of John Day, was concurred in.

Senate amendments to H. B. 27, Reed, to amend Port of Portland act, were concurred in.

Senate amendments to H. B. 36, Nottingham, to protect birds, were concurred in.

Senate amendments to H. B. 300, Test, to fix salaries of officers of Malheur County, were concurred in.

H. B. 99, Davey, to tax express, telephone and oil companies, was made a special order for tomorrow.

H. B. 342, Eddy, to amend code relative to convict labor, was made a special order for tomorrow at 11 A. M.

H. B. 267, Miles, to repeal act for additional Judge for Third Judicial District, was indefinitely postponed.

H. B. 188, LaFollett, to fix rate of tare on baled hops and providing for hop inspector, was re-referred.

H. B. 225, Webster, for fishway at Oregon City, made a special order with H. B. 338 and H. B. 339 was made special order for 2:30 tomorrow.

H. B. 106, Banks, to amend code relative to answers and denials, was passed.

H. B. 204, Judd, to amend code relative to taxation of costs, was passed.

H. B. 231, Davey, making appropriation for State Board of Agriculture, was passed.

H. B. 275, Shelley—To provide for collection of delinquent taxes; failed to pass.

H. B. 163, Kay—Flat salary bill; passed.

H. B. 350, Bilyeu—To amend charter of Albany; passed.

H. B. 253, Hawkins—To amend charter of Dallas; passed.

H. B. 303, Davey—To change name of Reform School to Industrial school; passed.

H. B. 328, Davey—To amend charter of Salem; passed.

H. B. 296, Bilyeu—To fix traveling expenses of School Superintendent of Linn County; passed.

H. B. 357, Danneman—To change name of town of Alkali; passed.

H. B. 334, Miles—To amend charter of Newberg; passed.

H. B. 66, Burleigh—To fix boundary of Wallowa County; passed.

H. B. 318, Hume—To fix salaries of School Superintendent and County Judge of Curry County; passed.

H. B. 365, Danneman—To incorporate town of Olex, Gillam County; passed.

H. B. 330, Carnahan—To fix salaries of officers of Clatsop County; was withdrawn.

H. B. 347, Malarkey—For Deputy Coroner in Multnomah County; passed.

H. B. 331, Hodson—Relating to Port of Portland; passed.

H. B. 349, Malarkey—To regulate fees in Multnomah County; passed.

H. B. 364, Orton—For Sellwood ferry; passed.

H. B. 355, Miles—To regulate fees of Recorder of Yamhill County; passed.

H. B. 366, Galloway—To fix salary of County Clerk of Yamhill County; passed.

H. B. 317, Emmitt—To create Prosecuting Attorney districts of counties in First Judicial District; passed.

H. B. 60, Cobb—For new bridge across Willamette River at Portland; passed.

H. B. 327, Malarkey—For new ferry at Albina, Portland; passed.

The judiciary committee was appointed to confer with the Senate judiciary committee on Senate amendments to H. B. 214, Kay, to furnish litigants with free copies of Supreme Court opinions.

H. B. 120, Davey—Compelling attendance of children at school; passed.

Recess until 7:30 P. M.

Livingstone a Free Delivery Office.

WASHINGTON, Feb. 17.—The Postoffice Department today issued an order establishing free delivery service at Livingstone, Mont., beginning June 1.

HARRIS BILL FAILS

Is Defeated in the House by Three Votes.

PROVOKES SPIRITED DEBATE

The Speaker on the Floor Makes a Stalwart Defense for His Measure—Eddy Begins Sharp Attack.

SALEM, Or., Feb. 17.—(Staff correspondence.)—Speaker Harris' bill to tax intangible property of corporations failed to pass the House today by three votes. The debate was spirited and the most notable that has occurred in the lower chamber this session. Eddy of Tillamook attacked the bill with strong arguments, and Speaker Harris, on the floor of the House, made a stalwart defense. Others who spoke against the bill were Hale of Josephine, Hume of Curry, Whealdon of Wasco and Reed and Cobb of Multnomah. Davey and Judd of Marion and Bilyeu of Linn supported the measure.

Rumblings of opposition have been heard for some time. Most persons expected the bill to pass the House, but to meet its death in the Senate. The measure came up as a special order today, and was adopted by committee of the whole, Eddy presiding.

The argument which defeated the bill was that the act would be too drastic on corporations, and would retard the industrial growth of the state. The response was that the bill proposed a law which was successful in several Eastern States, notably Ohio, New York, Illinois and Kentucky. The vote was 28 for passage and 26 against, as follows:

Yeas—Bilyeu, Blakley, Both, Burleigh, Cantrail, Carnahan, Cornett, Davey, Edwards, Emmitt, Galloway, Harris, Hahn, Hansbrough, Hayden, Hines, Jones of Lincoln, Judd, La Follett, Olwell, Orton, Paulsen, Purdy, Riddle, Robbins, Shelley, Simmons, Webster—28.

Noes—Bailey, Banks, Burgess, Cobb, Danneman, Eddy, Fisher, Gault, Gill, Ginn, Hale, Hermann, Hodson, Hudson, Hume, Huntley, Hutchinson, Johnson, Jones of Multnomah, Kay, Kramer, Miles, Nottingham, Reed, Test, Whealdon—26.

Absent—Adams, Claypool, Hawkins, Malarkey, Murphy, Phelps—6.

Davey has introduced a bill along lines similar to those of the Harris bill. It has been made a special order for 2 P. M. tomorrow. It does not propose to tax railroads, sleeping-car or refrigerator-car companies, as did the measure that failed today. Davey's bill is to tax telegraph, telephone and oil companies. It creates a state board of appraisers, which is to assess the property of specified corporations. From such total assessment the regular county assessments are to be deducted, so as to leave the value of intangible property. This latter property is to be levied upon in the usual manner. To arrive at their assessments, the appraisers are to have authority to require corporations to submit sworn statements of their business and property.

Speaker Harris made an able speech for his bill. "This is not a bill for taxation," he explained, "but for the discovery of the property of corporations, in order that such property may be assessed and taxed. It creates means whereby a board of appraisers may find out what intangible property corporations possess, in order that they may bear their just proportion of taxation.

"This bill was prepared by men who have given the subject mature consideration—members of the Marion County Bar Association. They believe that the bill as framed will best meet the demands of the people under existing conditions."

Mr. Harris added that the bill was based on the Ohio law, and that features of the laws of New York, Kentucky and Illinois appeared in it. "The Supreme Court of the United States," he went on, "has passed upon every principle involved in this bill."

Mr. Harris adverted to the objection which had been raised against the bill, based on the fact that the corporations would have to reveal to the appraisers secrets of business. "It is true," said he, "that they will have to do so, but if anybody can devise a better method for discovering intangible property, I am willing to accept it. I know of no unfair provision in this bill."

Hale made strong objection to the bill. He said that, while the principles of the measure might be in accordance with the conditions of other states and of the United States, it would not stand under the constitution of Oregon

"Here we have a bill for inquisition into the affairs of the companies," he remarked. "Here we find a dragnet to compel companies to report every little detail of their business."

Davey argued for the bill, concluding: "I am compelled, in the face of public demands and public necessities, and in the face of all that is just and reasonable, to support this bill."

Hume alluded to the authorship of the bill, and said: "It is a well-known fact that lawyers are the poorest business men on the face of the earth." He opposed the measure.

Whealdon also opposed it. This bill will deter investors from coming into our borders to improve our resources," he said.

Reed insisted that the provision to tax refrigerator companies should be left out of the bill.

Bilyeu advocated passage in a lengthy speech, which wound up with the declaration, "If the Legislature does not pass this bill, the people will enact one of their own by the initiative."

Judd said that he was only a farmer, and perhaps knew more about milking cows than about the method of taxation proposed; he did not think the act would be oppressive to corporations.

Cobb declared that the Ohio law had driven over $1,000,000,000 worth of industry out of that state.

"Who told you that?" asked Harris.

"A gentleman," answered Cobb blandly.

"But I'd like to know."

"Do you doubt my word?"

"Oh, no; but I'd like to know where you got that statement."

Cobb made no reply, and concluded his speech with the appeal: "For Heaven's sake, let us encourage investors to come in and develop the state."

Eddy said that in his bill to tax corporations, which had passed, both houses and had been approved by the Governor, at first he had included provisions similar to those of the bill under discussion, but he had left them out in the development of his bill. He thought the fact that the committee had made no recommendation on the Harris bill a good reason against its passage. The Ohio law had been sustained by the Federal Supreme Court, indeed but four Justices had dissented.

"This legislation may be good for Ohio," said Eddy, "but it is not good for Oregon. This bill contains many crudities and inconsistencies. Instead of being a bill to provide a legal and uniform rate of taxation it is to provide an unequal and ununiform rate of taxation. As an example of the inequity of basing the proposed tax on the capital stock may be cited the case of the Columbia Southern Railway, whose stock has merely a nominal value, but whose bonds are worth over $700,000."

He argued further that the bill would require one corporation to pay taxes on the full value of its tangible property, whereas a near-by timber corporation with far more capital and property would pay taxes on only one-third of the value of its land.

Harris closed the debate by declaring that all members of the House, except one, who had raised their voices against the inquisitorial tax system of the bill had voted for the Labor Commissioner bill, a measure just as inquisitorial. He denied that the Ohio law had driven capital out of that state. Two years ago the Legislature refused to reduce railroad fares to 3 cents and to enact a fellow-servant law, because such measures, it was alleged, would hamper railroad development. But now fares were down to 3 cents and a fellow-servant law was enacted. Corporations were to be secured against excessive taxation by their privilege of going before the Board of Appraisers. If tangible property was assessed at only one-third of its real value, the fault was of the Assessors.

"This bill ought to pass in every particular," concluded Mr. Harris. "If it doesn't pass now it will surely pass before many sessions roll around."

Davey thinks this bill, which comes up tomorrow, will pass. He declares that the people demand legislation of the kind proposed. "If they don't get it," says he, "there will be a referendum on the Fair appropriation, just as sure as there is a God in Israel."

HOPGROWERS WIN OUT.

Are Given Damages in Suit Brought by Crop Contractors.

SALEM, Or., Feb. 17.—(Special.)—Two cases of unusual interest to hopgrowers were disposed of in the Marion County Circuit Court today. In the case of George A. La Vie, an Eastern brewer, vs. A. B. Crosby, a Silverton grower, the jury returned a verdict for the defendant in the sum of $2600 and $50 damages. The defendant had contracted 10,000 pounds of 1902 hops to the plaintiff who at the harvest time, refused to advance the necessary money for picking purposes according to the contract, although having advanced certain money for cultivating the crop. When the crop was cured, the defendant tendered the contractor the amount of money advanced together with accrued interest and refused to deliver the crop of hops. Plaintiff seized the hops and shipped them out of the state and brought a suit to determine the rightful possession of the crop. The contention of the defense was that the alleged contract operated merely as a chattel mortgage. This was concurred in by the court and all that remained for the jury to determine was the value of the hops at the time La Vie seized the crop.

La Vie was also plaintiff in the second case in which Walter L. Tooze, of Woodburn, was the defendant. The amount of hops involved in this case was 7452 pounds, which were contracted to the plaintiff. Influenced by the decision of Judge Burnett as to the unilateral contracts, the grower refused to deliver the hops, which were seized by the contractor. In this case, the jury returned a verdict for the defendant in the sum of $1600, the value of the hops, and $32.60 damages. In both of these cases, G. G. Bingham, of this city, and L. J. Adams, of Silverton, appeared for the grower.

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Ludwig, in excellent tone, $165; A. B. Chase, nearly new, $246; Singer, in good condition, $195; Steinway, ebonized case, in very fine shape, $365; Newby & Evans, $189; Fischer, good as new, $140; Whitney, oak, $136; Singer, mahogany case, $150; Knabe, rosewood, taken in part payment on Hashdorff, $225; Fischer upright, in perfect condition, $160; Emerson, largest size, in very handsome case, $125; and last, but not least, one of our own popular pianos, the Vose, thoroughly recommendable in every respect, finest San Domingo mahogany case, owner leaving town and anxious to dispose of it. It cost $525, and has been used but six months; owner will part with it for only $350.

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