PROPOSED

Constitutional Amendments and Measures

(With Arguments)

To Be Submitted to the Voters of Oregon

at the

General Election

Tuesday, November 8, 1932

Published by Authority
(Section 36-2009, Oregon Code 1930)

Compiled by
HAL E. HOSS
Secretary of State

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SALEM, OREGON
STATE PRINTING DEPARTMENT
1932

LAW AUTHORIZING THIS PUBLICATION

(Section 36-2009, Oregon Code 1930)

MEASURES AND ARGUMENTS TO BE PRINTED AND DISTRIBUTED

Not later than the ninetieth day before any regular general election * * * at which any proposed law, part of an act or amendment to the constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee or duly organized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the secretary of state for printing and distribution any argument advocating such measure; said argument shall be filed not later than the one hundred and fifteenth day before the regular election at which the measure is to be voted upon. Any person, committee or organization may file with the secretary of state, for printing and distribution, any arguments they may desire, opposing any measure, not later than the one hundred and fifth day immediately preceding such election. Arguments advocating or opposing any measure referred to the people by the legislative assembly, or by referendum petition, at a regular general election, shall be governed by the same rules as to time, but may be filed with the secretary of state by any person, committee or organization. * * * But in every case the person or persons offering such arguments for printing and distribution shall pay to the secretary of state sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the measure to be printed by the state; and he shall forthwith notify the persons offering the same of the amount of money necessary. The secretary of state shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures to be submitted as herein provided, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done by the state, and the pages of said pamphlet shall be numbered consecutively from one to the end. The pages of said pamphlet shall be six by nine inches in size and the printed matter therein shall be set in six-point Roman-faced solid type on not to exceed seven-point body, in two columns of thirteen ems in width each to the page with six-point dividing rule and with appropriate heads and printed on a good quality of book paper twenty-five by thirty-eight inches weighing not more than fifty pounds to the ream. The title page of every measure bound in said pamphlet shall show its ballot title and ballot number. The title page of each argument shall show the measure or measures it favors or opposes and by what persons or organization it is issued. When such arguments are printed he shall pay the state printer therefor from the money deposited with him and refund the surplus, if any, to the parties who paid it to him. The cost of printing, binding and distributing the measures proposed and of binding and distributing the arguments, shall be paid by the state as a part of the state printing, it being intended that only the cost of paper and printing the arguments shall be paid by the parties presenting the same, and they shall not be charged any higher rate for such work than is paid by the state for similar work and paper. Not later than the fifty-fifth day before the regular general election at which such measures are to be voted upon the secretary of state shall transmit by mail, with postage fully prepaid, to every voter in the state whose address he may have, one copy of such pamphlet. * * *

NOTE—For the convenience of the voters, a summary of the official ballot titles and numbers of the Proposed Constitutional Amendments and Measures as will appear upon the official ballots at the General Election, November 8, 1932, is printed on pages 70 to 72 of this pamphlet.

(On Official Ballot, Nos. 300 and 301)

AN AMENDMENT

To section 2 of article II of the constitution of the state of Oregon, to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932; proposed by the thirty-sixth legislative assembly by house joint resolution No. 5 filed in the office of the secretary of state February 14, 1931.

The following is the form and numerical designation of the proposed amendment as it will be printed on the official ballot:

Constitutional Amendment—Referred to the People by the Legislative Assembly **Vote YES or NO**

TAXPAYER VOTING QUALIFICATION AMENDMENT—Purpose: To permit the enactment of laws limiting to taxpayers the right to vote upon questions of levying special taxes or issuing public bonds.

300 Yes. I vote for the amendment.

301 No. I vote against the amendment.

The following is the 25-word voting machine ballot title of the proposed amendment:

TAXPAYER VOTING QUALIFICATION AMENDMENT—Purpose: To permit the enactment of laws limiting to taxpayers the right to vote upon questions of levying special taxes or issuing public bonds.

HOUSE JOINT RESOLUTION NO. 5

Be It Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring:

That article II, section 2 of the constitution of the state of Oregon be and the same hereby is amended so as to read as follows:

Sec. 2. *Qualifications of Electors.* In all elections, not otherwise provided for by this constitution, every citizen of the United States, of the age of 21 years and upwards, who shall have resided in the state during the six months immediately preceding such election, and who shall be duly registered prior to such election in the manner provided by law, shall be entitled to vote, provided such citizen is able to read and write the English language. The legislature, or the people, through the initiative, may prescribe the means of testing the ability of such citizen to read and write the English language. Any act which has been passed by the legislative assembly, and which purports to execute and carry into effect the provisions of this section, shall be deemed to have been passed pursuant to, and in accordance herewith, and hereby is ratified, adopted and confirmed, the same as if enacted after the adoption of this amendment. The legislative assembly, or the people through the initiative, may by law require that those who vote upon questions of levying special taxes or issuing public bonds shall be taxpayers.

Be It Further Resolved, That said proposed amendment be submitted to the people for their approval or rejection at the next election held throughout the state of Oregon, whether the same be a general or special election; be it further

Resolved, That the secretary of state of the state of Oregon be and he hereby is authorized and directed to set aside two pages in the official pamphlet containing initiative and referendum measures to be voted upon at the next election, whether the same be a general election or special election, in which articles in support of the foregoing amendment may be printed, and that a joint committee consisting of two representatives and one senator be appointed to prepare such arguments for publication therein and to file the same with the secretary of state; be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to set aside two pages in said official pamphlet in which arguments opposed to the foregoing amendment, furnished by any persons interested, may be printed, such arguments to be filed with the secretary of state, who shall have the right to limit said arguments to the space allowed, and in case of a surplus of material decide what shall be printed.

Filed in the office of the secretary of state February 14, 1931.

For affirmative argument see page 4.

(On Official Ballot, Nos. 300 and 301)

ARGUMENT (Affirmative)

Submitted by the joint committee of the senate and house of representatives, thirty-sixth regular session, legislative assembly, in behalf of the Taxpayer Voting Qualification Amendment.

To the Voters of the State of Oregon:

Are you aware of the fact that nine dollars out of every ten taxes you pay has been imposed upon you by local bond issues, and that the present law gives the right to every voter, whether he pays taxes or not, to vote these taxes upon you? Do you think this is a square deal to the property owner?

House Joint Resolution No. 5 prohibits any voter to vote on a local tax measure unless he or she pays taxes.

Vote Yes on House Resolution No. 5.

EDWARD SCHULMERICH,
State Senator, Hillsboro, Oregon.

B. F. NICHOLS,
State Representative, Riddle, Oregon.

GORDON J. TAYLOR,
State Representative, Molalla, Oregon.

(On Official Ballot, Nos. 302 and 303)

AN AMENDMENT

To section 11 of article I of the constitution of the state of Oregon, to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932; proposed by the thirty-sixth legislative assembly by senate joint resolution No. 4, filed in the office of the secretary of state February 24, 1931.

The following is the form and numerical designation of the proposed amendment as it will be printed on the official ballot:

Constitutional Amendment—Referred to the People by the Legislative Assembly **Vote YES or NO**

AMENDMENT AUTHORIZING CRIMINAL TRIALS WITHOUT JURIES BY CONSENT OF ACCUSED—Purpose: To provide that any accused person in other than capital cases, and with the consent of the trial judge, may choose to relinquish his right of trial by jury and consent to be tried by the judge of the court alone, such election to be in writing.

302 Yes. I vote for the amendment.

303 No. I vote against the amendment.

The following is the 25-word voting machine ballot title of the proposed amendment:

AMENDMENT AUTHORIZING CRIMINAL TRIALS WITHOUT JURIES BY CONSENT OF ACCUSED—Purpose: To authorize accused persons except in capital cases to relinquish right of trial by jury by consent of judge, and be tried by judge only.

SENATE JOINT RESOLUTION NO. 4

Be It Resolved by the Senate of the State of Oregon, the House of Representatives jointly concurring:

That section 11 of article I of the constitution of the state of Oregon be and the same hereby is amended so as to read as follows:

ARTICLE I

Section 11. *Rights of Accused in Criminal Prosecution.* In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing.

Be It Further Resolved, That said proposed amendment be submitted to the people for their approval or rejection at the next election held throughout the state of Oregon, whether the same be a general or special election; be it further

Resolved, That the secretary of state of the state of Oregon be and he hereby is authorized and directed to set aside one page in the official pamphlet containing initiative and referendum measures to be voted upon at the next election, whether the same be a general election or special election, in which articles in support of the foregoing amendment may be printed, and that a joint committee consisting of one senator, to be appointed by the president of the senate, and two representatives, to be appointed by the speaker of the house, be appointed to prepare such arguments for publication and file the same with the secretary of state, and one page in which arguments against the foregoing amendment may be printed, which arguments may be furnished by any person interested; provided, that in case more material is offered than can be printed on one page of the pamphlet, the secretary of state shall select the part of such material to be printed.

Filed in the office of the secretary of state February 24, 1931.

For affirmative argument see page 6.

(On Official Ballot, Nos. 302 and 303)

ARGUMENT (Affirmative)

Submitted by the joint committee of the senate and house of representatives, thirty-sixth regular session, legislative assembly, in behalf of the **Amendment Authorizing Criminal Trials Without Juries by Consent of Accused.**

The purpose of this proposed constitutional amendment is to permit the accused in criminal cases, with the consent of the trial judge, to waive trial by jury and be tried by judge alone. This would apply to trial of all crimes excepting capital offenses. Although not expressly required by the wording of the amendment, it is nevertheless thought the consent of the district attorney should be obtained as well as that of the judge before whom the case may be tried.

Under present requirements of the constitution, jury trial is compulsory in criminal cases. There are many cases that may be tried by judge, and without jury, speedily, economically and fully protecting the right of the accused. The requirement that consent of accused and judge must both be obtained, with the suggestion that the approval of the district attorney be secured also in applying the measure, assure its carefully considered and reasonable use.

Similar provisions are effective in many states. Rights of state and accused are fully preserved and the adoption of the amendment should accomplish a substantial saving in the time and expense now incurred in criminal trials. Where adopted its use is general and the percentage of court trials has been large.

It should be kept in mind the right to waive trial by jury, provided herein, applies only to criminal cases and requiring consent of accused and trial judge, cannot be used oppressively.

The undersigned constitute a committee appointed by the President of the Senate and the Speaker of the House to prepare this argument. We strongly recommend the enactment of this measure.

JAMES W. CRAWFORD,
State Senator, Portland, Oregon.

ALLAN A. BYNON,
JOHN MANNING,
State Representatives, Portland, Oregon.

(On Official Ballot, Nos. 304 and 305)

AN AMENDMENT

To section 11 of article XI of the constitution of the state of Oregon, to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932; proposed by the thirty-sixth legislative assembly by house joint resolution No. 9, filed in the office of the secretary of state March 13, 1931.

The following is the form and numerical designation of the proposed amendment as it will be printed on the official ballot:

Constitutional Amendment—Referred to the People by the Legislative Assembly **Vote YES or NO**

SIX PER CENT TAX LIMITATION AMENDMENT—Purpose: To amend the constitution so as to limit the amount of tax that may be levied in any year by the state, or any county, municipality, or district, to not more than the total amount levied in any one year of the three years immediately preceding, plus six per centum thereof, except for the payment of bonded indebtedness and interest thereon, instead of such limitation being based upon the levy for the last year immediately preceding as now provided by the constitution, the same change to be applicable to newly created taxing districts.

304 Yes. I vote for the amendment.

305 No. I vote against the amendment.

The following is the 25-word voting machine ballot title of the proposed amendment:

SIX PER CENT TAX LIMITATION AMENDMENT—Purpose: Constitutional amendment basing the six per cent limitation upon the levy for any of the three years immediately preceding instead of the last preceding year.

HOUSE JOINT RESOLUTION NO. 9

Be It Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring:

That section 11 of article XI of the constitution of the state of Oregon be and the same hereby is amended so as to read as follows:

Sec. 11. Unless specifically authorized by a majority of the legal voters voting upon the question neither the state nor any county, municipality, district or body to which the power to levy a tax shall have been delegated shall in any year so exercise that power as to raise a greater amount of revenue for purposes other than the payment of bonded indebtedness or interest thereon than the total amount levied by it in any one of the three years immediately preceding for purposes other than the payment of bonded indebtedness or interest thereon plus 6 per centum thereof; provided, whenever any new county, municipality or other taxing district shall be created and shall include in whole or in any part property theretofore included in another county, like municipality or other taxing district, no greater amount of taxes shall be levied in the first year by either the old or the new county, municipality or other taxing district upon any property included therein than the amount levied thereon in any one of the three years, immediately preceding, by the county, municipality or district in which it was then included plus 6 per centum thereof; provided further, that the amount of any increase in levy specifically authorized by the legal voters of the state, or of the county, municipality, or other district, shall be excluded in determining the amount of taxes which may be levied in any subsequent year. The prohibition

against the creation of debts by counties prescribed in section 10 of article XI of this constitution shall apply and extend to debts hereafter created in the performance of any duties or obligations imposed upon counties by the constitution or laws of the state, and any indebtedness created by any county in violation of such prohibition and any warrants for or other evidences of any such indebtedness and any part of any levy of taxes made by the state or any county, municipality or other taxing district or body which shall exceed the limitations fixed hereby shall be void, be it further resolved,

That this proposed amendment be submitted to a vote of the people for their adoption or rejection at the next general election to be held in the state of Oregon; and be [it] further resolved,

That the secretary of state of the state of Oregon be and he hereby is directed to set aside two pages in the official pamphlet containing initiative and referendum measures to be voted upon at the next general election in which arguments for the foregoing amendment may be printed and two pages in which arguments against the foregoing amendment may be printed, which arguments may be furnished by any persons interested; provided, that in case more material is offered than can be printed on two pages of the pamphlet, the secretary of state shall select the part of such material to be printed.

Filed in the office of the secretary of state March 13, 1931.

(On Official Ballot, Nos. 306 and 307)

A MEASURE

Defining oleomargarine, and relating to the sale thereof, providing for licensing dealers therein, and imposing an excise tax, fixing the penalty for the violation of the provisions of this act, and appropriating money therefor, filed in the office of the secretary of state March 6, 1931; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, pursuant to referendum petition filed in the office of the secretary of state May 19, 1931, in accordance with the provisions of section 1 of article IV of the constitution of the state of Oregon.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Referred Bill—Referendum Ordered by Petition of the People **Vote YES or NO**

OLEOMARGARINE TAX BILL—Purpose: To levy a tax of 10 cents per pound on all oleomargarine sold in the state of Oregon, also to require the payment of an annual license fee of $5.00 by any person, firm or corporation who shall distribute, sell, or offer for sale oleomargarine in the state of Oregon.

306 Yes. I vote for the proposed law.

307 No. I vote against the proposed law.

The following is the 25-word voting machine ballot title of the proposed measure:

OLEOMARGARINE TAX BILL—Purpose: To levy 10 cents per pound tax on sale of oleomargarine and require $5.00 annual license fee of all who distribute or sell oleomargarine.

OREGON LAWS 1931

Chapter 286

(House Bill No. 294, Thirty-sixth Legislative Assembly)

AN ACT

Defining oleomargarine, and relating to the sale thereof, providing for licensing dealers therein, and imposing an excise tax fixing the penalty for the violation of the provisions of this act and appropriating money therefor.

Be It Enacted by the People of the State of Oregon:

Section 1. (a) The term "oleomargarine" whenever used in this act shall be held and construed to mean and include any compound or compounds of animal or vegetable fats, such as tallow, beef fat, suet, lard, lard oil, suine, lardine, intestinal fat, offal fat, cocoanut oil, palm oil, olive oil, cottonseed oil, peanut oil, corn oil, soybean oil, fish oil, fish fat, vegetable oil, annatto, in compounds with milk, butter or any product of milk or butter either colored or uncolored that does not contain 80 per cent of milk or butter fat and is offered for sale, sold, or used as a substitute for butter.

(b) The term "distributor" whenever used in this act shall be held and construed to mean and include any person, firm or corporation which produces, refines, manufactures or compounds and thereafter sells or offers for sale such oleomargarine as defined in this act in the state of Oregon for use and sale in this state, or imports and sells such oleomargarine in this state except as hereinafter provided.

Section 2. That in addition to the taxes now provided for by law, each and every distributor as defined in this act who is now engaged or who may hereafter engage in his own name or in the name of others or in the name of representatives or agents in this state, in the sale of oleomargarine as herein defined shall, not later than the 15th day of each calendar month, render a sworn statement to the dairy and food commissioner of the state of Oregon, of all such oleomargarine sold by him or them, in the state of Oregon, during the preceding calendar month, and pay an excise tax of 10 cents per pound, on all oleomargarine so sold as shown by such statement, which statement shall be sworn to by one of the principal officers, in case of

a domestic corporation, by the resident general manager or attorney in fact, in case of a foreign corporation, by the managing agent or owner in case of a firm or association. Such statement shall be upon forms furnished by the commissioner and shall show the number of pounds sold and such other information as may be required by the commissioner.

Section 3. It shall be unlawful for any person, firm, or corporation to distribute, barter, sell, offer for sale, or offer for barter, oleomargarine as defined in section 1 of this act, in the state of Oregon, without first having obtained a permit therefor, from the dairy and food commissioner. Said permit shall be in force and effect from the date of issuance thereof until the first day of July following. Each permit shall be numbered and shall show the residence and place of business of the permit holder, and is not transferable. Such permit may be revoked for cause after a reasonable notice and hearing for violating any provisions of this act, and no other permit can be issued to such person, firm, or corporation within the period of three (3) years after revocation of such permit. No permit shall be issued until the applicant shall have paid to the dairy and food commissioner an annual fee for such permit of $5 per year. All fees for permits collected by the dairy and food commissioner pursuant to the provisions of this act, shall be paid at the end of each calendar month, to the state treasurer who shall place same in the general fund of the state of Oregon. All such funds so received and paid to the state treasurer, or so much thereof as may be necessary, shall be available and constitute a continuing appropriation from the general fund for the payment of the necessary expenses incurred by the dairy and food commissioner of the state in the administration of this act.

Section 4. All distributors of oleomargarine in the state of Oregon shall file a duly acknowledged certificate with the dairy and food commissioner on forms prescribed, prepared and furnished by him, which shall contain the name under which such distributor is transacting business within the state of Oregon. Such certificate shall state the place or places of business and location of distributing stations of the distributor in the state of Oregon, the name and address of the manufacturing agent, the names and addresses of the several persons constituting the firm or partnership, and if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general manager and attorney in fact. If such distributor is an association of persons, firm, partnership, or corporation, organized under the laws of any state, territory, or nation, if it has not already done so, it must first comply with the laws of the state of Oregon relating to the transaction of its appropriate business therein. No distributor as herein defined shall, after the law goes into effect, sell any oleomargarine until such certificate is furnished as required by this act.

Section 5. Such distributor shall, with each shipment or sale to any dealer, render an invoice thereof, one copy of which shall be delivered to the dealer and by him kept on file, and one copy thereof shall be kept on file by the distributor. Such invoices shall contain a statement printed thereon in a conspicuous place to the effect that the distributor of such oleomargarine has assumed the liability to the state for the excise tax upon the products covered by such invoice and that he, it or they will pay such excise tax on or before the 15th day of the following month. Said excise tax shall be paid on or before the fifteenth day of each month to the dairy and food commissioner of the state of Oregon who shall receipt the distributor therefor and remit the same to the state treasurer, to become a part of the general fund of the state of Oregon.

Section 6. Every distributor of such oleomargarine shall keep a record on such forms as may be prescribed by the dairy and food commissioner of all purchases, receipts, sales, and distribution of such oleomargarine and such record shall at all times during the business hours of the day, be open to inspection and examination by the dairy and food commissioner, or his deputies or such other officers as may be provided by law.

Section 7. All oleomargarine sold in containers, packages, or cases, shall bear a sticker tag showing the date of invoice upon which the same was delivered, the name of the distributor of such oleomargarine, and shall contain in a statement that the liability for the excise tax thereon has been assumed by such distributor.

Section 8. It shall be unlawful for any person, firm or corporation dealing in oleomargarine to receive or accept any delivery or sum of oleomargarine from any distributor, or to pay for the same or to sell or offer the same for sale unless the statement provided for in section 7 appears upon the container and upon all invoices for such oleomargarine. If any shipment of oleomargarine is received by any person, firm or corporation from any distributor, or is sold or offered for sale by him or them upon which the requirements of sections 5 and 7 of this act are not complied with, such person, firm or corporation shall upon conviction thereof, be fined not less than $25 and not more than $1,000, provided, that the provisions of this section shall not apply to the receipt or sale of oleomargarine which are exempt from state tax under the constitution and laws of the United States.

Section 9. The dairy and food commissioner shall have the power and it shall

be his duty from time to time, to adopt, publish and enforce rules and regulations not inconsistent herewith for the purpose of carrying out the provisions of this act.

Section 10. Said excise tax shall not be imposed on oleomargarine when sold for exportation from the state of Oregon to any other state, territory or nation; provided, however, that the distributor or export agent shall make a statement each month to the dairy and food commissioner showing the amount of oleomargarine exported.

Section 11. If any person shall receive such oleomargarine in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the constitution and laws of the United States, and shall thereafter sell such oleomargarine in such manner and under such circumstances as may subject such sale to the taxing power of the state, such person shall be considered a distributor and shall make the same report, pay the same taxes and be subject to all the other provisions of this act relating to distributors of oleomargarine.

Section 12. All dealers having oleomargarine in their possession upon the taking effect of this act, shall send a sworn statement to the dairy and food commissioner of the number of pounds of oleomargarine in their possession for sale and shall remit to said dairy and food commissioner the sum of 10 cents per pound as an excise tax thereon.

Section 13. Nothing in this act contained shall be construed to require the payment of the excise tax herein provided for or the doing of any acts which will constitute an unlawful burden upon the sale or distribution of oleomargarine as herein defined in violation of the constitution and the laws of the United States.

Section 14. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of the act.

Filed in the office of the secretary of state March 6, 1931.

For negative argument see page 12.

(On Official Ballot, Nos. 306 and 307)

ARGUMENT (Negative)

Submitted by the Anti-Food Tax League, opposing the Oleomargarine Tax Bill.

REFERENDUM MEASURE NUMBERS 306 AND 307 IS A FOOD TAX

The way will be paved for other food taxes if it is not defeated.

Business recovery is delayed by the crushing burden of present taxes, national, state and city. It is wrong and unjust to tax foods. Protect your table and kill the Oleomargarine tax.

VOTE 307 X NO

This is not a measure to prevent fraud or to control an otherwise unregulated business. It is a high tax measure, the intent of which is to prohibit you from buying, on the open market, a valuable, nourishing food product. It is a measure intended to prohibit the manufacture and sale, in Oregon alone, of a food product which already is fully regulated in its manufacture by the federal government, and which is admitted to be healthful, nutritious and pure.

It is a measure to tax out of existence, for the benefit of the dairy interests in Oregon, a business which contributes annually tens of thousands of dollars in taxes to the federal government, and which supplies a wholesome food and one of economic importance to thousands of families in this state.

THIS MEASURE, IF SUSTAINED, WOULD INCREASE THE COST OF LIVING TO THOUSANDS OF OREGONIANS.

VOTE 307 X NO

The measure is a tax of 10 cents a pound on oleomargarine, with an additional license tax of $5 a year on every retailer who sells it. Thus the measure is not only a prohibitive tax on consumers who would buy oleomargarine for their table, but it is a double tax on the storekeeper who already pays the federal government a license fee of $6 a year for the privilege of dealing in oleomargarine.

It would eliminate competition for dairy products, thereby putting the dairy interests in a position of monopolistic control. They say to you that you must buy what they have to sell, but you may not buy—more cheaply—what others have to sell.

MARGARINE IS PURE, WHOLESOME. NO HEALTH QUESTION INVOLVED.

Margarine is not sold under false pretenses. It complies with all federal pure food laws, and with all state regulations. It is Guaranteed pure and wholesome. No other food product is so well safeguarded by government regulations.

The United States Department of Agriculture in bulletins 310, 469, 505 and 613 endorses margarine for its purity and health giving qualities and states specifically that it is more digestible than butter. Moreover, many of the most eminent food scientists have certified to the high food value and digestibility of oleomargarine.

The real issue involves only the right of a legitimate industry to compete, with its products, in an open market and the right of the people to buy a wholesome food. A 10-cent-a-pound tax would eliminate margarine from the market, thereby destroying the industry and depriving the people of their right.

VOTE 307 X NO

Referendum Measure Numbers 306 and 307 should be defeated. The most important reason of all why you should vote it down is that it sets a dangerous precedent. IT IS A TAX ON FOOD.

The people of Oregon have twice before defeated similar proposals. Defeat it again! VOTE 307 X NO ON OLEOMARGARINE REFERENDUM MEASURE.

ANTI-FOOD TAX LEAGUE.
MRS. ALEXANDER THOMPSON,
President.

(On Official Ballot, Nos. 308 and 309)

A MEASURE

To amend section 40-444, Oregon Code 1930, section 40-457, Oregon Code 1930, section 40-458, Oregon Code 1930, section 40-460, Oregon Code 1930, section 40-461, Oregon Code 1930 and section 40-462, Oregon Code 1930; and to repeal sections 40-445, 40-446, 40-447, 40-448, 40-449, 40-450, 40-451, 40-452, 40-453 and 40-454, Oregon Code 1930, and all other acts or parts of acts in conflict herewith, filed in the office of the secretary of state February 14, 1931; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, pursuant to referendum petition filed in the office of the secretary of state June 3, 1931, in accordance with the provisions of section 1 of article IV of the constitution of the state of Oregon.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Referred Bill—Referendum Ordered by Petition of the People **Vote YES or NO**

A BILL PROHIBITING COMMERCIAL FISHING ON THE ROGUE RIVER—Purpose: To close the Rogue river to commercial fishing; to prohibit fishing for any kind of fish in Rogue river, its tributaries, or within a radius of three miles from the center of its mouth in any manner except with rod or line held in the hand and by hook or hooks baited with natural or artificial bait or lure; providing for confiscation of all other fishing gear used unlawfully; forbidding the sale, barter, or exchange, or possession or transportation outside of Josephine, Jackson and Curry counties for such purpose, of any fish taken from such waters; and providing penalties.

308 Yes. I vote for the proposed law.

309 No. I vote against the proposed law.

The following is the 25-word voting machine ballot title of the proposed measure:

A BILL PROHIBITING COMMERCIAL FISHING ON THE ROGUE RIVER—Purpose: Closing Rogue river and tributaries, and within three miles of the center of its mouth, to commercial fishing, and prohibiting the sale of fish therefrom.

OREGON LAWS 1931

Chapter 35

(Senate Bill No. 1, Thirty-sixth Legislative Assembly)

AN ACT

To amend section 40-444, Oregon Code 1930, section 40-457, Oregon Code 1930, section 40-458, Oregon Code 1930, section 40-460, Oregon Code 1930, section 40-461, Oregon Code 1930, and section 40-462, Oregon Code 1930; and to repeal sections 40-445, 40-446, 40-447, 40-448, 40-449, 40-450, 40-451, 40-452, 40-453 and 40-454, Oregon Code 1930, and all other acts or parts of acts in conflict herewith.

Be It Enacted by the People of the State of Oregon:

Section 1. That section 40-444, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-444. It shall be unlawful for any person to take or attempt to take fish of any kind from, or to fish in the waters of Rogue river or any of its tributaries, or within a radius of three miles from the center of the mouth of Rogue river, in any manner except with a rod or a line held in the hand and by hook or hooks baited with natural or artificial bait or lure; provided, that the state of Oregon or the United States may other-

wise remove fish from said stream and its tributaries for purposes of propagation.

Section 2. That section 40-457, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-457. It hereby is the especial duty of the game commission of the state of Oregon, and of the game wardens of the state of Oregon, and of every duly authorized representative of said game commission, and of every sheriff or other peace officer, to seize upon, take and confiscate all boats, nets, traps, fishing devices, fishing apparatus or instruments, of any and every kind, nature, character and description found in or on the waters of Rogue river, or any of its tributaries, or within a radius of three miles from the mouth of the river, being used, or which have been or may be used to take or attempt to take any fish from, or for fishing in, any of said waters, and the use of which is declared unlawful by section 40-444, Oregon Code 1930, as amended by section 1 of this act.

Section 3. That section 40-458, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-458. All boats, traps, nets, seines, or other fishing devices, fishing apparatus or instruments used, or which may be used in violation of the provisions of section 40-444, Oregon Code 1930, as amended by section 1 of this act, operated or maintained or used or found in any of the waters of Rogue river or any tributary thereof, or in any waters adjacent to the mouth of said river within a radius of three miles from the center of said mouth, hereby are declared a public nuisance and shall be forfeited or disposed of or destroyed under the direction of the state game commission.

Section 4. That section 40-460, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-460. Circuit courts of the state of Oregon shall have jurisdiction over all cases of violation of the provisions of this act.

Section 5. That section 40-461, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-461. It shall be unlawful for any person, firm or corporation anywhere in the state of Oregon to sell or offer for sale, barter or exchange, or to have in possession for the purpose of sale, barter or exchange, or to ship or cause to be carried or transported beyond the boundaries of Josephine, Jackson and Curry counties in the state of Oregon, for sale, barter or exchange, any fish of any kind or character whatsoever, caught or taken from the waters of the Rogue river, or its tributaries in any manner or by any device at any time.

Section 6. That section 40-462, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 40-462. Any person, firm or corporation violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment; and the second or subsequent conviction for violating any provision of this act shall be punished by imprisonment in the county jail not less than 30 days nor more than six months, and by such fine; and all officers, servants, agents or employes of any firm or corporation who take part whatsoever in any violation of this act, and who either cause or assist in any way whatsoever such corporation to violate this act, shall be guilty under its provisions; and in addition to the penalty herein provided, any circuit court having jurisdiction may revoke and cancel any fishing license held by the violator and prohibit the issuance of another such license for not more than one year.

Section 7. That sections 40-445, 40-446, 40-447, 40-448, 40-449, 40-450, 40-451, 40-452, 40-453 and 40-454, Oregon Code 1930, and all other acts or parts of acts in conflict herewith be, and the same hereby are repealed.

Filed in the office of the secretary of state February 14, 1931.

For affirmative argument see pages 15, 16.

For negative arguments see pages 17-19, 20, 21.

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

Submitted by Grants Pass Chamber of Commerce, Ashland Chamber of Commerce, and Medford Chamber of Commerce, in behalf of **A Bill Prohibiting Commercial Fishing on the Rogue River.**

Closing Rogue river to commercial fishing has been publicly endorsed by Ex-Governor Patterson, Ex-Governor Norblad and Governor Julius L. Meier. This measure has been approved and enacted into a law by the State Legislature. The State Game Commission has unanimously endorsed this legislation and no body of men in the state is better posted on the need for conservation measures than our Game Commission. Prominent business men of Gold Beach at the mouth of the Rogue, where commercial fishing is now carried on, are supporting the passage of the measure and well known professional and business men from all over the entire state are lending their active support.

One of the greatest sources of income to the residents of Southern Oregon is the tourist business and there is no surer attraction for tourists than good fishing. Of all this section, the Rogue River interests more anglers than any other stream because of its wide reputation for salmon and steelhead fishing. During the years when the Rogue earned this reputation, it was justly deserved but in recent years fishing has become so poor that many visitors are unable to catch even one fish.

The fish conservationists of Southern Oregon with the true interests of Rogue river and the State of Oregon at heart, have spent years in investigation and observation of the conditions responsible for the depletion of the fish supply and, after mature deliberation, are unanimous in the opinion that commercial fishing must cease in the Rogue if the supply of fish is to be maintained.

The net season in the Rogue opens on May 15 and closes on October 1 without any closed period in between and this time includes the entire tourist season. Twelve miles of river are open to commercial fishing and the river is so small and the nets are so destructive, that nearly all the fish are caught by the first gauntlet of nets and the few fish that escape this barrier are caught in nets further up the river within the 12-mile limit. During the tourist season, very few fish indeed live to reach the 150 miles of river above the area open to commercial fishing.

On the upper river we are liberating from four to five million fingerling fish each year, but of what avail is even this large restocking program if the bulk of these fish are netted before they can return to populate the stream of their birth?

Competent state and federal fish authorities have advised us that commercial fishing in the Rogue will soon cease of its own accord due to a complete lack of fish but, were we to wait for this situation to come about, no seed fish would be left for natural and artificial propagation. Judging from experiences on Eastern rivers, it is well nigh impossible to bring back the fish in a stream once it is entirely depleted.

Twenty years ago the commercial pack of fish on Rogue river was 20,000 cases yearly, while in recent seasons, it has dwindled to 3,500 cases yearly. Formerly there were over a hundred boats engaged in commercial fishing on the Rogue and last year only 25 boats were so engaged. Under the best of conditions, netters made only a living, while under recent conditions they cannot make tobacco money. For years three fish canneries operated on the Rogue but during recent seasons only one cannery packed fish, working scarcely more than one day a week. Once the poundage fees from the Rogue river pack were a source of income to the State Fish Commission to be used for warden service and propagation. Now the fees are not sufficient to employ even one warden. In good years the netter received 10 cents per pound for his fish. This year he is getting 4 cents a pound. As this is written last year's pack of Rogue river fish is not yet sold and the market outlook for this year is discouraging.

It is small wonder that experienced fish authorities foresee the doom of commercial fishing on the Rogue.

At the present price of fish, an average net caught salmon brings in 80 cents, while for every salmon the tourist catches, he leaves at least $10 in the community. The tourist patronizes hotels and campgrounds, hires boats and boatmen, buys tackle and merchandise, purchases food supplies from farmers and every resident in the community directly benefits from the outside cash money which the tourist places in circulation. In addition many people who come here as tourists, like the country so well that they purchase land, build homes, pay taxes and have become part-time or full-time residents.

The present run of fish, too small to be of any commercial value, would still furnish satisfactory fishing for residents and tourists, as they fish with hook and line under a limit of three salmon a day and are content with one or two fish. The netter fishes without limit and is not content until he has taken all the available fish. That is the reason that hook and line fishing does not materially decrease the supply, while net fishing, if allowed to continue, will account for the last fish in the stream.

A few dyed-in-the-wool commercial fishermen still cling to the idea that large runs of fish will return to the Rogue in spite of all the evidence to the contrary. The buffalo did not come back, the antelope did not come back, the pidgeon did not come back and the runs of fish did not come back in the entirely depleted streams of the Eastern coast.

In Alaska where millions of cases of salmon are packed the U. S. Bureau of Fisheries was forced to eject all the nets from the streams and cause the netting to be done in the bays and inlets. The streams are the spawning grounds for the salmon and it soon became apparent that if nets were allowed in the stream itself, insufficient fish would escape the nets for propagation. If the large streams of Alaska will not stand net fishing, we cannot expect a small, over-fished stream like the Rogue to stand it.

The fish that come into Rogue river from the sea are a heritage of all the people and not solely the property of a few privileged interests. If the residents along Rogue river could catch some of these fish, every home would be a potential home cannery.

The only cannery now in operation on the Rogue was purchased when the Rogue river was closed to commercial fishing more than 20 years ago, and, through the influence of the present owners, the Legislature was prevailed upon to open the river to net fishing in 1913. The last Legislature in 1931, after hearing all the arguments pro and con, passed a bill prohibiting commercial fishing in Rogue river but the commercial interests invoked the referendum against the bill and succeeded in having it placed upon the ballot to be voted on at the coming election in November, thus holding in abeyance the action of the Legislature.

If commercial fishing on the Rogue were a paying business, the canneries would not have shut down, the boatmen would not have discontinued netting and the poundage fees, which are a direct check on the fish pack, would not have fallen to an insignificant figure. The Legislature had access to all these facts and the need for closing the Rogue to commercial fishing was so apparent that the closing bill passed both Houses by a large majority.

The two principal fishing license agencies in Grants Pass report their non-resident fishing license sales to be greater than their resident license sales last year. With the Pacific Highway reaching the Upper Rogue and the Coast Highway feeding the Lower River, it is evident that thousands and thousands of tourists can be attracted by well advertised stream fishing, but in order to get them to return year after year, it is necessary that they catch at least a few fish. To reach this end, we are spending thousands of dollars in conservation work. Our irrigation ditches are screened, our fish ladders are kept in proper operation and both State and Federal hatcheries are releasing great numbers of young fish, shipping the eggs in from other sections when the local supply is short.

We believe that the residents of the entire Rogue River valley will be directly benefited by the elimination of the nets from Rogue river, making it a recreational stream with great tourist possibilities. We believe that the whole State of Oregon will be benefited by the outside money that the tourists place in circulation. We believe that the few remaining commercial fishermen on the Rogue, acting as guides and boatmen for tourists, will make more money in a day than they do in a week from net fishing. In fact their more far-sighted brethren are already building up a lucrative business in guiding. We believe that the Macleay Estate Co., owners of a large acreage of river frontage near Gold Beach, will benefit through the sale of their holdings just as owners of land on the Upper River have benefited from sales of fishing locations.

Therefore we ask the voters to choose between the doomed and dying commercial fish business on the Rogue and the growing tourist business with its unlimited returns.

Sustain the action of the last Legislature.

Vote 308 Yes, I am in favor of prohibiting commercial fishing on Rogue river.

GRANTS PASS CHAMBER OF COMMERCE,
By H. L. WILSON, Vice President.
J. R. HARVEY, Secretary.

ASHLAND CHAMBER OF COMMERCE,
By B. G. BARKWILL, President,
R. E. DETRICK, Secretary.

MEDFORD CHAMBER OF COMMERCE,
By W. S. BOLGER, President,
C. T. BAKER, Secretary.

(On Official Ballot, Nos. 308 and 309)

ARGUMENT (Negative)

Submitted by Commercial Fisheries Association of Oregon and Rogue River Fishermen's Union, opposing A Bill Prohibiting Commercial Fishing on the Rogue River.

This bill prohibits all commercial fishing in Rogue river. It would destroy completely the commercial fishing and salmon canning industry on the lower Rogue river.

Chinook salmon have been fished and canned on the lower Rogue for 53 years. The industry on the Rogue alone has created three million dollars of new wealth for Oregon. In the state at large commercial fishing is the third largest industry.

At the time this is written, July 15, 1932, 120 men are earning their livelihoods in net fishing on the lower Rogue and 50 additional persons are employed at cannery labor, transportation and other jobs directly related to salmon fishing and canning. Most of these people own their own homes in the vicinity of Gold Beach and Wedderburn, cannot readily move and have nothing else to turn to if they are deprived of their livelihoods by enactment of this measure.

Enactment of this measure would deal a body blow to Curry County and to the towns on the lower Rogue. Investments in fishermen's homes and fishing gear, investments in cannery plants and equipment, investments in enterprises dependent upon the fishing industry and upon the patronage of fishermen and cannery laborers, all would be wiped out wholly or largely.

The closing of Rogue river to commercial fishing was submitted to the voters of Oregon at the last general election. The mandate of the voters was that the industry should not be destroyed. At that election the people of the lower Rogue river voted nine to one against the closing. In Coos county, which adjoins Curry, the vote was more than three to one against closing. Coos county is not directly affected because Rogue river nowhere touches that county but its people are close enough to the area of commercial fishing to know the facts and to exercise intelligent voting judgment.

The 1931 legislature, in the face of the expressed will of the voters, had the effrontery to enact a closing bill. Enactment of this bill was procured by most outrageous log-rolling and trading, widely publicized and condemned by the press of the state at the time.

Three species of salmon enter the Rogue. These are Steelheads and Chinook and Silverside salmon. Catching Steelheads or using them commercially is prohibited by law. No Steelheads are canned on the Rogue and practically no Silverside salmon. The bill you are voting on has nothing to do with Steelheads. The sportsmen now have all of the Steelheads and practically all of the Silverside salmon. The law prohibits using in the Rogue a net of smaller mesh than eight and one-half inches. Steelheads go through such nets like mosquitoes through poultry netting. Practically all the Silverside salmon also go through. The reputation of the Rogue for angling rests upon its Steelhead fishing. The anglers have all of the Steelheads under existing laws.

Net fishing is allowed in the Rogue for a distance of only 12 miles and this for only 4½ months out of the 12. The mouth of the river is closed to nets and all of the upper river is also closed. The angler has all of the Steelheads at all times and places, he has the exclusive first chance at all the Chinooks and Silversides at all times at the mouth of the river, and the exclusive last chance at all of these on the upper river; and he has the same right and chance as the commercial fisherman to the Chinooks and Silversides in the limited area of the river which is open for a limited time to the commercial fishermen.

The commercial fishermen pay heavy license fees and poundage taxes for propagating salmon and patrolling the river. These assessments for the first two months of the current season amount to more than two thousand dollars.

Commercial fishing as conducted on the Rogue does not interfere with sport fishing. People who take the trouble to ascertain the facts know this. Curry county wants the tourist's trade and the tourist's dollar. Destroying the commercial fishing industry on the Rogue will put 200 persons and their dependents on the breadline but it will not increase the volume of tourist trade or the number of dollars derived from it. There are plenty of fish for both the touring angler and the commercial fishermen. The anglers have all the Steelheads, practically all of the Silversides, and all the Chinooks they can catch. The commercial industry should have the surplus of the harvest of Chinook salmon. Otherwise they go to waste.

The entire argument of the advocates of the closing of Rogue river is built upon the claim that the salmon are almost exterminated in Rogue river and that the commercial fishing industry on the Rogue is "doomed and dying." These claims are not true. The commercial fishermen have a greater stake in the perpetuation of the supply of Chinook salmon than has any angler. It is his primary concern. The commercial life of our communities largely depends upon it. Furthermore, we

would not, in depression times, pay out our needed dollars to defend against unjust and unfair attack a "doomed and dying business."

The fact is that the run of salmon on the Rogue is very markedly increasing after a cycle of poor years. Salmon run in cycles of good and poor years. No one certainly knows why. These cycles have recurred at somewhat regular intervals for more than 50 years. Salmon were first canned on the Rogue by R. D. Hume in 1877 and they have been canned each year since with the exception of the years 1911 and 1912.

In 1877, the first year of cannery operation on the Rogue, Mr. Hume was able to get sufficient salmon for only 3,200 cases, equivalent to about 210,000 pounds of salmon. The run of salmon increased thereafter but fluctuated year by year. Beginning with the year 1900 complete figures for the annual catch of Chinook salmon are available. They are as follows:

Year	Pounds	Year	Pounds
1900	211,602	1917	1,107,200
1901	251,320	1918	914,858
1902	477,372	1919	849,311
1903	817,139	1920	906,172
1904	1,075,630	1921	1,117,368
1905	1,248,290	1922	932,411
1906	1,173,190	1923	965,281
1907	519,490	1924	1,273,418
1908	430,420	1925	1,530,002
1909	319,260	1926	1,094,513
1910	704,472	1927	670,810
1913	354,480	1928	220,180
1914	599,680	1929	212,296
1915	993,600	1930	194,269
1916	1,216,314	*1931	263,301

*1931 incomplete, September figures missing.

Figures are also available for the first two months of the current season, that is, from May 15th to July 15th of the year 1932. During this period the commercial catch of Chinook salmon on the lower Rogue is 335,639 pounds. In other words, during the current season the catch in less than half of the season has been greater than the entire catch of any one of the preceding four seasons.

In order to afford a comparison, the following tabulation states in pounds the catch from the opening of the season on May 15th to July 1st of each year from and including 1926: 1926, 191,712; 1927, 171,902; 1928, 90.002; 1929, 56.513; 1930, 42,056; 1931, 119.331; 1932, 250.671.

The advocates of this closing bill, if they read the newspapers, know that fish are as plentiful on the Upper Rogue as they are on the lower river. From newspapers published on the upper Rogue river we quote the following extracts:

Medford Daily News, April 24, 1932—"More salmon are coming up Rogue river this year than for any season for many years, according to Roy Parr, game warden, who was making a survey of the river yesterday. Parr said the river was literally filled with salmon, steelheads and cutthroats, and better fishing was assured for the coming summer than for many years.

"Fish ladders at Savage Rapids were opened up last week, Parr said, and the fish wasted no time in starting for the upper river.

"Catches below Savage Rapids have been better this year than previously, with as many as 30 fish being caught in one day, but catches below there have been even better, Parr said."

Medford Daily News, May 18, 1932—"More than 100 Rogue River valley sportsmen journeyed to the Savage Rapids dam yesterday in a caravan to inspect the conditions of the fish ladders there, and to determine, in their own minds, why the salmon are not coming over the dam as they should.

"For perhaps a mile below the dam the salmon are so thick in the river that they pile, one upon the other, and where the water is shallow they can be seen swarming, in a silver horde, seeking some way over the dam. An occasional fish finds its way up over the ladder and into the water above, but at the rate they were going over yesterday it is estimated that it would take about 20 years for those now below the dam to get over."

Medford Daily News, July 15, 1932—"Coming as a surprise after many long years of lean fishing, Rogue river has more fish in it this year than in any year for the past 25 years according to every old fisherman, fish and game official and sportsman who visits the river. Every hole is alive with jumping and leaping Steelhead and salmon, and the greatest catches in years have been reported. Since lower water has started letting the fish over Savage Rapids dam they have been appearing in the upper river in hordes, fishermen say, and large catches are reported every day."

We believe most of the voters of Oregon are fairminded, once they have the facts. We want you to have the facts. The facts are not accurately stated in the argument presented by the advocates of this bill. We protest and will continue to protest against the flagrant misrepresentations made to the voters of Oregon by the proponents of this bill.

We quote from the argument submitted by them for publication in the official voter's pamphlet a few of the many false statements it contains:

1. "During the tourist season, very few fish indeed live to reach the 150 miles of river above the area open to commercial fishing." Actually, the upper river is teeming with salmon. See the quotations above from the Medford newspaper.

2. "On the upper river we are liberating from four to five million fingerling fish each year." The Chinook salmon liberated in the Rogue have been propagated and liberated by the State Fish Commis-

sion with money contributed by commercial fisherman, and by the United States Bureau of Fisheries using for the purpose a hatchery owned and equipped by the cannery interests.

3. "Competent state and federal fish authorities have advised us that commercial fishing in the Rogue will soon cease of its own accord due to lack of fish." Unfortunately, the competent authorities are not identified. The State Fish Commission of Oregon is the foremost authority in Oregon. It takes the opposite view most emphatically.

4. "Twenty years ago the commercial pack of fish on Rogue river was 20,000 cases yearly, while in recent seasons, it has dwindled to 3,500 cases yearly." The pack in less than half of the 1932 season is more than 11,000 cases.

5. "Formerly there were over a hundred boats engaged in commercial fishing on the Rogue and last year only 25 boats were so engaged." Last year, by the official records of the State Fish Commission, more than double that number of boats were engaged in commercial fishing on the Rogue. Two men make up a boat's crew. This year more than 120 men are fishing commercially on the Rogue.

6. "Under the best of conditions, netters have made only a living, while under recent conditions they cannot make tobacco money." Under the best of conditions many netters have paid for homes, for college educations for themselves or their children, and for many luxuries of life. Under present conditions, they are making a living and contributing something to the living of less fortunate individuals. Fish prices are low at present, but in this they are not the exception. Farm products and numerous other commodities are at give-away levels.

7. "For many years three fish canneries operated on the Rogue but during recent seasons only one cannery packed fish, working scarcely more than one day a week." For part of one year only did three canneries operate on the Rogue. Only for a very few years did two canneries operate. Consolidation of operations in one cannery makes for economy and efficiency. The cannery has operated every day this season, Sundays included, except one Sunday. Fish held a week would be utterly unfit for canning.

8. "Now the fees (referring to poundage tax paid by the commercial fishermen) are not sufficient to employ even one warden." So far this season the fees of the commercial fishermen amount to $1,000 per month on the Rogue.

9. "As this is written last year's pack of Rogue river fish is not yet sold and the market outlook for this year is discouraging." The greater part of the 1931 pack was sold by January 1st and the remainder before the opening of the current season. Rogue river canned salmon has an ancient and deserved reputation for superiority. It is known all over the United States as an Oregon product of supreme quality. Despite depression prices it will sell as it always has and will bring into Oregon thousands of outside dollars.

Space does not permit us to go through the entire argument of our opponents. We invite them to face the facts and to relate them accurately in order that the people of Oregon may not be misled.

The living of more than four hundred citizens of Oregon, the existence of an industry which has flourished for more than a half century, the reputation of Oregon as a state fair to its industries, a harvest of most delicious and wholesome food products,—all these are at stake in the vote upon this measure.

We appeal to the voters of Oregon to Vote 309 No. Support Oregon's industries and keep Oregon citizens at work.

COMMERCIAL FISHERIES
ASSOCIATION OF OREGON,
By CLYDE CHASE, Secretary.

ROGUE RIVER FISHERMEN'S UNION,
By I. W. SMITH, President,
W. H. HOSKINS, Secretary.

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

Submitted by the Lower Rogue Grange, opposing A Bill Prohibiting Commercial Fishing on the Rogue River.

Oregon is the last place in the world where it should be necessary to protect the right of the producer of food to security in his vocation. It is natural to think that the Oregon legislature would be foremost in maintaining that right. The electors in 1930 decided that they wanted the rights of the gill-net fishermen of Rogue river maintained, but the electors got a slap in the face from the legislature. To the astonishment of the whole state the legislature presumed to override the expressed mandate of the voters and passed an act closing Rogue river. The enactment of this bill was accomplished only by unparalleled and nefarious trading on the part of the proponents of the bill.

The bill was referred and its operation suspended at the cost of the net fishermen, most of whom combine farming with fishing, and many of whom are Grange members. It has meant a great sacrifice for these workingmen of small means to have to fight the propaganda carried on by the unlimited funds supplied by the Play Boys of wealth and luxury from this and other states.

The propagandists who are tapping the rich members of sportsmen's organizations failed to sew up the river by a constitutional amendment. They then started to pull strings and the marionettes of Salem danced to their tune. We gummed up their puppet show by a petition for a referendum. Once more we are forced to appeal to our brothers. We ask every fairminded voter, every elector who works for a living, and especially every Granger, to help us to teach the legislature that definite limits must be set to the presumption of elected persons. Let us give a 309 NO majority of such proportions that the mandate of the people will never again be reversed within a few months of its expression.

Commercial fishermen welcome sportsmen to the lower Rogue because they know that angling and gill-netting are complementary, not antagonistic. The splendid sport fishing of 1931 proved this to be so—anglers from all over the United States were elated with their success and their enjoyment of the glorious combination of fine fishing, cool climate and lovely scenery in this district; and net fishing was going on all the time.

Events of the 1932 season have disproven the wild assertions of our opponents. They claimed that the river was fished out, but at this date (July) an enormous run of Chinook salmon is in progress and promises to break all records. Even at the depression price of three or four cents per pound catches are so good that our members will make enough to keep themselves comfortably through the winter, and we have offered donations of fish, canned or fresh, for the relief of the unemployed in other counties.

This is the industry that designing people are trying to take away from us. For what? For something that they already have and that we are fostering as much as our short-sighted opponents in and out of the legislature will allow—the industry of catering to the requirements of anglers. Anglers need the knowledge and skill of gill-netters as boatmen, and some of them have thereby been saved from death by drowning at the mouth of the river.

Why should our Chinook salmon go to waste, as most of the Silverside run of September and October now goes to waste, by the operation of fool laws? The Chinook salmon eats nothing after it enters the river, and so the supply of this superb food and game fish could be immensely expanded if only its cultivation were taken out of the hands of politicians and misguided sportsmen. Even now the supply is ten times bigger than the requirements of sport fishing can possibly be for many years to come.

It should not be forgotten that this bountiful run of Chinook salmon in Rogue river is entirely the creation of the canning industry. It is a matter of historical record that when the first cannery was built 55 years ago in the days of "perfect natural conditions" only enough fish could be caught for 3,197 cases. Hatcheries, supported by the "poundage" tax of commercial fishermen, have built up the run that sportsmen enjoy. These same sportsmen now ask us to get off the river which is the same as asking us to get off the earth.

About three centuries ago the Lord Mayor of London said with deadly irony to a Stuart king who threatened to cancel the charter of the city: "So it please your majesty—if you will but leave us the Thames."

We ask the voters to leave us the Rogue and we will make the most of it for Oregon, for the "sports" and for ourselves.

Vote 309 NO and protect the living of 500 people!

LOWER ROGUE GRANGE,
By JOHN REINERT, Master,
A. B HARRISON, Secretary.
H. EDWARDS,
A. S. CHRISTENSEN,
E. L. BOYD,
Executive Committee.

Endorsed by Coos and Curry Pomona Grange, by C. O. KING, Master; GEO. E. HAMPTON, Secretary; HENRY GUSTAFSON, F. E. SOUTHMAYD, and J. S. CAPPS, Executive Committee.

(On Official Ballot, Nos. 308 and 309)

ARGUMENT (Negative)

Submitted by Oregon State Federation of Labor, opposing **A Bill Prohibiting Commercial Fishing on the Rogue River.**

Vote "No" on the Rogue River Fish Bill and save an industry to the state and the jobs of many workers.

Adoption of the Rogue River Fish bill would take away the employment of several hundred residents of Curry county and would destroy an industry that annually brings many thousands of dollars to the state. Under no circumstances would such a step be justified, but in the present circumstance, with business at a low ebb and with thousands unemployed, such an eventuality is unthinkable.

This is the only industry in the county, excepting farming. The commercial and financial situation in Curry county is now deplorable. Should the voters of the state use their ballots to make it worse?

But there is more in this issue than merely its effect on one district of the state. The principle involved is whether the resources of the state shall be for the use and welfare of all the people or shall be held for only a few who want them as a plaything, and in order to make their leisure more delightful would take from other citizens the opportunity to live.

Leaving the stream open to both commercial fishing and for sportsmen is fair to all. It robs neither group of its rights. It would be just as reasonable for the commercial fishermen to ask that the stream be closed to sportsmen as for the sportsmen to demand that the commercial fisherman be barred.

Commercial fishermen, who toil with the gear and nets, are part of the production labor of Oregon. In common with farmers, loggers and other industrial workers, the fishermen produce the commodities upon the sale of which Oregon depends. The fish that the workers catch are as much a food product as the wheat and vegetables and fruit that are grown in Oregon soil by the farmers of the state. Legislating against a group of workers in favor of a class that can afford luxurious leisure is rank discrimination. At this particular time it would be a blow that would increase unemployment and further intensify human suffering. With the state facing a momentous problem of providing relief for unemployed workers it would be the height of folly to adopt a bill that would take the jobs away from any group. When it is considered that this is asked for the pleasure of citizens who have leisure untroubled by want of the necessities of life the proposal becomes preposterous.

Two years ago the voters of the state rejected this measure. This year there are added reasons why it should be defeated, and by a majority so large that it will stand as a rebuke to those who would sacrifice the welfare of the state for the selfish satisfaction of their own pleasure.

VOTE 309 (X) NO.

Submitted by

OREGON STATE FEDERATION OF LABOR,
By WM. COOPER,
President,
BEN T. OSBORNE,
Executive Secretary.

(On Official Ballot, Nos. 310 and 311)

A MEASURE

To appropriate money for the payment of expenses of activities under the control of the Oregon state board of higher education, and declaring an emergency, filed in the office of the secretary of state March 11, 1931; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, pursuant to referendum petition filed in the office of the secretary of state June 5, 1931, in accordance with the provisions of section 1 of article IV of the constitution of the state of Oregon.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Referred Bill—Referendum Ordered by Petition of the People **Vote YES or NO**

HIGHER EDUCATION APPROPRIATION BILL—Purpose: To appropriate an amount of money, originally fixed at $1,181,173, of which $500,000 was vetoed by the governor, leaving a balance of $681,173, from the general fund of the state, to be expended under the direction of the State Board of Higher Education for the Oregon State Agricultural College, the University of Oregon, and the three state normal schools during the years 1931 and 1932.

310 Yes. I vote for the proposed law.

311 No. I vote against the proposed law.

The following is the 25-word voting machine ballot title of the proposed measure:

HIGHER EDUCATION APPROPRIATION BILL—Purpose: Appropriating $1,181,173, of which $500,000 was vetoed by the governor, for the Oregon State Agricultural College, University of Oregon, and the three state normal schools.

OREGON LAWS 1931

Chapter 390

(House Bill No. 408, Thirty-sixth Legislative Assembly)

AN ACT

To appropriate money for the payment of expenses of activities under the control of the Oregon state board of higher education, and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. That there shall be and there is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, in addition to those now provided by law, the sum of $1,181,173* for the years 1931 and 1932 to be expended under the direction of the Oregon state board of higher education for the activities under the control of said board as set forth in sections 35-4501 to 35-4515, Oregon Code 1930.

Section 2. The secretary of state is hereby authorized and directed to audit all duly approved claims which have been incurred in pursuance of law and the foregoing appropriation, and to draw his warrants on the state treasury for the payment thereof.

*Section 3. It is hereby adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety; and, owing to the necessity of maintaining the public credit, an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

Filed in the office of the secretary of state March 11, 1931.

*

STATE OF OREGON
Executive Department, Salem
JULIUS L. MEIER, Governor

March 11, 1931.

Honorable Hal E. Hoss,
Secretary of State, Building.

My dear Mr. Hoss:

Including $2,347,576.00 from auxiliary agencies and $1,181,173.00 appropriated by this bill, the state board of higher education exercises jurisdiction over

funds totaling $11,358,378.00 for the benefit of the Oregon Agricultural College, the University of Oregon and the three state normal schools.

As segregated in the state budget, these various sources of revenue are as follows:

From annual millage levy of 2.04 mills on the dollar	$ 4,569,600.00
From annual continuing appropriation for O. A. C. for cooperative extension work and experiment stations	317,300.00
From government appropriations for O. A. C. and U. of O., for cooperative extension work and experiment stations and federal aid generally	563,640.00
From counties of state for O. A. C. for cooperative extension work	218,170.00
From student fees, contributions, etc., for O. A. C., U. of O. and three normal schools	1,763,170.00
From gifts and other sources for O. A. C., U. of O., and three normal schools	347,749.00
From direct legislative appropriation for general maintenance	1,181,173.00
From direct legislative appropriation for training school at La Grande	50.000.00
Total	$ 9,010,802.00
From auxiliary agencies and supplementary activities not included in the budget, such as dormitories, student activities, athletics, etc.	2,347,576.00
Grand total	$11,358,378.00

When the first millage tax was proposed in 1912, assurances were given the people that if it were enacted into law our higher institutions of learning would seek no further appropriations at the hands of the legislature.

When in 1920 an additional millage tax was proposed on account of war conditions and prices, assurances were again given the people that if it were enacted into law, our higher institutions of learning would seek no further appropriations from our legislature.

In fact, the primary purpose of these millage levies was to remove the state's higher institutions of learning from the political influences of the legislature and to place them on a firm and dignified financial basis, and it was so stated in the argument submitted in behalf of the original millage tax measure.

When in 1929 the legislature was asked to create a state board of higher education, assurances were given the people that if this board was created, duplications would be eliminated and economies introduced so that there would be brought about a material reduction in the administrative expense of the state's higher institutions of learning.

These promises have not been kept.

On the contrary, our higher institutions of learning have come to each succeeding session of the legislature and requested additional appropriations, and although the state board of higher education has now been in operation for several years, it requested from the recent legislature the same appropriation that was granted during the last biennium.

This appropriation, as already indicated, totals $1,181,173.00 and flies squarely in the face of the rules of the lower house of the legislature and the spirit of our constitution in that it is made in a lump amount instead of being itemized.

With the hope that in view of the tax situation confronting the state—a situation so acute that people are unable to pay their taxes—and in view of the unemployment situation confronting the state—a situation so grave that bond issues are being proposed to relieve it, the board would be agreeable to substantial reduction, I suggested, at a conference with the state board of higher education on Tuesday last, that it accept a cut of $500,000.00, pointing out to the board that this cut would represent only five per cent of the total amount of the monies enjoyed by the board, as heretofore indicated the giant sum of $11,358,378.00.

After taking the suggestion under advisement, the state board of higher education has seen fit to reject it, and consequently I find myself compelled, in the interests of the people, to veto $500,000.00 of the $1,181,173.00 provided for in the bill hereto attached.

As indicated in my inaugural message, I regard the training and education of our children as the most important business of the state. As an alumnus of the University of Oregon and a citizen I yield to no man in my friendship for education, but in times like the present our institutions of higher learning, to which the people have been generous in the days of their prosperity, must, like all other state activities, economize and retrench.

I might add in conclusion that I am confident the amount vetoed will not materially hamper the activities of our higher institutions of learning, and that within the next biennium the state board of higher education will undoubtedly introduce additional savings and economies.

Moreover, under the present law, the state board of higher education is empowered to allocate and distribute all funds coming under its jurisdiction according to its best judgment. The five per cent cut can, therefore, be distributed in a manner which need not work a hardship upon any one institution or branch of activity.

Feeling that the people should not be deprived of the opportunity to pass on the amount not disapproved, I am hereby vetoing the emergency clause attached to the measure.

Very truly yours,
JULIUS L. MEIER, Governor.

(On Official Ballot, Nos. 312 and 313)

A MEASURE

For an act to repeal Chapter I, Title 15, Oregon Code 1930, known as the General Prohibition Law; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932; proposed by initiative petition filed in the office of the secretary of state, February 11, 1932.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

INITIATIVE BILL—Proposed by Initiative Petition **Vote YES or NO**

BILL TO REPEAL STATE PROHIBITION LAW OF OREGON—Purpose: To repeal the general prohibition law of the state of Oregon, which prohibits the manufacture, sale, giving away, barter, delivery, receipt, possession, importation or transportation of intoxicating liquor within this state, and provides for the enforcement of such prohibition; and thus to do away with prohibition and its enforcement in and by the state of Oregon.

312 Yes. I vote for repealing the law.

313 No. I vote against repealing the law.

The following is the 25-word voting machine ballot title of the proposed measure:

BILL TO REPEAL STATE PROHIBITION LAW OF OREGON—Purpose: To repeal the general prohibition law of Oregon and thus to do away with prohibition and its enforcement in and by the state of Oregon.

AN ACT

To repeal Chapter I, Title 15, Oregon Code 1930, known as the General Prohibition Law.

Be It Enacted by the People of the State of Oregon:

Section 1. That Chapter I, Title 15, Oregon Code 1930, known as the General Prohibition Law, be and the same is hereby repealed.

For negative argument see page 25.

(On Official Ballot, Nos. 312 and 313)

ARGUMENT (Negative)

Submitted by the Woman's Christian Temperance Union of Oregon, and the Anti-Saloon League of Oregon, opposing the **Bill to Repeal State Prohibition Law of Oregon.**

NOTHING BUT A NULLIFICATION BILL

This is a nullification bill, pure and simple. If it should carry, we would still have prohibition under the 18th Amendment and the Oregon Constitution, but we would have ceased trying to enforce it. Bootlegging would still be illegal, but the laws of Oregon would provide no punishment for it.

WOULD LEAVE PROHIBITION IN EFFECT BUT PARALYZE ENFORCEMENT.

In Oregon there are 36 sheriffs and a large number more of deputies, besides the state police and hundreds of policemen and constables, whose duty it is to enforce prohibition under the state law, along with other laws. More than four-fifths of the present enforcement of prohibition in Oregon is done by our state officers under the law which this bill proposes to repeal. On the other hand, there are less than 20 Federal prohibition officers in Oregon. They cannot give anywhere near the measure of enforcement that the state officers are giving. Our Federal Court is burdened with important business and cannot handle, in addition to what it is now handling, the 2,000 or more prohibition cases per year which are being handled by the State Courts.

NO SAVING TO TAXPAYERS

There would be no saving to taxpayers by this repeal, but a loss rather. Fines and forfeitures under the state law are more than paying the expense of prosecutions. In 1930 the cash paid to County Treasurers therefrom amounted to $204,-550.40.

LICENSES LAWLESSNESS

It is generally conceded, even by those opposed to prohibition, that prohibition would be a good thing if it were adequately enforced. This bill proposes, instead of giving us better enforcement, to cut the present enforcement down to one-fifth of what we are getting now. We have less than one Federal enforcement officer for every two counties; and with state enforcement withdrawn, violations of the prohibition law would go on practically unchecked in every county and in every neighborhood.

WHAT RESULTS DO WE WANT?

Do we want less liquor consumed or more? More money wastefully spent on what harms and debases, less money spent (because there will be less left to spend) on the real necessities of life? Do you think that we can take liquor restraints entirely off and turn loose one form of lawlessness throughout Oregon, multiplying many fold the violations of the laws against liquor selling, without at the same time releasing a flood of other forms of lawlessness?

INCONSISTENCIES OF ITS ADVOCATES

Some who are sincere in their opposition to prohibition have stated that they want to repeal it to stop disrespect for law and diminish crime. But this is no such measure. It proposes that we declare our disrespect for both the United States Constitution and our own Constitution, and that we take off the penalties and call off the enforcement officers protecting us against violations of both these Constitutions. That surely is no way to teach respect for law, but quite the contrary.

BRINGING BACK THE SALOON

The submission of this bill is only one step in the grand program of the wets to bring back to Oregon and the whole country the old days when the Saturday pay checks went over the counter of the saloon instead of home to the wife and family.

BEWARE AND VOTE NO.

WOMAN'S CHRISTIAN TEMPERANCE UNION OF OREGON,
By ADA JOLLEY, President.

ANTI-SALOON LEAGUE OF OREGON
By R. E. CLOSE, Superintendent.

(On Official Ballot, Nos. 314 and 315)

A MEASURE

For an act governing the use of public highways by motor vehicles and providing for ascertainment of the cost of highway transportation facilities per unit of traffic, etc., to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, June 27, 1932.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Initiative Bill—Proposed by Initiative Petition **Vote YES or NO**

THE FREIGHT TRUCK AND BUS BILL—Purpose: To provide for securing information and making recommendations for redistribution of license fees and charges imposed for use of the public highways upon the several classes of users thereof, by the State Highway Commission making investigation and determination of the cost per unit of traffic, of the construction and maintenance of such highways, classification of motor vehicles and the relative effect of operation of each class upon the highways; limiting the size, weight and load, and stating conditions for operation of certain vehicles thereon; requiring permits for and regulating contract haulers; imposing additional charges upon certain operators for compensation.

314 Yes. I vote for the proposed law.

315 No. I vote against the proposed law.

The following is the 25-word voting machine ballot title of the proposed measure:

THE FREIGHT TRUCK AND BUS BILL—Purpose: Information and recommendation for redistribution of motor vehicle highway charges; licensing and regulating contract haulers; increasing charges on certain carriers for compensation.

A BILL

For an act governing the use of public highways by motor vehicles and providing for ascertainment of the cost of highway transportation facilities per unit of traffic; to protect said highways from destructive and unreasonable uses, and to safeguard travel thereon; limiting the size, weight and load of motor vehicles and regulating operations thereof and prohibiting the use of certain kinds of motor vehicles, including trailers, except as herein provided; defining contract haulers and requiring them to obtain permits to operate; regulating the transportation for compensation of persons and property by motor vehicles on said highways and imposing additional charges for the conduct of such transportation thereon; providing for the administration and enforcement of this act and prescribing penalties for violations thereof, and repealing all acts and parts of acts in conflict herewith.

Be It Enacted by the People of the State of Oregon:

Declaration of Policy and Purpose; Relief of Private Car Owners and Taxpayers: It is the purpose of this measure to preserve the life of our highways and without impairing our State Highway Fund or materially interfering with the convenience and welfare of the people in their use of such highways for private purposes in the ordinary manner; to make the use of the highways by the people for ordinary purposes more secure, and to safeguard such use against the dangers attending use of the highways by commercial operations thereon, whether said operations be classified as common carrier or otherwise; to impose reasonable additional charges upon certain commercial users of the highways and thereby place such operators on a more rational basis with other commercial operators; to determine whether private car owners, viz: owners of motor vehicles that are

operated on the highways for private purposes in the usual and ordinary manner, are paying an excessive share of the construction, reconstruction and maintenance costs of such highways as compared with those paid by users of such highways for special purposes or in the conduct of public or private transportation business for profit; and if it be found that the private car owner is being unjustly charged with such costs, the Highway Commission shall report the facts to the Governor, for the information of the legislature, in order that adjustments in license fees, as between the different users of our highways, may be made accordingly.

Section 1. *Highway Protection Law:* This act shall be known as the Highway Protection Law.

Section 2. *Investigation for Redistribution of Highway Expense:* The Highway Commission shall forthwith make a survey for a representative period or periods of the motor vehicles and traffic handled by same operating over the highways in the state (city streets excepted), and classify the same as between those engaged primarily in the carrying of persons and of property; and further classify said traffic, and the vehicles transporting the same, as between operators and users of the highways in an ordinary way, for the convenience and use of such operators, and those engaged in any transportation business for gain, either of persons or of property, and make such other and further classifications of traffic and vehicles using the highways as may be necessary to obtain a proper knowledge of the different uses made of the highways and the extent of such uses.

The Highway Commission shall then determine, as far as practicable, the total payments made by said operators and users of the highways, as classified by the Highway Commission, for the use of such highways and reduce them to some reasonable unit basis, such as "ton mile." In arriving at the amount paid by such users or operators, the charges imposed by the provisions of this act shall be taken into account.

The Highway Commission shall estimate the amount required each year, for the five-year period next ensuing, for debt retirement; also for the construction, reconstruction and maintenance costs necessary to meet the demands of the traffic to which the highways are now subjected, or to which they may become subjected after applying the protective provisions of this act; and shall determine, as nearly as may be, the cost per unit (including interest on investment) incurred by the state and the counties in providing these highway facilities. The Highway Commission shall also determine the bases upon which, in its opinion, the total cost should be distributed over, and imposed upon, the said several classes of users of the highways. In making said distribution the Highway Commission shall assign to such operators, or users, as subject the highways to special, extraordinary, or excessively burdensome uses, and to the business of transportation for hire, an appropriate charge for such privileges.

The Highway Commission, after estimating the appropriate total charge to be assigned to such privileged users, shall determine the reductions that may be made in the license fees now imposed upon the owners of motor vehicles operated for private purposes in the usual and ordinary manner upon the highways.

County officials shall co-operate and assist the Highway Commission in said investigation.

The foregoing findings and determination of the Highway Commission shall be reported to the Governor of the State, who shall submit the same, together with his recommendations, to the next session of the legislature for appropriate action.

Section 3. *Definitions:* The meaning of the following terms and phrases when used in this act shall, unless the context otherwise requires, be as follows:

"Corporation", "person", "motor vehicle", "motor carrier", "contract hauler", "public highway", "compensation" and "for compensation" shall be as defined in Section 55-1301, Oregon Code 1930, as amended by Section 1 of Chapter 118, General Laws of Oregon 1931.

"Trailer", "Semitrailer", "motor truck" and "motor bus" shall be as defined in Section 1 of Chapter 360, General Laws of Oregon 1931.

"Commissioner" means the Public Utilities Commissioner of Oregon.

"Highway" means a public highway, as herein defined.

"Highway Commission" means the State Highway Commission of Oregon.

The terms "common carrier" and "contract hauler", as defined herein, shall not be deemed to include the following: (a) motor vehicles for hire while being used exclusively for the transportation of school children and school teachers to and from school, provided such vehicle is operated by or the compensation for such transportation is paid by a school district; (b) motor vehicles designed and used primarily for the transportation of property owned or leased by a nonprofit co-operative association carrying only property belonging to the association or its members.

Section 4. *Weight:* On and after July 1, 1933, it shall be unlawful to drive or operate or cause to be driven or operated upon any public highway in this state, any motor vehicle weighing, when loaded, more than 34,000 pounds.

Section 5. *Trailers Weighing With Load More Than 3,000 Pounds Prohibited:* It shall be unlawful to operate or haul or cause to be operated or hauled any trailer of any kind attached to any motor vehicle upon any public highway within this state excepting trailers weighing, when

loaded, not more than 3,000 pounds. Not more than one such trailer shall be attached to or drawn or hauled by any motor vehicle at one time.

Section 6. *Semitrailers:* It shall be unlawful to operate or haul or cause to be operated or hauled any vehicle unit composed of tractive power and semitrailer, having a combined length including body and load and projections thereof, exceeding 40 feet, or having a combined weight when loaded, exceeding 34,000 pounds.

Section 7. *Explosives and Combustibles:* It shall be unlawful to transport on any public highway in this state by means of any motor vehicle, any explosive, combustible or inflammable liquid, fluid, gas or substance unless such motor vehicle be visibly labeled so as to indicate its contents, and it shall be unlawful to drive or operate or cause to be driven or operated, any such motor vehicle loaded in whole or in part as aforesaid on any public highway in this state at any speed exceeding 25 miles per hour. The Commissioner shall determine, and by order prescribe, a reasonable maximum quantity of such liquids, fluids, gases and substances to be carried on any one motor vehicle, and it shall be unlawful to carry or transport on any motor vehicle a greater quantity than that so prescribed; provided, however, that it shall be unlawful, on and after July 1, 1933, to carry or transport more than 2,500 gallons of gasoline or other motor fuel of equal or greater inflammability, in or upon any motor vehicle.

Section 8. *Speed Governors:* Every motor truck and every motor bus weighing, when loaded to capacity, 15,000 pounds or more shall, when operated or driven upon any public highway in this state, be equipped with an automatic speed governing and controlling device of a kind and type and installed in a manner approved by the Secretary of State. Such device shall be so adjusted that it shall automatically regulate and limit the speed of such motor truck or motor bus so that same cannot be driven or operated at any speed exceeding the maximum speed prescribed by law, and it shall be unlawful to operate or drive or cause to be operated or driven any such motor truck or any such motor bus not so equipped, or to tamper with or disconnect or in any manner render ineffective such device.

Section 9. *Hours of Employment of Drivers of Motor Busses and Trucks:* The Commissioner shall prescribe by order the maximum number of hours that any driver or operator of any motor truck or motor bus may be or remain on duty in any twenty-four hour period in the operation of such bus or truck and the maximum number of hours that such driver or operator may be continuously on duty at any time, and the number of hours of release from duty which shall be afforded such drivers and operators. In prescribing said maximum periods with respect to the various operations involved the Commissioner shall consider the character of the operation, the type of the motor vehicle, the traffic density, the difficulties and the dangers attending operation of motor vehicles upon the different routes involved and shall make such order or orders in the premises as are calculated to safeguard the use of the highways and of those driving or conducting transportation thereon. It shall be unlawful for any driver or operator of any motor truck or motor bus to be or remain on duty for a longer period than authorized by such order or orders of the Commissioner and it shall be unlawful for any corporation or person to require or permit any of its or his drivers or operators to be or remain on duty for a longer period than authorized by such order or orders of the Commissioner.

Periods of release from duty shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least three consecutive hours and be given at a place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained.

In case of any delay en route caused by an emergency which could not have been foreseen or avoided by exercise of reasonable care, the driver or operator of the motor truck or bus so delayed may complete his run or tour of duty if such run or tour of duty, except for the delay caused by such emergency, could reasonably have been completed without violation of this section and of orders promulgated by the Commissioner pursuant hereto. The Commissioner may require such statements and reports as he may deem necessary for the enforcement of this section.

Section 10. *Emergency Permits:* Upon receipt of an application for permission to move over any highway of this state any motor vehicle, article, property or thing having a combined weight in excess of that permitted under the provisions of this act or of a size or description not permitted under the provisions of this act, the Highway Commission, in the case of state highways, or the County Court or Board of County Commissioners in the case of county roads, to whom such application may be made, shall investigate the representations made in said application, and if in the judgment of said Highway Commission, in the case of state highways, or of such County Court or Board of County Commissioners, in the case of county roads, the interest of the public will be served by the proposed movement and same can be conducted without undue danger to the highways or the users thereof or other traffic moving thereover, the Highway Commission or such County Court or Board of County Commissioners, as the case may be, may grant written permission for such move-

ment conditioned that same shall not continue for a period of more than 90 days. Said written permission shall set forth such terms and conditions as said Highway Commission or said County Court or said Board of County Commissioners, as the case may be, may deem to be necessary for the protection of the highways and of the public interest and for the safety of the public and other users of the highways.

In every such case and before granting such permit the said Highway Commission or County Court or Board of County Commissioners, as the case may be, shall obtain from the applicant for such permit a bond of indemnity executed by a Surety Company authorized to do business in Oregon for payment of any damage to the highways or to any user thereof that may be caused by such movement. Said bond shall be in such amount as the Highway Commission or County Court or Board of County Commissioners, as the case may be, may deem necessary for the full protection of the state, county or the public and of all parties that may be damaged by said movement or operation under said permit, and said bond shall be filed with the Highway Commission or County Court or Board of County Commissioners, as the case may be, granting such permission.

No movement of such motor vehicle, device or thing shall begin until said permission has been granted and the required bond has been filed and accepted and approved by the Highway Commission or the County Court or Board of County Commissioners, as the case may be. The Highway Commission or County Court or Board of County Commissioners, as the case may be, in its discretion may appoint one of its officers or agents to be present at and during the movement, but the presence of such officer or agent or any interference or suggestions offered or made by such officer or agent, shall not be deemed to be supervision of the movement or in any manner to relieve the party to whom such permit has been granted or the sureties on said bond, from sole responsibility for every damage that may be done by such movement; and if in the opinion of said officer or agent of said Highway Commission or County Court or Board of County Commissioners, as the case may be, the terms, rules, stipulations and conditions of the permit granted for such movement are not being complied with, such officer or agent may and he is hereby authorized to order such movement to be forthwith stopped: and upon such order being made, the permittee shall forthwith cease and desist from further movement.

Nothing in this section shall be deemed or construed as empowering the Highway Commission or any County Court or any Board of County Commissioners to authorize or permit the continuous or regular operation or hauling of any vehicle of a kind or size prohibited by this Act, and any permits or extensions or renewals of permits granted under this section of this Act shall be so limited and restricted that same shall not permit or authorize continuous or regular operation or hauling, it being the intent and purpose of this section to provide for and permit departure from the requirements of this act only in cases wherein the peculiar necessity of the situation and urgent public interest justify and require the same.

Section 11. *Municipal Regulation:* Incorporated cities and towns shall have the power and be privileged to enact and enforce reasonable regulatory ordinances as to speed, and other regulatory ordinances not inconsistent with this act nor with Chapter 360, General Laws of Oregon 1931, as to operation on city streets within their corporate limits of motor vehicles subject to this act; and as to such operations to exercise like authority with respect to the grant of permits for motor vehicle operations as is extended by Section 10 of this act to the Highway Commission, the County Courts and Boards of County Commissioners in the case of public highways and county roads, and to impose regulatory licenses not destructive of the general purpose of this act.

Section 12. *Contract Haulers—Permits:* (a) It shall be unlawful for any contract hauler, as that term is defined in this act, to operate or cause to be operated any motor vehicle upon any public highway within this state unless and until such contract hauler shall have applied for and obtained from the Commissioner a permit for such operation.

(b) The application for such permit shall be signed and verified under oath by the applicant if an individual or a partner, or by an officer of the applicant if a corporation, and shall be made in such form as the Commissioner may prescribe. Such application shall state with particularity all facts which may be necessary to enable the Commissioner to identify the applicant and all motor vehicles operated or to be operated by the applicant, and to determine the financial responsibility of the applicant, and shall show the principal place of business of the applicant, the place where applicant will keep his or its records, books and accounts and the territory within which the applicant operates or intends to operate and such other or further information as the Commissioner may reasonably require for the purposes aforesaid.

(c) If by the showing made it shall appear that the applicant is financially responsible and that the applicant is or will be in truth and in fact a contract hauler, as defined in this act, and not a motor carrier, as defined in this act, then and in such event the Commissioner shall (except as otherwise provided in Section 13 of this act) issue to such applicant a permit in accordance with the application; but if the applicant fails to make the said showing of responsibility or fails to show that his proposed operation is that of a contract hauler, the application shall be

declined; provided, however, that before any application shall be denied in whole or in part and before any permit shall be issued subject to restrictions or conditions not contemplated by the application, the applicant shall be afforded an opportunity to appear before and be heard by the Commissioner with respect thereto.

(d) *Permit:* Permits issued under the provisions hereof shall be numbered consecutively and shall contain the following:

(1) Number and date of permit and the name and address or principal place of business of the holder.

(2) The term for which the permit is granted, which term shall not exceed 4 years, subject to renewal or extension or to revocation as hereinafter provided.

(3) The fact that the holder is entitled to carry only as a contract hauler and not as a common carrier.

(4) Such other and additional provisions and limitations, not inconsistent with this act, as the Commissioner shall deem necessary or proper to be inserted in the permit.

(e) Permits which shall be issued to contract haulers under the provisions of this act shall not be assignable or transferable except with the written consent of the Commissioner previously obtained. No such permit shall be deemed or construed as granting any exclusive right or license to operate over any route, or highway.

(f) It shall be unlawful for any contract hauler to operate any motor vehicle on any public highway except as provided in the permit obtained as herein required, and no contract hauler shall under any circumstances or at any time engage in business as a common carrier by motor, as that term is defined in this act, unless and until he or it shall have applied for and obtained a permit so to do as provided in Sections 55-1305 and 55-1306, Oregon Code 1930.

(g) Each contract hauler to whom or which a permit shall be issued by the Commissioner under the provisions of this act shall paint, stencil or otherwise mark in a permanent manner upon each side of and in a conspicuous place upon each and every motor vehicle operated under said permit, in letters or figures of a size and character prescribed by the Commissioner and in a color contrasting with the color of said motor vehicle, the following: "O. P. U. C. Contract Hauler Permit No." followed by the number of the permit under which such motor vehicle is operated, and such letters and figures shall be and remain on such motor vehicle at all times while the same is operated under such permit.

(h) No contract hauler as defined in this act shall charge, impose, collect or receive either directly or indirectly, any compensation for transporting by means of motor vehicle operated over any public highway outside of the municipal limits of an incorporated city or town any person, article or thing nor haul or transport nor offer by advertisement or otherwise to haul or transport persons or property for compensation unless prior thereto such contract hauler shall have obtained from the Commissioner a permit as provided in this act; provided that the provisions of this act requiring contract haulers to obtain permits shall not apply to transportation of freight or passengers by motor vehicles in rural communities not done on a commercial basis nor to contract haulers operating exclusively within corporate limits of any city or town or exclusively within three miles of the boundaries of such cities or towns.

(i) The Commissioner, upon complaint or upon his own motion, shall have the power to revoke any permit issued under the provisions of this act when the holder thereof or his or its agents or representatives shall be guilty of repeated or flagrant violations of the motor vehicle or highway laws of the State of Oregon or of the ordinances of any incorporated city or town in said state or upon intentional violation by such holder or its agents or representatives of the provisions of this act or of any of the rules, regulations and orders of the Commissioner issued hereunder, or for the continued failure of the contract hauler involved to pay his or its lawful obligations hereunder, but such revocation shall not be made by the Commissioner without a formal hearing held by said officer pursuant to reasonable notice in writing served upon the contract hauler involved.

(j) At the expiration of the period for which any permit is issued under this act the owner thereof may apply for an extension thereof for an additional term, such application to be made to the Commissioner not less than sixty days prior to the expiration of such period, and the Commissioner, unless there be good and sufficient reasons to the contrary, shall extend such permit for an additional term not exceeding four years; provided if demand is made by any person or corporation for a hearing upon such application, the Commissioner shall hold such hearing, giving not less than ten days' notice thereof to all interested parties; and provided further that said Commissioner shall not refuse such extension without affording the applicant an opportunity to appear before and be heard by the Commissioner with respect thereto.

(k) The right to review any order or inding of the Commissioner made under the provisions hereof or of Section 13 hereof, and the procedure for such review shall be as provided in the case of motor carriers in Sections 55-1335 and 55-1336.

Section 13. *Permits To Be Refused—When:* If and when any highway becomes so impaired or is subjected to such a density of traffic or travel as to jeopardize the stability of such highway or to render travel and transportation thereon unduly dangerous or inconvenient the Commissioner shall decline to issue any

new permits or to grant any renewal or extension of permits to motor carriers or contract haulers until said highway has been repaired or the traffic conditions thereon so relieved that such highway will not be subjected to unreasonable damage or travel thereon exposed to undue dangers or inconvenience.

Section 14. *Contract Haulers—Accounting:* In order that the Commissioner and the Secretary of State may be currently informed and advised as to the financial responsibility of every contract hauler, the Commissioner shall prescribe a uniform system of accounting for such contract haulers, and every such contract hauler shall keep his or its books, records and accounts in the manner prescribed by the Commissioner. All books, records and accounts of such contract hauler shall, upon demand, be open to the inspection of the Commissioner or of the Secretary of State or of any person or persons employed by the Commissioner or the Secretary of State for that purpose, and the Commissioner and the Secretary of State shall have the right to examine, under oath, any such contract hauler or any officer, agent or employe thereof, in relation to such books, records or accounts; provided that any person other than the Commissioner or the Secretary of State who shall make demand to inspect the said records, books and accounts shall produce his authority to make such inspection under the hand of the Commissioner or the Secretary of State. Such books, records and accounts shall not be destroyed except with consent and authority of the Commissioner and the Secretary of State.

Section 15. *Reports of Contract Haulers:* In order that the Commissioner and the Secretary of State may be currently informed as to the financial responsibility of contract haulers, every contract hauler shall file with the Commissioner reports of the same kind and at the same times as are now required by law to be filed by motor carriers; provided, however, no contract hauler shall be required to include in any such report any information in regard to rates and regulations concerning fares and freights.

Section 16. *Liability and Damage Insurance Required of Contract Haulers:* (a) The Commissioner shall in granting any permit under this act require the contract hauler receiving the same to file with the Commissioner a public liability and property damage insurance policy or policies issued by an insurance company or companies licensed to write liability and property damage insurance in the State of Oregon, said policy or policies of insurance to be in such form and for such amount as the Commissioner may deem necessary adequately to protect the interests of the public, having due regard to the number of persons and amount of property involved, which policy or policies of insurance shall bind the insurer or insurers thereunder to make compensation for injuries to or death of persons and loss of or damage to property resulting from the operations of or in connection with motor vehicles and/or semitrailers and/or other equipment of such contract hauler, provided said contract hauler is legally liable therefor, not, however, including or covering loss or damage to or destruction of property carried or undertaken to be carried by such contract hauler nor injuries to or death of passengers carried or undertaken to be carried by such contract hauler. For the purpose of this section the term "operations" shall be construed to include said motor vehicles, semitrailers and/or other equipment whether the same be in motion or otherwise, and whether attached or detached. Neither the foregoing nor the provisions of Subdivision (b) of this section shall prevent the acceptance by the Commissioner of substitute security in lieu of insurance policies as provided by Sections 4-201 to 4-206, both inclusive, Oregon Code 1930. Any insurance company filing a policy or policies with the Commissioner shall have the right to terminate the same by giving the Commissioner and the insured not less than 30 days' written notice of its intention so to do.

(b) *Good Faith Bond:* The Commissioner may, in addition, require a bond satisfactory to the Commissioner and in such penal sum as he may deem necessary, conditioned on the payment of all fees and charges which may become due the State under any permit and for the faithful observance and carrying out of the terms and conditions of any permit granted by the Commissioner and which he has authority by law to grant, and such bond shall be kept in full force and effect so long as the Commissioner shall require. The surety on such bond shall have the right to terminate said bond by giving not less than thirty days' written notice to the Commissioner of its intention so to do.

(c) No contract hauler subject to the terms of this act giving the policies, bonds or other security herein required shall be required to give any other bond or security to any city or town or other agency of this state in order to be permitted to engage in said business of contract hauler; provided, however, that if the Commissioner shall require of such contract hauler the filing of a bond under subdivision (b) of this section, the conditions of such bond shall also include the observance by such contract hauler of all valid ordinances of the cities or towns into or through which he or it may operate.

(d) Every contract hauler receiving a permit under this act shall before commencing operations thereunder file with the Commissioner the insurance policy or policies provided for by Subdivision (a) of this section and shall keep the same on file with the Commissioner and in full force and effect at all times thereafter while said contract hauler shall continue

in business as such in this state. In the event security is furnished by such contract hauler under the provisions of Sections 4-201 to 4-206, both inclusive, Oregon Code 1930, such security or securities in an equal amount and of equal value shall be on deposit with the Commissioner at all times while the contract hauler furnishing the same is engaged in business as such within this state. Failure so to do or failure to keep in effect the bond or to keep on deposit the security required by Subdivision (b) of this section so long as the Commissioner shall require same, shall be cause for the revocation of the permit issued to such contract hauler.

Section 17. *Additional Charges Imposed on Contract Haulers and Freight Motor Carriers:* In addition to all taxes, fees and charges now imposed or exacted by law, Class 4 motor carriers and all contract haulers as in this act defined shall pay to the State of Oregon for the maintenance, repair and reconstruction of public highways in this state and for the purpose of defraying expenses of administration of this act and related laws, and for the purpose of defraying expenses of regulating motor transportation, and as compensation for the use of said public highways, the following rates per mile:

(a) Freight motor carriers operating on regular routes between fixed termini, and comprising Class 4 of the classification of motor carriers contained in Section 55-1307, Oregon Code 1930, ½ mill per ton mile (which, together with the mileage tax now imposed by law, makes a total mileage tax of 1¼ mills per ton mile).

(b) Contract haulers engaged primarily in transportation of property, 1¼ mills per ton mile.

(c) Contract haulers engaged primarily in transportation of passengers, ½ mill per passenger mile.

(d) Contract haulers engaged in transporting both passengers and property in the same vehicle or vehicles, ½ mill per passenger mile and 1¼ mills per ton mile.

Said mileage charges shall be computed in the manner and method and by the formulae now prescribed by Section 55-1315, Oregon Code 1930, and shall be subject to mileage deductions therein provided. The charges hereby imposed shall be paid, collected and disposed of, and reports of mileage shall be made at the times and in the manner prescribed in Section 55-1316, Oregon Code 1930, as amended by Section 3, Chapter 118, General Laws of Oregon 1931.

The Secretary of State may adopt any method or means which in his judgment may be necessary and proper for checking and verifying the number of miles traveled by motor vehicles during any period and for checking and verifying the monthly reports thereof submitted by motor carriers and/or contract haulers. The Secretary of State may, in his discretion, require any or all motor carriers and contract haulers to install and maintain upon any or all of the motor vehicles operated by them in whole or in part upon the public highways of this state hub odometers or similar devices for the purpose of registering the mileage traveled by each such vehicle upon the public highways within this state, and it shall be unlawful to operate any motor vehicle upon which a mileage tax is imposed by this section, not so equipped, upon any public highway in this state after receiving notice from the Secretary of State of such requirement, and it shall also be unlawful for any person to tamper with or disconnect or in any manner render ineffective any device so attached to any vehicle pursuant to any requirement of the Secretary of State, and the Secretary of State may prescribe regulations whereby to keep control over and prevent interference with such device, and it shall be unlawful to violate or disregard said regulations.

Section 18. *Governmental Agencies Exempted:* The provisions of this act shall not apply to motor vehicles owned and operated by the United States, the State of Oregon or any county or city or incorporated town or municipality therein, or by any agency of any of them.

Section 19. *Interstate and Foreign Commerce:* This act and every part thereof shall apply and be construed to apply to interstate and foreign commerce, except in so far as the same may be in conflict with the provisions of the Constitution and laws of the United States.

Section 20. *Saving Clause:* If any provision, section, subsection, subdivision, sentence, clause or phrase of this act shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this act, but shall be confined in its operation to the provision, section, subsection, subdivision, sentence, clause or phrase directly involved in the controversy in which such judgment or decision shall have been rendered, and it is hereby expressly declared that every other provision, section, subsection, subdivision, sentence, clause or phrase hereof would have been enacted irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Section 21. *Penalties:* Every person, individual, firm, partnership or corporation and every officer, agent, servant or employe thereof who violates or fails, refuses or neglects to comply with this act, or who procures, aids or abets in the violation of any provision of this act, or who refuses or fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement or any part or provision thereof made or issued hereunder by the Commissioner, the Secretary of State, the Highway Commission, any County Court or any Board of County Commissioners, or who procures, aids or abets any person, individual, firm, partnership, corporation

or the officers, agents, servants or employes thereof in his, its or their failure to observe or comply with any such order, decision, rule, direction, demand or requirement or any part or provision thereof, or who falsifies or procures, aids or abets or advocates the falsification of any books, records or accounts required by this act to be kept or maintained, or any report required by this act to be made or filed, shall be guilty of a misdemeanor and punishable by a fine not exceeding $1,000 or by imprisonment in the county jail for not exceeding one year or by both such fine and imprisonment; and any conviction for any offense against or violation of any provision of this act by any motor carrier or contract hauler subject to the provisions hereof shall be and constitute a good and sufficient cause for revocation of the permit of such motor carrier or contract hauler, as the case may be, and such motor carrier or contract hauler shall thereupon be and become ineligible to apply for or receive any other or further permit from the Commissioner under this act or under any existing law of this state, to transport or carry persons or property for compensation upon any public highway in this state, for a period of one year from the date of revocation of said permit. It is hereby made the duty of the district attorney of the county in which any violation of this act takes place to prosecute the action, and it shall be the special duty of every state police officer, sheriff and city or county traffic officer and the Commissioner, and the employes, agents and deputies thereof, to inform against and diligently prosecute any and all persons, individuals, firms, partnerships and corporations whom they shall have reasonable cause to believe guilty of violation of any of the provisions of this act, and each and all of said officers shall have the authority of peace officers of the county and state to make arrests hereunder. It shall be the further duty of the district attorney of each and every county in which any conviction under this act shall be had to make a full report of same in writing forthwith to the Commissioner.

Section 22. *Repeals:* All acts and laws and parts of acts and laws inconsistent with this act are hereby repealed, and this act shall be construed as additional and supplementary to the Motor Transportation Act, being and constituting Sections 55-1301 to 55-1340, both inclusive, Oregon Code 1930, as amended by Chapter 118, General Laws of Oregon 1931, and nothing herein shall be construed as abrogating or limiting in any manner any powers now conferred upon the Highway Commission, the several county courts and boards of county commissioners by Section 83 of Chapter 360 of General Laws of Oregon 1931.

For affirmative argument see pages 34-43.

For negative arguments see pages 44, 45.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Affirmative)

Submitted by Highway Protective Association, in behalf of **The Freight Truck and Bus Bill.**

When the people approve this bill, and the state officials heed their mandate, stabilized bus and truck service will be assured to all and on an economical, efficient and safe basis. The regulations and charges imposed are fair—perhaps too fair—to the truck and bus operators. There is not a single provision in the measure that will throw unjust burdens upon truck or bus transportation or in any manner deprive any community of an adequate truck and bus service.

Should the Highway Commission, when it complies with the provisions of the measure, requiring them to classify highway traffic, assign to the heavy trucks and busses, operating for profit, an additional charge for the privilege, such a charge should work to reduce the license fees on private automobiles.

Any destructive results growing out of the use of our highways by private cars and light trucks are so small when compared with operations of heavy trucks and busses that it is evident that some of their burdens should be shifted to the heavy vehicles which should be required to pay more per ton per mile.

By giving such deserved relief to the private car operators and light trucks it will aid them materially in meeting their license fees and save the state further bond issues to meet the Highway Commission's growing deficit—due to the inability of the automobile owners to pay such fees.

There are registered some 27,000 trucks and busses. The heavier classes, operating for a profit, should absorb, at least, an additional $1,250,000 of the annual highway charge which, if distributed according to weight and use, will impose but a small burden on each.

EXISTING CONDITIONS

The Oregonian of August 24, 1931, under the heading, "**Only 700 of 27,000 Trucks on Oregon Highways Regulated by State Body,**" states:

"Approximately 27,000 trucks are now operated on the highways of Oregon. Only 700 of these are classified as common carriers and subject to supervision by the public service commission. The remainder come under the same rules as those for passenger automobiles, with the exception of restrictions as to their weight, height, length, and width and with their speed limited to 35 miles an hour."

After continuing at some length, the article sets forth a statement from the Secretary of the Oregon State Motor Association from which we quote:

"The driver of the truck operates a large and powerful piece of equipment. He is Lord of the highway so far as might is concerned. In the event of a crash, the damage occurs to the passenger car, and a few extra scratches on the truck are not noticeable.

Long Hours Under Fire

"Many complaints have come to us regarding the long hours some truck drivers work. Our investigations have shown that a great many of these complaints are justified, because of the fact that the truck owner requires the driver to cover long distances before a relief is given. On the other hand, we know of a great many cases where the truck driver himself, in an effort to gain additional wages for overtime work, seeks extra work and goes out on runs when he should be resting."

The Press of the state appeals to the people to curb these dangerous truck operations and to stop the destruction of our highways.

These editorials in print would make a voluminous manuscript. They are entitled: "WHAT OF THE TRUCKS", "SMASHING THE STREETS", "ASLEEP AT THE WHEEL", AN INTOLERABLE SITUATION", "WHAT CAN BE DONE ABOUT IT", "WHAT ABOUT TRUCKS", "TRUCKS AND THE RIVER", "A NEW POLICY NEEDED", "TRUCK REGULATION", "THE TRUCK PROBLEM", "MENACE OF GAS TRUCKS", "MAKE WAY FOR THE TRUCKS", "DRIVING OF LOGGING TRAINS AND TRUCKS TOO RECKLESS" "CURBING MOTOR TRUCKS", "SENTIMENT FOR TRUCK REGULATION BOOSTED BY HIGHWAY DETERIORATION", "TRUCKS ARE MENACE TO HIGHWAY TRAVEL SUNDAYS, HOLIDAYS", "ESCAPING TAXATION".

Such of these editorials as have come to our attention appear in the Portland Oregonian, the Oregon Journal, Hood River News, The Dalles Chronicle, Salem Capital Journal, Wallowa Sun, Independence Enterprise, Corvallis Gazette-Times, Vernonia Eagle, Salem Statesman, Bend Bulletin, Corvallis Independent, St. Johns Review, Medford News, Elgin Recorder, and Oregon City Enterprise.

The drift of this editorial expression is reflected in brief quotations from two of these papers. We quote:

"These trucks are so heavy that at a distance of a block or more they actually shake houses along the way. Sometimes, as they pass, there is a perceptible movement of furniture in the disturbed building. Sometimes a window is distinctly heard to rattle from the vibrations made by the passing vehicle.

"If a truck does these things, what is it doing to the street? What of the costly pavement over which it smashes? If the heavy engine by its sheer weight actually causes a building a block away to vibrate, what is it not doing to the foundation on which the paving rests?

"The only point in having these trucks so large is that they enable a man to handle a little more cargo. In order that he may earn a few cents or few nickles more, hundreds of dollars' worth of damage is done to streets for which the property owners must pay."

* * * * *

"Everyone knows how the truck lines have converted the main highways into freight tracks. Everyone knows how these broad vehicles must run part of the time on the loose shoulders and thus tear to pieces in a little while what costs thousands of dollars to replace. And the further effect is to cut next to the pavement deep ruts that are positively dangerous to lighter cars.

"The time might as well come now as later to go thoroughly into the truck business to the end that trucks shall pay their fair share of the cost and maintenance of the highways, to the end that the highways shall be saved, to the end that there shall be safety, and to the end that the truck lines shall pay for the damage they do."

* * * * *

"The constantly recurring question of what to do about the monster trucks which clutter up the public highways of Oregon and every other state, constituting a serious menace to the type of traffic for which most of the highways are designed and for which they were primarily intended, bobs up again following a series of accidents involving the huge tank trucks utilized in transporting gasoline. Behind the present agitation are press reports telling of the destruction caused when the trailer of one of these motor fuel transports, wobbling in the wake of the parent truck, crashed into the side wall of the Mosier tunnel on the Columbia river highway, burst and started a fire which burned out the timber lining of the tunnel and blocked traffic for several hours.

"There was no loss of life or injury involved in the accident, but a serious traffic jam within the tunnel with disastrous consequences might easily have resulted had the crash occurred when traffic was more congested.

"The incident serves, however, to focus public attention upon the menace of permitting these large and cumbersome carriers to utilize the public highways at comparatively little expense and reawakens the demand for more drastic regulation of this class of traffic. In some quarters there is an insistence that these trucks be banished from the highways completely." * * *

"Prohibition of the use of truck trailers would largely eliminate the menace of freight vehicle operation on the highways, would eliminate the unfair competition being forced upon the heavy tax paying railroads, and the imposition of license fees proportionate with the damage done roads and the service provided by the state would automatically curtail truck operations to those uses for which they are economically suited."

MILEAGE FEES NOW IMPOSED BY LAW ON COMMON CARRIER TRUCKS ARE UNDER COURT ATTACK AND MAY BE LOST.

Under existing law certain bus and truck operators are classified. In Class 4 are heavy freight motor carriers operating as common carriers on a regular route between fixed termini. There were 524 of these heavy freight trucks operated during the year ending June 30, 1932, upon payment to the state of the almost trifling road tax of 1 mill per ton mile—a mighty small tax for the use of the highways that cost the state millions upon millions of dollars.

Of the charge set up against them by the state for mileage travelled during the year, a large part has not been paid and they are challenging the right of the state to collect it.

These Class 4 Motor Carriers point to another class of freight truckers known as Contract Haulers, who, they say, compete with them in truck and trailer freight operations but pay no mileage road tax at all. These so-called contract haulers include operators who haul, among other things, heavy merchandise, such as salt, cement, sugar, brick, lime, sand, gravel, lumber, iron, gasoline, etc. They avoid the common carrier classification by claiming that they do not haul for everyone but only for those with whom they make special contracts and by this means escape a mileage road tax—paying only a small additional license fee.

There were 2,444 such contract hauler trucks operating during the year ended June 30, 1932, and their total payments in license fees to the state amounted to only $144,433, or a per truck average of but $59, whereas the 524 common carrier trucks for the same period paid in license fees and mileage taxes $155,940, or a per truck average of $297.59.

Although it owes the state many thousands of dollars in fees, the Consolidated Freight Lines, Inc., a Washington corporation, has brought suit in the federal court against Charles M. Thomas, Commissioner of Public Utilities, of the State of Oregon; I. H. Van Winkle, Attorney General of the State of Oregon, and Hal E. Hoss, Secretary of State of the State of Oregon, to enjoin the state from collecting road mileage taxes under our 1925 Motor Transportation Act. These common carrier operators say in their complaint:

"That said pretended law is unconstitutional and void * * * in that it attempts to impose upon plaintiff an unjust * * *

discriminatory and unconstitutional charge by the imposition of said tax at the rate of 1 mill per ton mile. * * *

They further say in substance that other classes of carriers competing with them haul loads of equal or greater weight; that they transport as great or greater tonnage and inflict as much, if not more, natural wear and tear on the highways of the state as do they but are not required to pay said tonnage mile tax—having only license fees to pay; and that said license charge is only a small fraction of the charges exacted from plaintiffs for a similar use of the highways.

Should these Washington truckers prevail in the courts, our state will not only lose such mileage taxes as are now past due but will be estopped from collecting any in the future. While this loss alone would be serious, such a decision would expose the state to further losses. If the charge of discrimination made by the Common Carrier truckers against the Contract Haulers and others is sustained the Common Carrier bus operators will have grounds for a similar attack upon the Common Carrier truckers who do much more damage to the highways and pay much less in road mileage fees.

There were 366 Common Carrier busses operating on regular runs during the year ended June 30, 1932. The road mileage tax imposed upon them is figured at one-half a mill per passenger seat per mile travelled. The average passenger bus weighing eight tons has seats for 26 passengers; the road mileage tax of one-half mill per seat mile amounts to 1.3 cents per bus mile. On this basis an 8-ton loaded bus may travel 77 miles for $1.00 road tax, while an 8-ton loaded Common Carrier truck pays only four-fifths of a cent per mile and may travel 125 miles for $1.00 road tax.

These 366 busses paid, in license fees and road taxes for the year ended June 30, 1932, a total of $133,672, or an average of $365.22 for each bus, or $67.63 more than is paid by the average Common Carrier truck, and **$306.22 more on each vehicle than is paid by the average Contract Hauler truck.**

ROAD TAX ON BOTH BUS AND COMMON CARRIER TRUCK INADEQUATE.

The state highways cost an average of $36,623 per mile. Using this average cost as a basis, and not taking into account the license fees and gas taxes paid by every motorist, it appears that, for each dollar of road tax paid, **the bus operator is permitted to operate over 77 miles of highway, that cost the State approximately $3,000,000 to build, and the Common Carrier freight truck operator for each dollar of road tax paid is permitted to operate over 125 miles of highway that cost the State $4,577,000.**

A LETTER WRITTEN—READ IT!

On April 14, 1932, the Oregon Motor Freight Association, representing the Common Carrier truckers, wrote a word picture of "the present chaotic conditions" existing with respect to truck operations on our highways, and discloses the flagrant manner in which unregulated and untaxed trucks were taking advantage of the state and of its people. This letter was addressed to the Public Utilities Commission, with copies to Hal E. Hoss, Secretary of State, Chas. H. Pray, Superintendent State Police, and the State Tax Commission. It reads:

"Public Utilities Commission,
"Salem, Oregon.

"Gentlemen:

"Past conferences which members of our organization have held with various officers and representatives of some of our departments of state, have convinced us that it is generally recognized that more equitable regulation and taxation of all classes of Commercial Motor Freight Operators should be established by enactment, at the next session of our State Legislature, of such laws as are necessary to not only place all classes of operators on a competitively fair and equitable basis, but also to divert revenue to the State of Oregon by non-discriminatory taxation of all commercial operators using our highways.

"We also feel that it is generally recognized that Class 4 operators cannot maintain paying or profitable operations in view of the present chaotic conditions which permit unregulated and untaxed contract and any-where-for-hire operators to render what might justly be termed Class 4 service at rates which the regulated and taxed legitimate Class 4 operators cannot meet.

"We understand that in other states as well as in this state, there has been an ever increasing number of legitimate Class 4 operators who have been forced by losses of tonnage to the unregulated and untaxed operators, to either discontinue their Class 4 operations and be replaced by the unregulated operators or else to change their Class 4 operators in part or entirely to so-called contract operations, thus depriving the State of tax revenue which it would otherwise receive.

"One of our members who recently returned from California reports that an investigation by the Board of Equalization now being made has already disclosed that approximately 90 per cent of the tonnage moving over California State Highways is handled by other than Class 4 operators **from which no tax revenue is being derived by the State.**

"We believe that about the same percentage of tonnage is being transported over the highways of Oregon by operators from whom our state derive no tax revenue.

"Therefore, in behalf of the state of Oregon as well as the legitimate Class 4 operators, we feel that a statistical record

of data and figures covering practices of so-called contract and other-than-Class 4 operators, and the amount of tonnage they haul from this state derives no tax revenue, should be secured and presented to our State Legislature at its next session.

"To secure such records, it will require the assignment of a field force for a reasonable period of time and while we realize this method of procedure will involve an expense to the State, we believe you will share our view, that such a report, presented to the State Legislature by one or more of our State Departments, will surely result in securing legislation which will more than repay the State for the initial expense involved.

"May we ask that representatives of the several state departments addressed convene and determine just which department or departments will handle to a conclusion, our request for action on this problem and so advise us, at which time we will gladly enlist every possible cooperative aid and service to the end of securing benefits available for our State as well as for ourselves.

"Yours very truly,

"OREGON MOTOR FREIGHT
"ASSOCIATION,
"By (Signed) C. T. Spooner, Manager."

Mr. Spooner, as manager of this Oregon Motor Freight Association, seeing thousands of competing freight trucks given preference by the state, became exasperated, and determined to correct the discrimination by publishing the facts. He, recently, however, has had a change of heart, and is now out speech making against our bill under which we propose to secure for him and the people the very relief he so urgently demanded.

The proposal to correct existing "chaotic conditions" by requiring all commercial truck operators to be regulated, and subjecting them to similar charges, is just and should be approved. **It would be decidedly unjust, and unfair to the state, to permit these truck operators to work out their own program and draft their own law with respect to regulations and rates (and nothing but the rates interests them), but this is exactly what will happen if the problem is put up to the legislature with no directing hand except the truckers and their representatives.** The Spooner letter shows that the officers of the trucking associations have had several conferences **"with various officers and representatives of some of our Departments of State"**, and makes the request that representatives of the several state departments addressed convene and determine just which department or departments will handle the matter to a conclusion.

Years and months have passed, with conditions growing progressively worse, but nothing has been done. The state departments are all busily engaged and, of course, none of them will take on this difficult task voluntarily. It is unfair to ask any of them to do so unless, and until, they are clothed with authority necessary to make a thorough job of it. The responsibility for the administration of the state highways rests with the State Highway Commission. This Commission, from the beginning, has been composed of able and conscientious men, who have worked unceasingly to develop for us a fine system of state roads.

Highway Costs—State and County

County road mileage	43.050
State highway mileage	4.450
Total	47.500

It is safe to estimate that on Jan. 1, 1913, the taxpaying public had an actual investment in these roads of around	$250.000.000
Since that time there was expended by counties, 1913-1931	146,000,000
Since that time there was expended by the state, 1913-1931	154.000.000
Total investment of public in highways on Jan. 1, 1932	$550.000.000

This is a sum greater than 50 per cent of the total assessed value of all property in the state subject to a general property tax.

During the years 1913 to 1931, inclusive, there passed through the hands of our State Highway Commission, directly and indirectly, over $171,000.000. This great sum came from the following sources:

Bond sales	$ 43.388.000
Motor license fees	45.400.000
Gasoline tax	37.630.000
Motor transportation fees	938.000
Millage property road taxes	15.285.000
Miscellaneous receipts	2,554.000
Federal Aid	18.490.000
Counties	7.415.000
	$171,100,000

How Expended

Construction, maintenance and administration expenses	$136.272.000
Bond interest	17.885.000
Representing cost of our highways	$154.157.000
Bond redemptions	14.708.000
Total disbursements	$168.865.000
Balance on hand, January 1, 1932	2.235.000
	$171,100.000

Our State Highway System Classified—Improved

Hard surface	1,382 miles
Macadam	2,382 miles
Earth grade	441 miles
Total	4.205 miles

For these 4.205 miles of improved highway we have paid $154.157.000, or an average of close to $37.000 per mile.

This Measure Places Responsibility with Highway Commission and Gives It the Authority to Meet that Responsibility.

This measure, if enacted, becomes a call by the people upon the Highway

Commission to take charge and administer these highways, and upon the Public Utilities Commission to cooperate. It will also become a call upon the legislature to extend further authority to these commissions, not only to enable them better to carry out the provisions of this law but to correct chaotic conditions by prescribing a proper schedule of fees to be paid by all truck and bus operators using the highways in prosecuting their business of transportation for hire.

This measure differs from the proposal of the Oregon Motor Freight Association in that it tells the Commissioners and the legislature to proceed and calls upon them to act. The legislature cannot act intelligently unless the facts are assembled by impartial officials.

Highway Commission Must Make Survey and Furnish Same to the Legislature.

Section 2 of this measure requires that the Highway Commission, forthwith, make a survey of the motor vehicle traffic on the highways and classify it as between users in an ordinary manner and operators engaged in the business of transportation for gain, and make such other and further classifications as the situation may require. The Highway Commission shall then estimate the amount required for construction and maintenance costs and distribute the same over the users, as classified, on some equitable unit (such as ton mile) basis; and, in making this distribution, the Commission shall impose upon such users as subject the highways to extraordinary or excessive burdens, and to the business of transportation for hire, an appropriate charge for such privileges in order that, if possible, a reduction in license fees may be had by the owners of motor vehicles operated for private purposes and in the usual and ordinary manner. It is further required that the Commission report its findings to the Governor who shall transmit them, with his recommendations, "to the next session of the legislature for appropriate action".

This procedure will supply the legislature with the facts and the backing of a mandate from the people, and better enable it to legislate justly in the interest of all the people of the state.

On March 21, 1932, some three weeks before the above letter of the Oregon Motor Freight Association was written, the Consolidated Freight Lines, Inc., "a corporation organized and existing under and by virtue of the laws of the State of Washington" and the largest operator in the group, filed its suit in our Federal Court to sustain the Freight Truck Operators in their refusal to pay any more road taxes to the State.

How different their showing then as compared with the representations they are making to the people now!

Then, according to their letter, 90 per cent "of the tonnage is being transported over the highways of Oregon by operators from whom our state derives no mileage tax revenue."

They are now circularizing the state, representing that the "Trucks and Busses pay more than $2,000,000 annually toward Oregon's road investment and road upkeep." In order to build up this total they include the payments made to the State by 20,000 private truck owners. They have sought out every small sawmill owner operating on logs hauled by truck and are endeavoring to mislead him into thinking that our proposed measure will interfere with legitimate logging and lumbering operations. They are attempting to fool the farmers with the assertion that should this bill become a law, the added road tax imposed will compel an increase in truck rates, although the proposed annual increase on any one of these heavy trucks would not amount to the truckers' thirty-day advertising bill with one of the trade journals.

Their concern is not for the farmer, the logger nor the sawmill man, except in so far as they may support the credit of the Highway Commission when highway bonds are to be sold. Their purpose is to control and enjoy the transportation business in and out of Portland; to be privileged to operate over splendid highways constructed and maintained largely by the contributions of the taxpayers and automobile owners—highways fast crumbling to pieces under the night and day pounding of monster truck outfits now enjoying a subsidy at the hands of the tate.

FURTHER PROVISIONS OF THIS MEASURE DISCUSSED

In the preceding paragraphs we have own the "chaotic condition" that preails in the use of our highways by transportation companies operating for gain. We have shown, and are showing, how this proposed measure will strengthen the arm of the Highway Commission and enable it to prevent the further rapid destruction of the highways, promote the fety of travel and fix a scale of mileage charges as will force motor transportation companies operating for gain to make a proper contribution to the highway fund.

During the year ended June 30, 1932, a total of 26,557 trucks and busses operated upon our state highways. Of this number 20,213 were strictly private trucks, large and small, presumably not operating in the transportation business for profit as carriers for hire. These private trucks paid as an annual license fee the total sum of $656,711.95, or an average of $32.49 each. Some of the smaller trucks, undoubtedly, paid enough and, perhaps,

too much, but we know that most of the larger ones escaped with ridiculously low license fees.

Eliminating for the moment these 20,213 private trucks from the discussion, we have remaining 6,344 trucks and busses operating commercially or in the business of transportation for hire. Under existing law these vehicles are classified into eight different classes. In Class No. 1 we find 366 passenger carrier busses operating on a fixed route. These paid license fees and mileage fees amounting to $133,672 or an average of $365.22 per bus. In Class 4 we find 524 freight trucks operating as common carriers on regular routes. These common carrier trucks paid license fees and mileage taxes to the amount of $155,940, or an average of $297.59 per truck. The 2,444 trucks of the Contract Haulers are found in Class 7. They operate largely in heavy freight business, competing with Class 4, but paying no mileage tax whatever. Their last year's contribution in license fees amounted to only $144,433, or an average of $59.00 per truck.

Of the remaining 3,010 trucks and busses, a few engage in anywhere-for-hire passenger business and a very few carry both passengers and freight, but most of this number are trucks engaging in freight transportation. They are listed in several different classes, but only 23 of them pay any mileage tax and the total combined license fee and tax amounts to only $265.342, or an average of $88.12 per vehicle annually.

Under the provisions of this measure it will be the duty of the Highway Commission to classify such vehicles and determine a proper schedule of license fees and mileage taxes to be imposed upon them. No proper action can be taken by a legislature or anyone else until a careful survey is made and the necessary facts obtained. They are not serious competitors with the Class 1 bus operators nor with the heavy truck operators in Classes 4 and 7 above referred to.

In view, however, of the unequal charges imposed by existing law upon the common carrier busses and trucks and the contract haulers, and in view of the pending litigation above referred to and the possibility of other litigation that may be prosecuted, either by the Class 1 busses or the Class 4 trucks, because of the unequal discriminatory charges above explained, and because of the substantial amount of highway revenue that is involved, we have by this bill revised the mileage fees applied to Class 4 common carrier trucks and Class 7 contract hauler trucks whereby they will pay substantially the same rates per ton per mile as is now paid by the common carrier busses. This revision is provided for in Section 17 of the bill and consists of an increase on the common carrier truck operator Class 4, of ¼ mill per ton per mile, making a total of 1¼ mills per ton mile; and a charge of 1¼ mills per ton per mile on contract haulers of freight. This is ¼ mill per ton mile less than charged the common carrier truck operator because the contract hauler now pays double the license fee except on vehicles weighing less than 4,500 pounds, which pay an extra license fee amounting to 50 per cent of the regular license fee. Section 17 also imposes on contract haulers of passengers the same fee now imposed upon common carriers of passengers or ½ mill per passenger mile, and on contract haulers of both passengers and property in the same vehicle ½ mill per passenger mile and 1¼ mills per ton mile.

While we regard all fees now imposed by law and proposed by this measure as too low when applied to passenger and freight operators using the highways for profit, we have not disturbed them except for the purpose of equalization as herein explained.

PROTECTIVE FEATURES

The proposed measure would reduce the permissible weight of motor vehicles, with load, from 49,000 to 34,000 pounds. How permission to inflict a 49,000 pound load upon our highways was ever obtained, we do not know. It illustrates how a legislature can be imposed upon. The 49,000 pound weight was authorized by the legislature of 1931; prior to that time the law fixed a maximum weight of 22,000 pounds for 4-wheeled vehicles and 34,000 pounds for 6-wheeled vehicles.

In 1917 our legislature passed a law prohibiting the operation of a motor truck of over five tons (10,000 pounds) capacity on any highway in the state, except upon a permit issued by the County Court of the County wherein such truck was sought to be driven or operated. In 1921 the legislature raised this limit and provided that the Highway Commission and the County Court might grant special permits to authorize a combined weight of vehicle and load in excess of 22,000 pounds. The truck men proceeded to and did operate over the Columbia River Highway between Portland and Hood River for four years to a combined vehicle and load weight of 22,000 pounds. At that time the state did not own the highway between Portland and the Hood River County line, but it did own from that county line to the city of Hood River, a distance of 22 miles. Thereupon the Highway Commission investigated the effect of the operations on the highway and found:

"That the road is being damaged and injured on account of the kind and character of traffic now being hauled over it, and that the loads of maximum weight moved at the maximum speed are breaking up, damaging and deteriorating the road, and that it will therefore be for the best interests of the state highway that the maximum weight be reduced from 20,000 to 18,500, and that changes be made with respect to tires and their width."

The truck operators filed a suit in our own United States Court to set aside this order limiting the maximum weight of truck and load to 16,500 pounds. The case was heard before three federal judges, the late Judges Gilbert, Wolverton and Bean. The order of the commission was sustained and the suit dismissed. This case was appealed to the Supreme Court of the United States, where, in its decision delivered April 18, 1927, by the late Mr. Chief Justice Taft, the Court said:

"With the increase in number and size of the vehicles used upon a highway, both the danger and the wear and tear grow. To exclude unnecessary vehicles—particularly the large ones commonly used by carriers for hire—promotes both safety and economy."

After this litigation and expense and in the face of a finding that the highways were being destroyed by loads of 22,000 pounds, the maximum weight was increased by the legislature in 1929 to a maximum of 34,000 pounds, and in 1931 the limit was again increased and to 49,000 pounds (24½ tons).

Under the Kansas law of 1931 all trucks must be equipped with pneumatic tires except trucks moving agricultural products. Its 34,000 pounds maximum weight provision conforms to that of the repealed Oregon law and of this proposed law. The Kansas law is more stringent, however, in that the weight limit on a 4-wheel vehicle is 28,000 pounds.

Suit was brought, by certain truck operators, in the District Court of the United States for the District of Kansas, to restrain the enforcement of that state's Motor Vehicle Act. Three federal judges heard the case, and in rendering an opinion sustaining the law, said (55 F. (2d), pp. 350-351):

"The State of Kansas has constructed at great expense a system of improved highways. These have been built in part by special benefit districts and in part by a tax on gasoline sold in the State and by license fees exacted of all resident owners of automobiles. These public highways have become the roadbeds of great transportation companies, which are actively and seriously competing with railroads which provide their own roadbeds; they are being used by concerns such as the plaintiffs for the daily delivery of their products to every hamlet and village in the State. The highways are being pounded to pieces by these great trucks which, combining weight with speed, are making the problem of maintenance wellnigh insoluble. The Legislature but voiced the sentiment of the entire State in deciding that those who daily use the highways for commercial purposes should pay an additional tax. Moreover, these powerful and speedy trucks are the menace of the highways."

The case was then taken to the Supreme Court of the United States where a decision was rendered May 23, 1932. In the opinion of the Supreme Court, deilvered by Chief Justice Hughes, the quotation above set forth was quoted and followed with the further statement that these vehicles may properly be treated as a special class because their movement over the highways **"is attended by constant and serious dangers to the public and is also abnormally destructive to the ways themselves."**

On the same day the Supreme Court of the United States rendered a decision on the Motor Vehicle Act of Texas. The opinion, which was also delivered by Chief Justice Hughes, sustained the Texas law, which prohibits any "commercial motor vehicle" * * * truck, tractor or trailer from operating * * * with a load exceeding 7,000 pounds. Answering the charge of the truck operators that the 7,000 pounds load limit was unlawfully low, the Court pictures a condition in Texas that is strikingly similar, if not identical, with ours in Oregon, when it says:

"There are highways of concrete and other rigid and semi-rigid type of construction, and also bridges, capable of carrying a greater load than 7,000 pounds, but these do not form a regularly connected system and are scattered throughout the State. There are all types of roads, 'ranging from dirt, gravel, shell, asphalt and bitulithic to concrete and brick highways' of varying degrees of strength; the operations of complainant and intervenors, and others similarly circumstanced, are conducted over all these types of highways, and bridges, except in some instances where operations may be over a regular route. The statute was enacted in the interest of the whole State, and the State highway system in particular, and the operations of complainant and intervenors constitute a very small portion of the traffic which the highways bear."

The proposed measure would reduce the combined length of vehicles from 65 to 40 feet. No argument in behalf of this change should be required. Manifestly a 65-foot combination length of motor vehicles, is a great hazard. The large railroad box cars range from 38 to 40 feet in length.

A 40-foot semitrailer will accommodate sawlogs 32 feet in length.

Reasonable Logging Loads Permitted

According to the Oregonian of April 23, 1932, at a meeting of the Highway Commission to hear representatives of the logging industry with relation to operation of overloaded trucks, highway engineer Baldock proposed among others, the following rules:

"That no piling or logs over 30 feet in length shall be hauled.

"That partly loaded or loaded log trucks shall not exceed a speed of 25 miles an hour.

"That the maximum axle load shall be reduced from 17,000 to 14,000 pounds."

And the Chairman of the Commission is quoted:

"If the present unsatisfactory conditions continue," Scott declared, "the highways will be destroyed and the logging industry will suffer. Most of the money for highway construction comes from sources other than the logging truck operators."

This measure would prohibit the use of trailers weighing (loaded) more than 3,000 pounds;

It does not disturb existing law authorizing speed of trucks to a maximum of 35 miles an hour, but does regulate transportation of explosives and combustibles, and limits motor vehicles loaded with same to a maximum of 25 miles per hour, and limits the quantity of gasoline that can be transported in any motor vehicle or tank to 2,500 gallons; it would protect the drivers of trucks and busses against unreasonable working hours; and it would subject "contract haulers" like motor (common) carriers to regulation and control by State Public Utilities Commissioner.

Emergency Permits

Section 10 of the measure extends to the Highway Commission in the case of state highways and to the county courts in the case of county roads, authority to grant special permits, upon proper showing and under proper conditions to be imposed, for the movement of property having a combined weight in excess of that permitted under the provisions of this measure. The granting of these permits is safeguarded, and same are to be issued for a period of not more than 90 days, and in issuing such permits the Highway Commission and the County Courts are enjoined to impose such conditions as are necessary "for the protection of the highways and of the public interest and for the safety of the public and other users of the highways."

The measure will permit reasonable regulatory ordinances by incorporated cities and towns not inconsistent with the act nor with the existing law, and limit same to operation on city streets within their corporate limits; and will require contract haulers to furnish liability and damage insurance, as is the case under existing law with respect to common carrier bus operators and common carrier truck operators.

EXEMPTIONS

The provisions of this proposed law do not extend to or include:

(a) Motor vehicles used for the transportation of school children and school teachers to and from school.

(b) Motor vehicles designed and used primarily for transportation by a nonprofit cooperative association carrying only property belonging to the association or its members. (This applies more particularly to property from the farm, the orchard and the dairy.)

(c) Motor vehicles owned or operated by the United States, State of Oregon or any municipality therein.

(d) Transportation in rural communities not done on a commercial basis.

SOURCES OF STATE HIGHWAY REVENUES—ERRONEOUS STATEMENTS BY MOTOR TRUCK ASSOCIATIONS.

The motor truck operators are circulating statements to the public indicating that the truck and bus operators "pay more than $2,000,000 annually toward Oregon's road investment and road upkeep". Their published statements are so guarded that, if challenged, they may claim that they had included the revenues from the 20,213 private trucks, but their literature gives the public no such understanding.

Manifestly commercial trucks and busses have nothing in common with the 20,213 private trucks to which we have referred. These private trucks include most of the light vehicles used upon the streets of cities and towns and on the farm; and, eliminating them, we find the number of commercial trucks and busses operated during the year ending June 30, 1932, was 6,344. It is the operators of these trucks and busses that are opposing the approval of our proposed measure. Their total payments in license fees and mileage taxes for the fiscal year just closed amounted to $699,387, and of this amount the 366 common carrier busses and 524 common carrier trucks paid $289,632, or an average of $325.43 per vehicle as against an average of $75.12 for the remaining 5,454 vehicles.

Eliminating the gas tax and the large contributions received by the Highway Commission from the Federal Government during the year, we find the sources and amount of revenue received by the Highway Commission was as follows:

Private automobiles	$5,015,741.69
Private trucks	656,711.95
Miscellaneous receipts	176,330.53
Commercial trucks and busses	699,387.00
Total	$6,548,171.17

Therefore, these fees paid by the commercial truck and bus operators are only about 11 per cent of the amount contributed by the owners of automobiles and private trucks.

HIGHWAYS BUILT FOR ORDINARY TRAFFIC MUST BE RECONSTRUCTED AT STAGGERING COST IF TRAILER TRUCKS AND OIL TANKS ARE TO BE ACCOMMODATED.

In the early stages of our state highway work, grades and structures were built to carry a 16-foot paved roadway, which was then considered ample to accommodate expected traffic. Improved roads, however, soon brought the commercial truck and bus. At first they were moderate in size and weight, but their dimensions increased with time and we were to see ourselves driven from the roadway by huge crawling monsters—often with trailers of almost equal size

and weight. Roads built to sustain ordinary traffic were soon pounded to pieces by trucks which, when loaded, had a weight of around 50,000 pounds. Automobilists found that it was impossible to pass these giants with safety on bridges, and at many points on the road. As a result numerous sections of costly paved highway had to be straightened and widened and in certain instances entirely rebuilt. Many miles are yet to be widened and numerous bridges, entirely suitable for ordinary auto traffic, and good for years to come, must give way to new and more costly structures.

These monster trucks and busses, when passing on curves, and often on tangents, on a 16-foot pavement, most always encroach upon the shoulders and inflict great damage—thus increasing maintenance costs. This situation has compelled the State Highway Commission to adopt a 20-foot pavement, with 4- to 6-foot rock shoulders, as a standard, and, at great cost, to bring previously constructed sections up to this standard.

When widening is undertaken, the existing pavement is improved by thickening in order to withstand the heavy traffic. **Such widening and thickening to present standards costs from $18,000 to $20,000 per mile in a level country. In the more or less mountainous sections such jobs have run from $37,500 to $80,000 per mile.** In the last case a 3-lane highway was built. In many instances such widening calls for not only the reconstruction of viaducts and bridges but the enlargement of tunnels. Both the Columbia River and Pacific Highways present many costly problems which must be paid for by some one if these tandem box-car and oil truck operations are to be accommodated with any degree of safety. That these truck operators expect the reconstruction of highways to proceed indefinitely is evidenced by the campaign they have been pursuing to that end for many months, and from the unguarded statements to which they have given expression.

By an interview with Mr. James H. Cassell, editor of Automotive News and executive secretary of the Automotive Dealers Association of Portland, appearing in the Oregonian of July 10, 1932, this gentleman revealed what was in his mind in the matter of highway reconstruction for the trucks and busses when he asserted that the prejudice against trucks was **"not unnatural because of our narrow, crooked highways and annoyance of fast-driving motorists".**

A truck operator at Grants Pass, writing to the Portland Oregonian, is even more pronounced in the assertion of the duty of the state to furnish truck owners highways adapted to for-hire transportation business by truck—he says in part:

"If possible a truck driver will not let a car pass him on a curve, and that is one reason some car owners get peeved. A truck driver tries to prevent accidents, not cause them.

"Why be in such a rush? I am under the impression that the highway was built for commercial use as well as for pleasure. **And why not let the pleasure-car owners build and maintain their own road if the ones we have don't suit them. Live and let live is my motto.**

"(Signed) TRUCK OWNER,
"Grants Pass, Ore."

In view of the vast sums expended by the Highway Commission during recent years in the reconstruction and maintenance of its existing highways, it is not surprising that the truck and bus operators assume the attitude they do in demanding the carrying out of their program for major highway reconstruction. That the state is now confronted with the probable necessity of issuing bonds to carry on its highway work is not to be wondered at, and, if the ambitious reconstruction program of recent years is continued, it will bankrupt the state—as shown by the following statement:

MAINTENANCE COSTS AND TRUCK AND BUS PAYMENTS COMPARED

1931 Highway Expenditures

New highway construction	$4,979,517.48
Reconstruction and betterments	5,042,233.42
Maintenance of highways	2,023,408.52
Bond interest and retirements	3,362,533.33
Miscellaneous	493,023.67
Total	$15,900,716.42

In other words during 1931 the State expended in round figures $16,000,000 in performing its highway work and meeting its highway obligations, and of this sum $7,000,000, or nearly half of it, was expended for the reconstruction, betterment and maintenance of our 4,205 miles of existing state highway. **From this table it appears that the reconstruction, maintenance and betterment cost of this existing state highway mileage, in one year, amounted to $1,680 a mile;** and yet there are freight operators who are annually driving, on the average, each loaded truck 25,000 to 30,000 miles over this highway and paying the state for the privilege less than $5 per month per truck.

It may be true that the common carrier truck operators pay annually an average of $297.59 per truck in license fees and mileage taxes, but if one of their trucks travels 30,000 miles a year—and this is a low average—they are paying less than 1 cent a mile, and if the whole bunch of commercial trucks and busses—6,344 in number—paid as much, they would be paying a total of $63.44 per mile travelled, while the poor old state, with the aid of the general property taxpayer, the automobile owner and the private truck owner, pays $1,680 a mile for reconstruction, betterments and maintenance alone.

PERSONS OPERATING THEIR AUTOMOBILES AND TRUCKS FOR PRIVATE PURPOSES IN THE ORDINARY MANNER ARE ENTITLED TO PREFERENCE OVER COMMERCIAL TRUCKS AND BUSSES.

The theory advanced by the Truck Owner from Grants Pass that motor truck and bus operators in the pursuit of their private business of conducting commercial transportation on the highways for profit, have the same right to use the highway for this business as do the persons operating their private automobiles and private trucks in the usual and ordinary manner, for their private business or their personal pleasure, is entirely wrong. The highways were built to accommodate the ordinary traffic, and in the planning and construction of the highways their use for heavy commercial passenger and freight business was not contemplated. As stated by the Supreme Court of the United States by decision January 4, 1932 (52 Sup. Ct. Rep., p. 145):

"It (the State) may prohibit or condition as it deems proper the use of city streets as a place for the carrying on of private business".

The same court, referring to the use of the streets in the conduct of business, says:

"It is a special and extraordinary use materially differing from operation of automobiles or trucks by owners or their chauffeurs in the usual way for private ends".

And by opinion of the Supreme Court in Clark v. Poor, 274 U. S. 554-557, delivered by Justice Brandeis, the court says:

"Common carriers for hire, who make the highways their place of business, may properly be charged an extra tax for such use".

And again in the case of Packard v. Banton, as District Attorney, 264 U. S. 140-144, the Supreme Court makes the following pronouncement:

"If the State determines that the use of streets for private purposes in the usual and ordinary manner shall be preferred over their use by common carriers for hire, there is nothing in the Fourteenth Amendment to prevent. The streets belong to the public and are primarily for the use of the public in the ordinary way. Their use for the purposes of gain is special and extraordinary and, generally at least, may be prohibited or conditioned as the legislature deems proper".

Therefore, the State certainly owes no duty to these commercial operators to widen and reconstruct our highways that are classed by the editor of the Automotive News as "narrow and crooked".

RAILROAD BUSSES AND TRUCKS

The truck operators are charging that this measure is unfair because it does not increase the mileage rate paid by common carrier busses. What the bill does is to equalize the truck charge with the bus charge. **As above stated, this bill is designed as an expression by the people, to the state authorities, requiring them to make a survey of all highway traffic and to revise all fees and to increase the existing charges against all commercial busses and trucks to such an extent as the facts disclosed by the survey justify.**

The truck operators, however, seem to ignore the fact that Railway Express Agency, Inc., is engaged in business in Oregon and operates a fleet of trucks; that this express agency is entering into the business of freight transportation by truck throughout the country, and is proceeding to do so in Oregon. **This express agency is owned by the railroads,** and it has the same right under the law to operate its trucks as has the Washington corporation, Consolidated Truck Lines, Inc.

If this law is enacted and complied with, these railroad busses and trucks will be confronted with the same increases in road taxes as may be imposed upon like equipment owned by others.

TRUCK LINES GROSSLY DELINQUENT IN PAYMENT OF ROAD TAX FEES.

As above indicated, many of the truck lines are not paying the fees now imposed upon them by law. Why they are permitted to continue their operations in defiance of the state law we do not know; but it is at least unseemly for them to represent to the people of the state that they are paying these fees when at this very time some 45 or 50 of them are delinquent in an amount around $100,000.

APPROVAL OF THIS MEASURE BY VOTERS VITAL—ITS DEFEAT FATAL TO HIGHWAY LEGISLATION.

We realize the great responsibility assumed by us in submitting this measure to the people, but we know that if we can bring the facts home to them and obtain a decision upon the merits, uninfluenced by prejudice or personal interest, the vote in favor of the measure will be overwhelming. On the other hand, we realize that if the people fail to vote upon this measure, or vote against it, the legislature will convene without any dependable facts or information upon which to act and will be met at Salem by the truck and bus operators with the argument that the people demand no legislation with respect to truck and bus operations. This would mean, not only a great loss of additional revenue but that drivers of freight and oil trucks with trailers may continue at the wheels of these great machines and drive at excessive speed, night and day, for 20 hours without sleep except as they doze at the wheel.

Vote 314 Yes. Freight Truck and Bus Bill.

HIGHWAY PROTECTIVE ASSOCIATION.
By OSWALD WEST, President.
Address: 531 Ry. Exch. Bldg., Portland

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by Allied Truck Owners, Inc., opposing **The Freight Truck and Bus Bill.**

In the 6,000-word bill initiated by the improperly styled "Highway Protective Association" and the 9,000 word affirmative argument printed in this pamphlet, together with tons of printed circulars, newspaper ads and radio propaganda, the people of Oregon are being treated to a visual and audible demonstration of BIG BUSINESS going about the task of crushing a competitor.

The risk of wearing out the patience of voters is too great to attempt to answer and refute unfair claims, twisted facts and half-truths advanced by the "association." The following, capable of immediate proof, are sufficient:

The charge that trucks are wrecking and breaking down Oregon highways is false on its face.

Extensive tests made by the United States Bureau of Public Roads, and state highway commissions, including Oregon, **prove that pneumatic tired heavy trucks have no appreciable damaging effect on modern roadways.**

The charge that trucks do not pay their way is false on its face.

Trucks in Oregon pay annually an amount equal to nearly twice the cost of the entire ordinary maintenance of Oregon's highway system.

Trucks pay over $3,300,000 annually in taxes; this is 27 per cent of Oregon's annual highway revenue.

In addition:

Trucks help to insure reasonable freight rates; they have been a primary factor in developing Oregon's back country; they are building the Port of Portland by opening new tributary territory;

Trucks have reduced the price of gasoline in hundreds of Oregon towns and cities, saving more than $1,000,000 annually.

They have put every farmer, fruit grower, dairyman and stock raiser on the main line.

They have saved Oregon more than $50,000,000 in rail rate reductions.

They employ 25,000 people.

The proposed bill, from its major provisions, shows its intent is anything but "highway protection."

Arbitrary weight and length, capacity and speed of trucks are set by it, with utter disregard of known standards.

These arbitrary restrictions, including new rates, have been set just beyond the limit where trucks can perform their cheap and efficient services for the people, and leave a profit.

IN A FLOOD OF WORDS, LEGAL TERMS AND COMPLICATIONS, THE REAL OBJECT OF THE BILL IS CONCEALED.

The actual effect of the bill would be:

To drive common carrier and contract trucks from the highways through impossibility of profitable operation under arbitrary restrictions and tax increases.

To bring an immediate raise in freight rates, as in every state where such legislation has resulted in throttling truck competition.

Truck owners and operators do not resist regulation. They invite it, and will cooperate in every reasonable way.

But they strenuously object to prohibition masquerading as regulation. They object to self styled "protective" associations that do not protect, and whose sponsors are hidden from the public.

OREGON DOES NOT WANT RAILROAD BOSSISM

A clever ruse on the voters was intended by filing "The Highway Protection Bill," but the supreme court promptly detached this false label by mandate, and substituted the present ballot title.

The "Highway Protective Association," a figurehead, first tried to justify its name by campaigning against drunken drivers.

If the railroads have a case, it ought to be submitted on its merits. Their dilemma is of their own making. Waste and extravagance, too many officers, presidents at $135,000 a year, have kept rates too high for years.

In spite of extensive grants of public lands, from which immense profits have been made, they complain that taxpayers must provide roadways for trucks!

The railroads should be ashamed of themselves for attempting reform by the method reflected by this bill. Full of legal complications and jokers it is an insult to the intelligence of Oregon citizens.

If the Oregon system means anything in modern legislation, it represents the ideal of a people who desire to enact laws for their own benefit. It was devised in the first place to prevent fraud and corruption. This attempt to violate the principles of the people's legislation, by observing the letter of the law and ignoring the spirit, deserves to be punished by such an overwhelming flood of "NO" votes that no aggregation of capital will ever have the temerity to try such a scheme again.

VOTE 315 X NO. I vote against the bill.

ALLIED TRUCK OWNERS, INC.
By RALPH J. STAEHLI, Secretary.
Address: Myler Building, Portland, Ore.

(On Official Ballot Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by William B. Dennis, opposing The Freight Truck and Bus Bill.

I am not interested in any manner whatever, directly or indirectly, in truck industries, truck transportation, railroads or railroad transportation. I am, however, deeply interested in our highways as a people-owned system of transportation and in the preservation and safeguarding of that system for the use and benefit of all the people on equal terms.

While the 1917 legislature must be given credit for having initiated our present splendid highway commission system and for having given the first impulse to state road construction, the foundation of a workable plan, under which the state has ever since continued to operate, was laid by the 1919 and 1920 legislative sessions.

The members of those sessions were imbued with certain ideals, which were interpreted and laid down as guiding principles, and were expressed by the provisions of the laws enacted and by vigorous rejection of every attempt in violation of them.

These ideals were embodied in the conception of an independent state-owned system of transportation in the use and benefit of which private interest should never acquire exclusive or special privilege but which should be forever preserved and safeguarded for the fullest possible use and benefit of all the people on equal terms with respect to each class of users.

This ideal has prevailed as the guiding principle of every legislative session from 1919 to 1931. At each of these legislatures bills proposing to grant exclusive franchises over the highways were introduced and supported by powerful lobbies. Session after session they have been defeated. Truck and bus men have reason well to remember the part I took in the fight against them over this issue at the sessions of 1919, 1920, 1921, 1923, 1925 and 1927.

By the introduction of the initiative measure commonly known as the West bill the scene of action has been shifted from the legislature to the people. This is an earnest appeal to the voters of Oregon to preserve the ideals of our highway system and to support and ratify the actions of previous legislatures by voting "No" on the West initiative bill.

The West bill, under the guise of "protecting our highways," seeks to take away from our people the benefit of low-cost freight transportation by curtailing, restricting, hampering, and eliminating the trucks that are now rendering a far-reaching state-wide service of incalculable value to the business and farming interests in every community of the state. It is an indirect onslaught against the right of the people to enjoy the full use and benefit of their highway transportation system, to wholly deny the use of our highways for moving certain commodities by imposing restrictions rendering it impractical to do so, and to raise the cost of every ton of freight moving over state and county roads.

Truck freight transportation in a few years has grown to enormous proportions, not only in Oregon but everywhere. Why? Because the people patronize it. Why do they patronize it to the exclusion of other forms of transportation? Because it furnishes them a low-cost extremely flexible form of transportation peculiarly adapted to modern business practice. This is one of the direct outstanding benefits which all the people receive from their people-owned highway system, one of the dividends, if you please, they are receiving from their investment of $150,000,000 in our roads. Shall this benefit be now taken from them or seriously impaired?

Every merchant, farmer or other business man, every housewife or school child, even to the remotest corner of the state, is more or less a dependent beneficiary of modern highway truck transportation. Even the proponents of the West bill will hardly deny that if this bill becomes law it will raise the per ton-mile cost of every pound of truck transportation moving over the highways which cost the shipper, not the truck, must pay. And if truck transportation does not survive, then what? What substitute form of transportation, and at what freight charge, do the proponents of the West bill propose to furnish?

If raising the shipper's cost of truck transportation and, by radical road restrictions, reducing the volume of truck transportation is not the purpose of the West bill then what is its purpose? If the cost of truck freights is raised and the volume of truck transportation is reduced who will be the beneficiary? Certainly not the people who own the highways.

Space here will not permit discussion of the provisions in detail of the West bill. I will call attention only to sections 4 and 5. Section 4 reduces the allowable total load from the present 49,000 pounds to 34,000, or about one-third of the load now allowed by law. Section 5 in effect entirely eliminates the freight trailer. In

practice, say a five-ton four-wheel truck hauling a trailer, would carry five-eighths of its load on the trailer and three-eighths on the truck body. If the trailer should be eliminated as the West bill demands it is obvious that the truck would be compelled to make two and one-third trips to haul the same volume of freight now transported in one trip. Obviously this would increase the cost of the haul two and one-third times. If the present freight charge on a ton of merchandise should be, say, $4 per ton it would have to be raised to $9.33 in order to maintain the present operating rate structure. Of course such a rate would be prohibitive and the truck would have to disappear as a mode of transportation. Is that what the proponents of the West bill want? Is that what the merchants and other people of Oregon want?

Section 4 of the West bill allows a maximum combined load of 34,000 pounds. Such a total load as applied to a five-ton four-wheel truck is an absurdity. No five-ton four-wheel truck without trailer could carry such a load without dangerously overloading and doing great damage to the road. Furthermore, he would be violating present laws which restrict loading to the safety formula worked out by the United States Bureau of Public Roads and now incorporated into the laws of this state and of many other states.

To those who have the necessary engineering knowledge of such matters, and who are familiar with existing laws of this state, the claim of the West bill that its purpose is to "protect" our highways against "the dangers attending use of the highways by commercial operations" must be regarded as an utter absurdity.

Every provision known to engineering science for the perfect adjustment of load to wheelbase, rubber to load, distribution of load to axle, speed to impact, etc., etc., has been incorporated into our present laws. Our highways have been built to standards to withstand the stress of truck traffic provided for by these regulatory laws. Practice and code are knit together in a well-balanced and unified system which would be thrown out of balance and utterly upset by the West provisions.

I have no quarrel with the West bill, or any one else who may think that the license fees of some classes of trucks (and let us also include the busses) should be revised upward. It may be that, in the light of experience, some readjustments should now be made. But this is work for the legislature, not for the voters. The scientific working out of a balanced schedule of highway fees is a job for experts in possession of all the involved and complicated facts. It is impossible for the average voter to act intelligently upon it. The submission of the West initiative measure is an imposition upon the voters. It is an appeal to prejudice against the trucks. My appeal is to the patriotism of our citizens and lovers of our magnificent highway system to protect it against this new onslaught upon the right of the people to enjoy the full benefit of the only independent transportation system the people have ever owned. Why sell it out?

In whose interest, pray, is the West bill propounded? It claims to be in the interest of "Protecting our highways". But "Not every one that saith unto me, Lord, Lord, shall enter into the Kingdom of Heaven."

What prejudice may exist against trucks on account of annoyance to private car drivers on our highways has been fed and inflamed by the erroneous and false propaganda that trucks are destroying our roads and not paying their proportion of the cost of the damage they do. Such statements are not borne out by the facts of experience known to engineers engaged in highway work. This is particularly true since the law prohibiting solid tires went into effect.

I am in favor of rigid truck regulation and adequate license fees. But what these regulations and fees should be no one man living has the knowledge of all the complicated facts necessary to a just determination. It is a matter for the work of committees, counsels, hearings, mathematical calculations and deep study.

The West bill is a one man idea of how it should be done. The voter has no choice, no opportunity to question, discuss, alter or amend. He must take it "as is" or let it alone. The legislature is a representative body of 90 intelligent men elected by your votes from your own communities. Why not leave it to them? They are surely more to be trusted to do the right thing than one self-elected man whose supporters are not disclosed.

I earnestly appeal to the hundreds of men and women throughout the State, and to the members of the legislature of the past 10 years, who have been loyal coworkers with me in defense of the principle that our highway system shall be forever preserved for the use of all the people free from special privilege or exclusive private benefit, to again rally to the defense of this ideal and to the defeat of this objectionable measure.

The only intelligent thing the voter can do is to follow the safe rule to vote "No" on a measure he does not and cannot understand. I feel it to be my duty to earnestly so advise.

WILLIAM B. DENNIS,
Carlton, Oregon.

(On Official Ballot, Nos. 316 and 317)

A MEASURE

For an act to provide for the unified and more economical conduct, management, maintenance, operation and control of all institutions of higher education and learning, publicly supported and conducted by the State of Oregon, and for the merging and consolidation thereof, etc., to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, July 7, 1932.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Initiative Bill—Proposed by Initiative Petition **Vote YES or NO**

BILL MOVING UNIVERSITY, NORMAL AND LAW SCHOOLS. ESTABLISHING JUNIOR COLLEGES—Purpose: To move the University of Oregon from Eugene to Corvallis and consolidate it with the Oregon State Agricultural College under the name of Oregon State University; move the normal schools from Ashland, La Grande and Monmouth to Eugene and consolidate them under the name of Oregon State Teachers' College; establish Junior Colleges at Ashland and La Grande, dispose of Oregon Normal School property at Monmouth; move the University Law School to Salem; all said institutions and the medical school at Portland to be conducted as units of said Oregon State University; make university president ex-officio secretary of board of higher education.

316 **Yes. I vote for the proposed law.**

317 **No. I vote against the proposed law.**

The following is the 25-word voting machine ballot title of the proposed measure:

BILL MOVING UNIVERSITY, NORMAL AND LAW SCHOOLS. ESTABLISHING JUNIOR COLLEGES—Purpose: Consolidating State University with State College at Corvallis; all normal schools at Eugene; moving Law School to Salem; creating junior colleges at Ashland and La Grande.

A BILL

For an Act to provide for the unified and more economical conduct, management, maintenance, operation and control of all institutions of higher education and learning, publicly supported and conducted by the State of Oregon, and for the merging and consolidation thereof, and for the utilization and disposition of the properties and property rights thereof by the merging of the five such institutions conducted by the State at Eugene, Corvallis, Monmouth, La Grande and Ashland into one major institution, to be effected by the consolidation of the State University of Oregon and the Oregon State Agricultural College under the name of Oregon State University, to be located at Corvallis, Oregon, and by the consolidation of the Southern Oregon Normal School, the Eastern Oregon Normal School and the Oregon Normal School under the name of Oregon State Teachers' College, to be located at Eugene, Oregon, and there conducted as a unit of the Oregon State University, and by providing for junior college units of the University at said cities of Ashland and La Grande, providing for the disposition of the Oregon Normal School property at Monmouth, Oregon, and repealing section 35-4512, Oregon Code 1930, and any other acts in conflict herewith.

Be It Enacted by the People of the State of Oregon:

Section 1. That the State University of Oregon and the Oregon State Agricultural College be and they are hereby merged and consolidated into one and the same institution of learning, which shall be permanently located on the site of the said Oregon State Agricultural College at Corvallis, in Benton County, Oregon, under the name and title of Oregon State University.

Section 2. That the Southern Oregon Normal School at Ashland, in Jackson County, Oregon, the Eastern Oregon Normal School at La Grande, in Union County, Oregon, and the Oregon Normal School at Monmouth, in Polk County, Oregon, be and they are hereby merged and consolidated into one and the same institution of learning, which shall be located permanently on the site of the said State University of Oregon at Eugene, in Lane County, Oregon, under the name and title of Oregon State Teachers' College, and be there conducted by and as a unit of the Oregon State University. The purpose of said teachers' college shall be limited to the instruction and training of

teachers for the public elementary schools, and if the Board so direct, the training of junior high school teachers. To provide residence facilities for students of the Oregon State Teachers' College, the State Board of Higher Education may by agreement with the owners, utilize Fraternity and Sorority properties located at Eugene, Oregon, for dormitory purposes.

Section 3. That the State Board of Higher Education be and hereby is authorized and directed to make provision for the operation on the site of the said Southern Oregon Normal School at Ashland, Oregon, of a junior college which shall be known as the Southern Oregon State Junior College, and be there conducted by and as a unit of the Oregon State University, and further authorized and directed to make provision for the operation on the present site of the Eastern Oregon Normal School at La Grande, Oregon, of a junior college which shall be known as Eastern Oregon State Junior College, and be there conducted by and as a unit of the Oregon State University. The courses of study at junior colleges shall be such as are provided at similar institutions of high standing elsewhere and as the State Board of Higher Education shall prescribe, but shall consist of not to exceed two years of work of college grade.

Section 4. That the Oregon State University and each unit thereof shall be governed by the State Board of Higher Education created by chapter 251, General Laws of Oregon, 1929, and shall have such curricula, organization, and conditions of admission and of graduation as shall be determined and prescribed by the said Board, consistent with this Act. Except as hereby modified, the said Board shall have, as to such University and units thereof, all rights, duties and powers heretofore invested in it as to the institutions of learning hereby merged.

Section 5. The transfers of educational functions and of property and equipment required or contemplated by this Act shall be effected by the said Board of Higher Education as quickly and in such manner as said Board shall deem best; provided, however, that such must be accomplished and the Oregon State University and its units herein provided for opened and in operation not later than the thirtieth day of September, 1933.

Section 6. The Oregon Normal School at Monmouth, Oregon, shall be closed and all of its real and personal property and equipment shall be transferred and delivered by the State Board of Higher Education to the State Board of Control, as soon as may be possible after the work of said Oregon Normal School shall have been transferred to the Oregon State Teachers' College; provided, however, that the Board of Higher Education shall retain any of said personal property or equipment which, in its judgment, may be useful to any of the educational institutions to be governed by it. Any and all property transferred and delivered to the Board of Control as herein provided shall be used or disposed of as said Board of Control shall deem to the best interests of the State, and any proceeds of any sale thereof shall be credited to the general fund of the State of Oregon.

Section 7. That on or before the thirtieth day of September, 1933, the law school and the medical school, heretofore conducted as departments and units of the State University of Oregon, shall be located and maintained and thereafter operated and conducted by and as units of the Oregon State University at Salem, Oregon, and Portland, Oregon, respectively. The Supreme Court library shall be available for use by students of such law school, upon and after its establishment at Salem, Oregon, under regulations of the Supreme Court and of the State Board of Higher Education.

Section 8. That any and all rights, privileges, endowments, gifts, funds and revenues from whatsoever sources, whether such be by virtue of Acts of Congress of the United States, Acts of the Legislature of the State of Oregon, or otherwise, and any and all legally binding obligations, heretofore granted to, assumed by or imposed upon any of the institutions hereby merged shall, except as to real property required where located for campus purposes, follow such merged institution, and under the direction and control vested in the State Board of Higher Education by Chapter 45 of Title 35, Oregon Code 1930, shall be applied and allocated and accrue as nearly as may be to the particular unit of the Oregon State University corresponding to or replacing the institution hereby merged; and particularly shall all benefits and obligations under Acts of Congress of the United States relative to land-grant colleges accrue to and be assumed by the Oregon State University. All proceeds of millage taxes provided for by Chapter 52 of Title 35, Oregon Code 1930, shall accrue to the use of the Oregon State University and its several units.

Section 9. The Chief Executive Officer of the Oregon State University and of its several units shall be its President, who shall be chosen by the State Board of Higher Education, and who shall ex-officio be the Executive Secretary of the Board, and who shall reside at Corvallis and maintain his office at the Oregon State University. The Salem office of the Board is hereby abolished and all records and property thereof shall be transferred to the office of the President of the Oregon State University. The local administration of each unit of the Oregon State University located at points other than Corvallis, Oregon, shall be by a Dean of the faculty of each such unit, each Dean to be selected for that office by the President of the Oregon State University, with the approval of the Board, and each to reside at the location of the unit in his charge. There shall be no other presidents and no vice-presidents.

Section 10. That section 35-4512, Oregon Code 1930, and all other Acts in conflict herewith, be and the same hereby are repealed.

For affirmative argument see pages 49-52.
For negative argument see pages 53-56.

(On Official Ballot, Nos. 316 and 317)

ARGUMENT (Affirmative)

Submitted by Taxpayers Equalization League of the State of Oregon, Marion County, in behalf of the Bill Moving University, Normal and Law Schools, Establishing Junior Colleges.

Regarding the higher educational consolidation bill thoughtful citizens are asking six pertinent questions. Upon the answers to these questions will depend the fate of the measure when it goes before the voters in November. Here they are with a brief discussion of each:

I. First and foremost: **Is it an economy measure? and will it save money for the taxpayers?** It should save from the beginning $500,000 a year in operation and maintenance of the College and the University. After recovery from the depression it should save over $1,000,000 a year. We ask your consideration of the following economies, possible only through consolidation:

1. **Saving in Capital Investment:** For the decade 1920-1930, the capital investment on the Eugene and Corvallis campuses was, in round numbers, $500,000 a year. In 1930 the presidents were requested by the Board to prepare estimates of their building requirements for a 10-year construction program. These estimates call for much larger capital investments than in the previous 10 years. Under the economy program contemplated by the consolidation bill, there need be but little capital outlay except for equipment, upkeep and alterations, within the next 10 years.

At Corvallis, the state owns 574.6 acres of land, of which 246.4 acres are within the city limits. Other lands owned in Benton County bring the total up to 1,863.5 acres. In the Eugene campus the state has only 100 acres. Over half of it is more or less cut up by city streets, and interspersed with many lots and entire blocks of private property. The newer campus also surrounds on three sides the Odd Fellows cemetery of about 14 acres. Evidently, then, from the standpoint of real property, all the arguments favor consolidation. At Corvallis, is land for all future needs. At Eugene, the State faces costly acquisitions and alterations to consolidate its holdings.

From the standpoint of the building program, the arguments for consolidation are still stronger. In small institutions doing advanced work, a serious problem is the efficient utilization of class-room and laboratory space. At present our plants are not utilized to one-quarter of their total capacity, nor to one-half the accepted standard of efficiency. (Survey, p. 202.) This great waste can be largely overcome by the consolidation of University work on the Corvallis campus, where there is ample space; and the consolidation of the elementary teacher training in a teachers' college on the Eugene campus

The Corvallis campus is one of the best arranged, modern higher educational plants to be found in the country for the money invested. At Eugene, as pointed out by the Federal Survey Commission, the State's funds have been badly invested. After inspecting the entire plant the Commission says: "In the opinion of the Survey Commission, practically the entire plant of the University should be rebuilt by replacing obsolete and flimsy structures by fireproof, well-designed buildings. The great number of small, make-shift sheds, transformed dwellings, and wooden barracks scattered over the campus should be razed and replaced by substantial buildings in relatively large units that will constitute a part of a harmonious campus plan."

Consolidation will solve the problem of buildings at Eugene. There are enough substantial, permanent buildings to house the simpler curricula of a teachers' college for more students than have been registered at the University. A careful study of the relative classroom and laboratory floor space on the two campuses shows that Eugene has 86,819 square feet. The Corvallis plant contains 251,809 square feet. This space at Corvallis is ample to take care of the combined enrollment for many years.

Likewise, consolidation of teacher training at Eugene will end an expensive and ill-placed building program at Monmouth. We are very conservative in placing the savings in capital investment at from $250,000 to $500,000 a year over a 10-year period.

2. **Savings in Overhead and Administration:** The worst single leak in our present costly set-up lies in the excessive cost of our administration and overhead. The Survey Commission in the academic year 1929-30, found our income for the higher educational institutions to be $9,263,995 for the biennium. The report points out that we spend 8.9 per cent of this huge sum for administration and overhead, as compared with 5.6 per cent in Nebraska and 4 per cent in Ohio, (both having consolidation) for the same purpose. For the year 1931-32, there was spent for general and administrative expense a total of $498,736—at the University $261,059 and at the College $237,676 Consolidation would save a minimum of $200,000 a year in overhead and administration.

3. **Savings in Student Costs of Instruction:** Authorities are agreed that size of a school or other educational division has a direct relation to economy and efficiency. The Survey Report states that savings tend to result from growth of

enrollment up to about 750 students in a school or division. (Page 54.) The State Board of Higher Education has established a total of 29 separate divisions and schools. Not more than six of these have any reasonable prospect of reaching the standard of economy and efficiency represented by an enrollment of 750. Consolidation of the University and College, reducing the number of divisions by one-third, would greatly increase efficiency and lower the cost per student. Figures compiled by the Survey Commission showed an average student expenditure for the United States, exclusive of capital investment, of $214.92 and for Oregon $276.99. Thus Oregon is $62.07 higher than the average. Through physical consolidation of the University and the College schools and departments could be established on a standardized basis that would result in annual savings of from $30 to $60 per student. This would net a saving of $120,000 to $200,000 per year in student costs.

4. **Savings from Elimination of Duplication:** Much of the expected savings from consolidation will arise from the elimination of duplication in offices, courses, etc. The single president will replace eight of the most highly paid officials in the state. One business office will do the work of three. There will be one registrar's office instead of two; one university library instead of two; one teachers training library instead of three; one law library instead of two; one health service instead of two; one set of athletic coaches instead of two; one football team instead of two; 22 separate schools and divisions will be consolidated into 11, etc. The savings thus made are large.

5. **Savings in Extension and Research:** To a considerable extent the demand for funds for both extension and research has originated in the competition and rivalry between the institutions. This has resulted in considerable waste of funds. Extension programs and research projects have been planned in rivalry with too little regard for state benefit. The new set-up with its division of functions, promises no solution. The Survey Report confesses, in this connection, p. 76, that "Separation of the functions of higher educational units will complicate and not solve the state's problems of social and scientific research." For both extension and research, a single consolidated institution is the only solution for waste and inefficiency, and the only guarantee of a program devoted solely to the good of the state.

6. **Savings in Useless Travel Costs:** Under the present wasteful set-up, there is great loss of time and money resulting from the constant stream of travel and the piling up of long distance telephone charges among the institutions, and between the institutions and the Salem office. Relief from this useless burden will benefit not only the taxpayers but the students as well. The only remedy is consolidation.

II. Will Higher Education Be More Efficient Under Consolidation than Under Our Present Divided Set-Up? For thousands of our citizens this question looms larger than that of economy. Again, the answer can only be an emphatic affirmative, for the following reasons:

1. **An Effective Institution of Higher Education Should Be a Center of All-Round Culture:** Under our present divided set-up, there can be no system of higher education; only scattered fragments. Consolidation will bring them together and make a system possible. As has frequently been pointed out, a university without advanced work in the sciences is ridiculous. The conclusions of science, and the scientific method are the foundation stones of the social sciences, and of all liberal culture. But in the present set-up we have the different elements of professional and vocational training pulled apart and established on two campuses—science on one, the social sciences on another. In the same way we have other essentials of higher education that belong together torn apart and placed on two campuses 40 miles from each other—home economics and the fine arts; business and industrial training; architectural design and structural engineering; landscape design and plant life. This is a doubtful educational experiment.

2. **Research Needs All Departments:** There is hardly a modern problem which does not involve for its solution questions of business and human relationships dealt with by the social sciences and the fine arts, as well as conditions of production and transportation dependent upon the physical sciences. Why keep them 40 miles apart?

3. **Extension Needs a Rounded Program:** The time has gone by when any community is interested in the one-sided type of work assigned to the two different extension services which work out of separate campuses. What our communities, both urban and rural, are interested in is a combination of the practical and liberal cultures, such as a consolidated extension service could provide at less cost.

4. **Better libraries and laboratories** can be provided at less cost under consolidation.

5. **Investments in special lectures, summer courses, and radio service** will be doubled in efficiency through consolidation.

6. **Better men will be attracted** and held by a consolidated institution. Only intellectual stagnation can result from the distorted segregation of cultures contemplated by the present set-up. Good men will shun it.

7. **Hundreds of costly, small and hence uninteresting classes** can be eliminated.

8. **A degree will mean more to the student.** In many departments under the present set-up it will be impossible for a student to get the training which his degree should stand for. Such degrees will be discounted.

III. Will Higher Educational Consolidation Improve Our High Schools? Anything which improves the work of our higher institutions will mean better teachers for our high schools; and a better education for the 50,000 boys and girls enrolled. If we have proven our case under II above, little need be added here. But there is another element to be emphasized. The rivalry and bitterness existing between the College and the University, is carried over by the teachers into the high schools, to the detriment of the work and the injury of the students. Partisan superintendents discriminate against teachers from the opposite institution. Partisan teachers do lasting injury to their students by influencing them to enter their own institution regardless of the students' aptitudes. Consolidation will promote healthier relationships between higher education and the high schools.

IV. Will Consolidation Lead to Better Elementary Schools where the masses of our citizens receive their entire school training? This is the most important question connected with this entire issue, and it is seldom discussed. Upon it hangs the fate of 153,000 boys and girls who attend our elementary schools. The Federal Survey Report contains a scathing arraignment of our neglect of elementary teacher training. The following is the basis of the Commission's argument:

"The quality of the elementary educational service is undoubtedly the most important single factor influencing the future of the state.

"The Survey Commission does not believe that the people of Oregon have provided for or received the sort of elementary teaching service that they would desire and be willing to pay for if they could realize vividly what has happened and is happening in the schools of their state as a result of their own failure to understand what neglect of elementary teacher training means."—pp. 110-111.

Like the old horse and buggy in transportation, normals such as Oregon is supporting are a vanishing factor in American education. They have been replaced by standard four-year teachers' colleges. In 1930, such colleges enrolled 215,189 regular students in 35 states. State normals enrolled only 41,083 students, and the number is constantly diminishing. Oregon is said to have but one competitor for last place among the states in elementary teacher training service.

This is a problem which we must face at once. None of our present normals is suited in any way for development into a creditable teachers' college. To develop a new location would entail a large outlay of capital. The Eugene campus affords a site second to none in the country. Its choice will raise Oregon at once from the very bottom to a position among the leaders in elementary education, the foundation of its citizenship.

V. Will the Public Relations and Influence of Higher Education Be Improved Through Consolidation? They most certainly will.

1. **Factionalism:** A state educational system which does not promote unity, cooperation and harmony is a failure. Ours has not only failed in this respect, but has been a most active promoter of factionalism. Under such conditions the unity and morale so necessary to progress have been impossible.

2. **Political Corruption:** Legislative slates have been promoted, committees have been framed, useful legislation held up or defeated, unjust appropriations railroaded through, mediocre or bad officials supported,—all for the glory of a particular institution of higher education!

3. **Press Propaganda:** Just as the schools are poisoned with prejudice the press is flooded with propaganda by factions supporting the rival institutions. Insidious devices are constantly used to capture and hold the influence of newspapers and blind their editors and owners to the truth.

4. **Impotent Leadership:** The least a state can expect for its support of higher education is an unbiased capable leadership from its graduates. The springs of our Oregon leadership are poisoned at their source. Graduates emerge spreading discord instead of harmony, and fostering division instead of unity. Oregon leadership has been like the proverbial house divided against itself.

VI. Will the Consolidation Program Work Serious Injury or Injustice to Any City or Section of the State? With the possible exception of Monmouth, there will be no permanent injury wrought and no injustice done. What happens at Monmouth will depend upon the use made of the old normal plant by the State Board of Control.

1. **Ashland and La Grande will both benefit** by the change from small obsolete normals to standard junior college divisions of the Oregon State University. At present the Ashland area sends 612 students to Eugene and Corvallis. Under consolidation, most of these could get their first two years' work just as effectively, and at much less expense in their own junior colleges. The La Grande area is sending 339 students to Corvallis and Eugene. Both these areas are also sending many students to institutions in neighboring states. There is every reason to believe that both junior colleges will enroll two or three times as many students as they could expect while the major emphasis is on normal school work.

2. **Eugene will not suffer materially** beyond a brief transition period. With the urgent demand for better trained teachers, it should be but a very short time until the enrollment in the Oregon State Teachers' College will surpass the present university student body. The experience of other states would justify this prediction. The teachers' college students will

soon fill up the dormitories, and occupy the fraternity and sorority buildings. This forecast is also warranted by developments in other teachers' colleges where the fraternal movement is making rapid strides. Eugene will not suffer long or materially from lack of students. The Survey states that "1,300 new elementary teachers will be required each year to care for the growth of the school system and to replace teachers who leave the service" (p. 88). To graduate 1,300 students each year the Eugene Teachers' College would have to have a student body twice as large as the present Eugene enrollment.

Besides, under normal conditions, the University cuts a very small figure in the prosperity of Eugene. "We do not put all our eggs in one basket" is her proud boast. She enumerates her varied industries, dwells upon her strategic transportation center, and expands on the affluence of her rich tributary territory.

What Are the Principal Arguments Against Consolidation and What Is Their Validity? In adding a brief discussion of this question, we must bear in mind that every argument thus far propounded against the bill has emanated from Eugene. It arises from an exaggerated fear of monetary loss, and disregards entirely the present and future welfare of the state outside that city. In her panic, Eugene has not hesitated to manufacture arguments out of thin air.

1. **Argument:** Consolidation would require an investment of $6,000,000 or $3,000,000 on the Corvallis campus. **Answer:** An absolutely false assertion. The entire cost of the buildings on the Eugene campus was $2,536,577.58. A better plant could be built today for about $1,600,000. And yet it is suggested that if the Eugene students were to congregate at Corvallis, it would take $6,000,000 to house them. In 1919-20 Corvallis took care of 3,914 regular students, besides many short course students. Since then her plant has been almost doubled in capacity. With junior colleges at Ashland and La Grande, and a teachers' college at Eugene, there is no chance of filling the Corvallis plant for many years to come

2. **Argument:** The Ashland and La Grande plants will have to be abandoned, and the Eugene plant will be occupied to less than quarter its capacity. **Answer:** As shown in IV and VI above, this statement is just as false and childish as the Corvallis investment story.

3. **Argument:** Total loss and expense $16,000,000. **Answer:** As shown in VI above, there can be no such loss. This is a pure figment of a crazed imagination.

4. **Argument:** Give the Board's program a chance. **Answer:** As shown throughout this statement the Board has no program which will either guarantee economy or promote efficiency. It has torn asunder work which belonged together and set it down 40 miles apart. We have two halves of a university separated so as to make effective work impossible. Consolidation will bring the two together. This is purely a plea to gain time in the hope that prosperity may return and the people forget, and let the old waste and inefficiency go on again unchecked. Every saving accomplished to date has been forced upon the board over its protest; and there is nothing in its present set-up to guarantee future economy.

5. **Argument: Agriculture and other special work at the College will be submerged. Answer:** Call the roll of the leading schools of agriculture. The seven greatest in order are Cornell, Wisconsin, Illinois, Ohio State, Minnesota, Nebraska, Missouri—all in consolidated universities. There follow, Ames, Oregon State, Purdue, Kansas, the separate schools.

6. **Argument:** A consolidated institution will cost more. **Answer:** An insult to horse sense and average intelligence. As shown in 1-3, above, there are no standards of costs in higher education. Figures put out by Eugene are totally misleading. From a combination of data from bulletins No. 49,582 and No. 59,144, we can compute costs for the year 1930-31. They show for the United States the average student cost for separate colleges, $665.54; separate universities, $415.99; combined institutions, $540.49; Oregon State College, $428.26; University of Oregon, $447.19. Our estimated savings in 1-3, above, are conservative.

7. **Argument:** The state is under contract to maintain the university at Eugene. **Answer:** There never was any such contract. There was a bill framed by a Eugene committee and lobbied through the legislature by the same unscrupulous methods now being used to retain its hold on the pork-barrel. No act of the legislature, not even a constitutional provision, can be construed as binding a permanent burden on a free commonwealth. Besides, the most important integral division of the Oregon State University will still occupy the Eugene campus.

Conclusion: Other minor points are being raised in objection to the consolidation bill. They all come from the same source and bear the finger prints of unscrupulous greed. Before the Marion county branch of the Taxpayers Equalization League of Oregon filed the referendum on the higher educational appropriations, it made a careful study of higher educational costs. It was convinced that the only guarantee of future economy, efficiency and harmony lies in the physical consolidation provided for in this bill

TAXPAYERS EQUALIZATION
LEAGUE OF THE STATE OF
OREGON, MARION COUNTY,

By HENRY ZORN, President,
WILLARD H. STEVENS,
Secretary.

(On Official Ballot, Nos. 316 and 317)

ARGUMENT (Negative)

Submitted by School Tax-Saving Association, opposing the Bill Moving University, Normal and Law Schools, Establishing Junior Colleges.

ACTUAL BACKERS OF BILL NOT KNOWN

This bill proposes to move the University of Oregon from Eugene to Corvallis, move the normal schools from Monmouth, Ashland and La Grande to Eugene and create at Eugene a new "Teachers' College", to create at Salem a new state law school, to create at La Grande and Ashland "junior colleges," to abandon the entire Monmouth plant—a program involving millions of loss and new expense to all Oregon taxpayers.

Although thousands of dollars have been spent on an elaborate and sensational campaign to get signatures for this measure, the visible promoters of it have refused to name the interests or individuals footing the bills. Appearing before the education committee of the State Grange, Messrs. Zorn and Macpherson, in answer to direct questions on this point, said:

"It would be embarrassing to name those persons."

If the backers of this scheme are sincere and unselfish in their motives, why should they fear to reveal their connection with a measure which pretends to be for the good of the state? The integrity of this measure is in doubt.

SPONSORSHIP IS MISLEADING

Arguments for this bill appear in the name of the "Taxpayers' Equalization League of the State of Oregon." This is a purely local organization in Marion county and not the statewide Oregon Taxpayers' Equalization League, of which James E. Burdett, of McMinnville, is president. At a hearing before the supreme court, Mr. Burdett appeared and denounced this deception and the court ordered the titles altered to show more nearly its true purpose.

NO TAX SAVING IN BILL

Although the promoters of the bill make extravagant claims of tax saving, absolutely no tax saving is possible under the bill because—this bill fails to alter the fixed millage for higher education; the millage is 2.04 now; it would still be 2.04 if the bill passed. Why this failure to reduce the millage if economy were the real object?

INVOLVES WASTE AND EXPENSE

Without regard for political differences or other variations of outlook, Governor Meier, members of the state tax commission, all of the members of the state board of higher education and nearly all of the newspapers of the state have denounced this bill as a piece of foolish theory and untimely extravagance.

The figures involved speak for themselves.

Valuation State-Owned Properties
(From official inventory, insurance purposes)

University of Oregon	$4,491,822.86
Oregon State College	6,600,728.00
Monmouth normal	712,464.86
Ashland normal	251,976.76
La Grande normal	226,537.50
Medical school (Portland)	1,418,584.01

Official Enrollments (Last Term 1932)

University of Oregon	2,554
Oregon State College	2,661
Monmouth normal	507
Ashland normal	292
La Grande normal	187
Medical school	236

Hard Times Offer: Taxpayers are asked to junk the entire Monmouth property, now. They are asked to write off nearly two-thirds of the usable plant at the University of Oregon by turning a school, which now accommodates 2,500 to 3,000 students, into a "teachers' college" with less than 1,000 enrollment. They are asked to build a new law school at Salem (although this bill provides no financing). They are asked to rebuild modern normal properties at La Grande and Ashland in order to have "junior colleges" like California.

Junior College Costs: California has found junior colleges a very costly experiment. A survey just completed by A. E. Joyal shows an instruction cost of $4.49 per hour for each student enrolled and $6.77 per hour for each credit toward graduation—more than twice the costs for the same class of work at the University of California. The normals at Ashland and La Grande at present give junior college work to those who want it (about one-fifth of their enrollment). Removing the normal work from those schools would make the cost of their operation as junior colleges prohibitive. A total loss there is probable.

Teacher College Fallacy: Mr. Macpherson argued before the State Grange that there would be no loss on the substantial plant at the University because the proposed "Teacher College" there would have an enrollment "as great or greater than the present enrollment of the University in time." Either Mr. Macpherson is totally wrong in this prediction or he is totally wrong in predicting economies.

Who would employ graduates of this vast "teacher college"? Recent surveys show Oregon schools already over-staffed and enrollment declining. What would prevent this vast "teacher college" becoming as serious a rival of the Corvallis institution as the present University? Since the proposed "teacher college" would be limited to preparing primary teachers, enrollment could not exceed a few hundred with resultant tremendous losses on the 30-building plant now housing the University.

Corvallis Move Fallacy: There are 30 serviceable buildings on the University campus, more than half of them of new and excellent construction. There are only 32 buildings on the Corvallis campus (aside from barns and greenhouses). The promoters of the measure have consistently ignored official figures on instructional capacity. They credit the University with only 86,819 square feet of space; the State College with 251,809. The official figures are:

	Square Feet
University	130,649
State College	205,456

The large amount of technical work at the College requires more floor space. The federal survey shows under present conditions 20 per cent greater usage of plant at Corvallis than Eugene, implying greater opportunity for expansion at Eugene than at Corvallis. (See page 202.) **President Kerr's reports for the last six years demand a vast building program.** The federal survey recognizes President Kerr's plea by recommending $1,300,000 in new laboratories and chemical buildings at Corvallis and only $300,000 to $500,000 for a new library at Eugene.

Federal Survey Opposed: The federal survey considered the possibilities of combining the University and College but says it would not "be better at this late date to unite the two institutions on one campus; there is no practical means of getting the investment back from either campus if one were abandoned. Both must be utilized now." (Page 406.)

Housing Problem Acute: The certainty that millions would be demanded for new facilities at Corvallis, if this bill passed, is best illustrated by the housing problem which would be acute.

Official figures on housing capacity in all state-owned and student-owned dormitories on the two campuses show:

	Housing Capacity	Enrollment
University	1,978	2,554
State College	2,498	2,661

In the last term 1,774 students at Corvallis lived in these houses or dormitories and 885 in the town. There were only 724 actual vacancies in these state-owned and student-owned living quarters. There would have been a room-shortage of 161 if all students had applied. It is now proposed to transfer 2,500 to 3,000 students from the University into this congested situation. This means that close to 2,000 additional students would be forced to live in the town which has only 7,585 population by the last federal census and only about 2,000 homes (of which only a certain proportion would be suitable for students).

Deplorable for Women: For women students especially these conditions would be deplorable for of the total Corvallis dormitory capacity only 994 rooms are available for women (and that includes one hall virtually condemned). With a probable enrollment of nearly 2,500 women under the proposed plan, some 1,500 girls would be forced to seek quarters in the town, remote from supervision, under questionable sanitary and social conditions. **A demand for millions for new dormitories would follow from Oregon mothers in rebellion.** On the Eugene campus vast, new, beautiful dormitories would be standing idle.

Hits Working Student: Promoters of the bill have argued that under the new plan the unfit, the lazy and the idle rich would be barred from enrollment as one means of keeping expenses down. Courts have ruled that state schools cannot refuse admittance to any citizen with a high school certificate. There would be no legal way of preventing the congestion which would hit the worthy, working student and not the "idle rich" as claimed. The rich man's son could pay the profiteering rents in the congested town. The self-supporting student could not. Nearly 70 per cent of all Oregon students are totally or partially self-supporting. Jobs for students now tax the resources of two towns. For years, under the proposed scheme, Oregon would shut out the very students its educational system is designed to serve.

Additional Losses: Additional losses in taxable properties destroyed would be very large and are indicated as follows:

Student-owned houses, Eugene	$1,100,000
Employes' houses	875,000
Other taxables (all towns affected)	4,000,000

Hits State Finances: The state of Oregon alone is holding in its sinking fund as an investment bought as gilt-edged $450,000 of Eugene municipal utility bonds and $60,000 Monmouth bonds. For years the state would be unable to realize these funds. More than $5,000,000 in the public securities of counties affected would be jeopardized by this bill with resultant danger to banks, mortgage companies and individuals which hold them as investments. This bill would deepen depression. In addition there would probably be total losses on more than $400,000 of mortgages against student-owned properties in Eugene. On top of all losses the state would have to find money to rebuild the institutions moved or altered by this scheme.

No Long-Run Savings: Would long-run savings compensate for all losses and expenses? There are six campuses now—Ashland, Eugene, Corvallis, Monmouth, Portland and La Grande. There would still be six campuses—Ashland, Eugene, Corvallis, Salem instead of Monmouth, Portland and La Grande. **The millage is not reduced!** There are 6,437 students at all schools now. Unless the promoters are spoofing, there would be 4,000 to 5,000 at Corvallis, 2,000 to 3,000 at Eugene, 1,000 each at Ashland and La Grande and approximately 500 more at Portland and Salem—7,500 to 10,000 students. Save? How?

Government figures refute the claim that "consolidated" schools have lower operating costs than non-consolidated. U. S. Bulletin No. 59,144 shows that Nebraska spends $352 per student, same as for both schools in Oregon. Ohio State spends $388 or $36 more. Average for "consolidated" institutions is $442 or $90 more. Reasons: educational units above 5,000 require more supervision; consolidated units have consolidated lobbies and really control legislature.

As to Campus: Arguments that further expansion at Eugene campus is impossible because of limited acreage are deliberately misleading. Mr. Zorn, before State Grange, admitted he had never visited Eugene campus or normals before preparing bill. Mr. Macpherson referred to golf course and cemetery shutting off expansion at Eugene. No golf course within mile and a half of campus at Eugene. Cemetery at rear no barrier. One hundred acres available at Eugene actually exceeds 91 acres available at Corvallis when farms are not counted. Minnesota has 14,000 students on 103 acres; California 19,235 on 152; Yale has 5,290 on 70. Modern efficiency demands concentration, not vast parklands.

SCHOOLS NOW ARE SAVING $900,000 A YEAR

"A bird in the hand is worth two in the bush." So is a saving to the taxpayers!

State Board Plan: Under the new unified plan of administration worked out by the State Board the schools are now operating for $900,000 a year less than in 1929, without sacrificing any one of them.

Why Endanger Aid? In the last five years the state, through the University of Oregon, has received more than $1,500,000 in educational aid from national foundations. The foundations have approved the present State Board's plan—**because it preserves all vital institutions.** Why endanger the state's standing and chance of helpful revenue?

Emphasis Misplaced: In 1921, the state of Oregon was contributing $2,448,351 to higher education. In 1931-32 it contributed only $2,603,802, an increase of 1 per cent in 10 years. **The 1932-33 figure for state** support will probably be less than in 1921. In the same 10 years cost of elementary and high schools have increased from $14,162,387 to $22,042,597 or 49.1 per cent. Roads have increased from $6,024,711 to $9,549,818 or 21.9 per cent. Municipal governments have increased from $6,532,449 to $10,158,014 or 22.6 per cent. Of all agencies of government, higher education is **least to blame** for taxation.

Friction Disappearing: Rivalry between schools is held up as a grave evil. The State Board has eliminated the main cause of rivalry by eliminating duplicated functions and recruiting practices, standardizing financial methods, and bringing the light of day into all accounting. Are the wails now heard the wails of those who are thwarted in their ambition to profit by educational turmoil?

An Oregon System: What Oregon needs is an Oregon system for Oregon education. The problems of Oregon are not quite like those of any other state. Oregon has a separate agricultural college because Oregon is primarily agricultural. Oregon spends nearly 23 per cent of the total budget for higher education ($800,000) on agricultural education and extension. Shall this work be submerged in a state university program?

Oregon has normal schools located strategically in the three principal sections of the state because geographical and economic conditions created a demand for such a division of normal work. The federal survey found it wise and recommended **against any change in it.** The junior college plan which has been found of questionable value in wealthy California would be a wild extravagance here.

The University of Oregon exists because from pioneer days the people of this state recognized that in addition to its vocational and technical problems it had social and economic problems requiring the type of work done by a great university. They had vision. Never were those problems so pressing as they are today. To say that the University was located by "unscrupulous pork barrel methods" is a gross slander against the pioneer farmers who donated wheat, cows, pigs, chickens and their own labor to raise the $50,000 needed to build Deady hall, the first building at the University. The grangers of that day raised the last $10,000. Since that time the people of Oregon have given hundreds of thousands in additional gifts to their University. It has cost the people of the state $500,000 a year less to maintain the University than its sister college because of this friendly interest in its welfare.

SUMMARY

The backers of this bill are not revealed.

Their methods are subject to question.

Their technique has been one of varied sensationalism and deception.

The claims of savings cannot be sustained.

Inevitable waste and expense are evident.

Present savings of $900,000 a year would be lost.

Harmony would not be restored.

"Oregon has millions for education but not one cent for real estate promotion."

STATEMENTS ON THE ISSUE

Governor Meier—"The extensive study which I have made of the matter leads me to believe that the moving measure would result in financial losses running into millions of dollars. It is obvious the measure would cause great loss at Monmouth. With respect to losses at Eugene it is apparent that the new teachers' college could not hope to have an enrollment exceeding 600 or 700 with the result that it would be required to operate a plant with 30 large buildings, a central heating plant and a 100-acre campus with overhead that would be prohibitive. The loss in student-owned houses estimated at $1,100,000 would probably be complete. Families transferred would suffer heavy losses. Public securities would be disastrously affected. Housing facilities and additional equipment on the campus at Corvallis would have to be provided at a cost estimated at $3,000,000 in the next few years. Furthermore it has been the history of consolidated schools that university functions submerge all other functions. The probable result of the proposed measure would be the loss of identity of the Oregon State Agricultural College. I reiterate, therefore, that after careful study, I am of the firm opinion that the measure would not be conducive to saving to the taxpayers, but on the contrary would result in large economic losses, greatly increased taxes and decreased efficiency of the schools. In my opinion, both the taxpayers and higher education will be better served by the merger of the management of those institutions under a single chancellor as now contemplated."—Letter to Henry Zorn, June 14.

Earl L. Fisher, State Tax Commissioner—"Coming at this time, the bill to reorganize the entire upper school system would place heavy burdens on property owners and it would probably raise taxes throughout the state because it would involve not merely millions of losses on state and private property but millions for new buildings to accommodate the shift. Another very serious effect would be the impairment of millions of county and city utility bonds of communities involved in the shift. It is difficult to see how such a measure can ever be approved by the people because far from being an economy measure it would add heavily to the burdens of the state."

James E. Burdett, President of the Oregon Tax Equalization and Conservation League—"The State League is not interested in the school bill and will not have any part of it. The Marion county league which has sponsored the bill is a purely local organization and represents a purely local movement. I am personally opposed to the bill on the ground that it would add heavily to state expense and result in increased taxes instead of economies."

State Board of Higher Education—"The State Board feels that it is in duty bound to give the people of the state accurate and unbiased information on the effect of the proposed measure. Under the plan of unification adopted March 7, the institutions are consolidated into one system thus eliminating duplication and effecting economies and at the same time efficiently and completely using present plant facilities of all units. The proposal to move the University to Corvallis would necessitate an immediate building program at Corvallis. The $4,491,822 investment in lands, buildings and equipment at the University would only be partially utilized by a teachers' college. Valuable gifts and donations would probably be lost. An investment totalling $712,464 at Monmouth would be abandoned. The plant at Southern Oregon Normal and Eastern Oregon Normal would be abandoned for teacher training work leaving only a small number of junior college students enrolled there. For these small numbers additional equipment would be necessary. (And after detailing various other heavy losses on student-owned properties and self-supporting dormitories.) An acute housing problem would be created at Corvallis which could be met only by the state building additional dormitories and by additional private investment in fraternities and sororities. The schools would be operated in the next biennium not at a saving of $2,000,000 but would require increased legislative appropriation of several millions for buildings, a repudiation of bonded indebtedness totaling large sums, and the abandonment of various plants and facilities. In addition it is the belief of the board that continued agitation is extremely detrimental to the working out of any satisfactory plan."

Respectfully submitted,

SCHOOL TAX-SAVING ASSOCIATION,

By AMEDEE M. SMITH, Chairman.

F. H. YOUNG, Secretary.

Address: 619 Pacific Bldg., Portland, Ore.

(On Official Ballot, Nos. 318 and 319)

AN AMENDMENT

To the constitution of the state of Oregon, being the addition of Section 11a to Article XI thereof; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, July 7, 1932.

The following is the form and numerical designation of the proposed amendment as it will be printed on the official ballot:

Constitutional Amendment—Proposed by Initiative Petition **Vote YES or NO**

TAX AND DEBT CONTROL CONSTITUTIONAL AMENDMENT—Purpose: To make the power of the state, counties, municipalities and districts to levy taxes and incur indebtedness subject to such limitations and control as may be provided by general law.

318 Yes. I vote for the proposed amendment.

319 No. I vote against the proposed amendment.

The following is the 25-word voting machine ballot title of the proposed amendment:

TAX AND DEBT CONTROL CONSTITUTIONAL AMENDMENT—Purpose: Making the power to levy taxes and incur indebtedness in all cases subject to such limitations and control as may be provided by general law.

PROPOSED CONSTITUTIONAL AMENDMENT

That article XI of the Constitution of the State of Oregon be, and the same hereby is, amended by the addition of the following section, to be numbered and known as section 11a:

Section 11a. All powers of the state and of each county, municipality, district and body thereof to levy taxes and to incur indebtedness shall be exercised subject to such limitations and control as may be provided by general law. Provision may also be made by general law for systems of accounting, auditing of finances and forms of budgets of the state and of all counties, municipalities, districts and bodies thereof.

For affirmative argument see pages 65, 66.

(On Official Ballot, Nos. 320 and 321)

A MEASURE

For an act providing for supervision, limitation and control of budgets and tax levies of each county and of all municipal corporations therein, etc., to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, July 7, 1932.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Initiative Bill—Proposed by Initiative Petition **Vote YES or NO**

TAX SUPERVISING AND CONSERVATION BILL—Purpose: To provide for a local non-salaried tax supervising and conservation board of three members for each county, appointed by the governor, to review budgets and regulate tax levies of the county and of all municipal corporations therein; for appeal from any order of said board, either by the levying body or by ten interested taxpayers to the state tax commission; providing for said board holding hearings and making advisory recommendations as to special tax levies and incurring indebtedness, also compiling statistics and publishing information concerning public finances; repealing present tax supervising and tax conservation law.

320 Yes. I vote for the proposed law.

321 No. I vote against the proposed law.

The following is the 25-word voting machine ballot title of the proposed measure:

TAX SUPERVISING AND CONSERVATION BILL—Purpose: Providing appointive tax supervising and conservation board of three in each county to review budgets and regulate tax levies, with appeal to state tax commission.

A BILL

For an Act providing for supervision, limitation and control of budgets and tax levies of each county and of all municipal corporations therein; creating a tax supervising and conservation board in and for each county and prescribing its powers and duties; providing for appeals from orders of such boards to the state tax commission; providing for hearings on propositions to levy special taxes or to incur indebtedness and for publicity of the board's recommendations thereon; providing penalties for violations of this act; and providing for the repeal of sections 69-1201, 69-1202, 69-1203, 69-1204, 69-1205, 69-1206, 69-1207, 69-1208, 69-1209, 69-1210, 69-1211, 69-1212, 69-1213, 69-1214, 69-1215 and 69-1216, Oregon Code 1930.

Be It Enacted by the People of the State of Oregon:

Section 1. This act shall be known as the tax supervising and conservation act.

Section 2. For the purposes of this act and unless otherwise required by the context:

(a) The word "board" means the tax supervising and conservation board.

(b) The word "member" means a member of the tax supervising and conservation board.

(c) The word "commission" means the state tax commission.

(d) The words "municipal corporation" mean the county, and any city, town, port, school district, union high school district, road district, irrigation district, water district, dock commission, and any other public or quasi public corporation having the power to levy a tax or to incur indebtedness.

(e) The words "levying body" mean the common council, board of commissioners, board of directors, county court or other managing board of the county, or of any city, town, port, school district, union high school district, road district, irrigation district, water district, dock commission, and of any other public or quasi public corporation having the power to levy a tax or to incur indebtedness.

(f) The words "county court" mean the county court or board of county commissioners of the county.

(g) The words "fiscal year" mean the calendar year ending on the thirty-first day of December, or any period of twelve months ending during the calendar year on any day of any month other than December.

(h) The word "assessor" means the county assessor or other officer charged by law with the duty of extending taxes upon the assessment and tax roll.

(i) The words "act" and "this act" mean the tax supervising and conservation act.

Section 3. There is hereby created in and for each county of this state a board which shall be known as the tax supervising and conservation board. Each board so created shall have jurisdiction, as herein provided, over the levying of taxes and the incurrence of indebtedness by all municipal corporations in and of the county for which the board is created. Upon the taking effect of this act the governor shall appoint the tax supervising and conservation board for each county. Said board shall consist of three members. One of said members shall be appointed for the term of one year, one for the term of two years and one for the term of three years. As the term of each member first appointed shall expire, the governor shall appoint his successor for the full term of three years and thereafter each member so appointed shall hold office for the term of three years. The governor may, for good and sufficient cause, remove any member at any time. In case of inability of any member to serve, or of removal from office, the governor shall appoint a successor to fill the balance of the unexpired term.

Section 4. The members appointed under the provisions of this act shall be residents and taxpayers in the county for which they are appointed and shall be registered electors therein. The county court of each county shall furnish an office in the courthouse or other convenient place for the use of the board, where the public shall have access to the records of said board. The members of the several boards created by this act shall serve wholly without compensation. Each board shall be empowered to employ and fix the salaries of such clerks or other assistants as it may deem necessary. Such clerks and assistants shall be paid out of the general fund of the county in the same manner as other county employes are paid; provided, however, that there shall not be expended by the board for all purposes a greater sum than ten thousand dollars ($10,000) in any one year in any county containing more than 100,000 inhabitants, nor a greater sum than one thousand dollars ($1,000) in any one year in any county containing not more than 100,000 inhabitants. It shall be the duty of the county clerk of each county, whenever so required by the board, to perform the duties of secretary or clerk of the board without additional compensation.

Section 5. It shall be the duty of each board to compile accurate statistical and other information relating to the bonded or other indebtedness of all municipal corporations within the county, and to keep a permanent record thereof, and to issue a statement as of the thirty-first day of December of each year showing the amounts of all such indebtedness, the annual interest charges thereon and such other facts and information as may appear to be pertinent in the matter. Each board shall have the power and authority to demand from any public official in its county a full and complete statement of the amount of money expended by his department for each fiscal year as defined by law, and said board shall keep an accurate accounting and record of expenditures by each municipal corporation within its county for each fiscal year. The board shall have power to inquire into the management, books of account and methods employed of each municipal corporation and of each department thereof within the county.

Section 6. Each levying body within the county shall annually, and on or before the first day of October of each year, submit to the board a certified copy of its budget for the next ensuing fiscal year, embodying detailed statements of unexpended balances, estimated receipts and contemplated expenditures, as provided for in any budget law now in effect or which may be enacted, also a certified copy of each original estimate sheet of any officer or department and of any other record or information required or to be required by any such budget law; provided that the board may for good and sufficient reason and on application therefor in writing, grant to any levying body such extension of time for such filing as may appear reasonable to the board. Each levying body shall be entitled to a hearing by the board on the budget submitted by it and the board shall determine the time and place of such hearing. The board shall give notice of the hearing in such form and manner as it may prescribe and it shall be the duty of the levying body, or its representatives, to meet with the board at the time and place designated. All such hearings shall be open to the public.

Section 7. The board shall carefully consider the proposed budgets filed under the provisions of this act, together with the evidence submitted at the hearings and other pertinent facts and information, and it shall have the power to approve, reject or reduce any such budget or any item therein, or on the written request of the levying body, if the board shall deem an emergency to exist it may, by unanimous vote, increase the amount of any budget so filed. Not later than December first of the current year the board shall advise each levying body in the county of its findings and conclusions and shall, by formal order, direct said levying body to levy a tax in accordance therewith upon the real and personal property subject to taxation within the municipal corporation. The order of said

board as to the amount of tax to be levied by each municipal corporation, which order shall be made by unanimous vote of the members, shall be entered in the records of said board and original or certified copies thereof shall be filed in the offices of the county clerk and the county assessor. Each such order of said board shall be conclusive and binding on the municipal corporation, on the levying body and officers thereof and on all persons interested therein, except for the right of appeal to the state tax commission as hereinafter provided.

Section 8. On receipt of the order of the board, or of the state tax commission as hereinafter provided, it shall be the duty of the levying body to proceed forthwith to levy a tax in accordance with said order and enter the same in the official record of proceedings of the municipal corporation. Immediately thereafter the levying body shall report said tax levy in writing to the board and also to the county clerk and the county assessor.

Section 9. If the levying body of any municipal corporation shall fail, neglect or refuse to make and report any tax levy so ordered by the board within ten days from the date of such order, and if no appeal shall have been taken as hereinafter provided, it shall be the duty of the board to issue an order directing the assessor to extend on the assessment roll the tax levy determined by the board for such municipal corporation. Any such order of the board shall have the same force and effect as if made by the municipal corporation and entered in its records. Any tax levy made or extended contrary to the provisions of this act shall be null and void.

Section 10. Appeal from the order of the board determining the amount of any tax levy may be taken to the state tax commission either by the levying body of the municipal corporation or by any ten interested taxpayers thereof. Such appeal shall be made by petition filed with said commission within ten days from the date of the order of the board, which petition shall state the objections to said order or any part thereof. Said commission shall carefully review the proceedings of the board and of the levying body and make such other investigations as may be necessary for the proper disposition of the appeal. The commission may reduce or increase the amount of the proposed tax levy of the municipal corporation as stated in the order of the board. The commission shall make an order setting forth its findings and conclusions and fixing the amount of the tax to be levied by the municipal corporation. Original or certified copies of said order shall be sent to the levying body of the municipal corporation, to the board and to the county clerk and the county assessor. Said order of the commission shall be conclusive and final. Any tax levied or attempted to be levied contrary to any such order of the commission shall be null and void.

Section 11. Whenever it shall be proposed, as now or hereafter provided by law, to submit to the electors of any municipal corporation any proposition to levy a special tax in excess of any constitutional or statutory limitation, or to incur indebtedness by issuance of bonds or warrants, the officer of the municipal corporation with whom the papers in such proceeding shall be filed, as required by law, shall immediately prepare a certified copy of the proposed order, ordinance, amendment or other statement of the proposition to be submitted and shall file the same with the tax supervising and conservation board of the county and likewise of each county in which any part of such municipal corporation is situated. The board shall thereupon determine the time and place for a public hearing on the matter and shall give proper notice thereof to the governing body of the municipal corporation and to the committee or group of electors, if any, responsible for the filing of the proposition.

Section 12. At the earliest practicable time after such hearing the board shall prepare its findings and conclusions, embodying its recommendations to the electors of the municipal corporation in the matter, and shall also prepare a summarized statement of such findings and conclusions in not exceeding one hundred words. An original or certified copy of such findings and conclusions and also a similar copy of such summarized statement shall be filed immediately with the officer of the municipal corporation charged with the duty of causing the official pamphlet, if any, and the ballots to be printed for the election at which the said proposition to levy a special tax or to incur indebtedness is to be submitted for approval or rejection. It shall be the duty of such officer to cause said findings and conclusions to be printed in any such official pamphlet in the manner and form of an argument applicable to the particular proposition, provided that no more than two full pages of the pamphlet shall be used in printing such findings and conclusions. Such officer shall also cause said summarized statement to be printed in full on the official ballot, immediately following the ballot title and numbers of the said proposition to be submitted to the electors of the municipal corporation. All costs of so printing the findings and conclusions and the summarized statement of the board, as herein required, shall be paid by the municipal corporation in which the proposition shall be submitted.

Section 13. In the event that the proposition to levy a special tax or to incur indebtedness by the issuance of bonds or warrants shall be required or permitted by law to be submitted to the electors of any municipal corporation in any manner other than by printed ballots, the said copy of the board's findings and conclusions in the matter shall be posted in a conspicuous place in the room where the election is to be held and shall also be read in full by the chairman or clerk of

the meeting immediately preceding the taking and recording of the votes of the electors on the proposition.

Section 14. Any municipal corporation which, by the neglect or refusal of its levying body, shall fail to comply with the provisions of this act shall forfeit to the use of the board the sum of twenty-five dollars ($25) for each day of such failure. The penalty herein provided shall be recovered by action at law instituted in the name of the board by the district attorney and, when recovered, shall be deducted from any money in the county treasury to the credit of such municipal corporation. The individual members of the levying body shall be personally liable to the municipal corporation for any penalty imposed under the provisions of this section.

Section 15. The district attorney shall be the legal adviser and counsel of the board and shall represent it in all suits, actions and other legal proceedings in any court in this state. Said district attorney shall not receive additional compensation for any service so rendered.

Section 16. On the request of the levying body of any municipal corporation in writing, fully setting out the reasons therefor, the board may, in its discretion, grant a reasonable extension of time for the taking of any proceeding required by this act.

Section 17. In every county containing more than 100,000 inhabitants a complete and comprehensive report of the budgets and tax levies of the several municipal corporations, and of any other facts and information pertinent to the administration of government and the expenditure and conservation of public funds within the county, shall be made annually by the board and filed with the governor. A copy of said report shall be filed with the county court, to be published by said court in appropriate form for public information. In every county containing not more than 100,000 inhabitants the board shall make an annual report to the governor summarizing its proceedings and embodying such statistical information and recommendations as it may deem to be of public interest.

Section 18. Before taking office each member of the board shall take and subscribe an oath for the faithful discharge of the duties of his office, which oath shall be filed in the office of the Secretary of State.

Section 19. That sections 69-1201, 69-1202, 69-1203, 69-1204, 69-1205, 69-1206, 69-1207, 69-1208, 69-1209, 69-1210, 69-1211, 69-1212, 69-1213, 69-1214, 69-1215 and 69-1216, Oregon Code 1930, be and the same hereby are repealed; provided, however, that such repeal shall be effective as of May 1, 1933, and said sections shall continue in full force and effect, concurrently with this act, to and until said date.

For affirmative argument see pages 65, 66.

(On Official Ballot, Nos. 322 and 323)

A MEASURE

For an act to amend sections 69-1503, 69-1513, 69-1514 and 69-1515, Oregon Code 1930, relating to personal income taxation; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, July 7, 1932.

The following is the form and numerical designation of the proposed measure as it will be printed on the official ballot:

Initiative Bill—Proposed by Initiative Petition **Vote YES or NO**

PERSONAL INCOME TAX LAW AMENDMENT BILL—Purpose: To further reduce property taxes by advancing the tax rates on net personal incomes in excess of $5,000.00 from 5 to a maximum of 8 per cent; substituting an exemption from the total tax of $10.00 for a single person, $20.00 for a married person, head of a family, or husband and wife, and $4.00 for each dependent, instead of the present income exemptions of $1,500.00, $2,500.00 and $400.00, respectively; and amending the provisions of the law so as to apply to the entire income of residents from personal service.

322 **Yes. I vote for the proposed amendment.**

323 **No. I vote against the proposed amendment.**

The following is the 25-word voting machine ballot title of the proposed measure:

PERSONAL INCOME TAX LAW AMENDMENT BILL—Purpose: Further reduce property taxes by advancing tax rates on larger incomes; substituting tax exemptions for income exemptions; including entire income of residents from personal service.

A BILL

For an act to amend sections 69-1503, 69-1513, 69-1514 and 69-1515, Oregon Code 1930, relating to personal income taxation.

Be It Enacted by the People of the State of Oregon:

Section 1. That section 69-1503, Oregon Code 1930, be and the same hereby is amended so as to read as follows:

Sec. 69-1503. 1. A tax is hereby imposed upon every resident of the state upon and with respect to his entire net income, as hereinafter defined, including also his entire net income from personal service earned both within and without the state. A like tax is hereby imposed upon and with respect to the entire net income, as hereinafter defined, from all property owned and from every business, trade, profession or occupation carried on in the state by natural persons not residents of the state. The taxes hereby imposed shall be levied, collected and paid annually. For the tax years 1930 and 1931 the rates shall be as follows:

(a) On the first $1,000 of taxable income, or any part thereof, 1 per cent.

(b) On the second $1,000 of taxable income, or any part thereof, 2 per cent.

(c) On the third $1,000 of taxable income, or any part thereof, 3 per cent.

(d) On the fourth $1,000 of taxable income, or any part thereof, 4 per cent.

(e) On all taxable income in excess of $4,000, 5 per cent.

2. For the tax year 1932, and for each succeeding tax year, the rates shall be as follows:

(a) On the first $1,000 of taxable income, or any part thereof, 1 per cent.

(b) On the second $1,000 of taxable income, or any part thereof, 2 per cent.

(c) On the third $1,000 of taxable income, or any part thereof, 3 per cent.

(d) On the fourth $1,000 of taxable income, or any part thereof, 4 per cent.

(e) On the fifth $1,000 of taxable income, or any part thereof, 5 per cent.

(f) On the sixth $1,000 of taxable income, or any part thereof, 6 per cent.

(g) On the seventh $1,000 of taxable income, or any part thereof, 7 per cent.

(h) On all taxable income in excess of $7,000, 8 per cent.

3. The taxes hereby imposed shall first be levied, collected and paid in the year 1931 with respect to the net income re-

ceived during the year 1930, and January 1, 1930, shall be the basic date for the purposes of this act.

Section 2. That section 69-1513, Oregon Code 1930, be and the same hereby is amended to read as follows:

Sec. 69-1513. 1. For the tax years 1930 and 1931 there shall be deducted from the net income of individuals the following exemptions:

(a) In the case of a single individual, a personal exemption of $1,500.

(b) In the case of the head of a family, or a married individual living with husband or wife, a personal exemption of $2,500. A husband and wife living together shall receive but one personal exemption of $2,500 against their aggregate net income and in case they make separate returns, the personal exemption of $2,500 may be taken by either or divided between them.

(c) $400 for each individual (other than husband and wife) dependent upon and receiving his chief support from the taxpayer, if such dependent individual is under 18 years of age or incapable of self-support because mentally or physically defective, or if such dependent individual is attending any school or institution of learning.

2. For the tax year 1932, and each succeeding tax year, there shall be deducted from the tax after the same shall have been computed at the rates provided in this act, the following exemptions:

(a) In the case of a single individual, a personal exemption of $10.

(b) In the case of the head of a family, or a married individual living with husband or wife, a personal exemption of $20. A husband and wife living together shall receive but one personal exemption of $20 against their aggregate net income, and in case they make separate returns the personal exemption of $20 may be taken by either or divided between them.

(c) An additional $4 for each individual, other than husband or wife, dependent upon and receiving chief support from the taxpayer, if such dependent individual is under 18 years of age or incapable of self-support because mentally or physically defective, or if such dependent individual is regularly attending any school or institution of learning.

3. The status on the last day of the tax year shall determine the right to the exemptions granted in this section; provided, that a taxpayer shall be entitled to such exemptions for husband or wife or dependent who shall have died during the tax year.

Section 3. That section 69-1514, Oregon Code 1930, be and the same hereby is amended to read as follows:

Sec. 69-1514. 1. Every individual having a net income for the tax year from sources taxable under this act of $1,000 or over, if single, or if married and not living with husband or wife; or having a net income for the tax year of $1,500 or over, if married, and living with husband or wife; and every partnership doing business in this state shall make a return under oath, stating specifically the items of gross income and the deductions and exemptions allowed by this act.

2. If husband and wife living together have an aggregate net income of $1,500 or over, each shall make such a return, unless the income of each is included in a single joint return.

3. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

Section 4. That section 69-1515, Oregon Code 1930, be and the same hereby is amended to read as follows:

Sec. 69-1515. Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath a return for the individual or estate or trust for whom he acts, as follows:

1. If he acts for an individual whose entire income from whatever source derived is in his charge and the net income of such individual is $1,000 or over if single, or if married and not living with husband or wife, and $1,500 or over if married and living with husband or wife.

2. If he acts (a) for an estate of a deceased person during the period of administration or settlement, whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee, heir or other beneficiary; (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interest; or (c) for an estate or trust the income of which is held for future distribution under the terms of the will or trust, if the net income of such estate or trust is $1,000 or over.

3. If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically; or (b) as the guardian of an infant whose income is to be held or distributed as the court may direct; and any beneficiary of such estate or trust who receives or is entitled to a distributive share of the income of the estate or trust of $1,000 or more. The return made by a fiduciary shall state specifically the items of the gross income and the deductions, exemptions and credits allowed by this act. Under such regulations as the commission may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the above requirement. The fiduciary shall make oath that he has sufficient knowledge of the affairs of the individual, estate or trust

for whom or which he acts to enable him to make the return, and that the same is, to the best of his knowledge and belief, true and correct.

4. Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers.

5. Individuals, partnerships, corporations, joint stock companies or associations or insurance companies, having a place of business in this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers and all officers and employes of the state or of any political subdivision of the state, having the control, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, dividends, salaries, fees, wages, emoluments or other fixed or determinable annual or periodical gains, profits and income, amounting to $1,000 or over, paid or payable during any year to any taxpayer, shall make complete return thereof, under oath, to the commission, under such regulations and in such form and manner and to such extent as it may prescribe.

6. Every partnership having a place of business in the state shall make a verified return, stating the items of its gross income and the deductions allowed by this act, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual.

For affirmative argument see pages 65, 66.

(On Official Ballot, Nos. 318 and 319, 320 and 321, 322 and 323)

ARGUMENT (Affirmative)

Submitted by the Oregon Taxpayers' Equalization and Conservation League, in behalf of the Tax and Debt Control Constitutional Amendment, the Tax Supervising and Conservation Bill, and the Personal Income Tax Law Amendment Bill.

These three measures comprise distinct yet closely related parts of one positive plan of tax reduction and equalization. The first two would provide supervision of public budgets, establish taxpayers' control over public expenditures and separate tax levying from tax spending powers. The third measure would further reduce property taxes and move toward equalization of the general tax burden; it would increase the state revenue which should be obtained from substantial net incomes and relieve harassed property owners of a corresponding part of their unequal load.

Tax and Debt Control Constitutional Amendment

This proposition would add a short section to the Oregon Constitution, to the effect that all taxing and debt incurring powers shall be exercised subject to limitations and control to be provided by general law. It would be merely an enabling act for any general statute restraining and regulating state and local taxes or indebtedness.

This section would not amend any existing section of the constitution and, particularly, it would leave the 6 per cent tax limitation (Section 11 of Article XI) unimpaired. The new section would merely provide that more restrictive limitations and more effective control may be provided by general law. The 6 per cent tax limitation amendment would continue to operate for all that it has ever been worth.

Tax Supervising and Conservation Bill

This is the companion measure giving effect to the Tax and Debt Control Constitutional Amendment. It would provide for appointment by the Governor of a non-salaried tax supervising and conservation board of three citizens and taxpayers in each county. Such board would have authority, by unanimous order, to regulate the budgets and tax levies of the county and of all municipal corporations therein.

Appeal may be taken, either by the levying body or by any ten interested taxpayers, to the state tax commission for review of any order of a county board reducing the budget and levy of a municipal corporation. This provision is chiefly a safeguard against unsatisfactory local action; it is not anticipated that there would be many of such appeals.

Each board would also examine and review all proposals to vote special taxes or to incur indebtedness within the county and to make recommendations thereon. However, the right of the people to vote such taxes or indebtedness on themselves, contrary to any adverse recommendation of the board, would remain unimpaired.

The proposed law is not an experiment. It is a logical development and improvement of the plan successfully effective in Multnomah County since 1919. It is therefore the existing Oregon Plan and would retain the essential features of tax supervision and conservation through a local body in each county, responsive to the will and necessities of taxpayers rather than to the demands of tax spenders.

The theory that each community or little district should decide for itself how much money it will spend and what obligations it will assume dates back to the horse-and-buggy days, or even to an earlier age, when poor roads and restricted opportunities of communication compelled the establishment of small local units to carry on essential functions of government. This plan, derived from pioneer conditions, has been extended until Oregon has today some 2,800 local districts and bodies empowered to levy taxes, borrow money and expend public funds.

The present setting of local government has brought about a practical absence of concerted financial responsibility. Each separate governmental unit is busy with its distinct part in levying taxes, borrowing money and planning expenditures. Each taxes and spends in its own way, with little consideration for what over-lapping units may be doing along similar lines. Thus a crushing tax load is stacked, part by part, on the bended shoulders of the taxpayers.

The fine theory of small home rule units for local government is that taxpayers will see to it that their local officials do not spend too much. In the old days of few and simple governmental activities the individual could exercise this watch-dog function in a fairly efficient manner, but his efforts are hopelessly futile when confronted by the array of districts and agencies now having the power to levy taxes and charge indebtedness against him or his property. An Oregon taxpayer seeking to watch all of the local governments spending his money would have little time for anything else.

The Tax Supervising and Conservation Bill would provide 36 county clearing houses for tax levies in Oregon, in which the budgets of the 2,800 odd governmental units would be reviewed and scrutinized. Each board would become the lawfully accredited representative of the taxpayers of its county and thus, amid the wide

diffusion of present day local government, would the practical substance of home rule in taxation be secured.

Wherever the citizens and taxpayers of a municipal corporation now exercise a true home rule privilege, the Tax Supervising and Conservation Bill would not abridge that right. The authority of a county board, or of the state tax commission on appeal, to reduce budgets and tax levies would apply only to those submitted by levying bodies, without specific authorization by the electors. Neither a county board nor the commission would have any mandatory authority over levies or indebtedness voted by the people themselves.

It is significant that practically every assertion to the effect that this tax supervising and conservation measure would subvert the principle of home rule has come from the representatives of taxspending bodies. Taxpayers generally do not seem to be much concerned in the matter. They know full well that excessive tax levies are uniformly put over by propagandists and beneficiaries, and that home rule in taxation, without effective supervision and control, is empty and meaningless.

Personal Income Tax Law Amendment Bill

This bill would amend the personal income tax law, making it fairer, a better revenue producer and a more efficient equalizer of the general tax load. It would advance the maximum rate from 5 per cent to 8 per cent on net incomes in excess of $7,000. This maximum rate would thus conform to the present rate on corporate earnings and intangibles income.

The proposed amendment would also widen the base of the personal income tax law by reducing the exemptions, in keeping with reduced requirements for personal expenditures. Tax exemptions of $10 for a single person, of $20 for a married person and of $4 for each dependent would be substituted, respectively, for the present income exemptions of $1,500, $2,500 and $400.

It is estimated that with these amendments something near $1,000,000 of additional state revenue would be derived from the personal income tax law. Under the plain mandate of the law every dollar so derived must be applied to offset and reduce ad valorem taxes on property. The proposed amendments, therefore, would not increase the spending power of the state nor add anything to the total of its revenues.

It is of course to be expected that these amendments will be violently attacked by those who have heretofore opposed any and every proposal for the taxation of incomes. On one hand it is loudly proclaimed that the proposed rates impose exorbitant taxes on large incomes; on the other hand it is just as vehemently asserted that the burden will fall on small incomes.

Here are brief comparative effects in extreme cases, high and low, of the rates and exemptions under the present law and under the proposed amendments:

A single person with a net income of $10,000, from sources other than intangibles, is now required to pay a tax of $325; under the proposed amendments he would pay $510. In the lower brackets a single person with a net income of $2,000 pays at present a tax of $5; under the proposed amendments he would pay $20.

It is not reasonably doubtful that any person who, in these times, is the favored recipient of an annual net income of $10,000 can well afford to pay a tax of $510 for the advantages he is enjoying under the protection of state and local governments. On the other hand, a schedule which would not, in any case, exact a tax of more than $20 from a person having an annual net income of $2,000, after subtracting taxes, interest, charitable contributions and other allowable deductions, surely does not slash with undue severity into low salaries and small wages. There would be no tax at all on any single person whose net income does not exceed $1,000, nor on any married person whose net income does not exceed $1,500.

The real issue is not that of percentages of tax increases under the proposed amendments as compared with the requirements of the existing law. The only pertinent question is whether the proposed amendments, considered on their merits, are or are not, under present conditions, fair and reasonable. We earnestly contend that they are.

Too long already have we nursed the silly pretense that the mere ownership of real and other tangible property, whether productive or unproductive, is of itself the well-nigh exclusive measure of taxpaying ability and of benefits enjoyed under the protection of government. It is inherently fair and right that a more substantial part, though indeed a very moderate part as proposed, of the heavy load resting on the owners of such property should be shifted to personal net incomes realized and received under governmental benefits and protection equally as valuable.

These three initiative measures have been submitted after careful consideration and extended study of our perplexing tax problems. They present a definite and positive plan, and the only one now before the people of Oregon, to meet the pressing need of reducing and equalizing the costs of state and local governments, without impairing their necessary efficiency.

Vote 318 X Yes; 320 X Yes; 322 X Yes.

Respectfully submitted,

OREGON TAXPAYERS' EQUALIZATION AND CONSERVATION LEAGUE,

By JAMES E. BURDETT, President,
R. C. FLANDERS, Secretary.

(On Official Ballot, Nos. 324 and 325)

AN AMENDMENT

To the constitution of the state of Oregon, being the addition of article XI-d thereto; to be submitted to the legal electors of the state for their approval or rejection at the regular general election to be held November 8, 1932, proposed by initiative petition filed in the office of the secretary of state, July 7, 1932.

The following is the form and numerical designation of the proposed amendment as it will be printed on the official ballot:

Constitutional Amendment—Proposed by Initiative Petition **Vote YES or NO**

STATE WATER POWER AND HYDROELECTRIC CONSTITUTIONAL AMENDMENT—Purpose: To require all water for power development and water power sites now or hereafter owned by the state to be held by it perpetually; and authorizing the state: to control, develop, lease water power and power sites; control, use, distribute, sell, dispose of electric energy; separately or with the United States, other states or state subdivisions; acquire from such sources water power and electric energy; fix rates and charges for water power and electric energy; loan the state's credit and incur indebtedness not exceeding 6 per cent of assessed valuation; commission of three nonpartisan elected members to administer these powers.

324 Yes. I vote for the proposed constitutional amendment.

325 No. I vote against the proposed constitutional amendment.

The following is the 25-word voting machine ballot title of the proposed amendment.

STATE WATER POWER AND HYDROELECTRIC CONSTITUTIONAL AMENDMENT—Purpose: Perpetuity of state's water power and power sites; state engaging in water power and hydroelectric business; incurring indebtedness not exceeding 6 per cent assessed valuation.

PROPOSED CONSTITUTIONAL AMENDMENT

That the constitution of the State of Oregon be, and the same hereby is, amended by adding thereto an article, to be numbered and known as article XI-d, to read as follows:

ARTICLE XI-d

Section 1. The rights, title and interest in and to all water for the development of water power and to water power sites, which the state of Oregon now owns or may hereafter acquire, shall be held by it in perpetuity.

Section 2. The state of Oregon is authorized and empowered:

1. To control and/or develop the water power within the state;

2. To lease water and water power sites for the development of water power;

3. To control, use, transmit, distribute, sell and/or dispose of electric energy;

4. To develop, separately or in conjunction with the United States, or in conjunction with the political subdivisions of this state, any water power within the state, and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;

5. To develop, separately or in conjunction with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, any water power in any interstate stream and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;

6. To contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, for the purchase or acquisition of water, water power and/or electric energy for use, transmission, distribution, sale and/or disposal thereof;

7. To fix rates and charges for the use of water in the development of water power and for the sale and/or disposal of water power and/or electric energy;

8. To loan the credit of the state, and to incur indebtedness to an amount not exceeding 6 per cent of the assessed valuation of all the property in the state, for the purpose of providing funds with which to carry out the provisions of this article, notwithstanding any limitations elsewhere contained in this constitution;

9. To do any and all things necessary or convenient to carry out the provisions of this article.

Section 3. The legislative assembly shall, and the people may, provide any legislation that may be necessary in addition to existing laws, to carry out the provisions of this article; provided, that any board or commission created, or empowered to administer the laws enacted to carry out the purposes of this article shall consist of three members and be elected without party affiliation or designation.

Section 4. Nothing in this article shall be construed to affect in any way the laws, and the administration thereof, now existing or hereafter enacted, relating to the appropriation and use of water for beneficial purposes, other than for the development of water power.

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THE FOLLOWING SUMMARY SHOWS THE FORM AND MANNER IN WHICH THE PROPOSED CONSTITUTIONAL AMENDMENTS AND MEASURES TO BE VOTED UPON AT THE GENERAL ELECTION, NOVEMBER 8, 1932, WILL BE ARRANGED ON THE OFFICIAL BALLOTS

(The special 25-word voting machine ballot titles have been omitted from this exhibit. Such titles will not appear upon the regular ballots.)

REFERRED TO THE PEOPLE BY THE LEGISLATIVE ASSEMBLY

Vote YES or NO

TAXPAYER VOTING QUALIFICATION AMENDMENT—Purpose: To permit the enactment of laws limiting to taxpayers the right to vote upon questions of levying special taxes or issuing public bonds.

300 Yes. I vote for the amendment.

301 No. I vote against the amendment.

AMENDMENT AUTHORIZING CRIMINAL TRIALS WITHOUT JURIES BY CONSENT OF ACCUSED—Purpose: To provide that any accused person in other than capital cases, and with the consent of the trial judge, may choose to relinquish his right of trial by jury and consent to be tried by the judge of the court alone, such election to be in writing.

302 Yes. I vote for the amendment.

303 No. I vote against the amendment.

SIX PER CENT TAX LIMITATION AMENDMENT—Purpose: To amend the constitution so as to limit the amount of tax that may be levied in any year by the state, or any county, municipality, or district, to not more than the total amount levied in any one year of the three years immediately preceding, plus 6 per centum thereof, except for the payment of bonded indebtedness and interest thereon, instead of such limitation being based upon the levy for the last year immediately preceding as now provided by the constitution, the same change to be applicable to newly created taxing districts.

304 Yes. I vote for the amendment.

305 No. I vote against the amendment.

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

Vote YES or NO

OLEOMARGARINE TAX BILL—Purpose: To levy a tax of 10 cents per pound on all oleomargarine sold in the state of Oregon, also to require the payment of an annual license fee of $5.00 by any person, firm or corporation who shall distribute, sell, or offer for sale oleomargarine in the state of Oregon.

306 Yes. I vote for the proposed law.

307 No. I vote against the proposed law.

A BILL PROHIBITING COMMERCIAL FISHING ON THE ROGUE RIVER—Purpose: To close the Rogue river to commercial fishing; to prohibit fishing for any kind of fish in Rogue river, its tributaries, or within a radius of three miles from the center of its mouth in any manner except with rod or line held

in the hand and by hook or hooks baited with natural or artificial bait or lure; providing for confiscation of all other fishing gear used unlawfully; forbidding the sale, barter, or exchange, or possession or transportation outside of Josephine, Jackson and Curry counties for such purpose, of any fish taken from such waters; and providing penalties.

308 **Yes. I vote for the proposed law.**

309 **No. I vote against the proposed law.**

HIGHER EDUCATION APPROPRIATION BILL—Purpose: To appropriate an amount of money, originally fixed at $1,181,173, of which $500,000 was vetoed by the governor, leaving a balance of $681,173, from the general fund of the state, to be expended under the direction of the State Board of Higher Education for the Oregon State Agricultural College, the University of Oregon, and the three state normal schools during the years 1931 and 1932.

310 **Yes. I vote for the proposed law.**

311 **No. I vote against the proposed law.**

PROPOSED BY INITIATIVE PETITION

Vote YES or NO

BILL TO REPEAL STATE PROHIBITION LAW OF OREGON—Purpose: To repeal the general prohibition law of the state of Oregon, which prohibits the manufacture, sale, giving away, barter, delivery, receipt, possession, importation or transportation of intoxicating liquor within this state, and provides for the enforcement of such prohibition; and thus to do away with prohibition and its enforcement in and by the state of Oregon.

312 **Yes. I vote for repealing the law.**

313 **No. I vote against repealing the law.**

THE FREIGHT TRUCK AND BUS BILL—Purpose: To provide for securing information and making recommendations for redistribution of license fees and charges imposed for use of the public highways upon the several classes of users thereof, by the State Highway Commission making investigation and determination of the cost per unit of traffic, of the construction and maintenance of such highways, classification of motor vehicles and the relative effect of operation of each class upon the highways; limiting the size, weight and load, and stating conditions for operation of certain vehicles thereon; requiring permits for and regulating contract haulers; imposing additional charges upon certain operators for compensation.

314 **Yes. I vote for the proposed law.**

315 **No. I vote against the proposed law.**

BILL MOVING UNIVERSITY, NORMAL AND LAW SCHOOLS. ESTABLISHING JUNIOR COLLEGES—Purpose: To move the University of Oregon from Eugene to Corvallis and consolidate it with the Oregon State Agricultural College under the name of Oregon State University; move the normal schools from Ashland, La Grande and Monmouth to Eugene and consolidate them under the name of Oregon State Teachers' College; establish Junior Colleges at Ashland and La Grande, dispose of Oregon Normal School property at Monmouth; move the University Law School to Salem; all said insti-

tutions and the medical school at Portland to be conducted as units of said Oregon State University; make university president ex-officio secretary of board of higher education.

316 Yes. I vote for the proposed law.

317 No. I vote against the proposed law.

TAX AND DEBT CONTROL CONSTITUTIONAL AMENDMENT—Purpose: To make the power of the state, counties, municipalities and districts to levy taxes and incur indebtedness subject to such limitations and control as may be provided by general law.

318 Yes. I vote for the proposed amendment.

319 No. I vote against the proposed amendment.

TAX SUPERVISING AND CONSERVATION BILL—Purpose: To provide for a local non-salaried tax supervising and conservation board of three members for each county, appointed by the governor, to review budgets and regulate tax levies of the county and of all municipal corporations therein; for appeal from any order of said board, either by the levying body or by ten interested taxpayers to the state tax commission; providing for said board holding hearings and making advisory recommendations as to special tax levies and incurring indebtedness, also compiling statistics and publishing information concerning public finances; repealing present tax supervising and tax conservation law.

320 Yes. I vote for the proposed law.

321 No. I vote against the proposed law.

PERSONAL INCOME TAX LAW AMENDMENT BILL—Purpose: To further reduce property taxes by advancing the tax rates on net personal incomes in excess of $5,000.00 from 5 to a maximum of 8 per cent; substituting an exemption from the total tax of $10.00 for a single person, $20.00 for a married person, head of a family, or husband and wife, and $4.00 for each dependent, instead of the present income exemptions of $1,500.00, $2,500.00 and $400.00, respectively; and amending the provisions of the law so as to apply to the entire income of residents from personal service.

322 Yes. I vote for the proposed amendment.

323 No. I vote against the proposed amendment.

STATE WATER POWER AND HYDROELECTRIC CONSTITUTIONAL AMENDMENT—Purpose: To require all water for power development and water power sites now or hereafter owned by the state to be held by it perpetually; and authorizing the state: to control, develop, lease water power and power sites; control, use, distribute, sell, dispose of electric energy; separately or with the United States, other states or state subdivisions; acquire from such sources water power and electric energy; fix rates and charges for water power and electric energy; loan the state's credit and incur indebtedness not exceeding 6 per cent of assessed valuation; commission of three nonpartisan elected members to administer these powers.

324 Yes. I vote for the proposed constitutional amendment.

325 No. I vote against the proposed constitutional amendment.