

Regarding the County High School

That the County High school will be conducted here at the inception of the school year seems to be an assured fact. The county court, however, is desirous to comply strictly with the laws governing the levying of the tax for the maintenance of the school.

The contention of the county court is sustained in an opinion from Attorney-General A. M. Crawford at the request of Attorney R. D. Parker, of this place, who had been asked to make the inquiry.

According to the present plans the district is to run the high school till the January term or until the county court can raise funds. The county court pledges itself to re-imburse the district for all apparatus purchased also for money expended for teachers provided the patrons of the district guarantee the board against loss in case the question is raised as to the legality of the county court to pay this amount.

It has been practically agreed that for sometime at least rooms available in the courthouse would be used as quarters for the high school.

The communication of the attorney-general follows in full:

Salem, June 6, 1908.

Mr. D. R. Parker,
Attorney-at-Law,
Condon, Oregon.

Dear Sir:

Replying to your favor of the 29th ultimo, as to when the county court should make the special tax levy for the purpose of establishing and maintaining a county high school, according to the law upon that subject and the recent electric locating same, permit me to call your attention to the provisions of S. 3435 of the code, also found in Sec. 222 of the school laws for 1907, which require that the special tax levied for the purpose above mentioned shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, collected, etc.

This would indicate that they must be computed by the county clerk after the January term of the county court and entered upon the tax-roll last completed by the assessor, and collected by the sheriff in the ordinary way.

As you have suggested in your letter, the high school tax cannot be collected, even if made immediately, until next spring, when the tax roll is turned over to the sheriff. The clerk has already computed and entered upon the tax roll for



Gilliam County Court House in which County High School will have temporary quarters.

In my opinion, the provision at the beginning of the section cited, that "the county court shall thereupon proceed to levy a special tax," etc., does not mean "forthwith" but "thereupon" should be taken to mean upon the estimate furnished by the county high school board.

Section 3439 of the code, which is Section 226 of the school laws, also indicates that the county high school tax shall be included in the levy made by the county court at its January term of each year although this language may possibly refer only to the levy for maintenance after the school has been established.

I would also call attention to Sections 1 and 3 of chapter 267, laws of 1907, found at pages 453, 454. These sections provide that the levy of all taxes made by the county court shall be made at its January term of each year, and that would seem to include the tax for county high school purposes as well as any other.

1907, all the taxes which can be entered or collected upon that roll, and all taxes hereafter levied must be entered upon the 1908 roll, at the term of the county court held in January 1909. All persons who have paid their taxes for 1907 have a receipt in full, and could not be again called upon to pay taxes on the same assessment.

Therefore, it is impossible to collect any tax levied at this time and entered upon the 1907 roll, and in my opinion such a tax would be illegal and void, if made by the county court, at this time, or hereafter. Therefore, in my opinion the county high school tax should be levied by the court at its session in January of next year and entered upon the tax roll now being compiled by the county assessor. This may result in some inconvenience in delaying the establishment of the county high school, but as nearly as I am able to judge, these are the provisions of the law upon the subject, and it cannot now be helped.

Very respectfully yours,
A. M. Crawford, Attorney General,
By I. H. VanWinkle Assistant.

Mr. Vincent representing the H. E. Bucklen & Co., of Chicago, was in the city last week taking orders from Hunt, the druggist, for future delivery.

Miss Edna Brown, the new deputy county clerk, arrived in Condon last Saturday from her home in Salem and began her duties Monday morning.

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