

Proposed Oregon Tax Law

(Continued from last week)

(Tax collector to make weekly statements—To keep funds separate.)

Section 19. It shall be the duty of the tax collector to make a statement on the last business day of each week of the exact amounts of the cash and county orders by him collected for taxes and penalties and interest, and what amounts thereof are to be credited to the several funds for which they are respectively collected, one of which statements shall be filed with the county clerk and one furnished to the school district, town, city, port, or other municipal taxing agency for which each of such amounts are so paid in, and one of which statements he shall retain on file in his office; and shall exhibit to the county clerk for examination and comparison his collection register and his stub book containing copies of the receipts by him given for the taxes so collected. The tax collector shall keep the moneys received by him in separate funds, and shall pay the same over to the several school districts, towns, cities, ports, or other municipal taxing districts or agencies entitled thereto, upon demand made by them, paying them the amount thereof to which they are respectively entitled, taking their receipts therefor: Provided, special road funds shall be retained in the hands of the county treasurer, and expended by him upon the warrant of the county clerk as by law provided.

(Supersedes B. & C. Comp., section 3100 (except first two lines which include in the preceding section 16 of this act), merely changing to conform to the plan of making the county treasurer the collector of taxes, and to separate funds is taken from B. & C. Comp., section 3101, adding ports and other agencies, and to analogy to laws of 1903, page 284, section 74.)

(Applying money collected for one object to another—Penalty.)

Section 20. When any moneys shall have been collected or received by any officer for any distinct and specified object, no portion of them shall be paid or applied to any other object or purpose without due authority, but shall be kept a separate fund for such specified object; and any officer failing to comply with the provisions of this section shall be liable to a fine not exceeding \$500, or to imprisonment in the county jail not exceeding six months.

(B. & C. Comp., section 3100, no change.)

(Tax collector to receive and receipt for moneys and county orders collected—Penalty.)

Section 21. The tax collector shall receive and receipt for all moneys and county orders collected by him for taxes in the manner prescribed in the following section hereof, and any tax collector failing to comply with any of the provisions of the following section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$100 nor more than \$1,000, and the court before whom said tax collector is tried shall declare his office as treasurer and tax collector vacant for the remainder of his term.

(B. & C. Comp., section 3100, no change.)

(Tax collector's record of tax collectors.)

Section 22. The tax collector shall receive and receipt for all moneys and county orders collected by him for taxes, and shall note on the tax roll against the property paid on, in columns provided therefor, the date of such payment and number of receipt. He shall keep such stub receipt books, in which shall be kept by him a copy of each and every receipt by him issued, and such receipts and stubs shall be arranged and numbered consecutively for each year, and shall show exactly the amount paid in cash and the amount paid in county orders, and shall show the place and date of collection, the purpose for which and the property on which the taxes were paid; but the matters shown upon the tax roll may be omitted from the stub if it contains a reference to the volume, page and line of the tax roll wherein such matters are set forth. Such stubs or copies of the receipts issued by the tax collector shall also in every case contain the postoffice or residence address of the taxpayer, which may be ascertained at the time of the payment of the tax and then entered on the stub or copy of the receipt retained by the tax collector. No tax collector shall receive a larger amount in county orders from any person for taxes than the amount of such person's county taxes for the year or years for which the payment is made. It shall be the duty of the tax collector to note upon each receipt and copy thereof the number and amount of each county order he shall receive, the amount of the receipt upon the back of each county order paid for taxes, and at the same time write or stamp across the face thereof "Received for Taxes," and no county order shall draw any interest after such date. He shall keep, as a part of the records of his office, a collection register, in which he shall make proper entries, showing the various amounts collected by him, the amounts thereof collected for each, and every separate fund, the year in which the tax so collected became due, and the numbers and dates of the respective receipts given by him therefor.

(B. & C. Comp., section 3102, as amended by Laws of 1903, chapter 53.)

(Frankness and Honesty.)

"Of course your constituents want a man who is perfectly frank and honest."
"Yes," answered Senator Sorghum.
"At the same time most of them have no objections to my working through liver and harbor appropriations for places that never see two feet of water except when it rains."—Washington Star.

(The streets of Tokio will soon have trolley cars.)

(Father Time's Joke.)

Father Time had stopped to sharpen his scythe.
"Why," exclaimed the Fool Killer, who was close at hand, "you look thinner than when I met you last."
Father Time laughed.
"In that case," he replied, "I suppose you would like to be as spare time."

(Doubtful Blessings.)

The Parson—And how many children are you blessed with?
Wedderly—Well, I have to buy shoes for seven.

(Double assessments and other errors tax collector may correct.)

Section 23. Whenever the tax collector discovers that any property has been assessed more than once for the same year, he shall collect only the tax justly due thereon, and shall make return to the county court of the balance as double assessment, and shall be properly credited therefor; and whenever, at any stage in the collection of taxes, the officer having charge of the rolls shall discover errors or omissions of any kind therein he may properly correct the same to conform to the facts in whatever manner may be necessary to make such assessment, tax, or other proceeding, whatsoever, regular and valid, such correction to be made in red ink, or otherwise distinguished, and to be signed with the initials of the officer making the same and the date of such correction.

(B. & C. Comp., section 3105.)

(Omitted property—Assessment.)

Section 24. Whenever, after the return of the assessment roll to the county clerk by the board of equalization, the officer having the possession of the roll shall discover or receive credible information, or if he has reason to believe that any real or personal property has, from any cause, been omitted, in whole or in part, in the assessment of any year or number of years not exceeding two years prior to the last roll so equalized and returned, or from the assessment roll or the tax roll, he shall proceed to correct the assessment or tax roll in his hands, and add such property thereto, with the proper valuation, and charge such property and the owner thereof with the proper amount of taxes thereon at the rate which the said property would have been taxed had it been properly upon the tax roll for the year or years as to which it was omitted; to enable which officer so to do he is hereby invested with all of the powers of the assessor, board of equalization, and county clerk under the laws in force during such years and thereafter. But before making such correction or addition, if the person claiming to own said property, or occupying it, or in possession thereof, resides in the county and is not present, such officer shall give such person notice in writing of his intention to add such property to the assessment or tax roll, describing it in general terms, and requiring such person to appear before him at his office at a specified time, within five days after giving such notice, and to show cause, if any, why such property should not be added to the assessment and tax roll; and if the party so notified does not appear, or if he appears and fails to show any good and sufficient cause why such assessment shall not be made, the same shall be made, and the officer making the correction or addition shall file in his office a statement of the facts or evidence on which he made such correction. The notice in this section provided may be given and served in the same manner and by the same persons competent to serve subpoenas. Appeal may be taken from the action of the officer in making the correction or addition by the person aggrieved within ten days after the action of such officer is taken, by giving notice to such officer and otherwise proceeding in the manner provided for appeals from the board of equalization.

(New; see note to section 25.)

(Duty of officer having possession of roll—Proceedings on failure to act.)

Section 25. Whenever any officer described in the preceding section shall discover credible information, or have reason to believe that real or personal property has from any cause been omitted, in whole or in part, from assessment for taxation for the years specified in the preceding section, or such credible information shall be furnished to such officer, it shall be the duty of the officer having possession of said assessment or tax roll to take the steps provided for in the preceding section to place such omitted property on the assessment or tax roll. If such officer shall fail or refuse on the discovery by himself, or on credible information being furnished him by another person, such as a tax collector, assessor, or other officer, to take the steps provided for in this section, he shall be liable for all costs of such mandamus suit, and for a reasonable attorney's fee.

(To be continued next week)

(Uncle Abner's Idea.)

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for relator's attorney, which shall be taxed as a part of the costs of such suit in all cases where judgment rendered against such officer: Provided, however, that in case proceedings are instituted against him on the relation of any private citizen, such relator shall give bond to the satisfaction of the court to pay all costs which may be recovered against him.

(B. & C. Comp., section 3111, provided for the assessment, by the sheriff, of property which had been omitted from the assessment roll of the preceding year's roll. The two sections last above provide for the addition of omitted property for the current and two preceding years, by an officer having possession of the roll, upon notice to the taxpayer if a resident of the county, or to the assessor if a non-resident, as from assessments corrected by the board of equalization recommended by this report.) The provisions for appeal and notice to be given are contained in B. & C. Comp., section 3111, at least as far as residents and those having notice are concerned. See 1914 Ind. 190, amended 182 U. S. 300. The two sections are modeled after Indiana.)

(Time for payment of taxes—Penalty—Interest—Rebate.)

Section 26. Taxes legally levied and charged in any year may be paid on or before the first Monday of April following, and if not so paid they shall become delinquent: Provided, however, that if one half of the taxes against any particular parcel of real property, or the taxes on personal property charged against any individual, be paid on or before the said first Monday of April, then the time for the payment of the remainder of such tax may be extended to and including the first Monday of October next following, but if the remaining one half of such tax be not paid on or before the first Monday of October then such remaining half shall be delinquent, and, besides the penalty, interest thereon shall be charged and collected at the rate of twelve per centum per annum from the first Monday of April preceding; and upon all delinquent taxes there shall be collected, in addition to the taxes, a penalty, for the benefit of the county, ten per centum as a penalty, and for the benefit of the county or other corporation which shall have an interest in any portion of such taxes interest at the rate of twelve per centum per annum on such taxes from the day on which they become delinquent until their payment: Provided further, that there shall be an allowance of three per centum rebate upon any tax paid on any separate parcel of real property, or upon the personal property charged to any individual, as aforesaid, on or before the first Monday of March next prior to the date when such tax would become delinquent if not paid.

(B. & C. Comp., section 3106, no change.)

(Personal property tax, levy and sale—Penalty tax charged to realty.)

Section 27. On or immediately after the first Monday of May in each year the tax collector shall proceed to collect all taxes levied in his county upon personal property, of which one half was not paid as herebefore provided on or before the first Monday of April, together with the penalty and interest. He shall levy upon sufficient goods and chattels belonging to the person or corporation charged with such taxes, if the same can be found in the county, by taking them into his possession, to pay such delinquent taxes, together with interest, accruing interest, penalties and other lawful charges; and shall immediately advertise such goods and chattels for sale by public notice, or by printed notices of the time and place of sale in three public places in his county not less than ten days prior to such sale, and if such taxes, interest, and penalties shall not be paid before the time appointed for such sale the tax collector shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, interest, and penalties and shall deliver to the purchaser thereof at such sale the property so sold to them respectively, and such sale shall be absolute; and the tax collector shall proceed in like manner, on and after the first Monday in November, to collect the residue of taxes charged against personal property remaining delinquent on his roll. In like manner he shall levy upon and sell the goods and chattels of any person or persons removing from the county without paying all taxes charged against them. Whenever after delinquency, in the opinion of the tax collector, it becomes necessary to charge the tax on personal property against real property in order that such personal property tax may be collected, the tax collector shall select for the purpose some particular tract or lots of real property owned by the person or persons removing from the county, and shall note upon the tax roll, opposite such tract or lots the said tax on personal property, and said tax shall be a lien on such real property from and after the time the said tax on personal property is charged against the said real property, and shall be enforced in the same manner as other real estate tax liens.

(B. & C. Comp., section 3107, adding provision for charging personal property taxes on real estate, which is understood from Washington Consolidates B. & C. Comp., section 3127.)

(To be continued next week)

(Uncle Abner's Idea.)

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MILLIONS STARVING

Conditions in China Beyond All Description.

AMERICA ADVISED TO GIVE AID

Relief Would Do Much to Remove Ill Feeling That Prevails—Unrest Persuade Empire.

Washington, Jan. 25.—Mail reports from American consular officers in China which reached the State Department today regarding the famine and resulting conditions further confirm the stories of suffering and hardship. Consul Hays at Nanking says that the famine is ten times worse than anything known in that part of the empire for the past 40 years.

The Chinese officials, he says upon information given him by Viceroy, admit their inability to cope with the situation. The government is trying to help the starving people to keep their oxen and buffaloes a pawn for two taels each, keeping them until next Spring, when it will return them.

Mr. Hays declines to state whether aid may be extended by the Government in the present crisis which certainly do much to dispel the ill-feeling recently aroused by the boycott, the exclusion act, etc.

Consular General Eggs at Shanghai advises the department that the reports as to the conditions appearing in the newspapers, both foreign and Chinese, are for the most part sustained by the investigations made by American naval officers.

He says an inquiry which he has made gives the general conclusion that the famine, which will be regarded as severe and perhaps more so than that of 183, by which it is thought 10,000,000 lives were lost.

The report of Mr. Eggs is accompanied by a statement by Dr. Henry M. Woods of the Southern Presbyterian mission at Fung Anfu, who estimates that 10,000,000 of people are affected by the famine, 4,000,000 of whom are starving. He says there are at present more than 500,000 deaths at Tsing Kiang Pa, huddled in mat sheds, and that the pitiful sight daily witnessed of parents offering their children for sale to the British brigades and robbery, he declines to describe.

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PROBE HARRIMAN SYSTEM.

Interstate Commerce Commission Meets in Portland.

Portland, Jan. 25.—Traffic conditions in this state were investigated yesterday before Franklin K. Lane, member of the Interstate Commerce commission, the object being to determine the legality of the Harriman merger of railroads. The questions of Attorney Severance for the commission were intended to draw out shippers and railroad men as to whether competition has been stifled by the merger and alternate routes for traffic closed. The testimony of shippers was that there has been no competition between the Union Pacific and Southern Pacific worthy of the name since the consolidation under one management in 1901.

It was further brought out by the testimony of Thomas McCusker, a former employe of the Harriman system, that Ogden gateway via the Sacramento route was closed upon the accomplishment of the merger, and shipment from that was stopped. Orders were, he said, to send traffic over the O. R. & N. and Union Pacific to the East. This change gave a more direct route and relieved the Harriman lines of hauling freight over the Sierras.

It is the policy of the railroad interests that many routes are open to the shipper; that none have been closed and that the sole instances where shipments have been advised by way of the Union Pacific to the exclusion of other routes have been because of the lack of cars on other lines.

Portland, Jan. 26.—After showing conclusively that competition was destroyed by the merger of the Harriman line in this state, C. A. Severance announced at the close of the Interstate Commerce commission investigation yesterday afternoon that he would call no more witnesses here, as the facts he came to show had been admitted by the testimony of railroad officials.

Commissioner Franklin K. Lane then adjourned the session to meet in San Francisco next Tuesday, where R. P. Schwaner, general manager of the Pacific Mail Steamship company, and other Harriman officials will be placed on the stand.

By the statement of Mr. Severance to Commissioner Lane, the session in Portland have been eminently satisfactory to the commission's attorney.

Witnesses examined yesterday testified that the year 1901 was an unfortunate one for Oregon. Then it was that the O. R. & N. and Southern Pacific were merged under one management and the service offered on both roads was impaired. Officials at the head of the system had an eye single to big earnings and a minimum of expenditure. The service suffered, alternative routes for shippers were denied, and the roads in possession of the territory were amenable to none for business.

Shippers said both rail and water lines have depreciated since the merger, there has not been a disposition to extend into new territory and the entire Central Oregon region has been effectually bottled up.

Railroad officials who serve as the head of allied roads and who there maintain there is competition between them, when, as a matter of fact they work together as two partners in one business, were grilled yesterday by Attorney Severance.

Witnesses maintained that rates showing rank discrimination have been put into effect on ties to California, whose object is to harass the Gould system. Others said the passenger service between Portland and Omaha is admirable, and is due to the merger of formerly competing lines, while the steamer service to California of the Harriman companies is worse than it has been for 20 years.

While Attorney Cotton was at his best in storming the tide of adverse testimony and never showed his adroitness to better advantage, the facts brought out were strongly against the Harriman interests.

The new battleship provided for in the bill is to be a sister ship of the last monster authorized by congress, last year, which, the bill required, should be a "first-class battleship carrying as heavy armament as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action."

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MERGER IS PROVEN

Interstate Commerce Commission Ends Portland Inquiry.

COMPETITION WAS KILLED IN 1901

Attorney for Commission Declares All That Was Sought To Be Established Has Been Proven.

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Witnesses maintained that rates showing rank discrimination have been put into effect on ties to California, whose object is to harass the Gould system. Others said the passenger service between Portland and Omaha is admirable, and is due to the merger of formerly competing lines, while the steamer service to California of the Harriman companies is worse than it has been for 20 years.

While Attorney Cotton was at his best in storming the tide of adverse testimony and never showed his adroitness to better advantage, the facts brought out were strongly against the Harriman interests.

The new battleship provided for in the bill is to be a sister ship of the last monster authorized by congress, last year, which, the bill required, should be a "first-class battleship carrying as heavy armament as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action."

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