

122663  
STATE OF OREGON

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**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 Eighth Day of November, 1910,  
TOGETHER WITH THE ARGUMENTS FILED, FAVORING AND  
OPPOSING CERTAIN OF SAID MEASURES**

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**COMPILED AND ISSUED BY**

**FRANK W. BENSON, Secretary of State**

(Publication authorized under Chapter 226, Laws of 1907.)



**SALEM, OREGON  
WILLIS S. DUNIWAY, STATE PRINTER  
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PAMPHLET CONTAINING MEASURES TO BE

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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

SECTION 2 OF ARTICLE II

By initiative petition filed in the office of the Secretary of State, September 16, 1908, 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

Women's taxpaying suffrage amendment, granting to  
taxpayers, regardless of sex, the right of suffrage. Vote YES or NO.

300. Yes.

301. No.

122663

[On Official Ballot, Nos. 300 and 301.]

TAXPAYERS' 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 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; it is expressly provided hereby that no citizen who is a taxpayer shall be denied the right to vote on account of sex.

Filed September 16, 1908.

F. W. BENSON, Secretary of State.

## A R G U M E N T

(affirmative)

SUBMITTED BY

OREGON STATE EQUAL SUFFRAGE ASSOCIATION

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

## PROPOSED BY INITIATIVE PETITION

Women's taxpaying suffrage amendment, granting to  
taxpayers, regardless of sex, the right of suffrage.      Vote YES or NO.

300.      Yes.

301.      No.

ARGUMENT IN BEHALF WOMEN CITIZENS' SUFFRAGE  
AMENDMENT.

OREGON STATE EQUAL SUFFRAGE ASSOCIATION

*Honorary President*—MRS. HENRY WALDO COB*Member of National Committee*—MRS. SARAH A. EVANS

Mrs. Abigail Scott Duniway. <i>Pres.</i> 292 Clay St., Portland, Or.	Miss Elma Buckman, <i>Financial Secy.</i> 42 E. 18th St. N., Portland, Or.
Mrs. Elizabeth Lord, <i>V.-P. at Large</i> The Dalles, Or.	Mrs. W. E. Potter, <i>Treasurer</i> Hunter's Station, Portland, Or.
Mrs. C. M. Cartwright, <i>Vice-Pres.</i> 215 Seventh St., Portland, Or.	AUDITORS. Mrs. F. Eggert The Hobart-Curtis, Portland, Or.
Miss Myrtle Pease, <i>Cor. Secretary</i> 403 Tenth St., Portland, Or.	Mrs. M. A. Dalton, 300 24th St. N., Portland, Or.
Miss Elma Buckman, <i>Rec. Secretary</i> 42 E. 18th St. N., Portland, Or.	Mrs. Imogene Bath, Hillsboro, Or.

PORTLAND, Oregon, June 30th, 1910.

*To the Secretary of State:*

The many taxpaying women citizens of Oregon who appeal to the voters at large for their enfranchisement, beg to remind them that the right of suffrage is being rapidly extended to the women citizens of civilized countries throughout the world. It is now in force in the states of Wyoming, Colorado, Utah, and Idaho in our own country, and has received the endorsement of leading men and women wherever it has been tried. Women under present industrial conditions, forced upon them by circumstances beyond their control, are compelled to compete with men for a livelihood in rapidly increasing numbers every year.

A disfranchised class, brought necessarily into ruinous competition with an enfranchised class, creates demoralization in business, and works especial hardship upon all men and women who toil for a livelihood, thus adding an ever-increasing menace to the stability of the home.

Women who are supported in idleness and luxury do not feel the need of the ballot, and some of them say they do not desire it. But that is no reason why they should seek to deprive other women of their right of choice. Any sane man or woman can understand why an idle woman, whose mind is filled with life's frivolities, may not care to vote. But no one possessed of safe or sane reasoning power can comprehend the motive that impels any woman who says she does not want to vote to attempt preventing any woman from voting who wants to vote.

Oregon has now the opportunity to lead the world in a safe and conservative extension of the elective franchise to every woman who is taxed to support the government, and we earnestly hope we shall not be compelled to repeat this appeal in Nineteen Hundred and Twelve.

By order of the Oregon State Equal Suffrage Association.

ABIGAIL SCOTT DUNIWAY, President,

ELMA BUCKMAN, Recording Secretary.

## A R G U M E N T

(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

Women's taxpaying suffrage amendment, granting to  
taxpayers, regardless of sex, the right of suffrage. Vote YES or NO.

300. Yes.

301. No.

## ARGUMENT AGAINST SUFFRAGE AMENDMENT.

BALLOT TITLE MISLEADING.

*To the Electors of Oregon:*

The effect of the foregoing proposed amendment is to give the ballot to all women residing in Oregon who are of age and are American born or naturalized. This becomes perfectly clear on comparing the proposed amendment with the present provision of the Oregon Constitution, which we print in parallel columns:

## PRESENT CONSTITUTION.

2. In all elections not otherwise provided for by this Constitution, every white male 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 white male 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 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.

## PROPOSED AMENDMENT.

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 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; it is expressly provided hereby that no citizen who is a taxpayer shall be denied the right to vote on account of sex.

Women and children are citizens and persons. The only effect of the foregoing proposed amendment, therefore, is to take the word "male" out

of the qualifications of voters and give the ballot to women. The last clause in the proposed amendment about taxpaying women is pure buncombe. It adds nothing and detracts nothing from the preceding provisions. -

#### AN OLD STORY.

Woman suffrage is no new proposition in Oregon. It was submitted to vote of the people in 1900 and beaten by a plurality of 2137. It was submitted again in 1906 and beaten by a majority of 10,173. It was again submitted in 1908 and beaten by a decisive majority of 21,649. These successive defeats by increasing votes show clearly that the people, women as well as men, are opposed to woman suffrage, for men would readily grant the ballot to women if women as a class desired it. It is an abuse of the initiative that this measure so often and so recently voted down should be forced on the ballot at every election. The abuse is the greater because of the misleading title selected for the ballot. The average voter on reading his ballot will certainly assume that this amendment gives the ballot to taxpaying women only. Whatever your opinions on the suffrage question, if you believe in fair play in public affairs, you should vote against this amendment, because of this attempt of its advocates to deceive and mislead the voters.

#### SUFFRAGE DEMORALIZING TO WOMEN.

If this amendment were to be adopted women would lose that which is far more important to them than the ballot. The case has been well stated by one of the great women novelists (Ouida):

"If equality in privileges be taken, equality in liability must be enforced also. What can be more absurd or more unjust than that women should bully their way into national parliaments, share in the public administrations, and fight in the rough and tumble of public contests, yet all the while claim that precedence by virtue of their sex, and exact that abdication in their favor which has been conceded to them out of reverence for the very inequality they so scornfully repudiate. For a woman to state that she has the right to knock you out of your seat in congress or parliament and occupy your place herself, yet that she has also the right to expect you to give up your seat in a railway carriage and stand for her accommodation, is a form of oppression as absurd as it is illogical. The strength that can achieve the political conquest, and the weakness that can exact social courtesy cannot possibly be leashed together. A woman must choose between the two."

#### SENATOR ELIHU ROOT ON WOMAN SUFFRAGE.

This thought has been well expressed by Senator Elihu Root:

"In politics there is struggle, strife, contention, bitterness, heart-burning, excitement, agitation, everything which is adverse to the true character of woman. Woman rules today by the sweet and noble influence of her character. Put woman into the arena of conflict and she abandons these great weapons which control the world, and she takes into her hands, feeble and nerveless for strife, weapons with which she is unfamiliar and which she is unable to wield. Woman in strife becomes hard, harsh, unlovable, repulsive; as far removed from that gentle creature to whom

we all owe allegiance and to whom we confess submission as the heaven is removed from the earth. In the divine distribution of powers the duty and the right of protection rests with the male. It is so throughout nature. It is so with men."

CARDINAL GIBBONS ON WOMAN SUFFRAGE.

In an address delivered to a graduating class at a woman's college at Emmetsburg, Maryland, Cardinal Gibbons said:

"I am entirely opposed to woman suffrage, not because I hate women, for I love them and want them to fulfill the mission for which God intended them. If you play in the arena of politics you will be covered with its dust. If you grasp too much you will lose everything. Nowhere is woman so honored as in the United States. This is largely due to the chivalry and courtesy of the men, and if you are protected by the male sex, what more do you want?

"I want to remind you that woman has a great mission in life. You should therefore have a deep sense of your responsibility in the domestic walks of life. Woe be to society if it had to depend upon the male sex alone—it would certainly go to the devil."

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

Mrs. Francis J. Bailey, President  
Miss Failing, First Vice-President,  
Portland  
Mrs. R. W. Wilbur, Second Vice-  
President, Portland  
Mrs. Wallace McCamant, Treas-  
urer, Portland  
Mrs. Herbert Holman, Portland  
Mrs. David Loring, Portland

Mrs. A. E. Rockey, Portland  
Mrs. L. Gerlinger, Dallas  
Mrs. Thomas Coates, Tillamook  
Mrs. F. E. Harlow, Troutdale  
Mrs. J. H. Templeton, Prineville  
Mrs. Thomas Thompson, Pendleton  
Mrs. W. A. Howe, Carlton  
Mrs. John W. Connell, Hillsboro  
Mrs. Charles E. Wolverton, Port-  
land

**AN ACT**

To provide for the location, construction and government of a branch  
Insane Asylum in the Eastern portion of Oregon  
and appropriating money therefor.

**A MEASURE**

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 EIGHTH DAY OF NOVEMBER, 1910,

Proposed by the Legislative Assembly and filed in the office of the  
Secretary of State February 23, 1909, 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.

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

Secretary of State.

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

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**REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY**

---

An act authorizing the purchase of a site for and the  
construction and maintenance of a branch insane  
asylum to be located, in the discretion of the Board  
of Trustees of the Oregon State Insane Asylum, at or  
within five miles of either of the following cities,  
to-wit: Baker City, Pendleton, or Union, in Eastern  
Oregon, to be called "The Eastern Oregon State  
Hospital."

Vote YES or NO.

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302. Yes.

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303. No.

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Accepted <sup>yes</sup> 50,065  
No 50,134 41,504  
Maj. est 8,561

SUBMITTED TO VOTERS OF OREGON NOVEMBER 8, 1910 9

[On Official Ballot Nos. 302 and 303.]

## AN ACT

To provide for the location, construction and government of a branch Insane Asylum in the Eastern portion of Oregon and appropriating money therefor.

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

Section 1. The Governor, Secretary of State and State Treasurer of the State of Oregon, acting in their capacity as a Board of Trustees of the Oregon State Insane Asylum, are hereby authorized and directed to proceed within sixty days after this act shall become a law to locate a site for a branch insane asylum, to be known as the Eastern Oregon State Hospital, at some point within five miles of the City of Baker City, in Baker county, Oregon, or at some point or within five miles of the City of Pendleton, Umatilla county, Oregon, or at some point within five miles of the City of Union, Union county, Oregon, and shall contract for and purchase in the name of and for the State of Oregon, at the place selected for said asylum, a suitable tract of land for the building of an insane asylum and for purposes connected therewith.

Section 2. After acquiring title to the real estate for the use of the said Eastern Oregon Insane Asylum, the said Board shall cause the same to be suitably graded and laid out and shall cause to be erected thereon all buildings and other structures which may be deemed necessary to the establishment and equipment of an insane asylum capable of accommodating not less than 600 patients, according to modern advanced and practical methods of conducting such institutions, and planned with the view to the future building of additions thereto if necessary; and said Board shall have power to appoint an architect to draw plans and specifications and shall supervise the work, under the direction and control of said Board, and said Board shall have full power to receive bids, enter into contracts, and do all things necessary or advisable in the prosecution of the work hereby contemplated, including the furnishing, lighting and heating of said buildings and said Board shall prosecute the work on said branch asylum with all reasonable dispatch consistent with the State's best interests.

Section 3. Upon the completion of said building, or prior thereto, the said Board shall select and appoint a-superintendent of said Eastern Oregon State Hospital and such assistance, physicians, and attendants as shall be necessary, who shall hold their positions during the pleasure of said Board, and who shall at once, on the arrival of the insane at the Eastern Oregon State Hospital as hereinafter provided, proceed to the care and treatment of said insane persons. Such superintendent, assistants, physicians, and attendants shall be subject to the same laws, rules and regulations as those then employed at and in the asylum at Salem.

Section 4. When said building is fully completed and furnished, with

all necessary outbuildings, adjuncts, appurtenances, etc., such proportion of the insane then confined in the Insane Asylum at Salem, Oregon, as said Board may deem best, shall, under the direction of said Board and of the superintendent of the Insane Asylum at Salem, be removed and transferred from said Insane Asylum at Salem to the new Eastern Oregon State Hospital; the selection of insane persons to be so transferred shall be made by the said superintendent of the Asylum at Salem, but his selection shall be subject to approval or rejection of the said Board, and in such selection, unless good reason to the contrary appear.

Section 5. The Board of Trustees shall direct the various counties as to which asylum or hospital their insane shall be sent.

Section 6. For the purpose of carrying out the provisions of this act, also including the payment of the salaries of officers, and employees, for the maintenance and general and contingent expenses of the Eastern Oregon State Hospital up to and including the 31st day of December, 1912, there is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of two hundred thousand dollars, or so much thereof as may be necessary.

Section 7. This act shall be submitted to the legal voters of this State for their approval or rejection at the next regular biennial election in November, 1910, in the same manner as provided for the submission of proposed laws to the people under the Initiative shall become a law at such time if approved by the majority of the legal voters voting hereon.

Passed the House February 16, 1909.

C. N. McARTHUR, Speaker of the House.

Passed the Senate February 19, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

House Bill No. 227.

W. F. DRAGER, Chief Clerk.

Executive Department, State of Oregon. Received February 20, 1909.

Filed February 23, 1909.

F. W. BENSON, Secretary of State.

## ARGUMENT

(affirmative)

SUBMITTED BY

PENDLETON COMMERCIAL CLUB, UNION COMMERCIAL CLUB,  
and BAKER COMMERCIAL CLUB,

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

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### REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

---

An act authorizing the purchase of a site for and the construction and maintenance of a branch insane asylum to be located, in the discretion of the Board of Trustees of the Oregon State Insane Asylum, at or within five miles of either of the following cities, to-wit: Baker City, Pendleton, or Union, in Eastern Oregon, to be called "The Eastern Oregon State Hospital."

Vote YES or NO.

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202. Yes.

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303. No.

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### ARGUMENT IN FAVOR OF ABOVE MEASURE.

House Bill No. 227, providing for the establishment of a Branch Insane Asylum in Eastern Oregon, was passed by the Legislative Assembly of 1909, and is submitted to the voters of the State as required by the amendment to the Constitution permitting the location of State institutions elsewhere than at the State Capital. The management of the present asylum say it is almost filled to its capacity now, and the rapid increase in the population of the State makes the erection of additional buildings an absolute necessity. California has asylums in six localities; Washington two, and Idaho two. It will cost no more to build and maintain a Branch Asylum in Eastern Oregon than at Salem, and there would be a saving in traveling expenses for the State attendants and patients and their visiting friends and relatives. The medical profession agree that many cases would be benefited by a change of climate, and as the cure of the unfortunates is sought, rather than their detention, any course tending to accomplish that result should be pursued. Eastern Oregon with its greater elevation and dry and invigorating climate, together with a large preponderance of sunshine and pure water, makes the location ideal from a sanitary and healthful standpoint; in fact, our section has all the health-giving qualities that have proven such a valuable resource to Colorado.

The legislators and voters of Eastern Oregon have always been liberal and loyal in supporting the institutions and measures benefitting the Western part of the State, and submit this in the confident hope that equal fairness will be accorded to them.

PENDLETON COMMERCIAL CLUB,  
UNION COMMERCIAL CLUB,  
BAKER COMMERCIAL CLUB.

## AN ACT

To provide for a constitutional convention for the purpose of making a general revision of 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 EIGHTH DAY OF NOVEMBER, 1910,

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 23, 1909, 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.

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

Secretary of State

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

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REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

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An act to elect, on the first Monday in June, 1911, delegates to a constitutional convention, to be held on the second Monday in October, 1911, for revising the Constitution of the State, and providing for submission of the proposed Constitution, so revised, to the legal voters of the State for adoption or rejection on the first Monday in April, 1912.

Vote YES or NO.

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304. Yes.

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305. No.

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[On Official Ballot, Nos. 304 and 305.]

AN ACT

To provide for a constitutional convention for the purpose of making a general revision of the Constitution of the State of Oregon.

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

Section 1. At a special election, to be held on the first Monday in June, 1911, delegates shall be elected to meet in convention for the purpose of making a general revision of the Constitution of the State of Oregon.

Section 2. The number of delegates to such convention shall be sixty, and shall be elected from the same districts, and the same number from each of said districts, as Representatives to the Legislative Assembly. The required number of persons receiving the highest number of votes for delegates in each of such districts shall be elected delegates.

Section 3. Delegates to said convention shall be nominated and elected in the same manner as Representatives to the Legislative Assembly are nominated and elected under present existing laws, and the general laws regulating the printing of ballots and canvassing of the votes for Representatives shall be applicable to the printing of the ballots and canvassing of the votes for delegates to the constitutional convention. All laws not inconsistent with this act, regulating the election of public officers at general elections, shall be applicable to the election of delegates to such convention.

Section 4. The qualifications of delegates shall be the same as the qualifications of Senators and Representatives in the Legislative Assembly, and such delegates shall have the same privilege of freedom from arrest, service of civil process, and of speech as that now guaranteed to the members of the Legislative Assembly.

Section 5. The delegates so chosen shall meet in convention in the Hall of Representatives, in the Capitol building in the City of Salem, on the second Monday in October, 1911, at ten o'clock in the forenoon. Two-thirds of the delegates elected shall constitute a quorum for the transaction of business, but a smaller number shall have the power to adjourn from day to day, and to compel the attendance of absent members. The convention shall organize by the election of one of their number as president; they shall also choose such secretaries, sergeant-at-arms, clerks, and official stenographer, who shall choose his assistants, messengers, and other attendants, as they may deem necessary for the proper transaction of business. They shall adopt their own rules of order, shall be the absolute judges of the election qualification and return of their own members, and may punish for contempt by fine or imprisonment, in their discretion, but no term of imprisonment shall continue beyond the date of the final adjournment of the convention. The convention shall have power to fix the duties and compensation of its officers and employees. The compensation of delegates of said convention shall be five dollars (\$5.00) per day during the session of the convention, and ten

cents (\$.10) per mile for each mile traveled by the nearest practicable route in going to and returning from the place of holding the convention, but no per diem shall be paid for any services after the expiration of forty days from the convening of such convention. The compensation of the delegates and of officers and employees of the convention, and all incidental expenses of the convention, shall be paid in the same manner as provided by law for the payment of similar claims in the legislature. The delegates in the convention shall be supplied with all needful stationery, and other supplies, in the same manner provided in case of the legislature. It shall be the duty of the Secretary of State to attend said convention, at the opening thereof, to call the roll thereof, according to the returns on file in his office, which shall be certified to the convention by him, and to preside at all meetings thereof until a president has been elected, and has taken his seat, but the Secretary of State shall have no vote therein. All public officers, civil and military, and all boards and commissions shall promptly furnish said convention with all such information, papers, statements, books, or other public documents in their possession, as the said convention shall order or require for its use from time to time while in session.

Section 6. A journal of the proceedings of said convention shall be kept and printed daily and given to each member; this journal may be mailed by the secretary or chief clerk to any person who may request it. The journals and debates of the convention shall be published in such form and style as may be determined by the convention, and when so published, it shall be deemed the official records of such convention. All claims for paper, stationery, printing, and binding shall be audited, allowed, and paid by the Secretary of State and State Treasurer in the manner provided by law. The Secretary of State, previous to the meeting of the convention, shall prepare the Hall of Representatives and the Senate Chamber and rooms connected therewith, and other necessary committee rooms for the use and occupation of the convention during its session. The doors of the convention shall be kept open to the public during all of its sessions.

Section 7. After the convention shall have approved the draft of the proposed new constitution, the same shall be enrolled in the same manner as acts of the legislature, signed by the president and secretary, and when so signed shall be deposited in the office of the Secretary of State, and shall be deemed the official copy of the proposed constitution as adopted by the convention. It shall be printed, distributed, and disposed of in the same manner as acts of the legislature. The said proposed constitution shall be submitted to the people for adoption or rejection, as a whole, on the first Monday in April, 1912. The qualifications of voters at all elections provided for in this act shall be the same as the qualifications of voters at general elections provided for in the Constitution and general laws of the State of Oregon. The county clerks in the several counties in this State shall cause to be printed on the ballot prepared for the purpose the words "for adoption of constitution, vote

yes or no, mark between the number and the answer for, 12—yes, 13—no.” Should the constitution so submitted to a vote of the electors of this State receive more votes in its favor than shall be cast against it, it shall be declared adopted, as the Constitution of this State, upon proclamation by the Governor; otherwise, it shall be rejected. All votes cast at such election shall be taken, counted, canvassed and returned, as provided by law for the election of State officers.

Section 8. All willful and corrupt, false swearing in taking any of the oaths prescribed by this act, or by the laws of this State, made applicable to this act, or in any other mode or form in carrying into effect this act, shall be punished in the same manner now prescribed by law for willful and corrupt perjury.

Section 9. The convention shall, before its adjournment, prepare and adopt an address to the people of the State, explaining the proposed changes in the present Constitution, the reason for each change, and such other matters as to the convention shall seem advisable. Such address, together with the proposed revised constitution, shall be printed in pamphlet form and distributed in the same manner and in the same numbers as provided by law for printing and distributing measures initiated by and measures referred to the people at general elections.

Section 10. This entire act shall be submitted to the people for adoption or rejection at the regular, general, biennial election held on the first Tuesday after the first Monday in November, 1910.

Passed by the House, February 4, 1909.

C. N. McARTHUR, Speaker of the House.

Passed by the Senate, February 20, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

House Bill No. 186.

W. F. DRAGER, Chief Clerk.

Executive Department, State of Oregon. Received February 20, 1909.

Filed February 23, 1909.

F. W. BENSON, Secretary of State.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

SECTIONS 6 AND 7 OF ARTICLE IV,

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 23, 1909, 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.

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

Secretary of State.

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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 amendment of Sections 6 and 7, Article IV, of the Constitution of this State, to provide a separate district for the election of each State Senator and each State Representative.

Vote YES or NO.

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306. Yes.

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307. No.

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[On Official Ballot, Nos. 306 and 307.]

SENATE JOINT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring, that the following amendment to the Constitution of the State of Oregon be, and the same is hereby proposed, to wit:

That Sections 6 and 7 of Article IV of the Constitution of the State of Oregon be, and the same are hereby amended to read as follows:

Section 6. The number of Senators and Representatives shall, at the session next following the enumeration of the inhabitants of the State of Oregon by the United States, be fixed by law, and apportioned among the several counties according to the population in each, but in such enumeration no person shall be counted who is not a citizen of the United States and of this State, or who is not under the laws thereof eligible to citizenship. The ratio of Senators and Representatives shall be determined by dividing the whole number of citizens and persons who are not citizens, but eligible to become such, by such respective ratio; but when a fraction shall result from such division, and shall exceed one-half of any such ratio, such county or district shall be entitled to a member for such fraction. In case any county shall not have the requisite population to entitle such county to a member, then such county shall be combined with some adjoining county, or portion thereof for senatorial or representative purposes. After the State has been divided into senatorial and representative districts, either by counties or combinations of counties, or portions of counties, then such district shall be sub-divided in such a manner that each Senator and Representative will represent but one district or sub-division of the county or district as the case may be.

Section 7. No district shall be created which shall be composed of portions of two or more counties, but districts may be created which are composed of one or more entire counties, or one or more entire counties and a portion of another county.

Concurred in by the House, February 19, 1909.

C. N. McARTHUR, Speaker of the House.

Adopted by the Senate, February 13, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

Senate Joint Resolution No. 19

WM. H. BARRY, Clief Clerk.

Filed February 23, 1909.

F. W. BENSON, Secretary of State

## A R G U M E N T

(negative)

SUBMITTED BY

THE PEOPLE'S POWER LEAGUE OF OREGON.

opposing the measures designated on the official ballot as follows:

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REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

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An act to elect, on the first Monday in June, 1911, delegates to a constitutional convention, to be held on the second Monday in October, 1911, for revising the Constitution of the State, and providing for submission of the proposed Constitution, so revised, to the legal voters of the State for adoption or rejection on the first Monday in April, 1912.

Vote YES or NO.

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304. Yes.

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305. No.

For amendment of Sections 6 and 7, Article IV, of the Constitution of this State, to provide a separate district for the election of each State Senator and each State Representative.

Vote YES or NO.

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306. Yes.

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307. No.

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A R G U M E N T

Presented by the People's Power League for voting "NO" on the following measures passed by the Legislative Assembly:

1. Bill to call a constitutional convention. The official ballot number to vote "NO" is 305.
2. Amendment to the Constitution restricting the power of the people to make any law for elections by proportional representation, by requiring a separate district for the election of each State Senator and another for the election of each State Representative. The official ballot number to vote "NO" is 307.

For officers and members of the People's Power League see the last argument and last four measures in this book.

1. We believe and respectfully submit that the bill for a constitutional convention is unwise and dangerous, and should therefore be defeated on account of the number of special elections required, the unnecessary expense for such special elections and the plan to take away from the people the political powers they now have. The bill calls for three special elections throughout the State between April, 1911, and November, 1912. These special elections will cost the people at least one hundred and fifty thousand dollars (\$150,000). The first is the primary election in April, 1911, to nominate candidates for the office of delegate to the constitutional convention; second, a special general election all over the State to elect the delegates; third, a special general election in April, 1912, to approve or reject the constitution made by the convention. In September, 1912, we have the regular general primary election to nominate candidates for State and county offices, and then in November the general election to elect the officers.

If this bill is approved, and its provisions are enforced, there will be five general elections over the State in the nineteen months between April, 1911, and November, 1912. But the railroad, street railroad, telephone, express companies and other special interests behind this scheme for a constitutional convention intend that the people shall not have a chance to vote on a new Constitution, even if the people approve the bill. The plan is to have a new Constitution made and "proclaimed" by the convention as the Constitution of Oregon, without permitting the people to vote on that new Constitution. In that way, if the people approve of this bill, the convention can make a new Constitution for Oregon, leaving out the initiative, referendum and recall, and thus take from the people the power they now have to manage their public affairs. The legislature has the power to submit amendments to the Constitution, and the people have the power under the initiative to submit amendments; so there is no need for a convention to revise the Constitution.

Since 1890, constitutional conventions have made and "proclaimed" new constitutions for Mississippi, South Carolina, Delaware, Louisiana, Virginia and Kentucky without allowing the people to vote on them; and the state supreme courts have upheld the right of the conventions to force these constitutions upon the people, though in Virginia and Kentucky the laws calling the conventions especially provided that the new constitution should be submitted to the people for their approval or rejection. See the cases of *Taylor vs. Commonwealth* (Virginia Supreme Court Reports, Vol. 101, page 829), and *Miller vs. Johnson* (92 Kentucky, page 589.) The ballot number to vote "NO" on this bill is 305.

2. *Separate District Plan.* We respectfully submit reasons why we believe this amendment to require a separate district for the election of each State Senator and State Representative should be defeated. The separate district plan is the one by which representatives in Congress

have been elected for nearly sixty years, and the utter failure of the system to give a square deal to either the people or the political parties was clearly stated by Representative (afterwards President) Garfield in Congress in 1870 in these words:

"When I was first elected to Congress in the fall of 1862, the State of Ohio had a clear Republican majority of about 25,000; but, by the adjustment and distribution of political power in the State, there were fourteen Democratic Representatives upon this floor, and only five Republicans. The State that cast a majority of nearly 25,000 Republican votes was represented in the proportion of one Republican and three Democrats. In the next Congress there was no great political change in the popular vote of Ohio—a change of only 20,000—but the result was that seventeen Republican members were sent from Ohio, and only two Democrats. We find that only so small a change as 20,000 changed their representatives in Congress from fourteen Democrats and five Republicans to seventeen Republicans and two Democrats. Now, no man, whatever his politics, can justly defend a system that may in theory, and frequently does in practice, produce such results as these."

The single district plan is the one by which in Alabama every 535 Democratic voters can elect a member of the legislature, while 25,303 Republican voters can elect only one member; in Florida every 311 Democratic voters elect a member, and 3,747 Socialist voters elect one, but 10,654 Republicans cannot elect a member; by which in Michigan every 2,583 Republicans elect a member of the legislature, but 87,885 Democrats elect only one member; and by which in Georgia every 323 Democrats elect one member, but 41,692 Republicans cannot elect a member.

The theory is that the legislature represents all the people and that all the people are represented in the legislature. But how can there be a representative legislature under the single district plan? Surely, there can be no real representation in the South Carolina legislature when it requires 3,693 Republican votes to elect one member and only 377 Democratic votes to elect a member—so that one Democratic vote has as much force in law-making as ten and a half Republican votes. There is no real representation in Louisiana, where every 404 Democrats elect a member of the legislature, but 8,958 Republican voters cannot elect a member; nor in Texas where it takes 16,466 Republican voters to elect a legislator, but only 1,597 Democratic voters to elect one.

It is because of the single district plan of electing members of the legislature that one Republican vote is equal to three Democratic votes in Connecticut and to thirty-three Democratic votes in Michigan; and because of the single district system that one Democratic vote is equal to five Republican votes in Alabama, to more than ten Republican votes in South Carolina, to more than 10,000 Republican votes in Florida, and to more than 41,000 Republican votes in Georgia.

There cannot be equality before the law as long as there is inequality at the ballot box. There is no equality at the ballot box when the vote of one citizen counts for more than the vote of another citizen, and when many citizens are denied representation in the law-making body solely

because of their political beliefs. The single district plan insures misrepresentation. A representative legislature and representative legislators are impossible under such a plan.

In 1908 the voters of Oregon, by a majority of 14,740 votes, approved a constitutional amendment for proportional representation so as to abolish the system by which in 1906 the 54,000 Republican voters of the State elected fifty-nine of the sixty representatives in the legislature, while the 40,000 opposition voters—Democrats, Socialists and Prohibitionists—were able to elect only one representative. The single district amendment proposed by the legislature for electing legislators is merely an attempt to nullify the amendment adopted by the voters two years ago; and in proposing the single district amendment the legislature did not represent the 48,868 voters who approved of the proportional representation amendment in 1908, but represented the 34,128 minority voters who did not approve of it. The ballot number to vote "NO" on the single district amendment is 307.

We beg to call special attention to the last argument in this book, submitted by the People's Power League in support of four measures proposed by the League by initiative petition, in which we show how the system of proportional representation will work in the election of members of the legislature. The People's Power League measures are the last four on the ballot.

If the People's Power League amendment—ballot number 360 to vote "YES"—is adopted and a majority of the voters favor Statement No. 1 at the election in 1912, a majority of the members of the legislature will be for Statement No. 1; but if a majority of the voters favor the old auction-block method of electing United States Senators, then the majority of the legislature will be for the auction-block method. The proportional representation plan of the People's Power League will be absolutely fair in operation and results to every political party, to every independent and to all the voters.

Respectfully submitted to the electors of Oregon by

THE PEOPLE'S POWER LEAGUE OF OREGON.

[See page in later part of pamphlet for officers and members of People's Power League.]

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

SECTION 32 OF ARTICLE I,

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 23, 1909, 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.

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

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

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REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

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For an amendment of Section 32, Article I, of the Constitution of Oregon, by omitting the words "and all taxation shall be equal and uniform," and inserting in lieu thereof, the words: "taxes shall be levied and collected for public purposes only, and the power of taxation shall never be surrendered, suspended, or contracted away."

Vote YES or NO.

---

308.      Yes.

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309.      No.

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Rejected Yes 37,614  
No 40,172

May 3, 1913

SUBMITTED TO VOTERS OF OREGON NOVEMBER 8, 1910 23

[On Official Ballot, Nos. 308 and 309.]

SENATE JOINT RESOLUTION.

*Be it resolved by the Senate, the House concurring:*

That Section 32 of Article I of the Constitution of the State of Oregon, be, and the same is, abrogated, and in lieu thereof shall be inserted the following:

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.

Adopted by the House, February 18, 1909.

C. N. McARTHUR, Speaker of the House.

Adopted by the Senate February 18, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

Senate Joint Resolution No. 22.

WM. H. BARRY, Chief Clerk.

Filed February 23, 1909.

F. W. BENSON, Secretary of State.

## A R G U M E N T

(affirmative)

SUBMITTED BY

THE OREGON STATE FEDERATION OF LABOR

and the

CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY,

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

---

 REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY
 

---

For an amendment of Section 32, Article I, of the Constitution of Oregon, by omitting the words "and all taxation shall be equal and uniform," and inserting in lieu thereof, the words: "taxes shall be levied and collected for public purposes only, and the power of taxation shall never be surrendered, suspended, or contracted away."

Vote YES or NO.

---

 308. Yes.
 

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---

 309. No.
 

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 THE OREGON STATE FEDERATION OF LABOR

and the

CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY,

By their Joint Committee, Will Daly, President; J. F. Cassidy and William Noffke, on behalf of the Oregon State Federation of Labor; H. J. Parkison, Secretary, William MacKenzie and Charles Grassman, on behalf of the Central Labor Council of Portland and Vicinity, offer this argument to explain and advocate the approval by the people of the following three amendments to the Constitution, relating to taxation, the first two proposed by the Legislative Assembly and the third by initiative petition:

Official Ballot No. 308—To amend Section 32 of Article I.

Official Ballot No. 312—To amend Section 1 of Article IX.

Official Ballot No. 326—To amend Article IX by adding Section 1a.

The adoption of these amendments will very greatly increase the people's power. They will repeal the poll tax, which is the most odious and unjust of all taxes, and will give the plain people and taxpayers the greatest of all powers of government except the initiative and referendum. With very rare exceptions, the only men who pay the poll tax are a few laborers and men who own real property. The tax is unjust not only because it is collected from very few of the men who are supposed

to pay, but also because it bears so unequally on men in proportion to their ability to pay.

The laborer supporting a family on \$2 a day pays exactly the same poll tax as the corporation manager with a salary of ten thousand dollars a year. If the laborer can starve his family into saving fifty cents a day, the savings of six days labor will just pay his poll tax; the corporation manager can easily save enough to pay his poll tax from his salary for two hours' work. One man lives easily and saves enough to pay his share of the tax with two hours work; the other lives hard and saves enough on sixty hours' work to pay his share of the tax. The odds are thirty to one in favor of the rich man. Is it possible to imagine a more outrageously unjust tax than this?

In addition to abolishing this unjust tax the amendments take from the legislature the power to make any law declaring what property shall be taxed or what shall be exempted; how it shall be taxed or how it shall be exempted; the utmost that the legislature will have authority to do is to propose such laws to the people for their approval or rejection. If the amendments are adopted the voters will have no one but themselves to blame if the tax laws are not speedily made to bear with equal weight on every citizen.

Besides removing all the constitutional restrictions on the power of the people to make laws for taxation of any property and exemption of any class of property, they give to the people of each county that same power for their county, subject always to the general laws made by the people of the State. The county home rule provision is a valuable part of these amendments. Every county will be obliged to pay its fair share of the State taxes, but the people of the county may decide for themselves how they will raise the money; and it will make no difference whatever to the people of the other counties. Different methods and systems of taxation and exemption can thus be tried on a small scale, just as other inventions and experiments are first tried out on a small scale. With the people of every county studying and experimenting on this question of just laws for taxation and exemptions, it is certain that in a very few years Oregon will develop a fair system of taxation that will bear equally and justly on every citizen.

As we have said, these are strictly, "People's Power" amendments. Except the original initiative and referendum amendment, no other measure has ever been offered in Oregon to give the people so great and important power as this direct power to manage their own pocketbooks. The approval of these amendments will give to the plain people and the taxpayers of Oregon more bread-and-butter profits from the government than they have ever had in the past. Therefore, we earnestly hope that the above amendments will be approved by the people of Oregon at the November election.

Respectfully submitted to the electors of Oregon by the  
OREGON STATE FEDERATION OF LABOR, and the  
CENTRAL LABOR COUNCIL OF PORTLAND AND VICINITY.

## A N A M E N D M E N T

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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

ARTICLE IX,

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 23, 1909, 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.

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

Secretary of State.

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

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REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

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For amendment of the Oregon Constitution, Article IX (XIX) authorizing the creation of railroad districts and the purchase and construction of railroads, or other highways by the State, counties, municipalities, and railroad districts, creation of liens upon property or levying taxes for the payment of the same.

Vote YES or NO.

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310. Yes.

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311. No.

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[On Official Ballot, Nos. 310 and 311.]

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 15.

Proposed Amendment to the Constitution of the State of Oregon.

*Resolved by the House, the Senate concurring:*

That the following amendment to the Constitution of the State of Oregon be and the same is hereby proposed:

ARTICLE IX.

Section 1. The people of the State of Oregon, or the Legislative Assembly, may create railroad districts, within the State, empowered to construct railroads, or other highways, to serve said district.

Section 2. The State, or any county, municipality or railroad district of the State, may purchase or construct railroads, or other highways, within the State and lease or operate the same.

Section 3. The State, or any county, municipality or railroad district may pledge its credit, levy general taxes, or create a special lien upon land and also upon the real estate of any town, or towns, benefited, or do any other act necessary to create a fund for the purchase or construction or operation of railroads or other highways within the State.

Section 4. The State may condemn, under the power of eminent domain, or purchase any railroad or highway within this State. But in case of purchase, by voluntary agreement, the price paid shall in no case exceed the cost of duplicating the property at the time of purchase.

Section 5. The State, or any county, municipality or railroad district, shall not operate any railroad, or other highway unless compelled so to do for good reasons, or unless justified in so doing by a superior profit or result, but no railroad, or other highway, or any part thereof, shall be leased for a less rental than will provide for the payment of the interest and fixed charges, and a proper sinking fund for the retirement of the debt, or if there be no debt, then for a reasonable return upon the investment, such as would be demanded by private capital.

Section 6. No railroad or other highway, owned by the State, or any county, municipality or railroad district, shall be sold to a private person, or corporation, nor disposed of, except to the State, or a public corporation thereof, and any such transfer or amalgamation shall not impair the obligations issued in behalf of the road or highway transferred or amalgamated.

Section 7. So much of Sections 5, 7, 8, 9, and 10 of Article XI of the State Constitution as conflict with the provisions of this amendment, and any other parts of the Constitution in conflict with the purpose of this amendment, are hereby repealed insofar, only, as they conflict with the purposes of this amendment. But nothing in this amendment shall be construed as in any way impairing the right of the people under what is known as the Initiative and Referendum.

Adopted by the House, February 15, 1909.

C. N. McARTHUR, Speaker of the House.

Concurred in by the Senate, February 19, 1909.

(Endorsed)

JAY BOWERMAN, President of the Senate.

Substitute House Joint Resolution No. 15 W. F. DRAGER, Chief Clerk.

Filed February 23, 1909. F. W. BENSON, Secretary of State.

## A R G U M E N T

(affirmative)

SUBMITTED BY

C. E. S. WOOD, E. HOFER, WM. GRIMES, E. S. J. McALLISTER

and W. S. U'REN,

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

## REFERRED TO THE PEOPLE BY LEGISLATIVE ASSEMBLY

For amendment of the Oregon Constitution, Article IX (XIX) authorizing the creation of railroad districts and the purchase and construction of railroads, or other highways by the State, counties, municipalities, and railroad districts, creation of liens upon property or levying taxes for the payment of the same.

Vote YES or NO.

310. Yes.

311. No.

## A R G U M E N T

In favor of amending the Constitution of the State of Oregon by adding thereto Article XIX. By error of the Legislative Assembly it is printed as "Article IX."

*Official Ballot No. 310.* During the legislative session of 1909, the Portland Chamber of Commerce and other associations of business men went to Salem, or sent committees, to request the Legislative Assembly to submit this amendment, so that the people of Oregon might take the power to free themselves from railroad monopoly in this State. Soon after the legislature submitted the amendment, the railroad companies began to take an interest in building lines in Oregon. Believing that the people need the power to free themselves from railroad monopoly, to have it ready for use in any future emergency, we submit the following argument in favor of the amendment.

Contrary to what has been often erroneously repeated, the Constitution of the State of Oregon does not prohibit the State from building or owning railroads. There is no such constitutional prohibition in any

state in the Union. The State has as perfect a right to own and control its iron highways as its dirt highways or its canals. What the Constitution of our State does prohibit is that the State shall go into debt more than \$50,000, or that it shall go into partnership with any private corporation.

The purpose of this amendment is simply to remove the prohibition against the State issuing bonds for railroad purposes in order that the State may be upon the same footing as private capitalists in entering the money markets of the world. The amendment permits bond issues for highway purposes and none other. Any affiliation with private corporations is still prohibited and the power of the State to alienate any of its highways is expressly denied. All possibility of graft is shut off and the people's rights are strictly preserved.

The amendment is but one more step in line with the people's resumption of those great fundamental powers which naturally belong to them. There is no greater power than the control of a nation's highways and no power which it is more important that the people should preserve. The corruption of legislatures, city councils, United States Senate and the vast power exercised by the railways is proof of this. Railroads struggle with each other for the possession of strategic passes, city water front, etc., all of which indicates the falsity of private ownership.

The great mistake was made when in the beginning, by reason of the strangeness of the situation, railroads were permitted to be owned by private parties. It was the first time in the history of the world that any nation ever turned over to private interests its whole system of highways, the great arteries of commerce which take toll from every one.

This mistake soon made itself felt and the people ever since have been instinctively but blindly struggling to assert their ownership, which has taken the complicated form of Interstate Commerce Commission, State Railway Commission, Rate Bills, etc. The right of the people to own the railroads is shown in the determination to regulate them, for regulation means ownership. Against this more or less blind effort of the people the private owners struggle by every means in their power, honestly believing that the railroads they have built are their own property and that they have the right to tax the people all the traffic will bear.

Oregon has been the spectacle of how a great State may be strangled by a private corporation which controls her iron highways and the head of which contemptuously said that if Oregon did not like it she could build her own railroads, well knowing that the private individuals of Oregon could not finance a sufficiently strong corporation and that the hands of the State itself were tied. This amendment proposes to remove these shackles so that never again shall our country witness a great sovereign State with millions of undeveloped acres sitting helpless while her neighbors to the north and south pass her in the race of progress while she awaits the whim of private capital.

We repeat, the essence of this amendment is to put the sovereign State of Oregon on an equal footing with private capitalists in the bond-buying

markets of the world, for the men who build railroads do not furnish the money from their own pockets, but go to the general public with their bonds—a thing which the Constitution of Oregon prohibits this State from doing and which this amendment seeks to remove, we repeat, solely for highway purposes.

We now examine some special objections which have been made to this amendment.

1. That it is against the wisdom of the forefathers of the State to build and own railroads.

This is not true. It was a mere accident owing to the capital required and the novelty of the proposition which started the railroads as the ventures of private capital. The forefathers had no more reason against the State owning its railroads than they had against it owning its canals. Abraham Lincoln expressly advocated it for the State of Illinois. Suppose his advice had been followed. Imagine the revenues that State would receive from the rental of the railroads in Illinois to operating companies.

2. That it is a radically new departure.

This is not true. As already suggested, the radical departure was when for the first time in history, a people permitted its most important highways to be owned by private individuals. The evils which have grown from this fault have already been hinted at and are known to all men.

3. That the experience of other states in the past in going into the railroad business has been disastrous.

This is not true. Where are the other states and what are the roads? As a matter of fact the Western & Atlantic Railroad, built and owned by the State of Georgia, was not satisfactory during the carpet-bagging days when run by the politicians, but since it has been leased to a private operating company, with conditions of management laid down in the lease, every one has been satisfied and the State receives from this property a net rental of more than \$450,000 a year. The ownership and operation by the government of railroads in various European countries has been satisfactory, and in Germany and Holland certain provinces which went back to private operations again returned to state operation as more satisfactory, and the statement that freight rates are higher in Europe is misleading, because in the European freight rates is included all express matter, special, fast and fancy freight.

The fact is that what people have in mind when they speak of the past experiences in this country with the railroads is that the railroad by private lobbies procured great land grants, money subsidies and purchases of railroad bonds by the State for which the people received absolutely nothing in return. It was pure graft and is very different from the State owning its own highways and leasing them under proper restrictions for operation. In those days the railroads were the bosses. We propose that the people shall now dictate.

4. That it will bankrupt the State.

For the State to sell its bonds and build railroads in this State will no more bankrupt it than the building of railroads in Eastern Washington bankrupted the owners of those railroads—every one of which is immensely profitable. If no other alternative offered, Oregon could afford to build railroads merely for the purpose of bringing in people and developing the great wealth of the State.

5. It is said it will bring the State railroad into politics.

Are the people not already forced into railroad politics to protect themselves? And why should State ownership of railroad produce a worse state of affairs than railroad ownership of the State? Besides, the people of Oregon are waking to their powers and their rights and by the Initiative, the Recall, and the Direct Primary have the means of control in their own hands.

6. Privately owned railroads will parallel the State-built railroads.

Then we will have two railroads instead of one.

7. That the State taking control of the highways will drive out private capital.

Has the State taking control of railroads by the various enactments and commissions driven away capital? It would seem not. When a city takes control of its gas works, street railways or water works, capital is not driven from the city, nor discouraged, but the capital released from these investments immediately seeks another form of investment.

8. That the money barons will kill the sale of the bonds.

The money barons could kill the sale of bonds by any private corporation formed in Oregon, but could no more impair the credit of the bonds of the sovereign State of Oregon than they could the bonds of the United States.

The State is already in the railroad business, operating the portage railroad at The Dalles, and as this does not bring the State a visible net profit it is pointed out as a horrible example. The fact is, it was never expected to be profitable in itself. It is not strictly a railroad, but a link in river navigation. It should be valued, like a fire engine, by the purpose it serves, namely: forcing a reduction of railroad rates.

It is not necessary that the State should engage in railroad operation. The existing railroads are not operated by the capitalists who own them, but by salaried men, and there are plenty of men in the United States without capital to build roads who would be glad to form operating companies and lease roads owned by the State.

There is one great consideration lost sight of, and that is that the right-of-way of a railroad becomes the most valuable property in the State as the State develops and becomes populous. For example, the right-of-way of the Western & Atlantic, which was originally worth nothing, is now rated at twelve million dollars. In the same way, rights-of-way through Oregon which are now rated at nothing will twenty years hence, when the State is thickly populated, be worth many millions of dollars. Should not these properties be secured by the State

now, rather than some day pay the private owners immense sums for taking them over? These values are made by the increase of population and they belong to the people, not to the railroad. It is true the railroad will have helped develop the State and bring in the population, but it will have been paid day by day for so doing and the unearned increment belongs to the people as a whole who have made it.

In conclusion, read the amendment itself. Consider if it is not right that the people should own and control their own highways and if the other highways, why not the most important ones, the railroads? Consider that *operation* is entirely distinct from *ownership*. Consider that all we are trying to do now in the way of regulation of railroads by a complex and imperfect plan may be easily done by dictating in the lease to the operating company those conditions under which it shall have the privilege of operation.

Do not be misled by the fact that there is suggestion of railroad building now in Oregon. Perhaps this very amendment may have been the cause. If we needed it once we may need it again, and more than all it is right as a general principle, because it is the assumption by the people of a power which naturally and inherently belongs in them.

C. E. S. WOOD,  
E. HOFFER,  
WM. GRIMES,  
E. S. J. McALLISTER,  
W. S. U'REN.

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 EIGHTH DAY OF NOVEMBER, 1910,  
TO AMEND

SECTION 1 OF ARTICLE IX,

Proposed by the Legislative Assembly and filed in the office of the Secretary of State February 23, 1909, 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 an amendment of Section 1 of Article IX of the Constitution of the State of Oregon, directing a uniform rule of taxation "except on property specifically taxed," authorizing the levy and collection of taxes for State purposes and for county and other municipal purposes upon different classes of property, and appropriating State taxes among the several counties as county obligations.

Vote YES or NO.

312. Yes.

313. No.

[On Official Ballot, Nos. 312 and 313.]

HOUSE JOINT RESOLUTION NO. 17.

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

That Section 1 of Article IX of the Constitution of the State of Oregon be, and the same is, abrogated, and in lieu thereof shall be inserted the following:

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

Adopted by the House, February 15, 1909.

C. N. McARTHUR, Speaker of the House.

Concurred in by the Senate, February 18, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

House Joint Resolution No. 17.

W. F. DRAGER, Chief Clerk.

Filed February 23, 1909.

F. W. BENSON, Secretary of State.

(Affirmative argument following No. 308, covers this measure.)

## A MEASURE

To fix the salary of the Judge of the Circuit Court of the Eighth Judicial District in this State and to provide for the manner of its payment, filed in the office of the Secretary of State, February 12, 1909.

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 EIGHTH DAY OF NOVEMBER, 1910,

Referendum ordered by petition of the people filed in the office of the Secretary of State, May 20, 1909, 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 providing for the payment of \$1000.00 annually to the Judge of the Eighth Judicial District, by Baker county, in addition to the annual salary of \$3000.00 received by him from the State.

Vote YES or NO.

314. Yes.

315. No.

[On Official Ballot, Nos. 314 and 315.]

AN ACT

To fix the salary of the Judge of the Circuit Court of the Eighth Judicial

District in this State and to provide for the manner of its payment.

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

Section 1. The Judge of the Circuit Court of the Eighth Judicial District in this State shall receive an annual salary of three thousand (\$3000.00) dollars, payable quarterly, by the State, as the salaries of other circuit judges are paid; and in addition thereto there shall be paid annually by Baker county, out of the county funds, to the judge of said court the sum of one thousand (\$1000.00) dollars, which said sum shall be audited and paid monthly in the same manner as county officers are paid. The judge of said Circuit Court shall not receive any other allowance for his services, either directly or indirectly.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Passed by the House, February 2, 1909.

C. N. McARTHUR, Speaker of the House.

Passed by the Senate, January 22, 1909.

JAY BOWERMAN, President of the Senate.

(Endorsed)

Senate Bill No. 32.

WM. H. BARRY, Chief Clerk.

Executive Department, State of Oregon. Received February 5, 1909.

Passed the Senate, February 11, 1909, notwithstanding the veto of the Governor.

WM. H. BARRY.

Passed the House, February 11, 1909, notwithstanding the veto of the Governor.

W. F. DRAGER, Chief Clerk.

Filed February 12, 1909.

F. W. BENSON, Secretary of State.

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 EIGHTH DAY OF NOVEMBER, 1910.

To propose by initiative petition a law to create the County of Nesmith,  
fixing the salaries of its officers and providing for its organization.  
By initiative petition filed in the office of the Secretary of State, Decem-  
ber 4, 1909, 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 sub-  
mitted on the official ballot:

PROPOSED BY INITIATIVE PETITION.

A bill for an act to create the County of Nesmith out  
of a portion of the northern part of Douglas County  
and the southern part of Lane County; providing for  
its organization, fixing the salaries of the officers  
thereof, and for adjusting finances between the three  
counties.

Vote YES or NO.

316. Yes.

317. No.

[On Official Ballot, Nos. 316 and 317.]

### A BILL

To propose by initiative petition a law creating the County of Nesmith, fixing the salaries of its officers and providing for its organization.

*Be it enacted by the people of the State of Oregon:*

Section 1. That all that portion of the State of Oregon embraced within the following boundary lines be, and the same is hereby created and organized into a separate county, by the name of Nesmith, to-wit: Beginning at the southwest corner of section 7, township 19 south of range west of the Willamette Meridian, and running thence south 16 miles, to the southwest corner of township 21 south of range 7 west of the Willamette Meridian; thence east along township line 21 miles to the southeast corner of section 33, township 21 south of range 4 west of the Willamette Meridian; thence south following the section lines 15 miles to the southeast corner of section 16, township 24 south of range 4 west of the Willamette Meridian; thence east following the section lines 15 miles to the southeast corner of section 13, township 24 south of range 2 west of the Willamette Meridian; thence south along range line 9 miles to the southwest corner of township 25 south of range 1 west of the Willamette Meridian; thence east on township line between townships 25 and 26 to the summit of the Calapooia range of mountains; thence in an easterly direction, following the summit of the Calapooia range of mountains to its junction with the summit of the Cascade range of mountains; thence northerly, following the summit of the said Cascade range of mountains to its intersection with the township line between townships 21 and 22 south; thence west along said township line to the southeast corner of township 21 south of range 2 east of the Willamette Meridian; thence north following section lines 2 miles; thence west 2 miles; thence north 2 miles; thence west 2 miles; thence north 2 miles; thence west 8 miles to the southwest corner of township 20 south of range 1 east of the Willamette Meridian; thence north 3 miles to the southeast corner of section 13, township 20 south of range 1 west of Willamette Meridian; thence west following section lines 6 miles to the southwest corner of section 18, township 20 south of range 1 west of the Willamette Meridian; thence north 3 miles to the northeast corner of township 20 south of range 2 west of the Willamette Meridian; thence following section lines west 3 miles to southeast corner of section 33, township 19 south, range 2 west of Willamette Meridian; thence north 4 miles; thence west 3 miles; thence north 2 miles to the northwest corner of township 19 south of range 2 west of the Willamette Meridian; thence west 9 miles to the northwest corner of section 3, township 19 south of range 4 west of the Willamette Meridian; thence south 2 miles to the northeast corner of section 16, township 19 south of range 4 west of the Willamette Meridian; thence west, following section lines to the place of beginning.

Section 2. That the territory embraced within said boundaries shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor, as soon as it shall be convenient after this law shall have gone into effect, to appoint for Nesmith County and from its citizens, the several county officers allowed by law to other counties in this State, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their respective successors shall have been duly elected at the general election of 1912 and are duly qualified according to law.

Section 3. The temporary county seat of Nesmith County shall be located at Cottage Grove, in said county, until a permanent location shall have been adopted. At the next general election the question shall be submitted to the legal voters of said county, and the place, if any, which shall receive a majority of all the votes cast at said election upon said question, shall be the permanent county seat of said county. But if no place shall receive a majority of all the votes so cast, the question shall again be submitted to the legal voters of said county at the next general election, but between the two points having the highest number of votes at said first election, and the place receiving the highest number of votes so cast at such election shall be the permanent county seat of said county.

Section 4. Said County of Nesmith shall, for representative purposes be annexed to the third representative district, and for senatorial purposes said county shall be annexed to the third senatorial district, being the representative and senatorial districts, respectively, formerly composed of Lane County. And shall also be attached to the second horticultural district.

Section 5. The County Clerks of Lane and Douglas Counties, respectively, shall within thirty days after this law shall have gone into operation, make out and deliver to the County Clerk of Nesmith County, a transcript of all taxes upon all persons and property within said Nesmith County, which were previously included within the limits of Lane and Douglas Counties, respectively, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officers of Nesmith County. The county clerks of Lane and Douglas Counties, respectively, shall also make out and deliver to the county clerk of Nesmith Counties, within the time above limited, a transcript of all cases pending in the Circuit and County Courts of their respective counties, between parties residing in or concerning property located in Nesmith County, and transfer all original papers and pleadings in such cases to the clerk of Nesmith County, and all such cases shall be tried in said Nesmith County.

Section 6. There shall be a session of the County Court of Nesmith County for the transaction of county business held at the county seat on the first Wednesday in January, March, May, July, September and November of each year.

Section 7. The said County of Nesmith is hereby attached to the second judicial district for judicial purposes and to the fourth prosecuting attorneys'

district and the terms of the Circuit Court for said county shall be held at the county seat of said county, on the first Monday in April and October of each year.

Section 8. Until otherwise provided by law, the County Judge of Nesmith County shall receive an annual salary of \$600; County Clerk of said county shall receive an annual salary of \$1,200; the Sheriff of said county shall receive an annual salary of \$1,200; the treasurer of said county shall receive an annual salary of \$300; the Assessor of said county shall receive an annual salary of \$900; the County School Superintendent of said county shall receive an annual salary of \$400; and the County Commissioners of said county shall receive the sum of \$3 per day each for the time actually engaged in the transaction of county business.

Section 9. The County Court of Nesmith County shall let by contract to the lowest responsible and efficient bidder or bidders, in separate contracts the work of transcribing all records of Lane and Douglas Counties, respectively, affecting real estate situate in Nesmith County and when completed they shall be examined and certified to by the County Clerk of Nesmith County, and shall thereafter be recognized and acknowledged as the official records of Nesmith County; provided, the County Clerk of said Nesmith County shall be allowed to bid upon such work.

Section 10. It shall be the duty of the county school superintendents of Lane and Douglas Counties, respectively, within thirty days after the appointment of a county school superintendent for Nesmith County, to make out and forward to said school superintendent of Nesmith County a true and correct transcript or abstract of the annual reports of the clerks of the various school districts embraced within the County of Nesmith. The commissioners hereinafter named and appointed to adjust the property and financial interests of Lane and Nesmith and Douglas and Nesmith Counties, respectively, shall at the same time ascertain what, if any, sum or sums of money belonging to the school fund is in the hands of the Treasurers of Lane and Douglas Counties, respectively, which should be paid to Nesmith County, and said sum or sums, if any, shall be paid to Nesmith County within thirty days after such award.

Section 11. The County Treasurer of Nesmith County shall, not later than October 15th, 1911, pay over to the Treasurers of Lane and Douglas Counties, respectively, the full amount of State tax of the assessment of 1910, due from citizens of Nesmith County.

Section 12. The Treasurer of Nesmith County shall, within one year after its organization by the appointment of its officers as herein before provided, assume and pay to the counties of Lane and Douglas, respectively, a pro rata proportion of the remaining indebtedness, if any, of said Lane and Douglas counties, respectively, after deducting therefrom the amount of money that has been collected in taxes from the territory taken from said Lane and Douglas Counties, respectively, if any, and expended by said respective counties for public buildings or other property; provided, that if, when this law goes into effect, there is no indebtedness of said Lane and Douglas Counties, respectively, then Nesmith County shall be entitled to

credit and said counties respectively shall pay to Nesmith County the amount of money that has been collected in taxes from the territory taken from said respective counties, by this law, and included in the County of Nesmith, and expended by said Counties of Lane and Douglas, respectively, if any, for public buildings and other property; provided, further, that if, when this law takes effect and after the payment of all indebtedness and expenses of Lane and Douglas Counties, respectively, up to that time there shall be a balance of money in the hands of the Treasurers of said Lane and Douglas Counties, respectively, then, and in that event, the County Treasurers of Lane and Douglas Counties, respectively, shall, within thirty days after this law takes effect, or within thirty days after the amount thereof shall have been determined by the commissioners hereinafter appointed, pay to the Treasurer of Nesmith County such proportion of the balance so in the hands of the Treasurers of Lane and Douglas Counties, respectively, after the payment of the indebtedness and expenses aforesaid, as the total value of the property in Nesmith County taken from said respective counties by this law bears to the total value of property in said Lane and Douglas Counties respectively, and according to assessment of 1910.

Section 13. The County Judges of Lane and Nesmith Counties and L. D. Scarbrough of Creswell, Oregon, are hereby appointed a board of commissioners to determine the value of the county buildings and other property in Lane County; the amount of indebtedness, if any, to be assumed by Nesmith County, and be paid to Lane County, and the amount of money that may be due from Lane County to the County of Nesmith, under the terms of section 12 of this law. Said board shall meet at the county seat of Lane County within thirty days after this law takes effect and thereupon determine said matters.

Section 14. The County Judges of Douglas and Nesmith Counties and C. M. Henderer of Leona, Oregon, are hereby appointed a board of commissioners to determine the value of the county buildings and other property of Douglas County, the amount of indebtedness, if any, to be assumed by Nesmith County, and be paid to Douglas County, and the amount of money that may be due from Douglas County to Nesmith County under the terms of Section 12 of this law. Said board shall meet at the county seat of Douglas County within thirty days after this law goes into effect and thereupon determine said matters.

Section 15. After taking and subscribing an oath to faithfully discharge their respective duties, said boards, respectively, shall proceed with such work and when it is completed shall file reports of their conclusions in duplicate with the clerks of Lane and Nesmith and Douglas and Nesmith Counties, respectively. In case of a vacancy in either of said boards, the same shall be filled by the appointment of some suitable person or persons by the Governor of the State.

Section 16. Within thirty days after the filing of such reports, respectively, either county may appeal from the decision of said board to the Circuit Court of Lane or Douglas Counties by serving notice of appeal upon the clerk of the other county interested. Upon perfecting the issue

in such Circuit Court, either county may demand a change of venue to any other county in the second judicial district, or other Circuit Court of the State of Oregon, for any county which may be agreed upon by said counties, or in the event of a disagreement, to any county which may be designated by the judge of the court where said proceeding is pending. The trial may be by jury and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to recover a more favorable judgment than the finding of the board appealed from by at least \$500, it shall pay the costs of the appeal. If no appeal be taken by either party, within the thirty days above provided, the findings of said board shall be final and conclusive. The members of said board shall receive the sum of \$3 per day for each day actually employed and the same mileage as a witness in the Circuit Court. The expenses incurred by the above mentioned boards, respectively, shall be borne equally by the two counties interested.

## ARGUMENT

(affirmative)

SUBMITTED BY

THE NESMITH COUNTY COMMITTEE

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

## PROPOSED BY INITIATIVE PETITION

A bill for an act to create the County of Nesmith out of a portion of the northern part of Douglas County and the southern part of Lane County; providing for its organization, fixing the salaries of the officers thereof, and for adjusting finances between the three counties.

Vote YES or NO.

316. Yes.

317. No.

ARGUMENT SUBMITTED BY THE NESMITH COUNTY COMMITTEE, representing 92 per cent of the qualified electors within proposed Nesmith County, in favor of initiative bill for the creation of a county to be known as Nesmith, from parts of Lane and Douglas Counties.

The people of Southern Lane and Northern Douglas Counties, numbering more than 8,000, believing local self-government to be the ideal form of government for the primary reason that any locality is better qualified to administer its own governmental affairs than persons who have no special interest in it or the citizens thereof, have initiated a bill for the creation of a county to be known as Nesmith from parts of Lane and Douglas. They contend that the nearer home government is the cheaper; that laws are more effectually enforced; that greater development of country is attainable; that more and better highways are possible; that the citizens of the proposed county would be convenienceed by being nearer the seat of government; that taxation and representation should go hand in hand; that the community would be rendered more effective in increasing population, developing the resources of the territory, thereby materially aiding in the building up of a greater Oregon.

The Constitution of Oregon absolutely prohibits the Legislative Assembly from creating a county by a law passed for that purpose alone, and there is no general law for the creation of counties, hence the question must be decided by the people at the polls. That the citizens of the proposed county are practically unanimous in favor of creating the County of Nesmith

is shown by the fact that 92 per cent of the qualified electors in the territory mentioned signed a petition praying for its formation. The lines have been drawn in strict adherence to the topography and natural watersheds of the country affected, leaving vast resources and large population to both old counties, and in each case taking less value than area, the chief desire being to benefit the citizens of the proposed County of Nesmith without working injury to either Lane or Douglas, or any resident thereof. All boundary lines follow natural divides as near as practicable, and to the proposed temporary county seat—Cottage Grove—it is in the aggregate "an easy down-hill pull," thus making it convenient for a large per cent of the rural residents of the proposed county to transact their business at that point, as is now their custom. The north boundary line, on an air line, is six and three-quarters miles from the courthouse of Lane County, while by either rail or wagon road the distance is eleven miles, or exactly half way between Eugene and Cottage Grove. The dividing line is the center of an untravelable swale fully two miles in width and approximately seven miles in length, and between this swale and Eugene, the county seat of Lane County, is a range of mountains. The nearest the line at any point on the south comes to Roseburg, the county seat of Douglas County is twenty miles on an air line, and the territory sought is naturally tributary to the center of population within the proposed County of Nesmith. At no point is the line east of Roseburg, and it leaves the inhabitable portion of the Umpqua Valley to Douglas County. With reference to the shape of proposed Nesmith County, as well as the shape of the area remaining to the existing counties, let it be understood that the streams, valleys and ridges all have an east and west course or a southeast and northwest course; that all main lines of travel must necessarily follow these valleys, which lead to the main towns as at present existing; that there would be no justification for any design that would violate this cardinal principle which governs the building up of community interests.

The County of Lane has an area of 4,380 square miles, equal to about 2,800,000 acres. Douglas County contains 4,861 square miles, or approximately 3,000,000 acres. As will be seen, the joint area of these two counties is greater than the entire Willamette Valley, which, exclusive of the foothills, contains only 5,000,000 acres. Lane and Douglas Counties were organized fifty years or more ago, when the area embraced was sparsely settled and their great resources wholly undeveloped. Their joint area, it will be observed, is 9,241 square miles, while the joint area of ten other counties in Western Oregon is but 8,746 square miles, making the territory from which it is proposed to carve Nesmith County 455 square miles greater than these ten other counties. And yet the people find it to their interest to maintain these ten separate county organizations in this territory. It is proposed to take only 1,940 square miles from Lane and Douglas' joint area of 9,241. The assessed valuation of Nesmith County, as shown by the records, would be \$5,309,575, of which \$4,004,273 would come from Lane (leaving it \$18,002,647), and \$1,305,302 from Douglas leaving it \$27,275,740). The total population of the new county would

be 8,656, of which number 7,680 would be taken from Lane and 976 from Douglas. Nesmith would have 394 miles of roads, with their accompanying bridges, 360 miles coming from Lane and 34 from Douglas. Forty-four school districts would be incorporated in the new county, and it would have 2,160 children of school age.

The country within the boundaries of proposed Nesmith County is capable of maintaining an organization that would be to the best interests of the people embraced within that county, and at the same time not deprive any other people affected of their rights, or increase their burdens, or work them any injustice, unless to deprive them of the privilege of collecting revenue from residents of the seceding territory without just distribution of benefits should be considered a vested right to the county seats of the existing counties. County judges and county commissioners of the respective counties have absolute control of all county money, and also of all roads and bridges. Cottage Grove, the geographical center of the proposed County of Nesmith, and the second city in point of population in Lane County, has never been permitted to have a county judge, and it has been 24 years since this section of the county had a representative on the Board of County Commissioners. That portion of Douglas County included in proposed Nesmith County has never had either a judge or commissioner, and the legislative representatives from both the existing counties in question are from the county seats of the respective counties.

It has been contended by some opponents to the measure that Nesmith County had taken valuable timber into its boundaries for the sole purpose of deriving revenue therefrom when the Government disposes of the ripe product, but it is a well-known fact that every county in which a natural forest is situate gets its proportion of the 25 per cent awarded by the Government from sales made in that reserve, regardless of the location of the timber thus sold. Nesmith County would take only 20 per cent of the joint timber area of Lane and Douglas Counties within the reserve, and hence would receive but 20 per cent of the money that would otherwise go to the two existing counties.

With this honest presentation of facts, borne out by the records of Lane and Douglas Counties, and with an expression of confidence that the electors of Oregon will appreciate the merits of the measure and aid in its consummation at the polls on November 8 next, we rest our case with them. The people of the proposed county seek its creation from honest motives; the promoters of the measure are the people, all having a common interest in its success. No member of the committee is an office holder, an office seeker or in any way connected with the municipal administration of Cottage Grove, as has been alleged, but is acting at the instance of the people who seek self-government.

Respectfully submitted.

THE NESMITH COUNTY COMMITTEE,

By LEW A. GATES, Secretary.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to provide for the permanent support and maintenance of "The Oregon Normal School at Monmouth, Polk County, Oregon."

By initiative petition filed in the office of the Secretary of State, June 10, 1910, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

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

Secretary of State.

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

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PROPOSED BY INITIATIVE PETITION.

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A bill for a law to provide for the permanent support and maintenance of Oregon Normal School at Monmouth, Polk County, Oregon, by levying an annual tax of one-twenty-fifth of a mill on the dollar upon all the taxable property within the State of Oregon.      Vote YES or NO

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318.      Yes.

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319.      No.

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[On Official Ballot, Nos. 318 and 319.]

A BILL

To propose by initiative petition a law to provide for the permanent support and maintenance of "The Oregon Normal School at Monmouth, Polk County, Oregon."

*Be it enacted by the people of the State of Oregon:*

Section 1. For the support and maintenance of "The Oregon Normal School at Monmouth, Polk County, Oregon," for the payment of salaries of its teachers and employees; to keep the buildings, grounds and other property thereof in repair; for the purchase of additional land for the campus thereof, if necessary; for the construction of buildings and additions to the same, so far as necessary; for the purchase of library books, laboratory supplies and apparatus, and for the payment of necessary incidental expenses, there is hereby levied an annual tax of one-twenty-fifth of a mill on the dollar upon all the taxable property within the State of Oregon. Such tax shall be levied and collected, as other taxes are levied and collected, and the fund arising therefrom shall be paid into the State Treasury and kept separate and apart from other funds, and shall be known as the "Monmouth Normal School fund," and shall be paid out only on warrants drawn by the Secretary of State on the State Treasurer against said fund, and under the supervision and direction of the Board of Regents and their successors in office. If any portion of said fund shall not be used during any fiscal year, the balance remaining shall be carried over until the next year and added to the fund for that year, and the Secretary of State is authorized and directed to audit and allow all claims otherwise payable out of such fund, regardless of the date when contracted, but no claim or indebtedness incurred by or on behalf of said school prior to the passage of this act shall ever be paid out of the fund hereby created.

Section 2. "The Oregon Normal School at Monmouth, Polk County, Oregon," shall be controlled, managed and maintained by a Board of Regents and their successors in office, appointed by and with the authority conferred upon them pursuant to Chapter 189 of the General Laws of Oregon, filed in the office of the Secretary of State on February 25th, 1907.

## ARGUMENT

(Affirmative)

SUBMITTED BY

ALUMNI ASSOCIATION OREGON NORMAL SCHOOL

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

## PROPOSED BY INITIATIVE PETITION.

A bill for a law to provide for the permanent support and maintenance of Oregon Normal School at Monmouth, Polk County, Oregon, by levying an annual tax of one-twenty-fifth of a mill on the dollar upon all the taxable property within the State of Oregon. Vote YES or NO.

318. Yes.

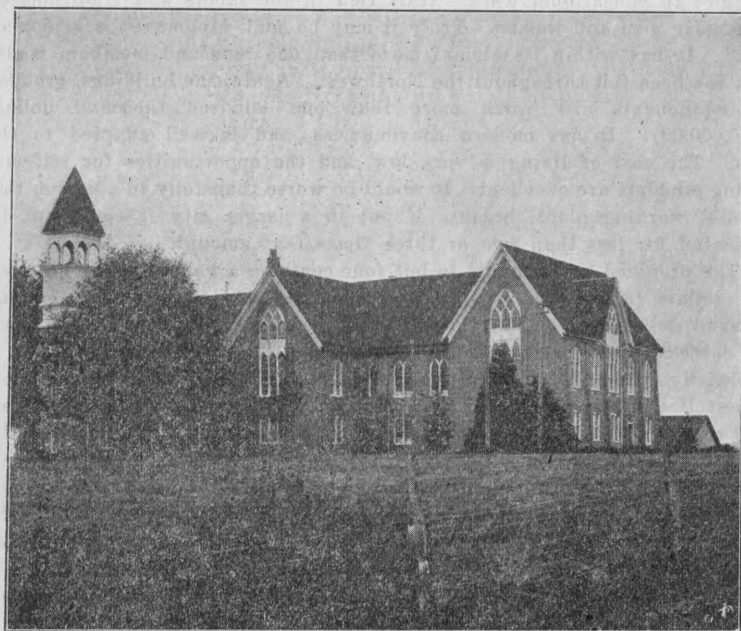
319. No.

## ARGUMENT IN FAVOR OF ABOVE MEASURE.

In behalf of an affirmative vote on No. 318 on the official ballot which provides for the maintenance of the Oregon State Normal School at Monmouth, we earnestly desire to call your attention to a brief statement of the facts affecting this measure. It is the sole purpose of the Monmouth school to prepare, train and educate teachers. We all agree that teachers are, and always have been, an indispensable adjunct to society. The more complex this society becomes, the more is the need that only trained teachers should be employed. The time has passed when merely a knowledge of the rudimentary principles of the three R's or even a more comprehensive knowledge of them, is all that is required. Now that the methods and manner of teaching the children practical knowledge have been more definitely worked out, that the laws of the delicate, susceptible child mind are more clearly understood, it is necessary that the teacher have as complete knowledge of these as possible to get the best results, and the greater his knowledge, the greater his success, and that too with a larger number of pupils.

The Normal School is no longer an experiment; every State in the Union, save and except Oregon, has from one to nineteen. (See H. D. Sheldon's report on State Normal School Systems of the United States.) Ohio has very recently added two additional ones (T. C. Laylin, Master Ohio State Grange), which makes three now for that State. The United States maintains and operates a normal school in the Philippine Islands at

Manila. (See Philippine Normal School Catalog.) It goes without saying that Oregon will have at least one normal school. The State must have a large number of new teachers annually; there is but one of three ways in which these can be supplied, namely, from the eighth grade, from importation of trained teachers from our neighboring States or from our own State normal schools, the rightful source of supply. If you have illness in your family you employ a skilled physician; if you wish your valuable stock properly cared for you employ only one who is competent and trained for the work; but too often you will trust your child, with his keen, susceptible, developing mind, in the care and under the training of anyone who may apply, and yet you know that the future of that child is often determined by the teaching he receives while in the public school. Again, it is not fair to our young men and women who desire to enter this profession to compel them to



Normal School at Monmouth, Oregon

go to a neighboring State for their preparation. Most of the young ladies who are training themselves are looking toward this vocation. Many of them are compelled to provide for their own expenses while attending a normal school and to compel them to go outside of the State is imposing a hardship which is wholly unfair. The tendency is to drive them out of the profession entirely, or to seriously discourage them in their work. Again, they grow out of a close touch with the conditions within their own State.

We believe all will agree that these schools should be wholly separated from politics and from religious bias.

Granted this, then the question comes as to location. Monmouth is the proper place to establish a State normal; it is easily accessible by a number of routes, train connections may be made with the East and West Side trains six times a day, and boat connections with Salem twice a day, and several more daily trains over the projected electric lines. It is located in a most beautiful and healthful part of the country. Not being a large city it is free from the usual evil influences which are there so often felt. As Yale, Princeton and other great schools have traditional connections with pioneer conditions, tracing their origin and growth through successive developments in State and National affairs, so does Monmouth have its beginnings with the pioneers of Oregon. Its early life is a record of their struggles in educational work. It is rich in the labors and traditions of these early men and women. Truly it may be said, Monmouth is a pioneer school. It has within its alumni more than one thousand members whose work has been felt throughout the Northwest. Again, the buildings, grounds and equipments are worth more than one hundred thousand dollars (\$100,000.00). It has modern conveniences, and is well adapted to the work. The cost of living is very low, and the opportunities for self-supporting students are excellent. It would be worse than folly to abandon this splendid working plant, because if put in a larger city it could not be duplicated for less than two or three times that amount.

The proposed tax amounts to but four cents on a valuation of one thousand dollars (\$1,000.00), or stated more clearly, if you pay taxes on one thousand dollars (\$1,000.00) this will cost you only four cents a year and will not cost you more unless the people subsequently amend the law.

Briefly summed up then, the arguments result in this: Your vital interest lies in the welfare of YOUR CHILD, for to perpetuate society we must rear the CHILDREN; to rear the children rightly we must have the BEST TEACHERS; to have the best teachers we must maintain and operate STATE NORMAL SCHOOLS free from all RELIGIOUS BIAS. The State has an excellent working plant at Monmouth; an easy valuation is one hundred thousand dollars (\$100,000.00). Shall the tax payers have the benefit of this, or shall they be required to spend more than double this amount of money at some other point? If you pay taxes on one thousand dollars (\$1,000.00) you will pay only four cents a year for the support of the State Normal School. This is an insignificant sum when you consider the invaluable help that it gives to your children and your neighbors' children. The State of Oregon owns the property of this school. By a failure of the last Legislature to appropriate funds for its operation there is no State Normal running in Oregon.

ALUMNI ASSOCIATION OREGON NORMAL SCHOOL.

By IRA C. POWELL.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to create the County of Otis and to  
fix the salaries of the officers thereof.

By initiative petition filed in the office of the Secretary of State, June 10,  
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 sub-  
mitted on the official ballot:

PROPOSED BY INITIATIVE PETITION.

A bill for a law creating the County of Otis, Oregon,  
out of territory now included in the Counties of  
Harney, Malheur and Grant, providing for its organ-  
ization and for the adjustment of finances and trans-  
ferring of records between the several counties af-  
fected by the proposed law.

Vote YES or NO.

320. Yes.

321. No.

[On Official Ballot, Nos. 320 and 321.]

### A BILL

To propose by initiative petition a law to create the County of Otis and to fix the salaries of the officers thereof.

*Be it enacted by the people of the State of Oregon:*

Section 1. That all that portion of the State of Oregon embraced within the following boundary lines be and the same is hereby created and organized into a separate county by the name of Otis, to-wit: Beginning at the southeast corner of township 25 south, range 39 east of Willamette Meridian, thence north to the northeast corner of township 15 south, in range 39 east of Willamette Meridian; thence west to the boundary line between Baker and Malheur counties; thence following said boundary in a southwesterly direction to a point common to the corners of the Counties of Baker, Malheur and Grant; thence west along boundary line between Grant and Baker counties to the southwest corner of Baker County; thence west to the range line between ranges 32 and 33 east of Willamette Meridian; thence south to the southwest corner of township 20 south, in range 33 east of Willamette Meridian; thence east on township line to the southwest corner of township 20 south, range 33½; thence south to the southwest corner of township 21 south, range 33 east of Willamette Meridian; thence east to the northwest corner of section 4 in township 22 south, range 34 east of Willamette Meridian; thence south along section line to the southwest corner of section 33 in township 25 south, range 34 east of Willamette Meridian; thence east along township line to the place of beginning.

Section 2. That the territory embraced within the said boundary shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor, as soon as it shall be convenient after this act shall have become a law, to appoint for Otis County and from its citizens the several county officers allowed by the law to other counties in this State, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their successors are duly elected at the general election of 1912 and are duly qualified according to law.

Section 3. The temporary county seat of Otis County shall be located at Drewsey in said county until a permanent location shall be adopted. At the next general election the question shall be submitted to the legal voters of said county, and the place, if any, which shall receive a majority of all the votes cast at said election, shall be the permanent county seat of said county. But if no place shall receive a majority of all votes cast, the question shall again be submitted to the legal voters of said county at the next general election, but between the two points having the highest number of votes at said election, and the place receiving the highest number of votes at such last election shall be the permanent county seat of said county.

Section 4. Said County of Otis shall for representative purposes be annexed to the Twenty-seventh Representative District. and for Senatorial purposes said county shall be annexed to the Twenty-second Senatorial District, being the representative and senatorial districts, respectively, formerly constituted by Harney, Malheur and Grant Counties.

Section 5. The County Clerks of Malheur, Harney and Grant Counties shall, within thirty days after this law shall have gone into operation, make out and deliver to the County Clerk of Otis County a transcript of all taxes assessed upon all persons and property within said Otis County, which were previously included within the limits of Harney, Malheur and Grant Counties respectively, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officers of Otis County. The clerks of Harney, Malheur and Grant Counties, respectively, shall also make out and deliver to the county clerk of Otis County, within the time above limited, a transcript of all cases pending in the circuit and county courts of Harney, Malheur and Grant Counties, between parties residing in or concerning property located in Otis County and transfer all original papers in said cases to be tried in Otis County.

Section 6. The county court of Otis County shall be held at the county seat on the first Monday in January, April, July and October of each year.

Section 7. The said County of Otis is hereby attached to the Ninth Judicial District for judicial purposes, and the terms of the circuit court for said county shall be held at the county seat commencing on the second Monday in March and the third Monday in October of each year.

Section 8. Until otherwise provided by law, the county judge of Otis County shall receive an annual salary of \$400.00; the county clerk of said county shall receive an annual salary of \$1,000.00; the sheriff shall receive an annual salary of \$1,200.00; and the treasurer shall receive an annual salary of \$200.00. The county school superintendent shall receive an annual salary of \$200.00, and the assessor shall receive an annual salary of \$500.00, and the county commissioners of said county shall receive \$3.00 per day for the time actually employed in county business, and mileage at the rate of ten cents per mile each way when required to travel on county business.

Section 9. The law relating to trespass of sheep and other animals shall be the same in Otis County as now maintains in Harney County.

Section 10. The county judge of Otis County shall let by contract to the lowest responsible and efficient bidder, the work of transcribing all records of Harney, Malheur and Grant Counties, affecting real estate situate in Otis County, and when completed they shall be examined and certified to by the clerk of Otis County, and shall thereafter be recognized and acknowledged as official records of Otis County; provided, the clerk of Otis County shall be allowed to bid upon such work.

Section 11. It shall be the duty of the superintendents of schools of Harney, Malheur and Grant Counties, respectively, within thirty days after the appointment of a superintendent of schools for Otis County, to make out and forward to said superintendent of schools of Otis County a true and correct transcript or abstract of the annual reports of the clerks of the

various school districts embraced within Otis County. The commissioners hereinafter appointed to adjust the property and financial interests of Harney, Malheur, Grant and Otis Counties shall at the same time ascertain what, if any, sum of money belonging to the school funds is in the hands of the treasurers of Harney, Malheur and Grant Counties, respectively, which should be paid to Otis County, and said sum, if any, shall be paid to the county school superintendent of Otis County within thirty days after such award.

Section 12. The county treasurer of Otis County shall, not later than October 15, 1911, pay over to the treasurers of Harney, Malheur and Grant Counties, respectively, the full amount of State tax of the assessment of 1910 due from citizens of Otis County.

Section 13. The treasurer of Otis County shall, within one year after its organization by the appointment of its officers as hereinbefore provided, assume and pay to the Counties of Harney, Malheur and Grant, respectively, a pro rata proportion of the remaining indebtedness, if any, of said Harney, Malheur and Grant Counties, respectively, after deducting therefrom the amount of money that has been collected in taxes from the territory taken from said Harney, Malheur and Grant Counties, respectively, if any, and expended by said respective counties for public buildings or other property; provided, that if, when this law goes into effect, there is no indebtedness of said Harney, Malheur and Grant Counties, respectively, then Otis County shall be entitled to credit, and said counties, respectively, shall pay to Otis County the amount of money that has been collected in taxes from the territory taken from said respective counties by this law, and included in the County of Otis, and expended by said Counties of Harney, Malheur and Grant, respectively, if any, for public buildings and other property; provided, further, that if, when this law takes effect and after the payment of all indebtedness and expenses of Harney, Malheur and Grant Counties, respectively, up to that time there shall be a balance of money in the hands of the treasurers of said Harney, Malheur and Grant Counties, respectively, then, and in that event, the county treasurers of Harney, Malheur and Grant Counties, respectively, shall, within thirty days after this law takes effect, or within thirty days after the amount thereof shall have been determined by the commissioners hereinafter appointed, pay to the treasurer of Otis County such proportion of the balance so in the hands of the treasurers of Harney, Malheur and Grant Counties, respectively, after the payment of the indebtedness and expenses aforesaid as the total value of the property in Otis County taken from said respective counties by this law bears to the total value of property in said Harney, Malheur and Grant Counties, respectively, and according to the assessment of 1910.

Section 14. The County Judges of Harney and Otis Counties and J. L. Sitz, of Drewsey, Oregon, are hereby appointed a Board of Commissioners to determine the value of the county buildings and other property of Harney County; the amount of indebtedness, if any, to be assumed by Otis County, and be paid to Harney County, and the amount of money that may be due from Harney County to the County of Otis, under the terms of Section 13

of this law. Said board shall meet at the county seat of Harney County within thirty days after this law takes effect and thereupon determine said matters.

Section 15. The County Judges of Malheur and Otis Counties and J. U. Hoffman, of Juntura, Oregon, are hereby appointed a Board of Commissioners to determine the value of the county buildings and other property of Malheur County, the amount of indebtedness, if any, to be assumed by Otis County, and be paid to Malheur County, and the amount of money that may be due from Malheur County to Otis County under the terms of Section 13 of this law. Said board shall meet at the county seat of Malheur County within thirty days after this law goes into effect and thereupon determine said matters.

Section 16. The County Judges of Grant and Otis Counties and J. H. Anderson, of Van, Oregon, are hereby appointed a Board of Commissioners to determine the value of the county buildings and other property of Grant County, the amount of indebtedness, if any, to be assumed by Otis County, and be paid to Grant County, and the amount of money that may be due from Grant County to Otis County under the terms of Section 13 of this law. Said board shall meet at the county seat of Grant County within thirty days after this law goes into effect and thereupon determine said matters.

Section 17. After taking and subscribing an oath to faithfully discharge their respective duties, said boards, respectively, shall proceed with such work and when it is completed shall file report of their conclusions in duplicate with the clerks of Harney and Otis and Malheur and Otis and Grant and Otis Counties, respectively. In case of a vacancy in either of said boards, the same shall be filled by the appointment of some suitable person or persons by the Governor of the State.

Section 18. Within thirty days after the filing of such reports, respectively, either county may appeal from the decision of said board to the Circuit Court of Harney or Malheur Counties by serving notice of appeal upon the Clerk of the other county interested. Upon perfecting the issue in such Circuit Court, either county may demand a change of venue to any other county in the Ninth Judicial District, or other Circuit Court of the State of Oregon for any county which may be agreed upon by said counties, or in the event of a disagreement to any county which may be designated by the judge of the court where said proceeding is pending. The trial may be by jury and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to recover a more favorable judgment than the finding of the board appealed from by at least \$500.00, it shall pay the costs of the appeal. If no appeal be taken by either party, within the thirty days above provided, the findings of said board shall be final and conclusive. The members of said board shall receive the sum of \$3.00 per day for each day actually employed and the same mileage as a witness in the Circuit Court. The expenses incurred by the above mentioned boards, respectively, shall be borne equally by the three counties interested.

## ARGUMENT

(affirmative)

SUBMITTED BY

DREWSEY COMMERCIAL CLUB

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

## PROPOSED BY INITIATIVE PETITION.

A bill for a law creating the County of Otis, Oregon, out of territory now included in the Counties of Harney, Malheur and Grant, providing for its organization and for the adjustment of finances and transferring of records between the several counties affected by the proposed law.

Vote YES or NO.

320. Yes.

321. No.

## ARGUMENT IN FAVOR OF ABOVE MEASURE.

The people of the Drewsey country ask favorable consideration of the voters of the State upon this bill for these, among other, reasons.

Because 90 per cent of the people of proposed Otis County are strongly in favor of the measure, believing it will be a great benefit to the people residing therein and greatly facilitate the progress and development of the country.

Because Harney County with an area of 9,986 square miles and Malheur County with an area of 9,784 square miles are too large for economical transaction of county business. Either Harney or Malheur County having more than 23 times the area of Multnomah County.

Because the proposed Otis County takes only 1,080 square miles from Harney County and 1,180 square miles from Malheur County and embraces no territory closer than 30 miles to Burns and 45 miles to Vale, the present county seats of Harney and Malheur Counties, respectively.

Because the proposed Otis County is entirely surrounded by mountains and our people are compelled to travel from 40 to 75 miles over these mountains to reach the present county seats, thereby forcing upon us a heavy expense and a great deal of hardship, especially during winter and spring months.

Respectfully submitted,

DREWSEY COMMERCIAL CLUB.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to annex a portion of the territory of the State of Oregon in Clackamas County to Multnomah County. To provide for the payment of the expense of transferring the records and to provide for the payment to Clackamas County of the proportional indebtedness of said territory.

By initiative petition filed in the office of the Secretary of State, June 10, 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 submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION.

A bill for a law to annex a portion of the northern part of Clackamas County, Oregon, to Multnomah County, Oregon, and providing for transcribing and transferring the records of the territory proposed to be annexed, and for adjustment of finances between the two counties.

Vote YES or NO.

322. Yes.

323. No.

[On Official Ballot, Nos. 322 and 323.]

### A BILL

To propose by initiative petition a law to annex a portion of the territory of the State of Oregon in Clackamas County to Multnomah County. To provide for the payment of the expense of transferring the records and to provide for the payment to Clackamas County of the proportional indebtedness of said territory.

*Be it enacted by the people of the State of Oregon:*

Section 1. That all that portion of the State of Oregon embraced within the following boundary lines and heretofore a part of Clackamas County, be and the same is hereby made a part of the County of Multnomah, to-wit., the territory bounded as follows:

Beginning at the northwest corner of section thirty (30) and the southwest corner of section nineteen (19), township two (2) south, range one (1) east of the Willamette Meridian, said point being on the Willamette Meridian; running thence east on the section line to the center of the Willamette River; thence in a southeasterly course following the center of the Willamette River to the center of the mouth of the Clackamas River; thence up the center of the Clackamas River to a point in township four (4) south, range four (4) east of the Willamette Meridian, where the section line crosses the Clackamas River between sections twelve (12) and thirteen (13); thence east on the said section line to the east line of township four (4) south, range six (6) east; thence east to the east line of Clackamas County; thence in a northerly direction, tracing the eastern and northern line of Clackamas County to where the same intersects the south line of Multnomah County, thence west on the line between Clackamas County and Multnomah County to the Willamette River; thence south and west on the Multnomah County line to the southwest corner of Multnomah County; thence south on the Willamette Meridian to the place of beginning.

The intention being to take out of Clackamas County and put into Multnomah County all that portion of Clackamas County lying north of the first described line above mentioned, beginning at the northwest corner of said section thirty (30) and ending on the east line of Clackamas County.

Section 2. The County Court of Multnomah County shall provide immediately for transcribing all records of Clackamas County affecting real estate situate in the above bounded territory, and when completed, such records shall be placed with and become a part of the records of Multnomah County, and shall thereafter be recognized and acknowledged as part of the records of Multnomah County and shall have the same force and effect.

All litigation now pending in the courts of the State of Oregon for Clackamas County shall be continued and terminated in said courts.

Section 3. The indebtedness of Clackamas County shall be determined and Multnomah County shall pay to Clackamas County so much thereof as the assessed valuation of the above territory shall bear to the total assessed

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valuation of the county, the proportional amount. The assessed valuation provided for in this section shall be the assessed valuation for the year 1910.

Section 4. The territory embraced within the said boundary lines shall hereafter be exempt from all laws, regulations, civil and military jurisdiction of said Clackamas County, and shall be subject to the laws, regulations, civil and military jurisdiction of said Multnomah County.

If this proposed law shall be approved and enacted by the people of Oregon, the title of this bill shall stand as the title of the law.

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## ARGUMENT

(affirmative)

SUBMITTED BY

MULTNOMAH-CLACKAMAS ANNEXATION ASSOCIATION

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

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### PROPOSED BY INITIATIVE PETITION

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A bill for a law to annex a portion of the northern part of Clackamas County, Oregon, to Multnomah County, Oregon, and providing for transcribing and transferring the records of the territory proposed to be annexed, and for adjustment of finances between the two counties.

Vote YES or NO.

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322.        Yes.

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323.        No.

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### ARGUMENT SUBMITTED BY

MULTNOMAH-CLACKAMAS ANNEXATION ASSOCIATION.

To the voters of the State of Oregon:

We urge your careful attention to the following statement:

The original dividing line, which made Clackamas County four and a half times the size of Multnomah, although fairly well adapted to pioneer conditions and sparse population which then obtained, is most unsatisfactorily and awkwardly located under present conditions.

A crying need for a change has existed for many years, and it is generally conceded that sooner or later it must be realized.

This sentiment culminated in February last in a demonstrative gathering at Oak Grove of about five hundred citizens of the district involved in the proposed change.

At this meeting the organization of the Multnomah-Clackamas Annexation Association was authorized, for the purpose of conducting a campaign for the success of the measure now presented.

The details of the plan have been carefully worked out, and are in the hands of a large executive committee composed of forty representative citizens and taxpayers chosen from all sections of the district involved.

### REASONS WHY CHANGE IS DESIRED.

The Clackamas River, with its canyon, is the natural and should be the actual dividing line. It is a serious obstacle in reaching the present county seat. It is only a few miles from the Multnomah County line, and about 12 miles from the center of the City of Portland.

Our territory is tributary to Portland, which is the market for our produce as well as our base of supplies.

Our grades and our roads all lead to Portland, but it will be apparent to all that it is unreasonable to expect these roads to be properly improved, while our seat of county government is at Oregon City.

The same artificial line which marks the present county boundary is retarding the further growth of the City of Portland in a southeasterly direction.

For this reason the development of much of our most attractive territory is retarded, our transportation facilities are inadequate and our car fares inequitable.

A great economy of time and expense will be effected when our county records are kept at Portland, our business center, within the boundaries of which city a large proportion of our people are compelled to go before transferring to an Oregon City car there for county business.

This change will give Multnomah County control of the entire road from Portland to Mt. Hood, and enable her to make this scenic route one of the greatest attractions possessed by our State.

We desire the greatest possible internal improvement, and only seek the opportunity to make it for ourselves.

#### THE SOURCES OF OPPOSITION.

As far as we can learn, this proposal is receiving practically unanimous support. It is opposed, however, by Mr. B. S. Josselyn, president of the Portland Railway, Light & Power Company, which company is so determined in its discrimination against us that, rather than give us our just rights, as repeatedly determined by our State Railway Commission, our Circuit Court and our Supreme Court, it delaying action by an appeal to the United States Supreme Court, and is thereby enabled to continue its policy of discrimination indefinitely, whereby in some instances we are compelled to pay four times the fare charged to points in other directions at an equal distance from the center of Portland, but situated within the bounds of Multnomah County.

The only other opponents of whom we know are some attorneys in Oregon City who are office holders and politicians and who threaten the expenditure of a large sum of money to defeat this measure, and who naturally do not relish the idea of giving up any territory from which they can levy tribute.

#### ANSWER TO OBJECTIONS.

We have not heard a single valid objection.

The effect upon the business of Oregon City would be scarcely noticeable, and that portion of Clackamas County which will remain after division will not be obligated to pay any part whatever of the expense of the change.

The question of sentiment is not material.

Clackamas County will lose none of her factories, mills or power plants by this change.

This is a purely voluntary movement on our part, and has not been inspired or aided by any outside influence or support, and it is made entirely

in our own best interests, of which we consider ourselves the most competent judges.

We are not asking to be relieved of any of our obligations, or trying to unload them upon others.

We are enabled to state that the cost of transcribing our records will be small, and almost infinitesimal in the amount distributed to the individual taxpayer.

The taxes based upon the assessment already made for this year will under the proposed change be collected by Multnomah County, and can be so considered in connection with the possibility of a small county indebtedness, when the change takes place.

Great pressure was brought to bear upon this association to extend the new boundary line still farther south, but we refused to consent to any plan which would involve unfair division.

This measure provides for no additional officials, and it has been endorsed by the Milwaukie city administration, the Milwaukie Commercial Club and by the boards of trade, improvement associations and push clubs generally throughout the district.

It means the greatest good to the greatest number, and will be a long step towards the removal of a number of serious difficulties which are now handicapping us.

If left to the vote of the people directly interested, annexation would carry by an overwhelming majority.

We therefore ask the voters of the State at large to support the measure with the same energy as they would a bill in which they were locally interested.

MULTNOMAH-CLACKAMAS ANNEXATION ASSOCIATION.

By B. LEE PAGET, President.

## ARGUMENT

(negative)

SUBMITTED BY

THE COMMERCIAL CLUB OF OREGON CITY

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

## PROPOSED BY INITIATIVE PETITION

A bill for a law to annex a portion of the northern part of Clackamas County, Oregon, to Multnomah County, Oregon, and providing for transcribing and transferring the records of the territory proposed to be annexed, and for adjustment of finances between the two counties.

Vote YES or NO.

322. Yes.

323. No.

## ARGUMENT AGAINST ANNEXATION OF A PART OF CLACKAMAS COUNTY TO MULTNOMAH COUNTY.

To the voters of the State of Oregon:

The Multnomah-Clackamas Annexation Association was born at a meeting held in February last at Oak Grove. This meeting was conducted by programme and the influence of a few men predominated. Although many representatives were present from all parts of Clackamas County, when it came to vote on the resolutions previously prepared the chair ruled that only those residing north of the Clackamas River were entitled to vote. This arbitrary and unusual ruling left the conduct of the meeting in the hands of a few and these few proceeded to form the MULTNOMAH-CLACKAMAS ANNEXATION ASSOCIATION, which in no sense represents the sentiment of Clackamas County. There is no "crying" or other need for the dismemberment of Clackamas County. The great majority of the citizens and voters of Clackamas County are opposed to said division, and especially opposed to the high handed and arbitrary method employed to create an ASSOCIATION whose object is to destroy the present boundaries of Clackamas County. Had the meeting held at Oak Grove been conducted fairly, and had full deliberation and discussion been allowed, the true sentiment of the residents of the county could have been easily ascertained. For reasons known to themselves the managers of that meeting desired to hear from only a selected few and denied the right of ballot to all the citizens

of Clackamas County south of the Clackamas River. The Oak Grove meeting then was in no sense representative, and it follows that the MULTNOMAH-CLACKAMAS ANNEXATION ASSOCIATION, created according to a cut and dried programme at that meeting, represents only the sentiment and desires of its promoters.

There is also a proposition before the voters to add a large portion of Washington County to Multnomah County. If both of these dismemberment schemes succeed, Multnomah County, by reason of her greatly increased population, will be entitled to many more members in the Legislature. With this added power she could then dictate, in legislative matters, to all of the other counties.

It will cost at least \$100,000.00 to transcribe the official records. Inasmuch as the promoters of county division are unwilling to pay this amount, most of it must be paid, in the event of success, by the taxpayers of Multnomah County.

The commercial bodies of Clackamas County during the past year have spent large sums of money in advertising this section. Our county is prosperous. With united effort we shall continue to grow in population, wealth and influence.

There has been no good or valid reason given for destroying the integrity of Clackamas County and

We, therefore, respectfully ask the voters of the State of Oregon to vote against the measure which proposes the annexation of a part of Clackamas County to Multnomah County.

THE COMMERCIAL CLUB OF OREGON CITY.

By TOM P. RANDALL, President.

Attest: M. D. LATOURETTE, Secretary.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law creating the County of Williams,  
fixing the salaries of its officers and providing for its organization,

By initiative petition filed in the office of the Secretary of State, June  
23, 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  
submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an act to create the County of Williams out  
of a portion of Lane and Douglas Counties, Oregon;  
providing for its organization; fixing the salaries of  
the officers thereof, and for adjustment of finances  
between the three counties.

Vote YES or NO.

324. Yes.

325. No.

[On Official Ballot, Nos. 324 and 325.]

A BILL

To propose by initiative petition a law creating the County of Williams, fixing the salaries of its officers and providing for its organization.

*Be it enacted by the people of the State of Oregon:*

Section 1. That all that portion of the State of Oregon embraced within the following boundary lines be, and the same is hereby created and organized into a separate county, by the name of Williams, to-wit: Beginning at the Pacific Ocean at the western terminus of the boundary line between Lane and Douglas Counties, Oregon, running thence easterly along said boundary line between Lane and Douglas Counties to an intersection with the township line between townships 21 and 22 south, range 4 west, thence east along said township line to the Willamette Meridian, thence south along said Willamette Meridian to an intersection of the center line running east and west through the center of township 24 south, range 1 west, thence west along said center line through township 24 south, range 1 west, to an intersection of the boundary line between Coos and Douglas Counties, thence following the boundary line between Coos and Douglas Counties west and north to the Pacific Ocean, and thence along said ocean to the place of beginning.

Section 2. That the territory embraced within said boundaries shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor, as soon as it shall be convenient after this law shall have gone into effect, to appoint for Williams County and from its citizens, the several county officers allowed by law to other counties in this State, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their respective successors shall have been duly elected at the general election of 1912 and are duly qualified according to law.

Section 3. The temporary county seat of Williams County shall be located at Drain, in said county, until a permanent location shall have been adopted. At the next general election the question shall be submitted to the legal voters of said county, and the place, if any, which shall receive a majority of all the votes cast at said election upon said question, shall be the permanent county seat of said county. But if no place shall receive a majority of all the votes so cast, the question shall again be submitted to the legal voters of said county at the next general election, but between the two points having the highest number of votes at said first election, and the place receiving the highest number of votes so cast at such election shall be the permanent county seat of said county.

Section 4. Said County of Williams shall, for representative purposes, be annexed to the Fourth Representative District, and for senatorial pur-

poses said county shall be annexed to the Fifth Senatorial District, being the representative and senatorial districts, respectively, formerly composed of Douglas County. And shall also be attached to the Second Horticultural District.

Section 5. The County Clerks of Lane and Douglas Counties, respectively, shall within thirty days after this law shall have gone into operation, make out and deliver to the County Clerk of Williams County, a transcript of all taxes upon all persons and property within said Williams County, which were previously included within the limits of Lane and Douglas Counties, respectively, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officers of Williams County. The County Clerks of Lane and Douglas Counties, respectively, shall also make out and deliver to the County Clerk of Williams County, within the time above limited, a transcript of all cases pending in the Circuit and County Courts of their respective counties, between parties residing in or concerning property located in Williams County, and transfer all original papers and pleadings in such cases to the Clerk of Williams County, and all such cases shall be tried in said Williams County.

Section 6. There shall be a session of the County Court of Williams County for the transaction of county business held at the county seat on the first Wednesday in January, March, May, July, September and November of each year.

Section 7. The said County of Williams is hereby attached to the Second Judicial District for judicial purposes and to the Third Prosecuting Attorney's District and the terms of the Circuit Court for said county shall be held at the county seat of said county on the second Monday in April and fourth Monday in October.

Section 8. Until otherwise provided by law, the County Judge of Williams County shall receive an annual salary of \$600; the County Clerk of said county shall receive an annual salary of \$1,200; the Sheriff of said county shall receive an annual salary of \$1,200; the Treasurer of said county shall receive an annual salary of \$400; the Assessor of said county shall receive an annual salary of \$900; the County School Superintendent of said county shall receive an annual salary of \$900, and the County Commissioners of said county shall receive the sum of \$3 per day each for the time actually engaged in the transaction of county business.

Section 9. The County Court of Williams County shall let by contract to the lowest responsible and efficient bidder or bidders, in separate contracts, the work of transcribing all records of Lane and Douglas Counties, respectively, affecting real estate situate in Williams County and when completed they shall be examined and certified by the County Clerk of Williams County, and shall thereafter be recognized and acknowledged as the official records of Williams County; provided, the County Clerk of said Williams County shall be allowed to bid upon such work.

Section 10. It shall be the duty of the County School Superintendents of Lane and Douglas Counties, respectively, within thirty days after the appointment of a County School Superintendent for Williams County, to

make out and forward to said School Superintendent of Williams County a true and correct transcript or abstract of the annual reports of the clerks of the various school districts embraced within the County of Williams. The commissioners hereinafter named and appointed to adjust the property and financial interests of Lane and Williams and Douglas and Williams Counties, respectively, shall at the same time ascertain what, if any, sum or sums of money belonging to the school fund is in the hands of the Treasurers of Lane and Douglas Counties, respectively, which should be paid to Williams County, and said sum or sums, if any, shall be paid to Williams County within thirty days after such award.

Section 11. The County Treasurer of Williams County shall, not later than October 15th, 1911, pay over to the Treasurers of Lane and Douglas Counties, respectively, the full amount of State tax of the assessment of 1910, due from citizens of Williams County.

Section 12. The Treasurer of Williams County shall, within one year after its organization by the appointment of its officers as hereinbefore provided, assume and pay to the Counties of Lane and Douglas, respectively, a pro rata proportion of the remaining indebtedness, if any, of said Lane and Douglas Counties, respectively, after deducting therefrom the amount of money that has been collected in taxes from the territory taken from said Lane and Douglas Counties, respectively, if any, and expended by said respective counties for public buildings or other property; provided, that if, when this law takes effect and after the payment of all indebtedness and expenses of Lane and Douglas Counties, respectively, up to that time there shall be a balance of money in the hands of the Treasurers of said Lane and Douglas Counties, respectively, then, and in that event, the County Treasurers of Lane and Douglas Counties, respectively, shall, within thirty days after this law takes effect, or within thirty days after the amount thereof shall have been determined by the commissioners hereinafter appointed, pay to the Treasurer of Williams county such proportion of the balance so in the hands of the Treasurers of Lane and Douglas Counties, respectively, after the payment of the indebtedness and expense aforesaid, as the total value of the property in Williams County taken from said respective counties by this law bears to the total value of property in said Lane and Douglas Counties, respectively, and according to the assessment of 1910.

Section 13. The County Judges of Lane and Williams Counties and a third party to be appointed by the Governor of the State are hereby appointed a Board of Commissioners to determine the value of the county buildings and other property in Lane County; the amount of indebtedness, if any, to be assumed by Williams County, and be paid to Lane County, and the amount of money that may be due from Lane County to the County of Williams under the terms of Section 12 of this law. Said board shall meet at the county seat of Lane County within thirty days after this law takes effect and thereupon determine said matters.

Section 14. The County Judges of Douglas and Williams Counties and a third party to be appointed by the Governor of the State, are hereby

appointed a Board of Commissioners to determine the value of the county buildings and other property of Douglas County, the amount of indebtedness, if any, to be assumed by Williams County, and be paid to Douglas County, and the amount of money that may be due from Douglas County to Williams County under the terms of Section 12 of this law. Said board shall meet at the county seat of Douglas County within thirty days after this law goes into effect and thereupon determine said matters.

Section 15. After taking and subscribing an oath to faithfully discharge their respective duties, said board, respectively, shall proceed with such work, and when it is completed shall file reports of their conclusions in duplicate with the Clerks of Lane and Williams and Douglas and Williams Counties, respectively. In case of a vacancy in either of said boards, the same shall be filled by the appointment of some suitable person or persons by the Governor of the State.

Section 16. Within thirty days after the filing of such reports, respectively, either county may appeal from the decision of said board to the Circuit Court of Lane or Douglas Counties by serving notice of appeal upon the clerk of the other county interested. Upon perfecting the issue in such Circuit Court, either county may demand a change of venue to any other county in the Second Judicial District, or other Circuit Court of the State of Oregon, for any county which may be agreed upon by said counties, or in the event of a disagreement, to any county which may be designated by the Judge of the court where said proceeding is pending. The trial may be by jury, and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to recover a more favorable judgment than the finding of the board appealed from by at least \$500, it shall pay the costs of the appeal. If no appeal be taken by either party, within the thirty days above provided, the findings of said board shall be final and conclusive. The members of said board shall receive the sum of \$3 per day for each day actually employed, and the same mileage as a witness in the Circuit Court. The expenses incurred by the above mentioned boards, respectively, shall be born equally by the two counties interested.

## ARGUMENT (AFFIRMATIVE)

SUBMITTED BY

WILLIAMS COUNTY COMMISSION

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

## PROPOSED BY INITIATIVE PETITION.

A bill for an act to create the County of Williams out of a portion of Lane and Douglas Counties, Oregon; providing for its organization; fixing the salaries of the officers thereof, and for adjustment of finances between the three counties.

Vote YES or NO.

324. Yes.

325. No.

ARGUMENT IN FAVOR OF INITIATIVE PETITION FOR  
CREATION OF WILLIAMS COUNTY.

While the name "WILLIAMS" is one held in great esteem, and justly so, by the people not only of the State of Oregon, but of our entire country; and while the State of Oregon could in no way better show its appreciation of the life and public services of the late Honorable George H. Williams than to perpetuate his memory in the name of one of the counties of the State, it is not the purpose of this argument to appeal in any way to the voters of Oregon, except through the merits alone of the proposed Williams County division.

First. There are embraced within its boundaries eleven hundred (1,100) voters. The average distance from their respective county seats at present is fifty-five miles. If Williams County is formed that distance will be reduced by thirty miles.

Second. The distance from Eugene, county seat of Lane County, to Roseburg, county seat of Douglas county, is seventy-five miles; the north line of the proposed Williams County is twenty-two miles south of Eugene; the south line of Williams County is twenty-two miles north of Roseburg, thus leaving Williams County about thirty-one miles wide.

Third. This leaves Eugene practically in the center of Lane County and Roseburg practically in the center of Douglas County and Drain, temporary county seat of Williams County, in the center of the county, just half way between Eugene and Roseburg.

Fourth. In laying out Williams County, the located interests of both counties from which Williams is taken have been respected. The boundaries of Williams County follow natural lines, and make a fine new county with \$8,000,000 worth of assessable property, embracing 1,550 square miles, 216 of which are cut from the southeastern part of Lane County and 1,334 from Northern Douglas. The forming of Williams County will greatly advance the development of this part of the State. Williams County will receive practically a unanimous affirmative vote within its borders.

WILLIAMS COUNTY COMMISSION.

By CLAUDE W. DEVORE, Secretary.

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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND  
ARTICLE IX

By initiative petition filed in the office of the Secretary of State, June 23, 1910, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

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

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

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PROPOSED BY INITIATIVE PETITION

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For constitutional amendment providing for the people of each county to regulate taxation and exemptions within the county, regardless of constitutional restrictions or state statutes, and abolishing poll or head tax.

Vote YES or NO.

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326. Yes.

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327. No.

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[On Official Ballot, Nos 326 and 327.]

CONSTITUTIONAL AMENDMENT.

Article IX of the Constitution of the State of Oregon shall be, and hereby is, amended by inserting the following section in said Article IX, after Section 1 and before Section 2, and it shall be designated as Section 1a of Article IX:

ARTICLE IX.

Section 1a. No poll or head tax shall be levied or collected in Oregon; no bill regulating taxation or exemption throughout the State shall become a law until approved by the people of the State at a regular general election; none of the restrictions of the Constitution shall apply to measures approved by the people declaring what shall be subject to taxation or exemption and how it shall be taxed or exempted whether proposed by the Legislative Assembly or by initiative petition; but the people of the several counties are hereby empowered and authorized to regulate taxation and exemptions within their several counties, subject to any general law which may be hereafter enacted.

(Affirmative Argument following No. 308 covers this measure.)

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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

SECTION 2 ARTICLE XI

By initiative petition filed in the office of the Secretary of State, June  
23, 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

For constitutional amendment giving to cities and towns  
exclusive power to license, regulate, control, suppress,  
or prohibit the sale of intoxicating liquors within  
the municipality.

Vote YES or NO.

328. Yes.

329. No.

[On Official Ballot, Nos. 328 and 329.]

CONSTITUTIONAL AMENDMENT.

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

ARTICLE XI.

Section 2. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon.

# ARGUMENT

(affirmative)

SUBMITTED BY

GREATER OREGON HOME RULE ASSOCIATION

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

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## PROPOSED BY INITIATIVE PETITION

---

For constitutional amendment giving to cities and towns exclusive power to license, regulate, control, suppress, or prohibit the sale of intoxicating liquors within the municipality.

Vote YES or NO.

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328. Yes.

---

329. No.

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## APPEAL FOR RELIEF FOR ALL INCORPORATED TOWNS AND CITIES.

*Greater Oregon Home Rule Association Offers Reasons Why Citizens  
Should Support Its Bill Amending the Constitution.*

*Strong Argument for the Consideration of Every Fair-Minded Taxpayer  
and Progressive Voter of Oregon, Who Believes in the Up-  
building of Home Industry, Home Rule and the  
Greater Development of Our State.*

PORTLAND, Oregon, July 2, 1910.

*To the Voters of Oregon:*

The proposed amendment is necessary to round out and complete the intent of the Constitution and the initiative and referendum, and to perfect and preserve the local option law. It means home rule for cities in the control or suppression of the liquor traffic. In all other respects the amendment is identical with the present Constitution, as every city in the State now has absolute self-government on all other questions, subject to the criminal laws of the State, and this condition will not be changed by the proposed amendment.

It in no way annuls the effect of the provisions of the local option law, as they are retained in full force, within the corporate limits of every city. It prevents forcing saloons, or prohibition, upon a municipality by voters living outside of the city, who pay no city taxes, and are in no wise interested in the city government.

It will prevent the combining of outside precincts and districts in one local option district, to the injury of a city situated therein.

It can only be opposed by persons who cannot trust a city to conduct its own legitimate business according to the will of a majority of its people. The safeguards now existing are preserved. The amendment if adopted would not take away from sheriffs, district attorneys, or other police officers, the power to suppress any State crime committed in the city, as the provision: "Subject to the Constitution and criminal laws of the State," is retained in the amendment. This effectually maintains the supremacy of the State, and at the same time insures home rule. This amendment has a double purpose. If adopted by a larger affirmative vote, it accomplishes, not only the results above mentioned, but at the same time defeats statewide prohibition.

The Greater Oregon Home Rule Association opposes statewide prohibition for the following reasons:

1. Forty thousand leading citizens, including business and professional men, farmers, bankers, and many ministers, have signed a protest against statewide prohibition.
2. Statewide prohibition would kill the present local option law.
3. It would retard the development of Oregon.
4. It is an exploded theory, long ago discarded by such wealthy and progressive states as New York, Pennsylvania, Ohio, Illinois, Indiana, Michigan, Wisconsin, and New Jersey.

The Greater Oregon Home Rule Association was organized for the express purpose of interesting foreign capital in the upbuilding and further development of our varied resources and industries, and the preservation to the people of their individual rights.

Politics plays no part in the purposes of this organization.

It is not affiliated with or controlled by any other association or interest whatsoever. It stands for a Greater Oregon, first, last and all the time. The following is copied from its constitution and declaration of principles:

"We invite all citizens, taxpayers, merchants, manufacturers, business and professional men, to join with us in favoring all legitimate means and measures for the advancement of the agricultural, industrial and commercial development of Oregon, particularly home rule for incorporated cities and towns, and opposing all sumptuary legislation, or movements unnecessarily interfering with commerce."

"The members of this association shall be citizens of Oregon, firms, associations or corporations, engaged in business in Oregon, but no person, firm or corporation engaged in the manufacture or sale of intoxicating liquors shall be eligible for membership, except hotel and inn-keepers whose principal occupation is the serving of food and lodging to guests."

Oregon needs development. She does not need, and will not adopt prohibition. You can best serve the interests of your State, county and

city, by marking an X after the number 328 on the ballot at the coming election.

# OFFICERS.

## GREATER OREGON HOME RULE ASSOCIATION.

*President*—Herman Wittenberg,  
V.-P. and Mgr. Pac. Coast Biscuit Co.  
*Vice-President*—R. D. Inman,  
President Inman-Poulsen Co.  
*Secretary*—R. W. Schmeer,  
Cashier U. S. National Bank.  
*Treasurer*—Byron P. Reynolds, farmer.

## ADVISORY BOARD.

H. Wittenberg, Manufacturer.	A. H. Devers,
C. K. Henry, Real Estate.	President Closset & Devers.
Allan Welch Smith, Physician.	J. J. Flynn, Real Estate.
Geo. W. Hoyt, Cashier,	C. A. Whitmore,
Merchants National Bank.	Pres. Irwin-Hodson Co.
	D. Solis Cohen, Attorney.

## PUBLICITY COMMITTEE.

A. L. Mills, Banker.	Seneca Fouts, Lawyer.
H. Wittenberg, Manufacturer.	D. Solis Cohen, Attorney.
J. Frank Watson, Banker.	F. E. Dooly, Insurance.
Geo. W. Hoyt, Banker.	Chas. Gauld, Merchant.
R. W. Schmeer, Banker.	Leslie M. Scott, Oregonian.
R. Lea Barnes, Banker.	J. J. Flynn, Real Estate.
T. D. Honeyman, Merchant.	M. C. Banfield, Contractor.
H. W. Scott, Editor Oregonian.	R. D. Inman, Lumberman.
E. B. Piper, Mng. Editor Oregonian	H. C. Wortman, Merchant.
Allan W. Smith, Physician.	H. W. Hogue, Lawyer.
J. L. Hartman, Banker.	M. W. Markewitz, Merchant.
Chas. K. Henry, Real Estate.	O. A. Windfelder, Salesman.
J. H. Burgard, Insurance.	G. B. Thomas, Promoter.
M. Fleischner, Merchant.	C. A. Whitmore, Irwin-Hodson Co.
A. T. Huggins,	Fred B. Eaton, Merchant.
Mgr. Fleischner & Mayer.	Harrison Allen, Attorney.
Jas. Hislop, Merchant.	C. W. Hodson, Real Estate.
B. P. Reynolds, Farmer.	W. B. Glafke, Merchant.
A. L. Fish, Bus. Mgr. Journal.	Dwight Edwards, Merchant.
G. M. Trowbridge, Editor Journal.	A. W. Whitmer, Insurance.
A. Feldenheimer, Merchant.	J. W. Smith, Mfr. Stoves.
Sig Sichel, Merchant.	F. W. Isherwood,
	Mgr. Bridge & Beach Mfg. Co.

## A R G U M E N T

(negative)

SUBMITTED BY

## OREGON DRY CAMPAIGN COMMITTEE

opposing the measure designated on the official ballot as follows:

## PROPOSED BY INITIATIVE PETITION

For constitutional amendment giving to cities and towns exclusive power to license, regulate, control, suppress, or prohibit the sale of intoxicating liquors within the municipality.

Vote YES or NO.

328. Yes.

329. No.

## ARGUMENT AGAINST THE FOREGOING AMENDMENT.

The most impudent affront to the intelligence of Oregon voters is this attempt to foist into the Constitution in a new dress, the "Reddy Bill," which was defeated at the last State election by a majority of 12,994 votes.

This amendment would debar the voters of the sovereign state from the right to govern, regulate or prohibit the liquor traffic in cities, and is in the interest of rum rule.

It emanates from that class that proposes to exploit the vices of city life for its own profits, and cares nothing for morality and the public welfare of the State.

Its purpose is, first, to exclude the State from all control of the liquor traffic.

Second, to entrench the saloon so the people could not prohibit it either by state prohibition or county option.

Third, to run towns and cities of Oregon wide open in defiance of the prevailing sentiment for better conditions throughout the State.

"The Home Rule Amendment," so called, is un-American. The State is the unit. Our cities must not be permitted to set up separate principalities in absolute independence of our State laws, particularly the criminal laws. A vice which shocks the sentiment of mankind or endangers public welfare sufficiently to be prohibited by State laws, cannot be permitted in our municipalities without overriding the laws of the commonwealth, undermining the supremacy of the State and introducing the worst form of minority rule, vicious and anarchistic in all its tendencies.

Our cities and counties are not separate, they go up or down together. In Yamhill county four-fifths of the taxable property and of the assessments is in the country outside of corporate limits. How unfair

and un-American to disfranchise every man who lives outside the city from having a vote concerning the liquor traffic in his county and putting absolute control in the hands of the lowest, who would form, in every town, "a corruption ring" to manipulate politics and exploit city vices.

This amendment does not "preserve the local option law." It limits it to precincts and takes the enforcement away from district attorneys, sheriffs and grand juries, and permits city authorities to scoff at the power of the sovereign state. For after recounting, "Subject to the Constitution and criminal laws of the State" it says "and the *exclusive* power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality."

It took the authority of the State, *arrayed against the city*, to close open gambling in Portland. All the reforms which have restricted vice, stopped the sale of liquor on Sunday, and to minors and women, stopped circulating obscene literature and closed the nickel-in-the-slot machine, were obtained through State laws.

As to the "Greater Oregon Home Rule Association." It is a catchy name, but first, we question that 40,000 signed the protest mentioned and we know that signatures were secured through false representations.

2. Statewide prohibition is simply an advance upon local option, extending it from county to state.

3. Statewide prohibition would not retard, but very largely enhance the development of the State.

4. To support the claim that "prohibition is an exploded theory" they name eight "wealthy and progressive" states which have discarded it. Five of these eight states are the five most thoroughly corrupt states in the Union, in their state and city governments, and this "discard" undoubtedly, largely accounts for it. While acknowledging the great wealth of these states we affirm that the wealth is in the hands of the few and reeking poverty is the heritage of the many, while in Maine and Kansas wealth is equitably distributed, jails rented for storage and poor farms leased out to individuals.

The fact that the prohibition petitions, secured by volunteer workers, have more signers than any other proves a state-wide demand. The local option law does not touch the manufacture, nor reach the large cities which corrupt the state politics; a condition which this amendment proposes to make permanent.

Inasmuch as the saloon is the fertile source of crime and the twin brother of all vices, their aider and abettor, it would be monstrous to release it from the control of the criminal laws of the State. Imagine the Portland saloons subject to no higher power than the city council. What kind of councils would every city soon have under such conditions? This amendment means that your city council would be the stake the saloon would play for. Does the prospect please you?

The charter of the "Greater Oregon Home Rule Association," among other objects, states, "especially home rule for incorporated cities and

towns, and opposing all sumptuary legislation," and though they sign a list of names composed of church members, brewery stockowners and others, the fact that this is the job they are working at raises the suspicion that they ARE "controlled" and by the liquor barons, despite their denial.

It would be an easy matter, under this amendment, to colonize cities and keep them wet for all time.

Like a decayed apple in a box, a wet city in a county reaches beyond itself and starts decay in the whole body. The man from the country coming to town to trade, or sending his son or daughter, is affected by whether that town is wet or dry. Most boys and girls in the country look forward to a career in the city, and to rear them in a dry territory and then subject them to the debauchery and vices of the saloons of a wet city is too often disastrous.

Portland is the metropolis of the State and every resident of the State has a personal interest in the moral condition of that city. So every large city is the metropolis of its county and has a moral duty to its county which the county has a right to see it perform.

This amendment is unfair from a dollar standpoint. A wet city receives all the revenue from the saloon and creates a very large majority of the expense of court, sheriff, jails, poor farm, etc., but the entire county is taxed equally with the city to support these and receives no revenue. Likewise the entire State is taxed to support the Supreme Court, penitentiary, asylum, reform school and all State institutions created principally to care for the product of the saloon in wet cities.

The section of the Constitution which this aims to amend is just right as it is; for it makes all the State subject to all the criminal laws of the State, while this amendment proposes to exclude the crime producer of the cities from the control of the criminal laws of the State.

This amendment is the liquor traffic's stone wall about the incorporated towns of the State to "save" them to the traffic. By cunning allusion to the local option law it aims to use the popularity of that law for its own benefit.

The problem of the nation is the city. The problem of the city is the saloon. The saloon debauches manhood and creates a venal, purchasable vote and is headquarters for it, so that, when wanted to further the purpose of special privilege, it is at hand. Until this debauchery is ended the problem of the city is hopeless and tools of every iniquity and special privilege will fill the offices of the land and govern in the interests of their masters.

Remember, this is a constitutional amendment and cannot be changed by the legislature when its iniquities become apparent.

Be not deceived. This is a snare of the liquor traffic to trade a little country territory for a perpetual right to the cities.

Vote No X 329 and also Yes X 342 and 344.

OREGON DRY CAMPAIGN COMMITTEE.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law providing for the protection and safety of persons engaged in the construction, repairing, alteration, or other work, upon buildings, bridges, viaducts, tanks, stacks, and other structures, or engaged in any work upon or about electrical wires, or conductors or poles, or supports, or other electrical appliances, or contrivances carrying a dangerous current of electricity; or about any machinery or in any dangerous occupation, and extending and defining the liability of employers in any or all acts of negligence, or for injury or death of their employes, and defining who are the agents of the employer, and declaring what shall not be a defense in actions by employees against employers, and prescribing a penalty for a violation of the law.

By initiative petition filed in the office of the Secretary of State, June 23, 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 submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for a law requiring protection for persons engaged in hazardous employments, defining and extending the liability of employers, and providing that contributory negligence shall not be a defense. Vote YES or NO.

330. Yes.

331. No.

[On Official Ballot, Nos. 330 and 331.]

A BILL

To propose by initiative petition a law providing for the protection and safety of persons engaged in the construction, repairing, alteration, or other work, upon buildings, bridges, viaducts, tanks, stacks and other structures, or engaged in any work upon or about electrical wires, or conductors or poles, or supports, or other electrical appliances or contrivances carrying a dangerous current of electricity; or about any machinery or in any dangerous occupation, and extending and defining the liability of employers in any or all acts of negligence, or for injury or death of their employes, and defining who are the agents of the employer, and declaring what shall not be a defense in actions by employes against employers, and prescribing a penalty for a violation of the law.

*Be it enacted by the people of the State of Oregon:*

Section 1. All owners, contractors, sub-contractors, corporations or persons whatsoever, engaged in the construction, repairing, alteration, removal or painting of any building, bridge, viaduct, or other structure, or in the erection or operation of any machinery, or in the manufacture, transmission and use of electricity, or in the manufacture or use of any dangerous appliance or substance, shall see that all metal, wood, rope, glass, rubber, gutta percha, or other material whatever, shall be carefully selected and inspected and tested so as to detect any defects, and all scaffolding, staging, false work or other temporary structure shall be constructed to bear four times the maximum weight to be sustained by said structure, and such structure shall not at any time be overloaded or overcrowded; and all scaffolding, staging or other structure more than twenty feet from the ground or floor shall be secured from swaying and provided with a strong and efficient safety rail or other contrivance, so as to prevent any person from falling therefrom, and all dangerous machinery shall be securely covered and protected to the fullest extent that the proper operation of the machinery permits, and all shafts, wells, floor openings and similar places of danger shall be enclosed, and all machinery other than that operated by hand power shall, whenever necessary for the safety of persons employed in or about the same, or for the safety of the general public, be provided with a system of communication by means of signals, so that at all times there may be prompt and efficient communication between the employes or other persons and the operator of the motive power, and in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or the employes of the owner, contractor or sub-contractor transmitting or using said elec-

tricity are liable to come in contact with the wire, and dead wires shall not be mingled with live wires, nor strung upon the same support, and the arms or supports bearing live wires shall be especially designated by a color or other designation which is instantly apparent and live electrical wires carrying a dangerous voltage shall be strung at such distance from the poles or supports as to permit repairmen to freely engage in their work without danger of shock; and generally, all owners, contractors or sub-contractors and other persons having charge of, or responsible for, any work involving a risk or danger to the employes or the public, shall use every device, care and precaution which it is practicable to use for the protection and safety of life and limb, limited only by the necessity for preserving the efficiency of the structure, machine or other apparatus or device, and without regard to the additional cost of suitable material or safety appliance and devices.

Sec. 2. The manager, superintendent, foreman or other person in charge or control of the construction or works or operation, or any part thereof, shall be held to be the agent of the employer in all suits for damages for death or injury suffered by an employe.

Sec. 3. It shall be the duty of owners, contractors, sub-contractors, foremen, architects or other persons having charge of the particular work, to see that the requirements of this act are complied with, and for any failure in this respect the person or persons delinquent shall, upon conviction of violating any of the provisions of this act, be fined not less than ten dollars, nor more than one thousand dollars, or imprisoned not less than ten days, nor more than one year, or both, in the discretion of the court, and this shall not affect or lessen the civil liability of such persons as the case may be.

Sec. 4. If there shall be any loss of life by reason of the neglects or failures or violations, of the provisions of this act by any owner, contractor, or sub-contractor, or any person liable under the provisions of this act, the widow of the person so killed, his lineal heirs or adopted children, or the husband, mother, or father, as the case may be, shall have a right of action without any limit as to the amount of damages which may be awarded.

Sec. 5. In all actions brought to recover from an employer for injuries suffered by an employe the negligence of a fellow servant shall not be a defense where the injury was caused or contributed to by any of the following causes, namely: Any defect in the structure, materials, works, plant or machinery of which the employer or his agent could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or other person in charge or control of the works, plant, machinery or appliances; the incompetence or negligence of any person in charge of, or directing the particular work in which the employe was engaged at the time of the injury or death; the incompetence or negligence of any person to whose orders the employe was bound to conform and did conform and by reason of

his having conformed thereto the injury or death resulted; the act of any fellow servant done in obedience to the rules, instructions or orders given by the employer or any other person who has authority to direct the doing of said act.

Sec. 6. The contributory negligence of the person injured shall not be a defense, but may be taken into account by the jury in fixing the amount of the damage.

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

## A R G U M E N T

(affirmative.)

SUBMITTED BY

OREGON STATE FEDERATION OF LABOR

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

## PROPOSED BY INITIATIVE PETITION

A bill for a law requiring protection for persons engaged in hazardous employments, defining and extending the liability of employers, and providing that contributory negligence shall not be a defense. Vote YES or NO

330. Yes.

331. No.

## ARGUMENT IN FAVOR OF ABOVE MEASURE.

*A Bill for the Protection of Laborers in Hazardous Employments.*

This is the call of the plain people to the plain people for relief. Oregon is making a name for itself as the best home for the immigrant because of its political reforms and the powers which the people have taken into their own hands, and yet Oregon stands backward and almost alone in her failure to recognize that the injury or death of a workman is as much a part of the conduct of the business as the bursting of a boiler or breakage of the machinery and to prevent the death or injury of the workman should be as much a part of the cost of the business as the protection of machinery or replacing old with new. The iron machinery is insured and guarded from injury in every way, but the human machinery is, in fact, too cheap to be worth protecting. Every form of capital receives the aid of special privilege laws; land held in vacancy, money authorized to be issued by certain institutions only; and manufacturers are protected by tariff laws. The only factor in the production of social wealth which is not protected in any sense whatever is labor. Babies are born without limit and must live, and there are always plenty waiting to take the dead man's shoes. This bill does not ask so arbitrary and artificial a thing as that the laborers' wages be protected and guaranteed by law, but it does ask that the employer be compelled to use diligence in protecting the laborer as to his life and limb, while earning wages; that a safe place in which to work be provided and that ropes, chains, beams, machinery, etc., be properly tested before the workman is asked to risk his life with them. Surely this

is a reasonable request. Ten per cent of electrical workers are killed. It is a more hazardous employment than war. The same may be said of workers on bridges and high steel frame structures.

Senator Elihu Root, in his speech before the National Civic Federation, said: "It seems to me that our present system of dealing with those injuries that come to our employes in our great industrial life is foolish, wasteful, ineffective and barbarous . . . . The cost of support which is made necessary by the injuries suffered in a business is just as much a part of the cost of the business as the tools that are worn out and the material that is consumed."

The commission appointed to report to the legislature of New York on the question of employers' liability says, at page 11: "At common law in England and the United States the legal relations of employer and employed before 1837 did not differ in any way from the legal relation of strangers and there were no special rules as to employers' liability. . . . Up to 1837 that single principle seems to have been the whole law on the subject. But from that time, both in England and America there has developed gradually a large body of special law on employers' liability. This is judge-made law. . . . The important point to be noted is the fact that this body of special laws exists for no very clearly defined reasons of justice or social policy; that it is purely 'judge-made' and not over seventy years old."

The bill here submitted to the voters of Oregon modifies the prevailing rule as to the defenses of contributory negligence and the negligence of a fellow servant. The ignorance of lawyers is largely responsible for the popular belief that these legal defenses are both holy and hoary and that to weaken them would be to infringe on the sacred rights of employers. As just shown by the quotation above, both these doctrines are judge-made law, made in England, are of comparatively recent origin, never existed on the continent of Europe, have been abolished by the act of Parliament in England, where they originated; never existed in any system of law except the English; never existed in the admiralty courts of the United States, which takes its law from the Roman law and not from England, so that today in a suit in admiralty it is no defense to allege that the man was damaged by some negligence of his own contributing to the injury. His own negligence may be taken into account in measuring the damages, but is not an absolute bar and this is exactly what this bill proposes. It puts the State courts on the same plane with the courts of admiralty and of all the civilized world in this respect.

The bill itself is drawn from those of Illinois and Pennsylvania. It is not only inherently just in itself and such as no just man or humane man ought to complain of, but it is good policy for Oregon, if she expects to be an attractive home for intelligent workers. Read the bill.

OREGON STATE FEDERATION OF LABOR.

By J. F. CASSIDY, Secretary.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to create the County of Orchard,  
out of the northeastern portion of the County of Umatilla:

Providing for its organization and fixing the salaries  
of the officers thereof.

By initiative petition filed in the office of the Secretary of State, June  
23, 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  
submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for an act to create the County of Orchard out of  
the northeastern portion of Umatilla county, Oregon;  
providing for its organization; fixing the salaries of  
the officers thereof; and for adjustment of finances  
between the two counties.

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 create the County of Orchard, out of the northeastern portion of the County of Umatilla; providing for its organization and fixing the salaries of the officers thereof.

*Be it enacted by the people of the State of Oregon:*

Section 1. That all that portion of the State of Oregon, embraced within the following boundary lines, be, and the same is hereby created and organized into a separate county, by the name of ORCHARD, to-wit:

Commencing where the line between townships thirty-two and thirty-three, east of the Willamette Meridian, intersects the State line between the States of Oregon and Washington; thence running south on the range line four miles more or less to the line running east and west between townships five and six, north; thence east along the township line six miles to the range line between ranges thirty-three and thirty-four, east of Willamette Meridian; thence south along said line twelve miles to the southwest corner of section thirty-one, township four, north, range thirty-four, east of Willamette Meridian; thence east four miles to the southwest corner of section thirty-five, township four, north, range thirty-four, east of Willamette Meridian; thence south three miles to the southwest corner of section fourteen, township three, north, range thirty-four, east of Willamette Meridian; thence east following the section lines thirteen miles more or less to the center of the channel of the Umatilla River; thence in an easterly direction following the center of the channel of the Umatilla River and of the North Fork thereof to the county line between Umatilla and Union counties; thence in a northerly direction along said county line to the State line between the States of Oregon and Washington; thence west along said State line thirty-eight miles more or less to the place of beginning.

Section 2. That the territory embraced within the said boundary lines, shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and shall be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor as soon as it shall be convenient after this act shall have become a law to appoint for Orchard county and from its citizens the several county officers allowed by law to other counties in this state, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their successors are duly elected at the general election of 1912, and are duly qualified according to law.

Section 3. The temporary county seat of Orchard county shall be located at Milton City in said county, until a permanent location shall be adopted. At the next general election the question shall be submitted

to the legal voters of said county, and the place, if any, which shall receive a majority of all the votes cast at said election shall be the permanent county seat of said county; provided, however, that if no place shall receive a majority of all votes cast, the question shall again be submitted to the legal voters of said county at the next general election; provided further, however, that the two points receiving the highest number of votes at such election shall be the places to be voted upon at such next general election, and that the place receiving the highest number of votes at such last election shall be the permanent county seat of said county.

Section 4. That said County of Orchard shall for representative purposes have one of Umatilla county's representatives, and for senatorial purposes shall be annexed to the Twenty-third senatorial district, the same being the senatorial district formerly constituted by Umatilla county.

Section 5. That the County Clerk of Umatilla county shall, within thirty days after this law shall have gone into effect, make out and deliver to the County Clerk of Orchard county, a transcript of all taxes assessed upon all persons and property within the limits of Orchard county, which were previously included within the boundaries of Umatilla county, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officers of Orchard county. The Clerk of Umatilla county shall also make out and deliver to the County Clerk of Orchard county, within the time above specified, a transcript of all cases pending in the Circuit and County Courts of Umatilla county, between parties residing or concerning property located in Orchard county and transfer all original papers in said cases to be tried in Orchard county.

Section 6. That the County Court of Orchard county, shall be held at the county seat on the first Monday of January, March, May, July, September and November of each year.

Section 7. That the County of Orchard is hereby attached to the Sixth Judicial District for judicial purposes, and the terms of the Circuit Court for said county shall be held at the county seat of said county on the second Monday in March and the second Monday in June and the second Monday in October of each year.

Section 8. That until otherwise provided by law the various officers of said County of Orchard shall receive an annual salary as follows: Sheriff, fifteen hundred dollars; County Clerk, fifteen hundred dollars; County Judge, one thousand dollars; Recorder of Conveyances, twelve hundred dollars; County Treasurer, five hundred dollars; County School Superintendent, twelve hundred dollars; County Assessor, twelve hundred dollars; the County Commissioners of said county shall receive four dollars per day for the time actually employed in county business, and mileage at the rate of ten cents per mile each way when required to travel on county business; the County Surveyor, such fees as are now

allowed by law to such officer in Umatilla county; County Coroner, such fees as are now allowed by law to such officer in Umatilla county.

Section 9. That all laws made especially applicable for Umatilla county, excepting, however, such laws as relate to the salaries of the county officers thereof, shall be the same in Orchard county as are now maintained in said Umatilla county.

Section 10. That the County Judge of Orchard county shall let by contract to the lowest responsible and efficient bidder; the work of transcribing all records of Umatilla county affecting real estate situate in Orchard county, and when completed they shall be examined and certified to by the Recorder of Orchard county, and shall thereafter be recognized and acknowledged as the official records of Orchard county; provided, the Recorder of Orchard county shall be allowed to bid upon such work.

Section 11. It shall be the duty of the Superintendent of Schools of Umatilla county, within thirty days after the appointment of a Superintendent of Schools for Orchard county, to make out and forward to said Superintendent of Schools of Orchard county, a true and correct transcript or abstract of the annual reports of the clerks of the various school districts embraced within Orchard county. The Commissioners herein-after appointed to adjust the property and financial interests of Umatilla and Orchard counties shall at the same time ascertain what, if any, sum of money belonging to the school fund is in the hands of the Treasurer of Umatilla county which should be paid to Orchard county, and said sum, if any, shall be paid to the County Treasurer of Orchard county within thirty days after such award.

Section 12. That the commission as hereinafter appointed shall appraise the value of the whole of the county property which may be owned by the County of Umatilla upon the date that this law shall go into effect; and shall also determine the amount of indebtedness, if any, against said Umatilla county upon such date; that said commission shall then apportion the value of such property and the amount of such indebtedness, to these counties respectively in the same proportion as the total assessed value of the property within such counties as shown by the assessment roll of Umatilla county for 1910; provided, however, that such property shall be charged to and be retained by the county in which it is located; that after these amounts shall have been determined this said commission shall then balance the account and determine the exact amount, if any, that shall be due unto either county from the other; that should any amount of money be due unto Umatilla county from Orchard county the Treasurer of said Orchard county shall, within one year after its organization by the appointment of its officers, as hereinbefore provided, assume and pay the same to the County of Umatilla, with interest thereon at the rate of six per cent per annum from the date of such organization until paid; but, that should there be a balance due from Umatilla county to Orchard county, then and in that event, the County Treasurer of Umatilla county, shall within thirty days after this law

takes effect, or within thirty days after the amount thereof shall have been determined by this said commission, pay such amount unto the Treasurer of said Orchard county.

Section 13. That the County Judge of Umatilla county and the County Judge of Orchard county and C. P. Strain of Umatilla county are hereby appointed a board of commissioners to determine the value of the county buildings and county property owned by Umatilla county, the amount of indebtedness, if any, to be assumed by Orchard county, and paid to Umatilla county, and the amount of money that may be due from Umatilla county to Orchard county, under the terms of Section 12 of this law. This said board shall meet at the county seat of Umatilla county on the first Monday in December, 1910, or within ten days thereafter, and after taking and subscribing an oath faithfully to discharge their duties, shall proceed with such work and when it is completed, shall file reports of their conclusions in duplicate with the County Clerks of Umatilla and Orchard counties. That in case a vacancy should occur in said board the same shall be filled by appointment by the Governor of the State of Oregon.

Section 14. Within thirty days after the filing of such report, either county may appeal from the decision of said board to the Circuit Court of Umatilla county, by serving notice of appeal upon the Clerk of the other county interested. Upon perfecting the issue in said Circuit Court either county may demand a change of venue to any county in the Sixth Judicial District of the State of Oregon, or other circuit of the State of Oregon, for any county which may be agreed upon by said counties, or in the event of a disagreement, to any county which may be designated by the Judge of said district. The trial may be by jury and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to receive a more favorable judgment than the finding of the board by at least five hundred dollars, it shall pay the cost of the appeal. If no appeal be taken by either party within the thirty days above provided, the findings of said board shall be conclusive. The members of said board shall receive four dollars per day for each day actually employed and the same mileage as a witness to the Circuit Court and the expense incurred in the above-mentioned board shall be borne equally by the two counties.

Section 15. That the County Court of Orchard county shall at its first regular session appoint a stock inspector and a fruit inspector, which said officers shall be paid as follows, to-wit: The stock inspector shall receive three dollars per day for each day actually employed and mileage at the rate of ten cents per mile for each mile traveled in the performance of his duties; the fruit inspector shall receive three dollars per day for each day actually employed and mileage at the rate of ten cents for each mile traveled in the performance of the duties of his said office.

## A R G U M E N T

(affirmative)

SUBMITTED BY

N. A. DAVIS, J. H. HALL and H. L. FRAZIER, EXECUTIVE  
COMMITTEE,

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

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 PROPOSED BY INITIATIVE PETITION
 

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A bill for an act to create the County of Orchard out of the northeastern portion of Umatilla county, Oregon; providing for its organization; fixing the salaries of the officers thereof; and for adjustment of finances between the two counties.

Vote YES or NO

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 332. Yes.
 

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 333. No.
 

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## A R G U M E N T

in favor of initiative bill for the creation of ORCHARD COUNTY.

This bill is submitted under the initiative for the following, among other reasons:

The Constitution of the State of Oregon provides that "corporations may be formed under the general laws, but shall not be created by the Legislative Assembly by special laws." A county is a public corporation, and it is apparent that the constitutional provisions reserve to the people the right to create a county under the initiative law, since at the present time there is no general law on the statute books of the State of Oregon providing for the creation of new counties.

The facts as to area, population and assessed valuation submitted herewith show conclusively that the territory included within the limits of the proposed County of Orchard is sufficiently strong to maintain a county government. Out of a population of approximately eight thousand and five hundred people, the desire for a new county out of the northeastern portion of Umatilla county is held by an overwhelming majority of the people residing within the limits of the proposed Orchard county, as is evidenced by the fact that a great majority of the legal voters thereof have signed the petition to submit this bill to the people, and are giving the same their hearty support. We are assured by many

leading citizens of other sections of Umatilla county that they have no objections to this bill, and that they will give the same their support.

The people residing within the limits of the proposed Orchard county, therefore ask favorable consideration of the voters of the State of Oregon upon this bill for the following reasons, to-wit:

Because the new county will be a great benefit to the people residing therein, and the transaction of county business be thereby greatly facilitated.

Because the creation of new counties means the development of new territory, and consequently the advancement and upbuilding of the State.

Because an overwhelming majority of the citizens to be affected by the terms of this bill, desire its approval by the people; and finally because the greater portion of the people residing within the limits of the proposed Orchard county are not tributary, commercially or otherwise, to the county seat of the present County of Umatilla.

The assessed valuation of the territory embraced within the proposed County of Orchard in 1909, was \$12,361,826, which is ample to provide all funds necessary for the maintenance of the county government at a low rate of taxation.

The population of the proposed new county is approximately eight thousand and five hundred people, and the area is about 583 square miles.

There will remain in Umatilla county an area of 2515 square miles; a population of approximately 12,000 people, and an assessed valuation according to the assessment of 1909 of \$29,555,376, thus leaving the mother county maintaining its place of prominence among the largest and strongest counties in the State.

The creation of the proposed new county will be a direct benefit to thousands of people and will injure none, and will provide for a more efficient administration of county affairs, both in the mother county and in the county of Orchard; and therefore we respectfully ask the support of the voters of the State of Oregon for this measure at the election on the 8th day of November, next.

N. A. DAVIS,  
J. H. HALL,  
H. L. FRAZIER,  
Executive Committee.

## A R G U M E N T

(negative)

SUBMITTED BY

E. B. ALDRICH, J. H. RALEY, G. M. RICE, R. ALEXANDER, W. L. THOMPSON, LEON COHEN, J. R. DICKSON, E. S. McCOMAS  
and E. J. MURPHY, EXECUTIVE COMMITTEE,  
opposing the measure designated on the official ballot as follows:

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 PROPOSED BY INITIATIVE PETITION
 

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A bill for an act to create the County of Orchard out of the northeastern portion of Umatilla county, Oregon; providing for its organization; fixing the salaries of the officers thereof; and for adjustment of finances between the two counties.

Vote YES or NO.

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 332. Yes.

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 333. No.
 

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 ARGUMENT AGAINST THE FOREGOING MEASURE.
 

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The adoption of this bill by the people is opposed, for the following, among other, reasons:

The question involved is a local one and not in any sense a State issue in which the people of the State are directly interested. County division questions of this character should be settled by the people directly interested and by people who are familiar and cognizant of the conditions and territory involved, and not by the people of the State at large, who cannot hope to judge or inform themselves of the issues with any degree of accuracy.

It is predicted a law will be quickly passed, providing a manner of settling county division questions in accordance with equity and the wishes of the people to be directly affected by the division. The promoters of Orchard county have refused to await the passage of such a bill, but have submitted their cause under the initiative, apparently in the hope that the people will vote blindly for it. In our opinion, their action in submitting this matter to the entire people constitutes an abuse of the purposes of the initiative privileges.

The boundaries of the proposed County of Orchard are grossly unfair and inequitable. A mere glance at the lines proposed will disclose a spirit of selfishness by the promoters who reside in the town of Milton, and will disclose the main object and purpose to be to establish the permanent county seat of the new county at the town of Milton. The boundaries do not conform to either geographical or business conditions, and are repugnant to a great majority of the people within the proposed new county, and are opposed practically unanimously by the people of the old county.

Milton is situated but four miles from the boundary of the State of

Washington. It is in a horticultural section tributary to the city of Walla Walla, Washington. The remainder of the territory within the proposed new county is practically all farming and agricultural lands, and is tributary to Pendleton. The sentiment for county division is confined almost exclusively to that small horticultural section immediately surrounding the town of Milton, and is generally opposed by the farmers, who oppose the action realizing that it will greatly increase their taxes, without any benefit accruing or necessity existing for such division. The greater portion of the territory within the proposed county does not wish to be so included. This territory is the wheat-producing belt of Umatilla county and is adjacent to the towns of Weston, Athena, Helix, Adams and Pendleton, and practically all of the farmers and the townsmen in these towns oppose the division. The people of Weston and Athena, both of which towns are included in the new county, oppose the division and have expressed bitter opposition to Orchard county through their newspapers, their city officials and by utterances on the part of the leading business men.

The creation of Orchard county would be unjust, in that it would work great inconvenience upon them, and would greatly increase their taxation. The Orchard county lines are "gerrymandered" with the view of including all possible railroad mileage and with a view of making Milton a perpetual county seat. The proposed county includes Wenaha Springs, a summer resort particularly patronized by Pendleton citizens, and which is essentially a Pendleton establishment.

Against Umatilla county the divisionists have no just complaint. The county is free from debt and has an assessed valuation that makes good roads, steel bridges and other improvements possible, without making the taxes burdensome. At present the tax levy for State and county purposes is 3-34/60 mills. The levy for county purposes is but 1.78 mills. The county has been liberal in making improvements in the section comprising the proposed new county. At this time the following county officers are from that section: One Representative, one Commissioner, Sheriff, Clerk, Assessor, Treasurer, School Superintendent and Road Master. That section has always been accorded ample political recognition.

Pendleton, the county seat of Umatilla county, is located in the geographical center of the county. It is the commercial, educational and social center of the county. It is connected with every section of the county, including the towns in the proposed new county, by daily railway service. Twenty-two passenger trains arrive and depart from the city, giving convenient service with every section of the county, and especially with the section of the county proposed to be included as Orchard county.

The adoption of the Orchard county bill would be of benefit to a few in the town of Milton, who have selfish interests alone at stake. It would be injurious, unjust and entirely unnecessary to the many. Vote it down!

Respectfully,

(SIGNED BY NINE CITIZENS ABOVE WHO PRESENT THE ARGUMENT.)

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law creating the County of Clark,  
fixing the salaries of its officers and providing

for its organization

By initiative petition filed in the office of the Secretary of State, June  
23, 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  
submitted on the official ballot:

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PROPOSED BY INITIATIVE PETITION

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A bill for an act to create the County of Clark out of  
the northern portion of Grant county, Oregon; pro-  
viding for its organization; fixing the salaries of  
the officers thereof; and for adjustment of finances  
between the two counties.

Vote YES or NO.

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334. Yes.

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335. No.

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[On Official Ballot, Nos. 334 and 335.]

A BILL

To propose by initiative petition a law creating the County of Clark, fixing the salaries of its officers and providing for its organization.

*Be it Enacted by the People of the State of Oregon:*

Section 1. That all of that portion of northern Grant county, Oregon, embraced within the following boundary lines be and the same is hereby created and organized into a separate county by the name of Clark, to-wit:

Beginning on the west boundary line of Grant county at the southwest corner of township 11 south, range 26 E., W. M.; thence east along the township line between townships 11 and 12 to the southwest corner of township 11 south of range 29 E., W. M.; thence south along township line to the southwest corner of section 7, township 12 south of range 29 E., W. M.; thence east following section lines across township 12, range 29, and on to the southeast corner of section 8, township 12 south of range 30 E., W. M.; thence north along section line to the northeast corner of section 32, township 11 south of range 30 E., W. M.; thence east following section line to the northwest corner of section 31, township 11 south of range 32 E., W. M.; thence south to the southwest corner of section 31, township 11 south of range 32 E., W. M.; thence east along township line to the southeast corner of township 11 south of range 32 E., W. M.; thence north along township line to the southwest corner of section 7, township 11 south of range 33 E., W. M.; thence east along section lines to the southeast corner of section 12, township 11 south of range 33 E., W. M.; thence north following range line between ranges 33 and 34 E., W. M., to the north boundary line of Grant county; thence west following the north boundary line of Grant county to the northwest corner of Grant county; thence south following the west boundary line of Grant county to the place of beginning.

Sec. 2. That the territory embraced within said boundary lines shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor, as soon as it shall be convenient after this law shall have gone into effect, to appoint for Clark county, and from its citizens, the several county officers allowed by law to other counties in this State, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their respective successors shall have been duly elected at the general election of 1912, and are duly qualified according to law.

Sec. 3. The temporary county seat of Clark county shall be located at Long Creek, in said county, until a permanent location shall have been adopted. At the next general election the question shall be submitted to the legal voters of said county, and the place, if any, which shall

receive a majority of all the votes cast at said election upon said question, shall be the permanent county seat of said county. But if no place shall receive a majority of all the votes so cast, the question shall again be submitted to the legal voters of said county at the next general election, but between the two points having the highest number of votes at said first election, and the place receiving the highest number of votes so cast at such election shall be the permanent county seat of said county.

Sec. 4. Said County of Clark shall, for representative purposes, be annexed to the Twenty-first Representative District, and for senatorial purposes said county shall be annexed to the Twenty-second Senatorial District.

Sec. 5. The county clerk of Grant county shall within thirty days after this law shall have gone into operation, make out and deliver to the county clerk of Clark county, a transcript of all taxes assessed upon all persons and property within said Clark county, which were previously included within the limits of Grant county, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officer of Clark county. The county clerk of Grant county shall also make out and deliver to the county clerk of Clark county, within the time above limited, a transcript of all cases pending in the circuit and county courts of Grant county, between parties residing in or concerning property located in Clark county, and transfer all original papers and pleadings in such cases to the clerk of Clark county, and all such cases shall be tried in said Clark county.

Sec. 6. There shall be a session of the county court of Clark county for the transaction of county business held at the county seat on the first Wednesday in January, April, July and October of each year.

Sec. 7. The said County of Clark is hereby attached to the Ninth Judicial District for judicial purposes, and the terms of the circuit court for said county shall be held at the county seat of said county, on the second Monday in June and December of each year.

Sec. 8. Until otherwise provided by law, the county judge of Clark county shall receive an annual salary of \$600; the county clerk of said county shall receive an annual salary of \$1200; the sheriff of said county shall receive an annual salary of \$1600; the treasurer of said county shall receive an annual salary of \$400; the assessor of said county shall receive an annual salary of \$600; the county school superintendent of said county shall receive an annual salary of \$400; and the county commissioners of said county shall receive the sum of \$3.00 per day each, for the time actually engaged in the transaction of county business. The county court of Clark county shall appoint the stock inspector and fix his salary.

Sec. 9. The law relating to trespass of sheep and other animals shall be the same throughout Clark county as now maintains in Grant county.

Sec. 10. The county court of Clark county shall let by contract to the lowest responsible and efficient bidder the work of transcribing all records of Grant county, affecting real estate situate in Clark county,

and when completed they shall be examined and certified to by the county clerk of Clark county, and shall thereafter be recognized and acknowledged as the official records of Clark county; provided, the county clerk of said Clark county shall be allowed to bid upon such work.

Sec. 11. It shall be the duty of the county school superintendent of Grant county within thirty days after the appointment of a county school superintendent for Clark county, to make out and forward to said school superintendent of Clark county, a true and correct transcript or abstract of the annual reports of the clerks of the various school districts embraced within the County of Clark. The commissioners hereinafter named and appointed to adjust the property and financial interests of Grant and Clark counties shall, at the same time ascertain what, if any, sum or sums of money belonging to the school fund is in the hands of the treasurer of Grant county which should be paid to Clark county, and said sum or sums, if any, shall be paid to Clark county within thirty days after such award.

Sec. 12. The county treasurer of Clark county shall, not later than October 15, 1911, pay over to the treasurer of Grant county the full amount of State tax of the assessment of 1910, due from citizens of Clark county.

Sec. 13. The treasurer of Clark county shall, within one year after its organization by the appointment of its officers, as hereinbefore provided, assume and pay to Grant county, a pro rata proportion of the remaining indebtedness, if any, of said Grant county, after deducting therefrom the amount of money that has been collected in taxes from the territory taken from said Grant county, if any, and expended by Grant county for public buildings or other property; provided, that if, when this law goes into effect, there is no indebtedness of said Grant county, then Clark county shall be entitled to credit and said Grant county shall pay to Clark county the amount of money that has been collected in taxes from the territory taken from said county by this law, and included in the County of Clark, and expended by said Grant county, if any, for public buildings and other property; provided, further, that if, when this law takes effect, and after the payment of all indebtedness and expenses of Grant county, up to that time, there shall be a balance of money in the hands of the treasurer of said Grant county, then, and in that event, the county treasurer of Grant county shall, within thirty days after this law takes effect, or within thirty days after the amount thereof shall have been determined by the commissioners hereinafter appointed, pay to the treasurer of Clark county such proportion of the balance so in the hands of the treasurer of Grant county, after the payment of the indebtedness and expenses aforesaid, as the total value of the property in Clark county taken from said county by this law bears to the total value of property in said Grant county, and according to the assessment of 1910.

Sec. 14. The county judges of Grant and Clark counties and Charles A. Coe, of Long Creek, Oregon, are hereby appointed a board of com-

missioners to determine the value of the county buildings and other property in Grant county; the amount of indebtedness, if any, to be assumed by Clark county, and be paid to Grant county, and the amount of money that may be due from Grant county to the County of Clark, under the terms of Section 13 of this law. Said board shall meet at the county seat of Grant county within thirty days after this law takes effect, and thereupon determine said matters.

Sec. 15. After taking and subscribing an oath to faithfully discharge their duties, said board shall proceed with such work, and when it is completed shall file reports of their conclusions, in duplicate, with the clerks of Grant and Clark counties. In case of a vacancy in said board, the same shall be filled by the appointment of some suitable person or persons by the Governor of the State.

Sec. 16. Within thirty days after the filing of such reports, either county may appeal from the decision of said board to the circuit court of Grant county by serving notice of appeal upon the clerk of the other county interested. Upon perfecting the issue in such circuit court, either county may demand a change of venue to any other county in the Ninth Judicial District, or other circuit court of the State of Oregon, for any county which may be agreed upon by said counties, or in the event of a disagreement, to any county which may be designated by the judge of the court where said proceeding is pending. The trial may be by jury, and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to recover a more favorable judgment than the finding of the board appealed from by at least \$500, it shall pay the costs of the appeal. If no appeal be taken by either party, within the thirty days above provided, the findings of said board shall be final and conclusive. The members of said board shall receive the sum of \$3.00 per day for each day actually employed, and the same mileage as a witness in the circuit court. The expenses incurred by the above mentioned board shall be borne equally by the two counties interested.

## ARGUMENT

(affirmative)

SUBMITTED BY

CLARK COUNTY COMMITTEE

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

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### PROPOSED BY INITIATIVE PETITION

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A bill for an act to create the County of Clark out of the northern portion of Grant county, Oregon; providing for its organization; fixing the salaries of the officers thereof; and for adjustment of finances between the two counties.

Vote YES or NO.

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334. Yes.

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335. No.

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### ARGUMENT SUBMITTED BY CLARK COUNTY COMMITTEE

in favor of initiative bill for the creation of Clark county.

This bill is submitted under the initiative because there is no general law for the creation of counties. The facts as to area, population and assessed valuations submitted herewith, show, as we believe, that we are able to maintain a county government. Out of a population of about 2600 the desire for the creation of a new county for the middle fork of the John Day River country in northern Grant is earnest and has existed for years; objections heretofore to dividing Grant county and the creation of a new county of the northern portion, was "wait until such time as the county shall get out of debt"; that time has come and the objection eliminated. We are assured by leading citizens of Canyon City, Prairie City, John Day, and other portions of Grant county that they have no objections to the creation of Clark county as proposed in this bill, they having signed the petition asking that it be submitted to a vote at the regular general election to be held on the 8th day of November, 1910. This bill has as nearly the unanimous support of the citizens of the proposed new county as it is possible for a measure of this kind to have. Some of the large sheep men in the western portion oppose it, and they, as a rule, are opposed to any measure that tends to the development and settlement of the country, and should any organized opposition arise it will be through their directions.

Grant county is one of the large counties of the State, having an area of about 4762 square miles; Canyon City, the county seat, is located south of the center of the county; citizens residing in the extreme northwest part of the county have to travel about seventy miles over rough

roads and a mountain range to reach the county seat, and three to four days' time taken for the trip besides the expenses, which puts them to a great inconvenience. The dividing line for the proposed Clark county is along the mountain range between the main John Day river and the middle fork, the watersheds of the middle fork of the John Day river and its tributaries being in the proposed county of Clark, and the temporary county seat named in the bill is centrally located, and a citizen residing in the remotest part of the county can reach the county seat within a distance of thirty-five miles, which will be a great convenience as well as a benefit in time and expenses saved in going to the county seat on any kind of business.

The territory in the proposed county of Clark is all taken from Grant county, and its area is about 1428 square miles; has a population of about 2615; has twenty-two school houses, several of which are graded schools; an assessed valuation for the year 1909 of \$1,964,987.

Therefore the people of that portion of northern Grant county comprising the territory of the proposed Clark county ask favorable consideration of the voters of the State upon this bill for these, among other, reasons:

Because the new county will be a great convenience and benefit to the people residing therein and will facilitate the transaction of their county business.

Because the people of Canyon City and the balance of Grant county, we are informed and believe, are willing that Clark county may be created as provided in this bill.

Because the people within the proposed new county believing that the smaller county and nearer home government the cheaper; that taxation can better be kept down to a minimum; that more and better highways are possible; that greater development of the country can be attained by the creation of Clark county; that a large community would be rendered more effective in the increasing of the population, in enhancing taxable valuations, and in the making of a greater Oregon.

The assessed valuation of property in the proposed county of Clark in 1906 was \$997,687, in 1909 was \$1,964,987, showing an average gain of 32 per cent per year for the past three years.

There will be left in Grant county after Clark county is created an area of about 3324 square miles; a population of about 4675, and an assessed valuation of \$2,766,207 for the year 1909, which still leaves it among the large and strong counties of the State. The tax levy of the 1909 valuation is 16 mills, which would raise in the proposed Clark county \$31,439.80, which is ample to pay the expenses of operating Clark county and leave a substantial balance.

Respectfully submitted,

CLARK COUNTY COMMITTEE.

By Chas. W. Conger, Chairman.

By Chas A. Coe, Secretary.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to provide for the permanent  
support and maintenance of the "Eastern Oregon State Normal  
School at Weston, Umatilla County; Oregon"

By initiative petition filed in the office of the Secretary of State, June  
24, 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  
submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for a law providing for the permanent support  
and maintenance of the Eastern Oregon State Nor-  
mal School at Weston, Umatilla county, Oregon,  
by levying an annual tax of one-twenty-fifth of a  
mill on the dollar upon all the taxable property  
within the State of Oregon.

Vote YES or NO.

336. Yes.

337. No.

[On Official Ballot, Nos. 336 and 337.]

### A BILL

To propose by initiative petition a law to provide for the permanent support and maintenance of the "Eastern Oregon State Normal School at Weston, Umatilla County, Oregon."

*Be it Enacted by the People of the State of Oregon:*

Section 1. For the support and maintenance of the "Eastern Oregon State Normal School at Weston, Umatilla County, Oregon," for the payment of salaries of its teachers and employees; to keep the buildings, grounds and other property thereof in repair; for the purchase of additional land for the campus thereof, or otherwise if necessary; for the purchase of library books, laboratory supplies and apparatus and for the payment of necessary incidental expenses, there is hereby levied annually a tax of one-twenty-fifth of a mill on the dollar upon all the taxable property within the State of Oregon. Such tax shall be levied and collected annually as other taxes are levied and collected, and the fund arising therefrom shall be paid into the State treasury and kept separate and apart from other funds, and shall be known as the "Eastern Oregon State Normal School Fund," and shall be paid out only on warrants drawn by the Secretary of State on the State Treasurer against said fund, and under the supervision and direction of the board of regents and their successors in office. If any portion of said fund shall not be used during any fiscal year, the balance remaining shall be carried over until the next year and added to the fund for that year, and the Secretary of State is authorized and directed to audit and allow all claims payable out of such fund.

Section 2. The "Eastern Oregon State Normal School at Weston, Umatilla County, Oregon," shall be controlled, managed and maintained by a board of regents and their successors in office, appointed by and with the authority conferred upon them pursuant to Chapter 189 of the General Laws of Oregon, filed in the office of the Secretary of State on February 25, 1907.

## A R G U M E N T

SUBMITTED BY

E. O. S. N. S. CAMPAIGN COMMITTEE

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

## PROPOSED BY INITIATIVE PETITION

A bill for a law providing for the permanent support and maintenance of the Eastern Oregon State Normal School at Weston, Umatilla county, Oregon, by levying an annual tax of one-twenty-fifth of a mill on the dollar upon all the taxable property within the State of Oregon.

Vote YES or NO.

336. Yes.

337. No.

AN APPEAL IN BEHALF OF THE EASTERN OREGON STATE  
NORMAL SCHOOL.*To the Voters of Oregon:*

We submit to you that Eastern Oregon embraces more than half of the territory of the State and pays a large share of its taxes, yet has no educational institution supported by the State. We ask that justice be done by the re-establishment of the Eastern Oregon State Normal School through your votes in November. To do so will entail an annual tax of but one-twenty-fifth of a mill, which means that the man who pays taxes on \$10,000 annually will pay exactly 40 cents each year for the support of this school.

This school has a State plant now idle valued at \$75,000, which if not utilized becomes a total loss to the commonwealth. It is located in a beautiful and healthful region, easy of access from the centers of population in Eastern Oregon. It has never been a "local school"; and out of an enrollment of 275 normal students during the bi-ennial period 1907-08, but 19 per cent came from Umatilla county, while the remainder represented seventeen other Oregon counties. Its loss is felt, as the supply of teachers is now inadequate in this part of the State. Many of its former students, and other young people of Oregon, have gone to Washington and Idaho normals.

We submit further that by reason of its growing population and physical divisions, Oregon needs more than one Normal School. It needs at least three. Alabama supports seven, Arizona two, Arkansas two, California five, Colorado one, Connecticut five, District of Columbia two, Florida one, Georgia three, Idaho two, Illinois six, Indiana two, Iowa two, Kansas three, Kentucky four, Louisiana two, Maine seven, Maryland four, Massachusetts twelve, Michigan five, Minnesota six, Mississippi three, Missouri seven, Montana one, Nebraska two, New Hampshire one, New Jersey five, New Mexico two, New York eighteen, North Carolina six, North Dakota two, Ohio seven, Oklahoma four, Pennsylvania seventeen, Rhode Island one, South Carolina two, South Dakota four, Tennessee one, Texas three, Utah one, Vermont three, Virginia three, Washington three, West Virginia seven, Wisconsin thirteen. Oregon at present is one of three states that have no Normal Schools.

The passage of this bill will place the Eastern Oregon State Normal School on a permanent and satisfactory basis, obviate the feeling of insecurity from which it formerly suffered, and remove it altogether from the sphere of Oregon politics.

E. O. S. N. S. CAMPAIGN COMMITTEE.

Clark Wood, Secretary.

O. C. Turner, Chairman.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition, a law to detach certain territory from  
the County of Washington, in the State of Oregon, and annex the  
same to the County of Multnomah, in the State of Oregon,  
and to provide for a transcript of the records of said  
County of Washington insofar as they affect the real  
property in the territory so detached  
and annexed.

By initiative petition filed in the office of the Secretary of State, June  
30, 1910, in accordance with the provisions of Chapter 226,  
General Laws of Oregon, 1907.

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

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

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PROPOSED BY INITIATIVE PETITION

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A bill for a law to annex a portion of the territory in  
the eastern part of Washington county, Oregon, to  
Multnomah county, Oregon, and providing for a tran-  
script of the records of the territory annexed to be  
made and recorded in Multnomah county.

Vote YES or NO.

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338. Yes.

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339. No.

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[On Official Ballot, Nos. 338 and 339.]

A BILL

To propose by initiative petition, a law to detach certain territory from the County of Washington, in the State of Oregon, and annex the same to the County of Multnomah, in the State of Oregon, and to provide for a transcript of the records of said County of Washington insofar as they affect the real property in the territory so detached and annexed.

*Be it Enacted by the People of the State of Oregon:*

Section 1. That all of that portion of the County of Washington in the State of Oregon situated and lying east of a line, commencing at the northwest corner of section numbered one (1) in township one (1) north of range two (2) west of the Willamette Meridian, and running thence south following the section lines to the southwest corner of section numbered twelve (12) in township three (3) south of range two (2) west of the Willamette Meridian, be, and the same hereby is, detached from the County of Washington in the State of Oregon, and annexed to and made a part of the County of Multnomah in the State of Oregon. All laws and parts of laws in conflict with this bill are hereby repealed.

Section 2. The county court of Multnomah county, Oregon, shall, within one year after this bill becomes a law, procure or cause to be procured, a transcript or copy of the records of the County of Washington in the State of Oregon, affecting the title to all the real property situated in the territory described in Section 1 of this bill; said transcript or copy to be duly attested or certified to, by some person to be appointed by the said county court of the County of Multnomah in the State of Oregon, and deliver such copy or transcript, attested or certified to, as aforesaid, to the county clerk of Multnomah county, Oregon, and thereafter said transcript or copy shall be recognized as, and become a part of, the official records of said County of Multnomah in the State of Oregon.

## A R G U M E N T

(negative)

SUBMITTED BY

DR. W. D. WOOD, E. I. KURATLI, FERD GRONER, B. P. CORNELIUS, W. V. WILEY, W. N. BARRETT, W. G. HARE, T. H. TONGUE, JR., J. W. GOODIN, DR. A. B. BAILEY, DR. J. P. TAMIESIE, and BENTON BOWMAN,

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

## PROPOSED BY INITIATIVE PETITION

A bill for a law to annex a portion of the territory in the eastern part of Washington county, Oregon, to Multnomah county, Oregon, and providing for a transcript of the records of the territory annexed to be made and recorded in Multnomah county.

Vote YES or NO.

338. Yes.

339. No.

## ARGUMENT AGAINST THE FOREGOING BILL.

This bill is filed without an affirmative argument, and probably none can be justly made therefor. Multnomah county was created in 1854, partly from Washington county, and the boundary line between said counties was established, as near as practicable, on the crest of a range of hills, a natural division, and no reason now exists for changing it.

Washington county contains 730 sections, and is one of the smaller counties of the State. This bill proposes to cut a strip seven miles wide, containing 112 square miles, off the east side of it, taking nearly half the railroad mileage of the county, about one-fifth of its voters, and about four million dollars assessed valuation. Much of the remaining area is rough, unsettled mountain land.

This change would bring the Multnomah county line to within 4.9 miles of the court house at Hillsboro, and would cut off Clackamas from Washington county and thus divide the Fifth Judicial District, leaving the residence of the circuit judge outside of the district.

No provision is made for reimbursing Washington county for assessing this strip for 1910, or for collecting the taxes thereon for that year. Neither does it provide for transferring the school records, or cases pending in court, and great confusion would arise in these matters.

Less than one-third of the legal voters residing in said strip signed the initiative petitions, and some of whom are now against its passage, and less than 10 per cent of all the voters of this county signed the same. Ninety per cent of the signatures were procured in Multnomah county, most of them presumably at a stipulated price per name, a great majority of the signers having no interest whatever in the measure.

As the people in this area will be no nearer to Portland by this change, and as the voters of Washington county, outside of this strip, are practically unanimous against it, and quite a large per cent of those within the district are also opposing it, and as it will be a great injustice to the county, without material benefit to any one, we urge the voters of the State to vote NO on the proposition.

SIGNED BY THE CITIZENS ABOVE, WHO SUBMIT THE ARGUMENT.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to provide for the permanent support and maintenance of the "Southern Oregon State Normal School" at Ashland, Jackson county, Oregon; with a provision limiting instruction therein to courses promoting efficiency in the art of teaching in the public schools of Oregon.

By initiative petition filed in the office of the Secretary of State, July 1, 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 submitted on the official ballot:

PROPOSED BY INITIATIVE PETITION

A bill for a law providing for the permanent support and maintenance of the Southern Oregon State Normal School at Ashland, Jackson county, Oregon, by levying one-twenty-fifth of a mill on the dollar on all taxable property in the State of Oregon therefor, and limiting instruction therein to those subjects promoting efficiency in the art of teaching.

Vote YES or NO.

340. Yes.

341. No.

[On Official Ballot, Nos. 340 and 341.]

### A BILL

To propose by initiative petition a law to provide for the permanent support and maintenance of the "Southern Oregon State Normal School" at Ashland, Jackson county, Oregon; with a provision limiting instruction therein to courses promoting efficiency in the art of teaching in the public schools of Oregon.

*Be it Enacted by the People of the State of Oregon:*

Section 1. For the support and maintenance of the "Southern Oregon State Normal School" at Ashland, Jackson county, Oregon; for the payment of salaries of its teachers and employees; to keep the buildings, grounds and other property thereof in repair; for the purchase of additional land for the campus thereof, if necessary; for the construction of buildings and additions to the same, so far as is necessary; for the purchase of library books, laboratory supplies and apparatus, and for the payment of necessary incidental expenses, there is hereby levied an annual tax of one-twenty-fifth of a mill on the dollar upon all taxable property within the State of Oregon. Such tax shall be levied annually and collected as other taxes are levied and collected, and the fund arising therefrom shall be paid into the State treasury and kept separate and apart from other funds, and shall be known as the "Southern Oregon State Normal School Fund," and shall be paid out only on warrants drawn by the Secretary of State on the State Treasurer against said fund, and under the supervision and direction of the board of regents and their successors in office. If any portion of said fund shall not be used during the fiscal year the balance remaining shall be carried over until the next year and added to the fund for that year, and the Secretary of State is authorized and directed to audit and allow all claims otherwise payable out of such fund, regardless of the date when contracted, but no claim or indebtedness incurred by or on behalf of said school prior to the passage of this act shall ever be paid out of the fund hereby created.

Section 2. "The Southern Oregon State Normal School," at Ashland, Jackson county, Oregon, shall be controlled, managed and maintained by a board of regents and their successors in office, appointed by and with the authority conferred upon them pursuant to Chapter 189 of the General Laws of Oregon, filed in the office of the Secretary of State on February 25, 1907.

Section 3. Said board of regents in prescribing the course of study to be pursued in said school shall limit the subjects to be taught to those promoting efficiency in the art of teaching in the public schools of Oregon; and shall provide that the requirements for admission to said school shall at the opening of the school year in 1911 be at least a preparation equivalent to the completion of the tenth grade of the public school system.

## A R G U M E N T

(affirmative)

SUBMITTED BY

ALUMNI COMMITTEE OF S. O. NORMAL SCHOOL

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

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PROPOSED BY INITIATIVE PETITION

---

A bill for a law providing for the permanent support and maintenance of the Southern Oregon State Normal School at Ashland, Jackson county, Oregon, by levying one-twenty-fifth of a mill on the dollar on all taxable property in the State of Oregon therefor, and limiting instruction therein to those subjects promoting efficiency in the art of teaching.

Vote YES or NO.

340. Yes.

341. No.

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ARGUMENT IN SUPPORT OF THE BILL APPROPRIATING 1-25 OF A MILL FOR THE SUPPORT OF THE SOUTHERN OREGON STATE NORMAL SCHOOL, LOCATED AT ASHLAND, IN JACKSON COUNTY, OREGON.

The first duty of the State is to educate its children. Time and experience have settled upon the public school as the best known instrument to that end. Schools are good, or otherwise, according to the teachers who preside over them; "like teacher, like school," is an axiom. How to supply an adequate number of efficient teachers for our public schools is the one paramount question at every stage of our national growth. Hence, the constant demand for Normal Schools. All must agree that however well equipped in buildings and apparatus a school may be, it will be a failure if in charge of an inefficient teacher. A bare log school house equipped with only rude benches affords an ideal school, if an ideal teacher graces its rude environment. The *millions* of dollars annually expended on our public schools are made doubly operative by expending other *hundreds* in training teachers.

For twenty years, Oregon recognized the Normal School idea and in 1909, Oregon compared quite favorably with other western states. The attendance in the Oregon Normal Schools in 1909 was 775; in Idaho 211; in Washington 793. The Oregon normals were in 1907 placed under the control of one board of regents and the standard of their work carefully fixed by comparison with the best schools in the country. In February of 1909, appropriations for our Normal Schools were discontinued by the legislature and fifty-one teachers then in the employ of these schools were left at mid-year entirely without support; 775 students who had paid their tuition to the State of Oregon for the full year were asking for a fulfillment of the contract, but were denied. It is not the purpose of this article to criticise the legislature of 1909, but

to say that calmer and more mature deliberation would never have left the State's contracts unfulfilled—thus in the middle of the school year depriving these 775 students of their just dues and withdrawing all support from every member of the normal faculties which the State had hired for the full school year. Could there be found in all the great State of Oregon, a farmer with so little sense of honor as to dismiss a "hired man" when the contract time was only half expired? Or could there be found a faithful, hard-working man who would submit to such dismissal? The fact that the noble normal teachers, with slight aid from the communities in which the schools were located, remained at their post until the close of the year, saved the honor of the State.

The average number of students in the Southern Oregon Normal School in the last five years of its life (exclusive of training department) was 205; the average number of graduates was twenty-five; the average cost to the State of a year's training of the normal student in this school has always been less than \$100.00 per student; this is much less than in either the University of Oregon or the Agricultural College, and is below the average in the other Normal Schools of the country. During the ten years in which this school was receiving State support there were graduated 200 normal students who have been absorbed by the public schools of Oregon; almost without exception, these teachers have "made good" and are still "making good" and have done the State a real service in exchange for the meagre sums appropriated for their training. In addition to these graduates, a large number of the students who have attended the school for one or more terms but have not graduated, have been teaching in Oregon schools. Were the Southern Oregon Normal School again placed on its feet and supported in a manner approved by the policy of other states it would prove a powerful factor in the upbuilding of our commonwealth.

At present, the State owns at Ashland, a Normal School plant worth not less than \$60,000.00. Heating plant, dormitories, apparatus, library, campus grounds and two good classroom buildings all stand there idle.

The great States of Massachusetts, New York, Pennsylvania and Wisconsin have from twelve to seventeen Normal Schools each; Maine, Connecticut, Minnesota, Ohio, Missouri, California, New Jersey, West Virginia, Illinois and Michigan have from five to seven Normal Schools each. Few states have but one normal. Iowa and Kansas, long cited by the advocates of the one school idea, have now established additional Normal Schools. Educators agree that numerous Normal Schools located in different parts of the State, furnish the best opportunity for the successful training of teachers. They also agree that the highest efficiency in the Normal School is reached with an institution of from 200 to 300 attendance, graduating annually from twenty-five to fifty students. In such a school the facilities for training school practice are at their best. The president of a large central Normal School admitted in 1905 that the average senior in his school had but a mere glance into the training school on account of the large number of teachers at

practice. This training school work is the very essence of normal education and the large Normal School is weak by its very nature.

A Normal School gathers its material from adjacent territory which in turn absorbs the product into its public school teaching force. This is why Iowa and Kansas have discarded the old one-school idea. No State in the Union has ever decreased the number of Normal Schools, save Oregon. An average of twelve counties of the State were represented each year in the school enrollment; it may be seen, therefore, that this school is truly a Southern Oregon school and not a local institution, for it has supplied a large third of the State with a teacher training center. The Southern Oregon Normal School has never been used as a local High School, and never will be. The city of Ashland has from pioneer times been known as the educational center of Southern Oregon; it had the first High School in the State outside of Portland; at present this High School is equipped with a \$30,000.00 building, and bonds have already been voted for the erection of a larger and more commodious building.

Geographically, Oregon needs more than one Normal School. Southern Oregon is far removed from the other educational institutions of the State, and it is a territory which is rapidly developing in population and economic resources. Before the Normal School was established in Southern Oregon, the young people of this section looked toward the California Normal Schools for opportunity and for college preparation, and Belmont and Chico enrolled scores of young men and women who have graduated from these schools and entered California universities or engaged in teaching in California public schools, thus giving their lives to the State that gave them opportunity. The Southern Oregon Normal School, during its existence, has stayed this outgoing tide; young men and women have centered their interest in this school, and from it they have gone forth equipped for service and are giving their lives to Oregon instead.

The Southern Oregon Normal School will not prove a burden on the taxpayer; the amount asked for approximates only \$25,000 per year. By the terms of this proposed bill, a man paying taxes on \$10,000.00 would contribute 40 cents toward the Normal School of Southern Oregon.

Since Normal Schools are a part of the educational policy of all other States, and are absolutely essential to the upbuilding of our public school system; since the weight of authority favors several Normal Schools in the State; since geography and transportation facilities segregate Southern Oregon as an economic and educational center; since the Southern Oregon Normal School with scant aid, has performed a good work and through adversity has demonstrated its worthiness; and since our State is entering upon an epoch of large growth and development, in which Southern Oregon largely shares—we ask the people of the State of Oregon in the November election of 1910, to re-open the Southern Oregon State Normal School for the training of teachers for our public schools.

#### ALUMNI COMMITTEE OF S. O. NORMAL SCHOOL.

By J. P. Wells, Jacksonville; C. Stanley Wood, Klamath Falls;  
Worth Harvey, Cottage Grove.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

## SECTION 35 OF ARTICLE I

By initiative petition filed in the office of the Secretary of State, July 2,  
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

An amendment of Section 35 of Article I of the Con-  
stitution of Oregon, prohibiting the manufacture  
and sale of intoxicating liquor and the traffic  
therein within the State of Oregon, on and after the  
1st day of July, A. D. 1911, excepting for medicinal,  
scientific, sacramental, and mechanical purposes.      Vote YES or NO.

342.      Yes.

343.      No.

18,070  
*Rejected* No 61,221  
17,681

SUBMITTED TO VOTERS OF OREGON NOVEMBER 8, 1910 115

[On Official Ballot, Nos. 342 and 343.]

CONSTITUTIONAL AMENDMENT.

Section 35 of Article I of the Constitution of the State of Oregon shall be, and hereby is, amended to read as follows:

ARTICLE I.

Section 35. The manufacture and sale of intoxicating liquor and the traffic therein is hereby prohibited within the State of Oregon on and after the first day of July, A. D. 1911, except for medicinal, scientific, sacramental, and mechanical purposes. The existing laws for procedure and punishment of unlawful sale, possession or disposal of intoxicating liquor shall apply to any violation of this section until otherwise provided by law.

## ARGUMENT

(affirmative)

SUBMITTED BY

OREGON ANTI-SALOON LEAGUE

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

### PROPOSED BY INITIATIVE PETITION

An amendment of Section 35 of Article I of the Constitution of Oregon, prohibiting the manufacture and sale of intoxicating liquor and the traffic therein within the State of Oregon, on and after the 1st day of July, A. D. 1911, excepting for medicinal, scientific, sacramental, and mechanical purposes. Vote YES or NO.

342. Yes.

343. No.

### ARGUMENT FOR PROHIBITION AMENDMENT.

#### WHY PUT PROHIBITION INTO OUR STATE CONSTITUTION?

*Because* the saloon is a disturber of public peace; its presence fosters crime and political corruption; and every community in the State would be better off morally, politically and financially by its banishment.

*Because*, in dealing with recognized crimes and great public evils prohibition is the fundamental principle of government, belonging in the Constitution and should not be left to mere statutory enactment.

*Because* the efforts of good citizens should be concentrated upon law enforcement and not divided by ceaseless efforts to prevent legislative repeals, amendments and vetoes. What goes into the Constitution stands until the people themselves change it.

*Because* our present local option law is aimed at the saloon and the blind pig; but the center of the evil and the instigator of lawlessness is the organized brewers and wholesale dealers; and the remedy must be permanent and state-wide.

*Hence* prohibition should go into the Constitution, and we need a law passed by the people to enforce the amendment, embodying all provisions of our local option law, made state-wide, and certain additional provisions, which experience has shown to be needed for adequate enforcement of State prohibition. Two measures for one purpose; a constitutional amendment and a bill enacting the enforcing law. *Vote Prohibition twice.*

OREGON ANTI-SALOON LEAGUE.

## ARGUMENT

(negative)

SUBMITTED BY

GREATER OREGON HOME RULE ASSOCIATION

opposing the measure designated on the official ballot as follows:

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### PROPOSED BY INITIATIVE PETITION

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An amendment of Section 35 of Article I of the Constitution of Oregon, prohibiting the manufacture and sale of intoxicating liquor and the traffic therein within the State of Oregon, on and after the 1st day of July, A. D. 1911, excepting for medicinal, scientific, sacramental, and mechanical purposes. Vote YES or NO.

342. Yes.

343. No.

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### ARGUMENT AGAINST PROHIBITION AMENDMENT

SUBMITTED BY

THE GREATER OREGON HOME RULE ASSOCIATION.

Prohibition should not be voted into the Constitution. To do so would be to ignore all the teachings of experience. Within the past year contests on this question in Massachusetts, Illinois, Michigan, Wisconsin, Colorado and Alabama, have resulted in an emphatic and overwhelming defeat for prohibition. Last November the people of Alabama rejected a prohibition constitutional amendment by a majority of over 26,000. The prohibition candidate for Governor was defeated at the primaries in May, 1910, by about the same majority, and Senator Bankhead, anti-prohibitionist, received more votes than his two opponents combined. The dominant party there now declares for the repeal of prohibition and the re-enactment of local option. The Chicago farce is fresh in the minds of everyone, as is the decisive defeat in Denver, where 65 per cent of the women's vote was cast against prohibition. Oklahoma, where prohibition is now a part of the Constitution, will vote on the question of issuing licenses, in November or earlier. The people are fast learning that prohibition is not only a failure, but a costly one.

Forty thousand voters of Oregon have signed a protest against state-wide prohibition, and more are protesting every day. They say that the existing local option law permits each community to settle the question for itself, and that they do not propose to have that privilege taken away from them.

The Oregon Anti-Saloon League fathered the local option law. They

say it is a good law, but they are trying to kill it by state-wide prohibition. Apparently their salaried officers must agitate the liquor question, regardless of progress and promises. The well-meaning but credulous people who support them, in the belief that they are helping the cause of temperance, must pay the bill and meet disappointment in the results obtained.

Prohibition must be judged by its fruits. In Maine it has been a part of the Constitution for nearly sixty years. The U. S. census proves that there are nearly *twice as many arrests for drunkenness* in proportion to population in Portland, Maine, as in Portland, Oregon. The same unquestionable authority shows that there are *more divorces for drunkenness in Maine* than in any State of the Union except one! The average number of divorces for drunkenness in Maine is *fully three times* the average for the whole United States. Do we want these conditions in Oregon?

The remedy for intemperance is *education*. For abuses in the liquor traffic, *strict and vigorous regulation*. All experience shows unmisstakably that prohibition merely increases intemperance and *takes away control* of the traffic. *A man who will sell liquor illegally will sell to anyone, including young boys*. The licensed seller who sells to boys loses his license, and may be sent to prison.

The claim made in the argument for constitutional prohibition, that it "embodies all provisions of the local option law" is so plainly an untruth that anyone can see through it instantly. Constitutional state-wide prohibition robs each community of the right to settle this question itself. *It absolutely kills local option.*

Let us insist upon enforcement of the laws we have. Let parents, teachers and ministers inculcate temperance in the young, by precept and example. In that way, and not by patching police regulations onto the Constitution, will we approach a solution of this question.

And let us turn our attention and energies to the development of our resources, the betterment of our schools, the improvement of our roads, and the upbuilding of Oregon.

Read the affirmative argument for initiative measure No. 328 and negative argument for initiative measure No. 344.

Vote "NO" to both prohibition bills.

#### GREATER OREGON HOME RULE ASSOCIATION.

##### OFFICERS.

*President*—Herman Wittenberg,

*Vice-Pres. and Mgr.* Pac. Coast Biscuit Co.

*Vice-President*—R. D. Inman,

*President* Inman-Poulsen Co.

*Secretary*—R. W. Schmeer,

*Cashier* U. S. National Bank.

*Treasurer*—Byron P. Reynolds, farmer.

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C. K. Henry, Real Estate.	Pres. Closset & Devers.
Alan Welch Smith, Physician.	J. J. Flynn, Real Estate.
Geo. W. Hoyt,	C. A. Whitmore,
Cashier Merchants Nat. Bank.	Pres. Irwin-Hodson Company.
	D. Solis Cohen, Attorney.

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H. Wittenberg, Manufacturer.	B. P. Reynolds, Farmer.
J. Frank Watson, Banker.	A. L. Fish, Business Mgr. Journal.
Geo. W. Hoyt, Banker.	G. M. Trowbridge, Editor Journal.
R. W. Schmeer, Banker.	A. Feldenheimer, Jeweler.
R. Lea Barnes, Banker.	D. Solis Cohen, Attorney.
T. D. Honeyman, Merchant.	F. E. Dooly, Insurance.
H. W. Scott, Editor Oregonian.	Leslie M. Scott, Oregonian.
E. B. Piper, Mng. Editor Oregonian	J. J. Flynn, Real Estate.
Alan W. Smith, Physician.	M. C. Banfield, Contractor.
H. F. McKay, Physician.	R. D. Inman, Lumberman.
Chas. K. Henry, Real Estate.	H. C. Wortman, Merchant.
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M. Fleischer,	M. W. Markewitz, Merchant.
Wholesale Dry Goods.	O. A. Windfelder, Com'l Traveler.
H. E. Huggins,	Chester A. Whitmore,
Mgr. Fleischer & Mayer.	Irwin-Hodson Co.
G. B. Thomas, Promoter.	Harrison Allen, Attorney.
Fred B. Eaton, Merchant.	W. B. Glafke, Merchant.
C. W. Hodson, Real Estate.	A. W. Whitmer, Insurance.
Dwight Edwards, Merchant.	F. W. Isherwood,
J. W. Smith, Manufacturer Stoves.	Mgr. Bridge & Beach.
Sig Sichel, Merchant.	Seneca Fouts, Lawyer.
Charles Gauld, Merchant.	J. L. Hartman, Banker.

EXTRACT FROM DECLARATION OF PRINCIPLES AND CONSTITUTION.

"We invite all citizens, taxpayers, merchants, manufacturers, business and professional men, to join with us in favoring all legitimate means and measures for the advancement of the agricultural, industrial and commercial development of Oregon, particularly home rule for incorporated cities and towns, and opposing all sumptuary legislation, or movements unnecessarily interfering with commerce."

"No person, firm or corporation engaged in the manufacture or sale of intoxicating liquors shall be eligible for membership, except hotel and innkeepers whose principal occupation is the serving of food and lodging to guests."

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to prohibit, and to provide methods and procedure for the prevention and suppression of, the manufacture, sale, possession, exchange, or giving away of intoxicating liquor, except for specific purposes; the traffic therein, and the giving, soliciting, or receiving of orders or payments therefor, except by authorized persons; etc.,

By initiative petition filed in the office of the Secretary of State, July 2, 1910, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

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

Secretary of State.

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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 a law to prohibit, prevent, and suppress the manufacture, sale, possession, exchange, or giving away of intoxicating liquors within the State of Oregon, except for specific purposes; to govern the shipment of the same, declaring what is intoxicating liquor within the State of Oregon, and providing penalty for violations of the act.

Vote YES or NO.

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344. Yes.

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345. No.

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[On Official Ballot, Nos. 344 and 345.]

### A BILL

To propose by initiative petition a law to prohibit, and to provide methods and procedure for the prevention and suppression of, the manufacture, sale, possession, exchange, or giving away of intoxicating liquor, except for specific purposes; the traffic therein, and the giving, soliciting, or receiving of orders or payments therefor, except by authorized persons; to govern the shipment of intoxicating liquor; providing compensation for those prevented by this law from using their license for the full time for which they had paid; declaring certain rules of evidence applicable to prosecutions for violation of the laws relating to intoxicating liquor; providing for the search, seizure and destruction of intoxicating liquor and unlawful devices in certain cases; making the possession of an internal revenue special tax stamp *prima facie* evidence of intent to evade or violate the law; declaring what is intoxicating liquor within the statutes of Oregon; providing penalties for violation of the provisions of this law; declaring purchasers competent witnesses; and setting a time when the law shall become effective if approved by the people.

*Be it enacted by the people of the State of Oregon:*

Section 1. No person, firm or association of persons shall manufacture, sell, keep for sale, or exchange, any malt, spirituous, vinous, or intoxicating liquors, or give away the same with intent to violate or evade the laws of this State prohibiting the manufacture and traffic in intoxicating liquors, except as hereinafter provided.

Section 2. The preceding section shall not be so construed as to prohibit the sale of pure alcohol for scientific and manufacturing purposes, or wines to church officials for sacramental purposes, nor alcoholic stimulants as medicine in cases of actual sickness, but such stimulants shall only be sold upon the written prescription of a regular practicing physician, dated and signed by him, and certified, on his honor, that he, the physician, has personally examined the applicant, naming him, and that he finds him actually sick, and in need of the stimulant prescribed as medicine; provided, that a physician who does not follow the practice of medicine as a principal and usual calling shall not be authorized to give the prescription provided for in this section; and provided further, that no person shall be permitted to sell more than once on the prescription, nor shall any person be permitted to sell at all on the prescription of a physician not herein authorized to give it, nor on a prescription which is not dated, signed and certified as above required; provided, that every person selling such stimulants upon the prescription herein provided for shall cancel such prescription by endorsing thereon the word "cancelled" and the date of the cancellation, and shall file the same

away. Nothing in this act shall be construed to prevent one registered pharmacist selling such alcoholic liquors to another registered pharmacist.

Section 3. No person, firm or association of persons, shall offer to any carrier for shipment, transportation or delivery, any intoxicating liquor, from a place to a place both within the State of Oregon, nor shall any carrier, acting as agent for the buyer or seller, receive from or deliver such package to any person, firm or association within the State of Oregon, except those expressly authorized by law to offer or receive the same. Every package of intoxicating liquor shipped or delivered within the State of Oregon shall be plainly marked on the outside with the name and address of the consignor and the consignee and an accurate description of its contents and quantity. Every public carrier in the State of Oregon shall keep a complete record at the office of receipt and delivery of every such shipment of intoxicating liquors, giving respectively the date of receipt and delivery, as the case may be, contents and quantity of shipment and the name and address of the consignor and the consignee. Such record shall be a public record open to the inspection of any person at any time without fee or charge, and a copy of any such record, or any part thereof, made by any notary public, and certified by him under the seal of his office to be a true copy, shall be competent evidence in any court in the State of Oregon.

Section 4. It is hereby made the duty of the judges of the Circuit Courts of the several judicial districts to give the provisions of this law in charging the grand juries, and it shall be the duty of the grand jury to diligently inquire after any violations of the provisions of this law; and it is made the special duty of the District Attorney to file or have filed a complaint in the Circuit Court of any county, or any justice's court therein, against all houses and the keepers thereof, used for the manufacture, sale, exchange or gift, for purposes of evading this law, of any kind of intoxicating liquors in any county, or in any town in this State where moral devices are resorted to to prevent or avoid detection of the keeper thereof, and upon such complaint being so filed describing a place where the device is kept or suspected of being kept, and the name of the person violating this law, if known, said Circuit Judge or justice of the peace, or other magistrate, shall issue his warrant commanding any sheriff or constable to search such place, and if the law is being violated, to arrest the person or persons so violating the law, and it shall be the duty of the sheriff or constable of the county wherein is situated any such place or house where such a device is kept, for the sale or exchange of intoxicating liquors, or the gift of the same for the purpose of evading this law, having obtained a warrant for that purpose, to demand admission into the same, and upon admittance being refused, the sheriff or constable is hereby authorized and required by law to force open the same, and arrest and hold for trial before the courts all such persons as shall violate any of the provisions of this law. If in pursuance of any search by command of any legal process, any intoxicating liquors or any device resorted to or used to prevent or

avoid detection in the unlawful keeping or disposal of such liquor is found, it shall be the duty of the officers finding the same to seize any such devices and all intoxicating liquors so found, and hold and present them as evidence before the court, and to arrest and present before the court all persons found so unlawfully keeping or disposing of intoxicating liquors and of such devices. If any person or persons shall be found guilty of such charge, all such devices and liquors found in their possession or under their control shall be destroyed by order of the court. It shall be the duty of the Judges of the Circuit Court and of the justices of the peace having jurisdiction in the premises to make such orders, and of District Attorneys and of the court to rigidly enforce this law.

Section 5. No person, firm or association of persons shall within the State of Oregon give, solicit or receive any order or any payment as agents of either the buyer or the seller for the sale or delivery of any intoxicating liquors to be shipped or delivered to or from any point within the State, except such persons, in such places, as are authorized by law to deal in intoxicating liquors.

Section 6. The issue of a license or internal revenue special tax stamp by the Federal Government to any person, firm or association of persons, other than those authorized by the laws of Oregon for the sale of intoxicating liquors shall be prima facie evidence that such person is selling, exchanging or giving away intoxicating liquors with intent to violate the provisions of this law.

Section 7. Any person convicted of violating any of the provisions of this law or of the laws governing the sale of intoxicating liquors in this State, for the first offense shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment; if any person shall be convicted a second time for violating any of the provisions of this law, such person shall be punished for such second and each subsequent violation of the law, by a fine of not less than fifty dollars nor more than five hundred dollars, and also by imprisonment in the county jail for not less than thirty days nor more than six months. Justices of the peace shall have concurrent jurisdiction with the circuit court in all violations of this act.

Section 8. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of intoxicating liquor sold, nor to describe the place where sold; nor to show the knowledge of the principal to convict for the act of an agent or servant; and in all cases the persons to whom intoxicating liquors shall be sold in violation of this act shall be competent witnesses.

Section 9. In all cases where any person, firm or association of persons pursuing the occupation of liquor dealers, under license issued in accordance with the present laws of this State, or by any municipality in this State, are prevented from pursuing such occupation for the full time to which he or they would be otherwise entitled, by reason of the repeal or amendment of any law, a proportional amount of taxes paid

by him or them for the unexpired term shall be refunded by the town, city or county, as the case may be.

Section 10. Any liquor that is in fact intoxicating, and any alcoholic liquor for which the Federal Government now requires an internal revenue special tax stamp, is hereby declared to be intoxicating liquor within the provisions of the laws of Oregon.

Section 11. This law shall be in effect on and after the first day of July, 1911. If this proposed law shall be approved and enacted by the people of Oregon, the title of this bill shall stand as the title of the law.

Section 12. All laws and parts of laws in conflict with the provisions of this law are hereby repealed.

## ARGUMENT

(affirmative)

SUBMITTED BY

OREGON ANTI-SALOON LEAGUE

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

---

### PROPOSED BY INITIATIVE PETITION

---

A bill for a law to prohibit, prevent, and suppress the manufacture, sale, possession, exchange, or giving away of intoxicating liquors within the State of Oregon, except for specific purposes; to govern the shipment of the same, declaring what is intoxicating liquor within the State of Oregon, and providing penalty for violations of the act.

Vote YES or NO.

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344. Yes.

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345. No.

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### ARGUMENT FOR THE PROHIBITION LAW.

In proposing the abolition of the liquor traffic throughout the State of Oregon, we present no new or untried principle of legislation. All criminal laws are prohibitive in their character. The right to prohibit, the duty of preventing those acts by which man injures his fellow, have been recognized from the earliest dawn of civilization. Those acts wherein one is the aggressor and the other the unwilling victim are forbidden by every code. But modern law has gone a step further. It recognizes the rights of the innocent bystander.

Even acts to which both parties are agreed may be forbidden if the public interest requires it. This is illustrated by the laws prohibiting gambling, duelling, and the Louisiana lottery. Both buyer and seller of lottery tickets claim their transaction is their own business and no one's else, but the law steps in and says "Not so; the lottery corrupts public morals and injures legitimate business."

So with the liquor traffic. The public interest demands its prohibition, not for the benefit of either buyer or seller, but solely for the public good.

With the individual act of drinking, this law has nothing to do. Each man will regulate that for himself. The act of selling, involving as it does, the relation of two or more persons, may properly be regulated or restricted in any way that may seem beneficial to the public, even to

the extent of forbidding it entirely. This principle has been repeatedly set forth by the United States Supreme Court. All liquor legislation is based upon it. The right to license or restrict carries with it the right to prohibit.

To show how completely the license restriction has failed, it is only necessary to reflect that all we now know of the evils of the saloon has been learned under that system.

There is no middle ground for the license system to stand on. Either the saloon is a good thing and ought to be treated like any other business, or, it is a bad thing and ought to be put out of business.

#### LABOR EMPLOYED.

It may be said that a great amount of capital is invested in the liquor business, and an army of men employed whom prohibition would throw out of employment. The Census Bulletin of Manufactures for 1905 says that there are \$2,138,000 invested in the breweries of Oregon, and 203 men, including managers and owners, are employed. That makes one man for every \$10,532 capital. At the same time there was \$419,000 invested in the butter and cheese business, employing 232 men, or one man for every \$1,806. In other words, if the capital now invested in the breweries were withdrawn and put to making cheese, it would furnish work for 981 more men than it now employs. No one of the other great industries of the country employs less than three times the number of men employed by the breweries, in proportion to the capital invested. The average is nearly six times as many.

#### REVENUE.

The liquor advocates claim that we cannot get along without the revenue from the saloon. In 1909 Multnomah county and Portland received from the saloons \$334,000, or \$1.34 per capita. In order to get this the people had to spend \$4,800,000, or \$19.22 each, the national per capita. The saloon's commission for collecting the taxes seems too large.

Upon the basis of the "Roosevelt Home's Commission" investigation of the percentage of crime, pauperism and insanity attributable to liquor, and upon Portland's proportion of the State population and the cost of maintaining courts, sheriffs, jail, police, asylums, etc., the burden to the taxpayer of Portland is much larger than the receipts from the traffic, and to the rest of the State much larger than to Portland. In fact, property outside incorporated towns pays an equal share of this burden, except police service, and receives no portion of the revenue. The traffic does not nearly pay its direct expenses to the taxpayer.

#### LOCAL OPTION.

Under this system in our State the sale of liquor has been prohibited in every precinct or county where a majority voted against it. It permits a local prohibition, limited in extent, also in quality, since it does not affect the manufacture, nor can it prevent the delivery of liquors, even where the sale is forbidden. In spite of these limitations it has

worked a great amount of good. It has demonstrated beyond question that saloons are not necessary to prosperity, and that their absence reduces rather than increases taxes.

But the situation has changed since local option was instituted. Then the temperance people wanted it because all the State was wet and local option would enable them to make some of it dry. Now the liquor men want it because they see the whole State about to go dry, and local option will enable them to keep some of it wet.

#### STATE PROHIBITION.

This brings us to the next great forward step in anti-liquor legislation. This, all students of the question agree, must be taken as the only step which offers a permanent hope of solution: State Prohibition.

The State is the unit of sovereignty in the American system of government. The evils of Rum Rule are not local. The blessings that have attended the dry counties should now be extended to all the State. What is wrong in one part of the State cannot be right in another.

The cities are a part of the State. The sons and daughters of the farmers and townsmen must come to the cities to study and to settle. It is a matter of vital concern to every family in Oregon that moral conditions shall prevail in our metropolis, our State Capital, our college towns, and other cities.

Many of the difficulties which interfere with the enforcement of precinct and county prohibition under the local option law, or with the saloon restriction under the license laws, will disappear under State prohibition. No crime is more difficult to detect than the illegal sale of liquor where the legal sale exists.

Booze bought in a blind pig produces exactly the same effects as that purchased in the licensed saloons. No crime is easier to detect than the illegal sale of liquor, where there is no legal sale. Sight, smell and hearing combine to inform the public that the law is being violated.

The liquor men proudly claim that they will violate this law; but the government record shows 992 tax receipts for the sale of liquor in Portland, while the city licenses only 502. The San Francisco Examiner states there are 1,600 blind pigs in San Francisco; and it is a fact that wherever liquors are licensed there are many more blind pigs than in dry territory.

The proposed prohibition law has been drawn after a careful study of the situation from every point of view. The main provisions of the local option law are incorporated in it, with their scope extended to include the manufacture as well as the sale. There will be no restriction placed upon the use of liquor beyond what is absolutely required to prevent the violations of the law. No man endeavoring to obey the law in good faith will have any cause to complain of its provisions.

This proposed law accompanies the constitutional amendment No. 342; and is needed to enforce its provisions.

VOTE PROHIBITION TWICE.

OREGON ANTI-SALOON LEAGUE.

## A R G U M E N T

(negative)

SUBMITTED BY

GREATER OREGON HOME RULE ASSOCIATION

opposing the measure designated on the official ballot as follows:

## PROPOSED BY INITIATIVE PETITION

A bill for a law to prohibit, prevent, and suppress the manufacture, sale, possession, exchange, or giving away of intoxicating liquors within the State of Oregon, except for specific purposes; to govern the shipment of the same, declaring what is intoxicating liquor within the State of Oregon, and providing penalty for violations of the act.

Vote YES or NO.

344. Yes.

345. No.

## ARGUMENT AGAINST PROHIBITION LAW

SUBMITTED BY

GREATER OREGON HOME RULE ASSOCIATION.

*To the Voters of Oregon:*

If prohibition were a real remedy for the evils of intemperance, or even lessened them, nothing on earth could prevent its being the law, not only of the State but of the Nation. But prohibition has been discarded as an utter failure, after earnest and diligent trial, by the progressive States of the Union. It has only been newly accepted in the South, where half the population are negroes, and there the people are now weary of its futility and hypocrisy. Already Alabama has declared for its repeal and the re-enactment of local option, by 26,000 majority.

It is not only that prohibition injures the material and social development of a state; not only because it throws men out of work, and lowers property values; not only because it increases taxes and increases drunkenness, that we oppose it. *Prohibition must be defeated in Oregon because it is morally WRONG.* It is a curse to good government. It makes a by-word and a joke of the law—but it is a terrible joke. Morals cannot be high, and government cannot be clean, where half the people are perfectly willing to violate the law, and to commit perjury when brought to task for it. The every-day hypocrisy becomes plain to all men, and causes an increasing contempt for all law. We ask the voters of Oregon—is a law which is voted for by every bootlegger, which makes lawbreakers of millions of decent men throughout our country, and which has never, anywhere, risen above the dignity of an ugly farce, an improvement of moral conditions?

The Anti-Saloon League passed the existing local option law. They

then said: "It puts into effect the American doctrine of home rule. You should vote for it because it concedes the right of the majority to rule. It gives you local self-government." Yet today they are themselves seeking to kill that very law by enacting state-wide prohibition! They now say their new law "Has nothing to do with the individual act of drinking," and that "Each man will regulate that for himself." But their law says it is a crime to have a jug of cider or a bottle of beer in your house, or to give it away, and if you are suspected of having it in your home, or giving it to a guest, upon complaint of a spiteful neighbor or enemy *your home may be broken into, your wife's and daughter's rooms invaded, and their trunks and clothes-closets emptied onto the floor in search for liquor. Think of this in Oregon!*

The claim that state-wide prohibition is needed because liquor is now shipped from "wet" into "dry" counties is a mere begging of the question. They cannot deny that under state-wide prohibition Washington, California and other states could ship liquor into Oregon under the interstate commerce law. We should gain nothing in temperance, and simply be drained of an enormous sum of cash by neighboring states. This would not be too heavy a price to pay if intemperance were lessened, but it is a fact, recorded in the United States Government statistics, that prohibition merely *increases* intemperance. The official organ of the Anti-Saloon League says: "In the past fifteen years, thirty-eight million people in the United States have been placed under one form or another of prohibition." What has been the effect upon the consumption of liquor? The Anti-Saloon League does not tell. But the United States internal revenue reports do tell. They *prove* that in these fifteen years of prohibition the per capita consumption of whisky in the United States *has increased over 50 per cent*, and the per capita consumption of beer *has increased over 46 per cent*. Think what this means! Thirty-eight million people are today drinking *illegally* 50 per cent more than they drank legally! Nothing could better illustrate the immorality, the dishonesty, and the hypocrisy which prohibition is breeding in America.

We do not need more laws. We need *better enforcement* of existing laws.

The liquor traffic should continue to bear its just share of the burdens of government. *That share now pays one-third of all the expenses of the Federal Government.* Without that one-third, the government would have to stop the rural free delivery of mail to farmers. In Portland, the license revenue *pays the cost of the police and fire departments.* Prohibition brings small consolation to farmers and dwellers in cities.

We are inviting homeseekers to come to Oregon and help us develop our resources. Men of enterprise, of spirit and character, will not come to a state where they can only live as hypocrites and semi-criminals, and be reduced by law to the level of a beast, which must have a master to control its appetites because it cannot control them itself.

The pioneers who braved desert, wilderness, and savage tribes and made Oregon's development possible, never knew such doctrine as pro-

hibition. Their sons, who are extending that development, will not endorse it.

Read the affirmative argument for initiative measure No. 328; also argument against bill No. 342.

Prohibition is a step *backward*.

Oregon is going *forward*, not backward.

Vote "NO" to *both* prohibition bills.

Vote it down *hard*.

#### GREATER OREGON HOME RULE ASSOCIATION.

##### OFFICERS.

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Vice-Pres. and Mgr. Pac. Coast Biscuit Co.

Vice-President—R. D. Inman, Pres. Inman-Poulsen Co.

Secretary—R. W. Schmeer,

Cashier U. S. National Bank.

Vice-President—R. D. Inman, Pres. Inman-Poulsen Co.

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Irwin-Hodson Company.	F. W. Isherwood,
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W. B. Glafke, Merchant.	J. L. Hartman, Banker.

EXTRACT FROM DECLARATION OF PRINCIPLES AND CONSTITUTION.

"We invite all citizens, taxpayers, merchants, manufacturers, business and professional men, to join with us in favoring all legitimate means and measures for the advancement of the agricultural, industrial and commercial development of Oregon, particularly home rule for incorporated cities and towns, and opposing all sumptuary legislation, or movements unnecessarily interfering with commerce.

"No person, firm or corporation engaged in the manufacture or sale of intoxicating liquors shall be eligible for membership, except hotel and inn-keepers whose principal occupation is the serving of food and lodging to guests."

**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 EIGHTH DAY OF NOVEMBER, 1910,**

To propose by initiative petition a law creating and appointing a Board of Commissioners to examine and report to the legislature upon the matter of indemnity to employees for injuries sustained in course of their employment; to define the duties and powers of said commissioners, and making an appropriation to provide for the expenses of such board.

An initiative petition filed in the office of the Secretary of State, July 5, 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 submitted on the official ballot:

---

**PROPOSED BY INITIATIVE PETITION**

---

A bill for an act creating a Board of Commissioners of nine members to examine the subject of employees' indemnity for injuries sustained in the course of their employment, and to prepare a measure to be presented to the legislature governing the same, and report to the Governor of the State on or before the 1st day of February, 1911, and appropriating \$1,000 for the purposes of the act.

**Vote YES or NO.**

---

346. Yes.

---

347. No.

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[On Official Ballot, Nos. 346 and 347.]

## AN ACT

Creating and appointing a Board of Commissioners to examine and report to the legislature upon the matter of indemnity to employees for injuries sustained in course of their employment; to define the duties and powers of said commissioners, and making an appropriation to provide for the expenses of such board.

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

Section 1. That a Board of Commissioners consisting of nine (9) members be and the same is hereby created to be known as the "Employees Indemnity Commission." That the following named citizens of the State of Oregon be and they are hereby appointed as members of said commission: Bishop Charles Scadding, Archbishop Alexander Christie, Judge Thos. F. Ryan, Robert D. Inman, W. H. Corbett, Rev. Benj. Young, Prof. F. G. Young, Robert A. Booth, Jno. S. Bradley. That in the event of the death, failure or refusal to act of any of said commissioners, either before or after the taking effect of this act, any such vacancy or vacancies shall be filled by appointment or appointments to be made by the Governor, Chief Justice of the Supreme Court, and the State Treasurer.

Section 2. Said Employees Indemnity Commission shall meet in the office of the Secretary of State on the 14th day of November, 1910, at the hour of twelve o'clock M., and shall organize by the election of one of their number chairman. Before entering upon the duties of their office, each member of said board shall take and subscribe an oath before the Secretary of State that he will support the Constitution of the United States, the Constitution of the State of Oregon, and faithfully and impartially perform the duties of his office.

Section 3. Said Employees Indemnity Commission shall have power to appoint one clerk, who shall act as secretary for said board.

Section 4. It shall be the duty of the said board to examine the subject of employees' indemnity for injuries sustained in the course of their employment, and to make and report to the legislature a comprehensive law or system of laws treating of the subject of indemnity to employees for injuries sustained during the course of their employment, which law or system of laws shall be based upon the principle that all employees covered by the provisions thereof shall be entitled to and shall be assured of fair, equitable, and reasonable indemnity for all injuries causing temporary, permanent, partial, or total disability, and that such indemnity be extended to persons legally dependent upon such employees in the event of death resulting from such injuries. That any such employee, or, in the event of death, the dependents of any such employee, shall be entitled to and assured of such indemnity for all such injuries sustained

in the course of employment occasioned in any manner, excepting only injuries intentionally self-inflicted.

Section 5. Said Employees Indemnity Commission shall continue in session until its labors are completed; shall adopt rules and regulations for its government and adjournment, provided, said board shall complete its labors and make and submit its report to the Governor of the State of Oregon on or before the first day of February, 1911.

Section 6. Said Employees Indemnity Commission shall keep a complete journal of its proceedings and when its labors are completed, it shall submit its report to the Governor, with such drafts of proposed laws as shall be formulated, adopted and recommended by it.

Section 7. It shall be the duty of the Governor to cause a copy of the report of the said commission, together with such drafts of proposed laws, to be presented to the Legislative Assembly on or before the fifth day of February, 1911.

Section 8. None of the members of said commission shall receive any compensation for his services as such. Said Employees Indemnity Commission shall fix the salary and compensation of the clerk of said commission, which shall be payable monthly during the time of his employment, and the Secretary of State is hereby authorized to draw warrants upon the State Treasurer for the compensation of the said clerk and other expenses of the commission, upon the certificate of the chairman of the said Employees Indemnity Commission.

Section 9. The Secretary of State shall provide said Employees Indemnity Commission with a room in the State Capitol building and shall furnish all necessary printing, stationery, lights and fuel for the use of said commission; provided, said commission may, if deemed advantageous, from time to time, hold sessions at other places in this State.

Section 10. That there be and hereby is appropriated out of the general fund of the State of Oregon, the sum of One Thousand (\$1,000.00) Dollars, or so much thereof as may be necessary to carry this act into effect.

## A R G U M E N T (negative)

SUBMITTED BY

## OREGON FEDERATION OF LABOR

opposing the measure designated on the official ballot as follows:

## PROPOSED BY INITIATIVE PETITION

A bill for an act creating a Board of Commissioners, of nine members to examine the subject of employees' indemnity for injuries sustained in the course of their employment, and to prepare a measure to be presented to the legislature governing the same, and report to the Governor of the State on or before the 1st day of February, 1911, and appropriating \$1,000 for purposes of the act.

Vote YES or NO.

346. Yes.

347. No.

## ARGUMENT AGAINST BILL.

This act is unnecessary. Its sole purpose is to create a board which shall make a report to the legislature on the subject of indemnity to employees for injuries sustained in the course of their employment, and to report to the legislature a comprehensive law, or system of law, treating of the subject of indemnity to employees for injuries sustained during the course of their employment.

The legislature of New York appointed such a commission which, after the most complete and elaborate examination of the subject known, has made its report to the legislature of New York, which may be had in two printed volumes, on application, so that if information is all that is wanted, or if the model of an employers' indemnity law is wanted, it can be easily had.

If an Oregon commission is desired to pursue a subject already exhausted by the New York commission whose work is universally recognized as authority, then the Governor can appoint such a commission to make a report, or the legislature could appoint a commission. The last legislature could have appointed such a commission and would have done so but every move in the direction of indemnity to employees was blocked by the lobby of this very Employers' Association that now sees fit to put forward this bill by the initiative. By its very terms no report is expected before the first of next February, and not even a draft of a law need be filed before the 5th of February; that is to say, only two weeks before the expiration of the session, so that no real relief is probable or expected from this commission.

It is, in our opinion, a mere pretext, or blind, intended to head off the law proposed by the initiative at this election in favor of employees engaged in hazardous occupations, which is the very law the Employers' Association (the promoters of this commission bill) defeated at the last legislature, and then and there would have been the time for them to have asked the legislature for a commission to report on the matter, had they been in good faith.

For further on this subject see the affirmative argument in favor of the bill for the protection of persons engaged in hazardous occupations.

OREGON FEDERATION OF LABOR.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to protect fish in Rogue River, to  
punish those who violate this act and to repeal  
all laws in conflict herewith.

By initiative petition filed in the office of the Secretary of State, July 5,  
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

---

A bill for an act prohibiting the taking of fish from the  
waters of Rogue River, or of any of its tributaries,  
by any means, except with hook and line, commonly  
called angling.

Vote YES or NO.

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348. Yes.

---

349. No.

---

*Accepted*

*Gen 79, 712  
No 38, 897*

*16,415*

SUBMITTED TO VOTERS OF OREGON NOVEMBER 8, 1910 137

[On Official Ballot, Nos. 348 and 349.]

### A BILL

For an act to protect fish in Rogue River, to punish those who violate this act and to repeal all laws in conflict herewith.

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

Section 1. It shall be unlawful for any person to take or attempt to take any fish of any kind whatsoever from the waters of Rogue River or of any of its tributaries with a seine, net, trap, fish-wheel or by any other means except with hook and line, commonly called angling.

Section 2. Any person violating any provision of this act shall, upon conviction, be punished by fine not less than one hundred nor more than five hundred dollars, or by imprisonment not less than thirty days nor more than six months in the county jail, or by both such fine and imprisonment.

Section 3. All laws and parts of laws, general or special, in conflict with this act are hereby repealed.

## A R G U M E N T

(affirmative)

SUBMITTED BY

ROGUE RIVER FISH PROTECTIVE ASSOCIATION

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

## PROPOSED BY INITIATIVE PETITION

A bill for an act prohibiting the taking of fish from the waters of Rogue River, or of any of its tributaries, by any means, except with hook and line, commonly called angling.

Vote YES or NO.

348. Yes.

349. No.

## ARGUMENT FOR BILL.

The object of this measure is to prevent the utter extermination of fish in Rogue River, which flows through Jackson, Josephine, and Curry Counties. For years past salmon fishing has been carried on with nets and seines. In recent years trout also have been seined. Runs are yearly diminishing, the hatchery has been unable to take sufficient eggs to replenish the supply, and a continuation of present conditions threatens complete extermination.

Seiners and netters so thoroughly drag the stream that few fish reach spawning ground. Fishermen enjoy the longest open season of any stream on the coast, and have successfully thwarted efforts of the Master Fish Warden to prevent extermination by shortening the season. They have ruthlessly and flagrantly violated State laws, fishing during the closed season, under the toes of dams, and giving officers much trouble. They have used nets as small as one-inch mesh for the purpose of gathering trout with salmon. Many of these fishermen are non-residents, who come here annually to prey upon the fish.

One of the runs of fish that come into the Rogue is the steelhead (rainbow) trout. Until recent years it was not seined for, but during the past few years has been taken and shipped by tons. This trout takes a fly, and is the gamest of fish.

Formerly the Rogue was known as the best fishing stream in the Northwest. Farmers had no difficulty in taking a winters' supply for home use. They cannot do so now, as they are all seined and shipped by commercial fishermen, who have multiplied in recent years.

The Rogue is a small and unnavigable stream, unfit for commercial fishing. One of the chief attractions of the Rogue River country, which is attracting thousands of tourists, will be fishing with hook and line, if it can be restored to its former plentitude, but unless seining and netting is stopped, and natural conditions restored, there will soon be no fishing of any kind in Rogue River.

ROGUE RIVER FISH PROTECTIVE ASSOCIATION.

## A R G U M E N T

(negative)

SUBMITTED BY

E. A. BAILEY, JOHN R. MILLER and HERBERT HUME, committee  
representing citizens of Curry County, Oregon,  
opposing the measure designated on the official ballot as follows:

## PROPOSED BY INITIATIVE PETITION

A bill for an act prohibiting the taking of fish from the waters  
of Rogue River, or of any of its tributaries, by any means,  
except with hook and line, commonly called angling.

Vote YES or NO.

348. Yes.

349. No.

ARGUMENT AGAINST INITIATIVE MEASURE PROHIBITING  
FISHING ON ROGUE RIVER, EXCEPT WITH  
HOOK AND LINE.

Rogue River in the production of salmon fish is not excelled by any other stream in Oregon, excepting the Columbia. The canning of this fish on Rogue River is one of the leading industries of the State. Thousands of dollars of public money, as well as private capital, have been expended in the propagation of salmon, and in developing the stream thus fostering and encouraging a natural resource of our country which annually adds to the wealth of Oregon. Private capital at the mouth of the Rogue River in building and equipping canneries in aiding in the propagation of fish; in clearing out the river, etc., is invested to the extent of not less than a quarter of a million dollars. The fishing industry affords employment to a great number of our laboring people. It is proposed by this bill to utterly annihilate and destroy the business of commercial fishing on Rogue River, and for what reason? Because it is claimed that commercial fishing at the mouth of the river interferes with the fisherman's sport upon the upper river. But this is not true.

The fishermen's net is so constructed that it precludes the possibility of any salmon trout being taken.

The laws governing fishing are faithfully complied with on the Rogue, and in the salmon fishing at its mouth. There are two hatcheries for the propagation of salmon fish on this river owned by the estate of R. D. Hume and maintained at considerable expense without assistance from others. The Government of the United States also operates a hatchery located on Elk Creek in that vicinity with which to supply this stream with the salmon fish. The product of these two hatcheries planted in this river equals many times the number of fish taken from its water. Shall this industry be destroyed? A glance at the law, and consideration of its effect, will show its injustice. This proposed law should receive the emphatic NO of the voter.

E. A. BAILEY,  
JOHN R. MILLER,  
HERBERT HUME,

Committee Representing Citizens of Curry County, Oregon.

## A R G U M E N T

(negative)

SUBMITTED BY

ROGUE RIVER FISHERMEN'S UNION

opposing the measure designated on the official ballot as follows:

---

PROPOSED BY INITIATIVE PETITION

---

A bill for an act prohibiting the taking of fish from the waters of Rogue River, or of any of its tributaries, by any means, except with hook and line, commonly called angling.

Vote YES or NO.

348. Yes.

349. No.

---

ARGUMENT AGAINST BILL.

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The initiative measure to close Rogue River to commercial fishing is uncalled for because Section 4106, Bellinger and Cotton's Code provides for closing any stream to protect fish and authorizes the Fish Commission to take such action when advisable. No State Fish Warden has thus favored closing the Rogue River and former Master Fish Warden H. C. McAllister, by his letter of June 15th, 1910, to Rogue River Fishermen's Union, stated "I am opposed to the bill for closing Rogue River." The fishermen are residents and mostly farmers, only five men now non-residents, and the argument for bill is misleading and false.

The run of salmon is not diminishing as stated, and in 1909 there was the heaviest run in many years, and the catch of steelheads small, being only one ton in a total of ninety-three caught and marketed last year. Small mesh nets are not used, the smallest being an eight-inch mesh in summer and a five-inch mesh in winter, no one-inch mesh used on river. The laws were strictly enforced on this river and the present Master Fish Warden received his promotion from the ranks for his efficient services.

Dams and defective fish ladders are the primary cause of salmon not reaching the government hatchery, and these barriers should be remodeled by competent supervision, not by repealing the law which permits commercial fishing.

The annual revenue to salmon fishermen on the river at Grants Pass is \$20,000.00 annually, and Curry County much greater, and the entire catch may be classed as Chinook salmon, which fish do not take the fly nor spoon except by accident and during spawning season.

We ask the voters of the State not to cast their ballots for this law, depriving thereby a large class of worthy citizens from gaining a livelihood by a legitimate industry.

ROGUE RIVER FISHERMEN'S UNION.

Endorsed by: Per H. E. Gething, Secretary and Manager.

GRANTS PASS COMMERCIAL CLUB.

Per M. J. Anderson, Chairman of Committee.

Rejected  
No 60, 482  
42,894

SUBMITTED TO VOTERS OF OREGON NOVEMBER 8, 1910 141

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to create the County of Deschutes  
and to fix the salaries of the officers thereof.

By initiative petition filed in the office of the Secretary of State, July 6,  
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

A bill for a law to create the County of Deschutes,  
Oregon, out of the northwest portion of Crook County,  
Oregon, providing for its organization, the salaries  
of its officers, and settlement of the finances between  
the proposed county and Crook County.

Vote YES or NO.

350. Yes.

351. No.

[On Official Ballot, Nos. 350 and 351.]

### A BILL

To propose by initiative petition a law to create the County of Deschutes and to fix the salaries of the officers thereof.

*Whereas*, the proposed County of Deschutes contains an area of more than four hundred square miles and a population of more than twelve hundred inhabitants, therefore,

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

Section 1. That all that portion of the State of Oregon embraced within the following boundary lines be and the same is hereby created and organized into a separate county by the name of Deschutes, to-wit: Beginning at a point on the township line between townships sixteen and seventeen south, where the same intersects the range line between ranges fourteen and fifteen east of the Willamette Meridian, running from thence due west along said township line to the east line of Lane County; thence northerly along the east boundary line of Lane, Linn, and Marion Counties, to the southwest corner of Wasco County; thence east along the south boundary line of Wasco County to the point where said south boundary line intersects the range line between ranges fourteen and fifteen east of the Willamette Meridian; thence south on said range line to the place of beginning.

Section 2. That the territory embraced within the said boundary shall compose a county for all civil and military purposes and shall be subject to the same laws and restrictions and be entitled to elect the same officers as other counties of this State; provided, that it shall be the duty of the Governor, as soon as it shall be convenient after this act shall have become a law, to appoint for Deschutes County and from its citizens the several county officers allowed by the law to other counties in this State, which said officers, when duly qualified according to law, shall be entitled to hold their respective offices until their successors are duly elected at the general election of 1912 and are duly qualified according to law.

Section 3. The temporary county seat of Deschutes County shall be located at Redmond in said county until a permanent location shall be adopted. At the next general election the question shall be submitted to the legal voters of said county, and the place, if any, which shall receive a majority of all the votes cast at said election, shall be the permanent county seat of said county. But if no place shall receive a majority of all votes cast, the question shall again be submitted to the legal voters of said county at the next general election, but between the two places having the highest number of votes at said election, and the place receiving the highest number of votes at such last election shall be the permanent county seat of said county.

Section 4. Said County of Deschutes shall for representative purposes

be annexed to the Twenty-first Representative District, and for senatorial purposes said county shall be annexed to the Ninth Senatorial District, being the representative and senatorial districts respectively, formerly constituted by Crook County.

Section 5. The county clerk of Crook County shall, within thirty days after this law shall have gone into operation, make out and deliver to the county clerk of Deschutes County a transcript of all taxes assessed upon all persons and property within said Deschutes County, which were previously included within the limits of Crook County, and all taxes which shall remain unpaid upon the day this act shall become a law, shall be paid to the proper officers of Deschutes County. The clerk of Crook County shall also make out and deliver to the county clerk of Deschutes County, within the time above limited, a transcript of all cases pending in the circuit and county courts of Crook County, between parties residing in or concerning property located in Deschutes County, and transfer all original papers in said cases to be tried in Deschutes County.

Section 6. The county court of Deschutes County shall be held at the county seat on the first Monday in January, April, July, and October of each year.

Section 7. The said County of Deschutes is hereby attached to the Seventh Judicial District for judicial purposes, and the terms of the Circuit Court for said county shall be held at the county seat commencing on the fourth Monday in January and the third Monday in July of each year.

Section 8. Until otherwise provided by law the county judge of Deschutes County shall receive an annual salary of \$500.00; the county clerk of said county shall receive an annual salary of \$1,200.00; the sheriff shall receive an annual salary of \$1,200.00; and the treasurer shall receive an annual salary of \$250.00. The county school superintendent shall receive an annual salary of \$600.00; and the assessor shall receive an annual salary of \$1,000.00, and the county commissioners of said county shall each receive \$4.00 per day for the time actually employed in county business, and the mileage at the rate of ten cents per mile each way when required to travel on county business.

Section 9. The county judge of Deschutes county shall let by contract to the lowest responsible and efficient bidder, the work of transcribing all records of Crook County, affecting real estate situate in Deschutes county, and when completed they shall be examined and certified to by the clerk of Deschutes County, and shall thereafter be recognized and acknowledged as the official records of Deschutes County; provided, the clerk of Deschutes County shall be allowed to bid upon such work.

Section 10. It shall be the duty of the superintendent of schools of Crook County, within thirty days after the appointment of a superintendent of schools for Deschutes County, to make out and forward to said superintendent of schools of Deschutes County a true and correct transcript or abstract of the annual reports of the clerks of the various

school districts embraced within Deschutes County. The commissioners hereinafter appointed to adjust the property and financial interests of Crook and Deschutes counties shall at the same time ascertain what, if any, sum of money belonging to the school fund is in the hands of the treasurer of Crook County which should be paid to Deschutes County. And said sum, if any, shall be paid to the county school superintendent of Deschutes County within thirty days after such award.

Section 11. The treasurer of Deschutes County shall, within one year after its organization by the appointment of its officers as hereinbefore provided, assume and pay to the County of Crook a pro rata proportion of the remaining indebtedness, if any, of Crook County after deducting therefrom the amount of money that has been collected in taxes from the territory taken from Crook County by this law and included in the County of Deschutes and expended by the said County of Crook for public buildings; provided, that if when this law goes into effect, there is no indebtedness of Crook County, then Deschutes County shall be entitled to credit, and Crook County shall pay to Deschutes County the amount of money that has been collected in taxes from the territory taken from Crook County by this law and included in the County of Deschutes, and expended by the said Crook County for public buildings; provided, further, that if, when this law takes effect and after the payment of all indebtedness and expenses of Crook County up to that time, there shall be a balance of money in the hands of the treasurer of Crook County, then and in that event the county treasurer of Crook County shall within thirty days after this law takes effect, or within thirty days after the amount thereof shall be determined by the commissioners hereinafter appointed, pay to the treasurer of Deschutes County such proportion of the balance so in the hands of the treasurer of Crook County, after the payment of indebtedness and expenses aforesaid, as the total value of property in Deschutes County bears to the total value of property in Crook County, according to the assessment of 1909.

Section 12. The county judge of Crook County and the county judge of Deschutes County, and H. F. Jones of Deschutes County are hereby appointed a board of commissioners to determine the value of the county buildings in Crook County, the amount of indebtedness, if any, to be assumed by Deschutes County, and paid to Crook County, and the amount of money that may be due from Crook County to Deschutes County, under the terms of Section 11 of this law. Said board shall meet at the county seat of Crook County on the first day of December, 1910, or within ten days thereafter, and after taking and subscribing an oath faithfully to discharge their duties, shall proceed with such work and when it is completed, shall file reports of their conclusions in duplicate with the clerks of Crook and Deschutes counties. In case a vacancy occurs in said board the same shall be filled by appointment by the Governor of the State of Oregon.

Section 13. Within thirty days after the filing of such report either county may appeal from the decision of said board to the Circuit Court

of Crook County, by serving notice of appeal upon the clerk of the other county interested. Upon perfecting the issue in said Circuit Court, either county may demand a change of venue to any other county in the Seventh Judicial District of the State of Oregon, or to any other Circuit Court of the State of Oregon, for any county which may be agreed upon by said counties; or in the event of a disagreement, to any county which may be designated by the judge of said district. The trial may be by jury and the judgment rendered may be enforced as other judgments against counties. If the county appealing fails to receive a more favorable judgment than the finding of the board appealed from by at least \$500.00, it shall pay the cost of the appeal. If no appeal be taken by either party within the thirty days above provided, the findings of said board shall be conclusive. The members of said board shall each receive \$4.00 per day for each day actually employed and the same mileage as a witness in the Circuit Court. The expense incurred by above mentioned board shall be borne equally by the two counties.

## A R G U M E N T

(affirmative)

SUBMITTED BY

THE REDMOND COMMERCIAL CLUB

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

## PROPOSED BY INITIATIVE PETITION

A bill for a law to create the County of Deschutes, Oregon, out of the northwest portion of Crook County, Oregon, providing for its organization, the salaries of its officers, and settlement of the finances between the proposed county and Crook county.

Vote YES or NO.

350. Yes.

351. No.

AFFIRMATIVE ARGUMENT SUBMITTED BY THE REDMOND  
COMMERCIAL CLUB IN FAVOR OF THE CREATION  
OF THE COUNTY OF DESCHUTES.

*To the Voters of Oregon:*

We, the undersigned, officers of the Redmond Commercial Club, in behalf of the residents of the proposed County of Deschutes, submit the following reasons for the creation of the County of DESCHUTES:

*First.* CROOK, the parent county of the proposed County of DESCHUTES, is favorable to the creation of the new county.

*Second.*—The county seat of the proposed County of Deschutes will be located on the main line of both the Hill and Harriman railroads which are now building into Central Oregon.

*Third.*—The proposed County of Deschutes has an area of 2,300 square miles and contains about 1,500,000 acres, making it nearly six times the size of Multnomah County. The assessed valuation of the new county in 1909 was \$1,676,946.00. The estimated valuation for 1910 is \$2,500,000.00. The estimated population of the new county is 4,500. The only legal requirements for the creation of a new county are a population of 1,200 and an area of 400 square miles.

*Fourth.*—The laws of Oregon make it impossible to create a new county other than by initiative petition, and therefore the residents of the proposed county ask your support.

All of which is respectfully submitted.

THE REDMOND COMMERCIAL CLUB,

By W. C. Walker, President.

H. T. Jones,

F. M. White,

Carl N. Ehret,

Jos. H. Jackson,

Directors.

Attest: E. R. Tichenor, Secretary.

## ARGUMENT

(negative)

SUBMITTED BY

THE MADRAS COMMERCIAL CLUB

opposing the measure designated on the official ballot as follows:

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### PROPOSED BY INITIATIVE PETITION

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A bill for a law to create the County of Deschutes, Oregon, out of the northwest portion of Crook County, Oregon, providing for its organization, the salaries of its officers, and settlement of the finances between the proposed county and Crook County.      Vote YES or NO.

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350.      Yes.

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351.      No.

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### ARGUMENT AGAINST THE FOREGOING MEASURE.

The argument of the Redmond Commercial Club for creation of the proposed County of Deschutes is erroneous in its statement of fact. The parent county of Crook is not favorable to the creation of the proposed new county.

At a public meeting held June 28, 1910, in Prineville, the county seat and largest town in Crook County, the following preamble and resolution was unanimously adopted:

*"Whereas*, There is being proposed by initiative petition a measure to create a new county from the western portion of Crook County, Oregon, which measure is to be voted upon by the electors of this State at the next general election; and,

*"Whereas*, By reason of the undeveloped and sparsely settled condition of the territory affected, the uncertainty of the permanent location of railroads and the main avenues of transportation, and the unsettled and unstable condition of the centers of population, the proposition to divide Crook County at this time is clearly premature and inopportune; therefore, be it

*"Resolved*, By the citizens of Prineville and vicinity, in mass meeting assembled, that we hereby express our most emphatic objection to said measure and pledge ourselves to use all honorable means to defeat any and all proposals to divide Crook County until such time as the centers of population are sufficiently established, and the avenues of commerce

and trade fixed to such a nextent that a division can be intelligently accomplished."

The foregoing resolution was widely published in the press before the affirmative argument for the proposed new County of Deschutes was filed, and it is incredible that the Redmond Commercial Club did not have knowledge of it and of the temper of the people.

Since that time similar resolutions opposing creation of the proposed new County of Deschutes have been adopted by the Madras Commercial Club (in the precinct second in number of voters in the county) and the most populous town in the proposed new county, and by a public meeting at Bend (the second town in the county), and there have been numerous expressions of disapproval from other communities in Crook County. It is entirely within the truth to say that opposition to the proposed new county is general, both within the proposed boundaries and outside of them, with the single exception of the town of Redmond itself. Redmond has organized as an incorporated town since the petition for the new county, naming it as the county seat, was filed.

Of the 10,163 names upon the initiative petition for the proposed new County of Deschutes but 217 were obtained in Crook County, including the town of Redmond.

It is unnecessary to discuss the estimates of population and taxable values when the unfair boundary lines are considered in connection with such careless statement of important facts.

#### THE MADRAS COMMERCIAL CLUB.

By A. C. Sanford, President.

C. A. Riddle, Secretary.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to provide methods for the creation and organization of new towns, counties and municipal districts (excepting drainage and irrigation districts of less than one county), for changing the boundaries of existing counties, etc.,

By initiative petition filed in the office of the Secretary of State, July 7, 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

A bill for an act providing for the creation of new towns, counties, and municipal districts (excepting drainage and irrigation districts of less than one county) or changing the boundaries of existing counties by a majority vote of the legal voters of the territory within the boundaries of the proposed municipality, and providing that 30 per cent of the number of legal voters within such territory may petition for the creation of a new municipal corporation, and providing for the appointment of officers and adjustment of the finances of the new corporation, and the method of procedure to create the same. Vote YES or NO.

352. Yes.

353. No.

[On Official Ballot, Nos. 352 and 353.]

A BILL

For an act to provide methods for the creation and organization of new towns, counties and municipal districts (excepting drainage and irrigation districts of less than one county), for changing the boundaries of existing counties, and to repeal Sections 2687, 2688, and 2689 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, and to repeal all acts and parts of acts relating to the organization of municipal corporations insofar as they conflict with this act.

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

Section 1. New towns, counties and municipal districts may be created, and the boundaries of existing counties changed, by proceedings in substantial compliance with the provisions of this act. Not less than thirty per cent of the whole number of legal voters registered and residing within its proposed territory shall file with the Secretary of State their petition for the creation of such municipal corporation, and shall deposit with the Secretary of State such sum of lawful money as the Governor shall estimate to be necessary to pay the expenses of the proceedings. The total vote cast within said territory for Representative 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:

1. The name and location of the temporary county seat, town, or territory principal office of said municipal district.
2. The titles of the municipal officers desired.
3. Approximately the number of legal voters, the number of children of school age, and the population resident in the desired territory.
4. Approximately the number of votes cast therein for Representative in Congress at the last preceding general election.
5. Approximately the area and assessed valuation thereof.
6. The present rate of taxation and the rate which will be necessary in said territory after its incorporation.
7. The whole amount of taxes now paid in said territory (exclusive of special district levies for schools or roads), and the estimated amount that will be necessary after its incorporation.
8. The proposed boundaries of said new town, county or municipal district.

The petition for a new town, or for a municipal district, shall also contain a copy of the charter proposed for said town, the powers proposed for said municipal district, and the rules for guidance of its officers. Said charter, powers or rules must not be amended or changed by the commissioners herein provided for, but may be amended or changed by the people of said town or district after its incorporation, as provided by law. For six 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 corporation; and they shall file with their petition proof of such publication, as in the case of service of summons by publication.

Section 2. 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 disinterested commissioners, who shall not be residents, property owners nor taxpayers within the territory of the proposed new town, county or municipal district, 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. 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 ninety days after their appointment they shall report to the Governor, in writing, their findings of fact, conclusions and recommendations for or against the creation of said new municipal corporation, which report shall be filed in the office of the Secretary of State. If the report shall be against the creation of such corporation no further proceedings shall be taken, except that a copy of said report shall be printed by the State Printer, and mailed by the Secretary of State to every registered voter residing within the territory described in the petition for such new corporation.

Section 3. If said report shall be favorable to the creation of said new corporation, the commissioners shall define therein the boundaries which they recommend, which may be different from those in the petition. Within thirty days after receiving such favorable report, the Governor shall issue his writ ordering the election within the limits described in the commissioners' report, to the end that the legal voters therein may decide for or against such incorporation. But if the time is within six months of any general election, the Governor may order the question to be placed on the general election ballot within such territory. In either case the State Printer shall print, from copy furnished by the Secretary of State, and bind under one cover, a sufficient number of copies of the petition, the commissioners' report, and the Governor's writ of election, and the Secretary of State shall mail to every registered voter within the said territory, as soon as possible, one of said printed and bound copies. Notice of such 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 corporation shall be thereby attached, for the purposes of said election, to the contiguous voting precincts which the commissioners recommend as most convenient for the voters therein.

Section 4. The election to decide for or against the creation and organization of such new town, county or municipal district, shall be

ordered, notice thereof given, and in all things conducted, as nearly as may be, in accordance with the general election laws of Oregon. No such petition or proceeding shall be void or be dismissed for want of strict technical compliance with any portion of the law, where such want of compliance does not affect the justice and right of the proceeding, or the substantial rights of persons interested; provided, that the petitioners have, in good faith, sought to comply with all requirements of the law. In the case of a municipal district comprising more than one county, the returns of the election shall be made by the several canvassing boards of the counties interested to the State Board of Canvassers, and that body shall declare the result. The Governor shall make proclamation of the result of the election and cause it to be published for three successive weekly publications in two newspapers of general circulation in said territory.

Section 5. If the majority of votes cast on said question shall be favorable the corporation 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 his 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 corporations 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 corporation shall obtain from the county or counties from which the new corporation 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 6. 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 an 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.

The Judge appointed by the Governor as arbitrator shall preside at the meetings of the board of arbitration, shall name the times and places for holding such meetings, and shall, before proceeding to the work, administer to each 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 each 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.

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 7. The original of every document required by this act shall be filed with the Secretary of State, except as in this act otherwise provided, and he shall forthwith deliver a certified copy of each of said original documents to the Governor, and also to the county clerk of each of the counties interested. In the case of a new county, the local and special laws affecting the county from which the greater part of the territory comprising the new county was taken shall be operative in the new county. Within ten days after the commissioners' report is filed, if it shall be favorable to the new corporation, the registration books of the county or counties affected shall be re-opened for registration of voters residing within the limits of the proposed corporation, and shall be kept open for thirty days. No person shall vote on the question of incorporation who shall not be registered as a legal voter. The expenses of creating said new corporation, advanced by the petitioners, may be repaid by said corporation 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 which he acts, and each county shall pay its proportionate share of the expenses of said arbitration and settlement, upon certification as provided in Section 6 of this act.

Section 8. 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 9. The Governor, Secretary of State, and State Treasurer are hereby authorized to make any rules necessary or convenient to facilitate the operation of this act.

Section 10. Sections 2687, 2688, and 2689 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, are hereby repealed; and all acts and parts of acts in conflict with this act relating to the organization of municipal corporations, insofar as they conflict herewith, are hereby repealed.

## A R G U M E N T

(affirmative)

SUBMITTED BY

THE MADRAS COMMERCIAL CLUB

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

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P R O P O S E D   B Y   I N I T I A T I V E   P E T I T I O N

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A bill for an act providing for the creation of new towns, counties, and municipal districts (excepting drainage and irrigation districts of less than one county) or changing the boundaries of existing counties by a majority vote of the legal voters of the territory within the boundaries of the proposed municipality, and providing that 30 per cent of the number of legal voters within such territory may petition for the creation of a new municipal corporation, and providing for the appointment of officers and adjustment of the finances of the new corporation, and the method of procedure to create the same.   Vote YES or NO.

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352.      Yes.

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353.      No.

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## A R G U M E N T   I N   F A V O R   O F   A B O V E   M E A S U R E .

This measure will provide a just and simple method (for which there is pressing need) for creating and organizing new counties, without calling upon the voters of the whole State to decide such sectional matters. The same method is made available for the new towns and municipal districts (such as the Coos Bay Harbor district). Fruitless efforts to get the past two legislatures to take action on such a measure prove the necessity for going directly to the people with it.

The features of this bill are due publicity (always a guaranty of justice and good faith), and high-grade, disinterested tribunals to decide first the public necessity, and then, if approved, adjust the interests affected.

Old counties will resist division of their territory, and yet in the course of development new counties must sometimes be created. A way that

will obtain justice for the old counties as well as the new, and make these matters largely self-regulating, is provided in this bill. The requirement that the petitioners must deposit money to pay the expenses of the proceedings, which money will be lost if the movement is found to be without merit, will discourage petty and unworthy schemes. On the other hand, where there is real need for the town, county or municipal district, it cannot be smothered without proper consideration. The tribunal that will determine the merit of the matter will be composed of three disinterested commissioners appointed by the Governor—men who do not reside in and have no property in the territory affected, new or old. Thus the commission will be as far as possible removed from the local jealousies and prejudices and it will have power to ascertain all the facts necessary to a correct understanding of the case. It may, if it shall find advisable, even fix boundaries different from those described in the original petition. This will prevent improper dismemberment of present counties.

The *public* interest having been determined by this disinterested commission of competent men, the question whether the voters of the proposed new corporation care to assume self-government remains. To settle this (if the commission shall report favorably as to the wider public interest) an election is to be held in the proposed new division alone.

By proceeding under this measure it would be possible to erect a new county in less than six months. Neither the old county nor the new county is permitted to sit in judgment upon the interests of the other.

The legislature cannot create a new county by special act, it being now prohibited by the Constitution. Therefore, as matters now stand, it is necessary to impose these questions upon the voters of the entire State, regardless of whether they have patience to investigate the local needs or power to obtain information if they sought it.

By this bill, if real need exists for creation of a new town, county or district (and not otherwise) a simple and expeditious method is provided.

THE MADRAS COMMERCIAL CLUB.

By A. C. Sanford, President.

C. A. Riddle, Secretary.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

## SECTION 10 OF ARTICLE XI

By initiative petition filed in the office of the Secretary of State July 7,  
1910, in accordance with the provisions of Chapter 226,  
General Laws of Oregon, 1907.

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

Secretary of State.

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

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PROPOSED BY INITIATIVE PETITION

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An amendment of Section 10 of Article XI of the  
Constitution of the State of Oregon, permitting coun-  
ties to incur indebtedness beyond \$5,000 to build  
permanent roads, and providing that debts for per-  
manent roads may be incurred on approval of a  
majority of those voting on the question.

Vote YES or NO.

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354. Yes.

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355. No.

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[On Official Ballot, Nos. 354 and 355.]

CONSTITUTIONAL AMENDMENT.

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 exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion, or to build permanent roads within the county, but debts for permanent roads shall be incurred only on approval of a majority of those voting on the question.

## A R G U M E N T

(affirmative)

SUBMITTED BY

OREGON GOOD ROADS ASSOCIATION

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

## PROPOSED BY INITIATIVE PETITION

An amendment of Section 10 of Article XI of the Constitution of the State of Oregon, permitting counties to incur indebtedness beyond \$5,000 to build permanent roads, and providing that debts for permanent roads may be incurred on approval of a majority of those voting on the question.

Vote YES or NO.

354. Yes.

355. No.

## ARGUMENT IN FAVOR OF THE ADOPTION OF THE "GOOD ROADS" AMENDMENT TO THE CONSTITUTION.

Section 10 of Article XI of the Constitution reads as follows:

"Section 10, Article XI: No county shall create any debts or liabilities which shall singly or in the aggregate exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion, but the debts of any county at the time this Constitution takes effect shall be disregarded in estimating the sum to which each county is limited."

It is proposed to amend this section so as to read as follows:

"Section 10, Article XI: No county shall create any debts 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 permanent roads within the county, but debts for permanent roads shall be incurred only on approval of a majority of those voting on the question."

The amendment grants to the people of each county the power to pledge the credit of their county for money to build permanent public roads. The question whether or not a county should pledge its credit to raise money for building any permanent road would be submitted to a vote of the people of that county and would be decided by a majority vote. The people of any county may issue bonds or warrants, or any form of

obligation they desire, for such length of time and at such rate of interest as they may determine; in short, this amendment is but an additional grant of power to the people of each county to manage their own business.

The public roads of a county are the property of the people of that county—of all the people. The condition of these roads is of especial importance to the farmer, for he must travel them as a necessary part of his business as well as his pleasure. Everything he sells and everything he buys must be hauled over these roads. It is not so much a question to the farmer of how *far* he has to have his produce hauled as it is of how *long* it will take him to make the trip and how *much* he can haul at one load. If he has a good, smooth, hard road (good and smooth and hard in the winter as well as in the summer) from his home to his market place he is better off (really nearer) at ten miles than he is at less than half that distance on the ordinary mud road. In every view of the case there is nothing of greater importance to the farmer, to all farmers, than the condition of the public roads. Good roads save time and money, add value to the farm and make farm life more pleasant and attractive in every way.

The Oregon State Grange, composed as it is of men who have suffered much and for many years from bad roads, realizing the great importance and necessity of good roads, passed the following resolution at its meeting in Oregon City on May 17th:

*"Whereas*, The most important question of interest to farmers under consideration today is the building of permanent public highways in order to lessen the cost of transportation of farm produce to the nearest market; therefore, be it

*"Resolved*, That we heartily endorse any proposal to remove any constitutional restrictions on the people's power to obtain and pay for good roads."

Not only has the Grange, by this resolution, emphasized the importance and necessity of good roads, but it has again declared its confidence in the people by demanding that they be granted more power to manage their property and affairs as they please. Let the constitutional restrictions upon the power of the people be removed. And that is just what this amendment does—and that is all it does.

The purpose here is not to argue that the power granted by this amendment should be used, but that the people should have the right to use it. As said at the outset, the question is not, "Shall the people go in debt to build roads?" but, "Shall the people have the power to do as they please about it?" There are some counties that would build roads if given the power to do so by this amendment, and since no county is affected except those that want to build roads in this way is there any reason why the people of any county should be denied this power? Is there any reason for denying this power to the people of other counties, even if you do not want to use it in your county? Is it safe to trust the people with the power given them by this amendment? That is really the only question the voter has to decide. If you are not afraid to trust

yourself and the people of your own county with this new power, you will vote for this amendment. Consider the matter from this point of view: In addition to the power of electing their public officers the people now have the power, by the recall, of ousting them from office. The people of the State have the power of making laws, and of annulling laws passed by the legislature. The people of the State have the power of changing the Constitution regardless of the action of the legislature. If it is safe to trust these great powers to yourself and to the other voters, is there any danger in granting to the people of each county the power conferred by this amendment? If the people can be trusted to use the power to make their constitution and laws, are not the people of each county competent to manage the property and affairs of their own county? This is a matter that appeals directly to every individual voter, and each must decide the matter for himself. By the very act of voting on this amendment, you are exercising a far higher power than that given by this amendment. If you can trust yourself and can be trusted with that power by your fellow citizens you can surely be trusted with the power granted by this amendment. Is there any escape from the conclusion that to vote against this amendment is to declare that you ought not to be trusted with the very power you exercise in the casting of that vote? In its final analysis the only question really presented to each voter is, "Are you afraid to trust yourself and the people of your county with the power granted by this resolution?" If you are not afraid, vote for it.

OREGON GOOD ROADS ASSOCIATION.

Lionel R. Webster,

By Dr. Andrew C. Smith, President.

Chairman Executive Committee.

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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to amend Section 2 of the Direct Primary Nominating Elections Law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof; etc.

By initiative petition filed in the office of the Secretary of State, July 7, 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

A bill for a law to amend the direct primary law by extending its provisions to presidential nominations, allowing voters to designate their choice for their party candidate for President and Vice-President; for direct nomination of party candidates for presidential electors; for election by party voters of delegates to their party national nominating conventions, each voter voting for one delegate; for payment of delegates' actual traveling expenses, not exceeding two hundred dollars for each delegate, and extending the publicity rights of candidates in the State nominating and general election campaign books.

Vote YES or NO.

356. Yes.

357. No.

[On Official Ballot, Nos. 356 and 357.]

### A BILL

For a law to amend Section 2 of the Direct Primary Nominating Elections Law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof; to provide for the expression by the qualified voters of the several political parties subject to the said direct primary law, of their choice for nomination by their party for President and Vice-President of the United States; to provide for and regulate direct primary nominating elections for the election of said political parties' delegates to their respective national conventions, and for the payment of such delegates' necessary expenses, not exceeding two hundred dollars for any delegate; for the nomination of party candidates for the office of presidential elector; for space in the party and State campaign books to set forth the merits of aspirants for election and for nomination, and of candidates for the offices of President and Vice-President of the United States, of candidates for offices to be voted for in the State at large, and of candidates for United States Senators and Representatives in Congress.

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

Section 1. That Section 2 of the Direct Primary Nominating Elections Law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, be and the same is hereby amended to read as follows:

Section 2. On the forty-fifth day preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than two thousand, and school elections) at which public officers in this State and in any district or county, and in any city having a population of two thousand or more at which public officers are to be elected, except as provided in Section 6 of this law as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for Senator in Congress and all other elective State, district, county, precinct, city, ward and all other officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State or any subdivision of this State, and also for choosing and electing the

county central committeemen by the several parties subject to the provisions of this law. Provided:

(a) In the years when a President and Vice-President of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(b) When candidates for the offices of President and Vice-President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice-President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of President or Vice-President of the United States, shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of Governor and for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed and returned.

(c) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice-President of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The Governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice-President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the State at the last preceding election for Representative

in Congress; provided that not more than five hundred signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

(d) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon, shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the Secretary of State, but in no case to exceed two hundred dollars for each delegate; provided, that such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican National Convention was fixed for the Republican party of Oregon in the year 1908. The election of such national delegates for political parties not subject to the Direct Primary Nominating Elections Law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice-President, shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

(e) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice-President of the United States, shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by Sections 4 and 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled, "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend Section 2775 of Bellinger and Cotton's

Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice-President of the United States, may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of one hundred dollars per printed page, to set forth his reasons therefor.

(f) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for President or Vice-President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by Sections 6 and 7 of the above entitled "Law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend Section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space, the candidate, or his supporters with his written permission filed with the Secretary of State, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice-President of the United States for this printed space. The other candidates above named shall pay at the rate of one hundred dollars per printed page for said space, and said payment shall not be counted as a part of the ten per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people the title of the bill shall stand as the title of the law.

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## A R G U M E N T

(affirmative)

SUBMITTED BY

THE PEOPLE'S POWER LEAGUE OF OREGON

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

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### PROPOSED BY INITIATIVE PETITION

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A bill for a law to amend the direct primary law by extending its provisions to presidential nominations, allowing voters to designate their choice for their party candidates for President and Vice-President; for direct nomination of party candidates for presidential electors; for election by party voters of delegates to their party national nominating conventions, each voter voting for one delegate; for payment of delegates' actual traveling expenses, not exceeding two hundred dollars for each delegate, and extending the publicity rights of candidates in the State nominating and general election campaign books.

Vote YES or NO.

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356.      Yes.

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357.      No.

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### THE PEOPLE'S POWER LEAGUE OF OREGON

offers this argument to explain and advocate the approval by the people of the following measures proposed by the League by initiative petitions:

Official Ballot No. 356.—A bill for a law to extend the Direct Primary Nominating Elections Law to presidential campaigns and nominations, to delegates to national conventions and to presidential electors by amending Section 2.

Official Ballot No. 360.—A constitutional amendment to provide a plan for the election of members of the Legislative Assembly by proportional representation; increase the people's initiative, referendum and recall powers; prevent log-rolling, hasty legislation and abuse of the emergency clause, and generally to provide for such organization of the Legislative Assembly as will fairly represent the people of Oregon and obtain performance of legislative duties.

Official Ballot No. 358.—A bill for a law to provide for impartial inspection and reports on State and local public offices, and publication of such reports, and of general news of progress in government, in the Oregon Official Gazette magazine to be mailed free to every registered voter.

Official Ballot No. 362.—A constitutional amendment to allow three-

fourths of a jury to render a verdict in civil cases, and to generally simplify court procedure, especially appeals to the Supreme Court.

The following list gives the names of the officers, executive committee, and members of the People's Power League:

OFFICERS.

Ben Selling, of Portland.....	<i>President</i>
George M. Orton, of Portland.....	<i>Vice-President</i>
B. Lee Paget, of Portland.....	<i>Treasurer</i>
W. S. U'Ren, of Oregon City.....	<i>Secretary</i>

EXECUTIVE COMMITTEE.

Henry Hahn.	Will Daly.	C. H. Gram.
Henry E. McGinn.	Harry Lane.	C. E. S. Wood.
Frank Williams.	H. W. Stone.	Thomas G. Greene.
Charles K. Henry.	Walter M. Pierce.	F. McKercher.
Jonathan Bourne, Jr.		H. J. Parkinson.

MEMBERS.

Henry E. McGinn.	J. P. Rasmussen.	V. R. Hyde.
Thomas G. Greene.	D. A. Patullo.	Henry Hahn.
F. McKercher.	A. J. Dygert.	W. P. Olds.
E. S. J. McAllister.	R. R. Perkins.	B. Lee Paget.
G. M. Orton.	Fred C. King.	George M. Cornwall.
H. J. Parkinson.	Saml. J. Secor.	A. D. Cridge.
Lute Pease.	J. T. Carleson.	C. H. Chapman.
Ben Selling.	John R. Oatfield.	Lee M. Clark.
W. S. U'Ren.	H. N. Ross.	C. Schuebel.
Alanson M. Hines.	Harry Yanckwich.	Frank Williams.
B. E. Haney.	E. C. Johnson.	J. R. Knodell.
John F. Risley.	H. B. Nicholas.	Isaac Swett.
W. T. Houser.	Miller Murdock.	C. W. Risley.
Frank H. Adams.	K. E. Karlson.	Charles K. Henry.
N. Campbell.	W. E. Finzer.	H. Thiessen.
Wm. MacKenzie.	Dr. D. Chambers.	J. N. Windsor.
J. M. Lawrence.	Geo. J. Schaefer.	Walter M. Pierce.
J. F. Sinnott.	H. G. Reed.	O. D. Teel.
C. E. S. Wood.	P. L. McKenzie.	Arthur Brock.
J. T. Hinkle.	F. W. Graves.	A. C. Libby.
W. A. Huntley.	C. C. Cline.	Will Daly.
John A. Jeffrey.	R. W. Montague.	H. W. Stone.
H. L. Barkley.	John B. Goddard.	A. C. Staten.
W. T. Euston.	L. A. Crawford.	C. L. Hamilton.
Albert E. Ayers.	C. W. Davis.	M. C. Reed.
H. Denlinger.	A. J. Clarke.	T. E. Kirby.
Seneca Smith.	Max Michei.	W. G. Eggleston.
J. Goodman.	Seneca Fouts.	

This league is largely composed of the same group of men who proposed the initiative and referendum amendment in 1902, the direct pri-

mary law in 1904, and home rule for cities and other measures of the People's Power League of 1906, and the recall and other People's Power measures in 1908. Its object is to perfect the direct power of the voters of Oregon over their State and local government in all its branches and officers. Many of our members were with Mr. Ed. Bingham in 1890 in his agitation for the Australian ballot law and the registration law in 1899.

We believe the approval of the above four measures by the people will greatly strengthen and improve the necessary practical methods by which the voters of Oregon will be able to quickly, directly and effectively use their supreme power over the officers as well as the laws of our State and local government, and at the same time to have accurate and full knowledge of the subjects on which they act.

#### DIRECT PRIMARY LAW AMENDMENT.

The purpose of the bill extending the direct primary nominations law to presidential campaigns and nominations is to increase the people's power in four ways:

1. Giving voters the right to express upon the official ballots, in the primaries, their choice for their party candidates for President and Vice-President (Section 2b).

2. Allowing all members of the political parties that are subject to the direct primary law to elect their party delegates to their national conventions (Section 2c).

3. Giving party voters the power to nominate their party candidates for presidential electors (Section 2c).

4. Extending the publicity rights of candidates in the party and State campaign books provided for by the corrupt practices law and including the above named classes of candidates for party nominations (Section 2e).

The people of Oregon have learned, and those in other states are learning, that the power to nominate is more important than the power to elect. When members of a party give the power of nomination to a few delegates in a convention, they open the door for selfish interests, combinations and fraud to control the convention. To delegate the power of nomination is to encourage carelessness among the voters. The system of convention nominations often causes the candidate to feel under greater obligation to the delegates and bosses than he does to the people. The candidate who is responsible to all the voters will give better service to the people than one who is under obligations to a party boss, a political machine or a few delegates.

Under the convention system, as is well known, a very few men make up the "slate" in the primaries, and delegates to state and national conventions are often chosen long before the nominating conventions are held. It is well known, too, that men who oppose a political machine are very seldom selected as delegates to a state or national convention.

The people of Oregon and of some other states have found that direct

nominations of candidates for city, county and state officers are of benefit to the people. The extension of the direct primary system to candidates for President and Vice-President would be of much greater advantage to the people because of the great power of these officers.

In Mexico today we see the result of a great federal political machine controlled by the President. Under the convention system of appointing delegates to the national conventions it is possible for the same result to be brought about by the power of our President to control office-holders and build a huge political machine, with which he may dictate the nomination of his successor. This will be impossible if the people elect and instruct their own delegates and pay the necessary traveling expenses. The total expense to the State could not exceed eight thousand dollars at the 1912 election. It should be worth more than that to the earners of three dollars a day or less to make it possible that they should be represented by men of their own class in the national conventions that nominate the party candidates for President and Vice-President. It should be worth more than that to the man whose income is more than three dollars a day to know that the State and his political party are not deprived of the services of any citizen because he cannot afford to pay his traveling expenses to the convention, and also to know that every class of citizens within the party had an equal chance to be fairly represented among the delegates from Oregon who help to nominate the party candidates for President and Vice-President.

In the interest of American liberty and progress, the taking over by the people of the United States of this direct power to nominate the candidates for President and Vice-President, is of the utmost importance. No other power has so great influence on the daily lives and prosperity of the citizens as the President. He is as much more important than any State officers as the Governor is more important than the county judge. Oregon has already developed the steps necessary for the application of the principle of direct nominations, and now it remains only to extend and apply these principles to the nomination of President and Vice-President and the election of delegates to the respective national conventions. When this shall be done by the Nation, the people of the United States may directly exert and control all the influence and power nationally that the people of Oregon now have in the nomination and election of local candidates for office. The other States will very quickly follow the example of any State that succeeds in the practical application of these principles in its election laws.

#### PEOPLE'S POWER LEGISLATIVE AMENDMENT.

The proposed amendment of Article IV of the Constitution, if approved by the voters, will increase the people's power; further restrict the powers of the legislature and of city councils; give legislators a salary equal to fair wages for their time, so that any qualified farmer, clerk, teacher or wage-worker can afford to serve in the legislature; secure election

of legislators by equal proportions of the votes cast instead of by mere pluralities or actual minorities; prevent log-rolling, hasty legislation, abuse of the emergency clause and wasteful increase of appropriations.

*Increase of People's Power.*—The initiative and referendum are extended to every form of legislative act, ordinance and resolution. Power to alter, amend or repeal any law is expressly reserved by the people. The recall power of the people is increased (in Section 3) by giving them the right to recall the whole Legislative Assembly, or the Senate, or the House of Representatives, or any Senators or Representatives. The amendment increases the local initiative and referendum powers of the people.

*Abuse of the Emergency.*—Section 1c provides that no emergency law or ordinance can be made by the legislature or a city council unless three-fourths of all the members elected vote for the emergency on a separate roll call, and provides for referendum petitions against emergency measures; also, 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. Section 1c prohibits the legislature or city council from amending or repealing any law or ordinance enacted by the people unless three-fourths of the members of the legislature, or a city council, vote for the repeal or amendment of the law or ordinance, as the case may be.

By Section 1d every attempt to grant a franchise or use of roads, streets or any other public property is subject to referendum by petition. No partly private corporation, like a railroad company, will be able to condemn property in towns or cities, and a purely private corporation cannot be allowed to condemn any property.

*Term and Salary of Legislators.*—Section 2 provides that Senators and Representatives shall be elected for a term of six years, and abolishes the "hold-over" system for Senators. Section 28 provides that each Senator and each Representative shall receive an annual salary of \$350.00 and the amount of his necessary fares in going to and returning from the State Capitol.

Is \$350 a year too much to pay a legislator? This amendment will be approved or rejected by the voters who get \$3 a day or less. Four out of five wage-workers, teachers and farmers of Oregon do not make more than \$3 a day. These men can be elected by the proportional system of elections, but they cannot serve in the legislature for \$60 a year. A campaign generally takes about thirty days of a candidate's time, and if he is elected the session takes about forty more. As a rule, his campaign will cost him not less than \$100; expenses at Salem \$100; loss of seventy days at \$3 a day means a loss of \$210; total cost of serving the people for one session, \$410, and the State pays him now \$120 for two years; so the net average loss to the member is \$290. Every additional day the legislator gives to the State's business is that much more loss to himself.

Can the people afford to deprive themselves of the services of a qualified citizen because he is too poor to make the sacrifice now neces-

sary to serve them? Four out of five of the voters of Oregon cannot afford to be candidates for the legislature. Are the teachers, farmers and wage-workers who get \$3 a day less intelligent or patriotic than the men who get \$10 or \$15 a day? Is it strange that most members of the legislature are lawyers, bankers, merchants and doctors, or professional politicians? The salary makes no difference to them. They would be glad to take the office without any salary. Surely \$350 a year is not more salary than is necessary to make it possible for all classes of bread-winners to be represented in the legislature of Oregon.

The reason for the six-year term is that a member of the legislature is far more useful in his second than in his first session; and one who has served several sessions is more useful than a new member. If this amendment is adopted, every member will serve six years unless he is so much of a failure that his people at home recall him. State Senators are now elected for four years, and the Senate is generally believed to be a more efficient body than the House, but it is because of the Senators' longer experience and not because of greater natural ability.

The British House of Commons is one of the most efficient legislative bodies in the world. Its members are elected for seven years, but they cannot be recalled as the Oregon legislature can be if the voters approve this amendment. With the extensive recall power reserved by the people in this amendment, there can be no harm from the six-year term, and the people will have all the advantages of the efficiency that comes from long experience in legislative work. Annual sessions of the legislature are provided because if appropriations are made for only one year at a time, the legislators can estimate closely the State's actual needs and expenses, but where the appropriation is for two years, a good margin must be left for unforeseen expenses, and this is a temptation to extravagance. The difference will more than pay for the yearly session.

*Proportional Representation.*—The amendment provides (Section 4) that any candidate for State Representative shall be elected if he is voted for by one-sixtieth of the voters of the State, and that any candidate for State Senator shall be elected if he is voted for by one-thirtieth of the voters of the State. Section 4a provides for the nomination of candidates for the Senate and House. Every voter will have the right to vote for one candidate for State Representative and no more, and for one candidate for State Senator and no more (Section 4a). No change whatever is made in the present form of the ballot, or the manner of voting, nor in the counting of the ballots by the precinct judges and county clerks. Section 4b tells how the votes are to be canvassed by the Secretary of State for all the candidates for the legislature, and the work in his office is very simple.

Let us take, for example, the general election of 1903 and suppose that the whole number of votes cast in the State by the different parties for Representatives in the Legislative Assembly is the same as at that election for Representatives in Congress. The abstract in the Secretary of State's office of votes for Representatives in the Legislative Assembly

would show a total of 110,252 votes; he would divide that number by 60, being the number of Representatives to be elected, and the quotient would be the number of votes necessary to insure the election of one Representative; it is called the "quota," and in this case would be 1,837 votes. The Secretary of State would then use the quota to divide the total number of votes received by all the candidates of the Republican party in the State; that is, he would divide 67,468 votes by the quota 1,837; the result shows that the Republican party would have 36 full quotas of votes and be thereby entitled to 36 seats for Representatives by full quotas, and would have a remainder of 1,336 votes. Thirty-six Republicans would thus be elected by full quotas, beginning with that Republican candidate who had the highest number of votes for himself and going downward to the one who had the thirty-sixth highest number of votes for himself. In this particular example the Republican party would also be entitled to one seat for its remainder of 1,336 votes, and this would be given to the candidate of that party having the next highest number of votes for himself, so that the 37 Republican candidates, the lowest of whom received a higher number of votes than any of the remaining 23 Republican candidates, would thereby be elected. The 23 Republican candidates having the lowest number of votes would be defeated.

The Secretary of State would treat the votes and candidates of the other parties in exactly the same manner. The Democrats have 28,706 votes, which divided by the quota of 1,837 would show that party entitled to 15 seats by full quotas and there would be a remainder of 1,151 votes.

This would be the second highest remainder and the Democrats would take one seat for that. The 16 Democrats who had personally, each for himself, the highest number of Democratic votes, would be thereby elected, and the remaining 44 Democratic candidates would be defeated. The Socialists have 8,204 votes, which would entitle that party to four seats by full quotas and leave a remainder of 836 votes. The Prohibitionists have 5,874 votes, which would entitle that party to three seats by full quotas and would leave a remainder of 363 votes. In this example 58 Representatives would be elected by full quotas of votes in four different parties and two seats must be filled by remainders; these two seats are distributed as above stated to the different parties having the highest remainders, beginning with that one whose remainder is nearest to the full quota of 1,837 votes.

The work would be no more difficult in the Secretary of State's office if the vote were split up among a dozen different parties, but the system forces the existing parties to put forth as candidates their very best men; for that reason and because every new opinion in any party is able by this system at every election to elect its own just proportion of the party members, proportional representation satisfies in very great degree the demands that under the plurality system cause the continual effort to create new political parties. But the system proposed by this amendment insures the election of any independent or new party candidate for Representative who receives one-sixtieth of the whole vote of the State.

The process is exactly the same for the election of State Senators (Section 4e), except that the whole number of votes is to be divided by thirty instead of by sixty, because only thirty Senators are to be elected.

The theory under the plurality system is that the member when elected becomes the Representative of those who opposed as well as those who elected him. It is impractical and wrong; and legislators refuse to take any stock in it. Where the plurality that elects a legislator wants one thing, and the divided majority that failed to defeat him does not want that thing, it is impossible for that member to represent both sides; nevertheless, the divided majority composed of many minorities has a right to representation; and under this simple plan of proportional representation these minorities will be fairly represented by members of their own choice.

There is nothing in the amendment to prevent each party from nominating in the State a full list of sixty candidates for the office of Representative, but the smaller parties are not likely to do so because there will be no advantage in the sacrifice. For example, Clackamas County is a typical nominating district and the Representative section of the ballot at the general election would look something like this:

FOR REPRESENTATIVE		VOTE FOR ONE.
64 Brown, C. H.	}	.....Republican
65 Smith, D. C.		
66 Young, D. C.		
67 Lyte, R. A.	}	.....Democrat
68 Allen, A. C.		
69 White, R. M.		
70 Linn, E. C.	}	.....Socialist
71 Green, F. T.		
72 Arnold, G. R.		
73 Daly, T. C.	}	.....Prohibitionist
74 Little, O. A.		
75 Taylor, R. C.		

The following is an example of the Secretary of State's official canvass, except that he would give the names of the successful candidates of each party:

	Candidates in the State.	Whole No. of votes for all candidates.	Quotas, or number of 60ths of the whole vote.	Remainder of votes for each party.
Republican .....	60	67,468	36	1,336
Democrat .....	60	28,706	15	1,151
Socialists .....	60	8,204	4	856
Prohibitionists .....	60	5,874	3	363
	240	110,252	58	3,686

Each organization is entitled to as many seats as it has full quotas of votes; and in the above example the four different organizations get fifty-eight seats by full quotas, two get seats by the highest remainders, and thus the sixty seats are filled.

Section 10 provides that the Speaker of the House must be chosen by the members but he shall not be a member. He shall not appoint standing committees and shall have no vote. The purpose is to obtain a Speaker who shall be a non-partisan presiding officer and nothing more than that. He is to have no more power than the presiding officer of the German Reichstag or the British House of Commons. The President of the Senate is to be chosen by the Senators in the same way and to have the same power and no more authority in the Senate. These officers will thus have no important committee places to trade for their own election, and therefore will be chosen by the members solely for their qualifications and fairness.

*Hasty Legislation.*—The six-year term leaves no excuse for hasty legislation. When a bill is introduced it is placed on the calendar and may be passed at any session during the six-year term of that legislature, so that there will be plenty of time for study of the bill. If a bill is introduced after the twentieth day of a session it shall not be passed at that session unless it is an emergency measure. (See Section 31.)

*Log-rolling.*—Section 30 revises the oath to be taken by a legislator, and is designed to prevent log-rolling and legislation by caucus. The experience of the people of Oregon with Statement No. 1 gives reason to believe that most of the legislators will keep that oath.

Section 33, relating to clerks for the Senate and House committees, will probably save \$10,000 a year to the people of Oregon, as compared with the present practice.

#### OFFICIAL GAZETTE BILL.

The purpose of this bill is to establish a publicly-owned magazine, or official gazette, to tell the people of Oregon about their State and local government, and to create a board of three People's Inspectors of Government, who shall edit the gazette and perform the duties defined in Sections 2, 3 and 4 of the bill. Sections 3 and 4 tell what is to be published in the gazette. Section 7 tells how the (3) People's Inspectors of Government are to be elected in 1912 and thereafter, and Section 6 how they are to be appointed this year if the voters approve this bill. Section 8 provides for the expenses and salaries of the inspectors. The gazette is to be mailed free to every registered voter; expense of publishing the gazette is limited to \$1 a year for each registered voter, and will probably not exceed 60 cents per voter.

How can all the voters get all the important news of government? Congress publishes the Congressional Record, which tells what is said in Congress but does not give the much more important information as to what is done; the Department of Agriculture prints thousands of valuable reports for free distribution; the Treasury Department prints

statistical abstracts and other important news, and the Interstate Commerce Commission publishes valuable reports; and from all of these the daily and weekly newspapers get important information that they publish as news for their readers. The Governor and all other public officers make reports, which are printed once in two years and distributed free; but long, detailed tables of statistics make up the greater part of these reports. The census bulletins are distributed free, and the newspapers publish as news many columns from the census reports.

The city of Denver, Colorado, publishes "Denver Municipal Facts" every week, and distributes the paper to the voters free. San Francisco publishes a paper called the "Municipal Report," which is distributed free. The purpose of all these reports is to give information to the voters concerning their government, but most of these publications are in some degree partisan. All of them together give only a little of the important news of government and to only a very few of the voters.

Oregon publishes a pamphlet of measures to be voted on, with arguments in favor of and against the measures, and mails it free to every registered voter. The proposed Oregon Official Gazette is an extension of the State pamphlet idea in that it is to be printed every two months, and differs from the other experiments in providing for absolutely non-partisan reports and all the news of government for all the voters, by officers who have no other duties than those defined in the proposed bill, who will get their offices, their authority and their appropriations directly from the people, and are responsible directly to the people and to no one else.

*Need for Inspectors.*—The people of Oregon pay \$11,888,639.89 (almost twelve million dollars) every year of direct public taxes on property; they pay also at least another million dollars for poll and occupation taxes and licenses. These sums do not include any of the indirect taxes the people of Oregon pay to support the national government. Many business men say that if the State, county, city and district governments of Oregon were managed under an efficient business system, the people could get better public service for eight million dollars than they now get for thirteen million dollars.

A number of different plans have been published showing how an efficient business organization of State, city and county governments could be made to save the taxpayers at least five million dollars a year. The gazette, going every two months to every voter, will give the people ample opportunity to consider and discuss such proposals.

By such comparison of ideas and criticism of measures as will be possible in the gazette, the people will make a system for applying business principles to government business. The savings by such a system in one year would pay the cost of the gazette for fifty years at the estimated rate of expense.

*Need for the Official Gazette.*—To show the necessity for an official gazette, which would be owned and controlled by the people of Oregon, we quote the following from the New York Evening Post of June 9, 1910:

"As a protest against the daily journalism with which Boston is now favored or afflicted, one hundred and thirty-nine citizens have supplied the capital for a new weekly entitled the Boston Common, six issues of which have now appeared. No person is permitted to subscribe for less than \$100 or more than \$1,000 worth of stock, and the names of the stockholders can be had on application at the office. The purpose of this weekly is thus stated:

"The motive of the organization is to publish for Boston and New England a weekly journal of politics, industry, letters and criticism, the primary purpose of which is public service rather than private profit, and to secure for this publication absolute freedom from partisanship, sectarianism, prejudice and the control and muzzling of 'influence.'

"It is indubitably a serious state of affairs when 139 citizens, with no desire to enter journalism as a business venture, find it necessary to indict not only the ability of the press but its trustworthiness. It is evident that not one of Boston's many newspapers has convinced this group of men of its freedom from party or personal bias and from a malign counting-room influence."

In this connection we respectfully commend to all the voters of Oregon the following "General Report of the Committee on Legislation" which was unanimously approved and adopted by the Oregon State Grange, May 17, 1910:

"We do most earnestly urge the members of our order and the voters of Oregon, under all circumstances and at all times, to advocate and vote for every measure which will increase the power of the people of Oregon to control every department of their government, especially in applying just methods of taxation and the prudent spending of public money. *The voters can never get too much or too direct power of self-government, nor become too perfect in its practice.*"

That "knowledge is power" is as true in the science and business of government by the people for the people as it is in any other science or business. Through the proposed gazette magazine, every citizen can get knowledge of government that no citizen can possibly get without it, and can get reliable information every two months about every department of our State and local government. The people cannot get this information now from any source, and they cannot get it in the future unless they pay for it themselves as a public undertaking.

This bill for the People's Inspectors of Government and Editors of the Gazette, to be mailed to every registered voter, was most bitterly condemned by the Lawyers' State Bar Association at Portland in May, 1910. About thirty-five out of more than 500 members were present. The light that such a magazine would give all the citizens about the ways that are dark and the tricks that are profitable to street railroads and other public service corporations is reason enough for the fierce opposition to this bill by all the corporation lawyers, and especially those at the head of the State Bar Association.

#### JUDICIARY AMENDMENTS.

##### ARTICLE VII.

The purpose of this amendment is to remove restrictions on the power of the people to make a law for any kind of court they want; to allow

the people and the legislature to transfer to the circuit court the law and probate business of the county judge in counties where that can be done to good advantage; to simplify procedure on appeals to the Supreme Court and remove the pretext for new trials in those cases in which substantial justice is done by the verdict and judgment, but in which the trial court may have made a technical mistake; or if the verdict is just and the judgment is not, to make it the duty of the Supreme Court to enter the proper judgment, if that can be done, instead of sending the case back for a new trial; to allow the Supreme Court to take original jurisdiction in important cases of habeas corpus, mandamus and quo warranto, the latter being used principally to try the title to offices; to prevent mistrials and hung juries, by allowing three-fourths of a jury to render a verdict in civil cases. The amendment also removes the constitutional restrictions on the power of the people and the legislature over the offices of the county clerk, the sheriff, the county judge, and the district attorney.

Many states now allow a majority of the jury in civil cases to render a verdict. Usually three-fourths of the jury is required to render a verdict. No state has gone back to the old system of unanimous verdict in civil cases, after having experience with the majority verdict.

President Taft speaking at St. Louis on the American Court Procedure, said:

"No, all I am appealing for is justice and a square deal—not especially for myself; indeed, I am in a position where I can get along better than some of the rest without it; but I am appealing for justice in dealing with all classes.

"I said *all* classes. Of course, practically, it is pretty hard to give it. To our Socialistic friends, who are engaged in decrying our present institutions, I could furnish a good deal better ground for their complaints than they give themselves. I have talked about this before, and it is not a new theme with me. *I think if they were to object to our administration of justice and the delays in it arising from the traditional methods pursued in courts, by which the man with the longest purse has the advantage, because the litigation is drawn out, they would be getting, as the children say, 'pretty warm' in reaching a subject that will bear full discussion, and upon which we shall have to have a very decided reform.*"

Every voter knows of hung juries in civil cases, followed by new trials, appeals to the Supreme Court, reversals and another new trial, and perhaps yet another appeal to the Supreme Court. There have been such cases in the Oregon courts. One purpose of this amendment is to make that kind of injustice impossible in which the corporation or the rich man wins because of the longest purse.

Respectfully submitted to the electors of Oregon by the

PEOPLE'S POWER LEAGUE OF OREGON.

## A R G U M E N T

(negative)

SUBMITTED BY

E. W. McCOMAS, L. WOLDENBERG, E. J. SOMMERVILLE, R. R. COREY, GEO. W. HYATT, FRANK E. ALLEY, W. H. RAGSDALE, R. H. DEARMOND, J. W. DONNELLY, C. C. WILSON, C. N. MCARTHUR, L. L. MANN, TIMOTHY MAHONEY, J. C. SMITH and BEN PETIGROW,

opposing the measure designated on the official ballot as follows:

## PROPOSED BY INITIATIVE PETITION

A bill for a law to amend the direct primary law by extending its provisions to presidential nominations, allowing voters to designate their choice for their party candidate for President and Vice-President; for direct nomination of party candidates for presidential electors; for election by party voters of delegates to their party national nominating conventions, each voter voting for one delegate; for payment of delegates' actual traveling expenses, not exceeding two hundred dollars for each delegate, and extending the publicity rights of candidates in the State nominating and general election campaign books. Vote YES or NO.

356. Yes.

357. No.

THE PEOPLE ARE URGED TO VOTE "NO" ON THIS MEASURE  
FOR THE FOLLOWING REASONS:

1. The delegates to political conventions are not public officials, but are representatives of their respective political parties, and *the taxpayers of the State should not be called upon to pay railroad fare, hotel bills, etc., for these junketing trips.* If this measure is approved, there will be an additional burden of several thousand dollars heaped upon the shoulders of the taxpayers every four years.

2. This bill is unfair in that it recognizes only the Republican and Democratic parties. *The Socialists, Prohibitionists, and members of other parties are not recognized.* If members of these last named parties go to conventions, they must do so at their own expense, while the Republi-

cans and Democrats can ride in Pullman cars and stay at high-priced hotels at the expense of the taxpayers.

3. If this bill is approved, the time of the regular primary election will be changed from September to April, *during presidential election years*, but will be held in September during other years. This would be an unbusinesslike arrangement, and would confuse and disarrange our entire code of election laws, resulting in great inconvenience to the Secretary of State, the county clerks and other officials; besides this, the proposed arrangement would, during presidential election years, keep the State in the throes of a political campaign from early spring until November. Experience has proved that campaigns should be as brief as possible and that business conditions are unsatisfactory when they are extended over a period of several months.

The people of Oregon, at the last State election, voted to change the primary election from April to September and the regular election from June to November. Now a group of men, who are constantly shouting about the "will of the people," wish to open up a question upon which the people have already expressed themselves.

4. There is no certainty that the national convention would seat delegates selected under the proposed arrangement. *The national committee of each party usually makes its own rules and regulations governing the selection of delegates.*

5. This measure is proposed by a group of men whose leaders are disgruntled because they were not sent as delegates to the Chicago convention in 1908. They assume to themselves all political virtue and purity, looking upon those who do not agree with their fads and schemes as undesirable citizens. They are now attempting to vent their spleen upon the taxpayers of Oregon.

*The public good demands the rejection of this measure* and you are respectfully urged to vote "NO" by the undersigned citizens and taxpayers.

E. W. McComas, Pendleton.  
E. J. Sonmerville, Pendleton.  
Geo. W. Hyatt, Enterprise.  
W. H. Ragsdale, Moro.  
J. W. Donnelly, Condon.  
C. N. McArthur, Portland.  
Timothy Mahoney, Portland.  
Ben Petigrow, Portland.

L. Woldenberg, Canyon City.  
R. R. Corey, Baker City.  
Frank E. Alley, Roseburg.  
R. H. DeArmond, Ontario.  
C. C. Wilson, Nyssa.  
L. L. Mann, Pendleton.  
J. C. Smith, Grants Pass.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

To propose by initiative petition a law to create a Board of People's Inspectors of Government; to provide for the publication and circulation of an official gazette; to fix the salaries and define the powers and duties of said Board of Inspectors, and to make an appropriation.

By initiative petition filed in the office of the Secretary of State July 7, 1910, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

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

Secretary of State.

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

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PROPOSED BY INITIATIVE PETITION

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A bill for a law creating a Board of People's Inspectors of Government, providing for publication of an official State magazine, said board to be the editors and publishers thereof, the printing to be done by the State Printer; all books of public officials subject to examination by the Board of Inspectors and reports thereof published in said magazine; all expenses of the board for printing and publication of the magazine, salaries, etc., not to exceed one dollar for each registered voter in the State; the magazine shall be mailed every two months to each registered voter at public expense.

Vote YES or NO.

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358. Yes.

---

359. No.

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[Official Ballot, Nos. 358 and 359.]

A BILL

For an act to create a Board of People's Inspectors of Government; to provide for the publication and circulation of an official gazette; to fix the salaries and define the powers and duties of said Board of Inspectors, and to make an appropriation.

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

Section 1. A board of three "People's Inspectors of Government," which shall be their official title, is hereby created, and by virtue of their office they shall be the editors of the Oregon Official Gazette, which is hereby established. The necessary offices for said inspectors shall be provided by the Secretary of State at the Capitol, and they shall devote their time exclusively to the performance of their official duties. The Oregon Official Gazette shall be published by the State from the State Printing Office, not later than the second Friday of every second month, beginning with the month of February, A. D. 1911, with extra numbers in the discretion of said board, and in such form as to be entitled to entry under the postal laws and transmission through the United States mail as second-class matter.

Section 2. It shall be the duty of said Board of Inspectors to have at least one of their number present at all times at every session of each house of the Legislative Assembly, and to be watchful for any defect or imperfection in the State and local systems of government. Upon the demand of one member thereof the said board shall investigate and report on the management of any public office, or of any institution supported wholly or partly by public funds, or of any department of the State or of any county or municipal government therein. Said board shall have authority on such investigation to demand the production, for their examination, at all reasonable hours and without previous notice, of all public records, books, documents, memoranda, cash and securities in the possession or under the control of any public officer or department so investigated, and it shall be malfeasance in office for any public officer to refuse or wilfully fail to comply with any such demand. The inspectors shall conduct all such inspections and investigations and perform all the duties of their office, and report through the said Gazette, solely for the information of the people, without motive or desire for personal or partisan advantage. It shall be the duty of said board, in all matters, to be as fair and impartial to all citizens and officers as the Supreme Court seeks to be between parties to a suit.

Section 3. The said board shall publish in the Oregon Official Gazette, without unnecessary delay, their own reports; any criticisms or complaints, not exceeding two hundred words each, of their own official acts; all proclamations issued by the Governor; brief and comprehensive reports by the Governor concerning the affairs of the different departments of

the State government; similar reports by county commissioners concerning their county governments; similar reports by mayors for their city governments; all publications that may be required by law to be mailed to every registered voter, or to the voters of political parties, and all said publishing shall be a sufficient compliance with said laws; all new laws and constitutional amendments and the dates when the same will become effective; all such laws and communications as in the judgment of a majority of the board are worthy of publication concerning the following matters: Reports of local or district officers; letters and communications from citizens and public officers on all matters of common interest relating to government, or any form of public service; letters and information concerning the national government and law-making and the acts of our Representatives and Senators in Congress; the results of important experiments and developments in the science of government by other nations, states, counties and cities; other matters that they believe will promote the general welfare.

Section 4. All reports, letters, communications, editorials and other matters for publication in the said Gazette shall be signed by the authors thereof or by the persons responsible therefor, and the same shall be public records when received, subject at all reasonable office hours to inspection by any citizen and to publication or comment by any journal or newspaper. The said board shall not publish any malicious, libelous or personally abusive communication. Said board shall so edit the Gazette that only matters of general interest shall be published in the edition that is mailed to all voters, and that matters of local interest shall be included and bound in the editions going only to the respective counties, cities or districts locally interested.

Section 5. Every head of a family who is a registered voter and every registered voter who is not a member of a family shall be considered subscribers to the said Gazette, and it shall be mailed to them at public expense. Said Gazette shall not be a commercial enterprise nor a general newspaper, and its editors shall not seek to give the general news nor shall they accept commercial advertising. The subscription price to be paid by those who wish the Gazette and are not registered voters in Oregon shall be one dollar a year, payable in advance. As nearly as practicable, the editors shall correct the mailing list of subscribers every two months and sell printed copies thereof to any person at cost on demand.

Section 6. If this bill shall be approved by the people, it shall be the duty of the Legislative Assembly, at its next regular session, to provide for the election of said three People's Inspectors of Government from the State at large. The method of election shall be by such form of proportional representation of all the voters that any candidate who is the choice of as many as one-third of the electors of the State actually voting for inspectors shall thereby be elected. It is intended that, so far as it is practicable, every ballot shall be effective in the election of one candidate who is the personal preference of the elector who cast the ballot. The board shall be elected at the regular general election in A. D. 1912 to

serve two years, and at the regular general election in A. D. 1914 and thereafter said inspectors shall be elected when the Governor is elected and for the same term for which he shall be elected.

Section 7. If this bill shall be approved by the people, the Governor shall, immediately after issuing his proclamation of such approval, request the executive committee of the State Grange and the executive committee of the Oregon State Federation of Labor, respectively, each to recommend to him the names of three persons qualified for said office; he shall also request the presidents of the board of trade and commercial organizations of Oregon to assemble at a certain time and place and recommend to him three persons qualified for said office; all of said recommendations shall be made in writing. The Governor shall appoint one from each group of three persons so recommended, but if either of such organizations shall fail to make such recommendations within thirty days after the Governor's request, the Governor shall immediately thereafter make an appointment without such recommendation. Vacancies shall be filled in like manner. The persons appointed shall hold office until their successors are elected and qualified.

Section 8. The bills for the expenses and salaries of said board and for the publication of the Oregon Official Gazette shall be audited by the Secretary of State and shall be paid from the general fund out of any moneys not otherwise appropriated; provided, that the total amount to be paid for any year shall not exceed the sum of one dollar for each registered voter in Oregon. The type, arrangement, paper and printing of said Gazette shall be as ordered by the said Board of Inspectors, except only as to publications to be made part thereof for which the type, paper and arrangement are designated by law. The said board is hereby authorized to expend such sums as may be necessary, from the above appropriation, not exceeding fifteen thousand dollars yearly, for expert accountants and other assistants in making investigations. If such sum is not sufficient the inspectors are hereby authorized to apply to the people, by initiative petition, for such amount as they believe they need, and the cost thereof shall be repaid from the appropriation made herein. Said board shall not apply to the Legislative Assembly for any appropriation. It is intended that these inspectors shall be independent of all other officers and powers, except the people of Oregon; that they shall not receive official favors nor incur official obligations to any public servant or any private citizen or corporation. If this bill shall be approved by the people the title of the bill shall stand as the title of the law.

(Affirmative argument following No. 356 covers this measure.)

## A R G U M E N T

(negative)

SUBMITTED BY

E. W. MCCOMAS, BEN PETIGROW, E. J. SOMMERVILLE, L. WOLDENBERG, GEO. W. HYATT, R. R. COREY, FRANK E. ALLEY, W. H. RAGSDALE, R. H. DEARMOND, J. W. DONNELLY, C. C. WILSON, C. N. MCARTHUR, L. L. MANN, TIMOTHY MAHONEY and J. C. SMITH,

opposing the measure designated on the official ballot as follows:

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PROPOSED BY INITIATIVE PETITION

---

A bill for a law creating a Board of People's Inspectors of Government, providing for publication of an official State magazine, said board to be the editors and publishers thereof, the printing to be done by the State Printer; all books of public officials subject to examination by the Board of Inspectors and reports thereof published in said magazine; all expenses of the board for printing and publication of the magazine, salaries, etc., not to exceed one dollar for each registered voter in the State; the magazine shall be mailed every two months to each registered voter at public expense.

Vote YES or NO.

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358. Yes.

---

359. No.

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THE PEOPLE ARE URGED TO VOTE "NO" ON THIS MEASURE  
FOR THE FOLLOWING REASONS:

1. The first and most serious objection to a board of this character lies in the fact that its creation would impose an additional burden of taxation upon the people of the State without any corresponding return. It is estimated that the *cost of this proposed board and the publication of the proposed "Official Gazette"* would amount to \$100,000 per year. There are already too many commissions, boards, offices and clerkships, and it is high time for the inauguration of a policy of retrenchment, rather than a multiplication of fat-salaried jobs.

2. It is highly probable that a large percentage of copies of the proposed "Official Gazette" would be thrown away or destroyed without being

read. Through the medium of the newspapers there is now a constant discussion of the conduct of our public men and public institutions, principally by men who have no favors to ask and who are ever ready to exercise a censorship over all public matters. This wide-spread discussion, coupled with the system of grand jury investigation and the recall power, gives a more genuine assurance of an honest administration of public affairs than the publication of an "Official Gazette."

3. Under the conditions proposed, two of the "People's Inspectors of Government" would come from the same political party, and there is absolutely no guarantee that their publication will be "non-partisan"; on the other hand, it would undoubtedly be partisan in its nature and in sympathy with the dominant party.

4. There is no guarantee that the "People's Inspectors of Government" will be any more honest, faithful or efficient than the Governor, Attorney General or members of the legislature. The authors of this bill would have us believe that the "Inspectors" will be angelic creatures, and that their every act will be perfect and beyond criticism. Carrying out their scheme to its logical conclusion, there should be a second board of "People's Inspectors of Government," whose function it should be to exercise control over the first board, and so on ad infinitum.

5. Section 7 of this proposed bill virtually provides that the State Grange, the State Federation of Labor and the commercial clubs of the State shall name the first board of "People's Inspectors of Government" whose members are to serve for two years. Why confer this important power upon the State Grange, the State Federation of Labor and the commercial clubs, when there are thousands of intelligent and patriotic men in the State who do not belong to any of these organizations, and who are equally entitled to political recognition? *This looks like class distinction.*

The undersigned citizens and taxpayers advise that you vote "No" and keep this freak measure off the statute books of our State.

Respectfully submitted,

E. W. McComas, Pendleton.  
E. J. Sommerville, Pendleton.  
Geo. W. Hyatt, Enterprise.  
W. H. Ragsdale, Moro.  
J. W. Donnelly, Condon.  
C. N. McArthur, Portland.  
Timothy Mahoney, Portland.  
Ben Petigrow, Portland.

L. Woldenberg, Canyon City.  
R. R. Corey, Baker City.  
Frank E. Alley, Roseburg.  
R. H. DeArmond, Ontario.  
C. C. Wilson, Nyssa.  
L. L. Mann, Pendleton.  
J. C. Smith, Grants Pass.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

ARTICLE IV

By initiative petition filed in the office of the Secretary of State, July 7,  
1910, in accordance with the provisions of Chapter 226,  
General Laws of Oregon, 1907,

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

Secretary of State.

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

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PROPOSED BY INITIATIVE PETITION

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For an amendment of Article IV, Constitution of Oregon, increasing initiative, referendum, and recall powers of the people; restricting use of emergency clause and veto power on State and municipal legislation; requiring proportional election of members of Legislative Assembly from the State at large, annual sessions, and increasing members' salaries and terms of office; providing for election of Speaker of House and President of Senate, outside of members; restricting corporate franchises to twenty years; providing ten dollars penalty for unexcused absence from any roll call, and changing form of oath of office to provide against so-called legislative log-rolling.

Vote YES or NO.

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360. Yes.

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361. No.

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[On Official Ballot, Nos. 360 and 361.]

CONSTITUTIONAL AMENDMENT.

Article IV of the Constitution of the State of Oregon shall be and the same hereby is amended to read as follows:

ARTICLE IV.

LEGISLATIVE AUTHORITY.

Section 1. The legislative authority of the State shall be vested in the Legislative Assembly, consisting of a Senate and 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.

Section 1a. *Initiative.* 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 such 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. *Referendum.* 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.

Section 1c. *Emergency.* 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 elected to each house, or city council, as the case may be, 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 elected thereto, taken by yeas and nays. The provisions of this section apply to city councils.

Section 1d. *Local Initiative and Referendum.* 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, 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 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 counties chiefly interested. Cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. 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. *General Provisions.* 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 which passed the measure on which the referendum is demanded. Referendum petitions shall be filed in like manner in case the Legislative Assembly shall adjourn at any time for a period longer than ninety days. The veto power of the Governor or 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 biennial regular general elections, 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," and of ordinances "Be it ordained by the people of" (name of 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 legal voters necessary to sign such petition shall be computed. Petitions and orders for the initiative and referendum shall be filed with the Secretary of State, or in municipal elections with 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 Senate shall consist of thirty members, and no more, and the House of Representatives of sixty members, and no more, who 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 Senators shall be six years, and the term of office for Representatives shall be six years, beginning on the day next after the regular general election in November, 1912, at which election thirty Senators and sixty Representatives shall be elected, and the terms of all Senators and Representatives elected prior thereto shall expire.

Section 3. In addition to the recall provisions of Section 18 of Article II of this Constitution, the Legislative Assembly, or either house thereof, or any members of either or both houses, shall be subject to recall as herein provided. There may be required twenty-five per cent, but no more, of the number of electors who voted in the district to which such recall petition applies at the preceding election for Justice of the Supreme Court, to file their petition demanding such recall with the Secretary of State. The petition shall state the reasons for such recall in not more than two hundred words. Upon the filing of any such petition the Secretary of State shall immediately order a special general election throughout the electoral district to which such recall petition applies, to take place in not less than sixty days nor more than ninety days from the date of filing of said petition. Provided, that if a general election is to occur throughout said district within not less than sixty nor more than one hundred and twenty days after the petition is filed, the recall shall be submitted at that election, and in such case the petition shall be sufficient if signed by not less than fifteen per cent of the electors, computed as above required; provided, further, that no such petition shall be filed during the last six months of the term of office of any member of the Legislative Assembly.

Section 3a. Such election shall be to decide whether the members, the Legislative Assembly or the House or Senate against which the petition is filed, shall be recalled, and also to choose the Senators and Representatives of a new Legislative Assembly, or of a new House or Senate, or new members, as the case may be, if a majority of those voting vote for such recall.

Section 3b. There shall be printed on the ballots for such election, first, the usual forms and instructions to voters; second, a statement of the reasons offered by the petitioners for said recall, in not more than two hundred words; third, a statement, if any is offered, by the Legislative Assembly, or members affected, of the reasons against said recall, in not more than two hundred words; fourth, the question and answers:

"Shall (name of members, the Legislative Assembly, the House of Representatives, the Senate, as the case may be) be recalled?

"Yes.

"No."

The names of candidates for Senators and Representatives shall be printed on the special ballot in like manner as at a regular general election. If a recall petition shall be filed against one or more members for the same cause, from the same nominating district, the election shall be in that district only, unless the reason given for the recall petition is refusal to obey an instruction from the State.

In the case of such local recall petitions and elections, the percentage of signers shall be computed on the number of votes cast within the nominating district. In the case of such local recall petition, or when the petition is filed against one or more members named and expressly charged with failure or refusal to obey an instruction given by the people of the State, the names of such members shall be printed on the official ballot only in the form of the recall question above provided; and the names of such members shall not be printed on the ballot as candidates for re-election. In the case of a recall petition against the House of Representatives, or the Senate, or the Legislative Assembly, the names of sitting members may be printed on the official ballot as candidates for re-election, if any so desire.

Section 3c. If a majority of the whole number of electors who vote on the question vote "Yes," the members, or the Legislative Assembly, or either house thereof, as the case may be, shall be thereby recalled. The votes shall be counted, canvassed and returned, and certificates of election issued to the persons entitled thereto as at regular elections for members of the Legislative Assembly, and thereupon the newly elected and the retained Senators and Representatives shall immediately take their seats to fill the unexpired term. If a majority vote "No," the sitting Senators and Representatives are thereby continued in office.

Section 3d. The filing of such a recall petition requiring a general election throughout the State, shall operate as a complete suspension of all the powers granted by the people of Oregon to the Legislative Assembly, until the returns of said recall election shall be canvassed and certificates

of election issued to the persons entitled thereto; except only that in case of emergency caused by war, insurrection or great natural calamity, the Governor may convene the members of the said Legislative Assembly in special session to act on questions arising by reason of such emergency, but they shall have no power or authority to act on any other legislation.

Section 4. Senators and 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, and any one-thirtieth of all the voters of the State voting for one person for Senator shall insure his election.

Section 4a. Until otherwise provided by law, candidates for the office of Senator or Representative shall be nominated in like districts as have been heretofore provided for their election, but they shall be elected by the voters of the State at large. Each candidate's name shall be printed on the official ballot in the district or districts where he is nominated, 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, position or pledge of the candidate voted for. No candidate for nomination shall circulate his petition nor pay for its circulation outside of the nominating district where he resides. Every candidate for Senator or 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, position or pledges to the people on any questions of public policy. No voter shall vote for more than one candidate for Representative, nor for more than one candidate for Senator in the Legislative Assembly.

Section 4b. The votes for the election of Senators and Representatives 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 Senators and Representatives from districts composed of two or more counties.

Section 4c. The whole number of votes cast in the State for all candidates for Representative shall be divided by sixty, being the number to be chosen, and the quotient shall be the number of votes necessary to insure the election of one Representative, and shall be called the quota. It shall be the duty of the Secretary of State to make computations required by the recall and proportional representation provisions of this article.

Section 4d. The whole number of votes received in the State by all the candidates of each party for Representative shall be computed, and each total shall be divided by said quota of election; the quotient for each party will be the number of Representative seats to which that party is entitled, and that number of the party candidates who have received,

each for himself, the full quota, or nearest to the full quota of votes, shall be thereby elected. Any independent candidate who receives for himself a quota of votes, or a number greater than the highest remainder of any party, shall be thereby elected. The seat or seats that cannot be allotted to any party or independent candidates for full quotas shall be given to the several political parties and independent candidates having the highest remainders, in the order of such remainders, beginning with the highest, until the sixty seats are filled. The seat allotted to a party for a remainder shall be given to the candidate of that party who has nearest to the full quota of votes for himself.

Section 4e. The votes for candidates for Senators in the Legislative Assembly shall be treated in like manner as the votes for Representatives, save only that the whole number of votes cast in the State for candidates for Senators shall be divided by thirty to obtain the quota necessary to insure the election of a Senator.

Section 5. If any vacancy shall occur in the office of Senator or Representative in the Legislative Assembly, it shall be filled by seating the qualified candidate from the same party as that of the retiring officer, who received for himself nearer to the quota of votes than any other candidate of his party who was not seated, except vacancies created by recall, which shall be filled as hereinbefore provided by this article. If there shall not be any such qualified candidate, the Governor shall issue writs of election to fill such vacancy, the election to be held only within the nominating district within which the retiring officer resided when he was elected.

Section 6. No person shall be a Senator or 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 before his election.

Section 7. Appropriations for the maintenance of the State government and all existing public institutions, and all institutions aided by State funds, not exceeding the amount of any previous appropriation for the same purpose, shall take effect and be available at once, but any increase in any such appropriation shall be subject to the referendum by petition, except in the emergency of war, insurrection or great natural calamity.

Section 8. Senators and 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 in either house, be questioned in any other place.

Section 9. The sessions of the Legislative Assembly shall be held annually at the Capital of the State, commencing at such dates as may be provided by law.

Section 10. Each house, when assembled, shall choose and may dis-

charge 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; but neither house shall, without the concurrence of the other, adjourn for more than two days, nor to any other place than that in which it may be sitting. The presiding officers shall not be members of the Legislative Assembly nor hold any other office at the same time, and shall be chosen by their respective houses. They shall not appoint standing committees, and shall have no voice or vote on legislative business. They shall preside over the sessions of the body by which they are chosen, shall hold office during its pleasure and shall have such powers as may be conferred upon them by their respective houses not contrary to the provisions of this article.

Section 11. Two-thirds of each house 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 either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected.

Section 12. Each house 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 13. The doors of each house and of all committees shall be kept open, except only in such cases as in the opinion of either 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 14. Either house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Section 15. Either 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 16. Each house shall have all powers necessary for a branch of the legislative department of a free and independent State.

Section 17. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

Section 18. Every bill shall be read by sections, on three several days, in each house, unless, in case of emergency, two-thirds of the house where such bill may be pending, 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 19. 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 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

Section 21. 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. No corporate franchise shall be granted for a longer period than twenty years.

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;
16. The Legislative Assembly shall not enact any local or general law extending or granting the power of eminent domain to private corporations.

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 members elected to each house shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses.

Section 25. Any member of either house 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. Each member of the Legislative Assembly shall receive for his services an annual salary of three hundred and fifty dollars, payable at the end of each regular session. Each member shall receive the amount of necessary fares he shall actually pay in going to and returning from the place of meeting on the most usual route. The presiding officers of the Legislative Assembly shall each receive five hundred dollars per annum, with a member's allowance for travel.

Section 29. No Senator or 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 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 respective offices, 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 Senator (or Representative, as the case may be), according to the best of my ability. I do further affirm and promise the voters of the State of Oregon, that during my term of office, in acting or voting as such officer upon any measure, I will always vote solely on my judgment that the bill or resolution will or will not advance the general welfare, and without reference to the vote, action or caucus of members on that or any other measure, and without any understanding (except my public pledges to the people or instructions from the people) in any form with any member or person that I will aid or be friendly to a measure in which he is interested because he will or may be inclined to aid one in which I am interested." Such oath may be administered by the Governor or a Judge 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 each house, in its final form, at least five days. No measure shall be altered or amended on its passage through either house so as to change its original purpose.

Section 32. Ten dollars shall be deducted from the salary of any member for every time he fails to vote on a roll call, unless excused by yea and nay vote of a majority of all the members of his house.

Section 33. The presiding officer shall make requisition, from day to day, on the Secretary of State, for such clerical and stenographic assistants as his house may need. This shall not apply to the reading and calendar clerks.

Section 34. A majority of the members elected to each house may at any time unite in calling a special session of the Legislative Assembly.

Section 35. Seats and desks shall be provided on the floor of each house for the People's Inspectors of Government, if such shall be created by law.

Section 36. The provisions of this article shall be liberally construed as self-executing, especially Sections 1, 1a, 1b, 1c, 1d, 1e, 3, 3a, 3b, 3c, 3d, 4, 4a, 4b, 4c, 4d and 4e. Any provisions of the Constitution and laws of Oregon in conflict with this article are hereby repealed insofar as the same conflict herewith, or any part hereof.

(Affirmative argument following No. 356 covers this measure.)

## ARGUMENT

(negative)

SUBMITTED BY

WALLACE MCCAMANT

opposing the measure designated on the official ballot as follows:

### PROPOSED BY INITIATIVE PETITION

For an amendment of Article IV, Constitution of Oregon, increasing initiative, referendum and recall powers of the people; restricting use of emergency clause and veto power on State and municipal legislation; requiring proportional election of members of Legislative Assembly from the State at large, annual sessions, and increasing members' salaries and terms of office; providing for election of Speaker of House and President of Senate, outside of members; restricting corporate franchises to twenty years; providing ten dollars penalty for unexcused absence from any roll call, and changing form of oath of office to provide against so-called legislative log-rolling.

Vote YES or NO.

350. Yes.

361. No.

### ARGUMENT AGAINST AMENDMENT TO ARTICLE IV OF THE CONSTITUTION.

#### ANNUAL SESSIONS OF LEGISLATURE.

*To the Electors of Oregon:*

The foregoing amendment provides for annual sessions of the legislature (see Section 9). This means double the present expense to the taxpayers for legislative purposes and large additional appropriations besides, for every legislative session appropriates a good deal of money unnecessarily. Biennial sessions of the legislature, as provided for in the present Constitution of Oregon and in that of most other States, have proved adequate to the public service, and there is no reason for this change and no demand for it.

#### LENGTHENING OF LEGISLATIVE TERM TO SIX YEARS.

The present Constitution provides for the election of the entire House of Representatives and one-half of the State Senators at each biennial State election. This provision of the present Constitution insures that every legislature shall be fresh from the people. It is proposed in the foregoing amendment to lengthen the legislative term to six years (see Section 2). It is manifest that if this amendment be adopted the legislatures of the future will not be in close touch with the people and will not be so responsive to public opinion as the legislatures of the past.

If a grafter gets into the legislature six years is too long a time to put up with him, and even a good man in the legislature will do better work if he must shortly render an account to the people. We do not

overlook the recall. But the recall will be invoked only occasionally in **flagrant cases** and is not equivalent in its effect to the biennial elections now provided for.

#### PROPORTIONAL REPRESENTATION.

The present Constitution provides for the distribution of the members of the legislature among the different legislative districts in proportion to the population, and for the election by the people of each legislative district of the Representatives and Senators so apportioned to them. The present method of electing Representatives and Senators insures that the people of every portion of the State shall be represented in both branches of the legislature, and that the representatives so sitting shall be the choice of a majority of the electors in the respective legislative districts. There are in every legislative district men who are unfit to sit in the legislature. Some men are disqualified for service of this character by temperament, some by character and some in other respects. Under the present method of selecting legislators these unfit men are for the most part excluded from the Legislative Assembly. They can only be elected to the legislature by the votes of those who live in the same legislative district with themselves and who therefore know them and know that they ought not to be chosen to make laws for the people.

The proposed amendment retains the legislative district as at present provided by law, but it provides a complicated system under which some legislative districts must remain without representation, and under which many legislative districts must be represented by men whom the people of these districts would never choose to represent them. It is provided in Section 4a that:

"Any legal voter in any district may vote for a candidate in any other district by writing or sticking on his ballot the name . . . of the candidate voted for."

That is, an elector in Multnomah County can vote for a candidate running in Malheur County or in Jackson County. The votes of such electors may choose the Malheur County candidate or the Jackson County candidate, and he may sit in the legislature as the representative of Malheur County or of Jackson County, although his support in his own county may be trifling in the extreme and although the people of his own county may know him to be utterly unfit to serve as a law-giver. A man so chosen cannot, with any propriety, be called the representative of Malheur County or Jackson County.

#### WILL OF MAJORITY THWARTED.

Under the present apportionment, Marion County is entitled to choose five members of the House; Multnomah County, twelve members besides one joint Representative. It is provided in Section 4a of the proposed amendment that:

"No voter shall vote for more than one candidate for Representative nor for more than one candidate for Senator in the Legislative Assembly."

It is manifest that under this system the men who would sit from these districts and from other districts entitled to more than one Representative would not represent the sentiment or majority voice of the

people of these districts. A candidate might be out of harmony with the wishes of the people of Marion County or of Multnomah county in most important respects, and yet might receive ten or twenty per cent of the vote and under this proposed amendment such a fragment of the vote might elect him. A bill similar to the proposed measure was presented to the last legislature. Its authors attached to it an illustration of the manner in which the measure would have worked if it had been in effect in 1908. At the election of that year 197 Prohibitionist votes in Wasco and Hood River Counties would have elected a member of the legislature under this proposed measure, although the Republican vote was 2,217 and the Democratic vote 782. At the same election 391 Socialist votes would have elected a member in Linn County under this measure as against 2,391 Republican votes and 1,678 Democratic votes. These results would be brought about by throwing into these districts Prohibitionist and Socialist votes from all over the State. A system which permits this clearly denies to the people of these districts the representation in the legislature which their electors desire. Section 4d of the proposed amendment would bring about this result at every election in some of the legislative districts.

#### DENIAL OF REPRESENTATION TO CERTAIN DISTRICTS.

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 majority vote certain men who should sit in the legislature as representatives of that district and to whom the people of that district had a right to look for protection. Thomas Jefferson was correct in speaking of this right as inestimable.

The proposed measure destroys this right. If it is adopted, at every Legislative Assembly some legislative districts will have no representation. See Section 4d, from which it will appear that there is no attempt to assure to each legislative district the representation to which it is entitled. If a candidate from Yamhill County has a vote sufficiently near the highest vote given to any candidate of his party in any part of the State, he will be declared elected; otherwise he will be declared defeated even though such declaration leaves Yamhill without representation and even though the candidate has received a decisive majority of the vote of Yamhill County. This is not right, is not American, and it will not please the people. No man should sit in the legislature until he can win out on a popular vote in the legislative district in which he lives, and a political party should have representation in the legislature only to the extent of the districts which it can carry by vote of the people at a fair election.

WALLACE MCCAMANT.

## 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 EIGHTH DAY OF NOVEMBER, 1910,

TO AMEND

## ARTICLE VII

By initiative petition filed in the office of the Secretary of State, July 7,  
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

For amendment to the Constitution of the State of Oregon, providing for verdict by three-fourths of jury in civil cases; authorizing grand juries to be summoned separate from the trial jury, permitting change of judicial system by statute, prohibiting re-trial where any evidence to support verdict; providing for affirmance of judgment on appeal notwithstanding error committed in lower court, directing Supreme Court to enter such judgment as should have been entered in lower court; fixing terms of Supreme Court; providing judges of all courts be elected for six years, and increasing jurisdiction of Supreme Court.

Vote YES or NO.

362. Yes.

363. No.

[On Official Ballot, Nos. 362 and 363.]

CONSTITUTIONAL AMENDMENT.

Article VII of the Constitution of the State of Oregon shall be and the same is hereby amended to read as follows:

ARTICLE VII.

Section 1. The judicial power of the State shall be vested in one Supreme Court and in such other courts as may from time to time be created by law. The Judges of the Supreme and other courts shall be elected by the legal voters of the State or of their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected,

Section 2. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the Supreme Court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings.

Section 3. In actions at law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this State, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the Supreme Court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the Supreme Court shall be of opinion, after consideration of all the matters thus submitted, that the judgment of the court appealed from was such as should have been rendered in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial; or if, in any respect, the judgment appealed from should be changed, and the Supreme Court shall be of opinion that it can determine what judgment should have been entered in the court below, it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the Supreme Court. Provided, that nothing in this section shall be construed to authorize the Supreme Court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court.

Section 4. The terms of the Supreme Court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the Secretary of State concise written statements of the decisions made at that term.

Section 5. In civil cases three-fourths of the jury may render a ver-

dict. The Legislative Assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court, seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. But provision may be made by law for drawing and summoning the grand jurors from the regular jury list at any time, separate from the panel of petit jurors, and for the sitting of the grand jury during vacation as well as session of the court, as the judge may direct. No person shall be charged in any circuit court with the commission of any crime or misdemeanor defined or made punishable by any of the laws of this State, except upon indictment found by a grand jury; provided, however, that any district attorney may file an amended indictment whenever an indictment has, by a ruling of the court, been held to be defective in form.

Section 6. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme Court of this State, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected."

(Affirmative argument following No. 356 covers this measure.)

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