

**Ordinance No. 236**

An Ordinance Declaring the Result and Validity of the Special Election Held in and For the City of Prineville, Crook County, Oregon, on September 11, A. D. 1916, and Authorizing the Mayor to Publish a Proclamation of the Same, and Declaring an Emergency.

WHEREAS, In accordance with Ordinance No. 234, duly adopted by the Common Council at a special meeting thereof lawfully called and duly held on the 7th day of July, A. D. 1916, a special election was called and ordered to be held in the said City of Prineville, Crook County, Oregon, on Monday, to-wit: the 11th day of September, A. D. 1916, for the purpose of voting upon the adoption of an amendment to the City Charter, being an act of the legislative assembly of the State of Oregon, for the year 1899, entitled: "An Act to incorporate the City of Prineville, Crook County, State of Oregon; and to repeal an Act entitled: 'An Act to incorporate the Town of Prineville, Wasco County, Oregon,' approved October 23, 1880; and to repeal an Act entitled: 'An Act to amend an Act entitled: 'An Act to incorporate the Town of Prineville, in Wasco (now Crook) County, Oregon,' approved October 23, 1880, and to repeal all Acts or parts of Acts in conflict herewith,' approved February 14, 1887; and to repeal an Act entitled: 'An Act to amend Section 17 of an Act entitled: 'An Act to incorporate the

Town of Prineville, in Wasco County, Oregon', approved October 23, 1880', filed in the office of the Secretary of State February 18, 1891,' approved February 16, A. D. 1899, and all amendments thereof, either by act of the legislative assembly or by initiative proceedings, and particularly an act of the legislative assembly of the State of Oregon approved February 12, 1903, and filed in the office of the Secretary of State February 13, 1903, and a measure submitted to the qualified electors of the City of Prineville and adopted at an election held November 15, A. D. 1915, more particularly by amending Section 25, Chapter 5, of said charter as originally enacted and amended by adding thereto a further subdivision to be No. 58, the said subdivision No. 58, of Section 25, Chapter 5, of the charter of said city to be in words and figures as follows:

58. The Common Council is hereby granted the power, for and on behalf of the city, to buy, build, equip, acquire, lease, own, operate, and maintain railways and railroads operated by steam, electric, or other power, within or within and without the boundaries of the city, for the benefit and use of the inhabitants thereof, and for profit, said railroad or railroads to run within or within and without said city or from the city to other towns, cities, or points without the boundaries of the city, and to acquire rights of way, terminals, easements, and real property within and without its boundaries, and to exercise any one or more of said powers, and to borrow money and fund indebtedness to carry out any one or more of said powers by issuing and selling, at public or private sale, with or without advertising such sale, the negotiable warrants or bonds of the city in an amount not exceeding the principal sum of \$100,000.00 for railroads, rights of way, terminals, easements, or real property for any such railroad or railway, said warrants or bonds bearing interest at not more than six per centum (6 per cent) per annum, payable semi-annually. Prior to the authorization or sale thereof, the Council, by ordinance, shall prescribe, fix, and determine the form of such warrants or bonds, as the case may be, their date, denomination, the date or dates of maturity of such bonds, not exceeding thirty years, the rate of interest, place of payment, and the principal use or uses to which the proceeds derived therefrom shall be applied, and shall levy and assess, on all of the taxable property of the city, in addition to all other taxes provided by law and the charter of the city, a direct annual ad valorem tax, and thereafter cause the same to be collected, sufficient to create a fund to pay the interest accruing on said bonds promptly when and as the same becomes due, and to establish and maintain a sinking fund with which to discharge the principal thereof at maturity, which ordinance shall, upon delivery of the bonds to the party entitled thereto, be thereafter irrevocable, and the classes, kinds, or amount of property subject to tax or the method or manner of levy, assessment, or collection of taxes thereon, as provided by law, and the charter of the city, at the time of the passage and approval of such ordinance, shall not be changed in any manner so as to reduce or diminish the security for such warrants or bonds, or any of them, or lessen the power, authority, or ability of the city to raise funds sufficient to pay the interest on said bonds promptly when and as the same becomes due, and to discharge the principal thereof at maturity. Said Council shall also require the collection of such taxes by the proper city and county officials authorized by law to make such collection, and the taxes so levied, assessed and collected shall be kept in a separate fund, and said fund shall be used solely in the payment of the principal and interest of said bonds or warrants, and said principal and interest shall be paid out of said fund at the time or times provided according to law and the tenor of said bonds or warrants and coupons attached thereto. Warrants issued under the provisions of this section shall be drawn on the general fund and due provision made by the Council for their payment through funds obtained from the levy and collection of taxes on all the taxable property of the city or from the sale of a sufficient amount of funding bonds of the city which the Council is hereby authorized and empowered to issue, negotiate, and make provision for their payment and in the manner provided in this section for municipal bond. All bonds and warrants of the city, when delivered to the purchaser, shall thereafter be incontestable, and their legality shall not be open to contest by any person or persons, corporation or associations, or by the City, for any reason or reasons whatever.

The Council is hereby authorized and empowered, for and on behalf of the city, to bring actions for the condemnation or taking of private property within and without the boundaries of the City for public use in the same manner as private corporations are now authorized or permitted to do under the laws of the state.

In the event of the refusal, neglect, or failure of the City or said Council, or any or all of the officials of the city having to do with the levy, assessment, or collection of the taxes provided in this section, or the payment of the moneys thereby derived to the holder or holders of said bonds or warrants, or the coupons appertaining thereto, to perform their several duties relative to such levy, assessment, collection, or payment, at the time or times provided according to law and the tenor of said bonds or warrants and coupons, whereby any default occurs in the payment of the interest upon any of said warrants or bonds, or any part of such interest, or the principal of said warrants or bonds, or any part thereof, at the time, place, or manner of payment of said principal or interest, and by reason of such default any suit or proceeding is brought by the holder or holders of any such warrant or warrants, bond or bonds, coupon or coupons, to recover any such principal or interest, due and unpaid, then and in that case the said City shall be liable for and shall pay not only the principal or interest, or both, which may be due to such holder or holders, but shall also be liable for and shall pay all costs and expenses of such suit or proceeding, and also reasonable attorney's fees amounting to the sum of ten per centum (10 per cent) of the amount of the principal or interest, or principal and interest, as the case may be, for which any such suit or proceeding is brought, and all such costs and expenses of such suit or proceeding, including such attorney's fees, shall be and the same are hereby declared so much additional indebtedness of the City, which shall be included in any judgment obtained against such City, and the payment of which shall be enforced in the same manner and by the same means as the payment of said principal and interest.

Each of the provisions of this section shall be self-executing, and the indebtedness herein authorized shall not be construed as affected by any charter or statutory limitation of indebtedness of said City; and the Council shall have full and complete power to carry the provisions hereof into effect by ordinance or resolution, and to make and let contracts and purchase and sell property, in order to carry out any one, either or all of the purposes and powers herein named, without further authorization and without a vote of the electors, and to make all necessary rules and regulations therefor, as herein provided; and any provision or provisions of the charter or ordinances of the city of Prineville which conflict with the provisions hereof are hereby repealed.

AND WHEREAS, It has been determined and is hereby declared as follows: That the ordinance passed and approved July 7, A. D. 1916, ordering and calling said special election, was published at the time and in the manner required by law and the direction of said council; that a printed pamphlet containing a copy of the measure referred to the people by the common council and submitted to the legal voters at said election, was duly mailed in due form, time, and manner to each of the registered voters of the city, as well as to each bona fide elector thereof, so far as known; that the notice of said special election was published and posted at the time and in the manner and form required by law and the direction of said council; that said election was duly held and conducted in the manner prescribed by said constitution, laws, charter, and ordinances; that each and every person voting at said election possessed the qualifications prescribed by said constitution, laws and charter, and had been duly registered; that the ballots cast at said election were duly canvassed by the recorder and common council, as required by the charter and ordinances of said city, and the result thereof declared by said council, and the same made a matter of record in the journal of the proceedings of said council; Now, Therefore, in consideration of the said Premises,

THE PEOPLE OF THE CITY OF PRINEVILLE, OREGON, DO ORDAIN AS FOLLOWS:

Section 1. That the special election held in said city, on Monday, to-wit: the 11th day of September, A. D. 1916 be, and the same is hereby determined and declared to have been duly called, noticed, and held in strict compliance with law

as set forth in the preamble hereof. Section 2. That the returns of said special election have been duly filed with the recorder of said city and said returns have been duly canvassed by the Recorder and Common Council and the result thereof declared by said council and the same made a matter of record on the journal of proceedings of said council, as set forth in the preamble hereof. Section 3. That the said canvass and the result thereof, as so entered of record, show: That the total number of ballots cast in the said city of Prineville at the special election held September 11, A. D. 1916, upon the question submitted to the qualified voters of said city, proposing an amendment to Section 25, Chapter 5, of the charter of said city, as set forth in the preamble hereof, was 360, of which 358 were "Yes" and 2 were "No"; and that a majority of 357 of all of the ballots cast at said election was in the affirmative and in favor of the adoption of said charter amendment. Section 4. That at said special election a majority of all of the qualified electors of said city present and voting thereat, voted in favor of amending Section 25, Chapter 5, of the charter of said city by adding thereto sub-division 58 as set forth in the preamble hereof; and it is therefore hereby determined and declared that said charter amendment has been duly carried by the requisite majority vote and that this council is thereby duly authorized and empowered to carry out the purpose and provision of the said amendment. Section 5. That the Mayor of said City be and he is hereby authorized, ordered, and directed to cause a proclamation of the result of said election to be published in one regular weekly issue of "The Crook County Journal", a weekly newspaper published and of general circulation in said City, embodying therein this ordinance. Section 6. That this ordinance, being for the purpose of carrying into effect the obligations authorized and ordered by a majority vote of the qualified electors of said City, as expressed at the said special election therein held on September 11, A. D. 1916, for the purpose of amending the charter of the City, particularly Section 25, Chapter 5, of said charter, by adding a new Section to said Chapter 5, to be designated as Section 58, the same shall thereafter be in full force and effect from and after its approval by the Mayor and shall not be subject to the referendum. APPROVED THIS 13th DAY OF SEPTEMBER, A. D. 1916. D. F. STEWART, Mayor of the City of Prineville, Crook County, Oregon. [Seal] Attest: E. O. Hyde, City Recorder, State of Oregon, County of Crook, City of Prineville, ss. I, E. O. HYDE, Recorder of the City of Prineville, do hereby certify that the foregoing seven typewritten sheets, numbered from 45 to 51, inclusive, and marked at the beginning "Ordinance No. 236", constitute the original ordinance as passed by the Common Council of the City of Prineville, that on its final passage, the number of votes cast for said ordinance were 5; that the number of votes cast against said ordinance were 0; that said ordinance became of full force and effect the 13th day of September, A. D. 1916, and the same was duly and lawfully passed and became of full force and effect in accordance with the constitution and laws of the State of Oregon, and the charter of the City of Prineville. E. O. HYDE, Recorder of the City of Prineville. [Seal]

NOTICE FOR PUBLICATION. Department of the Interior, U. S. Land Office at The Dalles, Oregon, September 8th, 1916. Notice is hereby given that Cyrus DeVilbiss, of Barnes, Oregon, who, on March 23rd, 1912, made Homestead entry No. 010100 and on June 5th, 1915, made additional homestead entry, No. 015039, for NE 1/4 SW 1/4, N 1/2 SE 1/4, SE 1/4 NE 1/4, Sec. 32, S 1/2 NW 1/4, N 1/2 SW 1/4, Sec. 33, Twp. 18-S, Range 21-E, Willamette Meridian has filed notice of intention to make final three year proof to establish claim to the land above described before A. S. Fogg, U. S. Commissioner, at Hampton, Oregon, on the 10th day of November, 1916. Claimant names as witnesses: Harry Barnes, Richard A. Ammons, Orville Everett, B. G. Demaris, all of Barnes, Oregon. H. Frank Woodcock, Register. 4515c.

NOTICE TO CONTRACTORS. Sealed bids will be received by the city council of Prineville, Crook County, Oregon, at the City Hall in Prineville, until October 3, 1916 at 7:30 o'clock p. m., and then publicly opened, for the removal of the present Main Street bridge across Ochoco Creek, for the building of a sixty-four foot reinforced concrete bridge at the same site and the grading of the approaches to the bridge. Plan, specifications, forms for bidding, form of contract and bond are on file and may be seen at the office of the county surveyor at the Crook County court house in Prineville, Oregon. All bids shall be upon the regular forms and shall be accompanied by a certified check in the sum of 5 per cent (Five per centum) of the amount bid, payable to the City Treasurer of Prineville, Oregon. The right is reserved to reject any or all bids. Dated at Prineville, Oregon, this 19th day of September, 1916. E. O. Hyde, City Recorder. 4512c.

NOTICE OF ADMINISTRATOR'S SALE OF REAL ESTATE. Notice is hereby given by the undersigned, the Administrator of the Estate of Mary Wilkins, Deceased, that pursuant to an order of the County Court of Crook County, Oregon, heretofore made and entered, he will sell at private sale, for cash, for the best price offered, the following described real estate belonging to said deceased, to-wit: Lots five and six of Block Eight in the Fifth Addition to the City of Prineville, Oregon, said sale to be made on or after the 20th day of October, 1916. George Meyer, Administrator of the Estate of Mary Wilkins, Deceased. 4515c.

NOTICE TO CREDITORS. Notice is hereby given, by the undersigned, the executrix of the estate of Frank Vanina, deceased, to the creditors of said deceased and to all persons having claims against the estate to present the same with the proper vouchers to the undersigned at the office of M. R. Elliott in Prineville, Oregon, within six months from the first publication of this notice. Dated and published the first time September 14, 1916. Catarina Vanina, Executrix of the Estate of Frank Vanina, Deceased. 4410c

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