

ORDINANCE NO. 310.

An ordinance declaring the intention of the Common Council to cause to be constructed a Trunk Sewer to be known as Trunk Sewer No. 3, describing the route along which it is to be constructed; giving estimates of the cost thereof; and providing a special assessment upon the property benefited thereby; and providing an opportunity for property owners to protest against said proposed improvement; providing for the manner of making proposals to construct said sewer; providing for the manner of making and collecting the assessment therefor and declaring an emergency.

to the north boundary line of the original Town of Ontario and the south line of Lot Two (2) of Section Three (3) in Township Eighteen (18) North, Range Forty-seven (47) East of the Willamette Meridian, thence in a northerly direction through said Lot Three (3) to Snake River, all of said Sewer route lying and being within the corporate limits of the City of Ontario.

SECTION 3. That an estimate of the cost of said improvement has been ascertained and determined by Louis C. Kelsey, a civil and hydraulic engineer, employed by the said City of Ontario, to be the sum of Fifteen Thousand (\$15,000.00) Dollars, which estimate of the said engineer has been filed with the City Recorder, and the whole cost and expense of said improvement shall be raised and paid for by special assessment to be levied upon and equitably apportioned between the different pieces of property in said area heretofore described.

That in order to afford the different property owners whose property is to be assessed, an opportunity to file any protest any such property owner may desire to file against the construction of said sewer provided for in this ordinance, the City Recorder shall at once proceed to publish notices in the "Ontario Argus," a weekly newspaper published in the City of Ontario once each week for two (2) consecutive weeks, a copy of this ordinance indicating that the City Council will, on the 5th day of August, 1918, at a regular meeting thereof, hear and determine any written protest against the construction of said improvement that may be filed before the day fixed for such hearing.

SECTION 4. That if after the hearing provided for in the foregoing section shall have been had, and it shall have been determined by the City Council that the construction of said sewer shall be proceeded with, the City Council shall fix a date not less than one week from such time for a meeting of the City Council, at which proposals of contractors to do the work and furnish the materials necessary for the construction of said improvement will be considered and the contract for doing such work and furnishing material will be awarded, notice of which meeting shall be published at least once in a newspaper published in the City of Ontario not less than three (3) days before such meeting. Such contract shall not be

awarded at an amount in excess of the estimate of the City Engineer filed with the City Recorder. After the contract to construct the said improvement shall have been awarded, the said City Council shall thereupon appoint some competent person as a commissioner, whose duty, after taking the necessary oath to faithfully perform his duties, shall be to carefully and equitably apportion the entire costs of such improvement not to exceed the amount of the contract awarded, between the different pieces of property adjacent to and benefited by said improvement, and thereupon said commissioner shall prepare an assessment roll, giving the names of the owners, the description of the different pieces of property assessed, and the amount of benefit assessed to each of said different pieces of property, which assessment roll as soon after the appointment of such commissioner as it shall be practicable to do so, shall be returned and filed by such commissioner in the office of the City Recorder and thereupon any interested person or property owner who shall be dissatisfied with the apportionment of the cost of said improvement shall have the opportunity and be required within ten (10) days after the filing of such assessment roll by said commissioner to file with the City Recorder, in writing, specifically and clearly any objection that such person or property owner may desire to urge against such apportionment.

SECTION 5. At the next regular meeting of the City Council, or at any special or adjourned meeting, after the expiration of said ten (10) days, or at any time to which the hearing of the objections of said special assessments may be adjourned, the City Council shall act as a board of equalization and shall give each objector an opportunity to be heard as to the objections that have been filed and shall hear and determine all such objections that have been filed to the apportionment of such special assessment, and shall after such hearing, either confirm the assessments, as indicated by the assessment roll, or if necessary to do so, shall first amend the same before such confirmation, so that the apportionment that shall be made and confirmed by the City Council shall be equitable and just between the different pieces of property benefited by said improvement and so that each assessment charged against any and all property assessed shall not be more than the

benefits that shall have been conferred by said improvement. SECTION 6. After the confirmation of the apportionment of said assessment by the City Council, the City Recorder shall forthwith publish at least once in the "Ontario Argus," a weekly newspaper published in said City of Ontario, a notice to the property owners and persons interested, indicating the apportionment of said assessment between the different pieces of property, as confirmed by the City Council, giving the date of such confirmation, the name of the owners of the property assessed, so far as the names of such owners shall be known to the Recorder, the descriptions of the different pieces of property assessed, and the different amounts of the benefits charged against each of the different pieces of property assessed. The City Council shall have the power at any time within thirty (30) days of the confirmation to amend said assessment roll, and at the expiration of said thirty days, except as is otherwise provided in this ordinance, the assessment as confirmed shall be final. SECTION 7. No suit shall be maintained to set aside or modify any such assessment, or to enjoin the City, or any person employed by the City, from making such improvement, or levying or collecting any such assessment, or from issuing bonds, or contesting the validity thereof, unless such suit shall have commenced within thirty (30) days of the passage of the ordinance confirming said assessment. Provided, that in the event any special assessment shall be found to be invalid or insufficient in whole or in part for any reason whatever, the City Council may at any time in the manner provided for the levying of an original assessment, cause a new assessment to be made and levied which shall have like form and effect as an original assessment. SECTION 8. That the aggregate amount of said assessment for said improvement, and each individual assessment, shall be payable within thirty (30) days after the confirmation of said assessment by the City Council, as hereinafter provided. After the expiration of said thirty (30) days said assessment shall bear interest at the rate of eight per centum (8 per cent) per annum, and shall be payable and enforceable in all respects as ordinary City taxes. Provided, however, it shall be lawful for the respective owners of any property so assessed for such improvement in the sum of Twenty-five Dollars (\$25.00), or more, at any time within ten (10) days after notice that such assessments have been levied, in first published, to file with the City Recorder of the City of Ontario, a written application to pay such assessment in installments, and such written application shall state that the said applicant and property owner does hereby waive any and all irregularities or defenses, jurisdictional or otherwise in the proceedings to construct the sewer for which said assessments is levied, and in the apportionment of the costs thereof said application shall contain a provision that the said applicant and property owners agree to pay said assessment in ten (10) annual installments, with interest at the same rate on all of said assessments, which have not been paid as that expressed in the bonds issued to pay for such improvements. Said application shall also contain a statement, by lot or blocks, or other convenient description, of the property of the applicant assessed for the construction of said sewer. No application shall be received and filed by the City Recorder if the amount of such assessment with any previous assessments for street improvements or sewers, assessed against the same property and remaining unpaid, shall equal or exceed the valuation of said property, as shown by the last tax roll of the County in which it is situated. The majority of the owners of the property so assessed shall select a competent person to inspect such improvements under the direction of the City Engineer of such City provided, that application for such bonding shall be received by the City Recorder in such cases where the amount of the assessment, together with previous assessments for street improvements or sewers against the property (and remaining unpaid), shall exceed the valuation of said property, as shown by the last tax roll of the County, if the owner shall before making such application file with the City Recorder a bond, payable to the City of Ontario, in the sum of \$100.00, which bond shall be in the following tenor: "I, the undersigned, do hereby certify that I am the owner of the property described in the assessment roll of the City of Ontario, and that I am not liable for the payment of the same as shown by the last tax roll of the County in which it is situated."

SECTION 9. That the assessment of bonds to anticipate, and payable out of the collections of the different pieces of property assessed shall be governed by, and in all respects be in accordance with the provisions of an Act of the Legislature known as the "Hancock Act" and entitled: An Act to provide for the issuance of bonds for the improvement of streets and laying of sewers in incorporated cities, and for the payment of the cost of such improvements, and the laying of sewers by installments. The

same being Chapter V of Title XXVI, Lord's Oregon Laws. SECTION 10. All of said work shall be done in accordance with the plans and specifications for said proposed improvements, and which plans and specifications are now on file in the office of the City Recorder of the City of Ontario, and which are hereby made a part of this Ordinance as fully as though set forth at length therein. SECTION 11. That all ordinances and parts of ordinances in conflict herewith be and the same are hereby expressly repealed. SECTION 12. Inasmuch as the City of Ontario has long suffered by reason of inadequate drainage and sewerage, because of which the health and safety of the people of said City has been and is constantly reduced and endangered; and inasmuch as the season of summer is now upon us and the lack of adequate sewerage forms an immediate menace to the welfare of the people of said City, this Ordinance is therefore necessary to the immediate preservation of the peace, health and safety of the people of the City of Ontario; and an emergency exists, and this Ordinance shall be in full force and effect from and after its passage by the Council and its approval by the Mayor.

Passed by the Council this 1st day of July, 1918. Approved by the Mayor this 1st day of July, 1918. W. F. HOMAN, Mayor.

Attest: C. M. STEARNS, City Recorder.

ALIAS SUMMONS.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MALHEUR COUNTY. Lester E. Purcell, plaintiff, vs. Edith M. Purcell, defendant.

To Edith M. Purcell, defendant: IN THE NAME OF THE STATE OF OREGON, you are hereby required to appear and answer the complaint in the above-entitled court and cause, on or before the expiration of the time prescribed in the order for publication to-wit: on or before the expiration of six weeks from the date of the first publication of this summons, and if you fail to answer for want thereof, the plaintiff will apply to the court for the relief demanded in the complaint, namely for a decree of absolute divorce forever dissolving the bonds of matrimony heretofore and now existing between plaintiff and defendant, and for the care and custody of Clara I. Purcell and Samuel C. Purcell, minor children of plaintiff and defendant. This summons is served upon you by publication thereof for six consecutive weeks in the Ontario Argus, a weekly newspaper published in and of general circulation in Malheur County, Oregon, under and by virtue of an order of the Hon. Dalton Biggs, Circuit Judge of the Ninth Judicial District of the State of Oregon. Dated at chambers at Ontario, Oregon, the 11th day of March, 1918. Date of first publication, June 27, 1918. Date of last publication, August 8, 1918. C. Mc GONAGILL, Attorney for plaintiff, Residing at Ontario, Oregon.

NOTICE OF PETITION TO EXCLUDE LANDS FROM PAYETTE-OREGON SLOPE IRRIGATION DISTRICT.

Notice is hereby given that a petition has been filed with the Board of Directors of the Payette-Oregon Slope Irrigation District by one Joseph Jacobs, owner in fee of the following described lands, praying for the exclusion of said lands from the Payette-Oregon Slope Irrigation District, to-wit: The northwest quarter of southeast quarter, the southwest quarter of the northeast quarter and Lot 3, all in Section 13 (Thirteen), Township 18, South, Range forty-seven (47) East Willamette Meridian, Malheur County, Oregon.

on the following ground and for the following reasons: That said district never has been able and is not now able, with its existing ditches, canals and pumping plant, to provide water for the irrigation of said lands, and that it never has been able to do so, and that it would be more economical to reconstruct the same in order to provide for the irrigation of said lands than would be justified by the annual and added revenue that would be secured from said lands, through their assessment and payment of taxes thereon; that said lands, from the owner's point of view, can be more efficiently and economically irrigated from other sources than the said irrigation system of the said District.

All persons, therefore, who are interested in, or who may be affected

by the prayer of the petitioner, are directed to appear at the office of the Board of Directors of said District, (the one-story frame building near the pumping-plant located in the SE qr of the NW qr, Sec. 2, T. 17 S., R. 47 E. W. M., Malheur County, Oregon,) at 10 o'clock a. m. on August 6th, 1918, and show cause, in writing, if any they have, why the prayer of the petitioner should not be granted. (Signed) P. M. BOALS, Secretary Payette-Oregon Slope Irrigation District. No. 29-31

CITATION TO HEELS.

In the County Court of the State of Oregon for Malheur County. IN THE MATTER OF THE ESTATE OF WILLIAM A. VANDERBILT, DECEASED.

To Eva A. Vanderbilt, Roland W. Vanderbilt, Vivian C. Vanderbilt, and to all persons unknown or concerned, GREETING: By order of the above entitled court each and all of you are hereby cited to appear before the entitled court in the County Court room in the Court House at Vale, Malheur County, Oregon, at 3 o'clock in the afternoon on the 26th day of August, 1918, to show cause, if any you have, why Andrew Vanderbilt, administrator of the estate of William A. Vanderbilt, deceased, as such administrator shall not be entitled and directed by an order of this court to sell certain real property of the said estate to pay the indebtedness thereof, which said real estate is described as follows, to-wit:

Northwest Quarter of Section 31, Township 16 South, Range 47 E. W. M., Malheur County, Oregon, containing 159.54 acres, more or less. WITNESS the honorable Geo. W. McKnight, Judge of the County Court of Malheur County, Oregon, with the seal of said County Court affixed this 16th day of July, 1918. ARTHUR M. MOODY, County Clerk of Malheur County, Oregon. By Roy Smith, Deputy.

NOTICE OF HEARING OF FINAL ACCOUNT.

In the County Court of the State of Oregon for Malheur County. IN THE MATTER OF THE ESTATE OF SETH E. A. LEAVITT, DECEASED.

Notice is hereby given that William B. Leavitt, the administrator of the estate of Seth E. A. Leavitt, deceased, has rendered and presented for settlement and filed in said court his Final Report and Account of the administration of said estate, and that Monday, the 19th day of August, 1918, at 2 o'clock p. m., at Vale, Malheur County, Oregon, in the County Court room at the Court House has been duly appointed by Judge of said court for the settlement of said Final Report and Account, at which time any person interested in said estate may appear and file exceptions in writing to the said Final Report and Account and contest the same. WILLIAM B. LEAVITT, Administrator of the Estate of Seth E. A. Leavitt, Deceased. Date of first publication July 18, 1918. Date of last publication August 15, 1918.

NOTICE OF ANNUAL MEETING OF MALHEUR DRAINAGE DISTRICT.

Notice is hereby given that the annual meeting of the land owners of the Malheur Drainage District, will be held at the office of said District, at Ontario, Oregon, on August 1st, 1918, at 2 o'clock in the afternoon of said day, for the election of two Supervisors, and for such other business as may properly come before the meeting. MALHEUR DRAINAGE DISTRICT, BY E. H. TEST, Secretary. 29

The Doctor Away From Home When Most Needed.

People are very often very much disappointed to find that their family physician is away from home when they most need his services. Chamberlain's Colic, Cholera and Diarrhoea Remedy, and have in many instances been saved from fatal disease by its use. It is a household remedy and a physician's friend. The right way is to keep a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. No physician can prescribe better medicine for these diseases. By having it in the house you escape much pain and suffering and all risk. Buy it now; it may save life.

BUY W.B.S. BUY W.B.S.

Save Food Now DON'T LET MILK OR MEAT SPOIL It is your patriotic duty to see that every bit of food you buy is eaten, for Food will win the war Ice will save food You can not keep milk sweet or meat and vegetables from spoiling without ICE We deliver good, pure ice. The water from this ice can be used. It is pure. Remember too that we buy Cream, Eggs and Poultry and pay cash when you deliver the goods. Ontario Ice & Cold Storage ONTARIO, OREGON