

ELKS' ANNUAL

“49”

First and Second Prizes will be awarded to the Ladies and Gentlemen that have the most of Elks' Stage Money at the end of Show.

Prizes will be awarded at 11 P. M. Saturday Night.

Prizes are now on Display at Peare & Son's and J. G. Snodgrass

SHOW

Last Time Tonight Elk's Old Building

BENEFIT ELKS' XMAS TREE

Everybody Welcome

Everybody Come

NOTICE OF PROPOSED FRANCHISE.

Notice is hereby given to all concerned that the proposed ordinance granting to La Grande Gas Company a franchise by the City of La Grande to construct, maintain and operate in said city a plant for the manufacture and distribution of gas and to sell gas for domestic and other purposes has been amended and that such Ordinance will go before the Commission of the City of La Grande for final action on the 13th day of December, 1916, at the Commission Room in the City of La Grande, Oregon at 7:30 o'clock P. M. A copy of such proposed Ordinance as amended is published herewith.

By order of the Council.

LEE WARNICK,

Recorder of the City of La Grande Oregon.

AN ORDINANCE GRANTING TO LA GRANDE GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT, ACQUIRE, OWN, MAINTAIN, CONDUCT AND OPERATE WITHIN THE CORPORATE LIMITS OF THE CITY OF LA GRANDE, OREGON, A PLANT OR PLANTS FOR THE MANUFACTURE AND DISTRIBUTION OF GAS AND TO SELL GAS FOR DOMESTIC AND OTHER PURPOSES AND TO LAY PIPES AND MAINS FOR THE PURPOSE OF CONDUCTING AND DISTRIBUTING SAID GAS THROUGH, IN AND OVER SAID CITY.

THE CITY OF LA GRANDE DOES ORDAIN AS FOLLOWS:

Section 1.
Upon and subject to the conditions hereinafter set out, there is hereby granted to La Grande Gas Company, a Corporation organized under the laws of the State of Oregon, and having its principal office and place of business at La Grande, Oregon and to its successors and assigns, the franchise, right and privilege to acquire, own, maintain, conduct and operate within the corporate limits of the City of La Grande, Oregon, plants and works for the manufacture of gas for domestic, manufacturing and other purposes and to furnish, provide and sell such quantities of gas as may be required in the City of La Grande for lighting streets, stores and private buildings and other places of any and all descriptions, or other purposes and to construct, operate and maintain a gas pipe line system and mains with all necessary feeds and service pipes in connection therewith, in, along, upon and under all streets, highways, avenues, lanes, alleys, public squares and public places including bridges within the corporate limits of the said City of La Grande.

Section 2.
The work of constructing erect-

ing and installing a plant and works and the laying of said gas pipe system and mains for the conducting and distribution of gas in and through said City of La Grande under the franchise and right granted in this Ordinance shall begin within six months from the date of the acceptance of this franchise by the said La Grande Gas Company, its successors or assigns, unless the same be delayed by judicial action or causes not within the power of the grantee to obviate or remedy, provided, however, that the plant or works for the manufacture of gas under the franchise granted in this Ordinance must in any event be commenced in good faith with the intention of completing the same within one year from the date of the acceptance of the franchise herein granted by the grantee unless the construction of said works be still suspended by judicial action.

Section 3.
Neither the said La Grande Gas Company nor its successors or assigns shall, during the life of this franchise, charge or demand from the consumers of gas hereunder more than one dollar and fifty cents (\$1.50) per thousand cubic feet.

Section 4.
The franchise granted and conferred upon the said La Grande Gas Company, its successors and assigns by and under this Ordinance, is for the term of 10 years from the date this Ordinance becomes of force, and no longer, unless further extended by the City of La Grande. The City of La Grande retains the power to revise or cancel this franchise at the end of ten years from the date of acceptance and to readjust the rate of payment to the City by the Corporation.

Section 5.
The said La Grande Gas Company, its successors and assigns shall repair, reconstruct and repair and otherwise keep in good condition whenever directed by the Commission of the City of La Grande and in such manner as the Municipal Authorities may direct, those portions of the streets, alleys or other public places in, along and under which it or they shall, under this Ordinance, lay or place gas pipes or mains; provided, however, that this Section shall not be so construed as to require said La Grande Gas Company, its successors or assigns to make new permanent street improvements but only to require the streets and other public places where gas pipes or mains shall be laid to be properly replaced and repaired after they have been torn up for the purpose of said La Grande Gas Company, its successors and assigns.

Section 6.
The franchise and rights and privileges granted under this Ordinance are granted subject to all the terms, provisions, and conditions contained in the Charter of the City of La Grande, Oregon applicable thereto and in the same manner and to the same extent as though each and every of said terms, provisions and conditions

were specifically set out and embodied herein, and subject also to the further conditions set out in this Ordinance which are not contained in such Charter.

Section 7.
So far as shall be necessary or deemed expedient, in order to carry out and enforce the terms and conditions of the franchise given under this Ordinance and for enforcing the payment of the compensation therein provided for, the Commission shall have power to investigate from time to time the affairs, business and property of the grantee, its successor or assigns of such franchise within the City of La Grande and for that purpose, it has the right to compel the attendance of witnesses and the production of books, papers and records before the Commission and of entry in person or by authorized agent upon any premises or place of the grantee of such franchise, or its successors or assigns and the Commission of the City of La Grande has the right, by Resolution or otherwise, and by and through the Manager of said City to control the plan of location of gas mains, pipes and plants to be laid or constructed within said city by the holder or operator under such franchise.

Section 8.
The grantee of the franchise granted and given, by this Ordinance, its successors, and assigns shall at all times keep full and correct books and accounts and make in writing to the Commission of the City of La Grande, quarterly reports verified by some officer of the Corporation, containing an accurate statement in summarized form, as well as in detail, of all gross receipts from all sources derived from the operation of said franchise by said corporation or the holder or operator under said franchise and also of all expenditures made in connection with the operation thereof. Such reports shall be made public and a summary thereof shall be printed as a part of the annual report of the Recorder of the City of La Grande, and the Commission of said City may at all reasonable hours inspect or examine any and all books of account of receipts or earnings derived from the operation of said franchise within the City of La Grande. Reports shall be made in accordance with forms and methods prescribed by the Commission, and so far as practicable, shall conform to such reports as are required by State or Federal Utility Commissions in like cases.

Section 9.
Every failure or neglect on the part of the grantee or holder of or operator under the franchise in this Ordinance granted, to keep proper books of account of earnings and receipts or to make reports as required by this Ordinance or the Charter of the City of La Grande shall be deemed an offense and the Commission may by Ordinance provide for the punishment

of every such violation, fault or neglect by fine or imprisonment or both of the persons or persons whose duty it shall be to keep such books of account or make such reports.

Section 10.
The Commission shall have power to make all orders, rules and regulations necessary or appropriate to carry into effect the powers granted by this Ordinance and to make the same effective by penalties and forfeiture and upon failure of the grantee of such franchise or the owner or holder or operator thereof to comply with any of the requirements of this Ordinance or of the Charter of the City of La Grande pertaining to such franchise, for a period of thirty days, the Commission has the power to declare by Ordinance a forfeiture of the franchise herein granted, and every such order, rule or regulation of the Commission shall take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the Commission or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction and whenever the grantee of such franchise or person against whom any rule or regulation is directed as provided by this Ordinance or the Charter of the City of La Grande, shall believe such order to be unjust or unreasonable, he or it may test its justice or reasonableness by an appropriate action in the Courts commenced within 30 days after service of any such rule, order or regulation, and in such action such order may be entered in the premises as may be warranted by the facts developed upon the trial and the law applicable thereto.

Section 11.
The franchise granted by this Ordinance shall be taken and deemed as property, and shall be subject to taxation as property.

Section 12.
For the franchise herein granted, the grantee shall pay to the City of La Grande the sum of \$..... such sum to be paid at the beginning of each year.

Section 13.
Work under the franchise herein granted shall be commenced within 6 months after the acceptance of such franchise and the estimated total cost of such work is \$55,000.00, and the amount to be expended yearly in such work is not less than the sum of \$10,000.00 for 5 years.

Section 14.
Neither the franchise granted by this Ordinance nor any right or privilege thereunder shall be sublet or assigned or be leased, sold or transferred without the consent of the City of La Grande expressed by Ordinance, which Ordinance shall be subject, as other Ordinances, to the Referendum, and any sale, transfer, lease or sublease of the said franchise or any right or privilege thereunder shall, at the option of the City of La Grande void and annul the franchise

granted in this Ordinance.

Section 15.
In addition to the conditions above in this Ordinance set out, the franchise and rights and privileges by this Ordinance granted are granted subject to the following conditions and restrictions:

(a) The City may in any lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, condemn, acquire, take over and hold the property and plant of the grantee, its successors or assigns, in whole or in part if such purchase or taking over be at the expiration of the terms of the franchise as in this Ordinance specified, such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.

(b) Upon payment by the City of La Grande of a fair valuation as above stated, the plant and property so acquired shall become the property of the City without formal execution of any instrument of conveyance, provided, however the City may, at its option, compel the execution to it of an instrument of transfer and conveyance.

(c) Upon the acquisition of such plant or property the right of the holder of such franchise shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of such franchise of all right, title and interest therein.

(d) In addition to the compensation herein before in this Ordinance provided to be paid, the grantee of the franchise, and rights by this Ordinance granted, and its successor and assigns shall pay annually to the City a per centum of the gross annual receipts from the operation within the City of La Grande of such franchise, rights and privileges and the payment thereof shall not be held to exempt and shall not exempt the holder of such franchise, rights or privileges from any lawful taxation of its property nor for any license charged or imposition not levied on account of such use and such payment shall be made as follows: For the first three years of the operation of such franchise from the time of the acceptance thereof the percentage of gross receipts paid shall be nothing and for the next 7 years thereafter 3 per cent per annum of the gross receipts, payment to be made at the end of each year.

(e) The franchise by this Ordinance granted and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a similar public utility whenever it shall be advantageous to the public upon payment or tender of fair compensation for such use. The compensation for the franchise herein granted shall be payable only to the City and not to the holder of the original

franchise. The Commission shall have the power to determine what is a fair compensation and to regulate the manner of such use subject to judicial review, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the Court such sum as the Court on a preliminary hearing may determine. Such compensation shall not include any remuneration for the franchise or rights conferred by the City except that the new user may be required to pay a rateable part of any tax or public charge imposed upon the original grantee by reason of such franchise in addition to such other payment to the City as the Commission may deem equitable.

Dairyman's Success

In every business the unit is the key that must unlock the first doors of success. Let us see what this means. The dairyman who has mastered the handling of one cow has passed through the first essential stage of successful dairying. If he can't make good with one he has no sure ground for hope for making good with ten or with fifty. He must know one cow thoroughly or he can never know fifty. If he would fail with one his failure would be fifty times as great with fifty. It is so with a whole field. The unit is at the basis of every business. —The Up-to-the Times Magazine, Walla Walla.

Our Want Ads bring results.

Last Week to Buy
Bulbs
All bulbs unsold this week will be planted out at the greenhouses.
BUY NOW
La Grande Seed & Floral Co.
Foley Hotel Building.