

# Proposed Oregon Tax Law

(Continued from last week)

undivided estate of deceased persons—

Section 10. That section 3045 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The undivided estate of any deceased person may be assessed to the heirs or devisees of such person, without designating them by name, until they have given notice to the assessor of the division of the estate, and the names of the heirs or devisees; and each heir or devisee shall be liable for the assessment of such tax, and shall have a right to recover of the other heirs and devisees their respective portions thereof when paid by him.

Section 11. That section 3046 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is, amended to read as follows:

Every person, except as otherwise provided by law, shall be assessed in the county in which he resides when an assessment is made for all taxable property owned by him, including all real estate in his possession, or over which he has control as trustee, guardian, executor, or administrator; and where there are two or more persons jointly owning, or having control of any property in trust, the same may be assessed to either or all of such persons, but it shall be assessed in the county where the same shall lie if either of such persons reside in such county.

Section 12. That section 3048 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Partners in mercantile or other business may be jointly taxed in their partnership name, or severally taxed for individual shares, for all personal property employed in such business; and in case they are jointly tax-able either or any of such partners shall be liable for the whole tax.

Section 13.—That section 3049 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The personal property of every corporation is liable to taxation in the same manner as the personal property of a natural person, and shall be assessed in the name of such corporation in the county where the principal place of business of such corporation is located, unless otherwise specially provided by law; but if such corporation is engaged in the business of navigation, then the steamboats or other craft of such corporation shall be assessed in the county in this state in which the home port or berth of such boat or other water craft may be.

Section 14. All lands shall be taxed in the county in which the same shall be located, but compare B. & C. Comp., section 3050, and the provisions of the act of 1903, which are hereby amended to read as follows:

Section 15.—All goods, wares and merchandise kept for sale in this state, and all capital and machinery employed in any branch of business within this state, owned by a corporation in or out of this state, or by any person, shall be taxable in the county or city in which the principal place of business of such corporation may be, either to the person or corporation owning the same, or to the person or corporation in which the same is owned.

Section 16. The owner or holder of stock in any incorporated company which is taxed on its capital stock shall not be taxed as an individual for such stock.

(Pledged personal property taxed to possessor.)

Section 17. When personal property is mortgaged or pledged it shall, for the purpose of taxation, be deemed the property of the person who has the possession.

(Sections 15, 16 and 17 are respectively sections 3047, 3048 and 3049, B. & C. Comp., without change.)

(Of the Duties of Assessors.)

(Assessments, How Made.)

Section 18. That section 3067 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The assessor after qualifying shall, on the first Monday in March in each year, procure from the county clerk a blank assessment roll, and forthwith proceed and assess all taxable property within his county, except such as by law is to be otherwise assessed, and shall return to such county clerk, on or before the first Monday in October next following, such assessment roll with a full and complete assessment of such taxable property entered thereon, including a full and precise description of the lands and lots owned by each person therein named, on March 1 of said year, at the hour of 1 o'clock a. m., which description shall correspond with the plan or plat of any town laid out or recorded; and said lands or town lots shall be valued at their true cash value, taking into consideration the improvements on the land and in the surrounding country, the quality of the soil, its convenience to transportation lines, public roads, and other local advantages of a similar or different kind. True cash value of all property shall be held and taken to mean the amount such property would sell for at a voluntary sale made in the ordinary course of business, taking into consideration its earning power. No deduction of indebtedness from assessments or taxation shall be allowed in any case. All land shall be taxed in the county in which the same shall lie; and, except as otherwise provided by law, every person shall be assessed in the county where he resides at the hour of 1 o'clock a. m. on March 1 of the year when the assessment shall be made for all real and personal property owned by him within such county, but if the owner of any land be unknown, such land may be assessed to "unknown owner," or "unknown owners," without inserting the name of any owner; but no assessment shall be invalidated by a mistake in the name of the owner of the real property assessed, or by the omission of the name of the owner, or the entry of a name other than that of the true owner, if the property be correctly described; and provided further, that where the name of the true owner, or the owner of record, of any parcel of real property shall be given, such assessment shall not be held invalid on account of any error or irregularity in the description, provided such description would be sufficient in a deed of conveyance from the owner; or on account of any description upon which, in a contract to convey, a court of equity would decree a conveyance to be made.

(The amendment recommended makes it the assessor's duty to assess property for which no other mode of assessment is not by law provided; makes the limit of the return of the assessment roll the first Monday in October instead of the first Monday in September. The old law provides for the giving of notice that the board of equalization will meet the last Monday in August. There is no other provision for the time of the meeting of the board. [B. & C. Comp., section 3066, reenacted special session 1903.] Section 3067, above amended, permits the extension of time for filing the roll if necessary until the first Monday in October. In practice the roll is seldom or never ready for equalization by the first Monday in September, and the time is usually extended, and the board meets when the roll is filed. But the old law provided for the board meeting before the assessor was required to file the roll, and at no other time. The jurisdiction of the board is thus thrown into question.

The provision for giving notice of the meeting of the board is a relic of the first code in this state, and was originally intended to provide that the assessor and auditor should meet at the courthouse to correct purely clerical errors, etc., one week before the county court equalized the roll, the board of equalization not then being known. Since then the scheme has been completely changed, and the provisions are now, owing to careless editing in amendments, contradictory and impossible.

The amendment recommended omits the provision for the extension of the time of filing the assessment roll, but gives the assessor the same limit as under the present law he could be given by the county court. Omitting definitions of real property and land, which have been defined in section 2 of this act; omits provision that all land must be assessed (distinctions assessed from taxed); see section 14 of this act in the county where located; omits provisions as to assessment of unoccupied land as such, permitting the assessment of land as to unknown owner, when the owner is unknown, regardless of occupancy. Provides for consideration of earning power in determining value.)

(Personal property—How valued.)

Section 19. That section 3058 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

All personal property not exempt from taxation shall be valued at its true value in cash, as defined in section

18 hereof, and it shall be the duty of each assessor to value all improvements on claimed United States lands within his county as personal property.

(Omits provision for a special ratio of assessment and taxation for sea-going vessels, which violates the constitutional provisions as to uniformity and equality.)

(Plats or surveys and towns—Present ownership book or list—Taxpayers' index.)

Section 20. That section 3061 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The assessor of each county shall make a plat of the government surveys, and of all town plats within his county, and shall note therein, or in a present ownership book or list, the owner of each tract of land, and of each town lot; and in counties where the assessor shall describe the land in the roll in the order of its location upon the ground he shall keep a taxpayers' index for each year, which shall be a public record subject to general inspection; and in such index shall be entered the name of every taxpayer against whom any tax shall be charged in the county, in alphabetical order with reference to the first three letters of the surname of such taxpayers as have surnames, and of the first names of any others, and shall refer to the pages and lines of the roll where the assessment of such taxpayer may be found.

(Provides for present ownership book or list, or else assessor's noting ownership on plats as at present. Taxpayers' index kept when the roll is geographically arranged shall refer to page and line of roll, the old law seeming to provide merely for a list of taxpayers, which is but half an index.)

(Stock or other personalty of non-residents.)

Section 21. That section 3062 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Whenever any live stock or other personal property of non-residents in this state shall be pointed out to the assessor by any resident householder of his county it shall be the duty of the assessor to assess the same at its cash value; and such stock or other personal property shall be held liable for the payment of the taxes thereon in the same manner as the personal property of resident citizens is held liable.

(No change except to use word "live stock" instead of "stock" to clear up the present ambiguity as to what kind of stock is meant—live or corporate.)

(Assessment roll and appraisal of property.)

Section 22. That section 3069 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

At the time prescribed by law the assessor in each county shall ascertain by diligent inquiry the names of all persons liable to taxation in his county who by law are assessable to him, and also all the taxable personal property, and all taxable real estate therein which by law is assessable by him, and make out an assessment roll of all such property, and appraise the same according to the provisions of the statutes relating thereto.

(Only change is to provide that the assessor assesses property which by law is assessable to him, thus permitting the legislature to place the duty to assess certain classes of property elsewhere.)

(Owner or managing agent to furnish list of property—Penalty for and proceedings after refusal.)

Section 23. That section 3070 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Every assessor shall require any person liable to be taxed in his county and to be assessed by him, and the managing agent or officer of any corporation or association liable to be taxed in his county and to be assessed by him, to furnish such assessor a list of all the real estate of such person, corporation, or association situate in his county liable to taxation, and a list of all the personal property of such person, corporation, or association liable to taxation in this state, and shall require such person, managing agent, or officer to make oath that, to the best of his knowledge and belief, such list contains a full and true account of all its or his property liable to be taxed in such county; and if any person shall refuse to furnish such list, or to swear to the same when required so to do by the assessor, such person shall forfeit and pay to the assessor, for the use of the county, the sum of \$50, which sum may be recovered by motion in any court having jurisdiction of matters of debt or contract to the amount of \$50. Should any such person, managing agent, or officer, when so required, refuse to furnish and to swear to such list the assessor or shall ascertain the taxable property of such person, corporation, or association, and shall appraise the same from the best information to be derived from other sources.

(Besides amending section 3070, incorporated also the essentials of B. & C. Comp., section 3069. There are the provisions of section 3070 to include managing agents or officers of corporation or association liable to assessment by the assessor; increases the penalty from \$20 to \$50.—It being common experience that many persons prefer to run their chances of having to pay a \$20 penalty rather than make the statement required.)

(To be continued next week)

# IN THE NATIONAL HALLS OF CONGRESS

CONGRESS RESUMES.

Thursday, December 6.

Washington, Dec. 6.—The senate today adopted the Penrose resolution asking the president for information regarding the discharge of the negro troops of the Twenty-fifth infantry, and also the Foraker resolution directing the secretary of War to transmit information on the same subject.

Senator Beveridge introduced a bill today to amend the meat inspection act by requiring that the cost of inspection shall be paid by the packer. Another amendment requires that the date of inspection and packing or canning shall be placed on each package.

Washington, Dec. 6.—The house by a vote of 110 to 164 today defeated the bill of Littlefield of Maine removing discriminations against American sailing vessels in the coasting trade. The debate raged for four hours and a half and the result of the vote was a surprise to the friends of the measure, who openly charged its defeat to the American Federation of Labor.

Friday, December 7.

Washington, Dec. 7.—By a practically unanimous vote the house today passed the bill limiting the regulation of interstate commerce between the several states in articles manufactured by convict labor or in any prison or reformatory. The bill was introduced by Hunt, of Missouri, a practical stone mason. Under the Wilson bill, which became a law in 1890, convict labor-made goods may enter into active competition with the goods manufactured by "free labor" and under this Federal law a state could not pass a law that would prevent the shipping into the state of prison-made goods of other states.

The sovereignty of the state was the subject of earnest debate in the house today, growing out of the consideration of a bill to establish a game preserve of nearly 700,000 acres in the Olympia forest reserve in the state of Washington. The bill was passed without division.

READY FOR WAR.

Our Army and Navy Prepared if Japan Wants to Fight.

Washington, Dec. 4.—Nothing which has been said in the whole range of comment on the possibility of war between the United States and Japan has surprised certain Washington officials so much as the seeming unanimity of opinion in the country that we are utterly unprepared for a fight with the Orientals.

There is a prayerful hope that no war will come, but if it should come, the strong probabilities are that the pessimists, and they seem to abound in every section of the land, will find that they have looked upon the prospect with blue glasses.

Congressmen have come into Washington from every district and all of them seem burdened with the belief that, if trouble comes with Japan over the California school question—which is a minor matter—or over the enactment of a Japanese exclusion law—which is a major matter—the Philippines will be lost to us, temporarily at least, within a month.

The Japanese will not take the Philippines, or, if they do, they will be successful in an exploit that will bring them such honors of war as few people.

Wednesday, December 5.

Washington, Dec. 5.—The brief session of the senate today resulted in the introduction of many bills, resolutions, petitions and memorials, and the receipt of a number of communications from the executive department. Senator Foraker's insistence that immediate action be taken on the pending resolutions asking for information regarding the discharge of negro soldiers of the Twenty-fifth infantry developed discussion until tomorrow.

Washington, Dec. 5.—The house today, awaiting the report of the appropriation bills, began its legislative grind by passing three measures:

Incorporating the National German-American alliance; authorizing the secretary of the treasury to duplicate gold certificates in lieu of ones lost or destroyed; and amending the national banking laws, permitting national banking associations to make loans on real estate as security and limiting the amount of such loans.

Worse Treated in Mexico.

San Antonio, Tex., Dec. 4.—A dispatch to the Express from Eagle Pass, Tex., says: Three hundred Japanese have entered the United States from Mexico through Eagle Pass since November 1. They are leaving Mexico because of ill treatment which they received at the hands of Mexican employers. The Japanese say they were lured into Mexico with promises of good pay and pleasant work on farms. So inviting were the promises that Japanese immigration societies worked to get Japanese for agricultural work.

Lesson to Free-Traders.

London, Dec. 7.—The Daily Mail comments this morning upon the "Tale of American Prosperity" told in Secretary of the Treasury Shaw's report. It says the striking fact about this dazzling prosperity is that it prevails in a country which British free traders, 15 years ago, predicted would be ruined by protection. The Daily Mail regards Mr. Shaw's currency proposals as a bold statement, not feasible except for the \$60,000,000 duties collected.

WORK OF CONGRESS.

Main Task Before It Will Be the Appropriation Bills.

Washington, Dec. 3.—The passage of the appropriation bills and as little other general legislation as possible—such in brief is the forecast for the short session of the 59th congress, which will begin at high noon today.

There has not yet been time for as general an exchange of views among members as is ordinarily desired by leaders before expressing their views, but all seem to regard the present situation as so simple as to need comparatively little intercourse to arrive at an understanding. It is evident, for various reasons, that it will not be possible to do much on the appropriation bills before the holidays, and the circumstance will have the effect of condensing the consideration of the 14 regular supply measures into two months.

Considering that the aggregate of the appropriations to be considered will approximate \$1,000,000,000, some senators and members express the opinion that congress cannot do better than give all of its time to these measures.

The report on the ship subsidy bill probably will be an exception to the rule for no general legislation. The friends of that measure have never been more insistent than now. They are extremely hopeful, and yet very apprehensive.

The bill has passed the senate and is in committee in the house. The committee has heretofore been quite evenly divided, but the advocates of the bill believe that they will be able to get it out in due season and they hope for its consideration when once reported to the house.

RELATIONS ACUTE.

Japanese Government Asks Too Much for Her Subjects.

Washington, Dec. 3.—The relations between the United States and Japan as a result of the attitude of the Japanese government toward the California authorities in school matters have become acute. An erroneous impression as to the president's position has been widely circulated.

The president absolutely concurs with the opinion of Secretary Metcalf that the Japanese have no cause for grievance and that no treaty right has been infringed. At the outset the president took the stand that treaties superseded all state and other laws. Now he is convinced that, in giving the Japanese students equal educational rights while separating them from other schools, all has been done that is necessary.

Outside of racial differences, there is another reason for segregation, and that is that many of the Japanese students are adults. The president will stand strictly upon treaty agreements, but he thinks too much is being asked by the Japanese government. It is known that the president feels that the Japanese, with an enormous personal conceit and tremendous personal egotism, are trying to impose upon the people of San Francisco and the Pacific coast.

BIGGER NAVY YARD FOR COAST.

Government May Enlarge Facilities at Bremerton to Meet Needs.

Washington, Dec. 3.—The Navy department has received a report of the special board detailed to look into the situation at the Puget Sound navy yard with a view to determining the line of its proper development, year by year, in order that there may be eventually, at that establishment, such a complete plant for repair, and possibly for construction, as will be needed on the Pacific coast.

It is pointed out in the report that it would be of advantage to naval interests and of value to naval efficiency to develop the Puget Sound plant into a battleship yard, with facilities for doing the largest kind of work, and all with a view to the chance that it may be necessary to have, convenient on the Pacific coast, a means of repairing ships of the Pacific and Asiatic stations.

Wrestle With Spelling.

Washington, Dec. 3.—The subcommittee of the house committee on appropriations, which has been considering the legislative, executive and judicial appropriation bill, has completed its hearings. The subcommittee followed the old method of spelling in preparing the bill. The full committee will take up the bill today and it will be for it to decide whether the old or the simplified form of spelling shall be used. It is expected that the bill will be ready to report to the house next Thursday.

Uncle Sam Makes Money.

Washington, Dec. 3.—The monthly statement of the government receipts and expenditures shows that for November the total receipts were \$55,602,498 and the expenditures \$48,322,507, thus showing a surplus for the month of \$7,280,000 and for the seven months of the fiscal year of \$14,776,000. For the last month the receipts from customs amounted to \$25,921,327; from internal revenues \$24,860,342 and from miscellaneous sources, \$4,620,828.

Coal Famine Closes School.

Minneapolis, Dec. 3.—The coal situation in the country district has become worse since the cold snap. One dealer said that Garretson, S. D., is about to close its schools because of lack of coal. In some of the towns near Garretson residents have threatened to move away if coal is not furnished soon.