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600—Lot 100x100 in business center  
601—Lot facing 126 feet on car line and running back 98 feet.  
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Electric Supplies House Bells and Secret Alarms Installed Full Line of Electrical Goods in Stock

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(Continued from Page 2)

from the possessor thereof without due process or authority of law.

80. The chief of police shall make a monthly statement of expenditures of his department to the council, and also furnish to the council an estimate of the needs of his department for the ensuing month, with such recommendations as he may deem proper for the betterment of the service. **Cleaning, Sprinkling and Repair of Streets.**

81. The council shall have power and authority to provide for the cleaning, sprinkling and repair of all streets, avenues, alleys and public places in St. Johns, and to purchase the necessary apparatus and employ men therefor. All such work shall be under the supervision of the city engineer. **Lighting.**

82. The council shall have power and authority to provide for the lighting of all public buildings, streets, avenues and public places. Subject to the provisions of this charter relative to the acquisition of public utilities, it shall have power and authority to procure lands, either within or without the city, and purchase or construct the necessary buildings, engines, dynamos, and other machinery, tools, lamps, lines, conduits, poles, towers, and other apparatus and appliances constituting a plant for lighting the city by electricity or by any other means or system, and if the council deem it advisable it may purchase towers, poles, wires, lamps, and other appliances, and cause lines of wire to be constructed, the use of which it may let to any persons or corporation contracting to light the city. It shall also have power to lay pipes and conduits in the highways, alleys and public places for gas or electric light wires, and to erect in the highways, alleys and public places poles, towers or posts for wires or lamps, and to place, construct and maintain the necessary lines of wires either below or above ground in the highways, alleys or public places; or the council shall have power and authority to advertise for not less than thirty (30) days for bids for lighting as aforesaid, and pursuant thereof may contract for such lighting for a period of time not to exceed five (5) years. The council shall have power and authority to fix the number and location of all public lights. **Water Department.**

83. The council of St. Johns is hereby authorized and empowered to purchase, construct, condemn and purchase, acquire, maintain and operate water works within or without its limits, with all necessary plants and facilities, of a character and capacity sufficient to furnish the city and inhabitants thereof, and also to furnish public and private places along or in the vicinity of the pipe lines or conduits constructed or used for such purposes with an ample supply of good, pure, wholesome water, sufficient for the comfort and convenience of the public and private use, including water power or other power to regulate and control the use, distribution and price thereof; and to that end may acquire, by purchase or otherwise, and own and possess such real and personal property, within and without the limits of the city, as may be necessary and convenient for the operation and maintenance of the water system, and for such purpose may issue warrants or bonds and dispose of the same as hereinafter provided.

The city shall not enter into any contract or agreement whatever with any person, company or corporation for the purchase or lease of any water system, plant or supply, or enter into any contract or agreement whatever, with any person, company or corporation, for the sale or lease of the whole, or any part, of its water system or distributing plant, including mains, conduits, pumping stations and reservoirs, without first submitting such proposed contract or agreement to a vote of the qualified electors of this city at a general or special election called for that purpose, and unless a majority of said electors, voting at said election, shall vote therefor, as provided elsewhere in this charter for the acquisition of public utilities. Provided, that nothing herein contained shall be so construed as to prevent the city from selling to any consumer water for power, domestic or public uses, or power manufactured from water, upon terms open to all consumers.

**Enumeration of Powers Not to Limit General Grant.**

Section 72. The foregoing or other enumeration of particular powers granted to the council in this charter shall not be construed to impair any general grant of power herein contained, nor to limit any such general grant to powers of the same class or classes as those so enumerated.

**Public Utilities and Franchises.** (Public Utilities.)

Section 74. **Definition of Street as Used in this Section.**

1. The term "street," as used in this section, shall be construed to include any street, avenue, boulevard, alley, lane, bridge, bicycle path, road or public thoroughfare, and any land over which any right of way has been obtained, or granted, for any purpose of public travel.

**Public Utilities Acquired by Vote of People.**

2. The council of St. Johns shall at all times, under the limitations herein set out, have power to provide by ordinance for lighting the streets and all public places in the city and furnishing water to the inhabitants thereof; to provide for the acquisition, ownership, construction and maintenance of water works, gas works, electric light works, steam, water or electric power

works, heating works, telephone lines, street railways, bridges and ferries, and such other public utilities as the council may designate; provided, however, save as otherwise provided in this charter, no contract or agreement for the purchase, condemnation, ownership, construction or operation by the city of any public utility shall be entered into by the council without first submitting such proposed contract or agreement to the qualified voters of the city, in accordance with the provisions of this article.

**Council to Formulate Proposition to be Submitted to Electors.**

3. Whenever the council shall deem it to be for the best interests of the city to acquire any public utility, as enumerated in the preceding paragraph, it shall formulate and submit to the electors of the city, at a special or regular city election, propositions for the acquisition and ownership thereof.

**Council Must Solicit and Consider Offers for Sale to City of Existing Utilities.**

4. Before submitting propositions to the electors for the acquisition by original construction, purchase or condemnation of public utilities of like character, the council must solicit and consider offers for the sale to the city of existing utilities in order that the electors shall have the benefit of acquiring the same at the lowest possible cost thereof.

**Proposition Submitted to Electors.**

5. In case the cost of any public utility sought to be acquired under the provisions of this article can be paid out of the annual revenues of the city, in addition to the payment of the other necessary expenditures thereof, it shall be lawful to acquire the same at any time after an election at which a majority vote of the electors voting thereon shall have been cast in favor of such acquisition. In submitting propositions to the electors for such acquisition, the council shall specify in such proposition the cost of the public utility, the proposed method and manner of payment therefor, and submit to the electors the question whether the same shall be acquired upon such terms. In case, however, the cost of such utility sought to be acquired under the provisions of this charter shall so far exceed the annual revenues of the city, in addition to the payment of the other necessary expenditures thereof, as to render it necessary to incur a municipal bonded indebtedness for such purpose, then the council, in submitting propositions to the electors for the acquisition thereof, shall specify therein the amount of the proposed bonded indebtedness, the rate of interest thereon, and whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting thereon at such election shall be necessary to secure such acquisition and to warrant the issuance of municipal bonds therefor, as hereinafter set forth. If any such proposition submitted to the electors receives the necessary two-thirds of the electors voting thereon, in favor of the acquisition of the public utility considered, the vote thereon shall be taken and considered as favoring, approving and authorizing the incurring of the debt necessitated thereby, and as authorizing the issue and sale of bonds therefor.

**Limitations on Indebtedness of Acquiring Public Utility.**

6. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this charter which, together with the existing bonded indebtedness of the city, shall exceed at any time 10 per centum of the assessed value of all real and personal property in the city, but in estimating such bonded indebtedness all bonds given for the acquisition or construction of public properties and utilities from which the earnings have been sufficient for at least three years to pay the running expenses thereof, the interest on the bonds issued therefor, and from which a sum of money equal to at least one per centum of the bond debt created therefor has been deposited for each said year, in a sinking fund for the payment of said bonds, shall be excluded, provided that whenever and for so long as such utility or undertaking fails to produce a sufficient revenue to pay all costs of operation, and administration (including interest on the city bonds issued therefor and the cost of insurance against loss by fire, accidents and injuries to persons), and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the city's power to incur indebtedness.

**Bond Issued—Their Form—How Sold—Proceeds.**

7. The bonds issued under the provisions of this section shall be payable in gold coin of the United States. The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than one hundred dollars nor greater than one thousand dollars, and among equal bidders preference in the sale and allotment thereof shall be given to the bidders residing in the State of Oregon for the smallest amounts and lowest denominations. Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed six per centum per annum, payable annually or semi-annually, as the council may determine. Such bonds, when issued, may be sold by the council from time to time, as required, and in such quantities as they may determine, but the same must be sold for cash in gold coin of the United States as aforesaid, and to the highest bidder at not less than par, after having been advertised in at least one local newspaper and one

eastern newspaper devoted to financial matters. They shall be sold under sealed proposals, and the council shall have the right to reject any or all bids made for the purpose thereof. The proceeds of such sale shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the sinking fund for the payment of such bonds.

**Bonds—Signature—Coupons—Numbering.**

8. Such bonds shall be signed by the mayor and recorder under the seal of St. Johns, with interest coupons attached thereto with the signature of the mayor engraved thereon.

**Council to Levy Tax to Pay Interest.**

9. If the bonds issued for such undertaking and the interest thereon are not payable exclusively from the receipts of such undertaking, then at the time of the levying of the municipal tax, and in the manner provided for such tax levy, if the receipts from said public property or utility be insufficient to meet the interest maturing thereon over and above all operating expenses and expenses of maintenance and renewals, then the council shall levy and collect annually a tax sufficient to pay the annual interest on such bonds. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

**Penalty for Refusal of Council to Comply Therewith.**

10. Neglect or refusal on the part of the council to comply with the provisions of this article shall constitute cause for the removal from office of any member or members of the council guilty of such neglect or refusal. (Franchises)

Section 75.

**Title of City to Property—Sale and Lease Thereof.**

1. The title of St. Johns in and to all water front, wharf property, land, under water, public landings, wharves, docks, ferries, highways, bridges, avenues, streets, alleys, lanes, parks, and all other public places, and like property that it now owns or may hereafter acquire, is hereby declared to be inalienable except as is otherwise in this charter provided, but the city may sell any building or parcel of land owned by it, which may not be needed for public use. Such sale shall be made by the mayor in his discretion when thereto authorized by ordinance passed by a vote of at least two-thirds of all members of the council and approved by the mayor, but shall be made only at public auction. The mayor may rent any of such property not needed for public purposes for a term not exceeding five years, but no lease of any such property shall be made for a longer period than five years, except as herein expressly provided.

**Grant of Franchises—Form of Grant.**

2. The council may, subject to the limitations and conditions contained in this charter, grant for a limited time specific franchises or rights in or to any of the public property or places mentioned in the preceding sections. Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication. At all times the power and right reasonably to regulate in the public interest the exercise of the franchise or right so granted shall remain and be vested in the council, and said power and right cannot be divested or granted.

**Duration of Franchise and Compensation Thereof—Terms of Grant—City Empowered to Acquire Plant or Property.**

3. No franchise, lease or right to use the water front, ferries, wharf property, land under water, public landings, wharves, docks, highways, bridges, avenues, streets, alleys, lanes, parks or any other public places, either on, through, across, under or over the same, nor other franchise, shall be granted by the city to any private corporation, association or individual except as in this charter otherwise provided, for a longer period than twenty-five (25) years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges or impositions not levied on account of such use. Every grant of a franchise or right and every contract therefor made or granted under the provisions of this charter shall provide that at the expiration of the term or period for which it is made or granted the city at its election, and upon payment therefor of a fair valuation thereof, to be made in the manner provided therefor in the grant or contract, may purchase and take over to itself the property and plant of the grantee in its entirety, and which may be situated on, in, above or under the streets and public places aforesaid, or any thereof, and used in connection therewith, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation of such grant and contract in pursuance thereof may provide that upon the termination of said franchise, or right, granted by the city, the plant, as well as the property, if any, of the grantee situated on, in, above or under the public places aforesaid, and used in connection therewith, shall thereupon be and become the property of the city without any compensation to the grantee, and every

such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service and for the continued maintenance of the property in good order and repair throughout the entire term of the grant.

**Power to Operate Plant, if Acquired—To Sell or Lease—New Franchise in Lieu of Expiring Franchise—Valuation of Plant to be Fixed by Arbitrators.**

4. If by virtue of the terms of any grant or franchise, and as set out in this section, any plant or property shall become the property of St. Johns, the city shall have the option at any time then or thereafter, either to take and operate the same on its own account or to lease the same, or any part thereof, together with the franchise or right to use the highways, avenues, streets, lanes and alleys or other public property in connection therewith for periods not exceeding twenty-five years under such rules and regulations as it may prescribe, or to sell the same to the highest bidder at public sale.

**Ordinance Embodying Franchise to be Published.**

5. Before any grant of any franchise or right to use any highway, avenue, street, lane or alley or other public property, either on, above or below the surface of the same, shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions, including all provisions as to rates, fares and charges, if any, which proposed ordinance shall be published in full at the expense of the applicant for the franchise, at least twice in the city official newspaper. Such publication shall take place and be completed not less than twenty nor more than ninety days before the final passage of such ordinance, and such ordinance shall require for its passage the affirmative vote of at least two-thirds of all members of the council, as shown by the "yeas" and "nays," and the approval of the mayor, before it shall be valid for any purpose; but in case the mayor should veto any such ordinance it can only be passed over such vote by a four-fifths vote of all the members of said council, in which case the same shall be valid without the mayor's approval from and after such passage. No amendments to any franchise after publication shall be valid unless the ordinance as amended shall be republished in like manner and for like time as the original.

**No Franchise to be Granted Within Sixty Days of Introduction of Ordinance Therefor, nor Unless to be Used Within One Year.**

6. No ordinance for a grant of any franchise shall be put on its final passage within sixty days of its introduction, and no franchise shall be granted which shall not by its terms go into effect within one year after its passage.

**Holder or Grantee of Franchise to Keep Books and Make Reports to Auditor—Penalty for Failure.**

7. Every grantee or holder of a franchise from the city rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books of account and make stated quarterly reports in writing to the recorder, which shall contain an accurate statement, in summarized form, as well as in detail, of all receipts from all sources and all expenditures from all purposes, together with a full statement of all assets and debts, as well as such other information as to the costs and profits of said service, and the financial condition of such grantee as the recorder may require, and the recorder may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee. Such books of account shall be kept and such reports made in accordance with forms and methods prescribed by the recorder, and, so far as practicable, shall be uniform for all grantees and holders of franchises. Every failure or neglect on the part of the grantee or holder of a franchise under this charter to keep books of account or to make reports under this section shall authorize the city to declare a forfeiture of such franchise.

**Taxation—Requirements of All Franchises—Street Repair.**

8. Every franchise granted under this charter shall be taken and deemed as property and shall be subject to taxation as property. Franchisees granted to persons or corporations to construct, maintain and operate street railways and other railways and tramways shall provide that the grantee of the franchise, or his or its assigns, representatives and successors, shall keep those portions of the streets and other public places occupied by said street railways or other railways or tramways in good repair and as required by the council, and that all persons or corporations to whom franchises are granted to lay down tracks for street railways or other railways, and their or its representatives or successors, shall, during the life of such franchise, plank, pave, repave, reconstruct or otherwise improve or repair or maintain in good condition, and in the manner directed by the council, the whole or any portion of the streets along or over which said street railway or other railways shall be constructed, lying between the rails of any track thereof, and extending one foot outside of such rails, and also the portions of the street lying between any two tracks, and said grant or franchise shall also provide that the grantee of the franchise or his or its assigns and successors shall pay, prior to the time of delinquency, any special assessment for the repair or improvement of any such portion of a street, and that for a failure or refusal to

(Continued on Page 7)