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JAPANESE ANXIOUS TO TAKE UP ARMS IN PROTEST OF CALIFORNIA LAND BILL

MASS MEETING IN TOKIO LAST NIGHT MARKED WITH HYSTERICAL RESOLUTIONS SOUNDING WARCRY

Sacramento Senate in Uproar in Discussing Proposed Alien Land Bill Aimed at Japanese

Tokio, April 18.—Conditions are growing worse in Tokio today and it is feared that a mob of irresponsible Japs will rise up against American residents. War songs are being sun to arouse public patriotism and the leaders demand instant retaliation.

Washington, April 18.—Hysterical demands of 20,000 persons assembled in mass meeting at Tokio, Japan, last night to the effect that Japanses resort to arms to protect agains the passage of the anti-alien land bill by the California legislature, failed to excite President Wilson today. Naturally officialdom is concerned at the anti-American agitation n Japan but the president insists California is privileged to enact any legislation it desires and it seems certain the government will not interfere in this matter. The president expects California to pass the law and then frankly admitted to the Japanese ambassador here that he expected Oregon and Washington would do likewise.

Many Newspapers Excited.

Tokio, April 18.—Leading Japanese newspapers devoted columns of space to the anti-alien bill pending in the California legislature, following last night's hysterical mass meeting. More responsible newspapers deplored the demand for war with the United States as unworthy of the nation describing it merely as the outburst of the unthinking element.

Amendments Less Radical.

Sacramento, April 18.—A cablegram to the California state senate from the Methodist bishop at Tokio urging the senate do not pass the anti-Japanese legislation declaring the situation there as serious, has caused a war of words in the upper house today. During the discussion, peronalitie weres were entered into and the trouble subsided only after a motion to bar the cablegram from the records of the senate.

Whether the senate will pass the substitute anti-alien land bill as it stands or whether it will adopt amendments that will exempt European capital, are questions being asked at the capital. Members of the ments, introduced by Senator Birds as senate are considering two amend- author of the substitute bill. One amendment provides that corporations the majority of which stock is in the hands of aliens eligible to become citizens, can own land. The other is drawn with the idea of protecting loans in foreign banks. The clause exempts land devoted to oil, mining, lumber and shipping industries.

LA GRANDE'S CHARTER ARBITRARY AND AUTOCRATIC IN ITS POWER

Autocratic powers held by the charter of the City of La Grande over property owners in the matter of street improvement, making it possible for a city council to abuse the property owners' wishes if the council should so desire, are pointed out in the opinion handed down by Circuit Judge Knowles in the North Second street litigation. The defeat of the city announced in the Obesrver yesterday is held after a careful review of the charter rights by the judge.

The quality of the macadam paving done on Second street is not considered in this opinion, it being held that the court has no jjurissdiction in a hearing of this sort to pass on the virtue of the project. The opinion of Judge Knowles says:

This is a proceeding to review the action of the city council of La Grande, in the re-assessment for the improvement of North Second street street, between W avenue and Lake avenue. This is the second time that the improvement of this same street has been brought before this court by review proceedings. The first time I held that the proceedings of the council of the city of La Grande, were void for the reason that the boundaries of the proposed district sought to be assessed for the improvement of said Second street were not described and the district created as required by the charter of the city of La Grande.

Re-Assessment Recited.

After the decision holding the proceeding invalid, the council attempted to make a reassessment. It is claimed by the counsel for the plaintiffs that the reassessment proceedings were void, among other reasons, for the reason that the ordinance passed by the council authorizing the mayor and recorder to enter into a contract with J. L. Mars for the improvement of North Second street, the same being ordinance No. 511, series of 1911, is void for the reason that there is no enacting clause to the ordinance as published that section 1 of the ordinance as it passed the council was left out of the published copy and that said ordinance as originally passed by the council provided that it should take effect from and after the 7th day of February, 1911, while the ordinance signed by the mayor provided that it should take effect the 7th day of January, 1911. The ordinance in question is set forth three times in the return In two differen purported copies it is set forth that the ordinance will take effect on the 7th day of February, 1911. The copy which it is recited that the ordinance shall take effect January 7, 1911, is evidently a clerical error. In any event the contract with not entered into with Mars until the 10th day of February, 1911, and therefore the contract would not be invalid on account of any discrepancy in the date.

Under the authorities there might be some question, whether or not, leaving out the enacting clause of an ordinance as published, would invalidate the ordinance but where the enacting clause and the section, authorizing the entering into the contract, are both omitted, I am satisfied that any contract entered into under the authority of such an ordinance is void where the charter provides that the contract shall be authorized by an ordinance.

Section 71 of the charter of La Grande provides as follows.

"The city of La Grande shall not be bound by any contract or any way liable thereon, unless the same is authorized by ordinance and made in writing and by order of the council and signed by the mayor and recorder." It is well settled that where a charter requires an act of a municipality to be done by ordinance, the act cannot be done in any other manner.

It is next necessary to decide, whether an assessment of property, based upon a void contract, is itself void. The assessment of property for street improvement purposes is a proceeding in invitum or against one unwillingly, and therefore the charter provisions must be strictly followed, and no presumptions will be indulged in that anything has been done, unless the record affirmative ly shows that it has been done. The authorities also hold that the greater the power of the council, in the matter of street improvements, the more strictly it will be held to a strict compliance with the provisions of the charter. I do not believe that there is any charter that gives the council any more autocratic control over property for street purposes than that of the charter of the city of La Grande. The council of this city has a perfect right to order the improvement of a street, even although all the property owners remonstrate against such improvement. Even if the work is not done according to the contract, in the absence of fraud, the decision of the council in acrepting the work is final, and not reviewable by the courts. The charter of Portland provides that upon reassessment proceedings the property owners are entitled to a hearing upon the question, as to whether or not the improvements have been made according to the contract, and the plants and specifications. There is no such a provision in the charter of the city of La Grande.

In the case of Allen vs. the City of Eavenport, 132 Fed. 209, J. C. Thayer in delivering the opinion to

(Continued on Page 8)

Woman With a Revolver Proves Her Superiority to Men Rivals

Photos by American Press Association.

WOMAN has again proved her superiority to mere man and in a field that she seldom invades. She has shown a skill in shooting a revolver that trousered marksmen could not equal. Mrs. Chapman, an English woman, recently took part in a revolver match in the county of Middlesex, England, and she won the medal offered by the National Revolver association. She was the only woman in the contest, and she had a score of masculine competitors. The picture shows her as she took aim at a target. The other picture is of W. O. Raven, the champion revolver shot of the world. He was not in the competition in which Mrs. Chapman won her laurels or the result might have been different.

POPE RESTS EASILY DURING THE NIGHT AND VATICAN ONCE MORE TAKES HOPEFUL ASPECT

Rome, April 18.—Except for an occasional coughing spell, the pope rested well last night, and the papal physicians express satisfaction today over his condition, issuing the following bulletin:

"The holy father passed a tranquil night and is without fever today and a generally improved condition is noted."

It s now believed that another relapse will result in death and danger of immediate death will not be over until a week or 10 days elapse. The general agreement betwen physicians exists, however, that while resting easily today the pontiff is too far gone to regan sufficent strength to ever become well agan.

'FRISCO REMEMBERS DISASTER THAT LAYS MUCH OF CITY WASTE

San Francisco, April 18.—The terrible scenes of San Francisco's visitation by earthquake and fire seven years ago were remembered today when the city commemorated the heroism of its citizens and the titanic courage with whch they overcame the terrible results of the holocaust. Today was "San Francisco Day." Secretary of the Interior Franklin K. Lane, was expected to be the guest of honor of the city which was his home at the time of the earthquake, but did not arrive.

OLD BANKER CONVICTED

ONE OF NORTHWEST'S GREATEST FINANCIERS HEADED FOR PRISON.

JURY FINDS HIM GUILTY

Jacob Furth, Seattle Banker, Found Guilty at Bellingham of Consipracy to Defraud Laconner Bank Depositors—Veteran Money Dealer Hangs Head in Deep Subjection.

Bellingham April 18.—Jacob Furth chairman of the board of directors of the Seattle National Bank, was this morning found guilty of consipracy to aid A. F. Schricker, president of the Laconner state bank to defraud depositors. Furth was n the courtroom when the verdct was announced, and hs head sank upon his chest. He was deeply affected.

The crime is punishable by a fine of 10 years or not to exceed $10,000. Furth has been the towering figure in commercial and financial circles of the northwest snce 1882. The Stone Webster tra tion intesests, several banks and large corporaions were hos own products. He is 72 years old.

INSTITUTE IS PLANNED

Sister of Bishop Hetzel to Be Principal Speaker Here Soon.

The W. C. T. U. will hold an institute on Tuesday the 22nd, at the Christian church, beginning 10 a. m. and lasting through the afternoons. Mrs. Wallace, Bishop Hetzel's sister, will be present. There will be an excellent program. Lunch will be served at noon to which everyone is invited. In the evening at 7:30 Mrs. Wallace will give a lecture in the Christian church. She is said to be very eloquent.

PIERCE REMAINS ARRIVE

Body of Haines Girl Shot in Los Angeles, Reaches Baker Today

Accompanied by the father, F. E Pierce well known Haines horseman, the remains of Mrs Anna Pierce, the Haines girl shot a few days ago in Los Angeles, passed through the city today enroute to Baker for interment tomorrow

The unfortunate girl was shot in a struggle with a Japanese musician who was enamored to her and shot her in a fit of jealousy.

University Professor Here.

Prof. John Bovard of the University of Oregon addressed a large audience of students at the high school yesterday. The zoology instructor is sent out by the game commission with the hope of teaching the growing generations proper respect for birds and bird life.

MECHANICAL HANDICAPS PREVAIL

The Observer reaches its readers short of news and at late hours again tonight, and the same condition will probably prevail until Tuesday at which time an expert, equipped with needed linotype supplies will restore the Observer typesetting machine to its customary capacity.