

STATE OF OREGON

Dep't Copy

A PAMPHLET

Containing a Copy of All Measures "Referred to the People by the Legislative Assembly," "Referendum Ordered by Petition of the People," and "Proposed by Initiative Petition,"

To be submitted to the Legal Voters of the State of Oregon
for their approval or rejection

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

On the Fifth Day of November, 1912,

TOGETHER WITH THE ARGUMENTS FILED, FAVORING AND
OPPOSING CERTAIN OF SAID MEASURES

COMPILED AND ISSUED BY
BEN W. OLCOTT, Secretary of State
(Publication authorized under Chapter 226, Laws of 1907.)



SALEM, OREGON
WILLIS S. DUNIWAY, STATE PRINTER
1912

AN AMENDMENT.

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 2 OF ARTICLE II

By initiative petition filed in the office of the Secretary of State, December
20, 1910, in accordance with the provisions of Chapter
226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION.

Equal suffrage amendment, extending the right of
suffrage to women. Vote. YES or NO.

300. Yes.

301. No.

(On Official Ballot, Nos. 300 and 301.)

SUFFRAGE AMENDMENT.

Section 2 of Article II of the Constitution of the State of Oregon shall be and hereby is amended to read as follows:

Section 2. In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every person of foreign birth of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his or her intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

(On Official Ballot Nos. 300 and 301.)

ARGUMENT

(affirmative)

SUBMITTED BY

THE OREGON STATE EQUAL SUFFRAGE ASSOCIATION

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

Equal suffrage amendment, extending the right of
suffrage to women. Vote YES or NO.

300. Yes.

301. No.

AN OPEN LETTER.

To Every Liberty-Loving Voter of Oregon, Greeting:

The undersigned, representing as we believe the large majority of the women of Oregon, are happy to remind you that since we last appealed to you for your affirmative vote for the enfranchisement of one-half of the people, we have seen the elective franchise extended to all women on equal terms with men in our sister states of Washington and California.

We come to you, believing that you will be glad to add Oregon to the constantly increasing number of equal suffrage states of the mighty West, thus making the Coast States a solid phalanx at the head of the great procession, and by increased representation giving our Coast more power to aid and protect her great and growing interests.

Suffrage is a duty that should be performed by every citizen of every state, otherwise Democracy is a failure; it is a duty that, if shirked, results in misgovernment, inequality, and injustice. Those who would evade this responsibility, because it may entail labor, simply plead laziness. To call a government a democracy when half the population is barred from participation in governmental affairs is an absurdity.

The same arguments used in defense of depriving women of suffrage were used to keep the Romans enslaved, to keep the peasants of Europe in serfdom, to clog the progress of human liberty throughout the ages.

The inequality of suffrage has been the basic principle that has ever oppressed humanity.

There is always an element that resents change. Many a serf fought to prevent freedom and many a slave opposed his own liberation. It should be the obligation of every individual irrespective of sex, whether householder or not, to have a voice in the making of our laws both civic and national. Liberty and responsibility for both sexes in public affairs will improve the quality by stimulating the study of government. Men and women can never be pitted against each other in government, because nature, which is higher than human law, has fitted them for companionship. They must help men in the uplifting of the world by making democracy and its consequent development, a realized dream.

The growth of public sentiment in favor of this movement all around Oregon has been, as you know, phenomenal.

Believing that our Beloved Oregon should and will prove that her progressive spirit is equal to that of the six equal suffrage states surrounding her, and add a seventh star to the galaxy of fully free states, we rest our case with you at the coming election. In the hope that we shall not be compelled again to make this expensive and laborious struggle for equality of rights as voters, we respectfully request you to vote "YES" for the EQUAL SUFFRAGE CONSTITUTIONAL AMENDMENT at the coming November election.

By order of THE OREGON STATE EQUAL SUFFRAGE ASSOCIATION.

MRS. HENRY WALDO COE, Honorary and Acting President and Treasurer of National Committee, 841 Lovejoy St., Portland, Oregon.

MRS. MYRTLE PEASE HATFIELD, Member National Committee, Box 151, Forest Grove, Oregon.

Mrs. Abigail Scott Duniway, President and Corresponding Secretary, 292 Clay St., Portland, Ore.

Mrs. Elizabeth Lord, Vice-President at Large, The Dalles, Ore.

Mrs. C. M. Cartwright, Vice-President, 215 7th St., Portland, Ore.

Miss Elma Buckman, Recording Secretary, 42 E. 18th St., N., Portland, Ore.

Miss H. L. Seeley, Chairman of Fin. Committee, Headquarters, 406 Selling Bldg., Portland, Ore.

AUDITORS.

Mrs. F. Eggert, The Hobart-Curtis, Portland, Ore.

Mrs. M. A. Dalton, 300 24th St., North, Portland, Ore.

Mrs. Imogené Bath, Hillsboro, Ore.

(On Official Ballot, Nos. 300 and 301.)

ARGUMENT

(negative)

SUBMITTED BY

OREGON STATE ASSOCIATION OPPOSED TO THE EXTENSION
OF THE SUFFRAGE TO WOMEN

opposing the measure designated on the official ballot, as follows:

PROPOSED BY INITIATIVE PETITION

Equal suffrage amendment, extending the right of
suffrage to women. Vote YES or NO.

300. Yes.

301. No.

ARGUMENT AGAINST WOMAN SUFFRAGE AMENDMENT.

To the Electors of Oregon:

Notwithstanding the repeated and emphatic defeat of woman suffrage amendments in Oregon, the proposition is again on the ballot. It was submitted to a vote in 1900 and beaten by a plurality of 2137; it was submitted again in 1906 and beaten by 10,173; it was submitted again in 1908 and beaten by 21,649; it was submitted again in 1910 and beaten by 23,795. Notwithstanding this repeated expression of the will of the people we note in the argument offered in support of this amendment a contention that those who favor it represent the large majority of the women of Oregon. We submit that this adverse vote rolled up again and again with increasing emphasis at each election is the best possible evidence that woman suffrage is not wanted in Oregon, either by the women or by the men. The fact is that the agitation for woman suffrage is carried on by a small minority of the women of the State, who make up in activity what they lack in numbers. Let any man ask the women of his acquaintance, and particularly the women who are doing woman's work in the world, the women whom he most respects, and he can satisfy himself as to whether women want the right to vote.

WASHINGTON AND CALIFORNIA.

It is true, as suggested in the argument in favor of this amendment, that woman suffrage has been adopted in Washington and in California.

The result in Washington was brought about by a ballot title which did not advise the voters of the State of the purport and effect of the measure on which they were voting. Woman suffrage went on the official ballot in Washington in November, 1910, under the following title:

"For the proposed amendment of Article VI of the Constitution relating to qualifications of voters within this State."

There was a similar attempt to mislead the voters of Oregon by a false ballot title, but the attempt was exposed in the official pamphlet and by the press of the State, with the result that the amendment was defeated by the above quoted vote.

In California the amendment providing for woman suffrage was voted on at a special election held on the 10th of October, 1911. The measure carried by the meagre plurality of 3587. The entire vote cast on this question at that election was only 246,487. This was only 63% of the vote cast in November, 1910, when a governor of California was elected. The woman suffrage amendment received 28,798 votes less than the Democratic candidate for governor received at that election and yet the Democratic candidate for governor was defeated by a plurality of 22,356. There is always an active and zealous minority in favor of woman suffrage and this minority can be trusted to get out and vote. The majority of the electors opposed to woman suffrage are less zealous on the subject and less certain to register their votes. We are confident that on a full vote the measure would have been beaten in California as it has been so often beaten in Oregon.

DEMOCRACY NOT A FAILURE.

There is a suggestion in the argument presented by the advocates of this amendment that in the absence of woman suffrage democracy is a failure. No American woman with a proper pride in the history of her country would advance this contention. American democracy, with its century and a quarter of constitutional government, with its Washington and its Lincoln, with its security for personal rights, and its expansion of national power, is the most glorious success of the ages. Woman has had her part in all this, she has had her work to perform, and her burdens to bear. She has done her part in the home and not on the hustings, and her power for good is the greater because she has been content to be a woman and has not striven to be an imitation man.

IDA M. TARBELL ON WOMAN SUFFRAGE.

Few women of our day have accomplished more than Miss Ida M. Tarbell. In an article in a recent magazine Miss Tarbell says:

"Human society may be likened to two great circles, one revolving within the other. In the inner rules the woman. Here she breeds and trains the material for the outer circle which exists only by and for her.

That accident may throw her into this outer circle is of course true, but it is not her natural habitat, nor is she fitted by nature to live and circulate freely there. We underestimate, too, the kind of experience which is essential for intelligent citizenship in this outer circle. To know what is wise and needed there one should circulate in it. The man at his labor in the street, in the meeting places of men, learns unconsciously as a rule, the code, the meaning, the need of public affairs as woman learns those of private affairs. What it all amounts to is that the labor of the world is naturally divided between the two different beings that people the world. It is unfair to the woman that she be asked to do the work of the outer circle. The man can do that satisfactorily if she does her part, that is if she prepares him the material. Certainly, he can never come into the inner circle and do her work.

EQUALITY NOT LIKENESS.

"The idea that there is a kind of inequality for a woman in minding her own business and letting man do the same, comes from our confused and rather stupid notion of the meaning of equality. Popularly we have come to regard being alike as being equal. We prove equality by wearing the same kind of clothes, studying the same books, regardless of nature or capacity or future life. Insisting that women do the same things that men do may make the two exteriorly more alike—it does not make them more equal. Men and women are widely apart in functions and in possibilities. They cannot be made equal by exterior devices like trousers, ballots, the study of Greek. The effort to make them so is much more likely to make them unequal. One only comes to his highest power by following unconsciously and joyfully his own nature. You run the risk of destroying the capacity for equality when you attempt to make one human being like another human being."

All evidence proves that the adoption of woman suffrage brings into evidence the bold, obtrusive woman whose conduct cheapens the sex and deprives all women of a portion of the chivalry and respect which are their birthright.

Marie Corelli has well said:

"If woman would impress man with an abiding sense of her moral and mental power and with the purity of her intellectual influence upon the time, she must begin to teach him in the nursery and school room and not at the polling booth."

OUR PROTEST.

In conclusion we, American women, citizens of the State of Oregon, protest against the proposal to impose the obligation of suffrage upon the women of this State, for the following, among other reasons:

1. Because suffrage is to be regarded not as a privilege to be enjoyed, but as a duty to be performed.

2. Because hitherto the women of this State have enjoyed exemption from this burdensome duty, and no adequate reason has been assigned for depriving them of that immunity.

3. Because conferring suffrage upon the women who claim it would impose suffrage upon the many women who neither desire it as a privilege nor regard it their duty to seek it.

4. Because the need of America is not an increased quantity, but an improved quality, of the vote, and there is no adequate reason to believe that woman's suffrage by doubling the vote will improve its quality.

5. Because the household, not the individual, is the unit of the State, and the vast majority of women are represented by household suffrage.

6. Because the women not so represented suffer no practical injustice which giving the suffrage will remedy.

7. Because equality in character does not imply similarity in function, and the duties and life of men and women are divinely ordered to be different in the State, as in the home.

8. Because the energies of women are engrossed by their present duties and interests, from which men cannot relieve them, and it is better for the community that they devote their energies to the more efficient performance of their present work than divert them to new fields of activity.

9. Because political equality will deprive woman of special privileges hitherto accorded her by the law.

10. Because suffrage logically involves the holding of public office, including jury duty, and office-holding is inconsistent with the duties of most women.

OREGON STATE ASSOCIATION OPPOSED TO THE EXTENSION
OF THE SUFFRAGE TO WOMEN.

Mrs. F. J. Bailey, President, Portland.
Miss Failing, 1st Vice-President, Portland.
Mrs. R. W. Wilbur, 2nd Vice-Pres., Portland.
Mrs. Wallace McCamant, Treasurer, Portland.

Mrs. A. E. Rockey, Portland.	Mrs. J. W. Connell, Hillsboro.
Mrs. J. B. Montgomery, Portland.	Mrs. E. Yockey, Ashland.
Mrs. Gordon Voorhies, Portland.	Mrs. J. H. Templeton, Prineville.
Mrs. Herbert Holman, Portland.	Mrs. A. J. Richardson, Joseph.
Mrs. Robert W. Lewis, Portland.	Mrs. R. D. Carter, Baker.
Mrs. F. E. Harlow, Troutdale.	Miss Bush, Salem.
Mrs. M. E. McFarland, Airlie.	Miss Ritta Alderman, Falls City.
Mrs. E. H. Shepard, Hood River.	

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 8 OF ARTICLE V

Proposed by the Legislative Assembly and filed in the office of the Secretary of State, February 1, 1911, in accordance with the provisions of Section 1 of Article XVII of the Constitution of the State of Oregon, adopted by the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For constitutional amendment of Section 8, Article V, for the purpose of creating the office of Lieutenant-Governor who shall act as Governor in case of the inability of the Governor to perform his duties and also act as President of the Senate, and providing for the President *pro tem* of the Senate to act as Governor in case of the inability of both the Governor and Lieutenant-Governor, and in case of the inability of the Governor, Lieutenant-Governor, and President *pro tem* of the Senate, the Speaker of the House to act as Governor.

Vote YES or NO.

302. Yes.

303. No.

(On Official Ballot, Nos. 302 and 303.)

SENATE JOINT RESOLUTION NO. 4.

Resolved by the Senate and House of Representatives of the State of Oregon:

That Section 8 of Article V of the Constitution of the State of Oregon be and the same is hereby amended so as to read as follows:

"Section 8. In case of the impeachment of the Governor, his death, resignation, absence from the State or inability to perform the duties of his office, the same shall devolve upon the Lieutenant-Governor, who shall serve until the disability be removed or a Governor be elected. The Lieutenant-Governor shall be elected at the same time and in the same manner, shall serve for the same length of time and shall possess the same qualifications as the Governor. He shall act as President of the Senate, and shall enjoy such powers as may be conferred upon him by law, but shall have no vote upon the passage of bills or resolutions. He shall receive the same compensation as the Speaker of the House during the sessions of the Legislative Assembly, but shall receive no other compensation except when called upon to serve as Governor, when he shall receive the salary of that office.

"In case of the impeachment, death, resignation, absence from the State or inability to act of both the Governor and Lieutenant-Governor, the President *pro tem* of the Senate shall serve as Governor until the disability be removed or a Governor elected, and in case of the impeachment, death, resignation, absence from the State or inability to act on the part of the Governor, Lieutenant-Governor and the President *pro tem* of the Senate, the Speaker of the House shall serve as Governor until the disability be removed or a Governor elected.

"Upon the adoption of this amendment, the President of the Senate shall act as Lieutenant-Governor, until the people at the general election in the year 1914, choose a Lieutenant-Governor."

And be it further resolved that the proposed amendment be submitted to the people for approval or rejection at the general election in the year 1912; and

Be it further resolved, that the Secretary of State be authorized and directed to set aside two pages in the official pamphlet for the publication of arguments in support of this amendment, and that a committee of one senator and two representatives be appointed to prepare said arguments for publication in said pamphlet.

Adopted by the Senate, January 19, 1911.

BEN SELLING, President of the Senate.

Adopted by the House, January 26, 1911.

JOHN P. RUSK, Speaker of the House.

Endorsed: Senate Joint Resolution No. 4.

E. H. FLAGG, Chief Clerk.

Filed, February 1, 1911.

F. W. BENSON, Secretary of State.

(On Official Ballot, Nos. 302 and 303.)

ARGUMENT

(affirmative)

SUBMITTED BY

Committee appointed by the President of the Senate and Speaker of the House of Representatives, in compliance with Senate Joint Resolution No. 4, Legislative Assembly 1911, in favor of the measure designated on the official ballot as follows:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For constitutional amendment of Section 8, Article V, for the purpose of creating the office of Lieutenant-Governor who shall act as Governor in case of the inability of the Governor to perform his duties and also act as President of the Senate, and providing for the President *pro tem* of the Senate to act as Governor in case of the inability of both the Governor and Lieutenant-Governor, and in case of the inability of the Governor, Lieutenant-Governor, and President *pro tem* of the Senate, the Speaker of the House to act as Governor.

Vote YES or NO.

302. Yes.

303. No.

**ARGUMENT IN SUPPORT OF PROPOSED CONSTITUTIONAL
AMENDMENT CREATING THE OFFICE OF
LIEUTENANT-GOVERNOR**

To the Voters of Oregon:

Section 8 of Article V of the State Constitution vests in the Secretary of State the duties of the Governorship in the event of the death, removal, resignation or inability to act on the part of the Governor. This proposed amendment creates the office of Lieutenant-Governor, defines the powers and duties of that official and provides for an orderly and business-like succession to the Governorship in the event of the death, removal, resignation, etc., of the Chief Executive.

We believe that the proposed amendment should be adopted for the following reasons:

1. It will prevent the Secretary of State from holding two offices at the same time and having two votes out of three on the State Land Board and other important boards and commissions, as he does now. The present arrangement is unwholesome, almost unprecedented and not in keeping with the principles of good government. No public official, however trustworthy, should exercise the power and authority of two important offices.

2. It will relieve the Secretary of State from doing double duty in the event of his succession to the Governorship. Either position carries

with its duties and responsibilities sufficient to fully occupy the time of a most capable man, and it is not in the interests of good government and sound business policy to continue the present arrangement and undertake to require a man to do work which it is impossible for him to perform.

3. It will not permit one man to hold two important offices, and draw two large salaries at the same time, when, by the very nature of things he cannot do the work and therefore is not entitled to the two salaries.

4. It will provide for the carrying on of the work of the Governor's office, in the event of the death, resignation, etc., of the Governor, without demoralizing the work in the office of the Secretary of State.

5. It will provide for a logical and orderly succession to the Governorship, such as practically all other states in the union now enjoy. The succession will be as follows:

- 1st. Governor.
- 2d. Lieutenant-Governor.
- 3d. President *pro tem* of the Senate (which office will be created by law).
- 4th. Speaker of the House.

The proposed amendment in no way interferes with the recall provision of the Constitution. If a Governor is recalled from office, his successor will be chosen by the people, and the Lieutenant-Governor will continue to be Lieutenant-Governor.

6. It will eliminate the biennial struggle for the presidency of the State Senate and will put an end to the political trades, secret deals and combinations that have frequently been witnessed in this connection, for the sovereign people will elect their Lieutenant-Governor, who will act as the presiding officer of the Senate. It has been stated by opponents of the proposed amendment that the people of other states have sometimes elected inferior men to the office of Lieutenant-Governor, and therefore, it is argued, the people are incapable of electing a good man for the office in Oregon. We are confident that the people of this State are just as competent to choose a Lieutenant-Governor as they are to choose a Governor, Senator, Congressman or other public official.

7. It will cost the taxpayers nothing beyond the salary of the Lieutenant-Governor when that official serves as President of the State Senate, or, in other words, two hundred dollars (\$200.00) biennially.

This measure was passed by the last Legislature, by a unanimous vote in both houses. It has received the endorsement of the best thinkers of the State, and citizens generally who desire to improve the public service. It is submitted to you with the urgent request that you vote "Yes."

Very respectfully,

W. W. CALKINS,

Senator from Lane County.

IRA C. POWELL,

Representative from Polk County.

F. M. GILL, Representative from Hood River and Wasco counties.

Committee appointed by the President of the Senate and Speaker of the House, in compliance with Senate Joint Resolution No. 4

AN AMENDMENT

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AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 1 OF ARTICLE IX

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 17, 1911, in accordance with the provisions of Section 1 of Article XVII of the Constitution of the State of Oregon, adopted by the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For an amendment of Section 1, Article IX, of the Oregon Constitution, providing for a uniform rule of taxation, except on property specifically taxed, providing for the levy and collection of taxes for State purposes and for county and other municipal purposes upon different classes of property, and for the ascertainment, determination and application of an average rate of levy and taxation on property taxed for State purposes, and for apportioning State taxes among the several counties as county obligations by reasonable and equitable rules:

Vote YES or No.

304. Yes.

305. No.

(On Official Ballot, Nos. 304 and 305.)

SENATE JOINT RESOLUTION NO. 8.

For proposed amendment to the Constitution of the State of Oregon, to be submitted to the people for their approval or rejection at the regular general election in November, 1912.

Be it resolved by the Senate and the House of Representatives, jointly concurring:

That Section 1 of Article IX of the Constitution of the State of Oregon shall be, and hereby is, amended to read as follows:

ARTICLE IX

Section 1. The Legislative Assembly shall, and the people through the initiative may, provide by law uniform rules of taxation, except on property specifically taxed. Taxes shall be levied on such property as shall be prescribed by law. The Legislative Assembly, or the people through the initiative, may provide for the levy and collection of taxes for State purposes and for county and for other municipal purposes on different classes of property, and may provide for the ascertainment, determination, and application of an average rate of levy and taxation on property taxed for State purposes. The Legislative Assembly, or the people through the initiative, may provide by reasonable and equitable rules for the apportioning of any State tax among the several counties as county obligations to the State.

Adopted by the Senate, February 7, 1911.

BEN SELLING, President of the Senate.

Adopted by the House, February 15, 1911.

JOHN P. RUSK, Speaker of the House.

Endorsed: Senate Joint Resolution No. 8.

E. H. FLAGG, Chief Clerk.

Filed, February 17, 1911.

F. W. BENSON, Secretary of State.

(On Official Ballot, Nos. 304 and 305.)

ARGUMENT

(negative) SUBMITTED BY

C. P. STRAIN, ASSESSOR OF UMATILLA COUNTY, OREGON.
opposing the measure designated on the official ballot as follows:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For an amendment of Section 1, Article IX, of the Oregon Constitution, providing for a uniform rule of taxation, except on property specifically taxed, providing for the levy and collection of taxes for State purposes and for county and other municipal purposes upon different classes of property, and for the ascertainment, determination and application of an average rate of levy and taxation on property taxed for State purposes, and for apportioning State taxes among the several counties as county obligations by reasonable and equitable rules. Vote YES or NO.

304. Yes.

305. No.

The official number to vote NO is 305.

The parasites and tax eaters who feed upon the public revenues are advocates of whatever tax device is best calculated to secure the most "feathers with the least squawking."

Senate Joint Resolution No. 8 is admirably fitted to serve such an end. It paves the way for separating the subjects of taxation, and such separation would permit the legislature to select at will a few of the choicest subjects for their own exclusive use.

They would take over public service corporations which have rate making power. These could be made to yield fat taxes with the understanding that rates should be permitted which would leave present earnings unimpaired after meeting a considerable share of the expenses of an extravagant state government. Under such a scheme the corporations might deliver a larger share of taxes to the State Treasurer, but they would collect these taxes from the producers and consumers who pay the rates.

Worse still, the adoption of this resolution would pave the way for robbing our public high schools. Special school taxes this year in Umatilla County alone upon public service property yielded \$32,000 which went mainly to railroad town districts which maintain high schools for the higher education of the communities surrounding them.

It would also deprive counties having railroad mileage of an important source of revenue. This would not be fair since the presence of railroads brings to such counties a large hobo criminal element which the counties must prosecute at local expense.

Taking away from cities, schools, and counties the local taxes due them from public service corporations, would be, for these reasons, a backward step, locally unjust, and a breeder of State-wide extravagance. It is hoped, therefore, that Senate Joint Resolution No. 8 shall not prevail.

C. P. STRAIN, County Assessor of Umatilla County.

AN AMENDMENT

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OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 32 OF ARTICLE I

Proposed by the Legislative Assembly and filed in the office of the
Secretary of State February 17, 1911, in accordance with the
provisions of Section 1 of Article XVII of the Constitu-
tion of the State of Oregon, adopted by
the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For an amendment of Section 32, Article I, Oregon Con-
stitution, for the purpose of permitting taxes to be
levied upon different classes of property at different
rates, but providing that taxation must be uniform
upon each separate class within the territorial limits
of the authority levying the tax, and shall be levied
and collected for public purposes only and the power
of taxation must never be surrendered, suspended or
contracted away.

Vote YES or NO.

306. Yes.

307. No.

(On Official Ballot, Nos. 306 and 307.)

SENATE JOINT RESOLUTION NO. 9.

For proposed amendment to the Constitution of the State of Oregon, to be submitted to the people for their approval or rejection at the regular general election in November, 1912.

Be it resolved by the Senate and the House of Representatives, jointly concurring:

That Section 32 of Article I of the Constitution of the State of Oregon shall be, and hereby is, amended to read as follows:

ARTICLE I

Section 32. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly. Taxes shall be levied and collected for public purposes only, and the power of taxation shall never be surrendered, suspended or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax.

Adopted by the Senate, February 7, 1911.

BEN SELLING, President of the Senate.

Adopted by the House, February 15, 1911.

JOHN P. RUSK, Speaker of the House.

Endorsed: Senate Joint Resolution No. 9.

E. H. FLAGG, Chief Clerk.

Filed February 17, 1911.

F. W. BENSON, Secretary of State.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

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AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 1a OF ARTICLE IX.

Proposed by the Legislative Assembly and filed in the office of the
Secretary of State February 17, 1911, in accordance with the
provisions of Section 1 of Article XVII of the Constitu-
tion of the State of Oregon, adopted by
the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For constitutional amendment to repeal all of Section
1a of Article IX except that part prohibiting poll and
head taxes in Oregon, and instead of the portions
repealed to add a provision prohibiting the declaration
of an emergency in any act passed by the legislature
regulating taxation and exemptions.

Vote YES or NO.

308. Yes.

309. No.

(On Official Ballot, Nos. 308 and 309.)

SENATE JOINT RESOLUTION NO. 10.

For proposed amendment to the Constitution of the State of Oregon, to be submitted to the people for their approval or rejection at the regular general election in November, 1912.

Be it resolved by the Senate and the House of Representatives, jointly concurring:

That Section 1a of Article IX of the Constitution of the State of Oregon shall be, and hereby is, amended to read as follows:

ARTICLE IX.

Section 1a. No poll or head tax shall be levied or collected in Oregon. The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption.

Adopted by the Senate, February 7, 1911.

BEN SELLING, President of the Senate.

Adopted by the House, February 15, 1911.

JOHN P. RUSK, Speaker of the House.

Endorsed: Senate Joint Resolution No. 10.

E. H. FLAGG, Chief Clerk.

Filed, February 17, 1911.

F. W. BENSON, Secretary of State.

(On Official Ballot, Nos. 304 and 305, 306 and 307, and 308 and 309.)

ARGUMENT

(affirmative)

SUBMITTED BY

LEGISLATIVE TAX COMMITTEE AND BOARD OF STATE
TAX COMMISSIONERS.

Under authority of House Joint Resolution No. 14, 26th Regular Session,
Oregon Legislature,

in favor of the measures designated on the official ballot as follows:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For an amendment of Section 1, Article IX, of the Oregon Constitution, providing for a uniform rule of taxation, except on property specifically taxed, providing for the levy and collection of taxes for State purposes and for county and other municipal purposes upon different classes of property, and for the ascertainment, determination and application of an average rate of levy and taxation on property taxed for State purposes, and for apportioning State taxes among the several counties as county obligations by reasonable and equitable rules.

Vote YES or NO.

304. Yes.

305. No.

For amendment of Section 32, Article I, Oregon Constitution, for the purpose of permitting taxes to be levied upon different classes of property at different rates, but providing that taxation must be uniform upon each separate class within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only and the power of taxation must never be surrendered, suspended or contracted away.

Vote YES or NO.

306. Yes.

307. No.

For constitutional amendment to repeal all of Section 1a of Article IX except that part prohibiting poll and head taxes in Oregon, and instead of the portions repealed to add a provision prohibiting the declaration of an emergency in any act passed by the Legislature regulating taxation and exemptions.

Vote YES or NO.

308. Yes.

309. No.

ARGUMENT IN FAVOR OF ABOVE MEASURES.

The purpose of these proposed constitutional amendments is to provide a broad and safe foundation for genuine tax reform in Oregon. If adopted we can then proceed in an orderly and rational manner to correct the defects and abuses in our present system of taxation, and thus discourage and repress the irrational schemes and vain theories now prevalent.

Section 1, Article IX and Section 32, Article I of the Oregon Constitution have imposed on our State a primitive form of the general property tax, a system which makes the pretense of taxing all property, real and personal, tangible and intangible, seen and unseen, by one uniform rule and method. Such a system was tolerably adapted to the economic and industrial conditions of a half century and more ago, but is too rigid to permit equitable taxation of the widely varied forms of property of today and too limited to reach many classes of private wealth that should bear a part of the public burdens.

Eleven states have either never placed onerous restraints on legislative power in taxation or have succeeded in so amending their constitutions as to permit them to break away from the general property tax. These states have found the absence of such restrictions a decided advantage, permitting them to improve their tax laws and administration to meet the requirements of modern conditions.

The remaining states, including Oregon, have provided in their constitutions for the general property tax. In no one of them has it been satisfactory. This is the unbroken testimony of every tax commission, political economist or expert who has given thoughtful consideration to the subject.

The Second Conference on State and Local Taxation, held at Toronto, Ontario, in 1908, under the auspices of the International Tax Association, adopted, unanimously, the following resolution:

"Whereas, the greatest inequalities have arisen from laws designed to tax all the widely differing classes of property in the same way and such laws have been ineffective in the production of revenue, and

"Whereas, the appropriate taxation of various forms of property is rendered impossible by the restrictions upon the taxing power contained in the constitutions of many of the states;

"Resolved, that all State constitutions requiring the same taxation of all property, or otherwise imposing restraints upon the reasonable classification of property, should be amended by the repeal of such restrictive provisions."

Two of the proposed amendments (ballot numbers 304 and 306) were submitted to the people in 1910; but they were defeated in the election of that year for the reason that their purpose and the wisdom of their enactment were not fully understood and appreciated. These amendments are again submitted in the belief that they are now better known and will be approved by the large majority of voters who surely prefer a progressive and genuine plan of tax reform to either the inequalities of the general property tax on the one hand or the delusive uncertainties of the single tax on the other.

The third constitutional amendment proposed (ballot number 308) is for the practical repeal of the so-called "single tax" amendment adopted in 1910. This proposition appeared on the ballot at the last election under an attractive title, not fully expressive of its real purpose, at the same time giving prominence to an incidental feature that was something of a joker, providing for repeal of the poll tax.

With the adoption of the proposed amendment all of the "single tax" amendment of 1910 would be repealed with the exception of the inhibition of the poll tax. The proposed amendment also prohibits the declaring of an emergency in any act regulating taxation or exemption, thus fully insuring the right of referendum on any tax law enacted by the Legislature. This provision is inserted in lieu of the most unreasonable and unwarranted feature of the 1910 amendment which practically deprives the Legislature of power to legislate in matters of taxation.

It is urged that the amendment of 1910 permits "county option" or "home rule" in taxation. True, but there is no demand for local legislation of this character except to further the schemes of the single taxers, and no county tax measures are being proposed or considered except by single taxers.

Aside from its connection with the single tax, "county option" or "home rule" in taxation is contrary to the general course of rational tax reform. The tendency of well-considered legislation is toward centralization of authority and uniformity of laws and methods of assessment and taxation within State jurisdictions. The states that have been making most substantial progress toward equitable and effective taxation have been moving in this direction. If put in effect, "county option" would disorganize the fiscal system of the State, engender controversies between counties and be destructive of any general and orderly plan for betterment of conditions in taxation.

In conclusion these three proposed constitutional amendments harmonize with each other and together form a broad and sound basis for

real tax reform in Oregon. Being convinced that these measures fully answer the demand for constructive and rational tax legislation, instead of vain theories and destructive schemes, we feel confident that they will be approved.

Respectfully submitted,

BOARD OF STATE TAX COMMISSIONERS.

Oswald West, Governor, J. B. Eaton, Commissioner,
Ben W. Olcott, Secretary of State, Chas. V. Galloway, Commissioner.
Thos. B. Kay, State Treasurer,

LEGISLATIVE TAX COMMITTEE

SENATORS.

W. N. Barrett, Washington County.
W. W. Calkins, Lane County.
C. L. Hawley, Polk County.
Geo. W. Joseph, Multnomah County.
C. C. McColloch, Baker County.

REPRESENTATIVES.

C. A. Bigelow, Multnomah County.
Stephen Collins, Multnomah County
W. J. Church, Union County.
A. J. Derby, Hood River County.
Geo. W. Johnson, Marion County.
W. J. Mariner, Gilliam County.
Geo. Neuner, Jr., Douglas County.

(On Official Ballot, Nos. 304 and 305, 306 and 307, and 308 and 309.)

ARGUMENT

(negative)

SUBMITTED BY

E. S. J. McALLISTER, GEORGE M. ORTON, WILL DALY, H. D.
WAGNON, H. J. PARKISON, W. G. EGGLESTON, E. J.
STACK, AND W. A. MARSHALL, OF PORTLAND,
AND W. S. U'REN, OF OREGON CITY.

Opposing the measures designated on the official ballot as follows:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For an amendment of Section 1, Article IX, of the Oregon Constitution, providing for a uniform rule of taxation, except on property specifically taxed, providing for the levy and collection of taxes for State purposes and for county and other municipal purposes upon different classes of property, and for the ascertainment, determination and application of an average rate of levy and taxation on property taxed for State purposes, and for apportioning State taxes among the several counties as county obligations by reasonable and equitable rules. Vote YES or NO.

304. Yes.

305. No.

For amendment of Section 32, Article I, Oregon Constitution, for the purpose of permitting taxes to be levied upon different classes of property at different rates, but providing that taxation must be uniform upon each separate class within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only and the power of taxation must never be surrendered, suspended or contracted away. Vote YES or NO.

306. Yes.

307. No.

For constitutional amendment to repeal all of Section 1a of Article IX except that part prohibiting poll and head taxes in Oregon, and instead of the portions repealed to add a provision prohibiting the declaration of an emergency in any act passed by the Legislature regulating taxation and exemptions. Vote YES or NO.

308. Yes.

309. No.

(On Official Ballot, Nos. 304 and 305, 306 and 307, and 308 and 309.)

ARGUMENT OPPOSING ABOVE MEASURES.

These three proposed tax amendments are intended to take from the people of Oregon their constitutional power and right to have every new State tax law referred to them for approval or rejection before it takes effect; second, to take from the people of every county their constitutional power and right to make local laws to tax or exempt from tax any class or classes of property in their county. Besides, these proposed amendments will open the door for the Legislature and the State Tax Commission to:

1. Still further lower the taxes on railroads and other franchise corporations.
2. Take from the counties the school money derived from taxes on railroads and other franchise corporations.

Nowhere in these amendments or in any measure offered by the Legislature or the State Tax Commission, or in any argument offered in favor of these measures, is there a word or a hint about taxing the Water Power Trust on the value of the water power owned by it, which is now practically exempt from tax; nor is there even a hint about taxing the value of franchises owned by railroads and other franchise corporations.

The real purpose of these amendments is to take from the people the power to control tax laws, and to give that power back to the Legislature. That is what Big Business wants, and what the State Tax Commission wants. The State Tax Commission said nothing about the "defects and abuses" in our tax laws until the people took control of the taxing power in 1910.

The meaning of these three amendments is that, in the opinion of the Legislature and the State Tax Commission, the people of Oregon cannot be trusted with absolute control of the taxing power. That is what the State Tax Commission and the Legislature mean, and what the railroads, the Water Power Trust and the big speculators mean. Big Business discovered immediately after the 1910 election that the County Home Rule Tax amendment was "very bad" and "revolutionary." Then the State Tax Commission said it was "very bad" and "revolutionary."

The advocates of these amendments say the first two were *defeated* in 1910 because the people did not understand them. Then they say the County Home Rule Tax amendment was *adopted* in 1910 because the people did not understand it. Do the State Tax Commission and the legislative committee believe the people understood what they were doing in 1910 when they elected the Legislature of 1911 and the present State officers?

The statement that the County Home Rule Tax amendment appeared on the ballot in 1910 under a title that did not express its real purpose, and that it contained "something of a joker" is proved untrue by the ballot title and by the amendment itself. This charge was made by the railroad senators in the Legislature, and has been repeated ever since by Big Business and its agents and friends.

It is easy to understand why the railroads, the Water Power Trust and the big speculators want the people to repeal the County Home Rule Tax amendment, and give up their power to control tax laws. But do you understand why the Legislature and the State Tax Commission are lined up with the corporations and the big speculators?

The advocates of these amendments object to the County Home Rule Tax amendment because, they say, the tendency of legislation is toward "centralization of authority in tax laws and methods." That means that the making of tax laws should be centered in the Legislature and the State Tax Commission, and then Big Business can talk "business" behind closed doors to the taxing authorities, as it did when the Bankers' Exemption law was passed in 1907, when the gross earnings tax laws were repealed in 1909, and when the Legislature practically repealed the law for assessing franchises directly.

The Legislature and the State Tax Commission say there is no demand for County Home Rule in Taxation. There is no demand for it from Big Business. The railroads, the big speculators and the Water Power Trust would rather take their tax schemes to the Legislature than to the people. But the people do demand County Home Rule in Taxation, and voted for it in 1910. They know that they can trust themselves, and they know they cannot trust the Legislature with absolute power to make tax laws.

Arguing for the measure to repeal the County Home Rule Tax amendment, the Legislature and the State Tax Commission say that their amendment prohibits the use of the emergency clause in any tax law, and thus insures the right of referendum. But their repeal amendment permits the Legislature to make tax laws without referring them to the people. That throws upon the people all the trouble and expense of getting up referendum petitions.

Under the County Home Rule Tax amendment as it stands, the people are put to no trouble or expense for referendum petitions on tax laws. But under the Legislature's repeal amendment the Legislature can make twenty tax laws of what should be only one tax law, and in that way throw upon the people the intolerable burden of circulating and paying for twenty referendum petitions. That is part of the Big Business scheme for "wearing out" the people.

The State Tax Commission and the Legislature bewail the "restrictions" of the Constitution in regard to tax laws. Don't they know that the County Home Rule Tax amendment *removes all restrictions* of the Constitution in regard to tax laws? No restriction is placed upon anything except upon the power of the Legislature to enact tax laws without the consent of the people. And that's what hurts the Legislature, the State Tax Commission and Big Business.

The Legislature and the State Tax Commission say that "Home Rule" in taxation "is contrary to the general course of rational tax reform." Practically the only progress that has been made in rational tax reform

in the last thirty years has been made in Canada, in New Zealand, in Australia and in the cities of Germany; and "Home Rule" in taxation is universal in New Zealand and Australia, in the German cities and in more than half of Canada. More than that, for twenty years some of the principal cities of Great Britain have been petitioning parliament for "Home Rule" in taxation, and the petitions have been *rejected by the House of Lords*; and now the people of Great Britain have taken the veto power from the House of Lords.

As further reasons why the voters should reject these amendments, keep in their own hands control of the taxing power which they took in 1910 when they adopted the County Home Rule Tax amendment, and increase that power by approving the Graduated Specific Tax and Exemption amendment, we submit the following table showing a few of the largest owners of unimproved land in several counties, the number of acres of unimproved land owned by them, and the amount of graduated tax they would have paid on the raw-land values or community-made values they owned in 1911, in addition to the regular and special tax levies on the assessed values:

COUNTY	OWNERS	ACRES GRADUATED	
		OWNED	TAX
Clackamas.....	T. D. & S. E. Collins.....	29,240	\$11,071
	O. & C. Land Grant.....	29,383	31,315
Columbia.....	S. Benson.....	15,619	11,365
	Chapman Timber Co.	12,943	10,459
	Columbia Timber Co.....	7,867	10,009
	Fir Tree Lumber Co.....	24,377	17,191
	O. & C. Land Grant.....	18,102	14,956
	Western Timber Co.	20,010	10,726
Coos.....	C. A. Smith Timber Co.....	75,832	35,980
	Menasha Wooden Ware Co.	22,568	14,353
	O. & C. Land Grant.....	120,850	53,060
	Pillsbury Lumber Co.	21,800	10,504
	Simpson Lumber Co.	28,740	13,615
Crook.....	Southern Oregon Co.	81,938	43,390
	Cre. & Western Colonization Co.....	339,189	22,360
Grant.....	Eastern Oregon Land Co.	180,178	9,079
Harney.....	Charles Altschull.....	246,311	20,473
	Pacific Live Stock Co.....	87,137	17,707
Josephine.....	O. & C. Land Grant.....	180,326	49,390
Marion.....	Willis Gilbert, trustee.....	14,692	12,964
	O. & C. Land Grant.....	33,565	10,807
Morrow.....	Northern Pacific Railroad.....	115,713	10,882
Polk.....	William Mitchell, trustee.....	19,675	12,313
	Chas. K. Spaulding Logging Co.....	25,434	10,144
	O. & C. Land Grant.....	37,012	16,930

Tillamook	Blodgett Company	21,707	15,076
	Cook & Wheeler	28,962	17,311
	Hammond & Winton	29,101	20,086
	Hammond Lumber Co.	29,104	12,415
	Oregon Logging & Timber Co.	16,221	11,654
	Tillamook Yellow Fir Co.	17,637	13,144
	Whitney Company	49,231	27,133
	Willis & Elrod	13,605	11,255
	Wilson River Lumber Co.	26,169	17,251

Ownership of great tracts of valuable land by non-resident speculators is the rule in every county in Oregon, and they would all have to pay the graduated specific taxes, in addition to regular general and special tax levies on the property. Thus, by approving the Graduated Specific Tax and Exemption amendment, and rejecting the proposal to repeal the County Home Rule Tax amendment, the voters will keep control of the taxing power and take more power to throw an unjust burden of taxes off their own shoulders.

To show further the value of the taxing power to the people, we call attention to the fact that the Graduated Specific Tax and Exemption amendment provides for taxing water powers and railroad and other corporation franchises, while the State Tax Commission and the Legislature are silent in regard to taxing those forms of property.

Nowhere in their argument do the State Tax Commission and the legislative committee explain what their amendments mean. Why not? Do they wish to keep the voters in the dark. The meaning of the Graduated Specific Tax and Exemption amendment is well and briefly explained editorially in the Oregon Daily Journal of Portland, July 18, 1912, as follows:

Every public service corporation must pay a graduated tax if its franchise and right of way are assessed at \$10,100 or more.

Every person or corporation owning land, water power or other natural resources assessed \$10,100 or more, on the unimproved value, must pay a graduated tax.

The graduated taxes collected in each county must be applied to the following purposes, in the order named: 1—The county's share of State taxes. 2—The county general school and library fund. 3—The county road and bridge fund. 4—Other expenses of the county. 5—Any public purpose approved by the voters of the county.

The graduated taxes collected from owners do not exempt the franchises, rights of way, water powers or unimproved land values from regular and special tax levies.

Water powers are to be assessed in the counties where they are situated, on the horsepower value of the waters claimed or appropriated. This does not include water power appropriated for irrigation.

Assessors must list personal property and improvements separately from the value of the land.

The Board of State Tax Commissioners will assess the franchises and rights of way of corporations. The State Tax Commission will consist of the Governor, the State Treasurer and the Secretary of State.

The people of any county may vote to tax personal property and improvements, at a regular election or at a special election called by the county court on petition of fifteen per cent of the voters.

Corporations shall not own a vested property right in their franchises, but hold and use their franchises as trustees for the people.

"If any person or corporation shall at any time in any manner transfer any franchise or any land or other property or any interest therein or any part thereof to any natural person as trustee, agent or dummy with intent to evade or hinder the levy or collection of such tax, said trustee, agent or dummy shall thereby become owner of such franchise or property; provided, that if any person or corporation shall convey any franchise or any land or other property or interest therein or any part thereof to any corporation or fictitious person for the purpose of evading any provision of this section, the same shall be thereby forfeited to the State of Oregon for the benefit of the irreducible school fund."

The word "person" as used in this amendment includes natural persons, trustees, agents, receivers, companies, partnerships and other associations for profit, estate, joint tenants, corporations and collective assessments to the heirs of deceased persons.

The proposed graduated land value tax is drawn in favor of the "little fellow"—the average man—and in some degrees is a check upon great accumulations, either by individuals or corporations.

In tax matters, as in other political matters, we believe it is wise for the people to keep all the power they have to get more power—and to be suspicious of politicians who ask them to give up power.

Respectfully submitted by E. J. S. McAllister, George M. Orton, Will Daly, H. D. Wagon, H. J. Parkison, W. G. Eggleston, E. J. Stack, and W. A. Marshall, of Portland, W. S. U'Ren, of Oregon City.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 1 OF ARTICLE XVII

Proposed by the Legislative Assembly and filed in the office of the
Secretary of State February 21, 1911, in accordance with the
provisions of Section 1 of Article XVII of the Constitu-
tion of the State of Oregon, adopted by
the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For amendment of Section 1 of Article XVII of the Con-
stitution so as to require for the adoption of any
proposed constitutional amendment a majority vote of
all the electors voting at such election, instead of a
majority of those voting on the amendment only. Vote YES or NO.

310. Yes.

311. No.

(On Official Ballot, Nos. 310 and 311.)

HOUSE JOINT RESOLUTION NO. 10.

For proposed amendment to the Constitution of the State of Oregon, to be submitted to the people for their approval or rejection at the regular general election in November, 1912.

Be it resolved by the House of Representatives and the Senate, jointly concurring:

That Section 1 of Article XVII of the Constitution of the State of Oregon shall be, and hereby is, amended to read as follows:

ARTICLE XVII.

AMENDMENTS.

Section 1. *Amendments to Constitution—How Made.* Any amendment or amendments to this Constitution may be proposed in either branch of the Legislative Assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular election, except when the Legislative Assembly shall order a special election for that purpose. If a majority of the total number of electors voting or casting ballots in the election shall vote in favor of any such amendment, it shall thereby become a part of this constitution. The votes for and against such amendment or amendments, severally, whether proposed by the Legislative Assembly or by initiative petition, shall be canvassed by the Secretary of State in the presence of the Governor, and if it shall appear to the Governor that the majority of the total number of electors voting or casting ballots at said election have voted in favor of said amendment or amendments, severally, it shall be his duty forthwith after such canvass, by his proclamation, to declare the said amendment or amendments, severally, having received the majority of the total number of votes or ballots cast in the election to have been adopted by the people of Oregon as part of the constitution thereof, and the same shall be in effect as a part of the constitution from the date of such proclamation. When two or more amendments shall be submitted in the manner aforesaid to the voters of this State, at the same election, they shall be so submitted that each amendment shall be voted on separately. No convention shall be called to amend

or propose amendments to this constitution, or to propose a new constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election. This article shall not be construed to impair the right of the people to amend this constitution by vote upon an initiative petition therefor.

Adopted by the House, February 15, 1911.

JOHN P. RUSK, Speaker of the House.

Concurred in by the Senate, February 18, 1911.

BEN SELLING, President of the Senate.

Endorsed: House Joint Resolution No. 10.

W. F. DRAGER, Chief Clerk.

Filed February 21, 1911.

F. W. BENSON, Secretary of State.

(On Official Ballot Nos. 310 and 311.)

ARGUMENT

(negative)

SUBMITTED BY

PEOPLE'S POWER LEAGUE OF OREGON

opposing the measure designated on the official ballot as follows:

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

For amendment of Section 1, of Article XVII, of the Constitution so as to require for the adoption of any proposed constitutional amendment a majority vote of all the electors voting at such election, instead of a majority of those voting on the amendment only. Vote YES or NO.

310. Yes.

311. No.

This is an amendment to abolish the initiative. The scheme for a "Constitutional Convention" was killed two years ago. Now this scheme is offered. It is the plan we had in Oregon from 1857 to 1900, and in those 53 years no constitutional amendment ever received enough votes to be adopted.

This proposal means that if a voter votes only for a candidate for constable, but does not vote on a constitutional amendment, he is counted as voting against the constitutional amendment. Suppose 100,000 votes are cast for Governor, but at the same election there are 50,000 votes for an amendment and *not one vote against it*. The amendment will be lost, because this proposal means that more than half the votes cast at an election must be for a proposed amendment, even if not one man votes "No" and 50,000 men vote "Yes."

If this proposed amendment had been in force since 1902, the following constitutional amendments that have been adopted would have been rejected:

1. Giving initiative and referendum powers on local laws and ordinances to the people of all counties, cities, towns and other municipalities.

2. Requiring the people's approval of any bill for a Constitutional Convention. By that amendment the people were able to reject the "Constitutional Convention" scheme of 1909 and 1910, which was intended to make a new constitution and wipe out the initiative, referendum and recall.

3. City Home Rule Liquor amendment.

4. Amendment allowing State institutions to be located away from Salem, like the insane asylum at Pendleton.

5. Amendment allowing verdict by three-fourths of a jury in civil cases and cutting out red tape on appeals to the Supreme Court. Under this amendment the Supreme Court was able to decide 285 cases in 1911, against only 199 in 1910 under the old hair-splitting technicalities.

This proposed amendment to destroy the initiative on constitutional

amendments was log-rolled through the Legislature by the servants and agents of Big Business, to take power away from voters who vote and give that power to those who do not vote on measures. All the corporation lawyers, the Liquor and Beer Trust, railroad, gas, electric light, telephone and telegraph companies, the Water Power Trust and their friends want you to vote for this amendment and give away your political power. They fear the power you now have to make laws and amend the Constitution for your own benefit.

We believe you need more political power instead of less, and urge you to vote "No" on this measure, No. 311 on the official ballot. Get more power for yourselves by voting "Yes" on the People's Power League amendment of Article IV of the Constitution, No. 362 on the official ballot.

Please read the arguments for and against No. 322, on pages and of this book.

Respectfully submitted,

PEOPLE'S POWER LEAGUE OF OREGON,

George M. Orton, Portland, Vice-Pres.
and Acting President.

B. Lee Paget, Portland, Treasurer.

W. S. U'Ren, Oregon City, Secretary.

MEMBERS

Thomas G. Greene, E. S. J. McAllister, Walter M. Pierce, W. G. Eggleston, Frank Williams, Wm. MacKenzie, Frank H. Adams, J. P. Rasmussen, John R. Oatfield, Harry Yanckwich, D. Chambers, Geo. J. Schaefer, F. McKercher, G. M. Orton, H. J. Parkison, Lute Pease, O. D. Teel, Arthur Brock, A. C. Libby, W. R. U'Ren, H. A. Mosher, C. N. Wonacott, Delos D. Near, Geo. T. Atchley, H. M. Esterly, P. E. Sullivan, S. E. Holcomb, F. R. Schikora, Geo. E. Chamberlain, George M. Cornwall, W. S. U'Ren, B. E. Haney, John F. Risley, W. T. Houser, N. Campbell, J. M. Lawrence, J. F. Sinnott, C. E. S. Wood, J. T. Hinkle, W. A. Huntley, John A. Jeffrey, H. L. Barkley, W. T. Euston, Albert E. Ayers, H. Denlinger, J. Goodman, Will Daly, Alex. Sweet, R. G. Welch, James Weir, V. K. Strode, H. W. Stone, H. R. Alber, Dan Kellaher, C. M. Idleman, G. F. Johnson, D. A. Patullo, A. J. Dygert, R. R. Perkins, Fred C. King, J. T. Carleson, H. N. Ross, E. C. Johnson, H. B. Nicholas, Miller Murdock, K. E. Karlson, W. E. Finzer, H. G. Reed, P. L. McKenzie, F. W. Graves, C. C. Cline, W. H. Markell, J. C. Welch, G. L. Davenport, G. W. Holcomb, Ralph A. Coan, Robt. J. Upton, Andrew C. Smith, Boyd M. Hamilton, L. A. Crawford, C. L. Hamilton, M. C. Reed, T. E. Kirby, Henry E. McGinn, Alanson M. Himes, C. W. Davis, A. J. Clarke, Max Michel, C. H. Chapman, A. D. Cridge, B. Lee Paget, W. P. Olds, Lee M. Clark, C. Schubel, J. R. Knodell, Isaac Swett, C. W. Risley, H. Thiessen, J. N. Windsor, Seneca Fouts, V. R. Hyde, Henry Hahn, A. C. Staten, E. C. Brown, A. H. Devers, Ben Riesland, H. M. Covey, Geo. P. Lent, H. A. Moser, I. M. Walker, John Bain, E. T. Peterson, J. De Lancey Verplanck.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 3 OF ARTICLE XI

Proposed by the Legislative Assembly and filed in the office of the Secretary of State March 7, 1911, in accordance with the provisions of Section 1 of Article XVII of the Constitution of the State of Oregon, adopted by the people June 4, 1906.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

For constitutional amendment of Section 3, Article XI, of the Constitution, making stockholders in banking corporations liable to pay for the benefit of depositors an amount equal to the par value of the stock held by any stockholder in addition to having originally paid the par value therefor.

Vote YES or NO.

312. Yes.

313. No.

(On Official Ballot, Nos. 312 and 313.)

SENATE JOINT RESOLUTION NO. 13.

Introduced by Senator Oliver.

For the proposed amendment to the Constitution of the State of Oregon, to be submitted to the people for their approval or rejection at the regular general election in November, 1912.

Be it resolved by the Senate, the House of Representatives concurring:
That Section 3 of Article XI of the Constitution of the State of Oregon be, and the same hereby is, amended to read as follows:

ARTICLE XI.

Section 3. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid and no more, excepting that the stockholders of corporations or joint stock companies conducting the business of banking shall be individually liable equally and ratably and not one for another, for the benefit of the depositors of said bank, to the amount of their stock, at the par value thereof, in addition to the par value of such shares.

Adopted by the Senate, February 13, 1911.

BEN SELLING, President of the Senate.

Adopted by the House, February 17, 1911.

JOHN P. RUSK, Speaker of the House.

Endorsed: Senate Joint Resolution No. 13. E. H. FLAGG, Chief Clerk.
Filed March 7, 1911. F. W. BENSON, Secretary of State.

A MEASURE

To define public utilities, and to provide for their regulation in this State, and for that purpose to confer upon the Railroad Commission of Oregon power and jurisdiction to supervise and regulate such public utilities, and providing the manner in which the power and jurisdiction of such Commission shall be exercised, prescribing penalties for the violation of the provisions of this Act and the procedure and rules of evidence in relation thereto, making an appropriation to carry out the provisions hereof, amending Section 2 of Chapter 53 of the Laws of Oregon for the year 1907, the same being Section 6876 of Lord's Oregon Laws, and declaring an emergency.

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE
REGULAR GENERAL ELECTION
TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Referendum ordered by petition of the people filed in the office of the Secretary of State, May 18, 1911, in accordance with the provisions of Section 1 of Article IV of the Constitution of the State of Oregon, adopted by the people June 2, 1902.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.

Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

An Act vesting the Railroad Commission with power and jurisdiction to supervise and regulate every public service corporation and utility in the State of Oregon, as to the adequacy of the service rendered and facilities provided, the fairness of rates, tolls, and charges to be collected from the public therefor, and also as to interchange of business between such public service corporations and utilities, the purpose of the bill being to give the Commission supervisory control over all such corporations and utilities as far as their business has to do with the general public.

Vote YES or NO.

314. Yes.

315. No.

(On Official Ballot, Nos. 314 and 315.)

AN ACT

To define public utilities, and to provide for their regulation in this State, and for that purpose to confer upon the Railroad Commission of Oregon power and jurisdiction to supervise and regulate such public utilities, and providing the manner in which the power and jurisdiction of such Commission shall be exercised, prescribing penalties for the violation of the provisions of this Act and the procedure and rules of evidence in relation thereto, making an appropriation to carry out the provisions hereof, amending Section 2 of Chapter 53 of the Laws of Oregon for the year 1907, the same being Section 6876 of Lord's Oregon Laws, and declaring an emergency.

Be it enacted by the People of the State of Oregon:

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. *Term "Public Utility" Defined.*—The term "public utility," as used herein, shall mean and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers (appointed by any court whatsoever), that now or hereafter may own, operate, manage or control, any plant or equipment or part of a plant or equipment in this State for the conveyance of telegraph or telephone messages, with or without wires, or for the transportation of persons or property by street railroad as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water or power, and any and all whether either directly or indirectly to or for the public, and whether said plant or equipment or part thereof is wholly within any town or city, or not.

No plant owned or operated by a municipality shall be deemed a public utility under or for the purposes of this Act.

Section 2. *Term "Council" Defined.*—The term "council," as used in this Act, shall mean and embrace the common council, city council, commission, or any other governing body of any town, city or other municipal government wherein the property of the public utility or any part thereof is located.

Section 3. *Term "Municipality" Defined.*—The term "municipality," as used in this Act, shall mean any town, city or other municipal government wherein property of the public utility or any part thereof is located.

Section 4. *Term "Service" Defined.*—The term "service," is used in this act in its broadest and most inclusive sense, and includes equipment and facilities.

Section 5. *Term "Commission" Defined.*—The term "Commission," as used in this Act, shall mean the Railroad Commission of Oregon.

Section 6. *Jurisdiction of Railroad Commission to Supervise and Regulate Public Utilities.*—The Railroad Commission of Oregon is vested with power and jurisdiction to supervise and regulate every public utility in this State, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

Section 7. *Adequate Service and Reasonable Rates Required.*—Every public utility is required to furnish adequate and safe service, equipment and facilities, and the charges made by any public utility for any heat, light, water or power produced, transmitted, delivered or furnished or for any telegraph or telephone message conveyed, or for any transportation of persons or property by street railroad, or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is prohibited and declared to be unlawful.

Section 8. *Common User of Facilities, Compensation, Procedure and Appeal; Interchange of Business, Traffic or Product.*—Every public utility, and every person, association or corporation having conduits, subways, street railway tracks, poles or other equipment on, over or under any street or highway shall for a reasonable compensation permit the use of the same by any public utility whenever public convenience or necessity require such use and such use will not result in irreparable injury to the owner or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users.

In case of failure to agree upon such use or the conditions or compensation for such use any public utility or any person, association or corporation interested may apply to the Commission, and if after investigation the Commission shall ascertain that public convenience or necessity require such use and that it would not result in irreparable injury to the owner or other users of such equipment, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use.

Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed and paid, subject to recourse to the courts upon the complaint of any interested party as provided in Sections 54, 55, 56, 57, and 58 hereof, inclusive, and such sections so far as applicable shall apply to any suit arising on such complaint so made. Any such order of the Commission may be from time to time revised by the Commission upon application of any interested party or upon its own motion. All public utilities shall afford all reasonable facilities and make all necessary regulations for the interchange of business, or traffic carried or their product between them, when ordered by the Commission so to do.

Section 9. *Commission to Value Property of Utilities.*—The Commission shall value all the property of every public utility actually used and useful for the convenience of the public. In making such valuation

the Commission may avail itself of any information in possession of the Board of State Tax Commissioners, or any other State officer or board.

Section 10. *Hearing and Determination of Value, Re-Valuation.*—Before final determination of such value the Commission shall, after notice to the public utility, hold a public hearing as to such valuation in the manner prescribed for hearing complaints as herein prescribed, and the provisions of this Act relative to hearings on complaints on the Commission's own motion so far as applicable shall apply to such hearing. The Commission shall within five days after such valuation is determined serve a statement thereof upon the public utility interested, and shall file a like statement with the auditor, recorder or clerk of every municipality in which any part of the plant or equipment of such public utility is located. The Commission may at any time on its own initiative make a re-valuation of such property, and may make a re-valuation upon the application of any public utility filed not less than six months after the service of such statement.

Section 11. *Uniform Accounting by Utility.*—Every public utility shall keep and render to the Commission in the manner and form prescribed by the Commission uniform accounts of all business transacted. All forms of accounts which may be prescribed by the Commission shall conform as nearly as practicable to similar forms prescribed by federal authority. Every public utility engaged directly or indirectly in any other business than that of the transportation of persons or property by street railroads or the production, transmission or furnishing of heat, light, water or power or the conveyance of telephone messages shall, if required by the Commission, keep and render separately to the Commission in like manner and form the accounts of all such other business, in which case all the provisions of this Act shall apply with like force and effect to the books, accounts, papers and records of such other business.

Section 12. *Commission to Prescribe Forms for Accounts and Records; Other Books Shall Not be Kept.*—The Commission shall prescribe the forms of all books, accounts, papers and records required to be kept, and every public utility is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the Commission and to comply with all directions of the Commission relating to such books, accounts, papers and records. No public utility shall keep any other books, accounts, papers or records of its public utility business transacted than those prescribed or approved by the Commission, except such as may be required by the laws of the United States.

Section 13. *Commission to Furnish Suitable Blanks.*—The Commission shall cause to be prepared suitable blanks for reports for carrying out the purposes of this Act, and shall, when necessary, furnish such blanks for reports to each public utility.

Section 14. *Office and Records of Utility Maintained in State.*—Each public utility shall have an office in one of the towns or cities in

this State in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers and records as shall be required by the Commission to be kept within the State. No books, accounts, papers or records required by the Commission to be kept within the State shall be at any time removed from the State, except upon such conditions as may be prescribed by the Commission.

Section 15. *Annual Balance Sheet, Filing.*—The accounts shall be closed annually on the 30th day of June and a balance sheet of that date promptly taken therefrom. On or before the first day of August following, such balance sheet together with such other information as the Commission shall prescribe, verified by an officer of the public utility, shall be filed with the Commission.

Section 16. *Audit of Accounts; Allocation of Items.*—The Commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the Commission.

The agents, accountants or examiners employed by the Commission shall have authority under the direction of the Commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utilities.

Section 17. *Depreciation Accounts; Application of Funds.*—Every public utility shall carry a proper and adequate depreciation account whenever the Commission after investigation shall determine that such depreciation account can be reasonably required. The Commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. The rates shall be such as will provide the amounts required over and above the expense of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the Commission. The Commission may make changes in such rates of depreciation from time to time as it may find to be necessary.

The Commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect.

The Commission shall provide for such depreciation in fixing the rates, tolls and charges to be paid by the public.

All moneys thus provided for shall be set aside out of the earnings and carried in a depreciation fund. The moneys in this fund may be expended in replacements, new construction, extensions or additions to the property of such public utility, or invested, and if invested the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section and for depreciation.

Section 18. *New Constructions, Accounting.*—The Commission shall keep itself informed of all new construction, extensions and additions

to the property of such public utilities and shall prescribe the necessary forms, regulations and instructions to the officers and employees of such public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

Section 19. *Reports by Utilities; Details.*—Each public utility shall furnish to the Commission in such form and at such times as the Commission shall require, such accounts, reports, and information as shall show in itemized detail: (1) The depreciation per unit, (2) the salaries and wages separately per unit, (3) legal expenses per unit, (4) taxes and rentals separately per unit, (5) the quantity and value of material used per unit, (6) the receipts from residuals, by-products, services or other sales separately per unit, (7) the total and net cost per unit, (8) the gross and net profit per unit, (9) the dividends and interest per unit, (10) the surplus or reserve per unit, (11) the prices per unit paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the Commission may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing the unit of its product or service to the public.

Section 20. *Annual Report of Commission.*—The annual report of the Commission to the Governor shall show its proceedings under this Act, and shall also show the details per unit as provided in Section 19 hereof for all the public utilities of each kind in this State, together with such other facts and suggestions relative thereto as the Commission shall deem advisable. The Commission shall also publish in its annual reports the value of all property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service or regulations any hearing has been held by the Commission, or the value of whose property has been ascertained by it as provided in this Act.

Section 21. *Units of Product or Service.*—The Commission shall ascertain and prescribe for each kind of public utility suitable and convenient standard commercial units of product or service. These shall be lawful units for the purposes of this Act.

Section 22. *Standards for Measurement, Accurate Appliances.*—The Commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other conditions pertaining to the supply of the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the Commission relative thereto.

Section 23. *Testing of Measuring Appliances; Fees.*—The Commission shall provide for the examination and testing of any and all appli-

ances used for the measuring of any product or service of a public utility, and may provide by rule that no such appliance shall be installed and used for the measuring of any product or service of any public utility until the same has been examined and tested by the Commission and found to be accurate. The Commission shall declare and establish a reasonable fee governing the cost of such examination and test which shall be paid to the Commission by the public utility.

The Commission shall declare and establish reasonable fees for the testing of such appliances on the application of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be repaid to the consumer or user by the Commission and to be paid by the public utility if the appliance be found defective or incorrect to the disadvantage of the consumer or user beyond such reasonable limit as may be prescribed by the Commission. All fees collected under the provisions of this section shall be paid by the Commission into the State treasury.

The Commission may purchase such materials, apparatus and standard measuring instruments for such examination and tests as it may deem necessary.

Section 24. *Entry Upon Premises for Inspection or Test.*—The Commission, its agents, experts, examiners or inspectors shall have power to enter upon any premises occupied by any public utility for the purpose of making any inspection, examination, or test provided in this Act and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

Section 25. *Rate Schedules to be Filed; Maximum Charges.*—Every public utility shall file with the Commission within a time to be fixed by the Commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the State, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls and charges shown on such schedules shall not exceed the rates, tolls and charges in force January 1, 1911.

Section 26. *Rules and Regulations and Interstate Schedules to be Filed.*—Every public utility shall file with and as part of every such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service. Every public utility shall also file with the Commission copies of interstate rate schedules and rules and regulations issued by it or to which it is a party.

Section 27. *Schedules Accessible to Public.*—A copy of so much of said schedules as the Commission shall deem necessary for the use of the public shall be printed in plain type, and kept on file in every station or office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and as can be conveniently inspected.

Section 28. *Joint Rates, Filing and Publishing Schedules.*—Where a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the Commission and so much thereof as the Commission shall deem necessary for the use of the public shall be filed in every such station or office as provided in Section 27.

Section 29. *Changes in Schedules; Ten Days' Notice.*—No change shall thereafter be made in any schedule, including schedules of joint rates, except upon ten days' notice to the Commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; *provided*, that the Commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

Section 30. *Revised Schedules to be Open to Public.*—Copies of all new schedules shall be filed as hereinbefore provided in every station and office of such public utility where payments are made by consumers or users ten days prior to the time the same are to take effect, unless the Commission shall prescribe a less time.

Section 31. *Charges Other Than as Specified in Printed Schedules Unlawful.*—It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the State or for any service in connection therewith than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedule. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this Act.

Section 32. *Commission May Prescribe Changes in Form of Schedules.*—The Commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

Section 33. *Classification of Utility Service.*—The Commission shall provide for a comprehensive classification of service for each public utility and such classification may take into account the quantity used, the time when used, the purpose for which used, and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

Section 34. *Commission May Prescribe Rules of Procedure.*—The Commission shall have power to adopt and amend reasonable and proper rules and regulations relative to all inspections, tests, audits and investigations and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it, and any person may appear before the Commission, and be heard, or may appear by attorney. All hearings shall be open to the public.

Section 35. *Inquiry Into Business Management of Utilities; Conference With Other Commissions.*—The Commission shall have authority to inquire into the management of the business of all public utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any public utility all necessary information to enable the Commission to perform its duties. The Commission may confer by correspondence, or by attending conventions, or otherwise with public utility commissioners of other States or the United States on any matter relating to the public utilities.

Section 36. *Inspection of Books and Papers.*—The Commission or any Commissioner or any person or persons employed by the Commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility and to examine, under oath, any officer, agent or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners, who shall make such demand shall produce a certificate under the seal of the Commission showing his authority to make such inspection.

Section 37. *Production of Books and Papers; Judicial Process.*—The Commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the circuit court, the production within this State at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without the State of Oregon, or verified copies in lieu thereof, if the Commission shall so order, in order that an examination thereof may be made by the Commission or under its direction. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the State treasury a sum of not less than fifty dollars nor more than five hundred dollars.

Section 38. *Employees of Commission.*—The Commission is authorized to employ such engineers, examiners, experts, clerks, accountants, inspectors and other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Section 39. *Appointment of Examiners, Hearings Before Single Commissioner or Examiner.*—For the purpose of making any investigation which may be required or permitted by any law the Commission shall have power to appoint, by an order in writing, an examiner, or agent whose duties shall be prescribed in such order. In the discharge of his duties such examiner or agent shall have every power whatsoever of an inquisitorial nature granted by this or any other Act to the Commission and the commissioners thereof and the same powers as a notary public with regard to the taking of depositions. Any investigation, inquiry or hearing which the Commission has power to undertake or hold may be undertaken or held by or before any commissioner, examiner or agent of the Commission. The decision of the Commission shall be

based upon its examination of all of the testimony and records in the matter investigated or heard.

Section 40. *Utilities to Furnish Commission with Information Required.*—Every public utility shall furnish to the Commission all information required by it to carry into effect the provisions of this Act, and shall make specific answers to all questions submitted by the Commission.

Any public utility receiving from the Commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the Commission at its office within the period fixed by the Commission.

Whenever required by the Commission, every public utility shall deliver to the Commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with a complete inventory of all its property, in such form as the Commission may direct.

Section 41. *Complaint Against Utility by Patrons, Etc.*—Upon a complaint made against any public utility by any mercantile, agricultural or manufacturing society or by any body politic or municipal organization or by any three persons, firms, corporations or associations, that any or all of the rates, tolls, charges or schedules or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act whatsoever affecting or relating to the production, transmission, delivery or furnishing of heat, light or water or power or the conveyance of any telegraph or telephone message, or the transportation of persons or property by street railroad, or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service rendered by any public utility is inadequate or is not afforded, the Commission shall proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, measurements, practice or act complained of shall be entered by the Commission without a formal hearing.

Section 42. *Notice of Complaint to Utility; Notice of Hearing.*—The Commission shall, prior to such formal hearing, notify the public utility complained of that complaint has been made, and to answer the same and at the same time or afterward, may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

The Commission shall give the public utility and the complainant, if any, ten days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

Section 43. *Commission to Prescribe Reasonable Rates and Regulations.*—If, upon such investigation, any rates, tolls, charges, schedules or joint rates, shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this Act, the Commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, measurement, practice, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this Act, or if it be found that any service is unsafe or inadequate or that any reasonable service cannot be obtained or is not afforded, the Commission shall have power to substitute therefor such other regulations, measurements, practices, service or acts and to make such order respecting, and such changes in such regulations, measurements, practices, service or acts as shall be just and reasonable.

Section 44. *Separate Hearings on Complaint; Direct Damage to Complainant Not Essential.*—The Commission may, in its discretion, when a complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Section 45. *Investigation on Commission's Own Motion.*—Whenever the Commission shall believe that any rate or charge or schedule of rates or charges may be unreasonable or unjustly discriminatory or that any service is unsafe or inadequate or is not afforded or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion, summarily investigate the same with or without notice. If, after making such investigation, the Commission becomes satisfied that sufficient grounds exist to warrant a hearing being ordered to determine whether any rate or charge or schedule of rates or charges so investigated is unreasonable or unjustly discriminatory, or whether the service investigated is unsafe or inadequate or is not afforded, or that an investigation of any other matter relating to such public utilities should be made, it shall furnish such public utility interested a statement, notifying the public utility of the matters under investigation, which said statement shall be accompanied by a notice fixing a time and place for hearing upon such matters. Notice may likewise be given to other parties interested. Such notice of hearing shall be given at least ten days in advance of any hearing. Thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the Commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

Section 46. *Utilities May Complain.*—Any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by any mercantile, agricultural or manufacturing society, body politic or municipal organization or by any ten persons, firms, corporations or associations.

Section 47. *Powers of Commissioners and Examiners as to Production of Testimony and Papers—Contempt Proceedings.*—Each of the Commissioners, and every examiner, or agent appointed, as herein provided, shall for the purposes mentioned in this Act and for the purposes mentioned in Chapter 53 of the Laws of Oregon for the year 1907, and Sections 6928 and 6929 of Lord's Oregon Laws as compiled and annotated by Hon. William Paine Lord and Richard Ward Montague, have the power to administer oaths, certify to official acts, issue notices in the name of the Commission, issue subpoenas under his hand, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony, and to take and receive testimony, conduct hearings and investigations, whether upon complaint or upon the Commission's own motion.

In case of disobedience on the part of any person or persons to comply with any order of the Commission or any Commissioner, examiner or agent or any subpoena, or, on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the Commission, any Commissioner, examiner or agent authorized as provided in Section 39 hereof, it shall be the duty of the circuit court of any county or the judge thereof, upon application of the Commission or any Commissioner to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, waybills, contracts, accounts, and documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Commission, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 48. *Witness Fees and Mileage.*—Each witness who shall appear before the Commission or its agent by its order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the Commission; *provided*, no witness shall be entitled to receive double mileage fees.

No witness subpoenaed at the instance of parties other than the

Commission shall be entitled to compensation from the State for attendance or travel unless the Commission shall certify that his testimony was material to the matter investigated.

Section 49. *Depositions.*—The Commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil suits in the circuit court.

Section 50. *Record of Proceedings and Testimony—Transcript Received in Evidence.*—A full and complete record shall be kept of all proceedings had before the Commission or any Commissioner, examiner or agent on any investigation and all testimony shall be taken down by the stenographer appointed by the Commission. Whenever any complaint is served upon the Commission under the provisions of Section 54 of this Act, the Commission shall, before said suit is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the county clerk of the county where the action is pending. A transcribed copy of the evidence and proceedings, or any specific part thereof on any investigation, taken by the stenographer appointed by the Commission, being certified by such stenographer to be a true and correct transcript in long hand of all the testimony on the investigation, or of a particular witness, or of other specific parts thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if said evidence had been given and said proceedings had upon the trial in which said transcript or any part thereof is offered.

Section 51. *Commission to Order Substitution of Reasonable Rates and Service, Taking Effect of Order.*—Whenever, upon an investigation made under the provisions of this Act, the Commission shall find any existing rate or rates, or any schedule of rates, tolls, charges, joint rate or joint rates to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this Act, the Commission shall determine and by order fix reasonable rate or rates, schedule of rates, tolls, charges or joint rates to be imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this Act.

Whenever, upon an investigation made under the provisions of this Act, the Commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this Act; or shall find that any service is unsafe or inadequate or that any service which can be reasonably demanded is not afforded, the Commission shall determine and declare and by order

fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory, unsafe, inadequate, or otherwise in violation of this Act as the case may be, and shall make such other order respecting such measurement, regulation, act, practice or service as shall be just and reasonable. The Commission shall cause a certified copy of all such orders to be delivered to an officer or agent of the public utility affected thereby, and all such orders shall of their own force take effect and become operative twenty days after service thereof, unless a different time be provided by said order. The Commission may provide by rule that any public utility affected by any order shall within a time to be fixed by the Commission, notify the Commission whether the terms of the order are accepted and will be obeyed.

Section 52. *Revision and Amendment of Orders.*—The Commission may at any time, upon notice to the public utility and after opportunity to be heard as provided in Section 42 hereof, rescind, alter or amend any order fixing any rate or rates, schedule of rates, tolls, charges, or any other order made by the Commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Section 53. *Orders Enforced Until Set Aside; Prima Facie Lawful and Reasonable.*—All rates, tolls, charges, schedules and joint rates fixed by the Commission shall be in force and shall be *prima facie* lawful, and all regulations, practices and services prescribed by the Commission shall be in force and shall be *prima facie* lawful and reasonable until found otherwise in a suit brought for that purpose pursuant to the provisions of Sections 54, 55, 56, and 57 of this Act.

Section 54. *Suits to Set Aside Orders, Procedure, Precedence in Hearing, Burden of Proof.*—Any public utility or other person, persons or corporation interested in or affected by any order of the Commission fixing any rate or rates, tolls, charges, schedules, classifications, joint rate or rates, or any order fixing any regulations, practices, act or service, being dissatisfied therewith, may commence a suit in the circuit court of the county in which the hearing was held, against the Commission as defendant to vacate and set aside any such order or specified portion thereof on the ground that the order or portion thereof is unlawful, in which suit a copy of the complaint shall be served with the summons as in a suit in equity. The Commission shall serve and file its answer to said complaint within ten days after the service thereof, whereupon said suit shall be at issue and stand ready for trial upon ten days' notice by either party. All suits brought under this section shall have precedence over any civil cause of a different nature pending in said court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as a suit in equity. Every such suit to set aside, vacate or amend any

determination or order of the Commission or to enjoin the enforcement thereof or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right or recourse to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit, shall terminate absolutely at the end of such ninety days after such entry or rendition thereof.

Section 55. *Suspension or Stay of Order Pending suit to Set Aside Order, Terms and Bond.*—After the commencement of such suit the circuit court may for cause shown, upon application to the circuit court or presiding judge thereof, and upon notice to the Commission and hearing, suspend or stay the operation of the order of the Commission complained of until the final disposition of such suit, upon the giving of such bond or other security, and upon such conditions as the court may require; and if such order of injunction suspends the order or requirement of the Commission fixing rates, then the court shall require a bond with good and sufficient surety, conditioned that the public utility or public utilities applying for such injunction shall answer for all damages caused by the delay in the enforcement of the order of the Commission and all compensation for whatever sums any person or corporation shall be compelled to pay in excess of the sums such person or corporation would have been compelled to pay if the order of the Commission had not been suspended; and such bond shall cover the periods transpiring from time of the issuance of any such injunction until the final determination of the question litigated. The said bond shall be executed in favor of the Railroad Commission of Oregon for the benefit of whom it may concern, and shall be enforceable by said Commission or any person interested, in an appropriate proceeding. Any person paying charges found to be excessive shall have a claim for the excess, whether paid under protest or not, and unless refunded within thirty days after written demand made after final judgment, may recover the same by action against such public utility, or such public utility and the sureties on such bond. Claims of persons for money collected in excess of the amount payable under the rate or rates established by the Commission shall be assignable in the same manner as any chose in action. No appeal to the Supreme Court shall stay the operation of any order of the Commission unless the circuit or Supreme Court shall so direct, and unless the public utility so appealing shall give a bond with like conditions and terms as that given on granting injunctions suspending an order of the Commission fixing rates.

Section 56. *Reconsideration by Commission When New Evidence Introduced.*—If, upon the trial of such suit, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the Commission or additional thereto,

the court before proceeding to render judgment, unless the parties to such suit stipulate in writing to the contrary, shall transmit a copy of such evidence to the Commission and shall stay further proceedings in said action for fifteen days from the date of such transmission. Upon the receipt of such evidence the Commission shall consider the same, and may alter, modify, amend or rescind its order relating to such rate or rates, fares, charges, classification, joint rate or rates, regulation, practice, service or equipment complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the Commission shall rescind its order complained of the suit shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment or decree shall be rendered thereon, as though made by the Commission in the first instance. If the original order shall not be rescinded or changed by the Commission, judgment or decree shall be rendered upon such original order.

Section 57. *Appeal to Supreme Court, Precedence Upon Calendar.*—Either party to said suit, within sixty days after the entry of the judgment or decree of the circuit court, may appeal to the Supreme Court. Where an appeal is taken the cause shall, on the return of the papers to the Supreme Court, be immediately placed on the calendar of the then pending term, and shall be assigned and brought to a hearing in the same manner as other causes on the calendar, but shall have precedence over civil causes of a different nature pending in said court.

Section 58. *Procedure as in Civil Actions; Burden of Proof of Unlawfulness or Unreasonableness.*—In all suits, actions and proceedings in court arising under this Act all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise in this Act provided.

In all trials, actions, suits and proceedings arising under the provisions of this Act or growing out of the exercise of the authority and powers granted herein to the Commission, the burden of proof shall be upon the party adverse to such Commission or seeking to set aside any determination, requirement, direction or order of said Commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the Commission complained of is unreasonable or unlawful as the case may be.

Section 59. *Incriminating Evidence; Immunity Does Not Extend to Corporation.*—No person shall be excused from testifying or from producing books and papers in any proceedings based upon or growing out of any violation of the provisions of this Act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transac-

tion, matter or thing concerning which he may have testified or produced any documentary evidence; *provided*, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying; and *provided*, the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Section 60. *Certified Copies of Orders Furnished*.—Upon application of any person the Commission shall furnish certified copies, under the seal of the Commission, of any order made by it, which shall be *prima facie* evidence of the facts stated therein.

Section 61. *Power of Municipality to Regulate Utilities; Appeal*.—Every municipality shall have power—

(1) To determine by contract, ordinance or otherwise the quality and character of each kind of product or service to be furnished or rendered by any public utility furnishing any product of service within said municipality and all other terms and conditions not inconsistent with this Act upon which such public utility may be permitted to occupy the streets, highways or other public property within such municipality and such contract, ordinance or other determination of such municipality shall be in force and *prima facie* reasonable. Upon complaint made by such public utility or by any qualified complainant as provided in Section 41, the Commission shall set a hearing as provided in Section 42 and if it shall find such contract, ordinance or other determination to be unreasonable, such contract, ordinance or other determination shall be void. *Provided, however*, that no ordinance or other municipal regulation shall be reviewed by the Commission under the provisions of this section which was prior to such review enacted by the initiative or which was prior to such review referred to and approved by the people of said municipality or while a referendum thereon is pending.

(2) To require of any public utility by ordinance or otherwise such modifications, additions and extensions to its physical equipment, facilities or plant or service within said municipality as shall be reasonable and necessary in the interest of the public, and to designate the location and nature of all such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed subject to review by the Commission as provided in this section.

(3) To provide for a penalty for non-compliance with the provisions of any ordinance or resolution adopted pursuant to the provisions hereof.

(4) The power and authority granted in this section shall exist and be vested in said municipalities, anything in this Act to the contrary notwithstanding.

Section 62. *Passes, Franks and Privileges Denied Political Committees and Candidates; Penalty*.—No public utility or any agent or officer thereof, or any agent or officer of any municipality constituting

a public utility as defined in this Act shall offer or give for any purpose to any political committee or any member or employee thereof to any candidate for or incumbent of any office or position under the constitution or laws or under any ordinance of any municipality of this State, or to any person at the request, or for the advantage of all or any of them, any pass, reduced rate, frank or any privilege withheld from any person for any transportation, product or service produced, transmitted, delivered, furnished or rendered, or to be transported, produced, transmitted, delivered, furnished or rendered by any public utility, or the conveyance of any telephone message or communication or any free produce or service whatsoever.

No political committee and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws or under any ordinance of any town or municipality of this State, shall ask for or accept from any public utility or any agent or officer thereof, or any agent or officer of any municipality constituting a public utility as defined in this Act, or use in any manner or for any purpose any pass, reduced rate, frank or privilege withheld from any person, for any transportation product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by any public utility, or the conveyance of any telephone message or communication. Any violation of any of the provisions of this section shall be punished by imprisonment in the State Penitentiary not more than five years nor less than one year or by fine not exceeding one thousand dollars nor less than two hundred dollars, or by both such fine and imprisonment.

Section 63. *Unjust Discrimination, Prohibited; Definition; Penalty; Permissible Free or Reduced Rate Service.*—If any public utility or any agent or officer thereof shall, directly or indirectly, by any device whatsoever or otherwise, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it in or effecting it relating to the transportation of persons or property by street railroad or to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telegraph or telephone messages or for any service in connection therewith than that prescribed in the public schedules or tariffs than in force or established as provided therein, or than it charges, demands, collects or receives from any other person, firm or corporation for a like and contemporaneous service under substantially similar circumstances, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful, and upon conviction thereof shall forfeit and pay into the State treasury not less than one hundred dollars nor more than one thousand dollars for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars

for each offense. *Provided*, that this provision shall not be construed to prohibit the privilege of passes or franks or the exchange thereof with each other for the officers, agents, employees and their families of street railroads, telegraph, telephone and cable lines, and the officers, agents, employees and their families of other street railroads, telegraph, telephone and cable lines and with the officers, employees and their families of railroad, express and sleeping car lines, union depots and other common carriers. *Provided however*, that nothing in this Act shall be construed to prevent telephone, telegraph and cable companies from entering into contracts with common carriers for the exchange of services. Nothing herein shall prevent the transportation of persons or property or the production, transmission, delivery or furnishing of heat, light, water or power, or the conveying of telegraph or telephone messages within this State free or at reduced rates for the United States, the State, or any municipality thereof, or for charitable purposes, or to employees of any such public utility for their own exclusive use and benefit, nor prevent any such public utility from giving free transportation or service, or reduced rates therefor, to its officers, agents, surgeons, physicians, employees and attorneys at law, or members of their families, or to former employees to such public utilities or members of their families where such former employees have become disabled in the service of such public utility or are unable from physical disqualification to continue in the service, or to members of families of deceased employees of such public utility; to ministers of religion, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work. The Commission may in its discretion require to be filed with it by any public utility a list, verified under oath of the president, manager, superintendent or secretary of any public utility, of all free or reduced rate privileges granted by such public utility under the provisions of this section.

Section 64. *Facilities in Exchange for Less Compensation Prohibited; Exceptions.*—It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm or corporation of any part of the facilities incident thereto; *provided*, nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the transportation of persons or property by street railroad, or to the production, transmission delivery or furnishing of heat, light, water or power or the conveyance of telephone messages and paying a reasonable rental therefor, or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscriber's premises, and unless otherwise ordered by the Commission meters and appliances for measurements of any product or service.

Section 65. *Undue Preferences Prohibited, Penalty; Existing Contracts Respected.*—If any public utility shall make or give any undue or unreasonable preference or advantage to any particular person, firm, or corporation, or to any particular locality, or shall subject any particular person, firm, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful. Any person, firm or corporation convicted of violating any of the provisions of this section shall forfeit and pay into the State treasury not less than one hundred dollars nor more than ten thousand dollars for each offense; and any agent or officer of any public utility, person, firm or corporation so offending shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense.

Section 66. *Rebates, Concessions and Discriminations Prohibited; Penalty.*—It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, concession or discrimination in respect to any service in or affecting or relating to the transportation of persons by street railroad, or to production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telegraph or telephone messages within this State, or for any service in connection therewith whereby any such service shall, by any device whatsoever, or otherwise, be rendered free or at a less rate than that named in the published schedules and tariffs in force as provided herein, or whereby any service or advantage is received other than is herein specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Section 67. *Treble Damages for Violation of Act by Public Utility; Attorney's Fees; Statute Penalty Not Affected by Civil Damages.*—If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this Act prohibited, or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation together with a reasonable counsel's or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case; *provided*, that any recovery as in this section provided shall in no manner effect recovery by the State of the penalty prescribed for such violation.

Section 68. *Information, Papers and Accounting Denied Commission; Penalty.*—Any officer, agent or employee of any public utility who shall fail or refuse to fill out and return any blanks as required by this Act,

or shall fail or refuse to answer any question therein propounded, or shall knowingly or willfully give a false answer to any such question or shall evade the answer to any such question where the fact inquired of is within his knowledge or who shall, upon proper demand, fail or refuse to exhibit to the Commission or any Commissioner or any person authorized to examine the same, any book, paper, account, record, or memorandum of such public utility which is in his possession or under his control or who shall fail to properly use and keep his system of accounting or any part thereof as prescribed by the Commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the Commission or its authorized representative, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars for each offense. A penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility or any general officer thereof.

Section 69. *Violations of Act in General, Penalties; Utility Held Responsible for Agents.*—If any public utility shall violate any provisions of this Act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement, order made by the Commission or council, or any judgment or decree made by any court upon the application of the Commission, for every such violation, failure or refusal, such public utility shall forfeit and pay into the State treasury a sum of not less than one hundred dollars, nor more than ten thousand dollars for such offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment, shall in every case be deemed to be the act, omission or failure of such public utility. All penalties, fines or forfeitures or other sums collected or paid under the provisions of this Act, shall be paid into the general fund of the State treasury except where it is provided the same shall be paid to the aggrieved party.

Section 70. *Interference With Commission's Equipment; Penalty.*—Any person who shall destroy, injure, or interfere with any apparatus or appliance owned or operated by or in charge of the Commission or its agent, or any apparatus or appliance sealed by it, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding one hundred dollars or imprisonment for a period not exceeding thirty days or both. Any public utility knowingly permitting the destruction, injury to, or interference with any such apparatus or appliance or with the seal affixed to any apparatus or appliance by direction of the Commission, shall forfeit a sum not exceeding one thousand dollars for each such offense.

Section 71. *Temporary Alteration or Suspension of Rates.*—The Commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the people or any public utility of this State in case of any emergency to be judged of by the Commission, to temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules and order relating to or affecting any public utility or part of any public utility in this State. Such rates so made by the Commission shall apply to one or more of the public utilities in this State or to any portion thereof as may be directed by the Commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the Commission.

Section 72. *Unreasonable Rates, Practices and Services Not Specifically Designated May Be Regulated.*—Whenever, after hearing an investigation as provided in this Act, the Commission shall find that any rate, toll, charge, regulation or practice for, in, or affecting or relating to the transportation of persons or property by street railroad, or to production, transmission, delivery or furnishing of heat, light, water or power or the conveying of any telephone or telegraph message or any service in connection therewith not hereinbefore specifically designated, is in any respect unsafe, inadequate, unreasonable or unjustly discriminatory, it shall have the power to regulate the same as provided in Sections 41 to 46 hereof, inclusive.

Section 73. *Investigation of Accidents.*—Every public utility shall, whenever an accident attended with loss of human life occurs within this State upon its premises or directly or indirectly arises from or connected with its maintenance or operation, give immediate notice thereof to the Commission. In the event of any such accident the Commission, if it deem the public interest require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for greater convenience of those concerned it shall order such investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The Commission shall seasonably notify the public utility of the time and place of the investigation.

Section 74. *Enforcement of Laws as to Public Utilities; Duties of Attorney General, Prosecuting Attorneys and Counsel.*—The Commission shall inquire into any neglect or violation of any law of this State or any law or ordinance of any municipality thereof by any public utility corporation doing business therein, or by the officers, agent, or employees thereof, or by any person operating a public utility, and shall have the power, and it shall be its duty to enforce the provisions of this Act, as well as all other laws relating to public utilities and report all violations thereof to the Attorney General. Upon the request of the Commission it shall be the duty of the Attorney General or the prosecuting attorney of the proper county to aid in any investigation, hearing, or

trial had under the provisions of this Act, and to institute and to prosecute all necessary suits, actions or proceedings for the enforcement of this Act or the recovery of penalties payable to the State or the enforcement of any law of this State or any law or ordinance of any municipality thereof relating to public utilities, and for the punishment of all violations thereof. Any forfeiture or penalty herein provided shall be recovered by an action brought thereon in the name of the State of Oregon in any court of appropriate jurisdiction. The Commission shall have authority to employ counsel and to fix their duties and compensation.

Section 75. *Substantial Compliance With Acts Sufficient; Technical Omissions Immaterial; Liberal Construction.*—A substantial compliance with the requirements of this Act shall be sufficient to give effect to all the rules, orders, acts and regulations of the Commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto. The provisions of this Act shall be liberally construed with a view to the public welfare, efficient facilities, and substantial justice between patrons and public utilities.

Section 76. *Other Rights of Action Not Released or Waived; Penalties Cumulative.*—This Act shall not have the effect to release or waive any right of action by the State or by any municipality thereof or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any law of this State or under any law or ordinance of any municipality thereof; and all penalties and forfeiture accruing under this Act shall be cumulative and a suit for, and recovery of one, shall not be a bar to the recovery of any other penalty. The duties and liabilities of public utilities shall be the same as at common law and the remedies against them the same, except where otherwise provided by the constitution or statutes of this State, and the provisions of this Act are cumulative thereto.

Section 77. *Rates of January 1, 1911, to Govern as Maximum Unless Otherwise Ordered; Proceedings to Change.*—Except as in this Act provided, and unless the Commission shall otherwise order, it shall be unlawful for any public utility within this State to demand, collect or receive a greater compensation for any service than the charge fixed on the lowest schedule of rates for the same service on the first day of January, 1911. Every public utility in this State shall, within a time to be fixed by the Commission, file in the office of the Commission, copies of all schedules of rates and charges including joint rates, in force on the first day of January, 1911, and all rates in force at any time subsequent to said date. Any public utility desiring to advance or discontinue any such rate or rates may make application to the Commission in writing stating the advance in or discontinuance of the rate or rates desired, giving the reasons for such advance or discontinuation. Upon receiving such application the Commission shall fix a time and place for hearing and give such notice to interested parties as it shall deem

proper and reasonable. If, after such hearing and investigation, the Commission shall find that the change or discontinuation applied for is reasonable, fair and just, it shall grant the application either in whole or in part. Any public utility being dissatisfied with any order of the Commission made under the provisions of this section may commence a suit against it in the circuit court in the manner provided in Section 54 of this Act, which suit shall be tried and determined in the same manner as is provided for suits brought under said Section 54.

Section 78. *Expenses of Commission and Employees, Offices, Supplies.*—The agents, experts, engineers, accountants, inspectors, examiners or assistants provided for in this Act shall be appointed by the Commission and the Commission shall fix their compensation. The Commission shall be provided by the Secretary of State with necessary office furniture, supplies, stationery, books, periodicals, maps, and all necessary expenses therefor shall be audited and paid as other State expenses are audited and paid. The Commission may hold sessions and maintain offices at places other than the Capitol in its discretion for the more convenient and efficient performance of the duties imposed upon it by law, and shall upon its request be provided by the county court of any county in the State with suitable room or rooms for offices and hearings. The Commissioners, secretary, clerk, stenographer and other employees, traveling upon the direction of the Commission, shall be entitled to receive from the State their actual necessary expenses while traveling on the business of the Commission. Such expenditures shall be sworn to by the person who incurred the expense and approved by the Commission.

Section 79. That Section 2 of Chapter 53 of the Laws of Oregon for the year 1907, the same being Section 6876 of Lord's Oregon Laws, as compiled and annotated by Honorable William Paine Lord and Richard Ward Montague, be and the same is amended so that the same shall read as follows:

Sec. 6876. The Governor, Secretary of State, and State Treasurer may at any time, remove any Commissioner appointed by them, for inefficiency, neglect of duty, or malfeasance in office. Before such removal they shall give such Commissioner a copy of the charges against him, and shall fix a time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed the Governor, Secretary of State, and State Treasurer shall file in the office of the Secretary of State a complete statement of all charges made against such Commissioner, and their findings thereon with a record of the proceedings. Such power of removal shall be absolute, and there shall be no right of review of the same in any court whatsoever. No person so appointed or elected shall be pecuniarily interested in any railroad, common carrier or public utility in this State or elsewhere, and if any such Commissioner shall voluntarily become so interested, his office shall *ipso facto* become vacant; and if he shall become so interested otherwise than voluntarily

he shall, within a reasonable time divest himself of said interest; failing to do so his office shall become vacant. No Commissioner, nor the secretary, shall hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office. Before entering on the duties of his office, each of said Commissioners shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of this State, and to faithfully and honestly discharge the duties of such office of Commissioner; and that he is not pecuniarily interested in any railroad in this State or elsewhere, or in any common carrier, or in any corporation, company, or association of individuals owning, operating, managing or controlling any plant or equipment in this State or elsewhere for the conveyance of telegraph or telephone messages, or for the transportation of persons or property by street railroad, or for the production, transmission, delivery or furnishing of heat, light, water or power, nor in the stock, bonds, securities, earnings or contracts of any thereof, and that he holds no other office of profit, nor any position under any political committee or party; which oath or affirmation shall be filed in the office of the Secretary of State. Each of the said Commissioners shall also, before entering upon the duties of his office, execute a bond, payable to the State of Oregon, in the penal sum of ten thousand dollars (\$10,000) with sureties to be approved by the Governor, Secretary of State, and State Treasurer, or a majority of them, for the faithful discharge of his duties and office, which said bond, when so executed and approved, shall be filed in the office of the Secretary of State. Each of said Commissioners shall receive an annual salary of four thousand dollars, payable in the same manner as salaries of other State officers are paid.

Section 80. The sum of thirty-five thousand dollars, or so much thereof as may be necessary to carry this Act into effect is hereby appropriated out of any money in the general fund of this State not otherwise appropriated. *Provided, however,* the sum hereby appropriated is not to be used in paying the salaries of the members of the Commission.

Filed in the office of the Secretary of State February 24, 1911.

(On Official Ballot, Nos. 314 and 315.)

(Negative)

SUBMITTED BY

DAN KELLAHER AND GEO. W. JOSEPH

opposing the measure designated on the official ballot as follows:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

An Act vesting the Railroad Commission with power and jurisdiction to supervise and regulate every public service corporation and utility in the State of Oregon, as to the adequacy of the service rendered and facilities provided, the fairness of rates, tolls, and charges to be collected from the public therefor, and also as to interchange of business between such public service corporations and utilities, the purpose of the bill being to give the commission supervisory control over all such corporations and utilities as far as their business has to do with the general public.

Vote YES or NO.

314. Yes.

315. No.

The introducer of Senate Bill No. 73 asserted that he had used the Wisconsin law as a model for his work. Instead of being a reproduction of the Wisconsin law, it seems that the Wisconsin law was used only for the purpose of avoiding the passage of any law, or the insertion of any provision therein which would not be satisfactory to the public utility corporations.

Sections 5, 74, 1797-m-78, 1797-m-96, and many other sections of the Wisconsin law were omitted, all of which sections are most vital to a public utility law, and by the omission of these sections, the law is made satisfactory to the public utility corporations.

The omission of the sections mentioned perpetuated the franchise of the Portland Gas Company and some of the franchises held by the Portland Railway, Light & Power Company, over which the commission would not have jurisdiction.

The Oregon law is a parody on the Wisconsin law.

Any person who had an objection to a portion of the proposed law made his objection, and it was immediately respected, for the reason that all that the introducer of the law desired to accomplish, was the passage of a bill which would be called a "public utility bill."

The law is satisfactory to and supported by the public utility corporations, which we believe the highest evidence of it being unfavorable to the people. VOTE NO.

Under the Oregon law, the people or complainants are burdened with costs, which possibly would deter them from commencing any proceedings against the public utility corporation, while under the Wisconsin law, provision is made that the corporation committing the wrong shall bear the costs, or that the commission pay the same.

Under the Oregon law, an office can be established by the commission in every town and city. Should the tax payers be compelled to pay \$20,000.00 per year to have a supervision over the public utility corporations which is satisfactory and sought for by themselves? VOTE NO.

DAN KELLAHER,
GEO. W. JOSEPH.

A MEASURE

Appropriating money for the building and equipping of a dormitory
for the Oregon Normal School at Monmouth.

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Referendum ordered by petition of the people filed in the office of the
Secretary of State, May 18, 1911, in accordance with the pro-
visions of Section 1 of Article IV of the Constitution of the
State of Oregon, adopted by the people June 2, 1902.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

An Act appropriating \$50,000 for building, furnishing
and equipping a dormitory at the Oregon Normal
School at Monmouth.

Vote YES or NO.

316. Yes.

317. No.

days after receiving notice of such award, the amount of such check shall become forfeited and placed to the credit of the county general road fund. The checks of all unsuccessful bidders shall be returned after the contract has been awarded and a bond given.

Section 18. The county courts who have advertised for bids on road construction under provision of this Act, must award the contract to the lowest responsible bidder. Provided, if in their judgment the bid is too high they shall then have the right to reject any or all bids, and shall immediately proceed to readvertise for bids, in the same manner as per instructions of Section 17.

If after this the county court is of the opinion that bids are still too high, they shall then have the power to execute the work under their own supervision in accordance with the plans and specifications prepared therefor.

Section 19. All county courts working under provisions of this Act, shall require all contractors to give a good and sufficient bond for the completion of their work, as entered into by written contract with the county court.

Section 20. No county bond issued under the provisions of this Act shall be sold for less than the par value thereof, and no county shall issue bonds under provisions of this Act in excess of five per cent of its assessed valuation.

Section 21. The county treasurer shall be custodian of all money derived under provision of this Act, for which he shall give a good and sufficient bond for its safekeeping, and he shall disburse the same upon order of the county court.

Section 22. The aforesaid county bonds shall be issued in such denominations as the county court may determine and direct, provided that no bond shall be issued for less than twenty-five (\$25.00) dollars.

Section 23. The county courts shall have the power to expend all funds derived under provisions of this Act in accordance with aforesaid instructions; provided, if there be a surplus fund remaining after any specified road has been improved, said fund shall be applied toward the payment of the first bonds becoming due.

Section 24. The county courts are hereby empowered to make all necessary tax levies to meet the obligations made in accordance with this Act.

Section 25. Any acts, or part of acts, in conflict with this Act are hereby repealed.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act creating a State Highway Department, providing for its officers, defining their duties, appropriating money therefor, and repealing all acts or parts of acts in conflict herewith.

By initiative petition filed in the office of the Secretary of State, July 1, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an act to create a State Highway Department, authorizing the Governor to appoint a State Highway Engineer at an annual salary of \$3600; providing his duties and making an annual appropriation of not to exceed \$12,000 for the maintenance of the department, including the salary of the engineer and his assistants.

Vote YES or NO.

326. Yes.

327. No.

(On Official Ballot, Nos. 326 and 327.)

A BILL

For an Act creating a State Highway Department, providing for its officers, defining their duties, appropriating money therefor, and repealing all acts or parts of acts in conflict herewith.

Be it enacted by the People of the State of Oregon:

Section 1. There is hereby created and established a State Highway Department, the chief officer of which shall be called the State Highway Engineer. Said State Highway Engineer shall be appointed by the Governor, and shall hold his office for four years, or until removed by the Governor and a successor appointed. Said Highway Engineer shall be a competent civil engineer, and experienced and skilled in highway construction and maintenance.

Section 2. The Secretary of State is hereby directed to furnish the State Highway Engineer with a suitable office in the Capitol Building, where his records shall be kept, and said office shall be kept open during the same hours as required of other state officers. The said Highway Engineer shall keep a record of all proceedings and orders pertaining to the matters under his direction, and copies of all plans, specifications and estimates submitted to or made by him.

Section 3. The State Highway Engineer, when so requested in writing by any County Court in the State, shall prepare plans and specifications and have supervision of the construction of all roads and bridges, the cost of which shall be paid wholly or in part by funds procured by any County under the authority granted by Section 10, of Article XI, of the constitution of the State, and also when required by the County Court, shall have supervision of the construction of all roads, part of which is paid by the State.

He shall compile statistics relative to the public highways throughout the State, and shall collect all necessary information in regard thereto which he may deem important.

He shall investigate and recommend to the County Courts various methods of road construction adapted to different sections of the State.

He shall also make a report annually to the Governor of this State, which report shall fully set forth all that has been done by him during the period covered by the report; all money expended by him or under his direction, and all roads that have been constructed under his direction, giving in each instance the number of miles constructed in each county, the kind of material used and cost per mile of construction.

It shall also be his duty, when requested by the County Court, to advise on all bids and contracts, and to prepare plans and specifications pertaining to the construction of roads and bridges, and to cooperate in a general way with the several County Courts with a view to making the best possible use of all funds expended upon any public road.

Section 4. At the end of each month the State Highway Engineer shall prepare a detailed account, verified by his affidavit, of his traveling and other expenses for that month, which shall be submitted to the Secretary of State for payment.

Section 5. The State Highway Engineer shall receive an annual salary of \$3,600.00, payable monthly, by the State, and his actual necessary traveling expenses while officially employed. Said Engineer may appoint, if the work of the department requires it, such assistance as may be needed, provided that the total expenses of said highway department shall not exceed \$12,000 annually.

Section 6. The County Court shall appoint, subject to the approval of the State Highway Engineer, a road constructor to supervise the construction of all permanent roads, mentioned in Section 3 of this Act. Other things being equal, local men shall have the preference of appointment. Said road constructor may be removed at any time by the appointing power. It shall be the duty of the County Court to furnish the State Highway Engineer with such detailed information regarding the character of construction probably needed and such information as will assist the State Highway Engineer in approving the appointment of a road constructor for the particular road in question.

Section 7. The Road Supervisors, County Court of any county, and all other officers who now have or may hereafter have by law the care and supervision of the public highways, culverts and bridges, shall, from time to time, upon the written request of the State Highway Engineer, furnish him with all information in connection with the building and maintenance of the public highways, culverts and bridges in their respective localities. It shall be the duty of the State Highway Engineer, or his authorized assistant, to examine the records of the various counties relating to road expenditures, to the end that a uniform system of accounting may be devised as soon as practicable. When such system of accounting has been perfected, it shall be the duty of each county officer to conform his system of accounts and reports so as to furnish the information requested by the State Highway Engineer.

Section 8. There is hereby appropriated out of any money in the treasury of this State, not otherwise appropriated, such sum as may be necessary, not to exceed twelve thousand dollars (\$12,000) annually, for the payment of salaries and expenses as provided for in this Act, and the Secretary of State is hereby authorized to audit all bills and draw warrants on the State Treasurer for the payment of the same, in compliance with this Act.

Section 9. All laws, or parts of laws in conflict with the provisions of this Act are hereby repealed.

(On Official Ballot, Nos. 324 and 325 and 326 and 327.)

ARGUMENT

(affirmative)

SUBMITTED BY OREGON STATE GRANGE

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITIONS

A bill for an Act authorizing any county in this State to issue bonds for the construction of permanent roads, providing a mode of procedure by which a special election may be called within the county to vote whether bonds shall be issued and providing for the sale of bonds and the expenditure of the money realized therefrom in actual road construction. Vote YES or NO.

324. Yes.

325. No.

A bill for an Act to create a State Highway Department, authorizing the Governor to appoint a State Highway Engineer at an annual salary of \$3600; providing his duties and making an annual appropriation of not to exceed \$12,000 for the maintenance of the department, including the salary of the engineer and his assistants.

Vote YES or NO.

326. Yes.

327. No.

These bills provide that all matters pertaining to issue and redemption of bonds, location and construction of permanent roads and expenditures in connection with same, can only be proposed at County Road Meetings by representatives elected by road districts; that all actions taken at such road meetings are either approved or rejected at special elections, and that the County Courts are required to carry out the instructions of the voters at such elections.

This bill further provides for a competent State Highway Engineer to prepare plans and specifications for the proper construction of permanent county roads and bridges, thus enabling counties to avoid the present inefficient and unsatisfactory work of engineers and supervisors with little or no practical experience or knowledge.

The object of these Grange Bills is to encourage and promote the construction of good, permanent roads, radiating from market centers out and into the rural communities and such other roads as the business interests of the county requires.

These bills were carefully drawn, by the Grange Committee after advising and consulting with the best authorities on road laws and road construction in the State, and we believe if enacted into laws will benefit all.

Business Man and Farmer, Producer and Consumer, vote for these Grange Measures, for you, one and all, are interested in the development of the State, that can never be accomplished without the construction of good, permanent roads, built economically and scientifically.

SPENCE, SHAW, LEEDY, MASON, Committee, Oregon State Grange.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for a law to amend Section 20 of Chapter
266 of the Laws of Oregon for 1911, placing the State
Printer on a Flat Salary.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill to put Chapter 266, Laws of 1911, into effect
December 1, 1912, instead of January 1, 1915, which
chapter creates State Printing Board consisting of
Governor, Secretary of State, and State Treasurer,
fixes salary of State Printer at \$4000.00, Secretary
of the Board at \$2000.00, with no other compensa-
tions, provides for purchase of State printing plant,
makes appropriations therefor, authorizes printing
department to do binding, ruling, etc., and requires
printer to contract in name of State for all printing
employees, Secretary of Board to prescribe style,
manner and materials used.

Vote YES or NO.

328. Yes.

329. No.

(On Official Ballot, Nos. 328 and 329.)

A BILL

For a Law to amend Section 20 of Chapter 266 of the Laws of Oregon for 1911, placing the State Printer on a Flat Salary.

Be it enacted by the People of the State of Oregon:

Section 1. That Section 20 of Chapter 266 of the Laws of Oregon for 1911 be and the same is hereby amended so as to read as follows:

“Section 20. This act shall be in full force and effect from and after the 1st day of December, 1912.”

(On Official Ballot, Nos. 328 and 329.)

A BILL

For a Law to amend Section 20 of Chapter 266 of the Laws of Oregon for 1911, placing the State Printer on a Flat Salary.

Be it enacted by the People of the State of Oregon:

Section 1. That Section 20 of Chapter 266 of the Laws of Oregon for 1911 be and the same is hereby amended so as to read as follows:

“Section 20. This act shall be in full force and effect from and after the 1st day of December, 1912.”

(On Official Ballot, Nos. 328 and 329.)

ARGUMENT

(negative) SUBMITTED BY

WILLIS S. DUNIWAY, STATE PRINTER OF OREGON,

Opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

A bill to put Chapter 266, Laws of 1911, into effect December 1, 1912, instead of January 1, 1915, which chapter creates State Printing Board consisting of Governor, Secretary of State, and State Treasurer, fixes salary of State Printer at \$4000.00, Secretary of the Board at \$2000.00 with no other compensations, provides for purchase of State printing plant, makes appropriations therefor, authorizes printing department to do binding, ruling, etc., and requires Printer to contract in name of State for all printing employees, Secretary of Board to prescribe style, manner and materials used. Vote YES or NO.

328. Yes.

329. No.

* * * * *

TO THE VOTERS AND TAXPAYERS OF OREGON:

Would you personally enter into a contract to employ only the members of one certain labor organization, and bind yourselves to "comply with all its laws, now in force, or hereafter adopted"?

If a majority of you vote "328 X Yes" of the official ballot on November 5, 1912, you will peremptorily order that the State Printer "shall" tie the State of Oregon up into that sort of a contract—a "closed shop" contract of unlimited duration.

Read the following pages and you will understand the full purport of what is said above, and how the Socialist faction of the Salem Printers' Union, "as agents of the International Typographical Union," with headquarters at Indianapolis, are to proceed to carry into effect their scheme for a "closed shop" in the State House, supplant economical "piece work" with extravagant "time work," and get their hands into the State Treasury of Oregon through control of a newly created "State Printing Department."

As a cover to their real purposes, they name their scheme, "Flat Salary for State Printer." The "jokers" in their law will be fully disclosed in this article—especially their "jokers" as to large appropriations, a "closed shop," and a State-owned, State-supported plant. WILLIS S. DUNIWAY.

* * * * *

GAME OF FLIMFLAM AND DECEIT.

Exposure of the Real Purposes of a Measure to Carry Several "Jokers" Into Effect.

The little "initiative act" on page 103 of this pamphlet, as it was circulated for signatures of petitioners, with a misleading title about "Placing State Printer on Flat Salary," and amending Section 20 of Chapter 266, Session Laws of 1911 (unaccompanied by a copy of the act,

in defiance of law), was seeming'y an honest measure, but it proves on examination to be a triumph of deceit, duplicity and dishonesty, promoted and financed by Socialists in the Salem Printers' Union.

Did the schemers print the act in their petition (as the initiative law of Oregon requires), so that citizens might read it before signing as petitioners? No.

Do they print in this pamphlet the act which they propose to put in effect December 1, 1912? No.

Do they print in this pamphlet even one section of the act which they ask you to vote for? No.

Would it have cost them one cent to have printed the act in full in this pamphlet? No.

And did they not strenuously object to the Attorney General's preparing a ballot title to afford voters any information as to the law's contents? Yes.

The main purposes of the act, as now openly boasted in Salem, are: (1) To work a practical "recall" of the present State Printer (Republican) by stripping him of all authority in his office and forcing him to resign before half his term is served; (2) to take control of Oregon's printing away from the State of Oregon, and by "closed shop" contract put the printing in the control of the Socialists who dominate the Salem union, "as agents of the International Typographical Union"; (3) to bind the State of Oregon to agree to "comply" with any tyrannical or extortionate law that may be "hereafter adopted" without the knowledge of the voters of Oregon.

HOW THE SCHEME IS TO BE WORKED.

All this is to be done through the co-ordinate workings of the union's laws and "jokers" in sections 7 and 14 of the act (Chapter 266, Laws of 1911), which the little initiative measure proposes to put into effect two years in advance of the time fixed by the Legislature. The promoters of the scheme ask you to put it into operation December 1, 1912, when the State Printer's office will be so overcrowded with publication of biennial reports of State officers, and with preparation for the legislative session, that the State of Oregon and the State Printer will be at great disadvantage, and presumably at their mercy.

Section 7 of the act (Chapter 266, Session Laws of 1911) reads as follows:

Section 7. The State Printer *may* employ such foremen, proof-readers, compositors, pressmen and laborers as may be required for the prompt and efficient operation of the State printing department and *may* discharge the same whenever he deems it advisable for the business-like conduct of the State printing department. He *shall* contract in the name of the State of Oregon for the service of all persons employed at the rate paid by printing establishments generally throughout the State of Oregon, for similar services, and he *shall not* pay, or contract to pay, any premiums, bonuses or any amount in excess of the regular scale of wages so generally paid throughout the State to any employee without first in each and every case obtaining permission so to do from the State Printing Board.

Now, with whom "shall" the State Printer enter into contract "in the name of the State"? With the individuals whom he may wish to employ? Positively not. On behalf of the State, he must, for reasons now to be given, enter into contract with the Union for a "closed shop," if the scheme commands a majority vote in November next. Oregon's electors must then make choice between "open shop" and "closed shop" in the State House.

UNION MEN FORBIDDEN TO SIGN CONTRACTS INDIVIDUALLY.

Voters must remember that the printing trade is the best organized of any in the country; that in Oregon, practically all available printers, pressmen, linotypers, proofreaders, etc., are members of and affiliated with the International Typographical Union through its local unions; and that every member is prohibited by union law from signing an individual contract.

First read this ironclad section of International Union law, which citizens of Oregon may have occasion to remember in the future:

"Sec. 165. It is imperatively ordered that the executive officers of the International Typographical Union shall not submit any of its laws to arbitration." (I. T. U. Laws for 1912, page 76.)

Now read this section of International Union law, forbidding its members to sign contracts individually:

"Sec. 164. No local union shall sign a contract guaranteeing its members to work for any proprietor, firm or corporation unless such contract is in accordance with International Union law and approved by the President. No member holding active membership in any local union shall sign an individual or private contract with any employer agreeing to work for any stated time, wages or conditions. The union alone has the power to contract for conditions, wages and hours." (I. T. U. Laws for 1912, pages 75 and 76.)

FORM OF UNION CONTRACT OFFERED THE STATE PRINTER.

Voters and taxpayers will be amazed that the following is the only form of contract offered the State Printer by officers and agents of the Salem union. It has been "put up" to the present State Printer repeatedly during four years and "turned down" each time. No change whatever was permitted in its wording, nor could it be submitted to arbitration. It is sugar-coated with the heading "Label Agreement," but its language shows it to be a most unfair and one-sided contract:

LABEL AGREEMENT.

THESE ARTICLES OF AGREEMENT, Entered into this—— day of—— A. D.—, by and between [Willis S. Dunaway, State Printer, for and on behalf of the State of Oregon,] party of the first part, and [Salem Capital] Typographical Union No. 210, party of the second part,

WITNESSETH, That the said party of the first part, in consideration of the use and privileges of the union label, owned and controlled by the said party of the second part, as agents for the International Typographical Union, hereby agrees to employ none but members of Salem Capital Typo-

graphical Union No. 210, party of the second part, not to use the said label or trademark upon anything but the strict production of union labor, and to neither loan nor duplicate said trademark, or use the same upon any printed matter without imprint or trading name, except by permission of the party of the second part.

That said party of the first part further agrees to pay the adopted scale of wages of the party of the second part, hereto attached, and to *comply with all its laws and those of the International Typographical Union, now in force or hereafter adopted.*

Any violation of this agreement shall make it null and void, and all cuts, electrotypes or stamps of the label or trademark of the party of the second part, in the possession of the party of the first part, shall immediately be delivered to the party of the second part, and the further use of the same after such annulment by said party of the first part shall be without warrant and illegal.

IN WITNESS WHEREOF, We have hereunto affixed our hands and seals this—day of—A. D.—

For.....

For.....

N. B.—This contract must be filled in triplicate.

{ Union Label }
{ Indianapolis }

WHY A MANDATORY CLAUSE IS IN THE ACT.

For years, as a public officer and business man, I have successfully resisted signing this very contract; therefore, they write into Oregon's laws "he *shall* enter into contract," etc.

I am a duly elected officer, under oath and bond to live up to the constitution and laws of Oregon; the above contract would have required me to make my allegiance to the State government at Salem subordinate to the International Union's government at Indianapolis. The people of Oregon elected me, believing in my loyalty to Oregon; I have refused for years to betray the State to the schemers. I have not discriminated against union men during the time, but have employed their most competent members, paying above the "scale," and am willing to continue to employ them. I insist, however, that no public official should sign any contract that would require him to bar from the State's employ even one reputable citizen who is ready and able to do an honest day's work. Efficiency and attention to duty have been and are what I require in the printing department. Now the Socialist faction (aided by some of my political and personal enemies) have taken the means herein described to force the State into a "contract" which they were unable to compel me to sign as a citizen and official. The second sentence of section 7 of the act carries the mandatory clause to force me into obedience—"he *shall* contract in the name of the State of Oregon for the services of all persons employed."

NON-UNION MEN NOT AVAILABLE.

The question naturally arises: Why may not the State enter into contracts with non-union printers? Because the work of the State

Printer's office is so great at times—notably in December, preceding legislative sessions—that it is imperative to put on all the men there is room for, and a sufficient force of non-union printers cannot be had at these times; and if a contract be made with even one non-union man, the State will have a “walkout” of union members, with the attendant evils, bitterness, and no one knows what else, that always accompany “strikes.” Then the State Printer, for and on behalf of the State of Oregon, would have to attempt to maintain “open shop” at a time when trouble is most to be avoided, and be prohibited by section 7 of the act from offering any “premium,” “bonus,” or other inducement to secure men. Can any taxpayer withhold his admiration for the cleverness of the scheme to force the State of Oregon, by shouts of “Flat Salary for State Printer,” to enter into a contract of unlimited duration with the union, binding the State to “comply with all the union’s laws, now in force or hereafter adopted.” A majority vote for the little measure on page 103 would mean nullification of the State’s control over its printing and virtual “recall” of the present State Printer, against whose administration no charges have been made, and who always challenges investigation of his department.

WHY THE SCHEMERS WANT IT PUT INTO EFFECT AT ONCE.

Note carefully that this act is to take effect on December 1st of this year. This date is fixed so that the time between then and the convening of the Legislature one month later would be insufficient to organize a force for the printing office. The State of Oregon “shall enter into contract,” the law says; but union men would not be permitted to work unless the one contract hereinbefore printed were signed. The biennial reports of State officers and necessary printing for the Legislature must be gotten out, so what alternative would there be for the State Printer except to enter into the union’s contract “in the name of the State of Oregon”? Do not forget that this contract for the “closed shop” is a perpetual one and can only be terminated by violating it. Is the State of Oregon to enter into a contract that cannot be amended or terminated except by violating an obligation? Every sentence of this mild, soothing, innocent-appearing “label agreement” contains “a mailed fist within a velvet glove.”

UNION LABEL AND CLOSED SHOP.

And what is the State to receive in return, if voters decide on November 5th that it “shall” enter into this extraordinary “contract”? The “consideration” offered the State of Oregon (see the “contract”) is to be the privilege of paying the expense of putting the union’s label on all the State’s printing, and thus advertise how the voters of Oregon have been tricked and duped by a coterie of Socialist plotters, who are much more clever than their fellows of the McNamara class. The assassins of the Los Angeles Times employees sought to promote the “closed shop” by a reign of terror. Up here a “closed shop” is to be secured and maintained through a well-planned scheme to fool the voters of Oregon. Do

not forget when it is to take effect—in December of this year. The explosion in the Times building was no more cunningly timed than is this scheme. In December is the “psychological moment” to coerce the State of Oregon, so this act is timed to “go off” when work must be turned out for the Legislature, and to force the State into a perpetual “closed shop” contract, misnamed a “label agreement,” before the Legislature can meet and take action.

No wonder that thousands of fair, thoughtful, conservative members of unions throughout the country realize that the “radical element” is making unionism odious.

A MATTER OF GREAT MOMENT TO OREGON.

This matter is of far greater consequence to the State of Oregon than to the present State Printer. At worst they could only deprive him of a moderate sum of money, and able lawyers advise him that he can protect his financial rights in the courts. But what is to happen after the term of the present State Printer is ended? If the step is once taken, it is difficult to turn back.

ALLEGIANCE OF THE SCHEMERS NOT TO OREGON.

If the authors of the clever scheme succeed in their purpose by your votes, they will be responsible not to the people of Oregon, but to the International Typographical Union, of whom about 98 per cent are not citizens of Oregon, and many of whom are not even citizens of the United States; they will still owe allegiance to their government at Indianapolis, not to the government of Oregon; and they will abide by and follow, not the laws of Oregon, but the laws of their labor organization, for each of them has already subscribed to an obligation containing this clause:

“My fidelity to the union and my duty to the members thereof shall in no sense be interfered with by any allegiance that I may now or hereafter owe to any other organization, social, *political* or religious, secret or otherwise.” (I. T. U. Const., Art. XII, Sec. 1, p. 12, Laws of 1912.)

FINANCIAL INTEREST OF THE SCHEMERS.

If the confidence game can be played on the voters in November, it will mean great money benefits to its promoters and abettors, through the profligate methods in vogue in State-owned printing plants, with constant inroads on the State Treasury of Oregon. Small wonder the schemers seek to cover their purposes by talk about “flat salary” for the printer. Soon as the scheme carries, if it shall carry, will commence the running up of the cost of operating the printing department through “time work,” “hand composition,” “priority laws,” and other manifold devices (clever as the “jokers” in the act), elsewhere used in State-owned plants to create jobs and positions, and to provide needless places for loafers, bummers, incompetents, and pensioners of one degree or another—all on fat salaries and all to be protected through the clause in the innocent “label agreement,” binding the State to “comply with the union’s laws now in force or hereafter adopted.”

NOW FOR A LOOK AT OTHER "JOKERS."

The foregoing bunco game to destroy the authority of the duly-elected State Printer of Oregon, to give control of the newly created "Printing Department" to a faction of a labor union, and to make the laws of the union more potent than the laws of Oregon, is only one "joker" from the act, which is so full of "jokers" that the people of the State need to be advised as to its further purposes. The schemers kept their objects obscured when getting the names of petitioners. Their failure to print the act at the head of their petition was specially designed to conceal their purposes, and to keep from voters any information whatsoever.

If the act designed by the schemers to be put into immediate effect had been included in their petition (as the initiative law of Oregon requires), the State would print and circulate it in this pamphlet, without expense to them. Now at my own expense I shall print a summary of its more important sections, many of them long, which may be found in full in Chapter 266, Session Laws of 1911, pages 458-59-60-61-62-63, and I earnestly hope that every voter who has time and opportunity will secure and read the act in full in connection with these criticisms and comments.

SUMMARY OF THE CROOKED LAW BY SECTIONS.

First, by section 1 of the act, an unnecessary Printing Board is created, composed of officials already overbusy with their own duties (none of them printers) and the State Printer, elected by the people, is left off the board, although his knowledge, acquired by years of experience, ought to be desirable in the board's councils. In this section pretense is made at giving the board (none of them printers) power to provide rules for conducting the printing department; but the pretense of giving this power to the board is upset and negatived by a "joker" in section 14, as will later appear.

By section 2 of the act a needless Secretary of the needless Board is provided (salary \$2,000.00) with but five years' experience required. Seemingly this Secretary is to be the Board's clerk, but four pages later in the act, in section 14, by means of the "joker," he is to be set up in authority over the State's duly elected State Printer, and is given full power to "direct and prescribe the style, manner and materials which shall be used by the State Printer in performance of his work." (This clause is to strip the State Printer of every vestige of authority over the office to which the people elected him. Who is "slated" to be the board's Secretary? Why, one of the men who got up the act.)

ACT PROVIDES NO BOND FOR SECRETARY.

By sections 3 and 4 of the act, the State Printer, elected by the people, must have more than ten years' experience and must file an official oath and give a bond for \$10,000.00, while the appointive Secretary of the board, with but five years' experience, is required neither to file an oath nor give a bond. (Who is it that is to be set up in authority over the State Printer, without giving bond for his conduct in office? Why, the

man who has been promoting the scheme and putting up money to secure signatures to the crafty petition.)

Section 5 provides, in case of the State Printer's resignation or death, for filling the vacancy by appointment of the Governor.

Section 6 provides for election and salary of the State Printer (\$4,000.00 per year), and requires that he "*shall have no other business activity, pursuit or employment.*" (The italicized clause means that a printer whose ability has been demonstrated by his success in his own business must sacrifice his personal business if he is to become State Printer; hence this class of men, best qualified for public service, are rendered unavailable to the State.)

INCREASED SCALES OF WAGES FOR THE STATE TO PAY.

Section 7, with its contract "joker," has already been set out; but it has a further "joker," under which increasing scales of wages may be provided. It is covered by the expression "rate paid by printing establishments generally throughout the State," which is first to be construed to mean the "Portland scale," and later a "special scale" is to be "hereafter adopted" for the State of Oregon to pay in its printing department. Do taxpayers think this will mean lessened cost of State printing?

Section 8 requires the State Printer to make a quarterly report of work done, materials used, contracts signed, cost of repairs, betterments, etc.

Section 9 directs the issue of warrants by the Secretary of State to cover payrolls.

Section 10 takes from the State Printer the right and power to buy paper, equipment, machinery, supplies, etc., and puts the same into the hands of the board of nonprinters. (The board's members being nonprinters and busy with other duties, the Secretary will handle the business and expend large sums of money in purchase of paper and other supplies, without being under bond.)

Section 11 provides that the board "may enter into contracts for binding, ruling, etc." (The great economies brought about by the present State Printer in the binding and ruling afford the reason, presumably, why all control over the same is taken from him. The board having already an abundance of other duties to claim their time and attention, their Secretary—not under bond—will be in control.)

WORK MAY BE GIVEN OUT WITHOUT PRICE LIMIT.

Section 12 allows the board to have work done at other plants than that of the newly created "State Printing Department." (Under this section the friends of the Board's Secretary may be greatly favored at the Treasury's expense, as there is *no limitation whatever as to work he may have done, or prices he may pay.*)

Section 13 gives autocratic power to the Board's Secretary not only over the State Printer, but over "heads of departments, boards, or commissions." When any of them need printing or binding, he must submit his requisition to the Board's Secretary, who may grant it or refuse it;

but, "if said Secretary shall affix *his* signature to the requisition, the State Printer must honor the same and do the printing or binding therein called for." (Who is to be the Secretary of the Board? Why, one of the men who got up this act.)

Section 14 says "the Secretary of the Board shall advise with heads of departments" as to the work to be done, and that the State Printer shall do all work in a way to meet the approval of the Board's Secretary, who "*shall direct and prescribe the style, manner and materials which shall be used by the State Printer in performance of his work.*" (Back of this clause for taking away all power and authority from the present State Printer is a plan to discontinue economical machine composition, and revert to old-fashioned, slow and costly hand composition, much to the delay of legislative work, and increased cost of production to the State.)

Section 15 relates to sale of session laws, public documents, etc., under direction of the board, who, without knowledge of printing, are to fix prices for sale of the printed matter.

Section 16 provides for printing of session laws, legislative journals, etc. (This also must be done in a way to meet the approval of the Board's Secretary, instead of in accordance with State laws, as at present.)

Section 17 makes it a misdemeanor for any work to be done in the printing department for parties other than the State.

BOARD TO FIX THE VALUE OF PRIVATE PLANT.

Section 18 authorizes the printing board of non-printers to appraise and put a value upon my printing plant, which under State law in 1906 I was compelled to buy and install at the Capitol (cost, almost \$20,000), and the said board is directed to pay whatever it pleases for said plant, or leave it upon my hands, although not being a commercial plant it is largely unsuited for anything but the State's work. The authors of the act—my personal and political enemies—seek to have the voters do this, not at the end of my term, as the Legislature stipulated, but to put it into effect December 1, 1912, so as to deprive me of more than half of my term.

SHREWD "JOKER" ABOUT APPROPRIATIONS.

Section 18 also contains a very crafty "joker" about appropriations. It provides only the sum of \$20,000, "or so much thereof as may be necessary to carry out the provisions of the act." The authors of the act know that \$20,000 is a mere starter; that the entire \$20,000 would be needed to buy such a plant as I was obliged to purchase to do the State's printing; they know that they would need \$50,000 to \$75,000 more for the payrolls of employees during the next biennial period under the "time work" system, and the special scale to be "hereafter provided" for the State to pay; they know that \$35,000 to \$40,000 more will be needed for paper, ruling and binding during the next biennial period; they know that, if their scheme carries, \$12,000 more will be needed to pay salaries of the Secretary of the Board and the State Printer, and no telling how much more for "other clerical assistance" for the Board's Secretary provided by section 2 of the act; they know that inks, rollers,

power, oil, gas, and incidentals must be paid for; they know that a large item for betterments, repairs and improvements must be provided; they know that postage and the expense of mailing candidates' pamphlets and initiative pamphlets to voters must be met; hence, when they wrote the act with an appropriation of but \$20,000, "*or so much thereof as may be necessary to carry out the provisions of the act,*" they were guilty of a premeditated attempt to deceive and mislead the taxpayers of Oregon.

Section 19 repeals all the sections of the Oregon Code under which the State Printer has had power to conduct the office to which the voters elected him in November, 1910. Yet he is allowed a salary of \$4,000.00 a year. That salary is vastly more than his services would be worth for performing the few duties left him by the act.

NO SCRUPLES ON PART OF SCHEMERS.

Section 20 of the act as passed by the Legislature was as follows:

Sec. 20. This act shall not apply to the present incumbent of the office of State Printer and shall become effective on January 1, 1915, and shall continue so thereafter.

Said section 20, as changed by the initiative measure, reads:

Sec. 20. This act shall be in full force and effect from and after the first day of December, 1912.

The members of the Legislature refused to attempt to break the State's contract with the State Printer to do its printing for a term of four years, or otherwise to interfere with him in the middle of his term; but the schemers have no scruples about trying to oust a duly elected State officer who stands between them and the State Treasury.

Shouts of "Flat Salary for State Printer" are relied upon by the schemers to carry past the voters of Oregon, on November 5th, the devious, crooked act, for their own benefit and the State's spoliation. Thus will come into power the dominant Socialist faction of the Salem union, headed by the authors of the act. Thus is the present State Printer to be punished for refusing, as an official, to enter into the innocent "label agreement" with them some years ago, and ever since. Thus is the law-making power of the State of Oregon to be set at naught and the sovereignty of the International Typographical Union to be recognized in the Oregon State House.

THE SIMPLE WAY TO REDUCE PRINTING COSTS.

There is but one way to reduce cost of printing when it is too high—that is, to reduce the rates. The Legislature has power to do this. Prior to 1906, the constitution prevented change of rates. The present State Printer was active in getting a constitutional amendment adopted in 1906 to permit the Legislature to pass laws changing rates of compensation from time to time. Now the State is paying less for its printing, with a few exceptions, than the commercial rates in Portland or Salem; yet there are some classes of work that, by reason of their

increased quantity, due to the State's rapid growth, will bear further reduction. I have often stated my purpose to help bring these reductions about at the next session of the Legislature, hence the Socialist schemers want to get control in December so as to head off business-like revision in January. They seek, not to give relief to taxpayers, but to secure financial benefit to themselves, and to advance the cause of Socialism. If they carry their scheme through by your votes on November 5th, they will celebrate the result as a Socialist victory.

If the people of Oregon, in spite of the costly experience of other States, desire to experiment with a State-owned printing plant, with all its attendant evils and extravagance, let us have a plain, direct, honest law for that purpose; but the scoundrelly and deceitful act whose provisions I have outlined, reflects no credit on the legislators who passed it, though highly creditable to the ingenuity and subtlety of its authors. In its preparation, it is highly probable that they had the aid of their organization's chiefs at Indianapolis.

PUBLIC-OWNED PRINTING PLANTS VERY COSTLY.

The present State Printer draws from the Treasury of the State of Oregon *six cents per capita per annum* for all services rendered by his plant, his employees and himself. No other State in the Union gets such a large volume of work done at such small cost. This result has been brought about during the present State Printer's term. In the past four or five years, newspapers of the State have generously given wide publicity to the great savings—\$1200 to \$1500 a month—that have made this result possible. A State-owned plant, with newly created officers, needless help, and loafing pensioners, all on fat salaries, will certainly increase the cost of production in Oregon, as in the State-owned plants of California and Nevada, as well as in the municipal plant of Boston and the Government Printing Office at Washington, D. C. In all these offices, the public-ownership-flat-salary system has proven to be the most wasteful and extravagant method of doing printing that is known, and the State-ownership system proposed for Oregon, with the Socialist faction of the Salem union seeking to secure all possible financial returns to its members, will soon show all the rottenness, corruption and extravagance that are shown in other places, when authority over the printing is lodged in the hands of men back in some secret chamber. The schemers may be expected to show as much cleverness in extracting money from the Treasury of Oregon as they have shown in drafting an act to give them control.

A LITTLE POLITICAL HISTORY.

The authors of the crooked law are claiming that Oregon has voted for the State-ownership scheme which they are now seeking to promote. This is grossly untrue. Oregon voted in 1906 to amend the constitution so as to permit *change in rates of compensation from time to time*. (Oregon Constitution, Art. XII.) The amendment contains no reference to or hint at a State-owned plant. On the other hand, there have been

several elections which indicate opposition to the State-ownership plan of doing the public printing. In 1906, Mr. J. R. Whitney was a candidate for State Printer in the Republican primary and advertised himself widely as the only State-ownership candidate. I ran on a widely-advertised platform of "Economical business methods." The State-ownership candidate was badly beaten. I received the nomination by 22,623 votes, against 10,892 for my opponent, carrying nearly every county in the State. Then Mr. Scott Taylor, Democrat, came up as a candidate in the general election, advertising himself widely as a State-ownership-flat-salary candidate, and everywhere publishing me as opposed to the system. He was overwhelmingly beaten, receiving 26,015 votes, against 54,543 for myself on my business platform. Next, in 1910, William J. Clarke made a vigorous State-ownership campaign for the Republican nomination. Though aided by the big Republican State Assembly that year, and boosted by all the falsehoods which certain members of the Salem union could invent about me, he received but 15,403 votes, against 26,763 for myself. Again a State-ownership candidate was defeated. He failed to carry even his own county of Marion. Then J. E. Godfrey, a Democratic nominee, made a campaign as a State-ownership candidate before the people. Again, for a fourth time, was a State-ownership candidate beaten out of sight, receiving but 32,575 votes, against 65,110 for myself, on my business platform and business record in office. This State-ownership candidate failed to carry a single county, and lost his own county of Marion by an adverse vote of 3,676 to 2,653. I certainly do not think the large vote for myself was due to my personality; rather, I believe the votes represent fairly the convictions of electors as to the platforms of the candidates.

The above facts and figures show why the schemers in the Salem union are now pursuing their plan of deceit and dishonesty. Failing to have their State-ownership ideas adopted openly in elections, they now seek to smuggle past the voters a State-ownership law, and they are shouting "Flat Salary for State Printer," to get its date advanced to December 1st, next, in order to force the State of Oregon into a contract for a "closed shop," and they feel that they cannot afford any delay, as they fear that the next Legislature may remedy the rascalities of their joker-filled law.

MARK YOUR BALLOT "329 X No."

Voters should keep in mind the masterpiece of craft, cunning, and cupidity when they enter the polling booths on November 5th, next, and reject it by voting "329 X No."

If a majority of voters on November 5th shall put a cross (X) after 329 on the ballot, marking it "329 X No," they will properly rebuke craft and deceit in preparing initiative measures, and cause other schemers in future to pause when they seek to flimflam the people of Oregon.

WILLIS S. DUNIWAY,
State Printer of Oregon.

(On Official Ballot, Nos. 328 and 329.)

ARGUMENT

(negative) SUBMITTED BY

C. W. NOTTINGHAM, SENATOR FROM MULTNOMAH COUNTY,

Opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

A bill to put Chapter 266, Laws of 1911, into effect December 1, 1912, instead of January 1, 1915, which chapter creates State Printing Board consisting of Governor, Secretary of State, and State Treasurer, fixes salary of State Printer at \$4000.00, Secretary of the Board at \$2000.00 with no other compensations, provides for purchase of State printing plant, makes appropriations therefor, authorizes printing department to do binding, ruling, etc., and requires Printer to contract in name of State for all printing employees, Secretary of Board to prescribe style, manner and materials used.

Vote YES or NO.

328. Yes.

329. No.

ARGUMENT AGAINST THE STATE'S GOING INTO THE
PRINTING BUSINESS.*To the taxpayers of Oregon:*

The brief act on page 103 of this pamphlet ought, in my judgment, to be rejected next November by Oregon voters, for reasons apart from those given by Willis S. Duniway, State Printer, in his argument in this pamphlet. The showing-up he gives "jokers" in the measure should defeat it; but I shall discuss only the financial feature as it appeals to taxpayers.

As a hold-over State Senator, in 1909, I was chairman of a committee to look into public expenditures for information of citizens and the Legislature. There came to me during the summer of 1910 many statements as to enormous sums of money alleged to be made by the State Printer as profits. Frequently I was told his profits ran from \$50,000.00 to \$80,000.00 a year. The discrepancies in assertions were so great that I secured from the auditing department of the State a complete statement of all moneys paid to State Printer Duniway for three years and eight months—the time he had then been in office. This statement showed that he was receiving from the State, from all sources, \$32,000 a year, with which he must maintain his plant, meet all his various expenses, and pay the wages of his foremen, printers, pressmen, and linotypers during the year.

Seeking to secure some idea as to his profits, I asked for his "time book" and learned that he employed an average of 18 workmen throughout the year. They must have cost him, at the wages he pays, over

\$18,000 per year. Also, I learned that for inks, power, insurance, taxes, office help and the many incidental expenses, he was paying at least \$2,500 per year. Also, I learned that he had almost \$20,000 invested in a plant, and that wear and tear, or depreciation, with interest on the money invested, would add \$3,500 to \$4,000 yearly to his expense account. I counted his yearly outgo as certainly not less than \$24,000—leaving him possibly \$8,000 yearly for his salary, work of plant, and profits. Now, however, the State is growing rapidly and more printing is constantly required; so the State Printer's gross receipts must now show considerable increase; but the rates were lowered by act of the Legislature, at Mr. Duniway's suggestion, and went into effect in January, 1911. This reduction must prevent a corresponding increase in the profits. He now informs me that the work done in 1911 and 1912 will amount to about \$39,000 annually, that his workmen have increased in number, that he pays more for the larger quantities of ink, oils, gas, power, etc., and that he expects to get about 20 per cent, or close to \$8,000, to cover salary for himself, service of his plant, and profits of the business.

From investigations I made, and from Mr. Duniway's high personal character, I believe his statement is true.

Mr. Duniway during his first term, not only stopped grafting in the printing, saving taxpayers \$50,000 over old methods, but had the rates lowered, as stated above. The first biennial period, under the lower rates, will not be ended until January 1, 1913; then, if further lowering of rates is needed, the Legislature may act, and it will have his aid as before.

Could any saving be made by having the State buy a plant and engage in the manufacture of its printing, any more than in the making of its woolen goods or its boots and shoes? I think not, and my reasons are the plain ones that will appeal to business men and taxpayers.

First, the State will have to make appropriations to buy a plant, which would cost \$20,000, and probably \$20,000 more within the following two years. The State could not buy the type, presses and other machinery any cheaper than Mr. Duniway has done, and very likely not so cheaply, since the purchasing board is composed of men not familiar with the printing business. Certainly the purchase and maintenance of the plant would cost no less, and probably more than it costs Mr. Duniway, who knows the printing business and now pays the expense out of his own pocket. So no saving could be made here.

Second, the State would have to pay at least as much as Mr. Duniway now pays for workmen; and all experience shows that governments, whether national, state or city, pay more than private employers. So, if the State should escape a walk-out by signing a contract with the unions for a "closed shop," its labor would cost no less and probably more than it costs Mr. Duniway. So no saving can be looked for here.

Third, the State would have to buy inks, oils, gas, power, etc., just as Mr. Duniway does, and would probably have to pay more than he

does—just as the State is always charged more than a private buyer. So no saving could be made here.

Fourth, the State could cut out insurance and taxes. But it would be carrying its own insurance, and other citizens would have to make up the taxes now paid by Mr. Duniway on his plant. So there is small chance of saving here.

Fifth, we now have left the combined salary and profits of the State Printer, Mr. Duniway, on which to make savings. Could savings be made here, considering the extra help that is always necessary in a State plant of any kind, and the extravagance that is sure to follow? The law that it is proposed to put into effect provides a salary of \$4,000 for the Printer and of \$2,000 for the Secretary of the Board. Also, it provides for "other clerical assistance," which would probably consume \$2,000 or \$3,000 more per annum for clerk and stenographer; so the State would not be saving a penny, but would be bearing the wear and tear, depreciation, and deterioration of its plant; and the Legislature would have to make biennial appropriations to keep it up to a high standard of efficiency.

Every one knows how many needless employees are saddled on national, state, county and city governments. Public money is regarded by nearly every one as "easy money." If the State goes into the printing business, we shall without doubt have a repetition of the costly experience of the U. S. Government at Washington and other public-owned printing plants. Immense quantities of needless printing will be the rule, to keep the plant running and the employees on the payroll, and Oregon will, without doubt, find her printing appropriations rapidly growing.

Willis Duniway has been a most capable, economical and conscientious official. He it was who uncovered and stopped the frauds in Oregon's printing. In previous pamphlets he has shown great savings made during his first term, and was re-elected by an immense majority. After having served so faithfully and economically, it would be an outrage to strip him of all power and authority in the middle of his term. It would be simply to degrade and discredit him at a time when, as a thoroughly capable and honest official, he ought to be commended and respected.

In all the acts of the Legislature, the members have always avoided passing any bill that would violate any implied contract of the State with an individual or corporation. They refused to pass a bill requiring the Lowenberg-Going Company to brand their goods as "prison made" unless it contained a clause that the law should not take effect until the end of a contract then in force. This is a correct principle, and it was applied by the Legislature to the case of Mr. Duniway in Section 20, Chapter 266, Laws 1911. He had made an open campaign against public-ownership-flat-salary candidates—his majorities being large—and should not be legislated out of office, which would be equal to grand larceny.

Voters ought to mark their ballots "329 X No" in November next, and retain the services of a capable and honest official.

C. W. NOTTINGHAM.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition defining hotels in the State of Oregon, and providing for the use of fire escapes, gongs, ropes, stand pipes and hose, and chemical fire extinguishers therewith and therein, and defining the same; providing for the use of sheets in hotels, and defining their length and width; etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act creating the office of Hotel Inspector, prescribing his duties, appropriating \$7000 per annum for salary and traveling expenses of the inspectors, defining hotels and providing for their inspection and regulation.

Vote YES or NO.

330. Yes.

331. No.

(On Official Ballot, Nos. 330 and 331.)

AN ACT

Defining hotels in the State of Oregon, and providing for the use of fire escapes, gongs, ropes, stand pipes and hose, and chemical fire extinguishers therewith and therein, and defining the same; providing for the use of sheets in hotels, and defining their length and width; providing for the disposal of ashes in hotels, providing for water closets and privies and for their disinfection and for the manner of plumbing hotels; creating the office of State Hotel Inspector, defining the duties, fixing the salary and providing for the appointment of a deputy, fixing their salaries, and providing for an appropriation for the office of State Hotel Inspector, and repealing an Act entitled "An Act to Provide for the Length of Sheets in beds in Hotels and Lodging Houses in the State of Oregon," filed in the office of the Secretary of State, February 8, 1909, and an act entitled "An Act to Provide Hotels and Lodging Houses in the State of Oregon, with Fire Escapes, Ropes and Other Appliances," filed in the office of the State Secretary, February 12, 1909, and an act amendatory of the last mentioned act, approved March 17, 1909, and for the repeal of all other Acts and parts of Acts in conflict herewith.

Be it enacted by the People of the State of Oregon:

Section 1. Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire or transient guests, whether with or without meals, for the accommodation of guests shall for the purpose of this act be defined to be a hotel and whenever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section.

Section 2. Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall in such manner that every room upon such floor shall open upon such hall or a cross hall connected therewith; there shall be equipped at the end of such hall an iron fire escape on the outside of the building, connected on each floor above the first with at least one opening, which shall be well fastened and secured, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than twenty inches wide with steps of not less than four inches tread, placed at an angle of not more than forty-five degrees and protected by a well secured hand rail on both sides and reaching to within twelve feet of the ground. Such fire escapes on buildings of not more than three stories shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the

wall of the building and provided said ladder is equipped with iron rounds not more than 15 inches apart. The way of egress to such fire escapes shall at all times be kept free from all obstructions of any and every nature. Storm windows and storm doors shall be considered an obstruction for the purposes of this act unless there shall be a glass therein at least 24 by 36 inches in size and such way of egress shall at all times be kept unblocked unless the window or door opening on said fire escape shall contain a glass of at least twenty-four by thirty-six inches in size, and no bars shall be placed across any of the openings filled by such glass. There shall be posted and maintained in a conspicuous place in each hall and in each guest's room, except the halls and rooms on the ground floor of such hotel, a printed notice in characters not less than two inches high calling attention to and directing the way to such fire escape. *Provided*, (That a compliance with the ordinances of any city by any hotel situated therein shall be deemed a sufficient compliance with the foregoing provisions of this section.)

Section 3. Every hotel which is two stories in height or which is not provided with such fire escapes as are described in Section 2 hereof shall provide in every outside bed room or sleeping apartment on any floor where the window of such room is more than twelve feet above the ground a manila rope at least five eighths of an inch in diameter and of sufficient length to reach the ground with knots or loops not more than fifteen inches apart and of sufficient strength to sustain a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joist or studding of the building as near the window as practicable and shall be kept coiled and in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bed room or sleeping apartment above the ground floor a printed notice calling attention to such rope and giving directions for its use.

Section 4. Each and every hotel shall be provided by owner with at least one efficient chemical fire extinguisher for every twenty-five hundred square feet or less of floor area, which extinguisher or extinguishers shall be placed in a convenient location in a public hallway outside of the sleeping rooms, and in all public rooms, and shall always be in condition for use.

Section 5. Each and every hotel shall be provided with a gong at least 10 inches in diameter on each floor, which shall be placed in the hallway in such a position that it will be easy of access and so that its ringing can be heard in every room, and means for ringing such gongs shall be provided which may be operated from the office, or from location of any such gongs, and which shall be sufficient to keep all of said gongs ringing continuously for at least three minutes after being started, excepting, however, that the foregoing provisions of this section shall not apply to hotels who already have a fire alarm system installed for each room.

Section 6. All beds for the accommodation of guests in any hotel shall be provided with a sufficient supply of clean bedding and with

clean sheets, such sheets shall be at least eighty-one inches wide and one hundred and three inches long. All beds shall be provided with clean sheets as often as the same shall be assigned to different persons.

Section 7. No ashes from any hotel shall be dumped or kept in or adjacent thereto, or in any outhouse connected with any hotel unless the same shall be placed in a tight metal container with a tight metal lid kept thereon.

Section 8. Each and every hotel having a public washroom shall keep therein at all times a sufficient supply of clean towels, in a place in sight at all times and easy of access to guests.

Section 9. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroughly fumigated and all bedding therein thoroughly disinfected before said room shall be occupied by any other person, but in any event such room shall not be let to any person for at least forty-eight hours after such fumigation or disinfection.

Section 10. Every hotel shall be well drained, constructed, and plumbed according to sanitary rules to be established by the State Board of Health and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or other person in charge; and shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

Section 11. Every owner, manager, agent, or person in charge of a hotel who shall fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and every day that such hotel is carried on in violation of this act shall constitute a separate offense.

Section 12. For the purpose of carrying into effect the provisions of this act the Governor shall appoint an inspector of hotels who shall hold office for four years and until the successor is appointed and qualified; but the Governor may remove such inspector and appoint another in the place whenever he shall deem it necessary for the public good. Said inspector shall receive an annual salary of two thousand four hundred (\$2,400.00) dollars together with the necessary traveling expenses, payable monthly. Said inspector shall give surety bond to the State in the penal sum of five thousand dollars conditioned for the faithful performance of official duties, to be approved by the Secretary of State.

Section 13. The inspector may appoint, and at pleasure remove, one deputy inspector, who shall assist in performing the duties imposed by this act. Said deputy inspector shall give a bond to the State of Oregon, in the sum of two thousand dollars, with like conditions as those contained in the surety bond of the inspector, which bond shall be approved

by the Secretary of State. The deputy inspector shall receive such compensation not exceeding one hundred and twenty-five dollars per month and necessary traveling expenses, to be paid according to law as the inspector may prescribe.

Section 14. It shall be the duty of the inspector and deputies to see that all of the provisions of this act are complied with and said inspector or deputy shall personally inspect at least twice a year, every hotel as defined by this act. Said inspector and deputy are hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this act are being complied with. The inspector shall keep a complete set of books for public use and inspection, showing the condition of each hotel so inspected, together with the name or names of the owner, proprietors and managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and any other information for the betterment of the public service.

Section 15. If the inspector shall find, after examination of any hotel, that this law has been fully complied with, the inspector shall issue certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building.

Section 16. Any inspector, or any deputy inspector, who shall wilfully certify falsely regarding any building inspected and who shall issue a certificate to any person operating any hotel when such person has not complied with the provisions of this act, shall, on conviction thereof be fined not less than fifty dollars nor to exceed five hundred dollars, and may be imprisoned not to exceed one year in the county jail, or both, and upon conviction shall be forever disqualified to hold the office of inspector or deputy inspector.

Section 17. Any owner, manager, agent or person in charge of a hotel who shall obstruct or hinder an inspector in the proper discharge of their duties under this act, shall be equally guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred (\$100.00) dollars.

Section 18. It shall be the duty of the inspector at any time after the expiration of six months from the passage of this act, upon ascertaining by inspection or otherwise, that any hotel is being carried on contrary to its provisions, to make complaint and cause the arrest of the person so violating same; and it shall be the duty of the prosecuting attorney in such case to prepare all necessary papers and conduct such prosecutions.

Section 19. There is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated the sum of seven thousand (\$7,000.00) dollars annually, or so much thereof as may be necessary for the payment of the salaries and expenses incurred by the Hotel Inspector and Deputy under the provisions of this act.

Section 20. This act shall be in force and effect from and after its adoption by the people at said election.

(On Official Ballot, Nos. 330 and 331.)

ARGUMENT

(affirmative)

SUBMITTED BY TRAVELERS' PROTECTIVE ASSOCIATION

favoring the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act creating the office of Hotel Inspector, prescribing his duties, appropriating \$7,000 per annum for salary and traveling expenses of the inspectors, defining hotels and providing for their inspection and regulation. Vote YES or NO.

330. Yes.

331. No.

Oregon needs a Hotel Inspection Law, not because Oregon hotels are not the equal of hotels in other states, but for the reason that the public is entitled to protection from the ills that may befall the transient who is compelled to call upon the hotels for accommodations.

Many hotels neglect to install adequate fire protection; no fire escapes, or even alarms being provided, and it not infrequently happens that neglect is shown in the heating apparatus, which endangers the lives of the guests. Rooms are often cramped and with insufficient ventilation; scanty, and frequently unclean bedding. We frequently find poor plumbing in the wash rooms and kitchens, breeding nearly all the ills the human family is heir to.

It is the purpose of the Oregon Hotel Inspection Law to provide, That all hotels shall be equipped with iron fire escapes of approved pattern, from all floors above the first story, and rope ladders from every room on the second floor, of sufficient length for the guest to reach the ground in safety. That hotels of more than two stories shall be provided with halls and cross halls, so that guests may reach fire escapes with ease, and that printed notices be posted in all rooms, and halls, calling attention to, and directing the way to fire escapes. That all hotels shall be provided with efficient chemical fire extinguishers, and equipped with nine inch fire gongs. That all beds for the accommodation of guests be provided with a sufficient supply of clean bedding, and that clean linen be provided as often as same shall be assigned to different guests. That wash rooms shall be provided with clean towels. That any room that has been occupied by any person having a contagious or infectious disease, shall be disinfected thoroughly before again being occupied. That every hotel shall be properly plumbed and drained according to sanitary rules and otherwise conform to health department regulations, and to provide a Hotel Inspector to see that the law is enforced.

We ask every good citizen to vote for the Hotel Inspection Law.

C. D. FRAZER. For Travelers' Protective Association.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

To propose by initiative petition a law to protect sub-contractors, material-men and laborers performing labor for the State or any municipality or subdivision; requiring a sufficient bond to protect the State from liens; etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act making eight hours a day's labor in all cases where labor for the State, county, school district, municipality or other subdivisions of the State are interested, either directly or through any contractors or agents and providing that contractors shall give a bond, providing among other things, that no person shall be employed on such public work more than eight hours in any one day and that no liens or claims shall be filed against the building or other structure.

Vote YES or NO.

332. Yes.

333. No.

(On Official Ballot, Nos. 332 and 333.)

A BILL

To propose by initiative petition a law to protect sub-contractors, material-men and laborers performing labor for the State or any municipality or subdivision; requiring a sufficient bond to protect the State from liens; defining the duties of State officials in awarding and carrying out contracts, declaring eight hours to be a day's labor in all cases where the State or any county, school district, municipality or division is concerned and prescribing a penalty for violation of the law.

Section 1. Every contract made with the State, county, school district, municipality, municipal corporation or subdivision shall contain a condition that the contractor shall promptly, as due, make payment to all persons supplying to such contractor labor or material for the prosecution of the work provided for in such contract, and that said contractor shall not permit any lien or claim to be filed or prosecuted against the State, county, school district, municipality, municipal corporation or subdivision, for account of any material or labor furnished and a penal bond, with good and sufficient sureties, shall be required of each and every such contractor, to secure that faithful performance of all of the usual or particular obligations of such contract, especially the conditions herein mentioned and every such contract shall contain a condition that no person shall be employed for more than eight hours in any one day or forty-eight hours in any one week, unless in cases of emergency when no other competent labor is available and in such cases, such laborer shall be paid double wages for all overtime.

Section 2. Any person who has supplied labor or material under the conditions herein provided, on making application to the proper officer in charge of such contract, together with a showing under oath what relation such person bears to such contract or its performance, shall receive a certified copy of such contract and bond, as herein provided, and is hereby authorized to institute an action against said contractor and sureties on his own relation, but, in the name of the State of Oregon or the county, school district, municipality, municipal corporation, or other subdivision concerned, and to prosecute the same to final judgment and execution, for his own use and benefit, as the fact may appear.

Section 3. Every such contract herein referred to shall contain a condition that the contract may be cancelled at the election of the State, county, school district, municipality, municipal corporation, or other subdivision concerned, for any willful failure or refusal on the part of the contractor to faithfully perform the contract according to its terms as herein provided.

Section 4. In all cases where labor is employed by the State, county, school district, municipality, municipal corporation or subdivision, either

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directly or through another, as a contractor, no person shall be required or permitted to labor more than eight hours in any one day, or forty-eight hours in any one week, except in cases of necessity, emergency, or where public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed; and no emergency, necessity, or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available.

Section 5. Eight hours shall constitute a day's labor in all cases where the State, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly, by contract with another.

Section 6. All contractors, subcontractors, or agents, or persons whatsoever in authority or in charge, who shall violate the provisions of this act as to the hours of employment of labor as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty dollars nor more than one thousand dollars, or with imprisonment in the county jail for a period of not less than five days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 7. All acts or parts of acts inconsistent herewith are hereby repealed.

A BILL

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to protect purchasers of stocks and bonds and prevent fraud in the sale thereof; to create a corporation department to administer this and other laws relating to the regulation and supervision of corporations, and providing penalties for the violation hereof.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to protect purchasers of stocks and bonds and providing for the regulation and supervision of corporations selling or negotiating for the sale of corporate stocks and securities, and requiring State license prior to any sales or negotiations therefor; establishing a separate corporation department, fixing the annual salary of the commissioner thereof at \$3,000.00 and restricting the expenses of the department.

Vote YES or NO.

334. Yes.

335. No.

days after receiving notice of such award, the amount of such check shall become forfeited and placed to the credit of the county general road fund. The checks of all unsuccessful bidders shall be returned after the contract has been awarded and a bond given.

Section 18. The county courts who have advertised for bids on road construction under provision of this Act, must award the contract to the lowest responsible bidder. Provided, if in their judgment the bid is too high they shall then have the right to reject any or all bids, and shall immediately proceed to readvertise for bids, in the same manner as per instructions of Section 17.

If after this the county court is of the opinion that bids are still too high, they shall then have the power to execute the work under their own supervision in accordance with the plans and specifications prepared therefor.

Section 19. All county courts working under provisions of this Act, shall require all contractors to give a good and sufficient bond for the completion of their work, as entered into by written contract with the county court.

Section 20. No county bond issued under the provisions of this Act shall be sold for less than the par value thereof, and no county shall issue bonds under provisions of this Act in excess of five per cent of its assessed valuation.

Section 21. The county treasurer shall be custodian of all money derived under provision of this Act, for which he shall give a good and sufficient bond for its safekeeping, and he shall disburse the same upon order of the county court.

Section 22. The aforesaid county bonds shall be issued in such denominations as the county court may determine and direct, provided that no bond shall be issued for less than twenty-five (\$25.00) dollars.

Section 23. The county courts shall have the power to expend all funds derived under provisions of this Act in accordance with aforesaid instructions; provided, if there be a surplus fund remaining after any specified road has been improved, said fund shall be applied toward the payment of the first bonds becoming due.

Section 24. The county courts are hereby empowered to make all necessary tax levies to meet the obligations made in accordance with this Act.

Section 25. Any acts, or part of acts, in conflict with this Act are hereby repealed.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act creating a State Highway Department, providing for its officers, defining their duties, appropriating money therefor, and repealing all acts or parts of acts in conflict herewith.

By initiative petition filed in the office of the Secretary of State, July 1, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an act to create a State Highway Department, authorizing the Governor to appoint a State Highway Engineer at an annual salary of \$3600; providing his duties and making an annual appropriation of not to exceed \$12,000 for the maintenance of the department, including the salary of the engineer and his assistants.

Vote YES or NO.

326. Yes.

327. No.

(On Official Ballot, Nos. 326 and 327.)

A BILL

For an Act creating a State Highway Department, providing for its officers, defining their duties, appropriating money therefor, and repealing all acts or parts of acts in conflict herewith.

Be it enacted by the People of the State of Oregon:

Section 1. There is hereby created and established a State Highway Department, the chief officer of which shall be called the State Highway Engineer. Said State Highway Engineer shall be appointed by the Governor, and shall hold his office for four years, or until removed by the Governor and a successor appointed. Said Highway Engineer shall be a competent civil engineer, and experienced and skilled in highway construction and maintenance.

Section 2. The Secretary of State is hereby directed to furnish the State Highway Engineer with a suitable office in the Capitol Building, where his records shall be kept, and said office shall be kept open during the same hours as required of other state officers. The said Highway Engineer shall keep a record of all proceedings and orders pertaining to the matters under his direction, and copies of all plans, specifications and estimates submitted to or made by him.

Section 3. The State Highway Engineer, when so requested in writing by any County Court in the State, shall prepare plans and specifications and have supervision of the construction of all roads and bridges, the cost of which shall be paid wholly or in part by funds procured by any County under the authority granted by Section 10, of Article XI, of the constitution of the State, and also when required by the County Court, shall have supervision of the construction of all roads, part of which is paid by the State.

He shall compile statistics relative to the public highways throughout the State, and shall collect all necessary information in regard thereto which he may deem important.

He shall investigate and recommend to the County Courts various methods of road construction adapted to different sections of the State.

He shall also make a report annually to the Governor of this State, which report shall fully set forth all that has been done by him during the period covered by the report; all money expended by him or under his direction, and all roads that have been constructed under his direction, giving in each instance the number of miles constructed in each county, the kind of material used and cost per mile of construction.

It shall also be his duty, when requested by the County Court, to advise on all bids and contracts, and to prepare plans and specifications pertaining to the construction of roads and bridges, and to cooperate in a general way with the several County Courts with a view to making the best possible use of all funds expended upon any public road.

Section 4. At the end of each month the State Highway Engineer shall prepare a detailed account, verified by his affidavit, of his traveling and other expenses for that month, which shall be submitted to the Secretary of State for payment.

Section 5. The State Highway Engineer shall receive an annual salary of \$3,600.00, payable monthly, by the State, and his actual necessary traveling expenses while officially employed. Said Engineer may appoint, if the work of the department requires it, such assistance as may be needed, provided that the total expenses of said highway department shall not exceed \$12,000 annually.

Section 6. The County Court shall appoint, subject to the approval of the State Highway Engineer, a road constructor to supervise the construction of all permanent roads, mentioned in Section 3 of this Act. Other men being equal, local men shall have the preference of appointment. Said road constructor may be removed at any time by the appointing power. It shall be the duty of the County Court to furnish the State Highway Engineer with such detailed information regarding the character of construction probably needed and such information as will assist the State Highway Engineer in approving the appointment of a road constructor for the particular road in question.

Section 7. The Road Supervisors, County Court of any county, and all other officers who now have or may hereafter have by law the care and supervision of the public highways, culverts and bridges, shall, from time to time, upon the written request of the State Highway Engineer, furnish him with all information in connection with the building and maintenance of the public highways, culverts and bridges in their respective localities. It shall be the duty of the State Highway Engineer, or his authorized assistant, to examine the records of the various counties relating to road expenditures, to the end that a uniform system of accounting may be devised as soon as practicable. When such system of accounting has been perfected, it shall be the duty of each county officer to conform his system of accounts and reports so as to furnish the information requested by the State Highway Engineer.

Section 8. There is hereby appropriated out of any money in the treasury of this State, not otherwise appropriated, such sum as may be necessary, not to exceed twelve thousand dollars (\$12,000) annually, for the payment of salaries and expenses as provided for in this Act, and the Secretary of State is hereby authorized to audit all bills and draw warrants on the State Treasurer for the payment of the same, in compliance with this Act.

Section 9. All laws, or parts of laws in conflict with the provisions of this Act are hereby repealed.

(On Official Ballot, Nos. 324 and 325 and 326 and 327.)

ARGUMENT

(affirmative)

SUBMITTED BY OREGON STATE GRANGE

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITIONS

A bill for an Act authorizing any county in this State to issue bonds for the construction of permanent roads, providing a mode of procedure by which a special election may be called within the county to vote whether bonds shall be issued and providing for the sale of bonds and the expenditure of the money realized therefrom in actual road construction. Vote YES or NO.

324. Yes.

325. No.

A bill for an Act to create a State Highway Department, authorizing the Governor to appoint a State Highway Engineer at an annual salary of \$3600; providing his duties and making an annual appropriation of not to exceed \$12,000 for the maintenance of the department, including the salary of the engineer and his assistants. Vote YES or NO.

326. Yes.

327. No.

These bills provide that all matters pertaining to issue and redemption of bonds, location and construction of permanent roads and expenditures in connection with same, can only be proposed at County Road Meetings by representatives elected by road districts; that all actions taken at such road meetings are either approved or rejected at special elections, and that the County Courts are required to carry out the instructions of the voters at such elections.

This bill further provides for a competent State Highway Engineer to prepare plans and specifications for the proper construction of permanent county roads and bridges, thus enabling counties to avoid the present inefficient and unsatisfactory work of engineers and supervisors with little or no practical experience or knowledge.

The object of these Grange Bills is to encourage and promote the construction of good, permanent roads, radiating from market centers out and into the rural communities and such other roads as the business interests of the county requires.

These bills were carefully drawn, by the Grange Committee after advising and consulting with the best authorities on road laws and road construction in the State, and we believe if enacted into laws will benefit all.

Business Man and Farmer, Producer and Consumer, vote for these Grange Measures, for you, one and all, are interested in the development of the State, that can never be accomplished without the construction of good, permanent roads, built economically and scientifically.

SPENCE, SHAW, LEEDY, MASON, Committee, Oregon State Grange.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for a law to amend Section 20 of Chapter
266 of the Laws of Oregon for 1911, placing the State
Printer on a Flat Salary.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill to put Chapter 266, Laws of 1911, into effect
December 1, 1912, instead of January 1, 1915, which
chapter creates State Printing Board consisting of
Governor, Secretary of State, and State Treasurer,
fixes salary of State Printer at \$4000.00, Secretary
of the Board at \$2000.00, with no other compensa-
tions, provides for purchase of State printing plant,
makes appropriations therefor, authorizes printing
department to do binding, ruling, etc., and requires
printer to contract in name of State for all printing
employees, Secretary of Board to prescribe style,
manner and materials used.

Vote YES or NO.

328. Yes.

329. No.

(On Official Ballot, Nos. 328 and 329.)

A BILL

For a Law to amend Section 20 of Chapter 266 of the Laws of Oregon for 1911, placing the State Printer on a Flat Salary.

Be it enacted by the People of the State of Oregon:

Section 1. That Section 20 of Chapter 266 of the Laws of Oregon for 1911 be and the same is hereby amended so as to read as follows:

“Section 20. This act shall be in full force and effect from and after the 1st day of December, 1912.”

(On Official Ballot, Nos. 328 and 329.)

ARGUMENT

(negative) SUBMITTED BY

WILLIS S. DUNIWAY, STATE PRINTER OF OREGON,
Opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

A bill to put Chapter 266, Laws of 1911, into effect December 1, 1912, instead of January 1, 1915, which chapter creates State Printing Board consisting of Governor, Secretary of State, and State Treasurer, fixes salary of State Printer at \$4000.00, Secretary of the Board at \$2000.00 with no other compensations, provides for purchase of State printing plant, makes appropriations therefor, authorizes printing department to do binding, ruling, etc., and requires Printer to contract in name of State for all printing employees, Secretary of Board to prescribe style, manner and materials used.

Vote YES or NO.

328. Yes.

329. No.

* *TO THE VOTERS AND TAXPAYERS OF OREGON:* *

* Would you personally enter into a contract to employ only the *

* members of one certain labor organization, and bind yourselves to *

* "comply with all its laws, now in force, or hereafter adopted" ? *

* If a majority of you vote "328 X Yes" of the official ballot *

* on November 5, 1912, you will peremptorily order that the State *

* Printer "shall" tie the State of Oregon up into that sort of a *

* contract—a "closed shop" contract of unlimited duration. *

* Read the following pages and you will understand the full pur- *

* port of what is said above, and how the Socialist faction of the *

* Salem Printers' Union, "as agents of the International Typo- *

* graphical Union," with headquarters at Indianapolis, are to proceed *

* to carry into effect their scheme for a "closed shop" in the State *

* House, supplant economical "piece work" with extravagant "time *

* work," and get their hands into the State Treasury of Oregon *

* through control of a newly created "State Printing Department." *

* As a cover to their real purposes, they name their scheme, *

* "Flat Salary for State Printer." The "jokers" in their law will *

* be fully disclosed in this article—especially their "jokers" as to *

* large appropriations, a "closed shop," and a State-owned, State- *

* supported plant. WILLIS S. DUNIWAY. *

GAME OF FLIMFLAM AND DECEIT.

Exposure of the Real Purposes of a Measure to Carry Several "Jokers" Into Effect.

The little "initiative act" on page 103 of this pamphlet, as it was circulated for signatures of petitioners, with a misleading title about "Placing State Printer on Flat Salary," and amending Section 20 of Chapter 266, Session Laws of 1911 (unaccompanied by a copy of the act,

in defiance of law), was seemingly an honest measure, but it proves on examination to be a triumph of deceit, duplicity and dishonesty, promoted and financed by Socialists in the Salem Printers' Union.

Did the schemers print the act in their petition (as the initiative law of Oregon requires), so that citizens might read it before signing as petitioners? No.

Do they print in this pamphlet the act which they propose to put in effect December 1, 1912? No.

Do they print in this pamphlet even one section of the act which they ask you to vote for? No.

Would it have cost them one cent to have printed the act in full in this pamphlet? No.

And did they not strenuously object to the Attorney General's preparing a ballot title to afford voters any information as to the law's contents? Yes.

The main purposes of the act, as now openly boasted in Salem, are: (1) To work a practical "recall" of the present State Printer (Republican) by stripping him of all authority in his office and forcing him to resign before half his term is served; (2) to take control of Oregon's printing away from the State of Oregon, and by "closed shop" contract put the printing in the control of the Socialists who dominate the Salem union, "as agents of the International Typographical Union"; (3) to bind the State of Oregon to agree to "comply" with any tyrannical or extortionate law that may be "hereafter adopted" without the knowledge of the voters of Oregon.

HOW THE SCHEME IS TO BE WORKED.

All this is to be done through the co-ordinate workings of the union's laws and "jokers" in sections 7 and 14 of the act (Chapter 266, Laws of 1911), which the little initiative measure proposes to put into effect two years in advance of the time fixed by the Legislature. The promoters of the scheme ask you to put it into operation December 1, 1912, when the State Printer's office will be so overcrowded with publication of biennial reports of State officers, and with preparation for the legislative session, that the State of Oregon and the State Printer will be at great disadvantage, and presumably at their mercy.

Section 7 of the act (Chapter 266, Session Laws of 1911) reads as follows:

Section 7. The State Printer *may* employ such foremen, proof-readers, compositors, pressmen and laborers as may be required for the prompt and efficient operation of the State printing department and *may* discharge the same whenever he deems it advisable for the business-like conduct of the State printing department. He *shall* contract in the name of the State of Oregon for the service of all persons employed at the rate paid by printing establishments generally throughout the State of Oregon, for similar services, and he *shall not* pay, or contract to pay, any premiums, bonuses or any amount in excess of the regular scale of wages so generally paid throughout the State to any employee without first in each and every case obtaining permission so to do from the State Printing Board.

Now, with whom "shall" the State Printer enter into contract "in the name of the State"? With the individuals whom he may wish to employ? Positively not. On behalf of the State, he must, for reasons now to be given, enter into contract with the Union for a "closed shop," if the scheme commands a majority vote in November next. Oregon's electors must then make choice between "open shop" and "closed shop" in the State House.

UNION MEN FORBIDDEN TO SIGN CONTRACTS INDIVIDUALLY.

Voters must remember that the printing trade is the best organized of any in the country; that in Oregon, practically all available printers, pressmen, linotypers, proofreaders, etc., are members of and affiliated with the International Typographical Union through its local unions; and that every member is prohibited by union law from signing an individual contract.

First read this ironclad section of International Union law, which citizens of Oregon may have occasion to remember in the future:

"Sec. 165. It is imperatively ordered that the executive officers of the International Typographical Union shall not submit any of its laws to arbitration." (I. T. U. Laws for 1912, page 76.)

Now read this section of International Union law, forbidding its members to sign contracts individually:

"Sec. 164. No local union shall sign a contract guaranteeing its members to work for any proprietor, firm or corporation unless such contract is in accordance with International Union law and approved by the President. No member holding active membership in any local union shall sign an individual or private contract with any employer agreeing to work for any stated time, wages or conditions. The union alone has the power to contract for conditions, wages and hours." (I. T. U. Laws for 1912, pages 75 and 76.)

FORM OF UNION CONTRACT OFFERED THE STATE PRINTER.

Voters and taxpayers will be amazed that the following is the only form of contract offered the State Printer by officers and agents of the Salem union. It has been "put up" to the present State Printer repeatedly during four years and "turned down" each time. No change whatever was permitted in its wording, nor could it be submitted to arbitration. It is sugar-coated with the heading "Label Agreement," but its language shows it to be a most unfair and one-sided contract:

LABEL AGREEMENT.

THESE ARTICLES OF AGREEMENT, Entered into this _____ day of _____ A. D. _____, by and between [Willis S. Duniway, State Printer, for and on behalf of the State of Oregon,] party of the first part, and [Salem Capital] Typographical Union No. 210, party of the second part,

WITNESSETH, That the said party of the first part, in consideration of the use and privileges of the union label, owned and controlled by the said party of the second part, as agents for the International Typographical Union, hereby agrees to employ none but members of Salem Capital Typo-

graphical Union No. 210, party of the second part, not to use the said label or trademark upon anything but the strict production of union labor, and to neither loan nor duplicate said trademark, or use the same upon any printed matter without imprint or trading name, except by permission of the party of the second part.

That said party of the first part further agrees to pay the adopted scale of wages of the party of the second part, hereto attached, and to *comply with all its laws and those of the International Typographical Union, now in force or hereafter adopted.*

Any violation of this agreement shall make it null and void, and all cuts, electrotypes or stamps of the label or trademark of the party of the second part, in the possession of the party of the first part, shall immediately be delivered to the party of the second part, and the further use of the same after such annulment by said party of the first part shall be without warrant and illegal.

IN WITNESS WHEREOF, We have hereunto affixed our hands and seals this _____ day of _____ A. D. _____

For.....

For.....

N. B.—This contract must be filled in triplicate.

{ Union Label }
{ Indianapolis }

WHY A MANDATORY CLAUSE IS IN THE ACT.

For years, as a public officer and business man, I have successfully resisted signing this very contract; therefore, they write into Oregon's laws "he shall enter into contract," etc.

I am a duly elected officer, under oath and bond to live up to the constitution and laws of Oregon; the above contract would have required me to make my allegiance to the State government at Salem subordinate to the International Union's government at Indianapolis. The people of Oregon elected me, believing in my loyalty to Oregon; I have refused for years to betray the State to the schemers. I have not discriminated against union men during the time, but have employed their most competent members, paying above the "scale," and am willing to continue to employ them. I insist, however, that no public official should sign any contract that would require him to bar from the State's employ even one reputable citizen who is ready and able to do an honest day's work. Efficiency and attention to duty have been and are what I require in the printing department. Now the Socialist faction (aided by some of my political and personal enemies) have taken the means herein described to force the State into a "contract" which they were unable to compel me to sign as a citizen and official. The second sentence of section 7 of the act carries the mandatory clause to force me into obedience—"he shall contract in the name of the State of Oregon for the services of all persons employed."

NON-UNION MEN NOT AVAILABLE.

The question naturally arises: Why may not the State enter into contracts with non-union printers? Because the work of the State

Printer's office is so great at times—notably in December, preceding legislative sessions—that it is imperative to put on all the men there is room for, and a sufficient force of non-union printers cannot be had at these times; and if a contract be made with even one non-union man, the State will have a “walkout” of union members, with the attendant evils, bitterness, and no one knows what else, that always accompany “strikes.” Then the State Printer, for and on behalf of the State of Oregon, would have to attempt to maintain “open shop” at a time when trouble is most to be avoided, and be prohibited by section 7 of the act from offering any “premium,” “bonus,” or other inducement to secure men. Can any taxpayer withhold his admiration for the cleverness of the scheme to force the State of Oregon, by shouts of “Flat Salary for State Printer,” to enter into a contract of unlimited duration with the union, binding the State to “comply with all the union’s laws, now in force or hereafter adopted.” A majority vote for the little measure on page 103 would mean nullification of the State’s control over its printing and virtual “recall” of the present State Printer, against whose administration no charges have been made, and who always challenges investigation of his department.

WHY THE SCHEMERS WANT IT PUT INTO EFFECT AT ONCE.

Note carefully that this act is to take effect on December 1st of this year. This date is fixed so that the time between then and the convening of the Legislature one month later would be insufficient to organize a force for the printing office. The State of Oregon “shall enter into contract,” the law says; but union men would not be permitted to work unless the one contract hereinbefore printed were signed. The biennial reports of State officers and necessary printing for the Legislature must be gotten out, so what alternative would there be for the State Printer except to enter into the union’s contract “in the name of the State of Oregon”? Do not forget that this contract for the “closed shop” is a perpetual one and can only be terminated by violating it. Is the State of Oregon to enter into a contract that cannot be amended or terminated except by violating an obligation? Every sentence of this mild, soothing, innocent-appearing “label agreement” contains “a mailed fist within a velvet glove.”

UNION LABEL AND CLOSED SHOP.

And what is the State to receive in return, if voters decide on November 5th that it “shall” enter into this extraordinary “contract”? The “consideration” offered the State of Oregon (see the “contract”) is to be the privilege of paying the expense of putting the union’s label on all the State’s printing, and thus advertise how the voters of Oregon have been tricked and duped by a coterie of Socialist plotters, who are much more clever than their fellows of the McNamara class. The assassins of the Los Angeles Times employees sought to promote the “closed shop” by a reign of terror. Up here a “closed shop” is to be secured and maintained through a well-planned scheme to fool the voters of Oregon. Do

not forget when it is to take effect—in December of this year. The explosion in the Times building was no more cunningly timed than is this scheme. In December is the “psychological moment” to coerce the State of Oregon, so this act is timed to “go off” when work must be turned out for the Legislature, and to force the State into a perpetual “closed shop” contract, misnamed a “label agreement,” before the Legislature can meet and take action.

No wonder that thousands of fair, thoughtful, conservative members of unions throughout the country realize that the “radical element” is making unionism odious.

A MATTER OF GREAT MOMENT TO OREGON.

This matter is of far greater consequence to the State of Oregon than to the present State Printer. At worst they could only deprive him of a moderate sum of money, and able lawyers advise him that he can protect his financial rights in the courts. But what is to happen after the term of the present State Printer is ended? If the step is once taken, it is difficult to turn back.

ALLEGIANCE OF THE SCHEMERS NOT TO OREGON.

If the authors of the clever scheme succeed in their purpose by your votes, they will be responsible not to the people of Oregon, but to the International Typographical Union, of whom about 98 per cent are not citizens of Oregon, and many of whom are not even citizens of the United States; they will still owe allegiance to their government at Indianapolis, not to the government of Oregon; and they will abide by and follow, not the laws of Oregon, but the laws of their labor organization, for each of them has already subscribed to an obligation containing this clause:

“My fidelity to the union and my duty to the members thereof shall in no sense be interfered with by any allegiance that I may now or hereafter owe to any other organization, social, *political* or religious, secret or otherwise.” (I. T. U. Const., Art. XII, Sec. 1, p. 12, Laws of 1912.)

FINANCIAL INTEREST OF THE SCHEMERS.

If the confidence game can be played on the voters in November, it will mean great money benefits to its promoters and abettors, through the profligate methods in vogue in State-owned printing plants, with constant inroads on the State Treasury of Oregon. Small wonder the schemers seek to cover their purposes by talk about “flat salary” for the printer. Soon as the scheme carries, if it shall carry, will commence the running up of the cost of operating the printing department through “time work,” “hand composition,” “priority laws,” and other manifold devices (clever as the “jokers” in the act), elsewhere used in State-owned plants to create jobs and positions, and to provide needless places for loafers, bummers, incompetents, and pensioners of one degree or another—all on fat salaries and all to be protected through the clause in the innocent “label agreement,” binding the State to “comply with the union’s laws *now in force or hereafter adopted.*”

NOW FOR A LOOK AT OTHER "JOKERS."

The foregoing bunco game to destroy the authority of the duly-elected State Printer of Oregon, to give control of the newly created "Printing Department" to a faction of a labor union, and to make the laws of the union more potent than the laws of Oregon, is only one "joker" from the act, which is so full of "jokers" that the people of the State need to be advised as to its further purposes. The schemers kept their objects obscured when getting the names of petitioners. Their failure to print the act at the head of their petition was specially designed to conceal their purposes, and to keep from voters any information whatsoever.

If the act designed by the schemers to be put into immediate effect had been included in their petition (as the initiative law of Oregon requires), the State would print and circulate it in this pamphlet, without expense to them. Now at my own expense I shall print a summary of its more important sections, many of them long, which may be found in full in Chapter 266, Session Laws of 1911, pages 458-59-60-61-62-63, and I earnestly hope that every voter who has time and opportunity will secure and read the act in full in connection with these criticisms and comments.

SUMMARY OF THE CROOKED LAW BY SECTIONS.

First, by section 1 of the act, an unnecessary Printing Board is created, composed of officials already overbusy with their own duties (none of them printers) and the State Printer, elected by the people, is left off the board, although his knowledge, acquired by years of experience, ought to be desirable in the board's councils. In this section pretense is made at giving the board (none of them printers) power to provide rules for conducting the printing department; but the pretense of giving this power to the board is upset and negated by a "joker" in section 14, as will later appear.

By section 2 of the act a needless Secretary of the needless Board is provided (salary \$2,000.00) with but five years' experience required. Seemingly this Secretary is to be the Board's clerk, but four pages later in the act, in section 14, by means of the "joker," he is to be set up in authority over the State's duly elected State Printer, and is given full power to "direct and prescribe the style, manner and materials which shall be used by the State Printer in performance of his work." (This clause is to strip the State Printer of every vestige of authority over the office to which the people elected him. Who is "slated" to be the board's Secretary? Why, one of the men who got up the act.)

ACT PROVIDES NO BOND FOR SECRETARY.

By sections 3 and 4 of the act, the State Printer, elected by the people, must have more than ten years' experience and must file an official oath and give a bond for \$10,000.00, while the appointive Secretary of the board, with but five years' experience, is required neither to file an oath nor give a bond. (Who is it that is to be set up in authority over the State Printer, without giving bond for his conduct in office? Why, the

man who has been promoting the scheme and putting up money to secure signatures to the crafty petition.)

Section 5 provides, in case of the State Printer's resignation or death, for filling the vacancy by appointment of the Governor.

Section 6 provides for election and salary of the State Printer (\$4,000.00 per year), and requires that he "*shall have no other business activity, pursuit or employment.*" (The italicized clause means that a printer whose ability has been demonstrated by his success in his own business must sacrifice his personal business if he is to become State Printer; hence this class of men, best qualified for public service, are rendered unavailable to the State.)

INCREASED SCALES OF WAGES FOR THE STATE TO PAY.

Section 7, with its contract "joker," has already been set out; but it has a further "joker," under which increasing scales of wages may be provided. It is covered by the expression "rate paid by printing establishments generally throughout the State," which is first to be construed to mean the "Portland scale," and later a "special scale" is to be "hereafter adopted" for the State of Oregon to pay in its printing department. Do taxpayers think this will mean lessened cost of State printing?

Section 8 requires the State Printer to make a quarterly report of work done, materials used, contracts signed, cost of repairs, betterments, etc.

Section 9 directs the issue of warrants by the Secretary of State to cover payrolls.

Section 10 takes from the State Printer the right and power to buy paper, equipment, machinery, supplies, etc., and puts the same into the hands of the board of nonprinters. (The board's members being nonprinters and busy with other duties, the Secretary will handle the business and expend large sums of money in purchase of paper and other supplies, without being under bond.)

Section 11 provides that the board "may enter into contracts for binding, ruling, etc." (The great economies brought about by the present State Printer in the binding and ruling afford the reason, presumably, why all control over the same is taken from him. The board having already an abundance of other duties to claim their time and attention, their Secretary—not under bond—will be in control.)

WORK MAY BE GIVEN OUT WITHOUT PRICE LIMIT.

Section 12 allows the board to have work done at other plants than that of the newly created "State Printing Department." (Under this section the friends of the Board's Secretary may be greatly favored at the Treasury's expense, as there is *no limitation whatever as to work he may have done, or prices he may pay.*)

Section 13 gives autocratic power to the Board's Secretary not only over the State Printer, but over "heads of departments, boards, or commissions." When any of them need printing or binding, he must submit his requisition to the Board's Secretary, who may grant it or refuse it;

but, "if said Secretary shall affix *his* signature to the requisition, the State Printer must honor the same and do the printing or binding therein called for." (Who is to be the Secretary of the Board? Why, one of the men who got up this act.)

Section 14 says "the Secretary of the Board shall advise with heads of departments" as to the work to be done, and that the State Printer shall do all work in a way to meet the approval of the Board's Secretary, who "*shall direct and prescribe the style, manner and materials which shall be used by the State Printer in performance of his work.*" (Back of this clause for taking away all power and authority from the present State Printer is a plan to discontinue economical machine composition, and revert to old-fashioned, slow and costly hand composition, much to the delay of legislative work, and increased cost of production to the State.)

Section 15 relates to sale of session laws, public documents, etc., under direction of the board, who, without knowledge of printing, are to fix prices for sale of the printed matter.

Section 16 provides for printing of session laws, legislative journals, etc. (This also must be done in a way to meet the approval of the Board's Secretary, instead of in accordance with State laws, as at present.)

Section 17 makes it a misdemeanor for any work to be done in the printing department for parties other than the State.

BOARD TO FIX THE VALUE OF PRIVATE PLANT.

Section 18 authorizes the printing board of non-printers to appraise and put a value upon my printing plant, which under State law in 1906 I was compelled to buy and install at the Capitol (cost, almost \$20,000), and the said board is directed to pay whatever it pleases for said plant, or leave it upon my hands, although not being a commercial plant it is largely unsuited for anything but the State's work. The authors of the act—my personal and political enemies—seek to have the voters do this, not at the end of my term, as the Legislature stipulated, but to put it into effect December 1, 1912, so as to deprive me of more than half of my term.

SHREWD "JOKER" ABOUT APPROPRIATIONS.

Section 18 also contains a very crafty "joker" about appropriations. It provides only the sum of \$20,000, "or so much thereof as may be necessary to carry out the provisions of the act." The authors of the act know that \$20,000 is a mere starter; that the entire \$20,000 would be needed to buy such a plant as I was obliged to purchase to do the State's printing; they know that they would need \$50,000 to \$75,000 more for the payrolls of employees during the next biennial period under the "time work" system, and the special scale to be "hereafter provided" for the State to pay; they know that \$35,000 to \$40,000 more will be needed for paper, ruling and binding during the next biennial period; they know that, if their scheme carries, \$12,000 more will be needed to pay salaries of the Secretary of the Board and the State Printer, and not telling how much more for "other clerical assistance" for the Board's Secretary provided by section 2 of the act; they know that inks, rollers,

power, oil, gas, and incidentals must be paid for; they know that a large item for betterments, repairs and improvements must be provided; they know that postage and the expense of mailing candidates' pamphlets and initiative pamphlets to voters must be met; hence, when they wrote the act with an appropriation of but \$20,000, "*or so much thereof as may be necessary to carry out the provisions of the act,*" they were guilty of a premeditated attempt to deceive and mislead the taxpayers of Oregon.

Section 19 repeals all the sections of the Oregon Code under which the State Printer has had power to conduct the office to which the voters elected him in November, 1910. Yet he is allowed a salary of \$4,000.00 a year. That salary is vastly more than his services would be worth for performing the few duties left him by the act.

NO SCRUPLES ON PART OF SCHEMERS.

Section 20 of the act as passed by the Legislature was as follows:

Sec. 20. This act shall not apply to the present incumbent of the office of State Printer and shall become effective on January 1, 1915, and shall continue so thereafter.

Said section 20, as changed by the initiative measure, reads:

Sec. 20. This act shall be in full force and effect from and after the first day of December, 1912.

The members of the Legislature refused to attempt to break the State's contract with the State Printer to do its printing for a term of four years, or otherwise to interfere with him in the middle of his term; but the schemers have no scruples about trying to oust a duly elected State officer who stands between them and the State Treasury.

Shouts of "Flat Salary for State Printer" are relied upon by the schemers to carry past the voters of Oregon, on November 5th, the devious, crooked act, for their own benefit and the State's spoliation. Thus will come into power the dominant Socialist faction of the Salem union, headed by the authors of the act. Thus is the present State Printer to be punished for refusing, as an official, to enter into the innocent "label agreement" with them some years ago, and ever since. Thus is the law-making power of the State of Oregon to be set at naught and the sovereignty of the International Typographical Union to be recognized in the Oregon State House.

THE SIMPLE WAY TO REDUCE PRINTING COSTS.

There is but one way to reduce cost of printing when it is too high—that is, to reduce the rates. The Legislature has power to do this. Prior to 1906, the constitution prevented change of rates. The present State Printer was active in getting a constitutional amendment adopted in 1906 to permit the Legislature to pass laws changing rates of compensation from time to time. Now the State is paying less for its printing, with a few exceptions, than the commercial rates in Portland or Salem; yet there are some classes of work that, by reason of their

increased quantity, due to the State's rapid growth, will bear further reduction. I have often stated my purpose to help bring these reductions about at the next session of the Legislature, hence the Socialist schemers want to get control in December so as to head off business-like revision in January. They seek, not to give relief to taxpayers, but to secure financial benefit to themselves and to advance the cause of Socialism. If they carry their scheme through by your votes on November 5th, they will celebrate the result as a Socialist victory.

If the people of Oregon, in spite of the costly experience of other States, desire to experiment with a State-owned printing plant, with all its attendant evils and extravagance, let us have a plain, direct, honest law for that purpose; but the scoundrelly and deceitful act whose provisions I have outlined, reflects no credit on the legislators who passed it, though highly creditable to the ingenuity and subtlety of its authors. In its preparation, it is highly probable that they had the aid of their organization's chiefs at Indianapolis.

PUBLIC-OWNED PRINTING PLANTS VERY COSTLY.

The present State Printer draws from the Treasury of the State of Oregon *six cents per capita per annum* for all services rendered by his plant, his employees and himself. No other State in the Union gets such a large volume of work done at such small cost. This result has been brought about during the present State Printer's term. In the past four or five years, newspapers of the State have generously given wide publicity to the great savings—\$1200 to \$1500 a month—that have made this result possible. A State-owned plant, with newly created officers, needless help, and loafing pensioners, all on fat salaries, will certainly increase the cost of production in Oregon, as in the State-owned plants of California and Nevada, as well as in the municipal plant of Boston and the Government Printing Office at Washington, D. C. In all these offices, the public-ownership-flat-salary system has proven to be the most wasteful and extravagant method of doing printing that is known, and the State-ownership system proposed for Oregon, with the Socialist faction of the Salem union seeking to secure all possible financial returns to its members, will soon show all the rottenness, corruption and extravagance that are shown in other places, when authority over the printing is lodged in the hands of men back in some secret chamber. The schemers may be expected to show as much cleverness in extracting money from the Treasury of Oregon as they have shown in drafting an act to give them control.

A LITTLE POLITICAL HISTORY.

The authors of the crooked law are claiming that Oregon has voted for the State-ownership scheme which they are now seeking to promote. This is grossly untrue. Oregon voted in 1906 to amend the constitution so as to permit *change in rates of compensation from time to time*. (Oregon Constitution, Art. XII.) The amendment contains no reference to or hint at a State-owned plant. On the other hand, there have been

several elections which indicate opposition to the State-ownership plan of doing the public printing. In 1906, Mr. J. R. Whitney was a candidate for State Printer in the Republican primary and advertised himself widely as the only State-ownership candidate. I ran on a widely-advertised platform of "Economical business methods." The State-ownership candidate was badly beaten. I received the nomination by 22,623 votes, against 10,892 for my opponent, carrying nearly every county in the State. Then Mr. Scott Taylor, Democrat, came up as a candidate in the general election, advertising himself widely as a State-ownership-flat-salary candidate, and everywhere publishing me as opposed to the system. He was overwhelmingly beaten, receiving 26,015 votes, against 54,543 for myself on my business platform. Next, in 1910, William J. Clarke made a vigorous State-ownership campaign for the Republican nomination. Though aided by the big Republican State Assembly that year, and boosted by all the falsehoods which certain members of the Salem union could invent about me, he received but 15,403 votes, against 26,763 for myself. Again a State-ownership candidate was defeated. He failed to carry even his own county of Marion. Then J. E. Godfrey, a Democratic nominee, made a campaign as a State-ownership candidate before the people. Again, for a fourth time, was a State-ownership candidate beaten out of sight, receiving but 32,575 votes, against 65,110 for myself, on my business platform and business record in office. This State-ownership candidate failed to carry a single county, and lost his own county of Marion by an adverse vote of 3,676 to 2,653. I certainly do not think the large vote for myself was due to my personality; rather, I believe the votes represent fairly the convictions of electors as to the platforms of the candidates.

The above facts and figures show why the schemers in the Salem union are now pursuing their plan of deceit and dishonesty. Failing to have their State-ownership ideas adopted openly in elections, they now seek to smuggle past the voters a State-ownership law, and they are shouting "Flat Salary for State Printer," to get its date advanced to December 1st, next, in order to force the State of Oregon into a contract for a "closed shop," and they feel that they cannot afford any delay, as they fear that the next Legislature may remedy the rascalities of their joker-filled law.

MARK YOUR BALLOT "329 X No."

Voters should keep in mind the masterpiece of craft, cunning, and cupidity when they enter the polling booths on November 5th, next, and reject it by voting "329 X No."

If a majority of voters on November 5th shall put a cross (X) after 329 on the ballot, marking it "329 X No," they will properly rebuke craft and deceit in preparing initiative measures, and cause other schemers in future to pause when they seek to flimflam the people of Oregon.

WILLIS S. DUNIWAY,
State Printer of Oregon.

(On Official Ballot, Nos. 328 and 329.)

ARGUMENT

(negative) SUBMITTED BY

C. W. NOTTINGHAM, SENATOR FROM MULTNOMAH COUNTY,

Opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

A bill to put Chapter 266, Laws of 1911, into effect December 1, 1912, instead of January 1, 1915, which chapter creates State Printing Board consisting of Governor, Secretary of State, and State Treasurer, fixes salary of State Printer at \$4000.00, Secretary of the Board at \$2000.00 with no other compensations, provides for purchase of State printing plant, makes appropriations therefor, authorizes printing department to do binding, ruling, etc., and requires Printer to contract in name of State for all printing employees, Secretary of Board to prescribe style, manner and materials used.

Vote YES or NO.

328. Yes.

329. No.

ARGUMENT AGAINST THE STATE'S GOING INTO THE
PRINTING BUSINESS.*To the taxpayers of Oregon:*

The brief act on page 103 of this pamphlet ought, in my judgment, to be rejected next November by Oregon voters, for reasons apart from those given by Willis S. Duniway, State Printer, in his argument in this pamphlet. The showing-up he gives "jokers" in the measure should defeat it; but I shall discuss only the financial feature as it appeals to taxpayers.

As a hold-over State Senator, in 1909, I was chairman of a committee to look into public expenditures for information of citizens and the Legislature. There came to me during the summer of 1910 many statements as to enormous sums of money alleged to be made by the State Printer as profits. Frequently I was told his profits ran from \$50,000.00 to \$80,000.00 a year. The discrepancies in assertions were so great that I secured from the auditing department of the State a complete statement of all moneys paid to State Printer Duniway for three years and eight months—the time he had then been in office. This statement showed that he was receiving from the State, from all sources, \$32,000 a year, with which he must maintain his plant, meet all his various expenses, and pay the wages of his foremen, printers, pressmen, and linotypers during the year.

Seeking to secure some idea as to his profits, I asked for his "time book" and learned that he employed an average of 18 workmen throughout the year. They must have cost him, at the wages he pays, over

\$18,000 per year. Also, I learned that for inks, power, insurance, taxes, office help and the many incidental expenses, he was paying at least \$2,500 per year. Also, I learned that he had almost \$20,000 invested in a plant, and that wear and tear, or depreciation, with interest on the money invested, would add \$3,500 to \$4,000 yearly to his expense account. I counted his yearly outgo as certainly not less than \$24,000—leaving him possibly \$8,000 yearly for his salary, work of plant, and profits. Now, however, the State is growing rapidly and more printing is constantly required; so the State Printer's gross receipts must now show considerable increase; but the rates were lowered by act of the Legislature, at Mr. Duniway's suggestion, and went into effect in January, 1911. This reduction must prevent a corresponding increase in the profits. He now informs me that the work done in 1911 and 1912 will amount to about \$39,000 annually, that his workmen have increased in number, that he pays more for the larger quantities of ink, oils, gas, power, etc., and that he expects to get about 20 per cent, or close to \$8,000, to cover salary for himself, service of his plant, and profits of the business.

From investigations I made, and from Mr. Duniway's high personal character, I believe his statement is true.

Mr. Duniway during his first term, not only stopped grafting in the printing, saving taxpayers \$50,000 over old methods, but had the rates lowered, as stated above. The first biennial period, under the lower rates, will not be ended until January 1, 1913; then, if further lowering of rates is needed, the Legislature may act, and it will have his aid as before.

Could any saving be made by having the State buy a plant and engage in the manufacture of its printing, any more than in the making of its woolen goods or its boots and shoes? I think not, and my reasons are the plain ones that will appeal to business men and taxpayers.

First, the State will have to make appropriations to buy a plant, which would cost \$20,000, and probably \$20,000 more within the following two years. The State could not buy the type, presses and other machinery any cheaper than Mr. Duniway has done, and very likely not so cheaply, since the purchasing board is composed of men not familiar with the printing business. Certainly the purchase and maintenance of the plant would cost no less, and probably more than it costs Mr. Duniway, who knows the printing business and now pays the expense out of his own pocket. So no saving could be made here.

Second, the State would have to pay at least as much as Mr. Duniway now pays for workmen; and all experience shows that governments, whether national, state or city, pay more than private employers. So, if the State should escape a walk-out by signing a contract with the unions for a "closed shop," its labor would cost no less and probably more than it costs Mr. Duniway. So no saving can be looked for here.

Third, the State would have to buy inks, oils, gas, power, etc., just as Mr. Duniway does, and would probably have to pay more than he

does—just as the State is always charged more than a private buyer. So no saving could be made here.

Fourth, the State could cut out insurance and taxes. But it would be carrying its own insurance, and other citizens would have to make up the taxes now paid by Mr. Duniway on his plant. So there is small chance of saving here.

Fifth, we now have left the combined salary and profits of the State Printer, Mr. Duniway, on which to make savings. Could savings be made here, considering the extra help that is always necessary in a State plant of any kind, and the extravagance that is sure to follow? The law that it is proposed to put into effect provides a salary of \$4,000 for the Printer and of \$2,000 for the Secretary of the Board. Also, it provides for "other clerical assistance," which would probably consume \$2,000 or \$3,000 more per annum for clerk and stenographer; so the State would not be saving a penny, but would be bearing the wear and tear, depreciation, and deterioration of its plant; and the Legislature would have to make biennial appropriations to keep it up to a high standard of efficiency.

Every one knows how many needless employees are saddled on national, state, county and city governments. Public money is regarded by nearly every one as "easy money." If the State goes into the printing business, we shall without doubt have a repetition of the costly experience of the U. S. Government at Washington and other public-owned printing plants. Immense quantities of needless printing will be the rule, to keep the plant running and the employees on the payroll, and Oregon will, without doubt, find her printing appropriations rapidly growing.

Willis Duniway has been a most capable, economical and conscientious official. He it was who uncovered and stopped the frauds in Oregon's printing. In previous pamphlets he has shown great savings made during his first term, and was re-elected by an immense majority. After having served so faithfully and economically, it would be an outrage to strip him of all power and authority in the middle of his term. It would be simply to degrade and discredit him at a time when, as a thoroughly capable and honest official, he ought to be commended and respected.

In all the acts of the Legislature, the members have always avoided passing any bill that would violate any implied contract of the State with an individual or corporation. They refused to pass a bill requiring the Lowenberg-Going Company to brand their goods as "prison made" unless it contained a clause that the law should not take effect until the end of a contract then in force. This is a correct principle, and it was applied by the Legislature to the case of Mr. Duniway in Section 20, Chapter 266, Laws 1911. He had made an open campaign against public-ownership-flat-salary candidates—his majorities being large—and should not be legislated out of office, which would be equal to grand larceny.

Voters ought to mark their ballots "329 X No" in November next, and retain the services of a capable and honest official.

C. W. NOTTINGHAM.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition defining hotels in the State of Oregon, and providing for the use of fire escapes, gongs, ropes, stand pipes and hose, and chemical fire extinguishers there-with and therein, and defining the same; providing for the use of sheets in hotels, and defining their length and width; etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act creating the office of Hotel Inspector, prescribing his duties, appropriating \$7000 per annum for salary and traveling expenses of the inspectors, defining hotels and providing for their inspection and regulation.

Vote YES or NO.

330. Yes.

331. No.

(On Official Ballot, Nos. 330 and 331.)

AN ACT

Defining hotels in the State of Oregon, and providing for the use of fire escapes, gongs, ropes, stand pipes and hose, and chemical fire extinguishers therewith and therein, and defining the same; providing for the use of sheets in hotels, and defining their length and width; providing for the disposal of ashes in hotels, providing for water closets and privies and for their disinfection and for the manner of plumbing hotels; creating the office of State Hotel Inspector, defining the duties, fixing the salary and providing for the appointment of a deputy, fixing their salaries, and providing for an appropriation for the office of State Hotel Inspector, and repealing an Act entitled "An Act to Provide for the Length of Sheets in beds in Hotels and Lodging Houses in the State of Oregon," filed in the office of the Secretary of State, February 8, 1909, and an act entitled "An Act to Provide Hotels and Lodging Houses in the State of Oregon, with Fire Escapes, Ropes and Other Appliances," filed in the office of the State Secretary, February 12, 1909, and an act amendatory of the last mentioned act, approved March 17, 1909, and for the repeal of all other Acts and parts of Acts in conflict herewith.

Be it enacted by the People of the State of Oregon:

Section 1. Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire or transient guests, whether with or without meals, for the accommodation of guests shall for the purpose of this act be defined to be a hotel and whenever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section.

Section 2. Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall in such manner that every room upon such floor shall open upon such hall or a cross hall connected therewith; there shall be equipped at the end of such hall an iron fire escape on the outside of the building, connected on each floor above the first with at least one opening, which shall be well fastened and secured, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than twenty inches wide with steps of not less than four inches tread, placed at an angle of not more than forty-five degrees and protected by a well secured hand rail on both sides and reaching to within twelve feet of the ground. Such fire escapes on buildings of not more than three stories shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the

wall of the building and provided said ladder is equipped with iron rounds not more than 15 inches apart. The way of egress to such fire escapes shall at all times be kept free from all obstructions of any and every nature. Storm windows and storm doors shall be considered an obstruction for the purposes of this act unless there shall be a glass therein at least 24 by 36 inches in size and such way of egress shall at all times be kept unlocked unless the window or door opening on said fire escape shall contain a glass of at least twenty-four by thirty-six inches in size, and no bars shall be placed across any of the openings filled by such glass. There shall be posted and maintained in a conspicuous place in each hall and in each guest's room, except the halls and rooms on the ground floor of such hotel, a printed notice in characters not less than two inches high calling attention to and directing the way to such fire escape. *Provided*, (That a compliance with the ordinances of any city by any hotel situated therein shall be deemed a sufficient compliance with the foregoing provisions of this section.)

Section 3. Every hotel which is two stories in height or which is not provided with such fire escapes as are described in Section 2 hereof shall provide in every outside bed room or sleeping apartment on any floor where the window of such room is more than twelve feet above the ground a manila rope at least five eighths of an inch in diameter and of sufficient length to reach the ground with knots or loops not more than fifteen inches apart and of sufficient strength to sustain a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joist or studding of the building as near the window as practicable and shall be kept coiled and in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bed room or sleeping apartment above the ground floor a printed notice calling attention to such rope and giving directions for its use.

Section 4. Each and every hotel shall be provided by owner with at least one efficient chemical fire extinguisher for every twenty-five hundred square feet or less of floor area, which extinguisher or extinguishers shall be placed in a convenient location in a public hallway outside of the sleeping rooms, and in all public rooms, and shall always be in condition for use.

Section 5. Each and every hotel shall be provided with a gong at least 10 inches in diameter on each floor, which shall be placed in the hallway in such a position that it will be easy of access and so that its ringing can be heard in every room, and means for ringing such gongs shall be provided which may be operated from the office, or from location of any such gongs, and which shall be sufficient to keep all of said gongs ringing continuously for at least three minutes after being started, excepting, however, that the foregoing provisions of this section shall not apply to hotels who already have a fire alarm system installed for each room.

Section 6. All beds for the accommodation of guests in any hotel shall be provided with a sufficient supply of clean bedding and with

clean sheets, such sheets shall be at least eighty-one inches wide and one hundred and three inches long. All beds shall be provided with clean sheets as often as the same shall be assigned to different persons.

Section 7. No ashes from any hotel shall be dumped or kept in or adjacent thereto, or in any outhouse connected with any hotel unless the same shall be placed in a tight metal container with a tight metal lid kept thereon.

Section 8. Each and every hotel having a public washroom shall keep therein at all times a sufficient supply of clean towels, in a place in sight at all times and easy of access to guests.

Section 9. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroughly fumigated and all bedding therein thoroughly disinfected before said room shall be occupied by any other person, but in any event such room shall not be let to any person for at least forty-eight hours after such fumigation or disinfection.

Section 10. Every hotel shall be well drained, constructed, and plumbed according to sanitary rules to be established by the State Board of Health and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or other person in charge; and shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

Section 11. Every owner, manager, agent, or person in charge of a hotel who shall fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and every day that such hotel is carried on in violation of this act shall constitute a separate offense.

Section 12. For the purpose of carrying into effect the provisions of this act the Governor shall appoint an inspector of hotels who shall hold office for four years and until the successor is appointed and qualified; but the Governor may remove such inspector and appoint another in the place whenever he shall deem it necessary for the public good. Said inspector shall receive an annual salary of two thousand four hundred (\$2,400.00) dollars together with the necessary traveling expenses, payable monthly. Said inspector shall give surety bond to the State in the penal sum of five thousand dollars conditioned for the faithful performance of official duties, to be approved by the Secretary of State.

Section 13. The inspector may appoint, and at pleasure remove, one deputy inspector, who shall assist in performing the duties imposed by this act. Said deputy inspector shall give a bond to the State of Oregon, in the sum of two thousand dollars, with like conditions as those contained in the surety bond of the inspector, which bond shall be approved

by the Secretary of State. The deputy inspector shall receive such compensation not exceeding one hundred and twenty-five dollars per month and necessary traveling expenses, to be paid according to law as the inspector may prescribe.

Section 14. It shall be the duty of the inspector and deputies to see that all of the provisions of this act are complied with and said inspector or deputy shall personally inspect at least twice a year, every hotel as defined by this act. Said inspector and deputy are hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this act are being complied with. The inspector shall keep a complete set of books for public use and inspection, showing the condition of each hotel so inspected, together with the name or names of the owner, proprietors and managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and any other information for the betterment of the public service.

Section 15. If the inspector shall find, after examination of any hotel, that this law has been fully complied with, the inspector shall issue certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building.

Section 16. Any inspector, or any deputy inspector, who shall wilfully certify falsely regarding any building inspected and who shall issue a certificate to any person operating any hotel when such person has not complied with the provisions of this act, shall, on conviction thereof be fined not less than fifty dollars nor to exceed five hundred dollars, and may be imprisoned not to exceed one year in the county jail, or both, and upon conviction shall be forever disqualified to hold the office of inspector or deputy inspector.

Section 17. Any owner, manager, agent or person in charge of a hotel who shall obstruct or hinder an inspector in the proper discharge of their duties under this act, shall be equally guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred (\$100.00) dollars.

Section 18. It shall be the duty of the inspector at any time after the expiration of six months from the passage of this act, upon ascertaining by inspection or otherwise, that any hotel is being carried on contrary to its provisions, to make complaint and cause the arrest of the person so violating same; and it shall be the duty of the prosecuting attorney in such case to prepare all necessary papers and conduct such prosecutions.

Section 19. There is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated the sum of seven thousand (\$7,000.00) dollars annually, or so much thereof as may be necessary for the payment of the salaries and expenses incurred by the Hotel Inspector and Deputy under the provisions of this act.

Section 20. This act shall be in force and effect from and after its adoption by the people at said election.

(On Official Ballot, Nos. 330 and 331.)

ARGUMENT

(affirmative)

SUBMITTED BY TRAVELERS' PROTECTIVE ASSOCIATION

favoring the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act creating the office of Hotel Inspector, prescribing his duties, appropriating \$7,000 per annum for salary and traveling expenses of the inspectors, defining hotels and providing for their inspection and regulation. Vote YES or NO.

330. Yes.

331. No.

Oregon needs a Hotel Inspection Law, not because Oregon hotels are not the equal of hotels in other states, but for the reason that the public is entitled to protection from the ills that may befall the transient who is compelled to call upon the hotels for accommodations.

Many hotels neglect to install adequate fire protection; no fire escapes, or even alarms being provided, and it not infrequently happens that neglect is shown in the heating apparatus, which endangers the lives of the guests. Rooms are often cramped and with insufficient ventilation; scanty, and frequently unclean bedding. We frequently find poor plumbing in the wash rooms and kitchens, breeding nearly all the ills the human family is heir to.

It is the purpose of the Oregon Hotel Inspection Law to provide, That all hotels shall be equipped with iron fire escapes of approved pattern, from all floors above the first story, and rope ladders from every room on the second floor, of sufficient length for the guest to reach the ground in safety. That hotels of more than two stories shall be provided with halls and cross halls, so that guests may reach fire escapes with ease, and that printed notices be posted in all rooms, and halls, calling attention to, and directing the way to fire escapes. That all hotels shall be provided with efficient chemical fire extinguishers, and equipped with nine inch fire gongs. That all beds for the accommodation of guests be provided with a sufficient supply of clean bedding, and that clean linen be provided as often as same shall be assigned to different guests. That wash rooms shall be provided with clean towels. That any room that has been occupied by any person having a contagious or infectious disease, shall be disinfected thoroughly before again being occupied. That every hotel shall be properly plumbed and drained according to sanitary rules and otherwise conform to health department regulations, and to provide a Hotel Inspector to see that the law is enforced.

We ask every good citizen to vote for the Hotel Inspection Law.

C. D. FRAZER. For Travelers' Protective Association.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

To propose by initiative petition a law to protect sub-contractors, material-men and laborers performing labor for the State or any municipality or subdivision; requiring a sufficient bond to protect the State from liens; etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act making eight hours a day's labor in all cases where labor for the State, county, school district, municipality or other subdivisions of the State are interested, either directly or through any contractors or agents and providing that contractors shall give a bond, providing among other things, that no person shall be employed on such public work more than eight hours in any one day and that no liens or claims shall be filed against the building or other structure.

Vote YES or NO.

332. Yes.

333. No.

(On Official Ballot, Nos. 332 and 333.)

A BILL

To propose by initiative petition a law to protect sub-contractors, material-men and laborers performing labor for the State or any municipality or subdivision; requiring a sufficient bond to protect the State from liens; defining the duties of State officials in awarding and carrying out contracts, declaring eight hours to be a day's labor in all cases where the State or any county, school district, municipality or division is concerned and prescribing a penalty for violation of the law.

Section 1. Every contract made with the State, county, school district, municipality, municipal corporation or subdivision shall contain a condition that the contractor shall promptly, as due, make payment to all persons supplying to such contractor labor or material for the prosecution of the work provided for in such contract, and that said contractor shall not permit any lien or claim to be filed or prosecuted against the State, county, school district, municipality, municipal corporation or subdivision, for account of any material or labor furnished and a penal bond, with good and sufficient sureties, shall be required of each and every such contractor, to secure that faithful performance of all of the usual or particular obligations of such contract, especially the conditions herein mentioned and every such contract shall contain a condition that no person shall be employed for more than eight hours in any one day or forty-eight hours in any one week, unless in cases of emergency when no other competent labor is available and in such cases, such laborer shall be paid double wages for all overtime.

Section 2. Any person who has supplied labor or material under the conditions herein provided, on making application to the proper officer in charge of such contract, together with a showing under oath what relation such person bears to such contract or its performance, shall receive a certified copy of such contract and bond, as herein provided, and is hereby authorized to institute an action against said contractor and sureties on his own relation, but, in the name of the State of Oregon or the county, school district, municipality, municipal corporation, or other subdivision concerned, and to prosecute the same to final judgment and execution, for his own use and benefit, as the fact may appear.

Section 3. Every such contract herein referred to shall contain a condition that the contract may be cancelled at the election of the State, county, school district, municipality, municipal corporation, or other subdivision concerned, for any willful failure or refusal on the part of the contractor to faithfully perform the contract according to its terms as herein provided.

Section 4. In all cases where labor is employed by the State, county, school district, municipality, municipal corporation or subdivision, either

directly or through another, as a contractor, no person shall be required or permitted to labor more than eight hours in any one day, or forty-eight hours in any one week, except in cases of necessity, emergency, or where public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed; and no emergency, necessity, or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available.

Section 5. Eight hours shall constitute a day's labor in all cases where the State, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly, by contract with another.

Section 6. All contractors, subcontractors, or agents, or persons whatsoever in authority or in charge, who shall violate the provisions of this act as to the hours of employment of labor as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty dollars nor more than one thousand dollars, or with imprisonment in the county jail for a period of not less than five days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 7. All acts or parts of acts inconsistent herewith are hereby repealed.

A BILL

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to protect purchasers of stocks and bonds and prevent fraud in the sale thereof; to create a corporation department to administer this and other laws relating to the regulation and supervision of corporations, and providing penalties for the violation hereof.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to protect purchasers of stocks and bonds and providing for the regulation and supervision of corporations selling or negotiating for the sale of corporate stocks and securities, and requiring State license prior to any sales or negotiations therefor; establishing a separate corporation department, fixing the annual salary of the commissioner thereof at \$3,000.00 and restricting the expenses of the department.

Vote YES or NO.

334. Yes.

335. No.

(On Official Ballot, Nos. 334 and 335.)

A BILL

For an Act to protect purchasers of stocks and bonds and prevent fraud in the sale thereof; to create a corporation department to administer this and other laws relating to the regulation and supervision of corporations, and providing penalties for the violation hereof.

Be it enacted by the People of the State of Oregon:

Section 1. Every corporation, every co-partnership or company, and every association (other than State and National banks and corporations not organized for profit) now organized or which shall hereafter be organized in this State, whether incorporated or unincorporated, which shall sell or negotiate for the sale of any stocks, bonds or other securities of any kind or character other than bonds of the United States, the State of Oregon, or of some municipality of the State of Oregon, or mortgages upon real property within the State where the entire mortgage is sold and transferred with the notes secured by such mortgages, to any person or persons in the State of Oregon, shall be known for the purpose of this act as a domestic investment company. The sale or negotiation for the sale of corporate bonds secured by mortgage upon real property shall not be within the above exception, but shall come within the purview of this act. Every such corporation, co-partnership, company or association organized in any other state, territory, or government, or organized under the laws of any other state, territory, or government, shall be known for the purpose of this act as a foreign investment company.

Section 2. Before offering or attempting to sell any stocks, bonds or other securities of any kind or character (other than those specifically exempted in Section 1 of this Act) to any person or persons, or transacting any business whatsoever in this State, excepting that of preparing the documents required by this Act and publishing the notice of intention to apply for charter or certificate of authority to commence business in this State, every such investment company, domestic or foreign, shall file in the office of the Corporation Commissioner of this State, together with a filing fee of three dollars, the following documents in addition to those now required by law to be filed by corporations, joint stock companies and associations, in the office of the Secretary of State, to-wit: A statement showing in full detail the plan upon which it proposes to transact business; a copy of all contracts, bonds, or other instruments which it proposes to make with or sell to its contributors or customers; a statement which shall show the name and location of the investment company, and an itemized account of its actual financial condition, and the amount of its property and liabilities, and such other information touching its affairs as said Corporation Commissioner may require. If such investment company shall be a co-partnership or an unincor-

porated association, it shall also file with the Corporation Commissioner a copy of its articles of co-partnership or association, and all other papers pertaining to its organization, and if it be a corporation organized under the laws of Oregon, it shall also file with the Corporation Commissioner a list of the subscribers to its stock, showing the amount paid by each and whether in cash or otherwise, and verified copies of all other papers pertaining to its organization not otherwise required by law. If it shall be an investment company organized under the laws of any other state, territory, or government, incorporated or unincorporated, it shall also file with the said Corporation Commissioner a certified copy of all amended and supplementary articles of incorporation or association, certificates of increase and decrease of capital stock, and of all other papers pertaining to its organization, and such other information as the Corporation Commissioner may require. If such foreign investment company be other than a corporation, it shall execute and file with the Corporation Commissioner a power of attorney in manner and form and with the effect as now or at any time hereafter provided for foreign corporations by the laws of this State. Also there shall be filed in the office of the Corporation Commissioner by every domestic and foreign investment company now existing or hereafter organized, copies of its by-laws and all amendments thereof as soon as the same shall be adopted and approved by the said investment company.

Section 3. No person or persons shall, within this State, solicit or accept preliminary or conditional subscriptions to the stock of a foreign investment company before its organization and the issuance of a charter as herein provided. Any domestic investment company hereafter organized, may accept conditional subscriptions to its capital stock prior to filing its application for charter, but shall not issue any stocks, bonds or other securities until the proposed investment company shall have fully complied with this act and a charter shall have been issued as herein provided. Every such conditional subscription shall bear on the face thereof the statement that "this is not a share of stock, but an agreement to buy the number of shares of stock set opposite the name of the subscriber, for the amount indicated, when the application of this company for a charter shall be approved by the Corporation Commissioner of Oregon, and in case no charter issues this agreement shall be null and void." Before making or circulating any such conditional subscription list, every such proposed investment company shall notify the Corporation Commissioner, in writing, that the said list is about to be made or circulated, and thereafter the rights, powers and privileges of the said Commissioner in relation to the examination and investigation of the affairs of the proposed investment company shall be the same as are provided by this Act with reference to the examination and investigation of investment companies to whom a charter has been granted under this Act.

Section 4. All of the papers herein required shall be verified by the oath of a member of a co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association. All such papers, however, as are recorded or are on file in any public office shall be further certified to by the officer of whose records or archives they form a part, as being correct copies of such records or archives.

Section 5. It shall be the duty of the Corporation Commissioner to examine the statements and documents so filed, and if he shall deem it advisable he shall make or have made a detailed examination of such investment company's affairs, which examination shall be at the expense of such investment company, as hereinafter provided; and if he finds that such investment company is solvent, that its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contracts contain and provide for a fair, just and equitable plan for the transaction of business, the Corporation Commissioner shall issue to such investment company a statement reciting that such company has complied with the provisions of this Act, that detailed information in regard to the company and its securities is on file in the Corporation Commissioner's office for public inspection and information, that such investment company is permitted to do business in this State, and such statement shall also recite in bold type that the Corporation Commissioner in no wise recommends the securities to be offered for sale by such investment company. But if said Corporation Commissioner finds that such articles of incorporation or association, charter, constitution and by-laws, plan of business or proposed contract contain any provision that is unfair, unjust, inequitable or oppressive to any class of contributors or customers, or if he decides from his examination of its affairs that said investment company is not solvent or does not intend to do a fair and honest business, then he shall notify such investment company, in writing, of his findings, and it shall be unlawful for such company to do any further business in this State until it shall so change its constitution and by-laws, articles of incorporation or association, its proposed plan of business and proposed contract and its general financial condition in such manner as to satisfy the Corporation Commissioner that it is solvent, and that its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contract provide for a fair, just and equitable plan for the transaction of business. All charges received or collected and all expenses for any examination made under the provisions of this section of this Act shall be reported in detail by the Corporation Commissioner and a full report and record thereof made in detail.

Section 6. It shall not be lawful for any investment company, either as principal or agent, to transact any business, in form or character similar to that set forth in Section 1 of this Act, except as is provided

in Sections 2 and 3 of this Act, until it shall have filed the papers and documents above provided for. No amendment of the charter, articles of incorporation, constitution and by-laws of any such investment company, nor any increase or decrease of its capital stock, shall become operative until a copy of the same has been filed with and approved by the Corporation Commissioner as provided in regard to the original filing of charters and articles of incorporation, constitution and by-laws, nor shall it be lawful for any such investment company to transact business on any other plan than that set forth in the statement required to be filed by Section 2 of this Act, or to make any contracts for the sale of stocks, bonds or securities other than that shown in the copy of the proposed contract required to be filed by Section 2 of this Act, until a written statement showing in full detail the proposed new plan of transacting business and a copy of the proposed new contract shall have been filed with the Corporation Commissioner, in like manner as provided in regard to the original plan of business and proposed contract, and the consent of the Corporation Commissioner obtained as to make such proposed new plan of transacting business and proposed new contract.

Section 7. An appeal may be taken from the decision of the Corporation Commissioner refusing to grant a charter or certificate of authority to any investment company to the circuit court of the State of Oregon for Marion County. Such appeal shall be taken by filing with the clerk of said court a certified transcript of all papers in the Commissioner's office relating to such decision. The court shall upon such appeal be limited to a consideration of whether there has been abuse of discretion on the part of the Commissioner in making such decision. Such appeal shall be tried and determined by the court in a summary way, but otherwise as a suit in equity.

Section 8. Any investment company may appoint one or more agents, but no such agent shall do any business for said investment company in this State until he shall first register with the Corporation Commissioner as agent for such investment company, and for each of such registrations there shall be paid to the Corporation Commissioner the sum of two dollars. Such registration shall entitle such agent to represent said investment company as its agent until the first day of July following, unless said authority is sooner revoked by the Corporation Commissioner; and such authority shall be subject to revocation at any time by the Corporation Commissioner for cause appearing to him sufficient.

Section 9. Every investment company, domestic or foreign, shall file, as of the close of business on June 30th of each year, and at such other times as required by the Corporation Commissioner, a statement verified by the oath of the co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or an unincorporated association, setting forth

in such form as may be prescribed by the said Corporation Commissioner, its financial condition and the amount of its assets and liabilities, and furnishing such other information concerning its affairs as said Corporation Commissioner may require. Every regular statement of June 30th shall be accompanied by a filing fee of two dollars. Any investment company failing to file its report as of the close of business on June 30th of each year, within fifteen days of that date, or failing to give any other or special report herein required thirty days after receipt of request or requisition therefor, shall forfeit its rights to do business in this State, and shall be subject to such further penalty as is hereinafter provided for violations of this Act.

Section 10. The general accounts of every investment company, domestic or foreign, doing business in this State, shall be kept by double entry, and such company, its co-partners or managing officers, shall at least once in each quarter make a trial balance of such accounts, which shall be recorded in a book provided for that purpose; such trial balances and all other books and accounts of such company shall at all times during business hours, except on Sundays and legal holidays, be open to the inspection of stockholders and investors in said company or investors in the stocks, bonds or other securities by it offered for sale, and to the Corporation Commissioner and his deputies.

Section 11. The Corporation Commissioner shall have general supervision and control as provided by this Act, over any and all investment companies, domestic or foreign, and all corporations, joint stock companies, and associations doing business in this State, and all such companies, corporations and associations shall be subject to examination by the Corporation Commissioner or his duly authorized deputies at any time the Corporation Commissioner may deem it advisable and in the same manner as is now provided for the examination of State banks. The rights, powers and privileges of the Corporation Commissioner in connection with such examinations shall be the same as is now provided with reference to the examination of State banks by the State Banking Department; and such investment company shall pay a fee for each of such examinations of not to exceed fifteen dollars for each day or fraction thereof that the Corporation Commissioner or deputy is absent from the Capitol Building for the purpose of making such examination, plus the actual traveling and hotel expenses of such Corporation Commissioner or deputy; and the failure or refusal of any investment company to pay such fees upon the demand of the Corporation Commissioner or deputy while making such examination shall work a forfeiture of its rights to do business in this State, and shall also subject the said investment company to such further penalties as are herein provided for violations of this Act.

Section 12. Whenever it shall appear to the Corporation Commissioner that the assets of any investment company doing business in this State are impaired to the extent that such assets do not equal its

liabilities, or that it is conducting its business in an unsafe, inequitable or unauthorized manner, or is jeopardizing the interests of its stockholders or investors in stocks, bonds, or other securities by it offered for sale, or whenever any investment company shall fail or refuse to file any papers, statements or documents required by this act, without giving satisfactory reasons therefor, said Corporation Commissioner shall at once communicate such facts to the Attorney General, who shall thereupon apply to a judge of the Circuit Court where such company is located or is doing business, for the appointment of a receiver to take charge of and wind up the business of such investment company, and if such fact or facts be made to appear it shall be sufficient evidence to authorize the appointment of a receiver and the making of such orders and decrees in such cases as equity may require.

Section 13. Every domestic and foreign investment company before making application to the Corporation Commissioner for a charter or certificate of authority to commence business in this State, shall cause to be published in three issues of a newspaper of general circulation in the county in which the principal office of the investment company in this State is to be located, notice of the intention of such investment company to apply for a charter or certificate of authority to commence business in this State. Such notice of intention shall briefly set forth the business or enterprise in which the investment company proposes to engage, the name, place of business and capital stock of the company, the names of its incorporators, or if not an incorporated company, of its members, and the date on which application for charter or certificate of authority will be made. The aforesaid notice of intention to apply for charter or certificate of authority shall be approved, before publication, by the Corporation Commissioner, who shall also be furnished with proofs of publication of said notice before the application for a charter or certificate of authority shall be considered by the Corporation Department. Not less than ten days shall elapse between the first publication of the notice of intention to apply for charter or certificate of authority and the filing of such application in the office of the Corporation Commissioner.

Section 14. Whenever required to do so by the Corporation Commissioner, every domestic and foreign investment company, now or hereafter authorized to engage in business in this State, shall make and publish a complete and accurate sworn statement of its financial condition, which statement shall first be approved by the Corporation Commissioner, who shall designate the newspaper or newspapers in which the said statement shall be published, and the number of insertions that shall be given each such statement.

Section 15. Any person who shall knowingly or willfully (1) subscribe to or make or cause to be made any false statements or false entry in any book of any investment company, foreign or domestic, or (2) exhibit any false paper with the intention of deceiving any person

authorized to examine into the affairs of such investment company, or (3) make or publish any false statement of the financial condition of such investment company, or the stocks, bonds or other securities by it offered for sale, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than two hundred dollars nor more than ten thousand dollars, and shall be imprisoned for not less than one year nor more than ten years in the State penitentiary.

Section 16. No domestic or foreign investment company shall sell or offer for sale in this State, any of its stock for less than the face or par value thereof, except in case of sale as provided by law for delinquent assessments upon subscriptions and where such subscriptions have been made in good faith. In such cases the sale may be made for the unpaid balance due. Whenever any such investment company shall sell, or offer for sale, in this State, any stocks, bonds or other obligations, and before accepting any money or other thing of value in consideration therefor, each individual purchaser of the same shall be furnished with a financial statement, which shall first be approved by the Corporation Commissioner, and which shall set forth the exact condition of the company's business, assets and liabilities, and shall further show what percentage of the amount to be paid for the said stocks and securities is to be retained by or paid to the agent or agents of the company as commission or otherwise, and the percentage to be retained by or paid to the company, exclusive of all commissions, salaries, rebates, premiums or charges whatsoever.

Section 17. Any person or persons, agent or agents who shall sell or attempt to sell the stocks, bonds or other securities of any investment company, domestic or foreign, or the stocks, bonds, or other securities by it offered for sale, without complying with the provisions of this act, or any investment company, domestic or foreign, which shall do any business, or offer or attempt to do any business, except as provided in Sections 2 and 3 of this act, without complying with the provisions of this act, or any agent or agents who shall do or attempt to do any business for any investment company, domestic or foreign, in this State, not being at the time duly registered and having fully complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one hundred dollars nor more than five thousand dollars, or punished by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, at the discretion of the court.

Section 18. All fees herein provided for shall be collected by the Corporation Commissioner and by him shall be turned into the State treasury; and all fees so turned into the State treasury shall be credited to a special fund to be known as the Corporation Fund, which is hereby created and set aside for the purpose of paying all salaries and expense incident to the conduct of the Corporation Department and necessary for carrying this act into full force and effect.

Section 19. There is hereby established a department to be known as the "Corporation Department of the State of Oregon," which department shall be in charge of a chief officer who shall be known as the Corporation Commissioner. The Governor shall, immediately after this act goes into effect, appoint such Commissioner, who shall hold office until the first Monday in January, 1917, unless sooner removed by the Governor for inefficiency or malfeasance in office; and thereafter, and at intervals of four years each, commencing on the first Monday in January, 1917, it shall be the duty of the Governor to appoint some qualified man as such Commissioner. In case of any removal under this act, the action of the Governor shall be absolute and not subject to any repeal or review whatsoever.

Section 20. The Corporation Commissioner shall receive in full compensation for his services a salary of \$3,000 per annum, payable in the same manner as other State officers are paid. He shall appoint such clerks, stenographers and assistants as may be actually necessary from time to time to properly discharge the duties of his office and may purchase such stationery, blanks, records, furniture, office supplies and equipment and incur such travel and subsistence expenses as may be necessary and incident to the performance of his official duties, to be paid by the State Treasurer from the fund known as the "Corporation Fund" herein created, upon the certified claims of the Corporation Commissioner, after audit and approval by the Secretary of State, in the same manner as other claims against the State are paid. The expenses of the department shall not exceed \$25,000 for the first year nor \$20,000 for any year thereafter.

Section 21. Before entering upon the duties of the offices to which they have been appointed, the Corporation Commissioner and the other employes of the department shall subscribe to an oath that they will faithfully and impartially discharge the duties of their respective offices. The Corporation Commissioner shall execute to the State of Oregon a surety bond in such amount as the Governor may require, but which shall not be less than twenty-five thousand dollars. The cost of said bond shall be charged to the State and paid from the Corporation Fund.

Section 22. All books, records, documents, instruments, blanks, and other equipment heretofore employed by the Secretary of State and State Treasurer in connection with the supervision of corporations, joint stock companies and associations, shall be turned over to the Corporation Department. All duties required by law to be discharged by the Secretary of State in connection with the supervision of corporations, joint stock companies and associations, shall, from and after the taking effect of this Act, be discharged by the Corporation Commissioner. All fees, charges, interest, fines and penalties provided by this act or heretofore paid to the Secretary of State and State Treasurer by foreign and domestic corporations, joint stock companies and associations, shall

hereafter be paid into the Corporation Department, and together with the revenues from all other sources provided by this Act, shall go into a fund to be known as the Corporation Fund, and this fund shall be liable for all the expenses of the Corporation Department, as herein provided. It shall be the duty of the Corporation Commissioner quarterly to certify under oath to the State Treasurer and Secretary of State the total amount of receipts of the Corporation Department for each current quarter. Whenever the amount of money in the Corporation Fund shall exceed \$20,000, all in excess of \$10,000 shall be transferred by the State Treasurer to the general fund of the State. All fees and payments of every description required by this Act to be made to the Corporation Commissioner, shall be paid by him to the State Treasurer on the first day of the calendar month following their receipt by the Corporation Commissioner.

Section 23. Nothing in this Act shall be construed to repeal or modify the laws heretofore enacted giving the State Banking Department control of and supervision over corporations, individuals, or co-partnerships engaged as their principal business in banking, as defined in Chapter 171, Laws of 1911, and amendments thereto; nor shall any part of this Act be construed to restrict in any manner the authority of the Department of Insurance of the State of Oregon, to supervise and control the formation and operation of corporations, individuals, or co-partnerships engaged in the transaction of an insurance business of any character, and which heretofore have been under the supervision of the said Department of Insurance of the State of Oregon.

Section 24. The Corporation Commissioner shall keep as records of his office books showing all acts, matters and things done by him under the provisions of this Act. Annually, on or before the first day of November, the Corporation Commissioner shall transmit to the Governor a report containing an accurate review of the work of the department for the fiscal year ending June 30th preceding the date of said report, and which shall include the number of corporations, companies and associations of record in the department, the number and names of those dissolved and chartered during the year, the total amount of receipts and disbursements, and other material facts in connection therewith. The records of the Corporation Department shall be public records, and information shall be furnished to any one affected by the corporation laws, upon application therefor, except that the Corporation Commissioner may, in his discretion, withhold information relating to the private affairs of solvent corporations when in his judgment the same shall not be required for the public welfare.

Section 25. The Corporation Department shall adopt a seal with the words "Corporation Department, State of Oregon," and such design as the Corporation Commissioner may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Corporation Department, certified by the

Corporation Commissioner and authenticated by the seal of the Corporation Department shall be received in evidence in all cases equally and with like effect as the original.

Section 26. Any person or persons who shall willfully and knowingly violate any of the provisions of this Act, for which a penalty is not expressly provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one hundred dollars nor more than five thousand dollars, or punished by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Section 27. All Acts and parts of Acts in conflict herewith are hereby repealed.

(On Official Ballot, Nos. 334 and 335.)

ARGUMENT

(affirmative)

SUBMITTED BY PORTLAND CHAMBER OF COMMERCE, COMMERCIAL CLUB AND REALTY BOARD.

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to protect purchasers of stocks and bonds and providing for the regulation and supervision of corporations selling or negotiating for the sale or corporate stocks and securities, and requiring State license prior to any sales or negotiations therefor; establishing a separate corporation department, fixing the annual salary of the commissioner thereof at \$3,000.00 and restricting the expenses of the department. Vote YES or NO.

334. Yes.

335. No.

THE "BLUE SKY" BILL.

(Ballot Title.)

This bill is similar to the Kansas Blue Sky law, which Governor Stubbs and Bank Commissioner Dolley declare is saving the people of Kansas from \$4,000,000 to \$6,000,000 per year.

The present corporation laws of Oregon were framed to produce revenue, and they have served their purpose well, the annual income from corporations now being about \$200,000. However, owing to the absence of any effective provision for supervision, crooked corporations have multiplied and grown fat on the savings of the wage earner and farmer, while the State has been drained of its resources and given a black eye at home and abroad.

It is the purpose of this bill to protect the public from unscrupulous promoters and to foster and encourage legitimate enterprise by making it impossible for dishonest corporations to exist. The bill has the approval of commercial bodies, public officials, leading lawyers and business men, banks, newspapers and the general public.

The corporation laws are now administered by clerks in the State and Treasury departments. With the work thus divided it is very difficult to give the public prompt and efficient service.

The present cost of handling the corporation laws is about \$7,000 per year. The Blue Sky bill places all the corporation business in the hands of a separate department, the cost of which will be about \$12,000 per year. The bill will add about \$20,000 to the revenue now derived from corporations, making a net annual gain to the State of about \$15,000, besides saving the people not less than \$1,000,000 now thrown away yearly on worthless securities.

The bill has been in the course of preparation for several months and has been examined and revised by some of the best lawyers and business men in the State. Its approval will add to the prosperity of every community and every law abiding enterprise in the State. Its rejection will benefit only those at whom the bill is aimed.

E. C. GILTNER,

For Portland Chamber of Commerce.
Commercial Club and Realty Board.

(On Official Ballot, Nos. 334 and 335.)

ARGUMENT

(negative)

SUBMITTED BY

HOMER H. SMITH, Chairman Anti Commission League
opposing the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

A bill for an Act to protect purchasers of stocks and bonds and providing for the regulation and supervision of corporations selling or negotiating for the sale of corporate stocks and securities, and requiring State license prior to any sales or negotiations therefor; establishing a separate corporation department, fixing the annual salary of the commissioner thereof at \$3,000 and restricting the expenses of the department.

Vote YES or NO.

 334. Yes.

 335. No.

ARGUMENT IN OPPOSITION.

This Bill creates another expensive commission of State Government.

The main feature of this bill appears to be the creation of another expensive commission, with a larger allowance of State funds than required now by any State department other than that of Secretary of State and the Railroad Commission, and placing the same under the absolute control of one man not elected by and responsible to the people, but appointed by and accountable only to the Governor for the appropriation of \$45,000.00 provided in this bill for the expenses of this department for the first two years of its existence and the \$40,000.00 for each succeeding two years. (See Sections 19 and 20).

In argument of Portland Realty Board in favor of this bill, it is stated that the additional expense will only amount to \$10,000, but this bill calls for more than \$33,000.00 additional for the first two years.

While on the surface this appears to be a worthy measure, protecting investors from dishonest dealers in stocks and bonds, *It Does Not* provide for control, as it should do (and this is not mentioned in argument presented by Portland Realty Board) of those who offer for sale and sell lands and lots, under false representations as to values, purposes and title.

A law of this nature should be thoroughly considered, carefully prepared so that it may reach all classes of fraudulent projects, and this can be better and more satisfactorily done by the Legislature representative of all the people than by a committee representing the Portland Realty Board, Commercial Club and Chamber of Commerce.

If you do not want another expensive commission and thereby increase your already burdensome taxes, vote this bill down and demand that the Legislature enact a proper law, regulating and punishing all who endeavor to defraud, whether it be in stocks, bonds or lands, letting this department remain as at present conducted at a minimum of expense by the Secretary of State and the State Treasurer, men selected by and responsible to all the people of the State.

HOMER H. SMITH,
Chairman of the Anti Commission League.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition prohibiting the Employment of Convicts of the State Penitentiary by Any Private Person, Firm or Corporation, and Providing for Their Employment on Public Highways, and on or about the State Institutions.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting the employment of convicts of the State Penitentiary by any private person, firm or corporation and authorizing their use on public highways and State institutions on the request of the County Court or superintendent of the State institution desiring to employ them.

Vote YES or NO.

336. Yes.

337. No.

* (On Official Ballot, Nos. 336 and 337.)

AN ACT

Prohibiting the employment of convicts of the State Penitentiary by any private person, firm or corporation, and providing for their employment on public highways, and on or about the State Institutions.

Be it enacted by the People of the State of Oregon:

Section 1. It shall be unlawful for the State to enter into any agreement or contract with any private person, firm or corporation for the employment of convicts of the State Penitentiary.

Section 2. Upon the written request of the County Court of any county in the State of Oregon, or of any Superintendent of any State Institution, the Governor may detail from the State Penitentiary such convicts as in his judgment may seem proper for use on the public highways, or on or about any State Institution. Said convicts shall be delivered to any County Court, or to the Superintendent of any State Institution on such terms and conditions as shall be prescribed by the Parole Board and approved by the Governor.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition prohibiting the employment of County,
City or Town convicts by any private person, firm or corporation,
and providing for their employment on public high-
ways, and other work of a public nature, and
providing for transferring of convicts
from one county to another, etc.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting the employment of
County, City or Town convicts by any private firm,
person or corporation and providing for their employ-
ment on public highways and other works of a public
nature and authorizing county courts to prescribe
rules and regulations in regard to such employment. Vote YES or NO.

338. Yes.

339. No.

(On Official Ballot, Nos. 338 and 339.)

AN ACT

Prohibiting the Employment of County, City or Town convicts by any private person, firm or corporation, and providing for their employment on public highways, and other work of a public nature, and providing for transferring of convicts from one county to another, and authorizing and directing the County Courts to prescribe rules and regulations in regard to the employment thereof, and for the allowance of credits for good behavior, and providing for punishment of unruly convicts.

Be it enacted by the People of the State of Oregon:

Section 1. It shall be unlawful for any county, city or incorporated town to enter into any agreement or contract with any private person, firm or corporation for the employment of any convict.

Section 2. All convicts sentenced by any court or legal authority, whether in default of the payment of a fine, or committed for a definite number of days to serve sentence in a county jail or prison, during the period of such sentence, for the purposes of this Act, shall be under the exclusive and absolute control of the County Court of the county in which the crime was committed for which any such convict was sentenced. The said County Court shall have full power to place such convicts under the control of any road supervisor or other person or persons appointed to take charge of such convicts, and to cause such convicts to work upon the public roads of such county, or such other work of a public nature as said court may direct. All such convicts shall be delivered to such supervisor or other person appointed to take charge of them, upon the written request of the County Court. The sheriff shall take receipt from the person to whom such convicts are delivered for each of such convicts and thereupon all liability of said sheriff shall cease. The County Court may at any time return any convict taken under the provisions of this section to the sheriff, who shall thereupon again take charge of such convict. The County Courts are hereby authorized and directed to provide such rules and regulations in regard to the employment of said convicts, and for the allowance of credits in time and compensation for good behavior to any such convicts so employed as are not inconsistent with the provisions of this Act; provided, however, that no credit in excess of ten days in time shall be allowed for each calendar month, and in the default of the payment of a fine such convict shall be made to labor at the rate of \$2 per day until such fine is fully paid.

Section 3. All convicts sentenced by any court or legal authority in any city or incorporated town, whether in default of the payment of a fine or committed for a definite number of days to serve sentence in any city, town or county jail or prison during the period of such

sentence shall, with the consent of the proper city or town authorities, and for the purposes of this Act, be under the absolute and exclusive control of the County Court in which said city or town is located. Such city or town convicts shall be delivered to the County Court by any officer having custody thereof in the same manner as county prisoners, and may be returned to the officer from whom they are received in the same manner, and shall be subject to the same rules and regulations as provided in Section 2 of this Act for county prisoners.

Section 4. Any County Court may transfer to the County Court of any other county any of the convicts committed to its control, by the provisions of this Act, and the County Court to which such convicts are so transferred shall have the same power and authority respecting such convicts as if they had been sentenced to serve in that county. The transfer of convicts from one county to another shall be made upon such terms and conditions as may be agreed upon by the County Courts concerned in such transfer.

Section 5. Any convict held to labor under the provisions of this Act who, being physically able, shall refuse to perform the labor required of him, may be denied all food except bread and water until he signifies his willingness to perform such labor, and the time of such refusal to labor shall not be counted as service of his sentence, but he shall be held to labor until all such time shall have been made up and the sentence of the court shall have been fully complied with.

Section 6. If, in any county, there shall be created a board of county commissioners, or other board or tribunal which shall have charge and management of the public roads of such county, such county commissioners, board or other tribunal shall have the same power and authority under this Act as is herein conferred upon the County Court.

Section 7. This Act shall apply to every county in this State irrespective of its population, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to provide for the construction of permanent roads; to create a State Road Board, and defining the duties and powers thereof; to create the office of State Highway Commissioner, and authorizing the Governor to appoint to said office and fix the salary thereof, and defining the duties of the State Highway Commissioner; to create a State Highway Fund, etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act creating a State Road Board authorizing it to issue and sell State bonds, payable in 30 years from date of issue, for building public roads, not to exceed \$1,000,000 per year, creating the office of State Highway Commissioner, fixing the salary at \$3,600 per annum, providing for the expenditure of the funds raised in the building of public roads, and after ten years, creating a sinking fund for the payment of the principal and interest of said bonds. Vote YES or NO.

340. Yes.

341. No.

(On Official Ballot, Nos. 340 and 341.)

A BILL FOR AN ACT

To provide for the construction of permanent roads; to create a State Road Board, and defining the duties and powers thereof; to create the office of State Highway Commissioner, and authorizing the Governor to appoint to said office and fix the salary thereof, and defining the duties of the State Highway Commissioner; to create a State Highway Fund, and providing the method of its distribution and disbursement; to authorize the issue of bonds of the State of Oregon not in excess of one million dollars each year for the purpose of road construction, and pledging the credit of the State for the payment thereof; and to authorize the levy of taxes for the payment of the principal and interest of said bonds.

Be it enacted by the People of the State of Oregon:

Section 1. The meaning of the words and phrases used in this Act shall, unless inconsistent with the context, be as follows: "Road" shall mean permanent public road, and shall include bridge, culvert, viaduct, or other like thing; "construct" shall include repair, maintain, improve or other like word; "construction" shall include repair, maintenance, improvement or other like word; "county court" shall mean the county court of the county in which the road mentioned in the context is situated, and shall include the county commissioners, or other constituted authorities in the county having control of road construction; "State Highway Commissioner" shall be synonymous with State Highway Engineer; a county shall be considered to "have raised money for the purpose of road construction" when money derived from county sources shall be in the county treasury and shall be available only for the purpose of road construction or shall have been spent for road construction; words importing the plural number may be applied in the singular and words importing the singular may be applied in the plural.

Section 2. The State of Oregon, in order to provide funds for the construction of roads in the State, does hereby authorize the issuance of gold bonds bearing interest at a rate not to exceed four and one-half per cent per annum, payable semi-annually, and to be issued at a rate of not to exceed one million dollars each year, and to run for the full term of thirty years from the dates of the respective issues thereof; and the State of Oregon does hereby hypothecate and pledge its credit to the payment of the principal and interest of said bonds in United States gold coin of the present standard of weight and fineness.

Section 3. There is hereby created a commission which shall be known as the State Road Board, which shall consist of the Governor, Secretary of State, and State Treasurer, and of which the Governor shall be chairman. Said board shall adopt such rules of procedure for the conduct of its business as to it seem best. Said board, as the bonding

committee of the State of Oregon, shall have charge of the preparation and issue of the said bonds and shall arrange the form and terms thereof and shall market the same to the highest bidder in such lots as the board may in its discretion offer, but always at a price not less than par and at such premium in addition thereto as may be offered. Each issue of the said bonds shall bear date the first day of January of the year of its issue, and no issue shall be made except as of that date; and all said bonds shall be signed by the Governor and countersigned by the Secretary of State and shall be sealed with the seal of the State of Oregon.

Section 4. In January of each year the State Road Board shall ascertain by computation the amount of money which will be needed to pay the interest for that year on all of said bonds outstanding, including those which may be sold during that year; and the chairman and secretary of said board shall thereupon certify said amount to the Board of State Tax Commissioners; and thereafter said amount shall be collected in the same manner as other State taxes and shall be paid into the State treasury and go into an account to be known as the Road Bond Interest Account. Said money shall be used to pay the interest on said bonds, and for no other purpose.

Section 5. For the purpose of retiring said bonds at maturity there is hereby created a sinking fund to be known as the Road Bond Retirement Fund. To supply the money for this fund taxes shall be collected in twenty annual installments during the last twenty years of each issue of bonds. The method of collection shall be as follows: In January of each year after the tenth year of every issue, the State Road Board shall ascertain by computation as nearly as possible the amount which, collected annually during the remaining years of such issue, will, with the interest on such amounts, suffice to pay the bonds of such issue at maturity; and the chairman and secretary of said board shall thereupon certify said amount to the Board of State Tax Commissioners; and thereupon such amount shall be collected in the same manner as other State taxes and shall be paid into the State treasury and shall go into the Road Bond Retirement Fund. Said fund shall be invested by the State Road Board in the same manner in which the Irreducible School Fund, University Fund, and Agricultural College Fund are invested by the State Land Board, or in bonds issued by virtue of this Act, and the interest from such investments shall go into the Road Bond Retirement Fund, which fund shall be used for the retirement of said bonds and for no other purpose.

Section 6. The office of State Highway Commissioner is hereby created. The Governor is hereby authorized to appoint a suitable person to hold said office, who shall hold office during the pleasure of the Governor. The Governor is hereby authorized to fix the salary of said officer at a sum not more than \$3,600.00 a year, which salary shall be exclusive of his traveling and other expenses incurred in pursuance of

his duties; and the Secretary of State is hereby directed to furnish to said State Highway Commissioner an office in the Capitol Building. The State Highway Commissioner shall act as the adviser and secretary of the State Road Board, and his duties shall be defined by said board consistently with this Act. The State Highway Commissioner is authorized, with the approval of the State Road Board, to employ such assistants and incur such other expenses as he may deem necessary for the conduct of his office, provided that the total expense of his office, including his salary, shall not exceed the sum of \$12,000.00 per year. Said salary and expenses shall be paid from a sum which the State Road Board is hereby directed to deduct from the State Highway Fund, hereinafter mentioned, before any apportionment is made thereof, as hereinafter mentioned.

Section 7. There is hereby created a fund to be known as the State Highway Fund. The proceeds of all bonds sold by the State of Oregon for the purpose of constructing roads shall be paid into the treasury of the State and go into the State Highway Fund. Two-thirds of all the license taxes on motor vehicles hereafter paid into the State treasury shall go into said State Highway Fund.

Section 8. All disbursements from the State Highway Fund, the Road Bond Retirement Fund or the Road Bond Interest Account shall be made by warrants drawn by the Secretary of State upon the State Treasurer, and then only upon proper vouchers approved by the State Road Board.

Section 9. Before the first day of January of each year the State Road Board shall estimate the amount of money which will be in the State Highway Fund on the first day of the following April, and the amount which will then be apportioned to each county in the State, as hereinafter provided; and shall thereupon give notice of these estimates to the county court of each county.

Section 10. On or before the first day of April of each year the State Road Board shall apportion to each county the proportion of the State Highway Fund which will be payable to said county upon compliance by said county with the provisions of this Act.

Section 11. Said apportionment shall be made in the following manner: The State Road Board shall first set aside from the State Highway Fund a sum sufficient to pay the salary of the State Highway Commissioner and the expenses of his office until the date of the next apportionment; of the remainder of the State Highway Fund the State Road Board shall set apart two-thirds for the counties; this sum so set apart for the counties shall be divided into thirds, and of these, one-third shall be apportioned among the counties equally, one-third in proportion to their respective areas, and the remaining third in proportion to their respective assessed valuations for the year preceding the apportionment. The total of the three sums thus apportioned to each county shall constitute the apportionment of said county.

Section 12. The State Road Board shall pay moneys to the counties from their respective apportionments only upon the following conditions: At the time of apportionment the State Road Board shall divide the counties into two classes. The first class shall include all counties having an assessed valuation for the year preceding the apportionment, of ten million dollars or more; the second class, all other counties. Before any county of the first class shall be paid any money from its apportionment, it shall first show to the State Road Board that it has raised, during the year of the apportionment, a sum for road construction equal to the amount which said county asks to be paid. Before any county of the second class shall be paid any money from its apportionment it shall first show to the State Road Board that it has raised, during the year of the apportionment, a sum for road construction equal to one-half of the amount which said county asks to be paid. Payments may be made to the counties from their respective apportionments at any time between the date of the apportionment and the 31st day of the following December, and such payments shall be made from time to time during such period upon proper showing by the county demanding such payments that it has raised the sums which entitle it to such payments. But no county shall receive during any year, a sum greater than the amount of its apportionment for that year. The judge of the county court and the county treasurer shall certify to the State Road Board the sums that have been raised by the county as aforesaid, and the State Road Board shall be satisfied as to the facts so certified before they make payment; but upon being satisfied shall make payment forthwith. Any balance of the apportionment to any county, which, by reason of the failure of said county to raise the funds required by this Act, shall remain unpaid to said county on the thirty-first day of December of each year, shall lose its character as an apportionment and shall cease to be payable to said county, and shall with the rest of the State Highway Fund be apportioned anew the following year. The money paid to the counties, as herein provided, shall not be a reimbursement to them for money raised or spent by them for road construction, but shall, in addition to the money raised or spent by them, be spent or contracted to be spent within one year from the receipt thereof for the construction of roads; and money not so spent or contracted shall at the expiration of said one year be returned by the counties to the State Highway Fund.

Section 13. All money paid to any county as aforesaid shall be paid into the county treasury, and the county treasurer shall give receipt therefor, and said money shall thereafter be subject to the order of the county court, and shall be disbursed only upon the orders of the county court attested by the county clerk. Said money shall be spent under the direction of the county court, independently of the State Road Board or State Highway Commissioner. The county court, however, may, by resolution duly signed, call in the State Highway Commissioner as an

adviser, in which event it shall be the duty of the State Highway Commissioner to furnish plans, specifications or estimates, and otherwise aid and co-operate with the county court to the best of his ability.

Section 14. That part of the State Highway Fund which is not apportioned among the counties or set aside to pay the salary and expenses of the State Highway Commissioner, as hereinbefore provided, shall be expended by the State of Oregon in the construction of roads as follows: One-half shall be used to construct roads in the First Congressional District, and one-half shall be used to construct roads in the Second Congressional District, of the State; and in the expenditure of this money and the construction of these roads the State Road Board shall have full and complete control independently of the county court or road authorities of any county.

Section 15. All acts and parts of acts inconsistent with this Act are hereby repealed.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 7 OF ARTICLE XI

Proposed by initiative petition filed in the office of the Secretary of
State, July 2, 1912, in accordance with the provisions of Chapter
226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 7, Article XI, of the Oregon
Constitution prohibiting the State from increasing
its indebtedness for road building in excess of 2% of
the taxable property of the State.

Vote YES or NO.

342. Yes.

343. No.

(On Official Ballot, Nos. 342 and 343.)

Section 7 of Article XI of the Constitution of the State of Oregon shall be and the same hereby is amended to read as follows:

ARTICLE XI.

Section 7. The legislative assembly shall not lend the credit of the State nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war or to repel invasion or suppress insurrection or to build and maintain permanent roads; and the legislative assembly shall not lend the credit of the State nor in any manner create any debt or liabilities to build and maintain permanent roads which shall singly or in the aggregate with previous debts or liabilities incurred for that purpose exceed two per cent of the assessed valuation of all the property in the State; and every contract of indebtedness entered into or assumed by or on behalf of the State in violation of the provisions of this section shall be void and of no effect.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to authorize counties to issue bonds for road construction; defining the method of expending money raised by bond sales; providing the method of holding county elections to determine whether or not such bonds shall be issued, etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act authorizing the respective counties of the State of Oregon to issue twenty-year bonds for building roads within the county, providing a method for expending the money in actual road construction and for calling and holding county elections to vote upon question of issuing bonds and authorizing county courts to levy taxes to pay principal and interest on bonds as they may mature.

Vote YES or NO.

344. Yes.

345. No.

(On Official Ballot, Nos. 344 and 345.)

A BILL FOR AN ACT

To authorize Counties to issue bonds for Road Construction; defining the method of expending money raised by bond sales; providing the method of holding County elections to determine whether or not such bonds shall be issued; and authorizing the County Court to levy a tax to pay the principal and interest of said bonds.

Be it enacted by the People of the State of Oregon:

Section 1. *Counties Authorized to Issue Bonds.* Counties are hereby authorized to borrow money for the purpose of constructing roads and to issue bonds to evidence such indebtedness.

Section 2. *Petition for Election.* Whenever a petition therefor, signed by not less than ten per cent. of the registered voters of any county, shall be filed with the county clerk of such county, the county court shall order an election to be held at the time mentioned in such petition, to determine whether or not such county shall issue bonds for road construction. But if the county debt for road construction already incurred or authorized, together with the new debt sought to be created by the petition, exceeds two per cent. of the assessed valuation of the county, then the county court shall disregard such petition. Said petition shall state the amount of the proposed bond issue.

Section 3. *Bonds Approved by a Majority Vote.* Said bonds shall be issued only upon approval of a majority of those voting at such election.

Section 4. *Method of Election.* The rules applicable to county "local option" elections, expressed in Sections 4920, 4922, 4923, 4924, 4925, 4926, 4927, 4928, and 4929, of Lord's Oregon Laws, shall, unless inconsistent with this Act, govern elections under this Act. Elections may be held at any time, but the petition therefor shall be filed with the county clerk not less than thirty nor more than ninety days before the day of election. If the issuance of bonds shall have been defeated at any election held under this Act, no subsequent election shall be held for the same purpose within one year.

Section 5. *Form of Petition.* The form of petition shall be substantially as follows:

PETITION FOR ROAD BOND ELECTION.

We, the undersigned, legal voters of (here insert name of county) petition that on, the.....day of, 19...., an election be held to determine whether (here insert amount of proposed bond issue, as, for example, \$100,000.00) in bonds shall be issued by this county for road construction, and each for himself says: I have person-

ally signed this petition, and my residence, postoffice, and voting precinct are correctly written after my name.

NAME	RESIDENCE	POSTOFFICE	PRECINCT
	(if in city, street and No., if any.)		

(Here follow twenty numbered lines for signatures.)

Section 6. *Form of Election Notice.* The election notices mentioned in Section 4926 of Lord's Oregon Laws shall be substantially in the following form:

ROAD BOND ELECTION NOTICE.

Notice is hereby given that on the day of, 19..., at the, in precinct..... in the County of....., an election will be held to determine whether (here insert amount of proposed bond issue, as, for example, \$100,000.00) in bonds shall be issued by this county for road construction, which said election shall be held at eight o'clock in the morning, and will continue until seven in the afternoon of said day.

Dated this day of, 19.....

County Clerk ofCounty, Oregon.

Section 7. *Form of Ballot.* The ballots shall have printed in bold face type the total amount of the existing county debt. The form of ballots shall be substantially as follows:

Ballot for precinct, County (date of election). *Total County Debt IS* (here insert in figures the amount of the debt.)

Vote for or against the issue of (here insert amount of proposed bond issue, as, for example, \$100,000.00) in County Road Bonds. Mark X between number and answer voted for.

12. For the Bonds.

13. Against the Bonds.

Section 8. *County Court Shall Make Order Declaring Result of Election—Effect Thereof.* Upon a canvass of the vote as provided in Section 4929 of Lord's Oregon Laws, the county court shall make an order declaring the result of the election; and shall have the same entered on the records of said court; and the order thus made shall be *prima facie* evidence that the law applicable to such election has been

complied with; and the said order shall be conclusive evidence in favor of any bona fide purchaser of any bonds authorized at such election as to the validity of said bonds.

Section 9. *County Judge, County Clerk, and County Treasurer form Bonding Committee.* The judge of the county court, the county clerk, and the county treasurer are hereby created a bonding committee of the county, and the judge of the county court shall be chairman and the county clerk secretary thereof.

Section 10. *Issuance of Bonds.* Thirty days after the entry upon the records of the order mentioned in Section 8 hereof, or if the election is contested, then within thirty days after the final determination of such contest, the said bonding committee shall arrange to issue such bonds as were authorized at such election and shall thereafter, as soon as may be, issue and sell such bonds. Said bonding committee shall have power to arrange the form, details and sale of said bonds consistently with the provisions of this act.

Section 11. *Form of Bonds.* All bonds issued under this act shall be twenty-year serial bonds. That is to say, if the bond issue authorized is \$100,000.00, then the issue shall be divided into twenty series of \$5,000 each. The bonds of each series shall be numbered consecutively from one up, and shall also bear the number of the series to which they belong. The first series shall mature at one year after issue, the second at two years after issue, the third at three years after issue, and so on to the twentieth series, which shall mature at twenty years after issue. Said bonds shall bear date the first day of January of the year of their issue. They shall have interest coupons attached to them, one coupon for each interest payment that will be made. Said bonds shall bear interest at a rate not to exceed six per cent. per annum, payable on the first days of January and July. Said bonds and interest-coupons shall be made payable to bearer in United States gold coin of the present standard of weight and fineness, and shall be paid by the county treasurer upon presentation at his office at or after the date of payment named therein. The county treasurer shall keep a register of all bonds issued or sold under this act, noting therein the number of bond, the number of series, amount, date of issuance, date of sale, and such other facts as in his judgment will serve to keep an accurate record of the bonds issued and sold under this Act. Said bonds shall be in denominations of five hundred dollars. Said bonds and coupons shall be lithographed or printed on good bond paper, and said bonds shall be signed by the judge of the county court and the county clerk, shall be sealed with the seal of the county, and shall bear the certificate of the county treasurer over his signature that they have been registered in his office, naming the date of registry. They shall recite on their face (1) the text of the provision of the Constitution of Oregon limiting the indebtedness of counties, (2) the text of the order of the county court mentioned in Section 8 hereof, and (3) the text of Section 8

hereof. Said coupons shall bear the printed facsimile signatures of the county judge and county clerk.

Section 12. *Sale of Bonds.* No bonds authorized by this Act shall be sold for less than par, or for anything but cash. All bids to purchase bonds must be sealed and accompanied by certified check for ten per cent. of the amount of the bid, and the bonding committee may reject any and all bids. Said committee shall advertise in one newspaper in the county, if there be one, and in one leading newspaper in Portland, Oregon, and in one leading newspaper in New York City, for two weeks before any sale of bonds, the fact of such sale, inviting bids therefor, and stating such facts as will interest prospective purchasers; for example, the date and place of sale, the terms of sale, the character of the bonds, the amount, interest and denomination thereof, the fact that they are twenty-year serial bonds, the fact that all bids must be accompanied by a certified check for ten per cent. of the amount of the bid, that any and all bids may be rejected, that the bonds may be sold only for cash, not below par, and to the highest bidder, and such other facts as may in the judgment of said committee procure the most advantageous sale of said bonds.

Section 13. *Proceeds of Bonds Shall Go Into General Road Fund of County.* The proceeds of all the bonds sold under this Act shall be paid into the county treasury, and shall go into the general road fund mentioned in Section 6320 of Lord's Oregon Laws and shall form a part of said fund and be disbursed accordingly.

Section 14. *County Court to Levy Tax.* The county court shall, at the time of making the annual tax levy upon the previous year's assessment, levy a tax on all the taxable property in the county, for the purpose of paying and sufficient to pay the outstanding bonds next maturing, and the interest on all outstanding bonds for the current year. The proceeds derived from said tax shall be used only for the payment of the principal and interest of said bonds and shall be paid by the county treasurer to the bearer of said bonds and interest coupons upon presentation thereof, as provided in Section 11 hereof.

Section 15. *Repealing Clause.* All Acts and parts of Acts inconsistent with this Act are hereby repealed.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 10 OF ARTICLE XI

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 10, Article XI, of the
Constitution of Oregon prohibiting counties from
voting any indebtedness for roads, in excess of two
per cent of assessed valuation of all property in
the county.

Vote YES or NO.

346. Yes.

347. No.

(On Official Ballot, Nos. 346 and 347.)

Section 10 of Article XI of the Constitution of the State of Oregon shall be and the same hereby is amended to read as follows:

ARTICLE XI.

Section 10. No county shall create any debts or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion or to build and maintain permanent roads within the county; and debts for permanent roads shall be incurred only on approval of a majority of those voting on the question, and shall not either singly or in the aggregate with previous debts and liabilities incurred for that purpose exceed two per cent of the assessed valuation of all the property in the county.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to provide methods for the consolidation of contiguous incorporated cities and towns; to provide methods for adoption of a charter for such consolidated municipalities; to legalize the consolidation of contiguous cities and towns heretofore attempted to be consolidated under general statutes heretofore enacted, etc.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act providing for the consolidation of contiguous incorporated cities and towns, legalizing consolidations heretofore attempted and providing a method for the creation and organization of new counties.

Vote YES or NO.

348. Yes.

349. No.

(On Official Ballot, Nos. 348 and 349.)

A BILL

For an Act to provide methods for the consolidation of contiguous incorporated cities and towns; to provide methods for adoption of a charter for such consolidated municipalities; to legalize the consolidation of contiguous cities and towns heretofore attempted to be consolidated under general statutes heretofore enacted, and to provide methods for the creation and organization of new counties, and to repeal all Acts and parts of Acts in conflict herewith.

Be It Enacted by the People of the State of Oregon:

Section 1. *Consolidation of Contiguous Corporations.* Two or more contiguous cities and towns may become consolidated into one corporation after proceedings had as required in this section. The council or other legislative body of either of such corporations shall, upon receiving a petition therefor signed by not less than one-tenth of the qualified voters of each of such corporations, as shown by the whole number of votes cast at the last regular municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall be consolidated into one corporation. Such councils or legislative bodies shall designate a day upon which a special election shall be held in each of such corporations, or submit the same at the general city election, to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other such corporations, which notice shall designate the name of the proposed new corporation. It shall thereupon be the duty of such council or legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper of general circulation in such corporation for the period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and shall invite the electors to vote upon such proposition, by placing upon their ballots the words, "for consolidation" or "against consolidation," or words equivalent thereto. The councils or legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the council or legislative body of that one of the corporations having the largest population, shown by the last state census, on the Monday next succeeding the day of such election at one o'clock P. M., and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately, and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations is for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of

clerk of the council or legislative body, at whose place of meeting such joint convention is held, to make a certified abstract of such votes, which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the records of the council or legislative body of each such corporations; and immediately upon the recording thereof it shall be the duty of the clerk, or other officer performing the duties of clerk of each council or legislative body, to transmit to the Secretary of State a certified copy of such abstract. Immediately upon such filing the charter of the town or city having the smaller number of legal voters as determined by the last general election shall thereupon determine, cease, and be repealed, and the tenure of office of the officers of said smaller municipality shall cease and determine; and the charter laws and ordinances of the larger of said cities or towns to be determined as above provided for shall continue in effect and shall thereupon and thereafter govern such consolidated municipalities until changed or amended in accordance with the laws of the State of Oregon and the tenure of office of its officers shall continue thereunder.

Section 2. And the said consolidated municipality shall succeed to all the property rights and franchises and shall assume and pay all liabilities of the municipality thus consolidated.

Section 3. And all consolidations or attempted consolidations of cities or towns heretofore made under the provisions of Title XXVI, Lord's Oregon Laws, are hereby ratified, confirmed, legalized and declared valid as of the date of such consolidation or attempted consolidation.

Section 4. *Formation of New Counties.* New counties may be created from territory of one or more old counties of this State, provided any such county from which territory is thus taken shall have remaining an area of not less than 500 square miles, a population of not less than 2000 and property of not less than \$2,000,000 assessed valuation, in substantially the manner following:

Not less than 30 per cent of the legal voters residing in any district having an area of not less than 500 square miles, a population of not less than 2000 people, and property of an assessed valuation of not less than \$2,000,000, shall file their petition for the creation of such new county and deposit such sum of lawful money with the Secretary of State as the Governor shall estimate to be necessary to pay the expenses of the proceedings. The total vote cast within said territory for representatives in Congress at the last preceding general election shall be the basis on which the number of petitioners, necessary shall be computed. Said petition shall conform in its verification and general features as nearly as may be to the laws governing initiative petitions and shall contain the following information, where applicable:

- I. The name and location of the temporary county seat.
- II. The name of the proposed county and the description of its proposed boundaries.
- III. The titles of officers required.
- IV. Approximately the number of legal voters, the number of children of school age, and the population resident in the described territory.
- V. Approximately the number of votes cast therein for representative in Congress at the last preceding general election.
- VI. Approximately the area and assessed valuation thereof.

VII. The whole amount of taxes now paid by said territory, annually (exclusive of special district levies for school and roads), and the estimated amount that will be necessary if the new county be created.

Section 5. For four weeks immediately before filing such petition, the petitioners or a committee of their number shall give printed notice, by advertisement in two newspapers of general circulation within the territory affected, of their intention to file said petition, and of the proposed boundaries of said county; and they shall file with their petition proof of such publication, as in the case of service of summons by publication.

Section 6. The Secretary of State shall notify the Governor when the petitioners have complied with this Act, and within thirty days thereafter the Governor shall appoint three commissioners, each of whom shall make oath that he is not a resident, property owner, nor a taxpayer or interested directly or indirectly within the territory of the proposed new county or of any county from which said new county is being created, and one of whom shall be a practicing surveyor and civil engineer. Said commissioners shall subscribe and file with the Secretary of State an oath of office declaring that they will faithfully and impartially perform their duties to the best of their ability. After the commission shall have organized, it shall give notice by publication once a week for four successive weeks in a newspaper of general circulation in the counties affected, of the time and place at which the commission will meet and investigate facts and hear arguments for or against the creation of the said new county. Said meetings shall be public. The commissioners may adjourn from time to time and at said time and place it shall be the duty of said commissioners to examine all the facts bearing on the need for such new corporation, with reference to the general welfare of the State at large, as well as of the people locally interested. Within sixty days after said first meeting they shall report to the Governor, in writing, their findings of fact, conclusions and recommendations for or against the creation of said new county, which report shall be filed in the office of the Secretary of State. But it shall not be necessary to make a written record of the evidence on which said findings of facts, conclusions and recommendations shall have been based, and the commission shall have the right to prescribe

their own rules of procedure and for the introduction of evidence before it. If the report shall be against the creation of such county no further proceedings shall be taken.

Section 7. If said report shall be favorable to the creation of said new county, the commissioners shall define therein the boundaries which they recommend, which may be different from those in the petition, provided the same shall not reduce the area, population and assessed valuation below the minimum hereinbefore mentioned. Within fifteen days after receiving such favorable report the Governor shall issue his writ ordering the election to be held within sixty days, within the limits of such new county described in the commissioners' report, to the end that the legal voters therein may decide for or against such organization. But if the time is within three months of any general election, the Governor may order the question to be placed on the general election ballot within such territory. Notice of such election, whether at a special or general election, shall be given by the county clerks of the counties interested, in the manner provided by the general election laws. If the proposed boundary of such new corporation shall divide any voting precincts, the portions thereof lying within the new county shall be thereby attached, for the purpose of said election, to the contiguous voting precincts which the commissioners recommend as most convenient for the voters therein. Returns of said election shall be made immediately and canvassed by the State Board of Canvassers.

Section 8. If 60 per cent of votes cast on said question shall be favorable the county shall be thereby created, and the Governor shall within thirty days appoint persons to fill the local offices named in said petition. Every such appointee shall hold office until his successor shall be regularly elected or appointed and qualified. The compensation of said officers, until otherwise provided by law, shall be the same as is paid by existing counties of the same kind nearest in assessed value to the new corporation. Immediately after the receipt of their commissions, said appointed officers shall qualify and assume the duties of their several offices. The governing body of the new county shall obtain from the county or counties from which the new county was created certified copies of such records as may be necessary and may contract for the same with the proper county officers of such counties or with other persons.

Section 9. In the case of a new county all matters relating to value and division of county property, county funds, taxes, debts, assets and liabilities, and all pecuniary matters of difference between the new county and the county or counties from which such new county is created shall be stated and settled by a board of arbitration composed as follows:

The county court of such new county shall, at its first meeting, appoint one person as arbitrator, and the county court of the county from which territory is taken for the new county, shall at its first meeting after creation of such new county, appoint one person to act as arbitrator, and

the Governor shall designate a circuit judge of a district not embracing any county from which territory is taken for the new county to act with the arbitrators representing the counties.

Section 10. The judge appointed by the Governor as arbitrator shall preside at the meeting of the board of arbitration, shall name the time and place for holding such meetings, and shall, before proceeding to the work, administer to such arbitrator an oath to faithfully and impartially perform the duties of his office to the best of his ability, and shall certify to the county court of said counties the amounts properly due the respective arbitrators as compensation, and the share to be paid by each county of the other expenses of the arbitration, which other expenses shall be equally divided between said counties.

Section 11. If the new county shall be formed of territory formerly belonging to more than one county, each of such old counties shall, in like manner, effect an independent adjustment and settlement with the new county. If any county shall fail to appoint its arbitrator as herein required, or if such arbitrator shall fail to act, the Governor shall, within thirty days after such failure, name some suitable person to act as such arbitrator. On completion of its work the board shall report forthwith in writing and submit full statements of the awards and settlements agreed upon to the county courts of the respective counties interested, which shall thereupon carry out and give effect to the same.

Section 12. Until the next succeeding session of the legislature after incorporation, said new county shall be attached, for legislative and judicial purposes, to the district in which is situated the county from which the largest portion of its territory was taken. The judge of the circuit court for the district embracing said new county shall appoint terms of his court for said county.

Section 13. No persons shall vote on the question of the creation and organization of such new county who shall not be registered as a legal voter and who is not a resident of the territory within such new county to be created. The expenses of creating such new county, advanced by the petitioners, shall be repaid by such new county if it is organized. The wages of the commissioners shall be \$7.50 each per day of actual service and all necessary expenses. The wages of each county arbitrator shall be fixed and paid by the county court appointing him, or on behalf of whom he acts, and each court shall pay its proportionate share of the expenses of said arbitration and settlement.

Section 14. All laws and parts of laws, all acts and parts of acts in conflict herewith are hereby annulled and repealed.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

ARTICLE IX.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment to Article IX of the Oregon Constitu-
tion by inserting therein a section providing for the
taxation of incomes from whatever source or sources
derived.

Vote YES or NO.

350. Yes.

351. No.

(On Official Ballot, Nos. 350 and 351.)

A BILL

For an amendment to Article IX of the Constitution of the State of Oregon, to be submitted to the legal voters of the State of Oregon, for their approval or rejection, at the regular general election to be held on the fifth day of November, A. D. 1912.

Be It Enacted by the People of the State of Oregon:

That Article IX of the Constitution of the State of Oregon shall be, and hereby is, amended by inserting the following section after Section 1a and before Section 2 of said Article IX, which inserted section shall be designated as Section 1b of said Article IX.

ARTICLE IX.

Section 1b. Taxes may be imposed on incomes, from whatever source or sources derived, and such sources may be classified for the purpose of taxation. Taxes on incomes may be either proportional or graduated and progressive, and reasonable exemptions may be provided.

(On Official Ballot Nos. 350 and 351.)

ARGUMENT

(negative)

Submitted by E. S. J. McALLISTER, GEORGE M. ORTON and others,
opposing the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

For amendment to Article IX of the Oregon Constitution by
inserting therein a section providing for the taxation of
incomes from whatever source or sources derived. Vote YES or NO.

 350. Yes.

 351. No.

This proposed amendment is not needed because the County Home Rule Tax amendment of 1910 gives the people power to make income tax laws and any other tax laws not prohibited by the United States Constitution. That must be the reason the State Tax Commission does not offer an argument for it.

There should not be any tax on what a man earns. The farmer works for what he gets; so does the man who works for wages or salary. Incomes from the labor and industry of the people of Oregon that some men get without earning will be taxed by the Graduated Specific Tax and Exemption amendment, No. 364 on the official ballot. It is better than any income tax because it will tax speculators who hold for higher prices property that is not used.

The heirs who get \$50,000 yearly ground rent from the lease of two lots at the N. E. corner of Third and Morrison streets, Portland, will pay about \$26,000 a year graduated tax if you vote for the graduated tax amendment, No. 364 on the official ballot. That tax will be paid by the owners from their ground rents. The tenants usually pay taxes levied directly on leased lots. In one county the Water Power Trust will pay a specific graduated tax of more than \$226,000 a year because of the value of the water power it owns and claims.

The railroad and other public service corporations will pay specific graduated taxes on the value of their franchises greater in amount than all the taxes they pay now. So will the timber barons and land grant corporations. In Oregon there are hundreds of great unearned incomes from ground rents, water powers and franchises that pay no taxes now.

The Graduated Specific Tax and Exemption amendment, No. 364 on the official ballot, will reduce the tax to be paid by every man whose entire assessment is less than \$10,000. Besides that, it exempts personal property, clearings, buildings and other improvements. What the producers save by these exemptions will be much more than made up by the graduated specific taxes on owners of great holdings of lot and land values and water power and franchise values.

The Graduated Specific Tax and Exemption amendment is still better than the State Tax Commission's proposed income tax amendment, because it must be paid by every person who owns more than \$10,000 of raw-land values, or water power or franchise values, just the same if he is holding for higher rents or prices as when he actually gets an income by renting or using the property. *But the graduated tax will not take from any person one dollar that he actually earns by his own labor.*

Respectfully submitted by E. S. J. McAllister, George M. Orton, Will Daly, H. D. Wagon, H. J. Parkison, W. G. Eggleston, E. J. Stack, and W. A. Marshall, of Portland; W. S. U'Ren, of Oregon City.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to amend Section 3554 of
Lord's Oregon Laws, exempting certain property
from taxation.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act amending sub-division 8 of Section
3554 of Lord's Oregon Laws so as to exempt from
taxation all household furniture, domestic fixtures,
household goods and effects actually in use in homes
and dwellings, and all wearing apparel, watches,
jewelry, and similar personal effects actually in use. Vote YES or NO.

352. Yes.

353. No.

(On Official Ballot, Nos. 352 and 353.)

A BILL

For an Act to amend Section 3554 of Lord's Oregon Laws, exempting certain property from taxation.

Be It Enacted by the People of the State of Oregon:

Section 1. That Section 3554 of Lord's Oregon Laws shall be, and hereby is, amended to read as follows:

Section 3554. The following property shall be exempt from taxation:

1. All property, real and personal, of the United States and this State, except land belonging to this State held under a contract for the purchase thereof.

2. All public or corporate property of the several counties, cities, villages, towns and school districts in this State used or intended for corporate purposes, except lands belonging to such public corporations held under a contract for the purchase thereof.

3. The personal property of all literary, benevolent, charitable and scientific institutions incorporated within this State, and such real estate belonging to such institutions as shall be actually occupied for the purposes for which they were incorporated.

4. All houses of public worship, and the lots on which they are situated, and the pews or slips and furniture therein, and all burial grounds, tombs, and rights of burial; all lands and the buildings thereon, not exceeding thirty acres, held by any crematory association incorporated under the laws of this State, used for the sole purpose of a crematory and burial place to incinerate remains; but any part of any building, being a house of public worship, which shall be kept or used as a store or shop, or for any other purpose, except for public worship or for schools, shall be taxed upon the cash valuation thereof, the same as personal property, to the owner or occupant, or to either, and the taxes shall be collected thereon in the same manner as taxes on personal property.

5. All public libraries, and the personal property belonging thereto and connected therewith, and the real property belonging thereto and upon which such library is situated.

6. The property of all Indians residing upon Indian reservations who have not severed their tribal relations or taken lands in severalty, except lands held by them by purchase or inheritance, and situate on an Indian reservation; provided, however, that the lands owned or held by Indians upon such reservation, shall be exempt from taxation when so provided by any law of the United States, and not otherwise.

7. The personal property of all persons who, by reason of infirmity, age or poverty, may in the opinion of the assessor, be unable to contribute towards the public charges.

8. All household furniture, domestic fixtures, household goods and effects actually in use as such in homes and dwellings; also all wearing apparel, watches, jewelry and similar personal effects actually in use.

(On Official Ballot, Nos. 352 and 353.)

ARGUMENT

(affirmative)

SUBMITTED BY

LEGISLATIVE TAX COMMITTEE AND BOARD OF STATE TAX
COMMISSIONERSUnder authority of House Joint Resolution No. 14, Twenty-Sixth Regular
Session, Oregon Legislature,

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act amending sub-division 8 of Section 3554 Lord's Oregon Laws so as to exempt from taxation all household furniture, domestic fixtures, household goods and effects actually in use in homes and dwellings, and all wearing apparel, watches, jewelry, and similar personal effects actually in use. Vote YES or NO.

352. Yes.

353. No.

The first seven paragraphs of this bill are identical with the similar paragraphs of Section 3554 as it now stands; the only change proposed being contained in paragraph 8, which provides for the exemption from taxation of "All household furniture, domestic fixtures, household goods and effects actually in use as such in homes and dwellings; also all wearing apparel, watches, jewelry and similar personal effects actually in use."

We quote from the report of the Committee on Practical Substitutes for the Personal Property Tax (of which Prof. E. R. A. Seligman, the well known authority on taxation, was chairman) to the Fifth Conference of the National Tax Association, held at Richmond, Virginia, in 1911:

"Unproductive tangible personal property requires space for which rent is paid, so it is in a measure roughly reached by the tax on real estate. Household furniture is recognized as a necessary burden rather than as an asset, and in many states a certain amount is exempted by constitution or statute. Its assessment is always difficult and arbitrary. Pennsylvania has not taxed household and personal effects for many years, and in most of the Canadian provinces such property is exempt. Valuable furniture and paintings will occupy valuable residence property, and their entire exemption would make only a trifling increase in real estate taxes and would not disturb the distribution of tax burdens.

The same is more or less true of other unproductive personalty. Where, as is usually the case, its fiscal significance is slight, your Committee recommends exemption rather than any substitute."

For the year 1911 the total assessed valuation of all household furniture, watches, jewelry and similar personal effects in Oregon amounted to only 1.48 per cent of the total taxable property of the State. In this class were included hotel furniture, private law libraries, and other items that would not be exempted under the proposed law.

The entire exemption of the property specified in paragraph 8 would have very slight effect on the distribution of taxes; at the same time it will afford needed relief to a great number of people whose worldly possessions consist chiefly of this class of unproductive personalty. In actual practice the smaller lists of household furniture and personal effects are usually assessed at a higher percentage of their true value than are the larger lists owned by the better-to-do residents. The assessment of watches and jewelry is almost a negligible quantity and their complete exemption would have practically no effect.

Arguments have been advanced for an exemption limited to five-hundred dollars or even less; but the amount of this class of property that would remain after taking out the exemption would be very small, and the tax derived therefrom would pay only a small part of the expense involved in making the assessment, computing the exemption and collecting the tax. From consideration both of justice and expediency this class of unproductive, tangible, personal property should be entirely exempted.

Respectfully submitted,
LEGISLATIVE TAX COMMITTEE and
BOARD OF STATE TAX COMMISSIONERS.

(For membership of Committee and Board see page 24.)

(On Official Ballot Nos. 352 and 353.)

ARGUMENT

(negative)

Submitted by E. S. J. McALLISTER, GEORGE M. ORTON and others,
opposing the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

A bill for an Act amending subdivision 8 of Section 3554 of Lord's Oregon Laws so as to exempt from taxation all household furniture, domestic fixtures, household goods and effects actually in use in homes and dwellings, and all wearing apparel, watches, jewelry, and similar personal effects actually in use.

Vote YES or NO.

 352. Yes.

 353. No.

This bill is not worth voting for. The only change proposed in the present law is the addition of subdivision 8. But even with that addition, this bill will not save the average wage-worker or farmer \$2.00 a year in taxes; because all the property it would exempt for him is not worth more than \$100. But the proposed law will save many dollars every year for the millionaire owners of valuable water powers, franchises, city lots and tens of thousands of acres of the best land in Oregon.

Many of these rich men have from \$10,000 to \$100,000 worth of furniture, jewelry, paintings, automobiles and "similar personal effects in actual use." But they are very much opposed to exempting from taxes the farmer's buildings, clearings, live stock, farm machinery "and similar personal effects in actual use." They are just as much opposed to exempting the laborer's house from taxes.

The farmer whose furniture exemption under this bill might amount to \$100 would have \$3,000 or more of exemption under the Graduated Specific Tax and Exemption amendment, No. 364 on the official ballot. That amendment would really exempt something worth while for the "little fellow," and make the "big fellow" pay his just share of the taxes now unjustly saddled on the "little fellow." For example, see the difference in the amounts of exemptions under the State Tax Commission's

bill and under the Graduated Specific Tax and Exemption amendmnt in the following cases of taxpayers in Clackamas County:

	Exemption of household furniture under State Tax Commission bill.	Exemption of all labor pro- ducts under Graduated Tax and Exemption amendment.
S. F. Francis, wage worker	\$ 50.00	\$ 275.00
John McGetchie, wage worker	100.00	600.00
George Dunmire, wage worker	35.00	335.00
H. B. Rockwell, wage worker	25.00	125.00
George H. Brown, farmer	100.00	10,900.00
Albert M. Groshong, farmer	25.00	590.00

Why should any farmer or wageworker vote for a bill that gives a man like George Dunmire an exemption of only \$35.00 and *does not tax* the \$10,000,000 worth of water power owned by the Water Power Trust in Clackamas County, when he can vote for the Graduated Specific Tax and Exemption amendment, No. 364 on the official ballot, which gives George Dunmire \$335.00 of exemption and *does tax* the \$10,000,000 of water power?

Why should any farmer or other home owner vote for the State Tax Commission's bill, which gives a farmer like Albert Groshong only \$25.00 of exemption and *does not increase* the taxes on the Oregon & California land grant, when he can vote for the Graduated Tax and Exemption amendment, which gives Groshong \$590 of exemption, and makes a \$200,000 increase in the taxes of the Oregon & California land grant?

Why should any well-to-do farmer like George H. Brown vote for the State Tax Commission bill, which gives him only \$100 of exemption and *does not tax* railroad and other franchises, when he can vote for the Graduated Tax and Exemption amendment, which will give Brown an exemption of \$10,900 and *will tax* railroad and other franchises?

Respectfully submitted by E. S. J. McAllister, George M. Orton, Will Daly, H. D. Wagnon, H. J. Parkison, W. G. Eggleston, E. J. Stack, and W. A. Marshall, of Portland; W. S. U'Ren, of Oregon City.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to exempt certain property
from taxation.

By initiative petition filed in the office of the Secretary of State, July 2,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to exempt from taxation all debts of
every kind whether on contract, note, mortgage, bond
or otherwise, either within or without this State;
public stocks and securities, bonds, warrants and
moneys due from this State, or any county or other
municipal sub-division; stocks and shares in incor-
porated or unincorporated companies, except bank
stocks, shares and banking capital.

Vote YES or NO.

354. Yes.

355. No.

(On Official Ballot, Nos. 354 and 355.)

A BILL

For an Act to exempt certain property from taxation.

Be It Enacted by the People of the State of Oregon:

Section 1. The following property shall be exempt from taxation: All debts due or to become due, whether on account, contract, note, mortgage, bond or otherwise, either within or without this State; all public stocks and securities; all bonds, warrants and moneys due or to become due from this State, or any county or other municipal subdivision thereof; all stocks and shares in incorporated or unincorporated companies; provided, that this act does not exempt bank stocks, shares and banking capital from assessment and taxation.

(On Official Ballot, Nos. 354 and 355.)

ARGUMENT

(affirmative)

SUBMITTED BY

LEGISLATIVE TAX COMMITTEE AND BOARD OF STATE TAX
COMMISSIONERS

Under authority of House Joint Resolution, No. 14, 26th Regular
Session Oregon Legislature,

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to exempt from taxation all debts of every kind whether on contract, note, mortgage, bond or otherwise, either within or without this State; public stocks and securities, bonds, warrants and moneys due from this State, or any county or other municipal sub-division; stocks and shares in incorporated or unincorporated companies, except bank stocks, shares and banking capital.

Vote YES or NO.

354. Yes.

355. No.

The purpose of this proposed law is to abolish double or multiple taxation of the same property value. Many forms of credits such as notes, whether secured or unsecured, accounts, bonds and shares of stock are merely representative of an interest in or a lien upon property which is itself subject to taxation.

This bill contains no jokers, but means exactly what it says. It would exempt mortgage notes and other evidences of private indebtedness, for the reason that the taxation thereof imposes an extra burden on the debtor. It would exempt public stocks and securities, municipal bonds, county warrants and all other evidences of public indebtedness for the reason that a tax on public debts is merely a tax on the power of the public to borrow money. It would exempt stocks and shares in incorporated or unincorporated companies, other than banking institutions, for when a company has been taxed on all of its property it is unreasonable to assume that the individual shareholders should likewise be taxed for their respective interests in the same property. The exemption is made of bank stocks, shares and banking capital for the reason that they represent a property value that would otherwise be

untaxed. For the same reason it is not proposed to exempt money, though admittedly very little of it is reported for assessment.

In actual practice the assessor is able to list very few credits except mortgage notes held by resident mortgagees; the assessment returns show few, if any, assessments of other forms of credits that would be exempted under the proposed law.

The pretense of taxing credits has been one of the worst abuses in our system of taxation. Under the general property tax, no scheme yet devised by human ingenuity has availed to secure even a measurably fair and effective assessment of this class of property. When a mortgage note is taxed, a double tax is placed on the borrower, who pays it either directly under contract to that effect or indirectly by a higher rate of interest. Money is not monopolized and interest rates respond so readily to the law of supply and demand that any tax on an evidence of indebtedness is usually paid by the borrower.

Every scheme that has ever been tried for the taxation of this class of credits on the same basis with other property, either with or without a deduction of indebtedness for the debtor, has proved a farce. We believe that the only effective correction and remedy is the complete exemption of this class of property, and that such exemption will not only afford relief to debtors but will provide fairer taxation and promote the best interests of the State.

Respectfully submitted,
LEGISLATIVE TAX COMMITTEE and
BOARD OF STATE TAX COMMISSIONERS.

(For membership of said Board and Committee see page 24.)

(On Official Ballot Nos. 354 and 355.)

ARGUMENT

(negative)

Submitted by E. S. J. McALLISTER, GEORGE M. ORTON and others,
opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to exempt from taxation all debts of every kind whether on contract, note, mortgage, bond or otherwise, either within or without this State; public stocks and securities, bonds, warrants and moneys due from this State, or any county or other municipal subdivision; stocks and shares in incorporated or unincorporated companies, except bank stocks, shares and banking capital.

Vote YES or NO.

354. Yes.

355. No.

This is a bill for jug-handled exemption, with the rich men holding the handle. Not one in a hundred of the farmers, clerks, laborers and mechanics owns one dollar of property that would be exempt under this bill. How many dollars worth of mortgages, stocks and bonds do you own? One bank in Portland advertises that it owns \$2,500,000 of mortgages alone.

The State Tax Commission and other advocates of this bill say corporation stocks and bonds should be exempt from tax, because when a company is taxed on *all* its property it is not right to tax the stock, which represents the property. But what corporation in Oregon is taxed on all its property? The more than \$10,000,000 worth of water power owned in Clackamas County by the Water Power Trust is practically exempt from tax.

The State Tax Commission, in its 1912 report, estimates the cash value of all railroad and other public service corporation property within its jurisdiction at \$155,748,560. But for taxation the Commission then cuts off \$49,165,298 of that cash value. Besides this one-third exemption or reduction made by the Commission, the present law only permits the Commission to take franchise values "into consideration," but does not permit it to assess franchises separately. The Legislature fixed that law before the people took control of making tax laws. Experts

say the franchises are worth as much as, and often more, than all the rest of the corporation property.

The above exemption bill here proposed, as it stands, will increase the taxes on the "little fellow." But we ask you to consider the Graduated Specific Tax and Exemption amendment, No. 364 on the official ballot. The Graduated Specific Tax amendment will lower the tax to be paid by every person who is not assessed for more than \$10,000; and it will greatly increase the taxes to be paid by the franchise corporations, the Water Power Trust and the land barons. The owners of great land and lot values, separate from the value of buildings and other improvements, will pay much more than they pay now. It will reduce even more the tax to be paid by every person whose improvements and personal property are worth as much as the unimproved, raw-land value of his lots and lands.

For one example of increase, the H. W. Corbett estate in Portland was assessed \$2,634,300 for lots and lands in 1910, and on that valuation the estate would pay as "owner" a graduated specific tax of \$77,179, in addition to the regular general and special tax levies.

The Graduated Specific Tax and Exemption amendment will assess and tax the full value of all franchises and water powers that are free from taxes now. That will help the "little fellow." The stock and bond exemption bill is for the "big fellow."

Respectfully submitted by E. S. J. McAllister, George M. Orton, Will Daly, H. D. Wagon, H. J. Parkison, W. G. Eggleston, E. J. Stack, and W. A. Marshall, of Portland; W. S. U'Ren, of Oregon City.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to tax gifts, legacies, inheritances and transfers by intestate laws, and to provide for the collection of the same; also to repeal Chapter IV of Title XVI of Lord's Oregon Laws.

By initiative petition filed in the office of the Secretary of State, July 2, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act revising the inheritance tax laws, among other changes, reclassifying rates, slightly increasing same, placing administrative matters relative thereto with the State Tax Commission but leaving collections to be made by the State Treasurer. Vote YES or NO.

356. Yes.

357. No.

(On Official Ballot, Nos. 356 and 357.)

A BILL

For an Act to tax gifts, legacies, inheritances and transfers by intestate laws, and to provide for the collection of the same; also to repeal Chapter IV of Title XVI of Lord's Oregon Laws.

Be It Enacted by the People of the State of Oregon:

Section 1. *Definitions.*—The words "estate" and "property," as used in this act, shall be taken to mean the property or interest therein passing or transferred to individual or corporate legatees, devisees, heirs, next of kin, grantees, donees or vendees, and not as the property or interest therein of the decedent, grantor, donor or vendor, and shall include all property or interest therein, whether situated within or without this State. The words "tangible property," as used in this act, shall be taken to mean corporeal property such as real estate and goods, wares and merchandise, and shall not be taken to mean money, deposits in bank, shares of stock, bonds, notes, credits or evidences of an interest in property or evidences of debt. The words "intangible property," as used in this act, shall be taken to mean incorporeal property, including money, deposits in banks, shares of stock, bonds, notes, credits, evidences of an interest in property and evidences of debt. The word "transfer," as used in this act, shall be taken to include the passing of property or any interest therein in possession or enjoyment, present or future, by inheritance, descent, devise, bequest, grant, deed, bargain, sale or gift, or by intestate laws, in the manner herein prescribed. The words "the intestate laws of this State," as used in this act, shall be taken to refer to all transfers of property, or any beneficial interest therein, effected by the statute of descent and distribution, and the transfer of any property, or any beneficial interest therein, effected by operation of law upon the death of a person omitting to make a valid disposition thereof, including right of dower and estate by curtesy.

Section 2. *Taxable Transfers.*—A tax shall be and is hereby imposed upon the transfer of any tangible property within this State and of intangible property, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations in the following cases, subject to the exemptions and limitations hereinafter prescribed:

1. When the transfer is by will or by the intestate laws of this State of any intangible property, or of tangible property within the State, from any person dying seised or possessed thereof while a resident of the State.

2. When the transfer is by will or intestate law, of tangible property within the State, and the decedent was a nonresident of the State at the time of his death.

3. Whenever the property of a resident decedent, or the property of a nonresident decedent within this State, transferred by will, is not specifically bequeathed or devised, such property shall, for the purposes

of this act, be deemed to be transferred proportionately to and divided *pro rata* among all the general legatees and devisees named in said decedent's will, including all transfers under a residuary class of such will.

4. When the transfer is of intangible property, or of tangible property within the State, made by a resident, or of tangible property within the State made by a nonresident, by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor or intended to take effect in possession or enjoyment before, at or after such death.

5. When any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof by any such transfer, whether made before or after the passage of this Act.

6. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will.

7. The tax imposed hereby shall be upon the full and true value of such property, at the rates hereinafter prescribed; such value shall be determined with reference to the date of death of the decedent, except as herein otherwise provided.

Section 3. *Exemptions.*—Any property devised or bequeathed to any religious, educational, benevolent or charitable corporation or association, wherever incorporated or located, shall be exempted from the provisions of this act. But no such corporation or association shall be entitled to such exemption if any officer, member or employee thereof shall receive or may be entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of its strictly religious, educational, benevolent or charitable purposes; or if the organization thereof for any such avowed purpose be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees; or if it be not in good faith organized and conducted exclusively for one or more of such purposes.

Section 4. *Rates of Tax.*—1. Upon a transfer taxable under this act of property or any beneficial interest therein, of an amount in excess of the value of \$5,000 to any grandfather, grandmother, father, mother, husband, wife, child, brother, sister, wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of this State, of the decedent, grantor, donor or vendor, or to any child to whom any such decedent, grantor, donor or vendor for not less than ten years prior to such transfer stood in

the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday and was continuous for said ten years thereafter, or to any lineal decedent of such decedent, grantor, donor or vendor born in lawful wedlock, the tax on such transfer shall be at the rate of:

One per cent on any amount in excess of \$5,000 up to and including the sum of \$25,000;

One and one-half per cent on any amount in excess of \$25,000 up to and including the sum of \$50,000;

Two per cent on any amount in excess of \$50,000 up to and including the sum of \$100,000;

Two and one-half per cent on any amount in excess of \$100,000 up to and including the sum of \$200,000;

Three per cent on any amount in excess of \$200,000 up to and including the sum of \$400,000;

Three and one-half per cent on any amount in excess of \$400,000 up to and including the sum of \$600,000;

Four per cent on any amount in excess of \$600,000 up to and including the sum of \$800,000;

Four and one-half per cent on any amount in excess of \$800,000 up to and including the sum of \$1,000,000;

Five per cent on any amount in excess of \$1,000,000.

The transfer of such property of an amount up to and including the value of \$5,000 to any person described in paragraph one of this section shall be exempt from payment of the tax.

2. Upon a transfer taxable under this act of property or any beneficial interest therein, of an amount in excess of \$1,000 to any person or corporation other than those enumerated in paragraph one of this section, the tax shall be at the rate of:

Two per cent on any amount in excess of \$1,000 up to and including the sum of \$10,000;

Three per cent on any amount in excess of \$10,000 up to and including the sum of \$25,000;

Four per cent on any amount in excess of \$25,000 up to and including the sum of \$50,000;

Five per cent on any amount in excess of \$50,000 up to and including the sum of \$100,000;

Six per cent on any amount in excess of \$100,000 up to and including the sum of \$200,000.

Seven per cent on any amount in excess of \$200,000 up to and including the sum of \$400,000;

Eight per cent on any amount in excess of \$400,000 up to and including the sum of \$600,000;

Nine per cent on any amount in excess of \$600,000 up to and including the sum of \$800,000;

Ten per cent on any amount in excess of \$800,000 up to and including the sum of \$1,000,000;

Twelve per cent on any amount in excess of \$1,000,000.

The transfer of such property of an amount up to and including the value of \$1,000 shall be exempt from payment of the tax specified in paragraph two of this section.

Section 5. *Transfers Subject to This Act.*—This Act shall apply to all transfers from the estates of decedents whose death occurs subsequent to the date when this act takes effect, and not to transfers from estates when the decedent died prior to the taking effect of this act, except as provided in subdivision 6 of Section 2.

Section 6. *Accrual of Tax.*—All taxes imposed by this Act shall take effect at and accrue upon the death of the decedent, grantor, donor or vendor, except as herein otherwise provided. Taxes upon the transfer of any estate, property or interest therein limited, conditioned, dependent or determinable upon the happening of any contingency or future event by reason of which the full and true value thereof can not be ascertained at the time of the transfer as herein provided, shall accrue and become due and payable when the persons or corporations beneficially entitled thereto shall come into actual possession or enjoyment thereof.

Section 7. *Payment, When Made.*—Any executor, administrator or trustee having in charge or in trust any legacy or property for distribution, subject to the tax imposed by this act, shall deduct such tax therefrom and pay the same to the State Treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property, subject to tax under this act, to any person until he shall have collected the tax thereon.

Section 8. *Tax, to Whom Paid; Duplicate Receipts.*—The tax imposed by this act shall be paid to the State Treasurer, who shall give the executor, administrator, trustee or person paying such tax, a receipt, as provided by paragraph 4 of Section 2638 of Lord's Oregon Laws, which receipt shall be a proper voucher in the settlement of his accounts. No executor, administrator or trustee shall be entitled to a final accounting of an estate in settlement of which a tax is due under this Act, unless he shall produce a receipt so signed and countersigned, or a certified copy thereof, or unless a bond shall have been filed, as provided in Section 16 of this Act. All taxes paid into the State Treasurer under the provisions of this Act shall belong to and be a part of the inheritance tax fund of the State; provided, whenever the amount of money in said fund exceeds \$10,000, all in excess of \$5,000 shall be transferred to the general fund.

Section 9. *Tax a Lien; Limitation.*—Every tax imposed by this Act shall be and remain a lien upon the property transferred until paid and the person to whom the property is so transferred, and the executors, administrators and trustees of every estate so transferred shall be personally liable for such tax until its payment. The provisions of the

code of civil procedure relative to the limitation of time of enforcing a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine or enforce the collection of any tax or penalty prescribed by this Act. However, as to real estate in the hands of *bona fide* purchasers, the tax shall be presumed to be paid and cease to be a lien as against such purchasers after the expiration of six years from the date of accrual, provided administration of the estate has been had in this State.

Section 10. *Discount, Interest, and Penalty.* If such tax is paid within eight months from the accrual thereof, a discount of five per cent shall be allowed and deducted therefrom. If such tax is not paid within eight months from the accrual thereof, interest shall be charged and collected thereon at the rate of eight per cent per annum from the time the tax accrued; unless by reason of claims upon the estate, necessary litigation or other unavoidable delay, such tax cannot be determined and paid as herein provided, in which case interest at the rate of six per cent per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which eight per cent shall be charged. In all cases when a bond shall be given, under the provisions of Section 16 of this act, interest shall be charged at the rate of six per cent from the accrual of the tax until the payment thereof.

Section 11. *Power to Sell.*—Every executor, administrator or trustee shall have full power to sell so much of the property of the decedent as will enable him to pay the tax imposed by this Act, in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate.

Section 12. *Duty of Heir or Devisee When Legacy Payable Out of Property; Legacy for Limited Period; Duty of Administrator.*—If any bequest or legacy shall be charged upon or payable out of any property, the heir or devisee shall deduct such tax therefrom and pay it to the executor, administrator or trustee, and the tax shall remain a lien or charge on such property until paid; and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the bequest or legacy might be enforced, or by the prosecuting attorney under Section 31 of this act. If any bequest or legacy shall be given in money for a limited period, the executor, administrator or trustee shall retain the tax upon the whole amount; but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment, if the case requires, of the sum to be paid into his hands by such legatee or beneficiary, and for such further order relative thereto as the case may require.

Section 13. *Refund of Tax Erroneously Paid or Overpaid.*—When any tax imposed by this Act shall have been erroneously paid or overpaid, wholly or in part, the person paying the same shall be entitled to a refundment of the amount so erroneously paid or overpaid, and

the Secretary of State shall, upon satisfactory proofs presented to him of the facts relating thereto, draw his warrant upon the State Treasurer for the amount thereof in favor of the person entitled thereto, payable from the inheritance tax fund; provided, however, that all applications for refunding of erroneous taxes shall be made within three years from the payment thereof.

Section 14. *Tax When Foreign Executor Assigns Stock, Etc.*—If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this State standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the State Treasurer on or before the transfer thereof, and no such assignment or transfer shall be valid unless such tax is paid.

Section 15. *Depositaries of Securities Not to Deliver Same Until Notice Given to Board of State Tax Commissioners; Penalty.*—No safe deposit company, trust company, bank, corporation or other institution, person or persons, having in possession or under control, securities, deposits or other assets belonging to or standing in the name of a decedent, or belonging to or standing in the joint names of such decedent and one or more persons, including shares of the capital stock of, or other interests in, the safe deposit company, trust company, bank, corporation or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the Board of State Tax Commissioners in writing at least ten days prior to said delivery or transfer; and it shall be lawful for said Board, personally or by representative, to examine said securities, deposits or assets prior to the time of such delivery or transfer. If upon such examination said Board or its said representative shall, for any cause, deem it advisable that such securities, deposits or assets should not be immediately delivered or transferred, the said Board may forthwith notify, in writing (such company, bank, institution or person to defer delivery or transfer thereof for a period not to exceed ten days from the date of such notice, and thereupon it shall be the duty of the party notified to defer such delivery until the time stated in such notice, or until the revocation thereof within ten days; failure to serve the notice first above mentioned or to allow such examination, or to defer the delivery of such securities, deposits or assets for the time stated in the second of said notices, shall render said safe deposit company, trust company, bank, corporation or other institution, person or persons, liable to the payment of the tax due on said securities, deposits or assets, pursuant to the provisions of this Act.

Section 16. *Deferred Payment; Bond.*—Any person or corporation beneficially interested in any property chargeable with a tax under this

Act, and executors, administrators and trustees thereof, may elect, within six months from the death of the decedent, not to pay such tax until the person or persons beneficially interested therein shall come into actual possession or enjoyment thereof. If it be personal property, the person or persons so electing shall give a bond to the State in the penalty of three times the amount of such tax, with such sureties as the county judge of the proper county may approve, conditioned for the payment of such tax and interest thereon, at such time and period as the person or persons beneficially interested therein may come into actual possession or enjoyment of such property, which bond shall be executed and filed, and a full return of such property upon oath made to the county court within six months from the date of transfer thereof, as herein provided, and such bond must be renewed every five years.

Section 17. *Taxes Upon Devises and Bequests in Lieu of Commissions.*—Whenever a decedent appoints one or more executors or trustees and, in lieu of their allowances or commissions, makes a bequest or devise of property to them, which would otherwise be liable to a tax under this Act, or appoints them his residuary legatees, and said bequests, devises or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the Board of State Tax Commissioners, shall fix such compensation.

Section 18. *Jurisdiction of County Court.*—The county court of every county in this State having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this act, or to give ancillary letters thereon, or to appoint a trustee of such estate, or any part thereof, shall have jurisdiction to hear and determine all questions arising under the provisions of this act, and to do any act in relation thereto authorized by law to be done by such court in other matters or proceedings coming within its jurisdiction, and if two or more county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other county court.

Section 19. *Duty of County Judge; Notice to Board of State Tax Commissioners.*—The judge of the county court having jurisdiction of the estate of any decedent shall, within ten days after the filing of a will or the application for letters of administration, or the granting of letters testamentary or letters of administration, if in his opinion said estate is subject to a tax under any of the provisions of this act, cause the county clerk to send to the Board of State Tax Commissioners a certificate of the filing of such will or application, or the granting of such letters of administration. The court shall thereupon, as soon as practicable after the granting of any such letters, proceed to ascertain and determine the value of every transfer embraced in or payable out

of the estate in which such letters are granted, and the tax due thereon. The Board of State Tax Commissioners shall have the same right to apply for letters of administration as that conferred by law upon creditors.

Section 20. *Duty of Executors, Etc.; Filing Inventory and Appraisalment.*—It shall be the duty of the executor, administrator or trustee of every estate, within one month from the date of his appointment or acceptance of the trust, or within such further time as the county clerk or judge may allow, to make an inventory, verified by his oath, of all the real and personal property of the deceased which shall come to his possession or knowledge, any will or directions of the decedent to the contrary notwithstanding, and to cause the same to be appraised, as by law required, and file with the clerk of the court having jurisdiction of said estate.

Section 21. *Extension of Time to File Appraisalment.*—Whenever, by reason of the complicated nature of an estate or the confused condition of the decedent's affairs, it is impracticable for the executor, administrator, trustee or beneficiary of said estate to file with the clerk of the court a full, complete and itemized inventory of the personal assets belonging to the estate within the time required by statute for filing inventories of estates of decedents, the court may, upon the application of such representative or parties in interest, extend the time for filing the appraisalment for a period not to exceed three months beyond the time fixed by law, or such further time as may be necessary upon good cause shown.

Section 22. *Duty of Executor, Etc., to Send Inventory, Appraisalment and Report to Board of State Tax Commissioners.*—Every executor, administrator or trustee of any estate subject to the tax herein provided, shall, at least ten days prior to the first appraisalment thereof, as provided by law, notify the Board of State Tax Commissioners in writing of the time and place of such appraisalment, with the names and postoffice addresses of the appraisers appointed by the county court, and shall file due proof of such notice and a copy thereof with the clerk of the court having jurisdiction of such estate or trust. Every executor, administrator or trustee, within ten days after such appraisalment, or appraisalment of any beneficial interest or re-appraisalment thereof, and before payment and distribution to the legatees or any parties entitled to beneficial interest therein, shall make and render to the said Board of State Tax Commissioners a copy of the said inventory and appraisalment, duly certified as such by the clerk of the court having jurisdiction of said estate; to which certified copy of inventory and appraisalment shall be attached a certified copy of the will of the decedent, if he died testate. Every executor, administrator or trustee of any estate or trust subject to the tax herein provided shall also, within eight months after the death of the decedent, make and file with the Board of State Tax Commissioners, in such form and manner as may be prescribed by said

Board, a report showing the following information, together with any other information that may be required by said Board:

Name of decedent; residence at date of death; date of death; whether testate or intestate; name and postoffice address of executor, administrator or trustee; name and postoffice address of attorney for executor, administrator or trustee; date of making inventory and appraisement; date of filing inventory and appraisement; estimated value of real and personal property; appraised value of real and personal property; value of property if re-appraisement is ordered by the county court; list and amounts of claims allowed by the county court for indebtedness existing at the death of the decedent; itemized statement of expenses of administration; net value of estate; names, ages, relationship and post-office addresses of all heirs at law, devisees and legatees; description and net value of all property received by each heir at law, devisee or legatee, as found and determined by the court having jurisdiction of said estate. Such report shall be verified by the oath or affirmation of the executor, administrator or trustee of the estate or trust to be administered.

Section 23. *Court May Act on First Inventory.*—In ascertaining and determining the value of any property or interest therein transferred, and the tax due thereon, the court may act upon the inventory and appraisement of the estate as prepared and filed by the executor, administrator or trustee thereof, pursuant to law, or may require an appraisement or re-appraisement, as herein provided, of the true and full value of the property or interest therein embraced in any transfer subject to the payment of any tax imposed by this Act.

Section 24. *Appointment of Appraisers.*—The county court may, in any matter mentioned in Sections 19, 20 and 21, or if no inventory or appraisement has been made, or if it deem the same for any cause insufficient or inadequate, either upon its own motion or upon the application of any interested party, including the Board of State Tax Commissioners, and as often as and when occasion requires, appoint one or more persons as appraisers to appraise the full and true value of the property embraced in any transfer subject to the payment of any tax imposed by this Act.

Section 25. *Immediate Appraisal, When.*—The property embraced in every transfer, upon which a tax is imposed under this Act, shall be appraised at its full and true value immediately upon the death of the decedent, or as soon thereafter as may be practicable; provided, however, that when such property or transfer shall be of such a nature that its full and true value cannot be ascertained at such a time, it shall be appraised in like manner at the time when such value first becomes ascertainable. The value of every future, contingent or limited estate, income, interest or annuity dependent upon any life or lives in being, shall be determined by the rule, method and standard of morality and value commonly used by actuaries' combined experience tables, except that the rate of interest for making such computation shall be four per cent per annum.

Section 26. *Tax on Contingent, Limited or Future Estate.*—In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by Section 13 of this Act. Where any property shall, after the passage of this Act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this Act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

Section 27. *County Court to Fix Time and Place of Appraisal; Clerk to Give Notice.*—The county court shall by order fix the time and place when the appraisers appointed under the provision of Section 24 shall make said appraisement. The county clerk shall forthwith give notice to the Board of State Tax Commissioners and to all persons known to have a claim or interest in the property or transfers to be appraised, and to such persons as the probate court may by order direct, of the time and place when said appraisers will make such appraisal. Such notice shall be given by mail. They shall, at such time and place, appraise the same at its full and true value as herein prescribed, and for that purpose the said appraisers are authorized to issue subpoenas and to compel the attendance of witnesses before them, and to take evidence of such witnesses under oath concerning such property and the value thereof, and they shall make report thereof, and of such value in writing to the said county court, together with the testimony of the witnesses examined, and such other facts in relation thereto and to the said matter, as said county court may order or require. Every appraiser shall be entitled to compensation at the rate of \$3.00 per day for each day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses, and such witnesses, and the officer or person serving any such subpoena, shall be entitled

to the same fees as those allowed witnesses or sheriffs for similar services in courts of record. The compensation and fees claimed by any person for services performed under this Act shall be approved by the county judge and charged against the estate, as are other costs in probate; provided, that in event of re-appraisal, claims for such compensation and fees may, with the approval of the Board of State Tax Commissioners, be certified to the Secretary of State, who shall examine the same and, if found correct, he shall draw his warrant upon the State Treasurer for the amount thereof, in favor of the person entitled thereto, payable from the inheritance tax fund.

Section 28. *Report of Appraisers to Be Filed With County Court.*—The report of the appraisers shall be filed with the county court and from such report, and other proof relating to the estate, the court shall forthwith determine the full and true value of the same and the amount of the tax to which it is liable; or the county court may so determine the full and true value of any such estate, and the amount of tax to which the same is liable, without appointing appraisers, as herein provided.

Section 29. *County Court to Give Notice; When.*—The county court shall immediately give notice upon the determination of the value of any transfer taxable under this Act, and of the tax to which it is liable, to all parties known to be interested therein, including the Board of State Tax Commissioners. Such notices shall be given by mail. The Board of State Tax Commissioners shall, upon receipt of such notice, certify to the State Treasurer the amount of tax and the discount thereon, if any, or, if not subject to discount, the date from which the interest on such tax should be computed. It shall be the duty of the State Treasurer to file with the Board of State Tax Commissioners a copy of every receipt issued by him on account of taxes received under the provisions of this Act.

Section 30. *Re-Appraisal; When.*—Within thirty days after the assessment and determination by the county court of any tax imposed by this Act, the Board of State Tax Commissioners, or any person interested therein, may file with said court objections thereto in writing, and praying for a re-assessment and a re-determination of such tax. Upon any objection being so filed, the county court shall appoint a time for the hearing thereof, and cause notice of such hearing to be given by mail to said Board, and to all parties interested, at least ten days before the hearing thereof. At the time appointed in such notice, the court shall proceed to hear such objection and any evidence which may be offered in support thereof or opposition thereto; and if, after such hearing, the said court finds the amount at which the property is appraised is its full and true value, and the appraisal was made fairly and in good faith, it shall approve such appraisal; but if it finds that the appraisal was made at a greater or less sum than the full and true value of the property, or that the same was not made

fairly or in good faith, it shall, by order, set aside the appraisal and determine such value. The Board of State Tax Commissioners, or any one interested in the property appraised, may appeal to the circuit court from the order, judgment or decree of the county court in the premises, and may appeal to the Supreme Court from the order, judgment or decree of the circuit court in the same manner as is provided by law for appeals from judgments and orders of county court and circuit court. All evidence heard on such re-appraisal shall be reduced to writing and filed with the clerk of the court. All appeals taken from the judgment or decree of the court shall be had and tried on appeal in the same manner and with like effect as appeals in suits in equity are now heard and tried.

Section 31. *Tax Due and Unpaid; Duty of Board of State Tax Commissioners and of Prosecuting Attorney.*—If the Board of State Tax Commissioners shall have reason to believe that any tax is due and unpaid under this Act, after the refusal or neglect of the persons liable therefor to pay the same, said Board shall notify the prosecuting attorney of the county in writing of such failure or neglect, and said prosecuting attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation, citing the persons liable to pay such tax to appear before the court on the day specified, not more than thirty days from the date of such citation, unless the court, for sufficient reason, grants a longer time, and show cause why the tax should not be paid. The county court, upon such application, and whenever it shall appear to it that any such tax accruing under this Act has not been paid as required by law, shall issue such citation, and a service of such citation, and the time, manner and proof thereof, and the hearing and determination thereon, shall conform as near as may be to the provisions of the probate practice; provided, that where no provision is made for manner of such service or proof of same, the court or judge, at the time such order or citation is issued, shall direct the manner of giving notice and proof of same. Whenever it shall appear that any such tax is due and payable and the payment thereof can not be enforced under the provisions of this act in said county court, the person or corporation from which the same is due is hereby made liable to the State for the amount of such tax, and it shall be the duty of the prosecuting attorney of the proper county to sue for, in the name of the State, and enforce the collection of such tax; and all taxes so collected shall be forthwith paid into the inheritance tax fund of the State. It shall be the duty of said prosecuting attorney to appear for and represent the Board of State Tax Commissioners on the hearing of such citation, or of any other hearing. Whenever the county judge shall certify that there was probable cause for issuing a citation and taking the proceedings specified in this section, the Board of State Tax Commissioners shall file with the Secretary of State a duly verified itemized account of all expenses incurred for the service of the citation,

and other lawful disbursements not otherwise paid, and the Secretary of State shall thereupon draw his warrant upon the State Treasurer for the payment thereof, and in favor of said Board, payable from the inheritance tax fund.

Section 32. *Board of State Tax Commissioners to Furnish Books and Forms of Reports; Entries by Courts.*—The Board of State Tax Commissioners shall furnish to each county court a book, which shall be a public record, in which shall be entered by the judge or clerk of said court, under the direction of said judge; the name of every decedent upon whose estate an application has been made for the issue of letters of administration or letters testamentary, or ancillary letters; the date and place of death of such decedent; the estimated value of the property of such decedent; names and places of residence and relation to decedent of the heirs at law of such decedent; the names and places of residence of the legatees, devisees, and other beneficiaries in any will of such decedent; the amount of each legacy and the estimated value of any property devised therein, and to whom devised. These entries shall be made from data contained in the papers filed on any such application, or in any proceeding relating to the estate of the deceased. The county judge, or the clerk of the court under his direction, shall also enter in such book the amount of the property of any such decedent, as shown by the inventory thereof, when made and filed in his office, and the returns made by any appraisers appointed by him under this Act, and the value of all transfers from such decedent, or given by such decedent in his will, or otherwise, as fixed by the probate court; and the tax assessed thereon, and the amounts of any receipts for payment thereof filed in said court. The Board of State Tax Commissioners shall also furnish to each county court forms for the reports to be made by such county judge, which shall correspond with the entries to be made in such book. The said Board shall also furnish, for the use of the courts and appraisers throughout the State, tables showing the average expectancy of life, and the value of annuities of life and term estates, and the present worth or value of remainders and reversions, as prescribed in Section 25.

Section 33. *Reports by County Judges and Custodians of Records of Deeds.*—Each county judge shall, on January, April, July and October first of each year, under the seal of the court, make a report upon forms furnished by the Board of State Tax Commissioners, containing all the data and matters required to be entered in such book, which report shall be immediately forwarded to the Board of State Tax Commissioners. The county clerk or recorder of conveyances of each county, having custody of records of deeds, shall at the same time, make a report containing a statement of any conveyance of any property, filed or recorded in his office, which appears to have been made or intended to take effect in possession or enjoyment after the death of the grantor or vendor, with the name and place of residence of the vendor and vendee, and a description of the

property transferred, as shown by such instrument, which report shall be immediately forwarded to the Board of State Tax Commissioners.

Section 34. *Duplicate Receipts Issued by State Treasurer; Recording of Same.*—It shall be the duty of the State Treasurer, upon payment of twenty-five cents, to issue to any person demanding the same, a copy of any receipt that may have been given by said treasurer for the payment of any tax under this Act, which receipt shall designate upon what real property, if any, such tax shall have been paid, by whom paid, and whether in full of such tax. The sum paid to the State Treasurer for copies of such receipts shall be paid by him into the inheritance tax fund. Such receipts may be recorded by the officer having in charge the deed records of the county in which such property, or any part thereof, is situated, in a book to be kept by him for that purpose, labeled "transfer tax". Such officer shall collect, for the use of the county, twenty-five cents for recording each receipt. The county commissioners of each county shall provide a book for the recording of said receipts.

Section 35. *Compromise of Amount of Tax.*—Whenever an estate charged, or sought to be charged, with any tax under this Act, is of such a nature, or is so disposed and circumstanced, that the liability of the estate is doubtful, or the value thereof can not with reasonable certainty be ascertained under the provisions of law, the Board of State Tax Commissioners may, with the written approval of the Attorney General, compromise with the beneficiaries or representatives of such estate, and compound the tax thereon; but said settlement must be approved by the county court having jurisdiction of the estate, and after such approval the payment of the amount of taxes so agreed upon shall discharge the lien against the property of the estate.

Section 36. *Executors, Etc., to Furnish Additional Reports; When.*—Executors, administrators or trustees of estates subject to tax under this Act shall send to the Board of State Tax Commissioners certified copies of such parts of their reports as may be demanded by said Board, and, upon refusal of said parties to comply with the Board's demand, it is the duty of the clerk of the court to comply with such demand, and the expenses of making such copies shall be charged against the estate, as are other costs in probate.

Section 37. *Appeals.*—Appeals may be taken to the circuit court from all final orders, judgments and decrees, entered under the provisions of this Act, in the same manner and with the same effect as other appeals are taken from final orders and judgments made or rendered by the county court. All such appeals shall be had and tried in the same manner and with like effect as appeals in suits in equity are now heard and tried.

Section 38. *Penalty for Secretary or Willful Failure to Produce Will.*—Any person who shall willfully sequester or secrete any last will or testament of a person then deceased, or who, having the custody of any such will and testament, shall willfully fail or neglect to produce and deliver the same to the judge of the county court having jurisdiction of

its probate, or to any executor named therein, within a reasonable time after the death of the testator thereof, with intention to injure or defraud any person interested therein, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500.

Section 39. *Penalty for Administering Personal Estate Without Proving Will.*—Every person who shall administer the personal estate, or any part thereof, of any person dying after the passage of this Act, without proving the will of the deceased or taking out letters of administration of such personal estate within six calendar months after the death of the person so dying, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$500.

Section 40. *Duty of Executors, Etc., to Notify Board of State Tax Commissioners of Trust Estate; When.*—Whenever any real estate of which any decedent may die seised shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator or trustee to give information thereof in writing to the Board of State Tax Commissioners within three months after they undertake the execution of their expected duties, or if the fact be not known within that period, then within one month after the same shall have come to their knowledge.

Section 41. *Tax on Foreign Estate Where Part of Property Is in State.*—In case of any property belonging to a foreign estate, which estate in whole or in part is liable to a tax under this Act, the said tax shall be assessed upon the full and true value of said property remaining after the payment of such debts and expenses as are chargeable to the property under the laws of this State. In the event that the executor, administrator or trustee of such foreign estate files with the clerk of the court having ancillary jurisdiction, and with the Board of State Tax Commissioners, duly certified statements exhibiting the full and true value of the entire estate of the decedent owner, and the indebtedness for which said estate has been adjudged liable, which statements shall be duly attested by the judge of the court having original jurisdiction, the beneficiaries of said estate shall then be entitled to have deducted from the value of the property such proportion of the said indebtedness as the value of the property within this State bears to the value of the entire estate.

Section 42. *Compensation of Officers.*—Except as otherwise provided in this Act, no officer shall receive any compensation in addition to that now allowed him by law, by reason of any duties imposed upon him by this Act.

Section 43. *Payment of Expenses.*—Each of the members and the secretary and employees of the Board of State Tax Commissioners shall file with the Secretary of State duly itemized and verified accounts of all expenses incurred and disbursements made by them in carrying out the provisions of this Act. All such accounts shall be subject to approval by the Board of State Tax Commissioners, and shall be paid upon warrants

drawn by the Secretary of State upon the State Treasurer, from the inheritance tax fund.

Section 44. *Penalty for Appraisers Taking Fee or Reward.*—Any appraiser appointed by this Act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay a tax under this Act, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors, he shall be fined not less than \$250 nor more than \$500, and imprisoned not exceeding ninety days, and in addition thereto, the county judge shall dismiss him from such service.

Section 45. *Other Exemptions from Taxation Not Applicable.*—The exemptions enumerated in Section 3554 of Lord's Oregon Laws and all other exemptions of property from taxation shall not be construed as being applicable in any manner to the provisions of this Act.

Section 46. *Repeal.*—That Chapter IV of Title XVI, of Lord's Oregon Laws shall be and is hereby repealed; provided, however, that said chapter is continued in full force and effect until all things, acts and proceedings to assess, appraise, determine, levy and collect any tax on the transfer of any property or interest there'in, from any decedent dying prior to the taking effect of this Act, have been done, performed and completed as fully as if this Act had never been enacted.

(On Official Ballot, Nos. 356 and 357.)

ARGUMENT

(affirmative)

SUBMITTED BY

LEGISLATIVE TAX COMMITTEE AND BOARD OF STATE TAX COMMISSIONERS.

Under authority of House Joint Resolution No. 14, 26th Regular Session, Oregon Legislature,

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act revising the inheritance tax laws, among other changes, reclassifying rates, slightly increasing same, placing administrative matters relative thereto with the State Tax Commission but leaving collections to be made by the State Treasurer. Vote YES or NO.

356. Yes.

357. No.

This proposed revision of the inheritance tax law conforms to the model law recommended by the National Tax Association, also to recent legislation on this subject in the State of New York. This model law and the New York revisions represent the very best thought and experience in the taxation of inheritances.

Effort is being made to secure enactment of the provisions of the model law in all states. Thereby the double or multiple taxation which now exists on account of conflicting classifications of property in the inheritance tax laws of different states will be entirely eliminated, and such transfers of property will be taxed once and only once.

The proposed law leaves the exemptions practically the same as in our present law, but provides higher and progressive rates of taxation on the larger amounts transferred, thus promoting social justice in taxation and insuring an increase of revenue from this source.

For reasons of convenience and simplicity in administration the proposed law places much of the work of supervising the appraisal of estates and enforcing the provisions of the law in the hands of the Board of State Tax Commissioners. All payments of taxes, however, are to be made direct to the State Treasurer, as at present.

Respectfully submitted,

LEGISLATIVE TAX COMMITTEE and
BOARD OF STATE TAX COMMISSIONERS.

(For membership of said Board and Committee see page 24.)

(On Official Ballot Nos. 356 and 357.)

ARGUMENT

(negative)

Submitted by E. S. J. McALLISTER, GEORGE M. ORTON and others,
opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act revising the inheritance tax laws, among other changes, reclassifying rates, slightly increasing same, placing administrative matters relative thereto with the State Tax Commission but leaving collections to be made by the State Treasurer. Vote YES or NO.

356. Yes.

357. No.

There are three objections to and apparently two "jokers" in this proposed law.

1. The bill is an attempt by the State Tax Commission to get more power for itself, and the cost of collecting inheritance taxes will be greater.

2. Under the present law, property left to *religious* institutions is *not* exempt from the inheritance tax. But under this bill, property left to *religious* institutions *will be exempt* from the inheritance tax. Is the insertion of the words "*religious*" and "*wherever incorporated or located*" a joker in the proposed law?

3. The present law does *not* exempt property left to a charitable, benevolent or educational institution unless that institution is incorporated in Oregon and does its work in Oregon.

But under the proposed law, property left to a *religious*, or a charitable, benevolent or educational institution will be exempt from the inheritance tax no matter where the institution is incorporated or located or does its work. It may be in another state or in a foreign country; but under the proposed law any property willed to it in Oregon *will be exempt* from the inheritance tax law.

Is that change another "joker" in the proposed law? Did Governor West see these changes in the law when he signed the argument for this bill? Did State Treasurer Kay know, when he signed the argument, that the words "*religious*" and "*wherever incorporated or located*" had been added in the proposed law? Did any or all of the Senators and Repre-

sentatives who helped to draw this bill and signed the argument for it know about these changes?

These are very important changes from the present law. No reason is given for them, and they are not even mentioned in the argument for the bill. That is one thing that makes them look like "jokers."

Under the present law, if property of any kind worth more than \$500 is left to a "religious" institution anywhere, or to a charitable, benevolent or educational institution outside of Oregon, the State gets an inheritance tax. But under the proposed law the State will not get one cent. The State Tax Commission asks the people to exempt from the inheritance tax gifts that may amount to millions of dollars, even of franchise, water power or land values that the people of Oregon have created.

If you want to tax great estates, leave the inheritance tax law as it is and vote for the Graduated Tax amendment, No. 364 on the official ballot. Nearly half the franchise, land and lot values in Portland are owned by 249 persons. Get a good tax from them every year while they are alive, instead of waiting to get one smaller tax after they are dead.

Respectfully submitted by E. S. J. McAllister, George M. Orton, Will Daly, H. D. Wagnon, H. J. Parkison, W. G. Eggleston, E. J. Stack, and W. A. Marshall, of Portland; W. S. U'Ren, of Oregon City.

Section 4. When two or more less than carload ratings are given an article the carload rate shall be computed on the lowest less than carload rating given the article, and when two or more articles are permitted to be shipped, or are provided to be shipped, as a mixed carload the carload rate shall be computed on the article contained in the carload which is given the highest less than carload rating.

Section 5. If any railroad shall demand, charge, collect or receive a greater compensation for the transportation of carloads of property between points wholly within the State of Oregon as provided in Section 3 of this Act, it shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of one hundred dollars and the cost of the prosecution.

Section 6. Each carload shipment against which an unlawful charge is made shall constitute a separate offense.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

Section 10 of Article XI of the Constitution of the State of Oregon,
granting home rule to counties in the matter of building and
maintaining roads and incurring indebtedness therefor, and
granting counties power to borrow money, issue nego-
tiable bonds and other evidences of indebted-
ness therefor, etc.,

By initiative petition filed in the office of the Secretary of State, July 3,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 10 of Article XI of the Con-
stitution of the State of Oregon empowering the court
of any county to issue and sell bonds or other securi-
ties to build and maintain roads within the county
when authorized by a majority of the voters of the
county, and empowering the county court to present
the question at any general election, or to call a
special election for such purposes and repealing all
constitutional amendments and acts in conflict with
the proposed amendment, including those submitted to
the people at this election.

Vote YES or NO.

360. Yes.

361. No.

(On Official Ballot, Nos. 360 and 361.)

AN ACT

To amend Section 10 of Article XI of the Constitution of the State of Oregon, granting home rule to counties in the matter of building and maintaining roads and incurring indebtedness therefor, and granting counties power to borrow money, issue negotiable bonds or other evidences of indebtedness therefor, when so authorized by a majority vote of the electors of the county, at either a special or general election; and empowering the County Court of any county to submit such question to the voters at either a special election called by said County Court, or at a general election, as provided in said amendment.

Be it Enacted by the People of the State of Oregon, that Section 10 of Article XI of the Constitution of the State of Oregon shall be, and the same hereby is, amended so as to read as follows:

No county shall create any debt or liabilities which shall singly or in the aggregate exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion, or to build and maintain roads within the county, but debts for roads shall be incurred only on approval of a majority of those voting on the question, when submitted by the county court of the county at a general, or a special election called by the said court for the purpose. Any county shall have power to borrow money for the building and maintaining of roads within the county and may issue negotiable or other bonds, or other evidences of indebtedness therefor, when so authorized by a vote of a majority of the voters of the county. Any county court may submit the matter of incurring such indebtedness and of issuing such bonds or other securities to the voters of said county at any general election by an order spread upon the journal at least thirty days prior to the holding of such election, such order shall provide the amount of money to be borrowed or indebtedness to be incurred, the form, terms and conditions of the bonds or other securities to be issued, and the maximum rate of interest therefor. The question of borrowing money or incurring indebtedness and issuing bonds or other evidences of indebtedness for roads within the county may be, by such county court, submitted to the voters at a special election called for that purpose, by the entry of a like order upon such journal more than thirty days prior to the holding of such election, and by giving at least thirty days notice thereof through the clerk of said county, the form of such notice to be prescribed in such order of said county court. The provisions of law pertaining to the holding of general or special elections, or either, shall govern special elections under this provision when applicable. Such county court may, in said order, provide every detail concerning the form and manner of issuing or disposing of the securities for roads, and any other bonds or other securities so issued shall be binding upon the county if issued and authenticated as required in said order. This constitutional provision is intended to be, and is, self-executing. No legislation is required in aid thereof. It hereby amends and repeals all constitutional amendments or acts in conflict herewith, including any acts or provisions relating thereto submitted to the people concurrently with this amendment.

(On Official Ballot, Nos. 360 and 361.)

ARGUMENT

(affirmative)

SUBMITTED BY

THE PEOPLE OF SOUTHERN OREGON

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 10 of Article XI of the Constitution of the State of Oregon empowering the court of any county to issue and sell bonds or other securities to build and maintain roads within the county when authorized by a majority of the voters of the county, and empowering the county court to present the question at any general election or to call a special election for such purposes and repealing all constitutional amendments and acts in conflict with the proposed amendment, including those submitted to the people at this election.

Vote YES or NO.

360. Yes.

361. No.

AFFIRMATIVE ARGUMENT.

THE COUNTY HOME RULE CONSTITUTIONAL AMENDMENT for good roads does not require any county to issue bonds or build roads, it merely gives the power to do so if the people elect.

At the last election the constitution was amended to allow counties to issue bonds for the building of permanent and scientific roads; but in a test case brought, the Supreme Court held that the amendment was not self-executing, and that legislation was needed to give authority to call an election. The present amendment expressly provides that no legislation is necessary. Should this amendment carry it can be acted upon immediately.

The building of permanent and scientific roads is too great an undertaking for the counties unless bonds can be issued under such conditions as may be desired. We believe the people can safely trust themselves with this power.

The people of a county under this amendment will have absolute home rule and control over the location of roads, and no bond issue will ever carry unless the County Court by an order say where and upon what roads the money is to be expended. Voters will not support a bond measure unless this is done,

The voters should discriminate between this proposition and many others now pending upon the same subject. All that is good in the other bills is embraced in this amendment.

HOME RULE in the matter of good roads is what the people of Oregon need. The people of a county ought to be allowed to spend their own money for good roads, and in the manner they see fit. The people of a county should not be compelled by the rest of the State to build any particular kind of a road. We ask the voters to read this bill carefully, and then say by their votes whether or not the people may trust themselves with this much power.

Respectfully submitted by

WM. M. COLVIG, for

THE PEOPLE OF SOUTHERN OREGON.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

ARTICLE IV.

By initiative petition filed in the office of the Secretary of State, July 3,
1912, in accordance with the provisions of Chapter 226,
General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment of Article IV of the Constitution of Oregon abolishing the State Senate; providing none but registered voters be counted on initiative or referendum petitions; increasing State and municipal referendum powers; House of Representatives to consist of sixty elective members, and the Governor and unsuccessful party candidates for Governor to be *ex-officio* members; Governor to introduce all appropriation bills, legislature not to increase the amounts thereof, four-year terms, annual sessions; proportional election of members; proxy system of voting on bills, and those introduced after twenty days to go to the next session; control and revocation of franchises.

Vote YES or NO.

362. Yes.

363. No.

(On Official Ballot, Nos. 362 and 363.)

Article IV of the Constitution of the State of Oregon shall be and the same hereby is amended to read, as follows:

ARTICLE IV.

Section 1. The legislative authority of the State shall be vested in the Legislative Assembly consisting of a House of Representatives, but the people reserve to themselves the power to propose legislative measures, resolutions, laws and amendments to the Constitution, and to enact or reject the same at the polls, independent of the Legislative Assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any resolution, act or measure passed by the Legislative Assembly. The Senate is hereby abolished from and after the adoption of this amendment.

Section 1a. The first power reserved by the people is the initiative, and not more than eight per cent, nor in any case more than fifty thousand, of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions, except for municipal and wholly local legislation, shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. If conflicting measures submitted to the people shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. Proposed amendments to the Constitution shall in all cases be submitted to the people for approval or rejection.

Section 1b. The second power is the referendum, and it may be ordered either by petition signed by the required percentage of the legal voters, or by the Legislative Assembly as other bills are enacted. Not more than five per cent, nor in any case more than thirty thousand of the legal voters shall be required to sign and make a valid referendum petition. Only signatures of legal voters whose names are on the registration books and records shall be counted on initiative and on referendum petitions.

Section 1c. If it shall be necessary for the immediate preservation of the public peace, health or safety that a measure shall become effective without delay such necessity shall be stated in one section, and if, by a vote of yeas and nays, three-fourths of all the members shall vote, on a separate roll call, in favor of the measure going into instant operation because it is necessary for the immediate preservation of the public peace, health or safety, such measure shall become operative upon being filed in the office of the Secretary of State, or city clerk, as the case may be; provided, that an emergency shall not be declared on any measure creating or abolishing any

office, or to change the salary, term or duties of any officer. It shall not be necessary to state in such section the facts which constitute the emergency. If a referendum petition be filed against an emergency measure, such measure shall be a law until it is voted upon by the people, and if it is then rejected by a majority of those voting upon the question, such measure shall be thereby repealed. No statute, ordinance or resolution approved by vote of the people shall be amended or repealed by the Legislative Assembly or any city council except by a three-fourths vote of all the members, taken by yeas and nays. The provisions of this section apply to city councils.

Section 1d. The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and district as to all local, special and municipal legislation of every character in or for their respective municipalities and districts. Every extension, enlargement, purchase, grant or conveyance of a franchise, or of any right, property, easement, lease or occupation of or in any road, street, alley or park, or any part thereof, or in any real property or interest in any real property owned by a municipal corporation, whether the same be made by statute, ordinance, resolution or otherwise, shall be subject to referendum by petition. In the case of laws chiefly of local interest, whether submitted by initiative or referendum petition, or by the Legislative Assembly, as for example, the division or creation of counties, or the creation of new or additional offices or officers, the same shall be voted on and approved or rejected only by the people of the locality chiefly interested, except when the Legislative Assembly shall order the measure submitted to the people of the State. Cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation, subject to the general laws of the State. Not more than ten per cent of the legal voters may be required to order the referendum nor more than fifteen per cent to propose any measure by the initiative in any city or town.

Section 1e. The filing of a referendum petition against one or more items, sections or parts of any act, legislative measure, resolution or ordinance shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the Legislative Assembly shall be filed with the Secretary of State not later than ninety days after the final adjournment of the session of the Legislative Assembly at which the measure on which the referendum is demanded was passed; except when the Legislative Assembly shall adjourn at any time temporarily for a period longer than ninety days, in which case such referendum petitions shall be filed not later than ninety days after such temporary adjournment. The veto power of the Governor or of a mayor shall not extend to measures initiated by or referred to the people. All elections on general, local and special measures referred to the people of the State or of any locality shall be had at the regular general elections, occurring not

less than four months after the petition is filed, except when the Legislative Assembly shall order a special election; but counties, cities and towns may provide for special elections on their municipal legislation proposed by their citizens or local legislative bodies. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon, and not otherwise. Every such measure shall take effect thirty days after the election at which it is approved. The style of all bills shall be, "Be it enacted by the people of" (the State of Oregon, or name of county or other municipality). The style of charter amendments shall be similar to that used for constitutional amendments. This section shall not be construed to deprive any member of the Legislative Assembly or of a city council of the right to introduce any measure. The whole number of electors who voted for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of registered voters necessary to sign such petition shall be computed. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, or in municipal elections with the county or city clerk, auditor, or such other officers as may be provided by law. In submitting the same to the people, he and all other officers shall be guided by the general laws, until additional legislation shall be especially provided therefor.

Section 2. The Legislative Assembly shall consist of a House of Representatives of sixty elective members and the ex-officio members herein provided for, and no more. They shall be nominated, apportioned and elected in such manner and from such districts as may be provided by law, but districts shall be composed of contiguous territory. The term of office for Representatives shall be four years, beginning on the day next after the regular general election in November, 1914, at which election sixty elective Representatives shall be elected, and the terms of all Representatives elected prior thereto shall expire. At the first session following the adoption of this amendment it shall be the duty of the Legislative Assembly to divide the State into districts for the election of representatives. No district shall have less than two representatives and no county shall be divided in making a representative district.

Section 3. Representatives in the Legislative Assembly shall be chosen by the legal voters, by such method of proportional representation of all the voters that, as nearly as may be practicable, any one-sixtieth of all the voters of the State voting for one person for Representative shall insure his election.

Section 3a. Until otherwise provided by law, candidates for the office of Representative in the Legislative Assembly shall be nominated in districts in like manner as has been heretofore provided for their election. Each candidate's name shall be printed on the official

ballot in the district where he resides, but in no other. Any legal voter in any district may vote for a candidate in any other district by writing or sticking on his ballot the name, and, if necessary to distinguish him from another candidate of the same name, the residence, political party or pledge of the candidate voted for. Every candidate for Representative at the general election shall have the right to have printed with his name on the official ballot not more than twelve words to state his political party or pledges to the people on any questions of public policy. No voter shall vote for more than one candidate for Representative.

Section 3b. The votes for the election of Representative in the Legislative Assembly shall be counted, canvassed and returned, and certificates of election issued, in like manner as such votes are now counted, canvassed and returned in the election of joint Representatives from districts composed of two or more counties. The certificate shall set forth, by counties, the whole number of votes given in the State for the person to whom it is issued.

Section 3c. In a district entitled to two Representatives, the two candidates who shall severally receive the highest number of votes shall be thereby elected. In a district entitled to three representatives, the three candidates who shall severally receive the highest number of votes shall be thereby elected, and so on in every district, applying a similar rule, whatever may be the number of Representatives to be elected from the district. Every Representative is the proxy in the Legislative Assembly for all the electors who voted for him. In voting on any bill, resolution, memorial or other roll call each member shall cast for or against the same the number of votes he so represents. A majority of all the votes cast throughout the State for candidates for Representative and represented in the Legislative Assembly as in this article provided shall be necessary to pass any measure in that body, except when voting on emergency sections as provided in section 1c of this article.

Section 3d. The Governor shall be ex-officio a member of the Legislative Assembly. Every candidate for Governor who shall receive a higher number of votes for that office than are cast for any other candidate of his political party for Governor shall be ex-officio a member of the Legislative Assembly; provided, that his political party was entitled to recognition as such by the laws of Oregon at the preceding regular general election. Every such ex-officio member is the proxy in the Legislative Assembly for the total number of electors in the State who voted for unsuccessful candidates of his party for Representative in the Legislative Assembly, and every such ex-officio member shall cast that number of votes for or against any measure on any roll call. This section shall be operative from and after the general election in November, A. D., 1914.

Section 3e. The Governor shall have a seat in the Legislative

Assembly elected in November, A. D., 1912, and shall be a member of that Assembly for all the purposes of this section; he shall have a member's right to speak and introduce measures. It is the Governor's duty to introduce all bills necessary for the appropriation of public money. No money shall be appropriated by resolution or by any other method than by bill, and no member of the Legislative Assembly other than the Governor shall introduce any bill appropriating public money except for an appropriation to be referred to the people of the State for approval or rejection. The Governor shall not veto any bill passed by the Legislative Assembly. The Legislative Assembly may reduce the amount asked for any purpose by the Governor, but shall not have power to increase any such amount without the consent of the Governor entered in the journal and signed by him. The Governor shall answer all questions that may be put to him in writing by any member concerning the administration of the government or any department thereof, save that when such answers, if made public, might give information that would be prejudicial to the public interest, upon the Governor's statement of that fact, the answer may be withheld until the emergency is past.

Section 3f. No money shall ever be appropriated or paid from the public funds to pay all or any part of the cost or expense of making or obtaining initiative or referendum petitions or signatures thereto, either those that have been circulated or that may be circulated hereafter. The Legislative Assembly shall not appoint or create any committee, board or commission to prepare or propose any measure by initiative petition.

Section 4. If a vacancy shall occur in any elective legislative office, the Governor shall forthwith order a special election to elect an officer to fill the unexpired term. If the vacancy shall be in the office of a member of the Legislative Assembly the person elected to fill the vacancy shall represent and cast the number of votes on any roll call which were represented by the officer he succeeds. If the vacancy shall be in the office of an ex-officio member of the Legislative Assembly other than the Governor the members of his political party in the Legislative Assembly shall elect his successor. If the office of Governor shall become vacant for any reason except by recall the Secretary of State shall forthwith order a special general election to be held within sixty days to elect a Governor to fill the unexpired term.

Section 5. No person shall be a Representative who is not a citizen of the United States at the time of his election, nor unless he shall be at least twenty-one years of age, and a resident of this State at least five years, and of his district at least one year before his election.

Section 6. Appropriations shall be made for the maintenance of the State Government and all existing public institutions, and all institutions aided by State funds. But this section shall not be con-

strued as limiting the power of the Legislative Assembly to change, abolish or refuse aid to any institution created by law or which has heretofore been aided by this State.

Section 7. Representatives in all cases, except for treason, felony or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member, for words uttered in debate, be questioned in any other place.

Section 8. The sessions of the Legislative Assembly shall be held annually at the capitol of the State, commencing at such dates as may be provided by law.

Section 9. The Legislative Assembly, when assembled, shall choose and may discharge its own officers and standing committees, judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournment. The presiding officer shall not be a member of the Legislative Assembly nor hold any other office at the same time. He shall not appoint standing committees, and shall have no voice or vote on Legislative business. He shall preside over the sessions of the body and have such powers as may be conferred upon him not contrary to the provisions of this article.

Section 10. Two-thirds of the members elected shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if the Legislative Assembly fails to effect an organization within the first five days thereafter, the members shall be entitled to no compensation from the end of the said five days until an organization shall have been effected.

Section 11. The Legislative Assembly shall keep a journal of its proceedings. The yeas and nays on any question shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided, that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

Section 12. The doors of the House and of all committees shall be kept open, except only in such cases as in the opinion of the House require secrecy, but in every such case the yeas and nays shall be entered on the journal. Committees shall be liberal in allowing public hearings on measures; the chairman of every committee shall notify in writing all persons who advise the committee of their desire to be heard on any measure in its charge of the time of such hearing.

Section 13. The House may punish its members for disorderly behavior, and may, upon a roll call, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Section 14. The House, during its session, may punish by imprisonment any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence, but such imprisonment shall not at any time exceed twenty-four hours.

Section 15. The Legislative Assembly shall have all powers necessary for the Legislative department of a free and independent State.

Section 16. Every bill shall be read by sections, on three several days, unless in case of emergency, two-thirds of the members shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Section 17. Every act shall embrace but one subject, and matters properly connected therewith, which subjects shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Section 18. Every act and resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

Section 19. No act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length. All laws may be altered, amended or repealed at any time, and no law shall ever be construed to be a contract on the part of the State or of any municipality therein.

Section 20. No grant, franchise, permit, power or privilege given to, purchased by, or conveyed or contracted to any corporation, public or quasi public or private, or to any individual or aggregation of individuals, or in any way whatsoever to serve the public, shall be for a longer period than thirty years. Every such grant, permit, power, franchise and privilege and the use thereof shall always be subject to regulation and control in every and all respects and particulars by the authority granting the same or by its successors, and shall at any time be revocable and terminable at the option of said authority; in the case of such revocation or termination, the plant and property acquired and used in connection with such grant, permit, franchise, power or privilege may be appropriated to the public use on paying to the owners the value thereof with a premium thereon not exceeding twenty per cent. of such value; there shall not be included in such reasonable value nor in such premium either all or any part of the value of such grant, permit, franchise, power or privilege. The value so appropriated to be compensated for shall be determined by ascertaining the reasonable value of the plant and property so appropriated for public use in its physical condition at the time of such appropriation. If the State or local government having authority to renew any such grant, permit, franchise power or privilege shall refuse to renew the same and shall refuse to allow the owners of the aforesaid physical

property to continue said public service business at and after the expiration of said thirty years, then said government shall pay to the owners the reasonable value of the physical plant and property used by them in conducting said business. This section shall be considered as a part of every such grant, permit, franchise, power and privilege made hereafter.

Section 21. The right of eminent domain may be exercised by the State and local governments as to any and all property, whether public, quasi public or private, in the following order of priority except only such property as is owned by the National Government:

First. The right of the State shall be supreme.

Second. The right of any district composed of more than one county.

Third. Any county.

Fourth. Any city or town.

Fifth. Any district composed of less than one county. In case of conflict of interest between two of such public authorities which are equal in the right of priority, the one having the larger population shall have the superior right.

Section 22. The Legislative Assembly shall not pass special or local laws in any of the following enumerated cases, that is to say:

1. Regulating the jurisdiction and duties of Justices of the Peace, and of Constables.

2. For the punishment of crimes and misdemeanors.

3. Regulating the practice in courts of justice.

4. Providing for changing the venue in civil and criminal cases.

5. Granting divorces.

6. Changing the names of persons.

7. For laying, opening and working on highways, and for election or appointment of supervisors; but this does not limit the right of the Legislative Assembly to propose, nor the power of the people to approve, any act or appropriation for highways.

8. Vacating roads, town plats, streets, alleys and public squares.

9. Summoning and empaneling grand and petit jurors.

10. For the assessment and collection of taxes for State, county, township or road purposes.

11. Providing for the support of common schools, and for the preservation of school funds.

12. In relation to interest on money.

13. Providing for opening and conducting the elections of State, county or township officers, and designating the places of voting.

14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

15. When a general law can be made applicable.

Section 23. Provision may be made by general law for bringing suit against the State, as to all liabilities originating after or existing

at the time of the adoption of this constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Section 24. A majority of all the electors represented in the Legislative Assembly as in this article provided shall be necessary to pass every bill or resolution; and all bills and resolutions so passed shall be signed by the Speaker and the Chief Clerk and filed forthwith with the Secretary of State.

Section 25. Any member shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.

Section 26. Every statute shall be a public law, unless otherwise declared in the statute itself.

Section 27. No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in cases of emergency, which shall be declared as provided in Section 1c of this article.

Section 28. The members of the Legislative Assembly shall receive for their services a sum not exceeding three dollars a day from the commencement of the session; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any one session. When convened in extra session by the Governor, they shall receive three dollars per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The presiding officer of the Legislative Assembly shall, in virtue of his office, receive an additional compensation equal to two-thirds of the per diem allowance of members.

Section 29. No Representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the Legislative Assembly; nor shall he be appointed to any civil office of profit which shall have been created or the emoluments of which have been increased during such term, but this latter provision shall not be construed to apply to any officer elective by the people.

Section 30. The members of the Legislative Assembly shall, before they enter on the duties of their office, take and subscribe the following oath of office or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and of the State of Oregon, and that I will faithfully discharge the duties of Representative according to the best of my ability." Said oath of office may be administered by any Justice of the Supreme Court.

Section 31. When a bill is introduced it shall be placed upon the calendar, and may be acted upon any time during the life of that Legislative Assembly, except that bills introduced after the twentieth

day of any session shall not be passed at that session unless they are emergency measures. No measure, except an emergency bill, shall be passed at any session of the Legislative Assembly until it has been printed and in the possession of the members, in its final form, at least five days. No measure shall be altered or amended on its passage so as to change its original purpose.

Section 32. A majority of the members, representing also a majority of all the electors in the State who voted for candidates for Representative, may at any time unite in calling a special session of the Legislative Assembly.

Section 33. This amendment of Article IV of the Constitution of Oregon is self-executing, but legislation may be enacted to aid and facilitate its operation. All the provisions of the Constitution and laws of Oregon which conflict with this amendment of Article IV or any part hereof, are hereby abrogated and repealed in so far as they conflict herewith.

(On Official Ballot, Nos. 362 and 363.)

ARGUMENT

(affirmative)

SUBMITTED BY

THE PEOPLE'S POWER LEAGUE OF OREGON

in favor of the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

For amendment of Article IV of the Constitution of Oregon abolishing the State Senate; providing none but registered voters be counted on initiative or referendum petitions; increasing State and municipal referendum powers; House of Representatives to consist of sixty elective members, and the Governor and unsuccessful party candidates for governor to be ex-officio members; Governor to introduce all appropriation bills, legislature not to increase the amounts thereof, four year terms, annual sessions; proportional election of members; proxy system of voting on bills, and those introduced after twenty days to go to the next session; control and revocation of franchises.

Vote .YES or NO.

 362. Yes.

 363. No.

THE PEOPLE'S POWER LEAGUE OF OREGON

Offers this argument to explain and advocate the approval of the proposed amendment of Article IV of the Constitution of Oregon. From year to year the members of this league have prepared and proposed to the people the measures commonly known as the "Oregon System," including the Initiative, Referendum, Direct Primary, Recall, Corrupt Practices Act, Statement No. 1 method of electing United States Senators, Three-fourths Jury Verdict in Civil Cases, Abolition of Technicalities on Appeal to the Supreme Court, the Presidential Primary, and City Home Rule laws and Constitutional Amendments.

Every measure offered by the People's Power League of Oregon and approved by the people is producing better results than were promised by the League. The official ballot number of this amendment is Number 362 Yes, Number 363 No.

1. The adoption of this amendment will result in saving nearly a million dollars a year in the State appropriations, and some of the members of the League believe the saving will be much greater. In support of this statement we call your attention to the following letter from Governor West:

STATE OF OREGON, Executive Department, Salem.

June 26, 1912.

HON. W. S. U'REN, Oregon City, Or.

Dear Sir: I am in receipt of yours of recent date in which you ask as to what reduction, if any, could be had in appropriations for the years 1913-1914, over those of 1911 and 1912 if this office was given the control of all appropriation bills.

In reply will say the amount required for the expenses of the State Government for 1911 and 1912 was in round numbers \$5,670,000. If this office had control of the appropriation bills I believe the 1913 and 1914 appropriations could easily be kept down to \$4,000,000, and without crippling in any manner our State institutions or denying them anything to which they are justly entitled in the way of maintenance or improvements.

Yours very truly,

(Signed) OSWALD WEST.

This amendment gives the Governor the right to introduce any measure in the Legislature, and gives him sole power to introduce bills appropriating public money. The Legislature may reduce any appropriation recommended by the Governor, but cannot increase the amount without the Governor's consent. The Governor, being thus a member of the Legislature, will not be able to veto bills. (Please read Section 3e of the amendment.)

2. The amendment abolishes the State Senate, which is a useless and unnecessary expense. By abolishing the State Senate, the people will concentrate all legislative responsibility on the Representative alone, and thus destroy the habit of politicians and pledge breakers of passing a bill in the House and "killing it in the Senate," or passing a bill in the Senate and "killing it in the House".

The Senate is an imitation of the British House of Lords, and the imitation was copied by all the American states and most American cities. During the last thirty years most of the cities have abolished the imitation half of their city councils with good results. Every one knows what the British people have done to their House of Lords within the last two years. (See Section 1 of the amendment.)

3. Sections 1c and 1d of the amendment greatly strengthen and extend the people's State and local referendum powers by requiring a three-fourths majority of the Legislature, or of a city council, to amend or repeal any measure enacted by vote of the people, or to declare an emergency on any bill or ordinance to prevent the people from rejecting it before it goes into operation.

The initiative and referendum are further safeguarded by requiring

that none except registered voters shall sign initiative or referendum petitions.

4. The amendment establishes the proxy system of proportional representation of all the voters for electing members of the Legislature and passing bills. If this amendment is adopted, every political party at the election in 1914 and thereafter will have representation in the Legislature in proportion to the number of its voters at the ballot box.

This will make the Legislature as progressive as the people of the State, and that will greatly reduce the necessity for constant use of the initiative in order to get progressive laws.

This amendment will make it impossible for a few more than one-half of the voters to elect 59 of the 60 Representatives, as was done by one party in 1906, or to elect 58 of the 60 Representatives as happened in 1910. This proxy system of proportional representation will take effect at the election in November, 1914. (See Sections 3 to 3b and Section 24.)

5. By Section 20, every franchise or permit hereafter granted to a railroad or other public service corporation may always be regulated or revoked by the town, city, county or district granting the same, or it may be purchased by the town, city, county or district at an advance of not more than 20 per cent over its physical value or cost, but nothing is to be paid or allowed for the franchise. The amendment will make it impossible to turn future special privileges into private property in Oregon.

6. Section 21 defines and increases the power of eminent domain which may be used by State and local governments to obtain property for public use by paying the reasonable value thereof.

There are other and less important provisions, intended to strengthen those already mentioned. The Speaker of the House is to be only a presiding officer, without a vote and without power to appoint standing committees.

The Legislature will meet annually, and ample provision is made to prevent hasty legislation. (See Sections 8, 9, 31 and 32.)

Under this amendment no law can be construed to be a contract.

The members of the People's Power League believe that if this amendment is adopted by the people it will result in a great saving of money and in a very great decrease in the number of laws. The British Parliament holds a session of from five to seven months, and it considers that fifty laws is a large number to be passed at one session. The Oregon Legislature holds a session of forty days, and at the session of 1911 that body passed 277 laws and 41 resolutions and memorials.

Respectfully submitted,

PEOPLE'S POWER LEAGUE OF OREGON,

For members and officers of this League, see the negative argument for amendment of Section 1 of Article XVII of the Constitution on page 35 of this book.

(On Official Ballot, Nos. 362 and 363.)

ARGUMENT

(negative)

SUBMITTED BY

MARION COUNTY TAXPAYERS' LEAGUE

opposing the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

For amendment of Article IV of the Constitution of Oregon abolishing the State Senate; providing none but registered voters be counted on initiative or referendum petitions; increasing State and municipal referendum powers; House of Representatives to consist of sixty elective members, and the Governor and unsuccessful party candidates for Governor to be *ex-officio* members; Governor to introduce all appropriation bills, legislature not to increase the amounts thereof, four-year terms, annual sessions; proportional election of members; proxy system of voting on bills, and those introduced after twenty days to go to the next session; control and revocation of franchises.

Vote YES or NO.

362 Yes.

363. No.

To the Voters of Oregon:

The proposed amendment to Article IV of the State Constitution is the most drastic measure ever submitted to the people of the State. It provides for the abolishment of the State Senate and the creation of a legislative body consisting of a single branch. The experience of this and other countries has established the wisdom of legislative bodies with two branches, one branch acting as a check or balance upon the other and thereby preventing the enactment of hasty, selfish and ill-advised legislation. This measure also proposes to abolish the veto power of the Governor—a power generally recognized throughout civilized nations. With a one-chamber legislature, unrestrained by the executive veto power, much legislation extremely hostile to the best interests of the body politic and the taxpayers would be certain of enactment.

The system of proportional representation contemplated by Section 2 of the proposed measure, would mean that large areas of territory would practically be unrepresented in the legislature, as representatives would be apportioned strictly according to population with a large majority coming from Multnomah and other thickly populated counties in Western Oregon. Under the proposed arrangement, Multnomah County would have more representation than the combined representation of the

counties of Baker, Crook, Curry, Gilliam, Grant, Harney, Hood River, Jackson, Josephine, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler. Large counties in Eastern Oregon would necessarily be grouped into legislative districts and a sparsely populated county, such as Sherman, united with a thickly populated county, such as Wasco, for legislative purposes, would be unrepresented, as the representatives would undoubtedly be chosen from the more thickly populated county of the district. In other words, such counties as Grant, Harney, Lake, Gilliam, Morrow, Sherman, Wheeler and Wallowa could not expect to secure representation in the Oregon legislature.

In stating its indictment against George III, the Declaration of Independence charges:

"He has refused to pass other laws for the accommodation of large districts of people unless those people would relinquish the right of representation in the legislature—a right inestimable to them and formidable to tyrants only."

Our forefathers understood by the right of representation in the legislature, the right of the people of each legislative district to choose, by a majority vote, certain men to sit in the legislature as representatives of that district, and to whom the people of that district had a right to look for protection. The proposed measure destroys this right. What the State of Oregon needs is an amendment to the Constitution providing that each county, regardless of size or population, shall have at least one representative in the lower house of the legislature, and that additional representation be apportioned according to population.

The system of proportional representation which is proposed in the pending measure means minority instead of majority representation. Thus, an elector in Multnomah County would vote for one representative, although that county would be entitled to 18 representatives. This is the plan followed in the selection of delegates to the recent national conventions at Chicago and Baltimore. It did not work satisfactorily as it disfranchised the elector from voting for the full quota of his party delegates. The proposed plan of selecting legislators would not work satisfactorily as it would disfranchise the elector from voting for his district's full quota of legislators.

The proxy system of voting in the legislature would result in great confusion and would enable a few men representing a large number of voters to combine and defeat legislation emanating from less popular men who had received a similar number of votes.

The proposed measure also provides that the Governor and certain defeated candidates for Governor shall have seats and votes in the legislature, and that they shall hold the proxies of all those electors who voted for the unsuccessful candidates for the legislature in their several parties. This ridiculous proposition would enable the ex-officio members to combine with a few regular members and defeat all legislation not meeting with their approval. Successful and defeated candidates for

Governor might, on the other hand, prolong their campaign warfare and transform the legislature into a clearing house for political grievances.

The proposal to place in the hands of the Governor the sole right to introduce appropriation bills would clothe the chief executive with altogether too much power and permit him to exercise undue influence over other legislation. This is a government of, by and for the people, and the representative of the people should enjoy all the rights and privileges of representatives of a sovereign state. They should be permitted to meet and legislate without executive interference except through the constitutional veto power. The Governor should attend to the duties of the executive department and not interfere with legislative matters until the acts are finally presented to him for approval or disapproval. Our forefathers recognized the three co-ordinate branches of the government—the executive, the legislative and the judicial. The distinction between these branches has been recognized and maintained since the institution of the government. The recent Democratic convention at Baltimore reaffirmed its faith in this distinction by the adoption of the following plank in its platform:

“We believe in the preservation and maintenance in their full strength and integrity of the three co-ordinate branches of the federal government—the executive, the legislative and the judicial—each keeping within its own bounds and not encroaching upon the just powers of each of the others.”

Section 4 of the proposed measure provides that if the office of Governor shall become vacant for any cause except by the recall, the Secretary of State shall forthwith call a special election, to be held within sixty days, to elect a Governor for the unexpired term. Courts have held that when a Governor goes over the State line he ceases to be Governor until his return to the State; so, in the event of the absence of the Governor from Oregon, or of his ill health or inability to perform his duties, the taxpayers will be called upon to defray the expenses of a special election. This feature of the proposed measure is altogether unnecessary, inasmuch as there is now pending a constitutional amendment providing for the election of a Lieutenant Governor, and of an automatic succession to the Governor's office in case of the death, resignation or inability of the chief executive to perform his duties.

The proposed amendment provides for annual sessions of the legislature. Experience has taught that biennial sessions are adequate to the needs of the State. We have at present too many elections, too much legislation and too many boards, commissions and offices, and it is time for a policy of retrenchment rather than the adoption of a provision for annual sessions with their consequent extravagance, demoralization of general business and political excitement. The proposal whereby a majority of the legislators may unite in calling a special session is altogether wrong, for it would enable a few men to continue the legislature in session almost indefinitely and thereby greatly increase the burden of taxation.

There is no assurance that this amendment will, if enacted, decrease the burden of taxation or minimize the use of the initiative or referendum.

This whole measure is a crude experiment and the public good demands its defeat. You are, therefore, urged to vote “No.”

Respectfully submitted,

MARION COUNTY TAXPAYERS' LEAGUE,

By A. M. LaFollett, President.

AN AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF OREGON

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

TO AMEND

SECTION 2 OF ARTICLE IX

By initiative petition filed in the office of the Secretary of State, July 3, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 2, Article IX, of the Constitution of Oregon providing for specific graduated taxes, in addition to other taxes, upon all franchises and rights-of-way, lands and other natural resources in excess of \$10,000 under one ownership and assessing water powers in the counties where situate; exempting from taxation all personal property of every kind, and improvements on, in and under land, except a county may enact a county law to tax the same.

Vote YES or NO.

364. Yes.

365. No.

(On Official Ballot, Nos. 364 and 365.)

Section 2 of Article IX of the Constitution of the State of Oregon shall be and hereby is amended to read as follows:

ARTICLE IX.

Section 2. Provision shall be made by law for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any. The word person as used in this section includes natural persons, trustees, agents, receivers, companies, partnerships and other associations for profit, estates, joint tenants, corporations and collective assessments to the heirs of deceased persons. The name public service corporation within the meaning of this section includes every corporation which has a franchise from the State or any municipality, or which in fact serves the public as a quasi public corporation, or which, to enable it to serve the public, is granted the right of eminent domain. The word franchise as used in this section includes licenses, permits and all privileges granted to a corporation or person.

(a) To provide a part of such revenue the following annual graduated specific taxes are hereby levied:

First, upon every public service corporation on the total assessed values within the county greater than ten thousand dollars (\$10,000), of all the franchises and rights of way under and by virtue of which such corporation operates in the county;

Second, upon every person owning land and natural resources and interests therein within the county the total assessed value of which is greater than ten thousand dollars (\$10,000):

\$2.50 on each \$1,000 above \$10,000 and not above \$20,000;
And in addition thereto:

\$5.00 on each \$1,000 above \$20,000 and not above \$30,000;
And in addition thereto:

\$7.50 on each \$1,000 above \$30,000 and not above \$40,000;
And in addition thereto:

\$10.00 on each \$1,000 above \$40,000 and not above \$50,000;
And in addition thereto:

\$12.50 on each \$1,000 above \$50,000 and not above \$60,000;
And in addition thereto:

\$15.00 on each \$1,000 above \$60,000 and not above \$70,000;
And in addition thereto:

\$17.50 on each \$1,000 above \$70,000 and not above \$80,000;
And in addition thereto:

\$20.00 on each \$1,000 above \$80,000 and not above \$90,000;
And in addition thereto:

\$25.00 on each \$1,000 above \$90,000 and not above \$100,000;

And in addition thereto:

\$30.00 on each \$1,000 on all above \$100,000.

(b) The amount of said specific tax collected in each county shall be applied by the county in the following order:

First, for the county's share of State revenues;

Second, for the county general school and library fund;

Third, for the county road and bridge fund;

Fourth, for other expenses of the county;

Fifth, for any public purpose approved by the voters of the county.

(c) The said specific tax upon the owners does not exempt any of the aforesaid values from the regular general and special tax levies of the taxing districts in which the property is located. Said specific taxes shall be collected by the tax collector at the same time and in the same manner that other taxes are collected. Any and all the assessed property of an owner is subject to sale for his unpaid taxes. On any total of assessed values to one person a remainder of less than one hundred dollars shall be disregarded.

(d) Water powers shall be assessed in the county where the same are situated on the value per horse power of the water claimed or appropriated and the assessed values thereof shall be listed by the county assessor in the assessment rolls separately from the value of the lands and improvements in connection therewith.

(e) The assessed value of all personal property and of all improvements on, in and under land in counties taxing such property shall be listed by the county assessor in the assessment rolls separately from the assessed values of the land.

(f) Every franchise and every right of way of a public service corporation shall be assessed and listed for taxation by the Board of State Tax Commissioners, separately and apart from the assessed value of the personal property and improvements of the corporation. The proportion and amount of such assessed franchise and right of way values in each county in which the corporation operates shall be certified by said Board to the assessor of the county.

(g) The Board of State Tax Commissioners shall consist of the Governor, State Treasurer and Secretary of State. The Governor is responsible for enforcement of the tax and assessment laws and for that purpose he is authorized to employ necessary assistance and to instruct and direct assessors and prosecuting officers. Said Board is hereby authorized, subject to the general laws, to prescribe all convenient rules, forms and blanks to enforce the provisions of this section.

(h) Natural growths, deposits and other natural resources not expressly provided for herein shall be assessed as a part of the land on, in or under which the same are situated.

(i) The people of any county may at any time by a county law assess and tax personal property and improvements on, in and under land in their county, but except as such property may be assessed and

taxed by and under such county laws the same is exempt from taxation in Oregon. Such local county law may be enacted, amended or repealed at any regular general election, or at a special election if such special election is demanded by initiative petition of not less than fifteen per cent of the registered voters of the county. The County Court shall give at least sixty days' notice of every such special election.

(j) No public service corporation owns or shall own a vested property right in its franchise, but every public service corporation holds and exercises its franchise and all its corporate rights, powers, duties and privileges as a trustee for the people of Oregon and for the people of every county and municipality in which it operates or by which it is granted or allowed any corporate powers, rights, privileges or franchises.

(k) If any person or corporation shall at any time in any manner transfer or convey any franchise or any land or other property or any interest therein or any part thereof to any natural person as trustee, agent or dummy with intent to evade or hinder the levy or collection of any tax, said trustee, agent or dummy shall thereby become the owner of such franchise or property; provided, that if any person or corporation shall convey any franchise or any land or other property or interest therein or any part thereof to any corporation or fictitious person for the purpose of evading any provision of this section, the same shall be thereby forfeited to the State of Oregon for the benefit of the irreducible school fund.

(l) All provisions of the Constitution and laws in conflict herewith or with any part thereof are hereby repealed in so far as they conflict herewith. This section is self-executing. Laws may be enacted to aid its operation, but not in any way to restrict its effect.

(On Official Ballot, Nos. 364 and 365.)

ARGUMENT

(affirmative)

SUBMITTED BY

GRADUATED SINGLE TAX LEAGUE OF OREGON

in favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 2, Article IX, of the Constitution of Oregon, providing for specific graduated taxes, in addition to other taxes, upon all franchises and rights-of-way, lands and other natural resources in excess of \$10,000 under one ownership and assessing water powers in the counties where situate; exempting from taxation all personal property of every kind, and improvements on, in and under land, except a county may enact a county law to tax the same.

Vote YES or NO.

364. Yes.

365. No.

GRADUATED SINGLE TAX AND EXEMPTION AMENDMENT TO SECTION 2, ARTICLE IX, OF THE CONSTITUTION OF OREGON.

AFFIRMATIVE ARGUMENT OFFERED BY THE GRADUATED SINGLE TAX LEAGUE OF OREGON.

If the Graduated Single Tax and Exemption Amendment is approved this year, a group of about 300 individuals, land and timber companies, estates, railroads and other franchise corporations and water power lords will have to pay about five and a half million dollars in taxes for the year 1913, on the same land values and franchises and water power values on which their taxes for this year will be less than three million dollars.

This group of 300 owners includes such corporations as the Southern Pacific Company, the Portland Railway, Light & Power Company and other franchise corporations and branches of the Water Power Trust; such estates as the Corbett and Ladd estates, and the Risley heirs, including by marriage the famous anti-single tax granger Harvey Gordon Starkweather; such well known anti-single tax landlords as Charles K. Henry, H. L. Pittock, chief owner of the Daily Oregonian, Charles H. Carey, attorney for the Hill interests, Wm. Killingsworth, and ex-United States Senator F. W. Mulkey, who was a member of the State Tax

Commission of 1907, which was responsible for the law under which the great banks are practically exempt from tax on their money, notes and accounts.

It is from members of this group of about 300 owners of great franchise, water power and land values that the "Equal Taxation League" gets its support in opposing this Graduated Single Tax and Exemption Amendment. These men could well afford to pay \$2,500,000, or \$50 a vote, to convince 50,000 Oregon voters that it is their duty to vote against this amendment at the coming election; for the 300 owners would thereby save more than \$2,500,000 in taxes next year. That is the reason they are so busy "protecting" the "poor farmer" and the "poor workingman". They will help the farmer keep the taxes *on* his personal property and improvements if the farmer will help them keep taxes *off* their enormously valuable franchises, water powers and lands.

This proposed amendment of Section 2 of Article IX of the Oregon Constitution is known as the "Graduated Single Tax and Exemption Amendment." It provides for graduated taxes, in addition to the regular and special tax levies, on owners of more than \$10,000 of assessed value in any county of:

1. Railroad and other franchises and rights of way.
2. Water power, not including improvements or machinery, and not including water for irrigation.
3. Raw-land or community-made value of land, not including any improvements *in* or *upon* land.

All personal property and improvements *in* land and *upon* land are exempt from tax under this amendment, except when the people of a county vote to tax personal property and improvements in their county.

The graduated tax will be paid chiefly by the railroads and other franchise corporations; by the big land speculators, including the great landlords in Portland; and by the owners of valuable water powers. Franchises and water powers are now practically exempt from tax in Oregon under the present laws.

In Clackamas County alone three corporations own water power worth, without counting dams and machinery, \$8,076,707. The Portland Railway, Light & Power Company owns water power worth \$7,626,707 in that county, and the graduated tax would be \$226,951 on that valuation. The Hawley Pulp & Paper Company owns water power worth \$300,000 at Oregon City, and its graduated tax on that valuation would be \$7,150. The Oregon City Manufacturing Company owns water power worth \$150,000, and its graduated tax would be \$2,650; making a total of \$236,751, in graduated taxes on water power owners in one county, who are now practically exempt from tax on that valuable property.

If the people approve this amendment, the graduated taxes will more than pay the State taxes of every county in Oregon, and leave a surplus to be applied to county expenses as provided in the amendment. This is true even of those counties where there are no railroads. In most of

the counties the graduated taxes from railroads and other franchise corporations will more than pay the county's State tax.

The graduated tax, by paying State taxes and helping to pay other expenses in the counties, will lower the tax rate, even with all personal property and improvements exempt from taxes.

This amendment is opposed by the Water Power Trust, by railroad and other franchise corporations, by big land speculators, and by the big banks that are now practically exempt from taxes on their money, notes and accounts, many of the banks being big land speculators.

In Multnomah County 232 persons and corporations owned in 1910 \$62,887,400 of land (raw-land assessment), and under this amendment they would pay \$1,334,881 in graduated taxes, in addition to regular and special tax levies. Each of these 232 persons and corporations would pay more than \$1,000 of graduated tax. Twenty-nine of them would pay more than \$10,000 apiece, and the total graduated taxes of the twenty-nine would be \$658,947.

Under the present tax laws these big speculators and the Water Power Trust and the railroads and other franchise corporations have the power to make the people pay most of the taxes, and they want to keep that power. That is the reason they are hiring corporation lawyers and others to oppose this amendment. Some of the opponents of this amendment have hired Charles H. Shields, who votes in Seattle, to manage their campaign in Oregon this year.

This amendment means lower taxes for farmers and other home owners and it means the exemption from taxes of all products and savings of labor and industry, except when the people of a county vote at a regular or special election to tax personal property and improvements in their county.

The statement of the opponents of this amendment that it means or is a step towards public ownership or State ownership of land is absolutely false.

Respectfully submitted,

GRADUATED SINGLE TAX LEAGUE OF OREGON,

E. S. J. McAllister, Portland, President.
George M. Orton, Portland, Vice President.
W. S. U'Ren, Oregon City, Secretary.
H. D. Wagon, Will Daly, W. A. Marshall, H. J.
Parkison, W. G. Eggleston.

(On Official Ballot Nos. 364 and 365.)

ARGUMENT
(negative)

SUBMITTED BY

LEGISLATIVE TAX COMMITTEE AND BOARD OF STATE TAX
COMMISSIONERS,

Under authority of House Joint Resolution No. 14, 26th Regular
Session, Oregon Legislature,

opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

For amendment of Section 2, Article IX, of the Constitution of Oregon providing for specific graduated taxes, in addition to other taxes, upon all franchises and rights-of-way, lands and other natural resources in excess of \$10,000 under one ownership and assessing water powers in the counties where situate; exempting from taxation all personal property of every kind, and improvements on, in and under land, except a county may enact a county law to tax the same.

Vote YES or NO.

364. Yes.

365. No.

The real purpose of this measure is to impose on the people of Oregon a slightly modified form of single tax. It would exempt from taxation, in every county of the State, all forms of personal property and all improvements of every kind and character. The statement providing for such exemptions (paragraph *i*) is involved, covered in verbiage and the casual reader is apt to be misled as to its true meaning.

But aside from this single tax feature of the proposed amendment, the scheme it presents for graduated, progressive taxation of land, franchises, rights of way and natural resources is arbitrary and unfair. Referring to paragraph (*a*) we find that certain "annual graduated specific taxes" are to be imposed:

"First, upon every public service corporation on the total assessed values *within the county* greater than ten thousand dollars (\$10,000), of

all the franchises and rights of way under and by virtue of which such corporation *operates in the county*;

"Second, upon every person owning land and natural resources and interests therein *within the county* the total assessed value of which is greater than ten thousand dollars (\$10,000)."

These "annual graduated specific taxes," which are in addition to the regular taxes levied in the taxing districts in which the property is located, begin at the rate of \$2.50 on each \$1,000 of assessed value *in the county* above \$10,000 and not above \$20,000 owned by one person or company; then the tax rate per \$1,000 increases by graded and progressive steps until it reaches \$30.00 on each \$1,000 of assessed value *in the county* above \$100,000.

Now to the point. Instead of imposing these "annual graduated specific taxes" on assessed values *within the State* regardless of county lines, this measure places the tax on assessed values *within each county*. One does not have to look far or do any involved calculating to see the effect, which may be tangibly exhibited by simple illustration:

Let A, B, C and D represent persons or companies owning lands, franchises, rights of way or natural resources subject to these "annual graduated specific taxes." If the property owned by A happens to be all within one county and has an assessed value of \$400,000, the total specific tax under this proposed amendment would be \$10,150;

If B owns similar property of the same value, equally divided between two counties, \$200,000 in each, his tax would be \$4,150 in each county, or a total of \$8,300;

If C owns similar property of the same value equally divided among three counties, his tax in each county would be \$2,150, or a total of \$6,450;

If D owns similar property of the same total value but equally divided among four counties, his specific tax on \$100,000 of assessed value in each county would be \$1,150, or a total of \$4,600.

Again, if A, B, C and D each own similar properties of the value of \$100,000 each, taxable under the proposed amendment:

A with all of his property situated in one county, would pay an annual specific tax of \$1,150;

B with similar property of the same value but divided in equal parts by a county line, would pay a total tax of \$500;

C with similar property of the same value equally divided among three counties, would pay a total tax of \$300;

D with similar property of the same value distributed in equal parts among four counties, would find his tax only \$50.00 in each county, or a total of \$200.

We might go on indefinitely with these illustrations, using different values and varied proportions of the total property in each case in the different counties, but enough has been shown to exhibit the utter inequality and the arbitrary and unreasonable character of these "annual graduated specific taxes."

As a scheme in taxation providing for these unwarranted discriminations against owners whose property happens to be within one county as against others whose property of similar character happens to be crossed or divided by one or more county lines, this measure is directly and openly in contravention with the Fourteenth Amendment to the Constitution of the United States, providing that no State shall “* * deny to any person within its jurisdiction the equal protection of the laws.”

In construing this requirement, the Supreme Court of the United States has rendered many decisions defining the powers and rights of the States in matters of taxation.

“The rule of equality, in respect to the subject (taxation) only requires the same means and methods to be applied impartially to all the constituents of each class, so that the law shall operate equally and uniformly upon all persons in similar circumstances.” Kentucky R. R. Tax Cases, 115 U. S. 321.

“No greater burdens should be laid upon one than are laid upon others in the same calling or condition.” Bell’s Gap Railroad Company v. Pennsylvania, 134 U. S. 232.

Many more quotations might be made and decisions cited to the point, but we trust that enough has been written, at least for the present. This measure should certainly be condemned as proposing a scheme of taxation unreasonable and unjust in practical operation and illegal under the supreme law of our country.

Respectfully submitted,

LEGISLATIVE TAX COMMITTEE and
BOARD OF STATE TAX COMMISSIONERS.

(For membership of said Board and Committee see page 24.)

(On Official Ballot, Nos. 3.4 and 3.5.)

ARGUMENT

(negative)

SUBMITTED BY

THE OREGON EQUAL TAXATION LEAGUE

opposing the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION

For amendment of Section 2, Article IX, of the Constitution of Oregon providing for specific graduated taxes, in addition to other taxes, upon all franchises and rights-of-way, lands and other natural resources in excess of \$10,000 under one ownership and assessing water powers in the counties where situate; exempting from taxation all personal property of every kind, and improvements on, in and under land, except a county may enact a county law to tax the same.

Vote YES or NO.

 364. Yes.

 365. No.

The above amendment, official ballot Nos. 364 and 365 is a Single Tax measure pure and simple. The promoters, who are the hired workers of the Joseph Fels Fund Commission of America, discovered that Single Tax could not be adopted in Oregon. They, therefore, are introducing the above amendment with the graduated features, believing that the smaller land-owners would not object to the introduction of such a system inasmuch as those not having land values up to and in excess of \$10,000 would not be affected by the adoption of the above amendment; that inasmuch as the Graduated Single Tax would fall heaviest on the large land-holders, it was believed by the promoters of this amendment that it would appeal to the prejudice and envy of the average property-holder and that the real purpose and object of the measure would thus be obscured.

WARNING.

A careful analysis of the amendment will leave no doubt in the minds of intelligent voters that the object of the measure is to shift all of the burden of taxation on to land, thereby reducing land values; and as the land values of the large holders decline, so will the values of the smaller

holders decline in proportion; and as the land values decline, the tax rate must of necessity be increased; and as the tax rate is increased, a further decline in land values must follow. As the burden of taxation falls more and more heavily upon the land, a further decline will be the result.

Soon owners will refuse to pay the excessive rate upon unimproved lands. The result will be a large proportion of the less available unimproved lands will cease to be revenue payers. Then an increased burden will fall upon the balance. And so this process of eliminating land values will continue. With the decline in land values, all forms of industry shrink in proportion. Trade and commerce would be paralyzed under such conditions.

It is said by the advocates of this measure that the people are not going to be compelled to go any further with this experiment than they like—that if they find it is bad, they can repeal it. Such argument should not appeal to intelligent voters. The citizens of Oregon should not be willing to experiment with any scheme that does not have 100 per cent of economic value. Single Tax has none.

Single Tax is offered as a tax reform. As a matter of fact it is not a system of taxation at all, and far from being a tax reform. It has but one object—but one purpose—to destroy land values by absorbing into the public treasury the potential rent of the land, or, confiscating the land,—in other words the avowed purpose of the Single Taxers in submitting this amendment for adoption is to apply the fundamental principle—of Single Tax—the confiscation of land, the small farm as well as the large holdings. When that is done, the present owner will have no interest in the farm or the city lot other than to occupy it. The farmer will receive pay for his labor only, providing he raises a good crop. If not, there is no provision even for his labor.

This Single Tax measure is not a tax reform. It is opposed by Governor West, the State Tax Commission and the Legislative Tax Committee, who have prepared and submitted to the voters three constitutional amendments, Nos. 304, 306 and 308—which, if adopted by the voters, will give to the State of Oregon a tax system more complete, equitable and effective than any system now in effect in the United States.

This graduated Single Tax amendment should be overwhelmingly defeated. Its adoption would spell RUIN to Oregon.

Remember the official ballot No. 365. Vote No.

OREGON EQUAL TAXATION LEAGUE,

By Chas. H. Shields, Secretary.

A BILL

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition for an Act to abolish Capital Punishment as a penalty for conviction of murder in the first degree; to substitute therefor life imprisonment at hard labor in the Oregon State Penitentiary, or in such other institution as may hereafter be designated by law; to regulate the pardoning power of the governor and to amend Section 1903 and Section 1714 of Lord's Oregon Laws.

By initiative petition filed in the office of the Secretary of State, July 3, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act to abolish Capital Punishment in the State of Oregon.

Vote YES or NO.

366. Yes.

367. No.

(On Official Ballot, Nos. 366 and 367.)

A BILL

For an Act to abolish Capital Punishment as a penalty for conviction of murder in the first degree; to substitute therefor life imprisonment at hard labor in the Oregon State Penitentiary, or in such other institution as may hereafter be designated by law; to regulate the pardoning power of the governor and to amend Section 1903 and Section 1714 of Lord's Oregon Laws.

Be it enacted by the people of the State of Oregon:

Section 1. That Section 1903 of Lord's Oregon Laws be and the same is hereby amended to read as follows:

Section 1903. Every person convicted of murder in the first degree shall be punished by imprisonment at hard labor during the natural life of such person in the Oregon State Penitentiary at Salem, or in such other institution as may hereafter be designated by law; *provided, however*, that this Act shall not apply to crimes committed or convictions had prior to this enactment becoming effective, but the laws in force and effect at the time of the commission of said crime shall apply to and govern, and the penalties provided therein shall be imposed in accordance therewith.

Section 2. That Section 1714 of Lord's Oregon Laws be and the same is hereby amended to read as follows:

Section 1714. The Governor has power to grant reprieves, commutations and pardons, after convictions, for all crimes; and to remit, after judgment therefor, all penalties and forfeitures, upon such conditions and with such restrictions and limitations as he may deem proper, subject to the regulations prescribed in this chapter; *provided, however*, that no reprieve, commutation or pardon, after conviction for murder in the first degree, shall be granted except upon the recommendation of the Judge or his successor in office of the Court which originally tried the cause in which such conviction was had.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition to prohibit person or persons, associations, or combinations of associations, or societies and others, from conspiring or combining together for the purpose of a boycott, and making it unlawful to boycott any industry, or manufacturer, or owner, or operator of any factory, store, workshop, or any other person, firm, or corporation engaged in lawful business, etc.,

By initiative petition filed in the office of the Secretary of State, July 4, 1912, in accordance with the provisions of Chapter 226, Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting boycotting or picketing any industry, workshop, store, place of business or factory or any lawful business or enterprise and prohibiting enticing, persuading or attempting to persuade or induce any person working therein from continuing such employment and providing a penalty for violations of the act.

Vote YES or NO.

368. Yes.

369. No.

(On Official Ballot, Nos. 368 and 369.)

AN ACT

To prohibit person or persons, associations, or combinations of associations, or societies and others, from conspiring or combining together for the purpose of a boycott, and making it unlawful to boycott any industry, or manufacturer, or owner, or operator of any factory, store, workshop, or any other person, firm, or corporation engaged in lawful business, and making it unlawful for any person, or persons, associations, or combinations of associations, or societies, or others, by itself, or any of its members, to go upon or near the premises of any manufacturer, factory owner, or any other person, firm, or corporation engaged in lawful business, store, or workshop and endeavor to entice away or persuade workmen from working at said manufacturer's place of business, or any workshop, factory, store, or place of business of any person, firm, or corporation, engaged in any lawful business.

Be it enacted by the people of the State of Oregon:

Section 1. All persons, associations, or combinations of associations, or societies, and others, are hereby prohibited from combining or conspiring together for the purpose of a boycott of any industry, workshop, store, or other place of business, or the business of any person, firm, or corporation engaged in any lawful enterprise, and that it shall be unlawful and illegal for any person, or persons, associations, or combinations of associations, or societies, or others, to picket, or attempt to boycott any industry, workshop, store, place of business, or factory, or any lawful business, or enterprise engaged in by any person, firms, or corporations, and it shall be illegal and unlawful for any person, or persons, association, or combination of associations, or societies, or others, to picket, or attempt to picket any place of business, industry, factory, store, or workshop, or any place where a lawful business, or enterprise is carried on by any person, firm, or corporation, or to attempt to persuade or entice any workman or person working therein from continuing in the employ of any operator or owner of such place of business, factory, store, or wherever any lawful business is carried on by any person, firm, or corporation, and it shall be illegal and unlawful for any person, or persons, associations, or combination of associations, or societies, or others to combine or conspire together to injure the business of any operator or owner of any business, factory, store, workshop, industry, or any lawful business carried on by any person, firm, or corporation, by means of any boycott, or picketing, or inducing, or attempting to induce the employes of such owner or operator, person, firm, or corporation of any business, factory, store, workshop, or enterprise, to cease working for such employer.

Section 2. Each and every person or member of such association or combination of associations, or societies, or others, who shall participate

in, or be a party to, any action hereinabove prohibited in Section 1, violating any of the provisions of Section 1 of this Act, shall be deemed guilty of an unlawful act, and upon conviction, shall be fined not less than One Hundred Dollars, and not more than One Thousand Dollars, or imprisonment not less than thirty days, and not more than one year in the County Jail, or both, in the discretion of the court.

(On Official Ballot, Nos. 368 and 369.)

ARGUMENT

(negative)

SUBMITTED BY

CENTRAL LABCR COUNCIL OF PORTLAND AND VICINITY

opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting boycotting or picketing any industry, workshop, store, place of business or factory or any lawful business or enterprise and prohibiting enticing, persuading or attempting to persuade or induce any person working therein from continuing such employment and providing a penalty for violations of the Act.

Vote YES or NO.

368. Yes.

369. No.

This bill is put forward by the Employers' Association of Oregon. It is a slave measure modeled on the old slave laws which made it a crime to teach a slave to read or write or to speak to a slave about freedom. It is a restraint on personal liberty such as Russia would scarcely dare, and intended to disgrace Oregon and the initiative. It is unconstitutional as invading the rights of free speech and the right to regulate one's own conduct peaceably. You will notice there is no question of force or violence in this bill; it is aimed at peaceable conduct.

If the Consumers' League or a similar body desiring to protect women or children wage slaves appealed to the public not to patronize inhuman manufacturers, it would be criminal under this bill and the least fine one hundred dollars. It makes it a crime for two or more people to agree not to patronize a particular business and to persuade others not to. If you do not want to patronize a business you do not have to, but as soon as you exercise your natural right as an American citizen to speak to others and persuade them not to, this infamous bill puts you in jail.

The day has gone by for Big Business to crush the independence of American laborers by law. The Supreme Court of the United States in the Mitchell and Gompers case has once more sustained the natural right of every man to deal and work where he pleases and the right to address his fellow men. The right to boycott and the right to strike are

rights of personal liberty recognized by every court. This bill makes of them crimes. The right to peaceably persuade and peaceably picket is a right of personal freedom upheld in every court. This bill makes it a crime merely to speak, merely to stand and watch.

This bill is aimed solely at labor. Labor is the one unprotected factor in the social production of wealth. Labor is fiercely competing with labor everywhere, and must do so to live. Every baby born is a new competitor. Labor alone is struggling against keen competition, the competition to live. Landed interests, moneyed interests, manufacturing interests, every form of capital is protected by special privilege laws. And now by such a slave driving bill as this, the protected capitalists of Portland seek further to bind helpless labor. The very men who put forward this bill are the men first and foremost to boycott the labor unions and cry for the "open shop." It is a one-sided bill. Search in vain in it for a word making criminal the boycott of labor or the black-listing of men who displease an employer.

The men who put forward this bill are the very men who blacklisted striking teamsters, but there is no word of it in the bill against the men who conspire to blacklist a man, rob his family of support and set him a tramp upon the road. It is a crime for one workman to whisper to another to persuade him not to help crush his brethren and take bread from dependent women and children, but no crime for powerful corporations to threaten with the blacklist every man who dares to strike or to aid the strikers. What they want is abject slaves, silent submission. They want full control. Exploitation without a murmur. They want to transform American laborers to Russian serfs. The bill is an insult to American manhood. Vote NO. (See also bill Nos. 370-371, page 246.)

CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY,
A. W. Lawrence, Secy. W. L. Trullinger, Pres.

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF
OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Proposed by initiative petition prohibiting the use of the public streets, parks and public grounds in incorporated towns or cities of the State of Oregon of a population of five thousand or over, by persons, organizations, assemblies, or associations for speech-making purposes, or for the purpose of holding public meetings for public discussion, and making it unlawful for any person or persons, organizations, assemblies, or associations to congregate in any such public place for speech-making purposes, etc.

By initiative petition filed in the office of the Secretary of State, July 4, 1912, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting the use of the public streets, parks and public grounds, in any city or town of a population of 5,000 or over, for holding meetings for public discussion or speech-making purposes without a written permit from the mayor thereof. Vote YES or NO.

370. Yes.

371. No.

(On Official Ballot, Nos. 370 and 371.)

AN ACT

Prohibiting the use of the public streets, parks and public grounds in incorporated towns or cities of the State of Oregon of a population of five thousand or over, by persons, organizations, assemblies, or associations for speech-making purposes, or for the purpose of holding public meetings for public discussion, and making it unlawful for any person, or persons, organizations, assemblies, or associations to congregate in any such public place for speech-making purposes, or for the purpose of holding public meetings for public discussion, unless written permit to do so be first had and obtained from the Mayor of any such incorporated town or city, and providing a penalty for the violation of this Act.

Be it enacted by the people of the State of Oregon:

Section 1. All organizations, associations, person, or persons, assemblies, or gatherings, are hereby prohibited from using the public streets, parks, or public grounds of any incorporated town or city in the State of Oregon, having a population of five thousand or over for speech-making purposes, or for the purpose of holding public meetings for public discussion, and are hereby prohibited from using said public streets, public parks and public grounds, or for congregating therein for the purpose of speech-making, or the holding of public meetings for public discussion, and it is hereby declared to be unlawful and illegal for any person, or persons, organization, association, assembly, or gathering to so use the said streets, or public places of any such incorporated town or city for the above purposes, unless a written permit s^e to do is first had and obtained from the Mayor of any such incorporated town or city.

Section 2. Each and every person, or persons, organization, or assembly who shall participate in, or be a party to, any gathering in violation of any of the provisions of Section 1 of this Act; or any person who shall be guilty of violating the provisions of Section 1, shall be deemed guilty of a misdemeanor and an unlawful act, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1000.00) Dollars, or imprisonment for a period of not less than thirty days, nor more than one year in the county jail, or both, in the discretion of the court.

(On Official Ballot, Nos. 370 and 371.)

ARGUMENT

(negative)

SUBMITTED BY

CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY

opposing the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION

A bill for an Act prohibiting the use of the public streets, parks and public grounds, in any city or town of a population of 5,000, or over, for holding meetings for public discussion or speech-making purposes without a written permit from the mayor thereof.

Vote YES or NO.

370. Yes.

371. No.

This is a blow deliberately aimed at Free Speech by the Employers' Association of Oregon.

The people of Oregon would deserve the pity of the world if they used their newly-acquired initiative powers to rivet once more on their necks the collar of serfdom.

The bill if passed would be unconstitutional. The Constitution of Oregon provides, Article I, Section 8: "No law shall be passed restraining the free expression of opinion or the right to speak, write or print *freely on any subject whatever*. But every person shall be responsible for the abuse of this right."

Section 26. "No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good."

The Constitution of the United States says, Article I: "Congress shall make no law * * * abridging the freedom of speech or the right of the people peaceably to assemble, etc." These provisions were written in the blood of "Agitators."

The streets of a city are primarily for traffic and the parks for play grounds and places of assemblage. The open parks or plazas in the heart of the city are almost exclusively for popular assemblage. They have been so from time immemorial in every country; witness the Roman forum; the Athenian Acropolis. American Liberty had its birth in the streets of Boston, New York and Philadelphia. When not required for traffic the streets have always been the people's forum. What would have been thought of such a bill 150 years ago, vesting in the colonial governors the right to forbid the people's meeting on Boston Common or Bowling Green? It was indeed tried and led to bloody revolution. The men whose sordid passions are back of this bill forget the very cradle of the liberty they now enjoy. They are Bourbons who never learn—and are determined by the old time policies of forcible suppression to bring about once more a bloody revolution.

Free speech has been called "The most precious liberty ever won by blood." This bill puts it in the mouth of a mayor to say whether the people shall speak in the streets or parks. Speech which depends on any man's permission to speak is not free. The world has always had that sort of "free speech." Voltaire could speak so long as he did not assail Louis XV's privileges. When he did, he went to the Bastille. "Free Speech by Permit" is not free. Ideas popular with the governing class never need constitutional protection for their discussion. It is unpopular speech that must be free and that is the very speech the ruling powers never permit. Franklin, Patrick Henry, Garrison, Phillips, John Brown, were all "Agitators" whom the institutions they attacked sought to suppress. The right to grant the permit to speak implies the right to refuse. The refusal will be by the personal inclination of or influences upon the mayor. Free speech is then gone. It will be but one step to make every assemblage, whether in parks, streets or halls, subject to the will of a mayor and the police. The streets when not needed for traffic should be open to every one for speaking; when needed for traffic they should be open to no one for speaking.

This bill gives one man the power to permit those he favors to use the streets whether needed for traffic or not, and to refuse those he disapproves, even though the streets be empty. Has the sense of American Liberty come to this?

Two things must be kept in mind. First, the streets of a city belong to the people, and when empty or not needed for traffic are the proper assembly ground for the masses of people (the poor) as much as village streets or a country cross road; second, free speech is the breath of life. It is the expression of thought; the safety valve for all emotions and discontent. By it alone can we know whether the discontent be founded in truth or not; if not, it will disappear; if true, the sooner it be known the better; just as in the sick body, the sooner we know the disease the sooner we may find the cure.

Free speech is vital to the growth of society and the nation. It is the silliest child's play to seek to limit it to pleasant nothings and gag the "Agitator" who may have a vital message. The Agitator of yesterday is the patriot of tomorrow. Humanity has never recognized its saviours from Christ to John Brown and Lincoln. Out of the thrashing and winnowing of free discussion comes Truth. There is no other way. No way but one—the bloody uprising of the suppressed and the oppressed. He who seeks to limit free speech and the free assemblage of the people, who seeks to choke the cry of the oppressed and the strivings of the human soul might as well write himself openly as the apostle for a bloody revolution, for it means one and the same thing. It is written in History and Human Nature, plain to all but the blind.

The Bourbon never learned from the past. Our American Bourbons are equally tyrannical and stupid. They have no higher ideal of American Liberty than the old cry of Suppress the Agitator. To them America's emblem of freedom, the eagle, appears not in the sky, but only on the dollar.

The free men of Oregon should rebuke this attempt of plutocracy to use the initiative to gag the people's free expression of opinion. By this bill a hundred dollars is the least fine to be imposed on the poor man who preaches on the street without a permit. If this bill passes, it depends on any mayor what religious, political or social views may be expressed in the people's public places. He can forbid the reading of the Declaration of Independence in the public square—and he ought, for it and this bill cannot live together. Vote NO. (See also bill Nos. 368-369, p. 241.)

CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY,
A. W. Lawrence, Secy. W. L. Trullinger, Pres.

A MEASURE

Entitled "An Act to appropriate money for the purpose of constructing additional buildings, purchase of additional equipment, payment of instructors' and employees' salaries, purchase of additional land, making repairs and improvements and to pay street assessments for the University of Oregon."

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE
REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Referendum ordered by petition of the people filed in the office of the Secretary of State, May 18, 1911, in accordance with the provisions of Section 1 of Article IV of the Constitution of the State of Oregon, adopted by the people June 2, 1902.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.

Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

An Act appropriating \$175,000 for building and equipping an administration building and extending heating plant to the same, for the University of Oregon, and, also, appropriating the further sum of \$153,258.92 for the purchase of additional land, equipment and apparatus; making repairs, additions, and improvements to buildings and grounds; paying salaries of instructors and employees; paying street assessments; and for additional maintenance of the correspondence study department of the University of Oregon. Vote YES or NO.

372. Yes.

373. No.

(On Official Ballot, Nos. 372 and 373.)

AN ACT

Entitled, "An Act to appropriate money for the purpose of constructing additional buildings, purchase of additional equipment, payment of instructors' and employees' salaries, purchase of additional land, making repairs and improvements and to pay street assessments for the University of Oregon."

Be it enacted by the People of the State of Oregon:

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That the sum of three hundred twenty-eight thousand two hundred fifty-eight and 92-100 dollars (\$328,258.92) in addition to that provided by law be, and the same is hereby appropriated out of the general fund in the Treasury of the State of Oregon for the years 1911 and 1912 for the purpose of providing the necessary funds for the use of the University of Oregon for the said years for the following purposes:

For the construction, equipment and furnishing of an Administration and Commonwealth Building, and the extension of the heating plant to the same, one hundred seventy-five thousand dollars (\$175,000). This item of appropriation is not to become available until January 1, 1912.

For the purchase of additional land, equipment and apparatus; making repairs, additions and improvements to buildings and grounds; paying salaries of instructors and employees; paying street assessments; and for additional maintenance of the Correspondence Study Department, one hundred fifty-three thousand two hundred fifty-eight and 92-100 dollars (\$153,258.92).

Section 2. The moneys hereby appropriated shall be paid only on the warrants drawn by the Secretary of State on the State Treasurer.

Passed by the House February 11, 1911.

JOHN P. RUSK, Speaker of the House.

Passed by the Senate February 16, 1911.

BEN SELLING, President of the Senate.

Endorsed: House Bill No. 210.

W. F. DRAGER, Chief Clerk.

Executive Department, State of Oregon, received February 18, 1911.

Filed February 21, 1911.

F. W. BENSON, Secretary of State.

A MEASURE

Entitled "An Act to appropriate money for the purpose of constructing an additional building for the University of Oregon."

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

AT THE

REGULAR GENERAL ELECTION

TO BE HELD

ON THE FIFTH DAY OF NOVEMBER, 1912,

Referendum ordered by petition of the people filed in the office of the Secretary of State, May 18, 1911, in accordance with the provisions of Section 1 of Article IV of the Constitution of the State of Oregon, adopted by the people June 2, 1902.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.
Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

An Act appropriating \$175,000 for the construction, equipment, and furnishing a modern fire proof library and museum building, and the extension of the heating plant to the same, for the use of the University of Oregon. Vote YES or NO.

374. Yes.

375. No.

(On Official Ballot, Nos. 374 and 375.)

AN ACT

Entitled "An Act to appropriate money for the purpose of constructing an additional building for the University of Oregon."

Be it enacted by the People of the State of Oregon:

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That the sum of one hundred and seventy-five thousand dollars (\$175,000.00) be and the same is hereby appropriated out of the general funds in the Treasury of the State of Oregon for the years 1911 and 1912 for the purpose of providing the necessary funds for the use of the University of Oregon for the said years for the construction, equipment and furnishing of a modern fire-proof library and museum building and the extension of the heating plant to the same.

Section 2. The money hereby appropriated shall be paid only on the warrants drawn by the Secretary of State on the State Treasurer.

Passed by the House February 11, 1911.

JOHN P. RUSK, Speaker of the House.

Passed by the Senate February 16, 1911.

BEN SELLING, President of the Senate.

Endorsed: House Bill No. 211.

W. F. DRAGER, Chief Clerk.

Executive Department, State of Oregon, received February 18, 1911.

Filed February 21, 1911.

F. W. BENSON, Secretary of State.

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NOTE.—Special local acts relating to Clackamas, Coos, Harney, Jackson and Wallowa counties will be included in the pamphlets for those counties as an insert.