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BILLS KILLED AND PASSED

Some Good Bills Meet an Early Death and Bad Ones Live

Capitol, Salem, Ore., Feb. 3.—With little or no discussion, the following bills reported unfavorably were indefinitely postponed this morning in the house.

H. B. 54, Farrell—Creating a board of control.

H. B. 149, Miller—Creating the county of Nesmith.

H. B. 38, Brady—Appropriating \$10,000 for the sufferers in the southern Italy disaster.

H. B. 56, Farrell—Investing the title to real property in receivers.

H. B. 120, Mahone—Establishing a two-commissioner district in Lincoln county.

H. B. 74, Campbell—Fixing the time in which deeds and other instruments may be recorded. A hard fight was made to save the last measure, but the opposition led by Bean and Breeke, was too strong for him to overcome.

BILLS PASSED.

Bills were read a third time in the house this morning and passed as follows:

H. B. 98, Farrell—Requiring all doors in public buildings to swing outward.

H. B. 85, Bean—Amending section 55 of the session laws of 1903, relating to the laying out of county roads.

H. B. 132, Purdin—Amending section 66 of the session laws of 1903, relating to the laying out and constructing of county roads.

H. B. 155, Dodds—Permitting members of the railway commission to ride on any engine or car of any train in the state.

H. B. 200, McCue—Amending the code relating to depositions.

H. B. 201, McCue—Amending the act empowering an executor to execute deeds.

H. B. 187, Buchanan—Appropriating \$4000 to pay the remainder on claims found due, and that may yet be filed by surviving veterans of the Indian wars of 1855 and 1856.

H. B. 205, Lane county delegation—Fixing the compensation of the county commissioners of Lane county, was read a third time and passed. The same action was taken on H. B. 234, Bedillion, amending the general laws relative to corporations.

Drain Nonpareil: Capt. L. B. Knauss, the famous Indian scout and sole survivor of the Custer massacre, is now a night watchman in Roseburg.

OREGON'S REFERENDUM LAW IS UPHELD

Salem, Ore., Feb. 2.—In a brief opinion the supreme court today, through Justice Bean, affirmed its former position regarding the constitutionality of the initiative and referendum amendment to the constitution and holds, aside from the validity of the amendment, that the Pacific States Telephone & Telegraph company must pay the 2 per cent tax on its gross earnings that was imposed by the people under the initiative at the general election in June 1906.

The case was brought in the circuit court for Multnomah county before Judge John B. Cleland by the state to compel the payment of the tax.

The case will be appealed to the supreme court of the United States by the telephone corporation for the purpose of giving the validity of the initiative its ultimate test.

COURT SHARPLY REAFFIRMS.

Regarding the constitutionality of the initiative, which constitutes the most important point considered by the attorneys for the defendant corporation in their brief, the opinion says:

"Whether the initiative and referendum amendment to the constitution is invalid because repugnant to the provisions of the constitution of the United States was thoroughly argued to and considered by this court in Kadderly vs. Portland and the views of the court as then and now entertained are indicated in the opinion filed in that case and it is needless to restate them at this time."

PHONE COMPANY'S CONTENTIONS.

The three main contentions of the telephone corporation were:

First—That the initiative act requiring it to pay such a license was void because never approved by the governor.

Second—That all taxes required by the laws have been paid and this act is invalid because the constitution provides that "all taxes shall be equal and uniform."

Third—That the initiative and referendum amendment is unconstitutional.

In all points the decree of the lower court was affirmed. Judge Cleland of Multnomah county held that the corporation was liable to pay the tax imposed upon its gross earnings and that none of the steps taken to enact the law requiring the tax were in violation of either the constitution of the state of Oregon or the constitution of the United States.

Fifteen hundred dollars was paid in Boston for a hen a few days ago: Just an ordinary looking partridge Cochin fowl. "It's simply a case of selection, care and feed," explained the breeder, as he pocketed the \$1500. A good deal of money for a hen. But worth that money.

NESMITH COUNTY MEASURE WAS DEFEATED BY A SMALL MAJORITY IN THE HOUSE

Twenty Bright Oregonians Stood Solidly for the Only Child of Progress and Advancement Conceived at This Session of the Legislature—An Initiative Vote will be Next Move of Nesmith People.

POLITICIANS FIGHT DEVELOPMENT.

Everybody but the politician knows it would have been a good thing to create Nesmith county.

The politicians help development of a state very little and many of them are a positive hindrance.

For instance, the city of Portland has about 600 on the payrolls but has to hire an outsider to boost the town.

It would be a Godsend to Oregon to create ten new counties.

It would open up new communities and develop new centers of growth.

But the politician fights anything that breaks in on his graft.

Create Nesmith county and every office holder in Lane and Douglas county would have his graft minimized.

What is a committee on counties for but to create new counties?

It is certainly not to reduce the number of counties.

But Oregon must fight for every new county that is created.—Salem Journal.

Salem, Ore., Feb. 3.—The bill creating Nesmith county was killed in the house today by indefinite postponement, the vote being 33 to 20, seven absent. When the house convened this morning the committee on counties presented an adverse report on the bill. Miller, of Jackson, who introduced the bill by request, urged that the report of the committee should be rejected that the measure might come before the house and be considered on its merits. Libbey and Jaeger also pleaded for the new county. Jones, of Douglas, was the only member to speak for the adoption of the committee report and the bill. He denominated it as nothing but a scheme of the Cottage Grove Commercial Club to make that live town a county seat. The wiser county seat politicians of Lane and Douglas maintained a judicial silence. Libbey warned the house that if it wanted to save the people the expense of a referendum vote it had better pass this bill. Jaeger said it was strange no member was here to help create a new county.

There were 20 noes against premature legislative squelching of the only new county at this session.

The report of the committee was adopted and the bill postponed indefinitely with the following twenty members voting against the action of postponement:

ROLL OF HONOR.

Carter, Conyers, Couch, Farrell, Hines, Jackson, Jaeger, Jones (Lincoln), Libbey, Mahone, McKinney, Meek, Miller, Muncy, Munkers, Orton, Patton, Richardson, Smith and Speaker McArthur.

CRATER LAKE STATE ROAD.

Seventy boosters from Medford reached Salem this morning and will urge the legislature to make an appropriation of \$100,000 towards the proposed construction of a state wagon road from Medford via Crater Lake to Klamath Falls. This appropriation by the state is to be contingent on a contribution of \$250,000 from the government and the raising of \$150,000 by the counties of Jackson and Klamath and interested parties.

SUPPRESS SALE OF LIQUOR.

Representative Mahone introduced in the house today a bill for suppressing the sale of liquor in dry territory. Its provisions are drastic and severe penalties are provided for its violation. Possession of liquor by persons not legally authorized to sell it shall constitute prima facie evidence of a violation of the law and all such goods shall be confiscated by the authorities when found other than in a private dwelling. Senate this morning adopted a memorial to congress asking that the interstate commerce law be so amended as to prevent the shipment of liquor into dry territory.

RELIEF BILL KILLED.

The house today killed representative Brady's bill appropriating \$10,000 for the relief of the Italian earthquake sufferers. It

COUNTY SEAT TOWNS are always against county division.—Port- land Daily Journal.

was the sense of the members of the house that an appropriation of \$800,000 by the general government was sufficient without individual contributions by the various states.

FLAT SALARY FOR PRINTER.

Representative Bean's bill placing the state printer on a flat salary of \$4,000 per year after July 1, next, will be considered in the house as a special order at 10 o'clock Friday morning. This bill also creates a state printing board, consisting of the governor, state treasurer and chief justice of the supreme court which shall have general charge of all of the state's printing.

FOR SIX MONTHS' SCHOOL.

The house committee on education today reported favorably on Representative Hawley's bill requiring that at least six months school be taught each year in every school district of the state.

SOLDIER'S HOME CONTROL.

Campbell's bill, taking the control of the Oregon Soldiers' Home

out of the hands of the governor and vesting it with a board of control, consisting of three old veterans, was killed in the house Wednesday by a vote of 30 to 26, four absent. Campbell exercised his personal privilege and severely rebuked the house members for their defeat of a bill that was supported by the members of the Grand Army, whereupon the vote was reconsidered and the measure made a special order for next Tuesday.

INCREASE SALARY OF JUDGES.

The senate today defeated the bill providing for an increase in the salary of all circuit court judges from \$2,000 to \$3,000 a year.

ADJOURN FEBRUARY 10.

With only three dissenting votes, senate this morning adopted president Bowerman's joint resolution calling for an adjournment of the legislature next Wednesday, February 10. Before becoming effective, the resolution must pass the house. There is little likelihood that it will, as the lower branch of the legislature is far behind in its work and could not dispose of its congested business in time to comply with the terms of the resolution.

It may safely be predicted that the legislature will sit the full 30 days.

DELINQUENT LEGISLATION.

The initiative and referendum was the storm center of the senate yesterday afternoon. It was precipitated by Smith of Marion county, whose bill makes it a misdemeanor to pay for having the initiative petition circulated. The bill was defeated but not until every senator had been heard. It was charged from the floor that this measure was conceived by enemies of the initiative and referendum law who wished to discredit it or at least throw around it handicaps which would prevent the free invoking of the initiative or referendum. Senators supporting the bill declared they had only the interests of the measure at heart and only wished to prevent the use of the initiative for the adoption of foolish laws.

OBITUARY AND BIOGRAPHY, C. ROSS KING

C. Ross King, proprietor of the Corvallis Pharmacy, a prominent member of the Masonic fraternity and a well known and highly respected citizen died suddenly Sunday evening at his home on Third street from brain fever, superinduced by meningitis after a few days serious illness, at the age of 35 years and 10 months.

Mr. King was a native of Tennessee, having been born in Bedford county, in that state. He came west to Oregon in 1896, locating at Yoncalla, Douglas county, and removing to Corvallis in March, 1908, where he had since lived. He was married May 7, 1899, to Miss Blanche Daugherty, who with a little son and daughter mourn the loss of a devoted husband and loving father. The father and mother and a brother of the deceased live in Eugene, while another brother is in St. Louis, Mo. He was a graduate in pharmacy with high honors, having studied under private professors in Portland.

The funeral services were held last Tuesday, afternoon at 1:30 o'clock, at the family residence 324 South Third street, Rev. J. R. N. Bell officiating, while Corvallis Lodge No. 14, A. F. and A. M., conducted the burial service at the grave in Crystal cemetery in accordance with the solemn and impressive ritual of the Masonic fraternity, deceased having attained to the thirty-second degree in the order.

The sympathy of all will go out to the stricken family and relatives in their deep bereavement.—Corvallis Gazette.

A BIG TIMBER LAND DEAL IS CONSUMMATED

T. G. Hendricks, president of the First National bank, has sold a portion of his timber holdings in the Wolf creek country, in the Coast range, southwest of Eugene, to Porter Bros., through Earl Parsons, the well known timber dealer of Eugene.

The deal represents something over \$80,000 the acreage not being given out for publication. Mr. Hendricks owns several other large tracts of timber in that vicinity which he will hold for a while longer, says the Guard.

Porter Bros. are railroad contractors. They made a large sum of money on Hill's North Bank road and are investing their earnings heavily in Western Oregon timber lands.

Feb. 22 is the day set by the Woman's Club for the planting of sweet peas. Place your order for seed with your dealers, so as to be ready for the 22. Notice of prizes and date of show will appear later in the Leader.

CHORUS CLUB MAKES A HIT

Second Recital Was Well Attended--Boosters For Nesmith

The Chorus Club of the Royal Academy of Silk creek valley, gave another of their interesting and entertaining recitals in the armory theater in this city Wednesday evening and regardless of the very inclement weather on this date, quite a large audience braved the storm and thoroughly enjoyed the recital, every number being very enthusiastically received and heartily encored.

A new and entertaining feature of the entertainment was the numbers by the Chorus Club orchestra, organized recently with seven pieces, piano, four violins, cornet and bass viol. While only rehearsing a short time this musical organization is making very rapid progress and is able to render some excellent numbers in a very creditable manner.

The chorus was in good voice and showed the effects of efficient instruction in each of its splendid numbers.

The guitar solos by Miss Gertrude Emmerson and Archie Wilson were well rendered and struck a responsive chord in the audience.

The violin solos by Edward Babcock were well received and he has the faculty of producing a good sound from this popular instrument.

The piano solos and duets by Misses Gertrude Emmerson and Mary Hopper and Mrs. Johnson were well executed.

The vocal duet "Ship Ahoy" by Prof. Johnson and Prescott Wheeler was heartily encored.

The male quartet, Prof. Johnson, Prescott Wheeler, Frank Wheeler and Almond Owens, treated the audience to some excellent numbers both sentimental and humorous.

The ladies trio, "Sweet Rest" by Misses Amy Owens, Olive Parmele, Gertrude Emmerson, was a beautiful selection well rendered.

The vocal duet, "Whispering Hope" by Prof. Johnson and Miss Gertrude Emmerson, was one of the very best vocal numbers of the evening, the voices blending perfectly and this number received a hearty encore.

The baritone solo "Asleep in the Deep" was rendered by Edward Babcock in a very creditable manner.

The mixed quartet "Soft Floating on the air" by Hiram Wheeler, Olive Parmele, Mary Hopper and

(CONTINUED ON PAGE TWO)

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OLD OFFICERS OF BOOTH KELLY CO. RE-ELECTED

The annual meeting of the stockholders of the Booth-Kelly Lumber Co., was held in the company's office in Eugene Thursday and the old officers and directors were all re-elected. They are as follows: F. H. Buck, president; E. H. Cox, vice president; Geo. H. Kelly, secretary and treasurer; F. H. Buck, Geo. H. Kelly, E. H. Cox, P. S. Brumby, Chas. G. Briggs, J. E. Dannaher and A. C. Dixon.

No business of especial interest to the public was transacted. Some of the stockholders left for their different homes on the noon train and the others will leave tonight and in the morning, Guard.

DON'T LET THAT NEW SAW MILL GET AWAY

Cottage Grove is afforded an opportunity to secure another large saw mill plant by furnishing a mill site. We cannot afford to let this enterprise get away from us. It would mean another big pay roll for Cottage Grove. Get busy gentlemen of the Commercial club and copper that saw mill plant. What is the matter with that raven in the Perkins field on the O. & S. E. railroad 1/2 mile east of town at the foot of the Knox hill, for a mill pond and a mill site? It is probably not a very expensive tract.

WILL MAKE TAFT A MASON ON SIGHT

Cincinnati, Ohio, Feb. 2.—President-elect Taft will receive the rare honor of being made a Mason on sight when he arrives here on February 18, according to an announcement made by the Ohio Grand lodge today. There is only one similar instance of the conferring of Masonic degrees on sight in the last hundred years of Masonic history in Ohio. The usual formalities of posting name and probation will be eliminated in Taft's case and the President-elect will become a member of the Cincinnati lodge practically by acclamation. Several years ago in another state a similar honor was accorded Rear Admiral W. S. Schley.

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