

SENATE AND HOUSE OF OREGON LEGISLATURE ASSEMBLE WITH THE OUTLOOK THAT A SHORT SESSION WILL FOLLOW

READS THE MESSAGE OF FRAUD

Both Houses in Joint Assemblage Listen to Governor's Instructions.

ADJOURNMENT CALLED TAX TITLES INVOLVED

In Honor of T. N. Murphy of Union County—No Further Business Will Be Conducted Until Tomorrow.

(Journal Special Service.)
Salem, Dec. 21.—The city is a busy one today, in consequence of the assembling of the extra session of the legislature called by the governor of the state to repeat the Phelps law passed by the last legislature and which was found to be so faulty that it could not be operated.
All day yesterday and this morning lawmakers poured into the capital city and aside from the importance of the session the paramount question was and is, "How long will it last?" This afternoon it is believed by many that all business will have been accomplished by Wednesday night or Thursday morning at the latest.
The senate opened at 10 o'clock this morning and the roll call showed 17 present. Senator McGinn in a message asked to be excused as he was on business in California.
The opening of the senate was without incident or excitement, or was rather like the convening of a session that had been out on recess for a few minutes. The old organization was taken for granted and was ratified only as a matter of form. When the roll was called not enough members were present for a quorum and a motion was made for an adjournment, when in came Senators Mays and Mulkey, and business proceeded. Names of three candidates were submitted for sergeant-at-arms, McCane of Portland, Worsley of Clatsop and Terrell of Marion. Senator Miller (Dem.), suggested that the senate go into caucus to line up before taking action. After two ballots Terrell was elected. Senator Miller presented a resolution giving newspapermen the privilege of occupying tables within the railings of the chamber. This was adopted. Salem, Or., Dec. 21.—From the moment that Speaker Harris' gavel fell in the house, calling it to order, it became apparent that the Republicans were determined to have a long session. Scarcely had the usual resolutions providing for the organization of the house and the retention of the old committees and the adoption of the rules of the last session been passed when Blythe of Linn filed a resolution providing for the limitation of the work of the legislature to the tax question, but this was referred to the resolutions committee, and all effort of the delegates to secure an immediate vote on the question were futile. Bursleigh followed with a resolution limiting the session to three days, which met a similar fate, being referred to the committee, and the effort of Bursleigh to call up the same measure with failure, only six Democrats supporting his proposition. It was evident from the first moment that the Democrats' program, which was in accordance with the governor's desire to hold a short session and enacting only remedial legislation, was doomed to defeat, the majority voting solidly against every Democratic proposition to limit the session. Action of the Republican members indicated a strong desire to get together and arrange a program for general legislation, and this will doubtless follow at a conference which it is rumored will be held tonight. Whatever influence leaders in the house have over their followers will doubtless be exerted in favor of a longer session than three days, and some members are beginning to talk 20 days. The Republican program in the house now appears to be to enter on general legislation, and this feeling will doubtless culminate in a caucus tonight.
Jay Tuttle, elected to fill the vacancy of Senator Fulton, took his oath of office. Ex-County Judge G. P. Terrell of (Continued on Page Six.)

(Journal Special Service.)
Salem, Or., Dec. 21.—Justice Moore of the supreme court at noon today handed down the following decision:
"The initiative and referendum amendment was legally proposed and adopted, and not in conflict with provisions of the constitution, and that the question of whether a law is necessary for the immediate protection of the public peace, health or safety, and consequently excepted from the operations of the amendment, is a legislative and not a judicial question."

City Attorney McNary said concerning the decision: "The action of the supreme court decides that the initiative and referendum measure was legally adopted, but that the legislature had the right to declare an emergency, and that it is a legislative and not a judicial question, therefore, the charter went into effect the day of its approval by the governor, which is a sustaining of the charter of the city of Portland, and of the contention of the city in the action brought by Kaderly and others against the municipality."

POSTAL AND ARMY SCANDALS RECALLED BY A PHOTOGRAPH



Washington, Dec. 21.—The above is the latest photograph of the president, with Mark Hanna on his left and Postmaster-General Payne on his right. It is said that the picture of President Roosevelt, seated between Senator Hanna and Postmaster-General Payne, needs only the figure of Mr. Heath in the background to make it a capital campaign document for the Democrats.

EXTRA SESSION MESSAGE BY GOVERNOR OF OREGON

Gentlemen of the Senate and House of Representatives:
The constitution of this state provides that the governor may on extraordinary occasions convene the legislature assembly by proclamation, and that instrument makes it his duty to state to both houses when assembled the purpose for which they shall have been convened.
An act was passed at the last session of the legislature entitled, "An act to provide a more efficient method for the assessment and collection of taxes, and to amend sections 3057, 3058, 3059, 3060, 3061, 3107, 3112, 3116 and 3120 of Beilinger and Cotton's Annotated Codes and Statutes of Oregon." (See Acts 1903, page 295.)
In order to test the validity of this law, and to ascertain the effect of certain changes made thereby in existing laws, a suit was instituted in the circuit court of Multnomah county a few months since, to enjoin the officers of said county from proceeding to levy a tax on the assessment roll for 1903.
By express provision, the law referred to was to go into effect and be in force from and after the first day of January, 1904. The purpose thereof was to change the dates upon which the several officials are required to be performed by the assessors, by the county clerk, and by the governor, secretary of state and state treasurer were to be performed by them.
A decree was rendered by the circuit court enjoining the levying of a tax by the county court of Multnomah county on the roll of 1903, and on appeal to the supreme court the judgment of the lower court was affirmed.
In discussing the questions involved in the suit, the supreme court in the case referred to, said: "All the dates in the process are completely shifted. That is to say, instead of beginning the assessment on the first Monday in March, and making it as of that date, returning the roll on or before the first Monday in September, giving notice of the meeting of the board of equalization on the last Monday in August, to examine and correct the roll, making the estimate and levying the tax at the January term of the county court, and apportioning the revenues by the said board to the several counties in January, the amendments contemplate that the assessment shall begin on the first Monday in January, and be made as of that date; that the return shall be made on or before the first Monday in July, and notice given of the meeting of the board of equalization to be held on that day; that the estimate be made and tax levied at the September term of the county court, and that the apportionment of revenues to the several counties shall be made in July, and instead of the taxes becoming payable on the first Monday in April and October, and the sheriff shall proceed with collections after the first Monday in February, extend the delinquent list after the first Monday in April and give notice for the delinquent sale to be held not later than October 1. The true situation relative to the matters alluded to is to be replaced by the amendments, thus abrogating completely the law as it now stands. It is not the case of a repeal, either directly or by implication, except as the amendments supersede and displace the old statute. The new is substituted for the old, leaving no vestige of the old for operation. The logical consequence is—that the county court or the board of county commissioners will be left without power or authority to estimate the amount of money to be raised for county purposes, or to apportion the same with the state and school taxes according to the valuation of the taxable property in the county, or to levy a tax thereon for the purpose of raising revenue at its January term. So with the governor, secretary of state and treasurer. They can not act in apportioning the revenue for the state among the counties until July. What ever act shall be or shall have been regularly done under the old law up to the time of taking effect of the amendments, must stand as perfectly valid and effectual; but no act can be performed thereafter under the sections of the old law falling within the purview of the amendments, simply because it will not then exist or be at all operative, having been wholly obliterated and displaced by such amendments. Such is the necessary and inevitable effect of the legislation, adopted no doubt in its present form through casual oversight, and although it may operate unfortunately in leaving the state and its subordinate political subdivisions without adequate revenues for the current year, the courts are powerless to remedy the evil. They cannot legislate, but must construe the law and determine its effect as they find it, and beyond that they cannot assume to act."

Flanders vs. Multnomah county et al., decided October 31, 1903.
The result of the decision of the courts is, that what there may be a valid assessment of property for the year 1903, made prior to the taking effect of the amendments, no levy was made or could be made under the old law, and there will exist no power or authority under the new law or otherwise to make any levy prior to the first Monday in April, following, and no remedy will remain or exist to be applied for its collection until after that date.
Under this decision, the work done by the assessors of the several counties in making the assessment rolls for 1903 is work thrown away unless some immediate legislation is had empowering the county authorities to levy a tax thereon, and the governor, secretary of state and state treasurer to make an apportionment of the revenues to be raised for the state among the several counties thereof. Consequently no revenues could be raised on the assessment rolls of 1903 for state, county, district or city purposes without new and express legislation.
The fiscal year of nearly every city in the state ends December 31, and a full knowledge of the requirements of the cities and the necessary revenue to be derived from taxation for an ensuing year cannot be obtained until after an accurate statement of the finances of each city is made at the close of a current year, and therefore a levy of taxes made prior to January 1 would not be based upon any official accuracy. Moreover, nearly all of the city charters have been drawn with the purpose of making a levy after January 1. Consequently, the amendment to section 3058 of Beilinger and Cotton's Code as found in the Acts of 1903 at page 22, ought to be repealed.
In my opinion, sections 3057, 3058, 3059, 3060, 3061, 3107, 3112, 3116 and 3120 of Beilinger and Cotton's Annotated Codes should be repealed by appropriate legislation after the repeal of the act found on page 295 of the Acts of 1903, and after the repeal of that other act purporting to amend section 3058 of Beilinger and Cotton's Code, found at page 22 of the Acts of 1903, and I recommend this legislation for your consideration.
GEO. E. CHAMBERLAIN.

POSTMASTER AT KEASAY.
Washington Bureau of the Journal.
Washington, Dec. 21.—George H. Bitts was today appointed postmaster at Keasay, vice E. W. Keasay, resigned.

MASSACRE PLANNED

Christmas Day Named for the Extermination of Jews of Kishinef

GOVERNOR UNFRIENDLY THE BOARD IS FEARFUL

Consternation Caused by the Report Which Says Troops Will Not Interfere in Contemplated Outrages.

(Journal Special Service.)
Berlin, Dec. 21.—Great excitement is apparent today throughout this capital, and probably throughout Europe, which is occasioned by confirmed reports from Russia that another massacre is planned for the Jews of Kishinef and for their complete extermination.
It is also reported that in other provinces of Russia are massacres scheduled for Christmas day.
The Jews of Kishinef are panic-stricken and are fleeing from the city in great numbers.
It has been ascertained that the new governor is no longer friendly to the Jews and has notified them that he will be unable to answer for his troops in case of an outbreak.
The Tageblatt publishes a dispatch from St. Petersburg today which states that the governor of Kishinef has received instructions from St. Petersburg to adopt a hostile attitude toward the Jews.
London, Dec. 21.—Authenticated reports are received here this morning to the effect that a general uprising is soon to occur in Russia against the Jews. So intense is the anti-Semitic feeling that in several cities Israelites dare not show themselves upon the streets. Jewish women are openly insulted in public and men are stoned without provocation. It is reported that the Russian government encourages the actions of the Gentiles.
In many remote cities Jews have been compelled to give up their business pursuits. Many of the wealthiest are trying to get out of the country.
Christmas day is set for a general massacre in Kishinef, and the governor of the province has decided not to interfere.
DEAD HAULED IN EXPRESS WAGONS
(Journal Special Service.)
Chicago, Dec. 21.—The first step toward peace in the livery drivers' strike was made this morning, when the liverymen sent a communication to union officials asking if they would permit union men to take out hearses at a scale which will be \$2 per day. The union meets this afternoon to consider the proposition.
Although heavy details of police were sent to all stables, undertakers gave up all attempt to start hearses this morning. The dead are either buried or are being taken to cemeteries in express or dead-wagons. Half a dozen funerals occurred last night of bodies which have been awaiting burial since the strike began. They were hurried through the dark streets to avoid strike sympathizers and were rushed to the undertakers' places where secret all notices of deaths of importance to prevent pickets watching funerals.
COLONEL JONES OF HAWAII EXPLAINS
(Journal Special Service.)
Honolulu, Dec. 21.—Colonel Jones of the Hawaii National Guard, who refused to write his talk with General MacArthur, alleging that war was imminent with Germany, says that it was written and transmitted by him to the governor solely by way of illustrating the military and naval importance of Hawaii and for the purpose of interesting the governor in the National Guard appropriation. Colonel Jones says the conversation ranged over a wide field on the social occasion, and men's memories differ as to what was said under such unofficial circumstances.
ISSUES NOVEL CALL.
(Journal Special Service.)
Chattanooga, Tenn., Dec. 21.—The United Christian party has issued a call for a convention to nominate a president to be held in St. Louis, May 1. The call is issued to "All people who believe that war and all unnecessary taxation should cease, and Christ's golden rule should be applied to all governments by and for the people."

OCEAN DUTY BATES.
(Journal Special Service.)
Washington, Dec. 21.—A treasury department circular has been issued declaring the new rate of duty in the Cuban reciprocity bill will become operative after midnight December 22.

EXPECTS NO SPLIT

Rev. J. F. Ghormley Will Establish East Side Church.

THE BOARD IS FEARFUL

Secret Meeting of Heads of First Christian Congregation to Find Ways to Prevent Division—Letter Proposed But Rejected.

In the near future a Christian church will be opened at Twentieth and Salmon streets with Rev. J. F. Ghormley, now pastor of First Christian church, as minister in charge. With the advent of the new church there seems to be a strong possibility that a considerable per cent of the membership of the First Christian church will follow their minister to his new field.
When the resignation of Rev. Mr. Ghormley from the pastorate of the First Christian church was announced some weeks ago, leading members of the church took to their own rooms to begin an investigation. This resulted in a secret meeting of the church board early last week at which a proposal was considered to send to the members of the church a circular letter charging them to stand fast to their organization. This letter was advocated by a member of the board, but was voted down and no definite action toward holding the congregation together was taken. Members of the board refused to discuss the situation or to tell what action, if any, they would take and no further campaign for the protection of the interests of the First church has been made by the board of that organization.
Says He Wants No Schism.
When asked about the threatened division Rev. J. F. Ghormley yesterday said:
"I know of nothing 'the board has done. I learn for the first time that such a letter was proposed and, in my judgment, the only effect of such a letter would be to send 50 per cent of the membership of the First church to the new organization. I do not desire to take a vote from the First church, and though 50 per cent of the members live on the east side, I doubt if more than 20 will change their church relations. There is room for both organizations. There is an abundant field for the new church, there is a need for a church in the vicinity among our people, for we have lost many members to the Methodists and other churches that have an organization there."
"An east side church is not a new idea. We have been holding prayer meetings over there each week for two years. The church has been incorporated and we have an option on property where at a near date, we will build a church. I expect to make my home near the church. The new body has extended me a call, which I have accepted. I shall take charge after my California trip."
His Pastorate Here.
"When I assumed the pastorate of First church several years ago there were few members and I agreed to serve for the net free will offerings—that is what was left after all other expenses had been paid. Then I did and built up the church until today we have 600 resident members."
"I have had many calls into the evangelistic work and had a successful work on the coast which I could return to easily if I desired to enter the general field. I trust that the leaders of First church will make no antagonistic movement, for it would be unfortunate. I desire only to build up the east side church from those not members of either First church or the Albina congregation and this morning I asked the members of First church to stand by their new minister and I expect to work in perfect harmony with him."
Mr. Ghormley stated that among a few of his flock in the First church there had been a feeling of opposition to his work and intimated that because of this lack of confidence he resigned six months ago. At first the church refused to accept his resignation, but when convinced that it was made in good faith agreed to the change.
"While unwilling to make a public statement it is understood that certain members of the official board hold the opinion that Mr. Ghormley organized the east side church to drain from First church many members who are his strong friends and to combat this threatened sundering, the secret meeting was held to adopt restrictive measures. It is also stated that the leaders in the board object to a published statement that Mr. Ghormley's work has been the chief cause of the church's success during his pastorate of First church."