

PENDLETON, UMATILLA COUNTY, OREGON, TUESDAY, DECEMBER 22, 1903.

NO. 4926

TO ADJOURN WEDNESDAY

Resolutions for a Session.

RESOLUTIONS FOR A SESSION.

Resolved in the caucus after a hot fight. Be considered first, of Armstrong, Portland Canal, Car Shortage to Follow—Republican Roosevelt—Much Dislike at Decision of Caucus Motion to Reconsider One Vote.

Special to the senate. Both the senate and the house have adopted the extra session for the caucus.

Work in caucus. Afternoon's caucus in a hot discussion, Wednesday night, by a caucus. The motion of this was lost by only a few votes. Many think the session should be held at the large number of bills requiring time to con-

Decided to give the subjects preference: First, canal; second, hanging law; third, Cello canal; fourth, car short; fifth, car shortage; sixth, flat sal-

voted to ask the secretary for a copy of vetoed copy of the attorney-general on the legality of coming by the special session. There are dissatisfied by the caucus and will in manner of legislation.

Indorse Roosevelt. In caucus unanimous resolution in favor of pledging him to republican party. In the house, and in the senate, McGuire, of are absent.

Right of Way Bill. Right of way bill is in the hands of the committee. It provides for \$100,000 for a road and creates a board of the governor, secretary of state and treasurer to conduct right of way and turn over to the federal government the latter to build a canal not interfere with the road.

Introduced. Bills were introduced in the morning. Among local importance are: a bill which provides no action maintained against any party officer.

Linncoln, house bill No. 100, relative to the sale of land, relative to assessment to construct a canal and the rapids in the Co. joint memorial by the read and adopted by making it a crime to in- or flames for irrigation purposes. For salaries of state

is bitterly opposed to Degree Murder. Rodgers was found guilty of murder. A degree, having on trial for the past year her husband was shot where, another half-witted paragon was murdered with his body into the river.

the appropriation for the purchase of right of way for the Cello canal, introduced house bill 35, to repeal the Cello-Dalles portage railroad act. The bill was rejected by the house. Bills incorporating Lostine, Walla-walla county, passed both houses. By Blakeley, of Umatilla, a bill repealing the act incorporating Adams, passed both houses.

Republicans Fear the People. At a caucus this noon, it was decided to clean up pending legislation and finish Wednesday night or Thursday night, at latest.

Prominent republicans say it would react against their party to hold a long session and create expense.

No Hope for Vetoed Measures. In an interview with Governor Chamberlain today, and in answer to the question, "What do you think of the house resolution to bring up the bills which were filed by the last legislature with the secretary of state, and which were returned by you? Do you think the legislature will go ahead and pass them over your veto?" he said the attorney-general holds that the "next session" means the next regular session, not this special session, and, moreover, the senate has moved to indefinitely postpone action upon them, so that settles that question.

Favors Charter Bills. "While I think it is a mistake to hurry up so much new legislation in the limited time they have to consider the measures, still, I have no objection to the bills incorporating towns, changing charters, and other measures which do not contemplate the spending of the people's money. While I do not wish to seem to make threats, still I certainly will watch all measures passed, very carefully, and exercise my prerogative of the veto. There are only two measures which require legislation, the tax law and the right of way for the Cello canal. The other matters can easily wait."

TRUCE DECLARED IN THE LABOR WAR

ARBITRATION AGREED UPON BY BOTH SIDES

Grand Jury is Investigating Responsibility for Riots—Attempt to Hold Unions and Members Jointly Responsible for Orders and for Executing Them.

Chicago, Dec. 22.—A truce in the livery drivers' strike this morning permitted burials where hearses were used without interference. Meetings will be held by both sides this afternoon to arrange for arbitration.

Grand Jury Investigating. Chicago, Dec. 22.—The grand jury today began the investigation of local labor troubles with the object of indicting persons who have incited riots, or appeared in them.

Public indignation is aroused by the attempts of pickets to prevent the burial of dead because of the strike of horse and carriage drivers and demands some effective measures against such scenes as have been enacted during the past four days.

State's Attorney Dineen caused a summons to be issued today for members of the Pressmen's union and Streetcar-men's union and others accused of inciting riots. Efforts will be made to get union records before the grand jury. If the minutes of the meetings show resolutions to employ slugging committees, every person at the meetings is liable to indictment for criminal conspiracy and the unions are liable to pay fines for the acts of its members while acting as pickets. Publishers and railway officials appear to give testimony.

GRAIN MARKETS.

Quotations Furnished by Coe Commission Company—B. E. Kennedy, Local Manager.

Pendleton, Dec. 22.—Liverpool wheat opened 3/4 lower to 1/2 higher, seaboard confirmed 120,000 bushels sold for export yesterday. The market opened steady to a shade higher in Chicago and a shade lower for May in Minneapolis. There was some further covering by shorts and offerings were not large at the opening. Sales of stocks to noon, 131,200 shares. This explains the stock market up to the present time better than we can. However, we might say the situation is unchanged with easier monetary conditions.

Table with columns: Wheat—Opening, Close, May, July, Minneapolis, Dec. 22, Wheat—Opening, Close, May, July, Chicago Wheat, Chicago, Dec. 22, Wheat opened 82 1/2, closed 82 1/2.

Columbia county has purchased a rock crusher for \$3,000 and will build several miles of crushed rock road the coming year.

CHAMBERLAIN'S MESSAGE TO THE SPECIAL SESSION

Comprehensive and Accurate Review of the Conditions Making the Special Session Necessary.

All Official Procedures for the Levying and Collection of Taxes Are Stalled Until Legislation is Effected Amendatory of Present Bungle Law—General Revision of Tax Laws Necessary to Correct Inconsistencies and Absurdities Which the Governor Notes.

Salem, Dec. 22.—Following is the message of Governor Chamberlain, setting forth the reasons for calling the legislature together in extraordinary session: Gentlemen of the Senate and House of Representatives: The constitution of this state provides that the governor may on extraordinary occasions convene the legislative 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.

The Tax Law is Passed. 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, 3060, 3082, 3084, 3085, 3090, 3098, 3106, 3107, 3112, 3116 and 3120, of Bellinger 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 acts required to be performed by the assessors, by the county courts, and by the governor, secretary of state and state treasurer were to be performed by them.

Multnomah Levy Enjoined. 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, says: "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 to 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 requiring the sheriff to proceed to collect after the first Monday in May, to extend the delinquent list on the roll after the first Monday in October, and give notice of the sale of real property for delinquent taxes, to be made not later than March 1, the amendments contemplate that the tax shall become payable on or before December 31 and the first Monday in April following; that 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 of the delinquent sale to be held not later than October 1. The true situation is perfectly manifest. The old statute 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."

No Authority to Make Levies. 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. Whatever act shall be or shall have been regularly done under the old law up to the time of taking effect of the amendatory act, must stand as perfectly valid and effectual; but no act can be performed thereafter under the section 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 ascertains 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 whilst there may be a valid assessment, 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 next September term of the county courts or boards of county commissioners, nor will any tax become due or payable until on or before December 31 and the first Monday in April following, and no remedy will remain or exist to be applied for its collection until after that date.

Necessity for Action. 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 legislative authority. As a result of this there would be insufficient moneys in the state, county, school district, and city treasuries to meet current expenses, and warrants drawn would of necessity be indorsed "Not paid for want of funds," and would each and all bear interest until provision could be made by subsequent appropriate legislation to raise money sufficient to meet the deficiency. It is impossible to determine at this time how great the deficiency would be and how large an interest payment would be required to be made later on by all of these municipalities. Chaos in fiscal affairs of the state would be the result, and to avoid this condition I have felt it incumbent upon me, after personal investigation and after correspondence with members of the legislature and numerous representative bodies and citizens of the state, to convene the legislature in extraordinary session, to the end that the act referred to may be amended so as to give it force and immediate vitality, or repealed and the law reinstated as it existed prior to the attempted amendment.

General Tax Revision Needed. That the tax laws of the state need revision there can be no question. Repeated amendments from time to time have but made confusion worse confounded, and it was for this reason that in my last message to your body I earnestly recommended the creation of a tax commission with ample powers to prepare and report to a subsequent session of the legislature a law which would reduce the crazy-quilt legislation now on the statute books to a harmonious whole, and give it the order and method of a code.

Inconsistencies Cited. Take as an instance of inconsistency in the tax legislation passed at the last session of the legislature: Section 3098 of Bellinger & Cotton's Code provides that "it shall be the duty of each school district and of each incorporated town and city to

notify in writing the clerk of the county court in the county within which the school district, town or city is respectively situated, of the rate per cent of the tax levy made by it on or before the first day of February in each year, which notice shall be kept on file by the several clerks and remain a part of the records of the office." On page 23, Acts 1903, this section was amended so as to require the clerk of the county court to be notified on or before the first day of January in each year. On page 295, Acts 1903, this same section of the statute is attempted to be amended so as to require the clerk of the county court to be notified on or before the first day of September in each year. This is one of many instances of similar inconsistent acts and amendments.

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 3098 of Bellinger & Cotton's Code as found in the Acts of 1903 at page 22, ought to be repealed.

In my opinion, sections 3057, 3060, 3082, 3084, 3085, 3090, 3098, 3106, 3107, 3112, 3116 and 3120 of Bellinger and Cotton's Annotated Codes should be reinstated 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 3098 of the Bellinger & Cotton's Code, found at page 23 of the Acts of 1903, and I recommend this legislation for your consideration.

CHRISTMAS AT THE MISSION

TREE WITH PRESENTS ON FRIDAY NIGHT NEXT.

Protracted Meetings Began at Presbyterian Church on the Reservation This Evening—Big Dinner Will Be Given at the Mission on Christmas Day—No Set Program.

Rev. J. H. Cornellison, the pastor in charge of the Presbyterian mission on the reservation, was a Pendleton visitor today, on a Christmas buying expedition. He is making preparations for the Christmas tree that will be given at the mission on the night of Christmas.

This evening a series of camp meetings will be started which will last for a week or over. Last year a large number of people came to these meetings, and the indications are that this year will see an increased attendance. Services will be conducted for a week or more by the pastor and his assistants, and it is thought that a very enjoyable and profitable time will be had. Families from all of the surrounding country come to the meetings and great interest is manifested in them.

The mission will have its tree on Christmas night, and as all of the campers will take part, a large crowd is expected to receive presents from it. On Christmas day will be given a big dinner at the mission, and this is one of the events of the week, for last year at least 250 persons took dinner at the mission, and this year it is thought the number will be greater than before.

There will be no set program for the night of the tree, but before giving away the presents there will be a prayer meeting, which will be thrown open to all, and at its close the tree will be relieved of its load of presents.

To Multiply Their Nickels. Enthusiastic members of the First Methodist Episcopal church pledged \$5,500 at the morning service yesterday to carry on their work for the present year, which ends next October. In addition, Rev. A. R. Lambert expects to raise \$1,500 from the "talent fund." That is an ingenious device for getting money after the fashion set by the master, told in the New Testament, who, going on a long journey, gave each of his servants a talent. One of them, as is well known, buried his talent in a napkin, but the others made good money on theirs. The old Hebrew talent was worth from \$1,500 to \$2,000. Dr. Lambert won't issue that kind. Instead he will give a bright, new, shiny nickel to each of 200 parishioners. Each is expected to turn at least \$10 into the church treasury as the proceeds of its investment before the end of the church year.—Spokesman-Review.

B. M. Sparks, a reporter for the Baltimore American, went to a dance in the tough part of that city, to get material for a "story." He was "piled" by toughs and shot at three times before he could get away. He was uninjured.

TRIPLE ALLIANCE FOR THE FAR EAST

Puts an Altogether New Face on the Russian-Japanese-Chinese Embroglio.

JAPAN WILL BE CONCEDED FOOTHOLD ON MANCHURIA.

Ambiguous Movements of Russian Warships in Korean Waters—Lloyds Again Advances Insurance on Vessels Bound for Japan—New Agreement Affects Both Asia and Europe.

London, Dec. 22.—Diplomatic circles are agog over news showing a secret offensive and defensive alliance between Germany, Russia and Japan under which Japan will gain a foothold on the Asian mainland. It is here regarded as the beginning of the partition of Korea, the equivalent of a formal annexation of Manchuria to Russia, and of the latter hereafter dictating the policy and directing the ultimate destiny of China.

Russian Naval Movements. St. Petersburg, Dec. 22.—A message from Port Arthur today says the Russian warships which recently went to Chemulpo, Korea, have returned to Port Arthur. The cruiser Bokaro is the only vessel left at Chemulpo. The Russian admiral, Stark, commanding the squadron, has been formally received by the emperor of Korea.

Ocean Insurance Advanced. London, Dec. 22.—Lloyds has again advanced insurance rates on Japan-bound vessels.

IRRIGATION DISTRICT CARRIES. Fifty-five Votes for and Fourteen Against Farndale District.

Milton, Dec. 22.—The election in the Farndale irrigation district yesterday resulted in the formation of the district, by an overwhelming majority, the vote standing 55 for and 14 against.

The following directors were elected: William Lloyd, J. C. Pritchett, W. L. Powell, W. H. Wilcox, and George Lydel; assessor, G. A. Hobbs; collector, William Forsythe, and treasurer, H. L. Cauvel. The directors will elect the president and secretary from their number.

OHIO BURGLARY.

Store and Postoffice Robbed and Much Merchandise Taken.

Adelaide, O., Dec. 22.—Burglars last night looted the postoffice and Smith & Mitchell's store. They got a small amount of money and stamps, loaded a wagon with valuable merchandise amounting to several hundred dollars, and escaped.

ROYAL SPORT.

Boars and Stags Must Be Scarce in Baden Forest Preserves.

Berlin, Dec. 22.—The Grand Duke of Baden, who is 77 years old and feeble, while hunting today, shot and slightly wounded his own minister of finance. Shortly after he shot his forester so seriously both legs had to be amputated.

BURGLARS' BIG HAUL.

Blew a Safe in Illinois Town and Got \$5,000 Cash. Tower Hill, Ill., Dec. 22.—Robbers blew the safe of the bank at Tower Hill, last night, got \$5,000, stole a horse and buggy and escaped.

"JACK THE RIPPER."

Sailor Under Suspicion and Arrest in New York. New York, Dec. 22.—Sailor Tottenham, who murdered a woman Saturday, is believed by many to be "Jack the Ripper." He was arraigned this morning and remanded to jail.

The birth rate in Berlin has decreased from 46 per 1,000 in 1876, to 27 per 1,000 in 1902.

Hamburg Labor Riots. Berlin, Dec. 22.—Serious rioting took place in Hamburg today. Mounted police charged the mob and were overwhelmed. They secured reinforcements and charged with drawn swords and revolvers. Order was not restored until scores were wounded. Many rioters were arrested. The rioters are dissatisfied workmen and their wives.