

La Grande Evening Observer

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CLEANUP WEEK BEGINS MONDAY MORNING EARLY

COMMERCIAL CLUB WILL DIRECT WORK IN BUSINESS SECTIONS OF THE CITY.

MANY PHASES OF CITY'S COMMERCIAL LIFE TALKED

Motorcycle Club Plans Fatheted—Special Premiums Offered for Exhibitors at the County Fair—Automobile Guide Book Funds Sought—Evening of Important Matters.

A half-dozen paramount questions that look to the welfare and improvement of La Grande and Union county's commercial good were disposed of at an important meeting of the commercial club directors last evening. In relation to the immediate future, the most important piece of business done was to take off the shoulders of the civic committee of the neighborhood club part direction of the city cleanup that is to start next Monday. The commercial club will endeavor to have all stores in the downtown section gather rubbish and filth into the alleys from whence it may be picked up and hauled away readily. The Neighborhood club will direct the work in the residence section.

Will Work For Fair

As a commercial club the directors threw their weight behind the county fair and appointed committees to solicit special premiums to be offered to exhibitors at the fair. The prospects for a county fair were reported to be bright and encouraging.

Another committee was named to solicit \$50, which the club guaranteed to aid in the publication of a guide to automobilists, all Eastern Oregon towns aiding in the movement. The book is to be used for 1915 tourists as guides.

Endorse Motorcycle Meet

The club endorses heartily the motorcycle race set for the 17th of June and the directors last night started plans for entertainment of the visitors in the city that night. Something, probably a mardi gras, will be arranged.

A campaign to urge upon the farmers the need of using the King drag was disclosed in an informal way.

The building of a public natatorium at the park, of cement, and to cost about \$1000 was taken up in a general way and plans laid for successful culmination of the plan.

At a recent meeting of the La Grande motorcycle club Charles Roberts was elected president for the coming year. Harley Richardson and Chas. H. Reynolds were re-elected as treasurer and secretary.

Plans for the annual road race were made and in place of the run to Baker, a race of 200 miles for the Northwest championship on a course here in the valley was decided upon. The course for the race will be through Mt. Glenn and will be about 7.3 miles to the lap, and will be known as the Mt. Glenn Race Course. A temporary date of June 17th has been set and prizes amounting to \$1000 in aggregate will be given.

Committees have been appointed for advertising, finances, and track. Chas. Bohnenkamp, who is the originator of the new plan, is taking care

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War Bulletins

London, April 13.—French aviators dropped bombs in Hamburg, Germany, yesterday, setting the barracks on fire, according to unofficial reports.

London, April 13.—Severe fighting has been resumed along the seacoast of Belgium. Amsterdam dispatches tell of determined attempts by Belgians to drive Germans from the village of Drel Gracten, in the Yser region. Street fighting is in progress, Belgians and Germans fighting house to house, while a Belgian fire is kept up on German positions.

Petrograd, April 13.—A new German offensive, accompanied by renewed bombardment of the Fortress Osowitz, and strong infantry attacks and the use of floating fire rafts and incendiary bombs, were launched in the region about the Vistula, according to dispatches.

PROPERTY OWNERS ON 4TH STREET MUST PAY IMPROVEMENT CHARGES

Present City Charter Held to be Unconstitutional

FLAWS, HOWEVER, DO NOT EFFECT PAVING ISSUES

Fourth street property owners must pay for the paving of that street and, also La Grande's present charter is unconstitutional, according to an important decision handed down by Circuit Judge J. W. Knowles this morning denying the writ of review brought by property owners on Fourth street, through Turner Oliver, their counsel, against the reassessment of the costs to abutting property. This is not the first appearance in court of this much mooted topic, the reassessment following previous successful resistance. Upon the first point urged, Judge Knowles held that the present reassessment proceedings were properly made and that the writ of review should be dismissed. He points out that it is not for the court to pass upon the expediency of originating street improvements, but solely upon the legality of the same after the people or their representatives have decided to make such improvements.

Constitutionality Attacked

One of the points raised by affected property owners, was that the present charter, as amended and re-adopted last year, is unconstitutional because the people did not vote to approve it. This contention is sustained but it is further held that the Fourth street paving was instituted and completed under the 1909 charter and therefore the legality of the 1914 charter has no bearing upon the legality of the Fourth street assessment or any of the re-assessments.

Damage not Serious

The flaws in the present charter are not serious, neither do they harm or embarrass the work of the commission at present. The charter adopted by the people in 1913, when the commission-manager form was accepted, will again prevail, it is contended by attorneys. The present charter and the one adopted by the people differ only in minor respects, the principal differences being that the latest charter corrects faults in the boundaries of the city, provides adequate means to appoint a temporary municipal judge, and changes somewhat the bonding provisions. As no bonds are to be floated at present, the knocking out of the present charter has no material bearing on the welfare of the city at present. The original commission charter was amended by ordinance and laid over for 30 days, subject to referendum but there was no referendum petition filed against the amendment.

The commission then proceeded to declare the amendments to the charter in effect, following the direct provision of a statute passed by the legislature for the purpose of putting into effect the constitutional provisions for the initiative and referendum. The constitution says that amendments to a city charter made by the legal voters; while the statute which the city officials followed said that if no referendum should be filed, the amendments come effective upon a proclamation of the mayor. The supreme court has since apparently held, that only legal voters may amend a charter thus modifying somewhat its previous intimation.

Just what tack the Fourth street property owners expect to take now has not been announced, but some of that group of citizens have declared themselves desirous of exhausting every angle of attack to dodge what they claim is unnecessary expense, and an unjust burden.

In his decision Judge Knowles says among other things:

The above cause is before the court for decision upon the merits. This is a proceeding to review the action of the City council and commissioners of La Grande, Oregon, in the improvement of Fourth Street. It must be remembered at the very outset that the question as to whether the assessment has been made according to the benefits and whether the improvement has been made according to the plans and specifications, are questions for the council or commis-

sioners to pass upon, and their decision is final in review proceedings, and in fact in all proceedings, unless fraud be alleged and proved. Duniway vs. The City of Portland, 47 Oregon 103, and Riggs vs City of Portland, 142 Pacific 827. In which latter case the court says, "The determination by the council of the amount the property was specifically and peculiarly benefited by the improvement, and the proportionate share of the cost to be charged to such lot, in the absence of fraud or demonstrable mistake of fact is conclusive, except as a right of appeal may be given by the charter unless it has proceeded upon a wrong principle of law." In review proceedings all the court can pass upon is the regularity of the proceedings, and if the council or commissioners have followed the method prescribed by the charter, the court has no other alternative but to uphold the proceedings. Under the constitution of this state, as I have hereinafter decided, the legal voters of a city have a right to enact and amend their charters, and if the legal voters of a city have given the city council or the commissioners too much authority over their property in the matter of assessment for street improvement, they have no one to blame for this condition except themselves. It must also be remembered that review proceedings will only reach cases where inferior tribunals have exceeded their jurisdiction or exercised their jurisdiction erroneously, as is said by the Supreme Court of this state in the case of Garnsey vs. County Court, 33 Oregon 201, "Its object (in review) under the statute as at common law is to keep inferior courts and tribunals within the bounds of their jurisdiction, and compel them to proceed regularly in the disposition of matters brought before them for determination, but it cannot be used as a substitute for an appeal; nor does it lie to correct mere errors in the exercise of a rightful jurisdiction, or to inquire whether the rulings of the inferior tribunal upon the law and evidence, and in the application of the law to the facts are correct." See also Farror vs. Nevin, 44 Oregon 496; French-Glenn Stock Co vs. Harney County, 58 Pacific 35. McAnish vs. Grant, 44 Oregon 67.

Again it is contended that the charter adopted by the commissioners in 1914 was illegally adopted and therefore void, because it was not submitted to the legal voters of the City of La Grande, for their approval. In this contention I must concur. Section 2 of Article 1 of the Constitution provides as follows,—"The legal voters of every city and town

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SPOKANE WOMAN KILLS 4 CHILDREN AND SUICIDES

Spokane, April 13.—In a fit of despondency, Mrs. L. A. Leonard killed her four children, Constance, aged 11; Lutherine, nine; Lon, seven, and Leonard, five, some time last night by administering chloroform.

After killing her children she took her own life in the same way. The husband and father was out of town.

DYER IS PENDLETON'S MAYOR

Salem, April 13.—The supreme court today upheld the right of John Dyer to the office of mayor of Pendleton, and ousted R. F. Kirkpatrick. W. F. Matlock, mayor of Pendleton, died in 1914. Dyer, by virtue of being chairman of the city council, as-

BRIDE TRAVELS HALF AROUND EARTH FOR OY—LOVE.



Oy—from the Chinese, meaning love—after overcoming many obstacles and crossing vast oceans and continents, has found a way, and the hearts of Mrs. Chung Fong and Mr. Wong Chung Fong beat as one.

The wedding was the sequel of a real story-book romance and ended a courtship of more than ten years.

Ten years ago, Mr. Chung, dean of the Canton Christian college, was preaching in Hongkong when he met Mrs. Fong, who was a teacher of that city. The outcome was that the ceremony was held in the First Presbyterian church, New York City, and the photograph shows the bridal couple just after the wedding.

LONG ILLNESS CLAIMS WIFE

IDAHO FAMILY RETURNS TO FORMER HOME.

For Three Years Woman Has Not Been Out of Bed.

Sick and bedfast, in fact, raised up in bed but once during a period of three years, has been the fate of Mrs. H. E. Atteberry, who was taken to Weiser today. The Atteberry family came to the Grande Ronde from Weiser and lived at Elgin a while and then moved to La Grande hoping to help Mrs. Atteberry's health, but have now decided that they had best return home. Mrs. Atteberry sleeps considerably, and talks scarcely any. In the three years she has been bedfast she has raised from her cot but once. Mr. Atteberry said today that the Oregon climate had done her no good and the family had decided to return to Weiser.

DANGER SEEN IN TRESPASS

CHILDREN WARNED OF DANGER IN PRACTICE.

Pedestrians Cross Railroad Property at Fourth Street.

J. H. Keeney, C.-W. agent, has taken up with City School Superintendent John Girdler, the problem of stopping trespassing on railroad property at the intersection of the railroad with Fourth street. Children cross the right of way in droves to reach north side homes without going to the Second street or Fir street crossings, and the railroad company has so informed the school department, hoping that a word from the teachers will tend to halt the practice. Many crawl under the cars to get through. "Adults, too," said Agent Keeney, "use the short cut and it is but a matter of time until someone will get killed, if the practice is kept up."

SOCIAL FRIDAY EVENING

Methodist Choir to Practice and Play All in Same Evening.

Next Friday evening the Methodist choir will hold a social for its members and friends at the M. E. church, following a rehearsal for the Sunday evening program the Sunday following. The choir will conduct its usual practice on Thursday evening too.

PORTLAND MAN KILLED

Falls Ten Stories—Brains Scattered About Street.

Portland, April 13.—Plunging ten stories, from the top floor of the Lipman-Wolfe building, when scaffolding from which he was cleaning windows, gave way, Martin Sorenson, aged 27, was instantly killed. Fragments of his head and brains were scattered about.

PRESBYTERIAN CHURCH HEADS IN CONFERENCE

ANNUAL PRESBYTERY TO CONVENE THIS EVENING AND LAST THREE DAYS.

MODERATOR WARD COMES FOR OPENING CEREMONY

On Heels of Presbytery Comes Annual Meeting of Missionary Branch of the Church—Meetings in Y. M. C. A. and Public is Invited—Delegates Arrive This Morning, More Coming.

Ministerial and lay delegates to the annual Grande Ronde Presbytery, embracing many Eastern Oregon counties, and which opens this evening in La Grande, are arriving on today's trains. From far-eastern Oregon, the delegates came this morning, and tonight's trains from the north will bring additional ones. The day sessions will be held in the Y. M. C. A. and are open to all. All indications point to a most successful session. Following upon the heels of the Presbytery, the Woman's Presbyterian missionary society meets, and the program of speeches for that function includes:

Wednesday, 10 A. M.

Devotional, Mrs. Smits
Greeting, Mrs. A. T. Hill.
Response, Mrs. McDonald.
Roll Call of Delegates
Reading of Minutes of Previous Meeting.
Appointment of Committees.
Report of Corresponding Secretary Mrs. L. B. Moe.
Report of Secretary of Literature, Mrs. J. D. Young.
Report of Box Secretary, Mrs. A. Anderson.
Report of Secretary of Freedom Mrs. Smits.
Report of Mission Study, Mrs. Lee Bell.
Report of Band Secretary, Mrs. Curry.
Report of Cristian Endeavor Work, Mrs. William Ellis.

Afternoon Session, 2:00 P. M.
Devotional, Mrs. F. G. Wilson.
Round Table "Things We Need"
3:00 P. M. Special Music Mrs. Hal Bohnenkamp.
Dialogue, Mrs. Mossman and Others.
Model Study Class, Mrs. Hill.
Wednesday Evening, 7:30 P. M.
Address Rev. Ward MacHenry, of Baker.
Special Music, Solos Mrs. A. L. Richardson, L. D. Howland.

Thursday Morning, 10 A. M.
Devotional, Mrs. J. K. Wright.
Reports from Local Societies.
Communications.
Unfinished Business.
Reports of Committees.
Election of Officers.
Prayer for the Work.
Adjournment.

Thursday Afternoon, Reception For Visitors

Retiring Presbyterian Officers
President, Mrs. Smits, Lostine.
Vice Presidents Mrs. Hanna, La Grande, Mrs. Davis, Union.
Secretaries,—Corresponding Mrs. L. B. Moe, La Grande; Recording Mrs. H. P. Lewis, La Grande; Literature Mrs. J. D. Young, Sumpter; C. E. Work Mrs. Wm. Ellis, Baker; Band Mrs. Curry, Baker; Mission Study Mrs. Lee Bell, Baker.
Treasurer Mrs. E. A. Stevenson, Baker.

Following is the order of events for the Presbytery, which convenes this evening:

Tuesday, 7:30 P. M.
Sermon—Rev. Samuel L. Ward, D. D., of Pine Valley. He is moderator.
Lord's supper, subject, "The Dynamic of our Savior's Death," Rev. Samuel L. Ward, assisted by Rev. Arthur S. Heathcote, and Rev. J. D. McLennan.

Call to order. Prayer. Roll call.
Election of Moderator and temporary clerk.

Report of committee on arrangements—Rev. Emil Smits.
Recess.

Wednesday, 8:30 A. M.
Prayer service—Subject, "The Signs of the Nearness of Our Lord's Return." Rev. A. R. Carrick.
Roll call.

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