

# Proposed Oregon Tax Law

(Continued from last week)

(Undivided estate of deceased persons—How assessed.)

Section 10. That section 3045 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The undivided estate of any deceased person may be assessed to the heirs or devisees of such person, without designating them by name, until they have given notice to the assessor of the division of the estate, and the names of the several heirs or devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees their respective portions thereof when paid by him.

(Omits provision found in section 3045 for assessment to occupant of an undivided estate of a deceased person—the provision for assessment to heirs or devisees as such, without designating them by name, is broad enough and better calculated to bring the tax to their notice than an assessment to a mere occupant.)

(Personal property—Where assessed.)

Section 11. That section 3046 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is, amended to read as follows:

Every person, except as otherwise provided by law, shall be assessed in the county in which he resides when the assessment is made for all taxable property owned by him, including all personal estate in his possession, or under his control as trustee, guardian, executor, or administrator; and where there are two or more persons jointly in possession, or having control of any such property in trust, the same may be assessed to either or all of such persons, but it shall be assessed in the county where the same shall lie if either of such persons reside in such county.

(Substitutes "except as otherwise provided by law" for "except as provided in the succeeding section," in order to harmonize the section with the other changes suggested.)

(Partners—How assessed.)

Section 12. That section 3048 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Partners in mercantile or other business may be jointly taxed in their partnership name, or severally taxed for their individual shares, for all personal property employed in such business; and in case they are jointly taxed, either or any of such partners shall be liable for the whole tax.

(The old section used the word "such" where "each" partner was apparently intended. The amendment makes clear or any of the partners jointly taxed for the personal property employed liable for the whole tax, which was the evident intent of the old section.)

(Personal property of corporations—Where assessed.)

Section 13.—That section 3049 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The personal property of every private corporation is liable to taxation in the same manner as the personal property of a natural person, and shall be assessed in the name of such corporation in the county where the principal place of business of such corporation is located, unless otherwise specially provided by law; but if such corporation is engaged in the business of navigation, then the steamboats or other water craft of such corporation shall be assessed in the county in this state where the home port or berth of such steamboat or other water craft may be.

The personal property of a private corporation may be seized and sold for any tax levied upon the property of such corporation as in the case of a natural person.

(The section amended contains certain provisions which were repealed by implication by General Laws, Special Session, 1935, page 8, and these provisions have been omitted in the amendment recommended. Adds "unless otherwise specially provided by law" to the rule that personal property of private corporations is to be assessed in the county where the principal place of business of the corporation is located; this amendment is necessary to harmonize with other provisions of the act recommended.)

(Lands—Where taxed.)

Section 14. All lands shall be taxed in the county in which the same shall lie.

(New; but compare B. & C. Comp., section 3057. A distinction is made in the use of the words "taxed" and "assessed" as the act of taxation may be performed in the county, although the assessment might properly be made—as by a central board—in another county; for instance, at the capital.)

(Merchandise, capital and machinery—Where taxable.)

Section 15.—All goods, wares and merchandise kept for sale in this state, all stock employed in any of the mechanical arts, and all capital and machinery employed in any branch of manufactures or other business within this state, owned by a corporation in or out of this state, or by any person, whether residing in or out of this state, shall be taxable in the county or city or other municipal corporation where the same may be, either to the owners thereof or to the person or corporation who shall have charge of or be in possession of the same.

(When company is taxed owner of stock

not to be taxed.)

Section 16. The owner or holder of stock in any incorporated company which is taxed on its capital stock shall not be taxed as an individual for such stock.

(Pledged personal property taxed to possessor.)

Section 17. When personal property is mortgaged or pledged it shall, for the purpose of taxation, be deemed the property of the person who has the possession.

(Sections 15, 16 and 17 are respectively sections 3047, 3055 and 3056, B. & C. Comp., without change.)

(Of the Duties of Assessors.)

(Assessments, How Made.)

Section 18. That section 3057 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, as the same was reenacted by section 1 of an act approved December 24, 1903, and found on page 4 et sequitur of the General Laws of Oregon, Special Session, 1903, be and the same hereby is amended to read as follows:

The assessor after qualifying shall, on the first Monday in March in each year, procure from the county clerk a blank assessment roll, and forthwith proceed and assess all taxable property within his county, except such as by law is to be otherwise assessed, and shall return to such county clerk, on or before the first Monday in October next following, such assessment roll with a full and complete assessment of such taxable property entered thereon, including a full and precise description of the lands and lots owned by each person therein named, on March 1 of said year, at the hour of 1 o'clock a. m., which description shall correspond with the plan or plat of any town laid out or recorded; and said lands or town lots shall be valued at their true cash value, taking into consideration the improvements on the land and in the surrounding country, the quality of the soil, its convenience to transportation lines, public roads, and other local advantages of a similar or different kind.

True cash value of all property shall be held and taken to mean the amount such property would sell for at a voluntary sale made in the ordinary course of business, taking into consideration its earning power. No deduction of indebtedness from assessments or taxation shall be allowed in any case.

All land shall be taxed in the county in which the same shall lie; and, except as otherwise provided by law, every person shall be assessed in the county where he resides at the hour of 1 o'clock a. m. on March 1 of the year when the assessment shall be made for all real and personal property owned by him within such county, but if the owner of any land be unknown, such land may be assessed to "unknown owner," or "unknown owners," without inserting the name of any owner; but no assessment shall be invalidated by a mistake in the name of the owner of the real property assessed, or by the omission of the name of the owner, or the entry of a name other than that of the true owner, if the property be correctly described; and provided further, that where the name of the true owner, or the owner of record, of any parcel of real property shall be given, such assessment shall not be held invalid on account of any error or irregularity in the description, provided such description would be sufficient in a deed of conveyance from the owner; or on account of any description upon which, in a contract to convey, a court of equity would decree a conveyance to be made.

(The amendment recommended makes it the assessor's duty to assess property for which some other mode of assessment is not by law provided; makes the limit of the return of the assessment roll the first Monday in October instead of the first Monday in September. The old law provides for the giving of notice that the board of equalization will meet the last Monday in August. There is no other provision for the time of the meeting of the board. [B. & C. Comp., section 3060, reenacted special session 1903.] Section 3057, above amended, permitted an extension of time for filing the roll if necessary until the first Monday in October. In practice the roll is seldom or never ready for equalization by the first Monday in September, and the time is usually extended, and the board meets when the roll is filed. But the old law provided for the board meeting before the assessor was required to file the roll, and at no other time. The jurisdiction of the board is thus thrown into question.

The provision for giving notice of the meeting the last Monday in August is a relic of the first code in this state, and was originally intended to provide that the assessor and auditor should meet at the courthouse to correct purely clerical errors, etc., one week before the county court equalized the roll, the board of equalization not then being known. Since then the scheme has been completely changed, and the provisions are now, owing to careless editing in amendments, contradictory and impossible.

The amendment recommended omits the provision for the extension of the time of filing the assessment roll, but gives the assessor the same limit as under the present law he could be given by the county court. Omits definitions of real property and land, which have been defined in section 2 of this act; omits provision that all land must be assessed (distinguishing assessed from taxed); see section 4 of this act, in the county where located; omits provisions as to assessment of unoccupied land as such, permitting the assessment of land as to unknown owner, when the owner is unknown, regardless of occupancy. Provides for condition of earning power in determining value.)

(Personal property—How valued.)

Section 19. That section 3058 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

All personal property not exempt from taxation shall be valued at its true value in cash, as defined in section

18 hereof, and it shall be the duty of each assessor to value all improvements on claimed United States lands within his county as personal property.

(Omits provision for a special rate of assessment and taxation for sea-going vessels, which violates the constitutional provisions as to uniformity and equality.)

(Plats or surveys and towns—Present ownership book or list—Taxpayers' index.)

Section 20. That section 3061 of the Codes and Statutes of Oregon compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

The assessor of each county shall make a plat of the government surveys, and of all town plats within his county, and shall note therein, or in a present ownership book or list, the owner of each tract of land, and of each town lot; and in counties where the assessor shall describe the land in the roll in the order of its location upon the ground he shall keep a taxpayers' index for each year, which shall be a public record subject to general inspection; and in such index shall be entered the name of every taxpayer against whom any tax shall be charged in the county, in alphabetical order with reference to the first three letters of the surname of such taxpayers as have surnames, and of the first names of any others, and shall refer to the pages and lines of the roll where the assessment of such taxpayer may be found.

(Provides for present ownership book or list, or else assessor's noting ownership on plats as at present. Taxpayers' index kept when the roll is geographically arranged shall refer to page and line of roll, the old law seeming to provide merely for a list of taxpayers, which is but half an index.)

(Stock or other personalty of nonresidents.)

Section 21. That section 3062 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Whenever any live stock or other personal property of non-residents in this state shall be pointed out to the assessor by any resident householder of his county it shall be the duty of the assessor to assess the same at its cash value; and such stock or other personal property shall be held liable for the payment of the taxes thereon in the same manner as the personal property of resident citizens is held liable.

(No change except to use word "live stock" instead of "stock" to clear up the present ambiguity as to what kind of stock is meant—live or corporate.)

(Assessment roll and appraisal of property.)

Section 22. That section 3069 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

At the time prescribed by law the assessor in each county shall ascertain by diligent inquiry the names of all persons liable to taxation in his county who by law are assessable to him, and also all the taxable personal property, and all taxable real estate therein which by law is assessable by him, and make out an assessment roll of all such property, and appraise the same according to the provisions of the statutes relating thereto.

(Only change is to provide that the assessor assesses property which by law is assessable by him, thus permitting the legislature to place the duty to assess certain classes of property elsewhere.)

(Owner or managing agent to furnish list of property—Penalty for and proceedings after refusal.)

Section 23. That section 3070 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, be and the same hereby is amended to read as follows:

Every assessor shall require any person liable to be taxed in his county and to be assessed by him, and the managing agent or officer of any corporation or association liable to be taxed in his county and to be assessed by him, to furnish such assessor a list of all the real estate of such person, corporation, or association situate in his county liable to taxation, and a list of all the personal property of such person, corporation, or association liable to taxation in this state, and shall require such person, managing agent, or officer to make oath that, to the best of his knowledge and belief, such list contains a full and true account of all its or his property liable to be taxed in such county; and if any person shall refuse to furnish such list, or to swear to the same when required so to do by the assessor, such person shall forfeit and pay to the assessor, for the use of the county, the sum of \$50, which sum may be recovered by motion in any court having jurisdiction of matters of debt or contract to the amount of \$50. Should any such person, managing agent, or officer, when so required, refuse to furnish and to swear to such list the assessor or shall ascertain the taxable property of such person, corporation, or association, and shall appraise the same from the best information to be derived from other sources.

(Besides amending section 3070, incorporated also the essentials of B. & C. Comp., section 3329. Extends the provisions of section 3070 to include managing agents or officers of corporation or association liable to assessment by the assessor; increases the penalty from \$25 to \$50,—it being common experience that many persons prefer to run their chances of having to pay a \$20 penalty rather than make the statement required.)

(To be continued next week)

# OREGON STATE ITEMS OF INTEREST

## STATE LAND SALES LESS.

### Ninety Per Cent Decrease During the Last Two Years.

Salem—Sales of state land during the years 1905 and 1906 amounted to only 47,037 acres, or about 11 per cent as much as in the preceding two years, when the sales aggregated over 233,000 acres. This decrease of nearly 90 per cent is due chiefly to the act of the legislature in raising the price from \$1.25 to \$2.50 per acre, but is also due in part to the course of the State Land board in beginning prosecution of speculators who were purchasing state land in violation of law.

The decrease in receipts is not so great, however, for those who bought land prior to the advance in price have been making payments from time to time. The total receipts for the two years ending September 30, 1906, were \$475,898.90, as compared with \$676,964.58 for the preceding two years. The great decrease in receipts resulting from the diminution of sales will be apparent in the next two or three years, when deferred installments on previous sales will have been paid and there will be little money due on sales made during 1905 and 1906. Nearly all sales of state land are made on the installment plan, the purchaser taking three or four years to make his payment.

The falling off in business in the state land office in the last two years is evident not only from the decrease in acreage sold, but in the number of certificates of sale and deeds issued. During 1903-04 there were issued 1,745 certificates of sale and 1,912 deeds. During 1905-06 there were issued only 226 certificates of sale and 987 deeds. The amount now due on outstanding certificates of sale of school land is \$460,212.70, or only about half the amount due two years ago.

## Elk Protected by Law.

Salem—Overlooking an act of the special session of the Oregon legislature in 1903, quite a number of people have gained the impression that after January 1, 1907, it will be lawful to kill elk, and it is known that several hunters are planning to go to the mountains elk hunting after that date. But the legislature of 1903 anticipated a lapse in the law protecting elk by enacting a law which extends the protection until September 15, 1907, and after that time elk may be killed only from September 15 to October 15, and only one in a season by any person.

## Spraying Decision Satisfactory.

McMinnville—Nothing recently has given the conscientious fruit raisers of this county more real joy than the decision of the courts giving to fruit inspectors the right to compel spraying. Yamhill has many fine orchards that are kept in excellent shape, but the old time moss covered orchard is also here in great numbers and the wormy product of the latter spoils the good name of the former. The big red apple will grow to perfection in the rich soil of Yamhill if only given a chance.

## Test Barley in Valley.

Salem—In order to raise brewing barley of a higher standard and to encourage farmers to raise it more extensively, the officials of the bureau of plant industry of the department of Agriculture have outlined a series of experiments with at least 10 different varieties of high grade seed, to be carried on in different sections the coming season. The Willamette valley has been selected as one of the most likely spots where the grain can be grown to perfection.

## Linn Men Sell Timber Too.

Albany—A timber deal whereby 5,000 acres of splendid timber land in Linn county is to be transferred to John A. Merritt, of Niagara, N. Y., and Eastern associates, is said to be practically consummated. Merritt, who was third assistant postmaster general under President McKinley, is now in this county inspecting the land and its outlets.

## Light and Power for Vale.

Vale—The city council has granted a 20-year franchise to M. G. Hope, I. W. Hope and R. E. Fulton, to put in an electric light and water system for Vale. The work is to commence on the electric light plant within four months and to be completed within one year. It is understood that the company is ready to expend \$100,000 on the enterprise.

## Shut Down From Lack of Cars.

Astoria—The Central Door & Lumber company, of this city, has closed down its plant temporarily. The cause of the shutdown is the inability to secure cars in which to ship the product, and the ruling high prices for logs. The mill will probably resume operations shortly after the first of the coming year.

## REFORM SCHOOL'S NEW NAME

### Superintendent Looney Renews Recommendation to Legislature.

Salem—That the name of the State Reform school should be changed to State Industrial school is the recommendation made by Superintendent N. H. Looney of that institution in his biennial report. This recommendation has been made before and two attempts have been made in the legislature to secure a change in the name, but in each instance the effort failed. Mr. Looney also recommends the establishment of a state school for wayward girls and the construction of a cottage for small boys so they may be kept by themselves and not be thrown into association with larger boys. He asks for an appropriation of \$60,800 for the ensuing two years. The appropriation for the past two years was \$53,600. The number of boys in the school is 106.

Chaplain E. W. St. Pierre recommends that the maximum age at which boys may be committed to the reform school be raised from 16 to 18 years, so that some boys now being sent to the state penitentiary may be sent to the reform school and their reformation made more probable, but he would first provide buildings in which the older boys may be kept separate from the younger. Speaking of the proper scope of the institution, he says that "the reform school should never be made a convenience to anybody. Criminally negligent parents should not be accommodated by being relieved of their children's support and care without being made to pay for it."

## Good Showing of Athens Mill.

Athens—An idea of the magnitude of the business done at the flouring mills of the Preston-Parton Milling company at this place may be had from the records of the company's office, which show that 396 cars were shipped over the Washington & Columbia River railroad from January 1 to November 1 of this year. Up to October 1, 290 cars were shipped over the Oregon Railroad & Navigation company's road, making a total of 686. This mill turns out about 650 barrels of flour every 24 hours when running full capacity.

## Oregon Goat Show at Dallas.

Dallas—The eighth annual Oregon angora goat show will be held in Dallas Wednesday, Thursday and Friday, January 9, 10 and 11, 1907. These dates were decided upon by the goat breeders at a meeting held in Brown's hall last week. A large number of farmers were in attendance and an enthusiastic meeting was held. It was decided to hold a three days' show this season, instead of a two days' exhibition as heretofore.

## PORTLAND MARKETS.

Fruits—Apples, common to choice, 50¢@70¢ per box; choice to fancy, \$1@2.50; grapes, 60¢@1.25 per crate; pears, 75¢@1.25; cranberries, \$1.00@12.50 per barrel; persimmons, \$1.50 per box.

Vegetables—Cabbage, 1 1/2¢@1 1/4¢ per pound; cauliflower, \$1.25 per dozen; celery, 70¢@90¢ per dozen; lettuce, head, 20¢ per dozen; onions, 10¢@12 1/2¢ per dozen; bell peppers, 5¢; pumpkins, 1 1/4¢ per pound; spinach, 4¢@5¢ per pound; tomatoes, 30¢@50¢ per box; parsley, 10¢@15¢; squash, 1¢@1 1/4¢ per pound; turnips, 90¢@1 per sack; carrots, 90¢@1 per sack; beets, \$1.25@1.50 per sack; horseradish, 9¢@10¢ per pound; sweet potatoes, 2¢@2 1/2¢ per pound.

Onions—Oregon, 75¢@1 per hundred.

Potatoes—Oregon Burbanks, fancy, 75¢@1; common, 60¢@70¢.

Butter—Fancy creamery, 25¢@27 1/2¢ per pound.

Eggs—Oregon ranch, 35¢@37 1/2¢ per dozen.

Poultry—Average old hens, 11¢@11 1/2¢ per pound; mixed chickens, 11¢; spring, 11¢; old roosters, 7¢@9¢; dressed chickens, 13¢@14¢; turkeys, live, 17¢@18¢; turkeys, dressed, choice, 20¢@22¢; geese, live, 10¢; ducks, 14¢@16¢.

Wheat—Club, 64¢; bluestem, 66¢; valley, 66¢@67¢; red, 61¢@62¢.

Oats—No. 1 white, \$24.50@25.50; gray, \$23.50@24.

Barley—Feed, \$21.50 per ton; brewing, \$22.50; rolled, \$23.

Rye—\$1.40@1.45 per cwt.

Corn—Whole, \$25.50; cracked, \$26.50 per ton.

Hay—Valley timothy, No. 1, \$11@12 per ton; Eastern Oregon timothy, \$14@16; clover, \$7@8; cheat, \$7.50@8.50; grain hay, \$7.50@8.50; alfalfa, \$11.50; vetch hay, \$7@7.50.

Veal—Dressed, 5 1/2¢@8 1/2¢ per pound.

Beef—Dressed bulls, 1¢@2¢ per pound; cows, 4¢@5¢; country steers, 5¢@5 1/2¢.

Mutton—Dressed, fancy, 8¢@9¢ per pound; ordinary, 6¢@7¢.

Pork—Dressed, 6¢@8 1/2¢ per pound.

Hops—11¢@14¢ per pound, according to quality.

Wool—Eastern Oregon average best, 13¢@18¢ per pound, according to shrinkage; valley, 20¢@21¢, according to fineness; mohair, choice, 26¢@28¢.