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LA GRANDE, UNION COUNTY, OREGON,

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ABROGATION ON FORTH IS VAINLY TRIED

COUNCIL REFUSES TO RESCIND
CONTRACT WITH WARREN
CONSTRUCTION CO.

STONER OUT A MOMENT

Council Meeting Replete With Sensa-
tion—Davis Removed From Chair-
manship of the Street Committee—
Lincoln New Chairman—Veto of
Flusher Ordinance Is Overridden by
Council.

TABLOID OF TRANSAC- TIONS OF COUNCIL MEETING.

- Fourth street abrogation or-
dinance given death blow.
- Street Superintendent Stoner
removed from office by the
council and re-instated by the
mayor.
- Councilman Davis removed
from chairmanship of street
committee.
- Flusher contract ordinance
vetoed but passed over the
mayor.

Abrogation of the existing contract,
or near contract, between the city
and the Warren Construction com-
pany for the paving of Fourth street
from C to O, failed last night when
after a stormy preamble to a half-
night session, the council gave the
proposition its final vote. That the
end is not yet is promised by prop-
erty holders who have been backing
leaders in the fight against the con-
struction company. The paving
matter paved the way for a session
of important business.

City Attorney J. P. Rusk held in a
written opinion to the council that
the contract, though punctuated with
irregularities, was a binding contract
nevertheless, and consequently held
that the Haisten ordinance read two
weeks ago the first time, and aimed
at abrogation of the contract, was im-
proper. When the intentions of the
city and company became a matter of
record in the minute book the con-
tract was held to be binding, notwith-
standing that the ordinance was
passed on Nov. 20, approved and at-
tested on the 27, posted on Dec. 10,
and the contract entered into and
signed on Nov. 22, several days be-
fore the ordinance was effective.
Attorney Moffit of the Warren people
later affirmed that the contract was
not signed on the 22nd as Mayor
Church was out of the city at that
time, and that it was not actually
signed until some 10 days later.

Before a vote was taken on a com-
mittee report asking the council to
kill the contract, Councilman Sar-
gent defended the abrogation ordi-
nance, holding that among other rea-
sons for defining the contract void
was the "public policy" clause, by
him defined in detail.

Sharp Charges Preferred.

The fireworks was uncorked how-
ever, when F. D. Haisten father of the
disputed ordinance, took the floor in
a bitter attack on the company and
its methods.

"Servants of the city, sworn to
represent the city," fired Mr. Haisten,
"seem anxious to serve these people—
Warrens. You gentlemen are here to
protect the city against such a cor-

poration and yet there has been in
the past and still seems to be a
manifest notion that the corporation
must be protected—it will take care
of itself however, but the Warren in-
fluence is often seen. The Warren
Construction company has fattened
its tentacles on the body politics of
this city and is pushing widows and
workmen out of their homes into
the streets with exorbitant paying
rates. It wants business, and gets
it. What this city wants is fair
competition. I earnestly hope that
the council will go on record in this
matter tonight."

Mr. Haisten was reminded during
the debate that he and others on
Sixth street cost the city a quarter of
a mill tax this year because of suits
outgrowth of paving squabbles.

Councilman Fitzgerald called
"filmy" the attempt on the part of
the city to back out of its contract,
and the positions taken by Council-
men Davis, Campbell, Jones and
others were briefly explained before
the vote, all having voted for the
paving when the property owners
failed to object last fall. To deter-
mine the legality of the contract and
avoid lawsuits was the cautious po-
sition taken by the mayor. It is very
apparent that a lawsuit is pending in
any event, for as the matter now
stands the paving will proceed and it
is probable that litigation will be in-
stituted by the property holders.
Then will the legality of the contract
be determined.

Haisten, Sargent and Wright voted
against the company at the final test.

STONER REMOVED

Street Superintendent Instantly Re-
instated in His Office.

A recommendation signed by Davis,
Sargent and Haisten asking for sum-
mary removal of Street Superintendent
Stoner, was read and ended up
with the committee being required to
file oral charges. Chairman Davis
briefly said the chairman and the
superintendent "couldn't accomplish
anything." When Mr. Sargent was
asked to amplify his request he dip-
lomatically threw the burden of talk
on the chairman, and a discussion
arose shutting off Haisten. The vote
against Stoner left only Lincoln and
Jones with the street superintendent.
Mayor Hall instantly reappointed
Stoner, supplementing that it looked
as though the street committee chair-
man was reviving the old fight.

Davis Removed.

Before the session adjourned,
Councilman Davis had been sum-
marily removed from chairmanship of
the street committee and given
a place on the ways and means, and
R. L. Lincoln put in charge of the
street committee, and Fitzgerald
transferred to chairmanship of the
ways and means committee.

Veto Axe Swings.

Holding in a lengthy communica-
tion that the city has no use for a
street flusher and setting out that the
flusher injures the surface sanitary
sewer, Mayor Hall vetoed the ordi-
nance authorizing the mayor to enter
into a contract for the purchase of
the flusher. The veto was over-
ridden later however when all coun-
cilmembers stood on the side of the
flusher.

In part the message said:

Indebtedness Recalled.

It seems necessary to again call
your attention to the fact that this
city owes nearly \$100,000 in warrant
indebtedness, notwithstanding the
fact that by the charter the legal
limit of indebtedness is placed at
\$50,000. The City of La Grande, by
a contract authorized by this ordi-
nance, agrees to pay the Island City
M. & M. Co. \$1050 one year from the
date of the contract without interest.
If any member of this council will
show me how the City of La Grande
is going to get into condition to draw
a legal warrant one year from date, I
shall gladly sign this ordinance.

Economy Necessary.

Each one of us here knows that the
principal service which we owe to

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QUIRINAL-VATICAN CONSPIRACY TO PREVENT FOREIGN CARDINAL BECOMING POPE IS DISCOVERED

Italian Government And Cardinals
Demand Exact Condition Of
Pope Be Made Known

Rome, April 17.—The quirinal and
vatican are secretly conspiring to
conceal the real condition of Pope
Pius, guarding against the election of
a foreign cardinal to the papacy in
the event of the pope's death, accord-
ing to well founded rumors here. Both
the state and church fear outsiders
will be elected in the event there is
a deadlock in the cardinal of colleges,
according to these reports. There
are 32 Italians and 27 cardinals of
other nationalities in the sacred col-
lege.

After what was said to have been
a refreshing sleep last night the pope
awoke this morning, causing the phy-

sicians to announce:

"The holy father passed a quiet
night. There is no fever but dysentery
has caused new troubles." Unofficially
announced the pope might live a week.

A final demand of the true condition
of the pope was demanded by the
Italian government today, the papal
physicians answering that it was
impossible to tell what would occur
during the next 24 hours. Hourly
hypodermic injections are given to
sustain heart action.

Several of the cardinals are rebel-
ling against the censorship of real
news saying it was impossible for
even the cardinals to learn the pope's
true condition.

FIRE BLIGHT PROBLEM HERE

LOCAL ORCHARDS NEED IMMEDI-
ATE ATTENTION

Need for General Attack of Blight Set
Out by Mr. Oliver.

La Grande, April 17.—To the Editor:
During the last year there has
been considerable agitation concern-
ing fire blight, which has destroyed
many of the pear and apple trees in
Union county, and which unless abated
will completely wipe out the pear
orchards and greatly damage if not
utterly destroy the apple orchards
of this Blue Mountain region. I wrote
several articles on this subject last
summer, and in the fall the county
court ordered the fruit inspector to
employ sufficient men to clean up or
destroy all orchards infested. But the
fruit inspector put it off until the
weather got so bad he could not, and
it then went over till spring, and I
am not aware that anything has been
done yet.

This fruit disease struck Jackson
county and Hood River county at
about the same time as Union county
and was probably brought to each
place by diseased nursery stock. Hood
River and Rogue River counties took
it up with system and vigor, and have
wiped it out entirely; but the Grande
Ronde has been so lethargic that the
orchards of this valley are now
worse infected than any others that I
know of.

The people of Rogue River valley
several years ago employed Professor
O'Garra, a specialist, and put the mat-
ter in his charge, and he, acting un-
der authority given him by Section
5487 of Lord's Oregon Laws has suc-
ceeded in exterminating this fruit pest.
I have a letter from him, in which
he says: "I have had no trouble in
destroying infested trees wherever
found, and have never gotten into any
legal difficulty. I am as arbitrary as
a man could well be, for it is the only
way to handle fire blight. There is
no half way about it." He also says
that the Rogue River valley now has
65,000 acres planted in orchard fruits,
and with that huge field to work,
they have saved not only their apple
orchards but their pear orchards as
well. We probably have ten per

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S. S. CONCLAVE OPENS MONDAY

SEVERAL UNION COUNTY PEOPLE
ON PROGRAM.

Sunday School Workers of Several
Districts to Be Present.

Next Monday evening at Baker will
occur the opening of the 28th annual
convention of the Oregon State Sun-
day School association. This con-
vention includes all of the Eastern
Oregon counties. The program which
closes Wednesday evening with an
address by Wm. A. Brown is cram-
med full of good things. More than
a dozen western Oregon workers ap-
pear on the program. Practically ev-
ery denomination in this section of
the state will be represented. Three
Union county workers appear on the
program: Dr. E. B. Fyke, pastor of
First M. E. church of La Grande, Rev.
R. E. Close, pastor First Baptist
church of La Grande and State super-
intendent of temperance department
in the Sunday School association,
and John H. Rudd, of La Grande, su-
perintendent of missions in the Ore-
gon State Sunday School association.

The four leading speakers on the
program are Mrs. L. A. Denenhower
of Portland, Rev. Chas. A. Phipps.

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MORE NOMINATIONS SENT TO THE SENATE BY PRESIDENT WILSON

Washington, April 17.—President
Wilson has sent the following nomi-
nations to the senate:

United States attorney for Oregon,
Clarence Reames of Medford.

Judge of the court of Alaska, Robert
Jennings of Alaska.

general appraiser of merchandise,
Jerry Sullivan of Des Moines.

Auditor of the interior department,
Robert Wolley of Virginia.

Assistant secretary of war, Henry
Breckenridge of Kentucky.

Director of census, William Har-
riss of Georgia.

Special fiscal agent of the navy de-

PROMINENT SUNDAY SCHOOL
WORKER COMING.



W. A. Brown, international Sunday
school secretary, who comes to La
Grande next Sunday selecting this
city as one of three cities in Oregon
whereat he will speak. Mr Brown is
one of the foremost men in inter-
national Sunday school work.

STOCK YARDS CALLED BAD

COUNCIL HEARS PROTEST
AGAINST PRACTICES.

Shippers Said to Leave Dead Animals
Unburied on the Ground.

Considerable detail matter was
transacted at the council meeting last
evening at which all members were
present. The Fairbanks Morse bid for
cement testing outfits was accepted,
there being a difference of \$8 over
local bids.

Residents of the stockyards district,
in a petition headed by Theodore
Harm, claim that shippers often leave
dead cattle and sheep in the yards,
causing disease breeding stench, claim
that sanitation is bad and urged that
the stockyards be sent to out of city
limits points.

A batch of \$17,000 improvement
bonds was sold last night to a Toledo
firm, bringing \$25 premium.

Bids were let for the construction of
a culvert under Fourth street, there
being a large number of bidders.

Ordinances more fully detailing the
working bases of the library and
park commissions, were passed. The
one spells immediate construction of
the city library and the other techni-
cally provides for that which had al-
ready existed, the right to construct a
chaletauqua park pavilion.

Plumbers will be required to supply
the \$500 bonds for faithful perform-
ance of their work, at once. There
are now eight firms here.

The sewer inspection job was
thoroughly discussed with no final
action taken.

Petition for a sewer district in West
La Grande was read. Its contour is
partially defined by Cedar, Alder, Penn
Spring and other nearby streets.

NORTH SECOND SUIT ENDS IN CITY'S DEFEAT

CONTRACT WITH MARS HELD BY
CIRCUIT JUDGE TO BE
ENTIRELY VOID.

MUST DO ALL OVER AGAIN

Circuit Court Hands Down Decision

That for the Second Time Requires
the City of La Grande to Go Over
Preliminaries—Various Reasons Ad-
vanced for the Invalidity of
Contract.

Property owners along North
Second street who complain bitterly
of the results of macadam paving on
that thoroughfare and who previously
brought successful action in circuit
court to get out from under the
necessity of paying for the paving as
assessed, have won another victory.
Circuit Judge J. W. Knowles today
handed down a decision in the second
piece of litigation brought by North
Second street property owners, hold-
ing that the city is again in error.
The second defeat in circuit court
commands a third attempt at rectify-
ing mistakes, and requires that the
present city council must necessarily
go back to the very beginning, declare
an improvement district and proceed
as before in the first place, attempting
to eliminate mistakes that cropped out
when the council went over it the
second time, then too, trying to
rectify mistakes. Various grounds are
held to be responsible for the decision.
The first decision against the city was
prompted by the failure to have
boundaries properly described, as re-
quired by charter.

When the council attempted to
make a reassessment, the ordinance
authorizing the city to enter into a
contract with J. L. Mars, as published,
didn't carry an enacting clause. This
alone was not sufficient in the mind
of the court to nullify the entire pro-
ceedings. The ordinance as passed
declared it should become effective
from the 7th day of February, 1911,
while the ordinance signed by the
mayor said the 7th of January. The
entire review of the case, which will
be published tomorrow, sets forth that
all, taken as a whole, form ground to
declare the contract void and there-
fore the mistakes have been superceded
by newer and equally palpable mistakes.

EXTRAS CURTAIL NEWS

Until extras arrive from the Mer-
genthaler house at San Francisco, the
Observer will be curtailed in news
volume. Delayed shipments make it
likely that linotype extras, greatly
needed, will not arrive until the end
of the week—in the meantime pa-
tience from the readers is asked. Cur-
tailed news and mechanical inaccura-
cies will prevail in the meantime.

Knights Templar Meet.

Oakland, Calif., April 17.—With im-
pressive ceremonies, the annual mid-
April convocation of the Grand Com-
mandery of California Knights Tem-
plar opened here today. Very Eminent
Sir Rodolph W. Meek, the Grand
Commander, was to be the guest of
honor. Sessions will continue to-
morrow and Saturday. Election of
officers and a competitive drill were
features scheduled for today.