

HARRIMAN LINES OBJECT TO PAYING TAXES IN OREGON

Oregon Short Line Says That Money Taxed Is In New York.

LARGE SUM IS INVOLVED IN CASE

Files Answer to Action In Portland to Secure Payment.

PORTLAND, Ore., Sept. 10. — The Telegram says:

"Suit for an injunction to restrain Sheriff Stevens from collecting \$230,000 in taxes on the O. R. & N. surplus of \$16,800,000, invested in New York, will be filed in the Circuit Court by Attorney Arthur C. Spencer, representing the O. R. & N. Mr. Spencer has his bill of complaint ready for filing, and Presiding Judge Gantenbein signed a temporary injunction, but the filing was delayed until Judge Gantenbein determines the amount of bond to be required for the injunction.

"The suit is directed against Multnomah County and Sheriff Stevens, and will bring to an issue a controversy that has been pending in various forms ever since the meeting of the Board of Equalization last October. The assessment of \$16,800,000 is for money, notes and accounts, and the tax on it has not been paid, though all other taxes assessed against the O. R. & N. in this county have been paid.

"The Harriman road in the suit acknowledges the possession of \$800,000 in money, notes and accounts at the time of the assessment, namely, March 1, 1907, and offers to pay the tax on that amount, approximately \$9,000. This sum, however, is \$221,000 less than is charged against the railroad company on the tax rolls. The \$230,000 tax which the company refused to pay will be considerably augmented by penalties and interest. The penalty for nonpayment is 10 per cent, with 1 per cent added each month the tax is allowed to remain delinquent. These penalties have already increased the amount of tax due to \$264,500.

"Objections were made to the assessment of \$16,800,000 on the ground that the money was not in the possession of the company at the time of the assessment. It represented the surplus of the O. R. & N. and according to the statement of Attorney Spencer had been invested in New York, and was therefore without the jurisdiction of Multnomah County's tax officials.

"When the Board of Equalization sustained the assessment last October, the O. R. & N. took an appeal to the Circuit Court under the law of 1907, which provides for an appeal and a reassessment by the Circuit Court. Mr. Spencer said that the company had abandoned the appeal for the reason that he did not believe that part of the 1907 law to be constitutional and valid.

BIG CROP OF OATS IN COOS

Farmers Harvest Yield of Over Eighty Bushels Per Acre.

COQUILLE, Ore., Sept. 10.—The Herald says: "Frank Snow, of this city, has returned from a visit out to his farm near McKinley, and reports everything in a flourishing condition in that section. Chas. Heller has his threshing machine running and finds grain good. Oats are turning out 80 bushels per acre and weigh 48 pounds per bushel."

Buy your feed of HAINES, on Broadway.

WILL GET TAX OR SELL LAND

Klamath County In Controversy Over Assessment of Big Land Holdings.

KLAMATH FALLS, Ore., Sept. 10.—The County Court of Klamath County for several days considered the matter of a compromise in the Hunter Land Company tax case, which has been in litigation for some time. The Hunter Company owns about 60,000 acres of timber in this county, which was originally a portion of the Military Road grant, extending across the southern portion of Oregon. The lands of this company were assessed without a cruise being made, the assessor using his judgment in fixing the value of the timber owned by the company. The total tax for the year 1907 amounted to \$5,047.33, but the corporation refused to pay, making the claim that the tax was excessive and unjust. Instead of paying the full amount the sheriff was tendered \$1,120, which he accepted, and gave a receipt for partial payment.

No other payment was made and in accordance with the law the lands were advertised to be sold under the hammer. The date of the sale was set for February 28, but a few days before the company secured a restraining order and the sheriff was enjoined from making the sale. There were no further developments until the past week, when a representative of the company appeared before the County Court and made a number of propositions to effect a compromise. Instead of paying the county the cash, they offered to turn in cruisers' estimates on their lands. Some of the lawyers that had been retained by the county advised a compromise, but the district attorney and Judge Thomas Drake, also retained by the county, advised against such a procedure. Most of the lawyers in the city are interested in the case, and as the county has rejected all propositions a hard legal battle is pending.

Steps will be taken at once to proceed to collect the taxes, or else to sell the lands to satisfy the county's claims.

TO CELEBRATE DREDGE COMING

Gaily Decorated Fleet of Small Crafts to Welcome It—Discuss Program.

The arrival of the new dredge Oregon on Coos Bay will be celebrated by a Mosquito fleet parade and other ceremonies, according to plans now being discussed by President McCormac of the Chamber of Commerce. He proposes that all of the smaller crafts on the Bay and Inlets unite in a water parade and meet the dredge and tug near the bar and accompany it up the Bay.

The dredge will leave Portland about September 16 and should be here on or before September 20. President McCormac wired Major McIndoe yesterday to engage a Columbia river tug boat to haul the dredge down and to charge the cost of it to the Coos Bay dredging fund. This was decided upon after it had been practically decided that it would be impossible for the Breakwater to haul it down.

Senator C. W. Fulton promised a few weeks ago, to visit Coos Bay when the dredge is brought here, and to deliver an address. It is expected that he stands ready to come about September 20 and in case he does, a big public meeting to be addressed by him and others will probably be arranged.

RAILROADS WIN A BIG VICTORY

Have Clause Prohibiting Shipment of Allied Corporations Knocked Out of Railroad Law.

(By Associated Press.) PHILADELPHIA, Sept. 10.—The commodities clause of the Hepburn railroad act today was declared unconstitutional by the United States circuit court for the eastern district of Pennsylvania.

The clause provides after May, 1908, it would be unlawful for any railroad company to transport from one state to another or to any foreign country, any article or commodity manufactured, mined or produced by it, under its authority, directly or indirectly, except such articles or commodities as may be necessary for its use in the conduct of its business as a common carrier. The clause exempts lumber, and its manufactured products, and is aimed particularly at railroads owning coal mines.

WEARS JEWELS TO WATERY GRAVE

MRS. ASHTON HARVEY, WIFE OF MILLIONAIRE NEW YORK ATTORNEY, THOUGHT TO HAVE COMMITTED SUICIDE AT NEW JERSEY COUNTRY HOME.

(By Associated Press.) NEWARK, N. J., Sept. 10.—The body of Mrs. Ashton Harvey, dressed in white, and literally covered with a fortune in jewels was found today in

a private pleasure lake of Stewart Hartshorn at Short Hills, N. J., by blood-hounds which had been set to work seeking her. Mrs. Harvey was the wife of Ashton Harvey, the millionaire corporation lawyer of New York, and lived in a magnificent country estate at Short Hills. The body was found today after an all-night search. Her husband believes she committed suicide. She had long been a sufferer from headaches and grieved deeply over the death of her eldest son.

JUDGE FREES CHICAGO MAN

Geo. W. Fitzgerald, Accused of \$173,000 Theft, Released Today.

(By Associated Press.) CHICAGO, Sept. 10.—George W. Fitzgerald accused by the state authorities of the theft of \$173,000 from the United States Treasury, here, was freed by Judge Chetlain today. United States Sub-treasurer Boldenwreck acting on instructions, would not disclose the evidence gathered by the federal authorities when he took the stand and refused to testify. Judge Chetlain thereupon dismissed the case.

JONES WINS IN WASHINGTON

Complete Returns From Primary Show Ankeny Is Badly Beaten.

(By Associated Press.) SEATTLE, Wash., Sept. 10.—Partial returns compiled by The Times from 36 out of 37 counties, show the vote on United States senator to be: Jones, 32,129, and Ankeny, 16,058.

Incomplete returns on governor up to 2 o'clock on first choice give Cosgrove 21,659; Mead, 23,626; McBride, 21,430. On second choice, Cosgrove has 19,328; Mead, 10,104, and McBride, 9,611.

VOTE ON CANDIDATES.

Jones Has Nearly Two to Ankeny's One.

(By Associated Press.) SEATTLE, Wash., Sept. 10.—Incomplete returns leave no doubt as to the nomination of Representative Wesley L. Jones for United States senator over Levi Ankeny, the incumbent. To succeed Jones as representative in congress from the third district, Miles Poindexter of Spokane, has been chosen. There is no opposition to Wm. E. Humphrey of Seattle, in the first district, and Francis W. Cushman of Tacoma in the second district.

MAY KEEP UP FIGHT.

Ankeny Refuses to Say He Will Abide by Primary.

(By Associated Press.) SPOKANE, Wash., Sept. 10.—Senator Levi Ankeny, who appears to be decisively beaten by Congressman Wesley Jones, in Tuesday's direct primary vote for United States senator when asked by a Chronicle reporter if he will abide by the result vote replied, "I cannot state that." "If you are defeated, will you quit the fight?" "I cannot say what may be the developments." "Well, is there a possibility that you will go before the state legislature with your candidacy?" "I do not know."

Nearly all the newly elected members of the legislature are formally pledged to the senatorial candidate receiving the highest vote on direct primary.

PASS UP DIVIDEND.

(By Associated Press.) NEW YORK, Sept. 10.—The directors of the American Locomotive Company today passed the quarterly dividend on the common stock. The last quarterly dividend was 1 1/2 per cent. The regular quarterly dividend of 1 1/2 per cent on the preferred was declared today.

STANDARD OIL COMPANY SAYS GOOD LAW REVERSED BIG FINE

CHARTER VOTE SEPTEMBER 19

North Bend Voters Will Pass On Document Week From Saturday.

The North Bend city council at its last meeting adopted the proposed new charter and made arrangements to submit it to a vote of the electors of the municipality at the special election to be held Saturday, September 19. The principal feature of the new charter is increasing the limit of indebtedness which will permit the city to make many public improvements. The polls on election day will be open from 7 o'clock in the morning until 6 o'clock in the evening, and it is believed that the charter will carry by a big vote.

There has been considerable talk in North Bend of having the city install its own water system providing the new charter carries, increasing the limit of indebtedness to figures that will permit the municipality meeting the cost of the utility.

Other Matters Up. Mayor L. J. Simpson was present for the first time in about ninety days.

An ordinance vacating the streets and alleys in the new school grounds was passed.

The construction of a ten-inch sewer on Connecticut avenue, between Sherman and Union was ordered. It is proposed to order this extended several blocks at the next meeting of the council.

It was announced that the installation of the new salt water fire main would begin within a week or so, and be rushed to completion. It will take about ninety days to install the system.

Contractor Rennie is rushing the street improvement work and has engaged Contractor Burns to do part of the excavating so that the plank paving can be laid before there will be any wet weather.

BOOSTERS MEET FRIDAY NIGHT

Committee Will Make Report On Conference With E. H. Harriman On Railway.

The Marshfield Chamber of Commerce will hold one of the most important meetings of the year Friday night to hear the official report by J. E. Oren, Dr. E. Mings and Col. Wm. Grimes on their conference with E. H. Harriman regarding the Drain-Coos Bay railroad. The meeting will open about 8 o'clock and Dr. J. T. McCormac will preside.

In addition to the railroad matter, other matters of importance will come up and President McCormac is anxious that every person interested in the future of Coos Bay be present and hear or participate in the discussion.

The report on the conference with Mr. Harriman will be very interesting as many details not hitherto made public will be brought out by the members of the committee.

The program will be impromptu and many Coos Bay boosters will talk on the various matters that will come up.

Are you cutting out your coupons in The Times Popular Voting Contest?

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Rockefeller Corporation Answers Government's Petition For Rehearing.

NO ERRORS IN ACT DECLARES CORPORATION

Takes Up Case Point By Point to Show Wrongful Conviction.

(By Associated Press.) CHICAGO, Sept. 10.—The counsel

for the Standard Oil Company of Indiana, in an answer filed today to the petition of the government authorities for a rehearing on the appeal from Judge Landis' judgment fining the company \$29,240,000 for violating the anti-rebate laws, upholds the decision of Judges Grosscup, Baker and Seaman of the United States Circuit Court of Appeals in reversing the judgment and lifting the burden of the enormous fine, as good law, amply justified by the records of the case.

Point by point, the answer which was formally placed on record by Colonel R. W. Stewart, general attorney in Chicago, for the Standard Oil Company, takes up the arguments of the petition for rehearing, which set forth the alleged errors and which particularly suggested that the upper court had erred in its understanding of what the trial judge had really said concerning the previous offenses by the Standard Oil Company of Indiana, or the Standard Oil Company of New Jersey.

Real Point at Issue.

"The real point is," says the answer, "did the trial court in imposing the assessment, take into consideration the relation between the Standard Oil Company of New Jersey and the Standard Oil Company of Indiana, and did it base its fine upon the wealth of the Standard Oil Company of New Jersey and its ability to pay instead of upon the wealth of the Standard Oil Company of Indiana, and its ability to pay?" The answer alleges that Judge Landis referred to the New Jersey corporation as "the real defendant" and the Indiana Company as the "nominal defendant."

Under the rules of the federal judiciary procedure, the government attorneys have the right to file a reply to the answer to their petition if they discover in it new matter, which they consider, needs a rejoinder.

MILLINERY OPENING.

Nettie M. Woolley & Co. desire to announce that they will open their new millinery store in the Johnson building on Second street, Saturday, September 12th. We will have on display the latest creations in fall and winter millinery and extend a cordial invitation to the ladies of Coos Bay to attend.

JAPAN CUTS EXPENSE DOWN

Marquis Katsura, New Premier, Addresses Mikado's Subjects On Economy.

(By Associated Press.) TOKIO, Sept. 10.—Marquis Katsura, the new Premier and minister of finance, in an address tonight, outlined a policy of rigid economy for Japan. He said that the patriotism of the people was as necessary now when economy is necessary to restore the credit, and confidence as it was during the Russian-Japan war. He declared a complete readjustment of expenditures was necessary.

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