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Devoted to the Interests of the Peninsula, the Manufacturing Center of the Northwest

VOL. 8

ST. JOHNS, OREGON, FRIDAY, APRIL 5, 1912.

NO. 22

THE CITY ELECTION

Several Offices Hotly Contested. Muck Wins Out For Mayor

Considerable interest was manifested in the city election Monday. Greatest interest centered around the office of Mayor. The four candidates for this office, all who reside in the first ward, were responsible for the large vote in that ward, 469 votes being cast. In the second ward less than 300 votes were polled. The weather was ideal and the candidates were as active as the corrupt practice act would permit. Muck won out as mayor, Rice as recorder, Tanch as treasurer, Stroud as attorney, Horsman, Hiller and Perrine as councilmen at large, Valentine and Davis as first ward, and Hill and Jennings as second ward councilmen. Below is fac-simile of the ballot used, with the number of votes cast for each candidate added:

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes Chas. Bredeson, A. W. Davis, A. A. Muck, and A. W. Vincent.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes F. A. Rice.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes J. E. Tanch.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes O. J. Gatzmyer and Perry C. Stroud.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes J. E. Hiller, D. Frank Horsman, E. O. Magoon, I. B. Martin, G. L. Perrine, and Thos. Scales.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes J. W. Davis, J. S. McKinney, R. C. Stokes, and F. W. Valentine.

Table with 4 columns: Rank, Number of Votes, Candidate Name, Party. Includes N. A. Gee, P. Hill, J. E. Jennings, Carl Mageske, and W. F. Stadelman.

Judge Burnet's Opinion

Below we publish the opinion of Supreme Court Judge Burnet on the annexation case, which was, we understand, unanimously concurred in by all the other judges. We omit the prelude, which describes the case and which our citizens are familiar with:

In its efforts to enlarge its boundaries the city of Portland, in this instance has encountered another municipal corporation. It is not virgin territory which Portland would acquire by the proceedings under consideration. Here are two cities, instrumentalities of government, and it is incumbent upon this court to determine whether the end sought to be accomplished and of which the plaintiffs complain is in harmony with the laws of their existence. Hitherto the city of St. Johns was an independent municipality, having an existence distinct from any other organization of its kind. Under Section 2 of Article 11 of the state constitution, its charter was exempt from any direct change or destruction by the legislative assembly of the state. Its legal voters had the power to enact or amend the law giving it a legal entity, but they have no power to repeal that instrument. Having once assumed municipal functions and obligations, either of their own volition or at the behest of the legislature, under the former constitution, voters of St. Johns could never repudiate them or lay them aside except under the sanction of the whole people of the state in whom now resides the power formerly exercised by the legislative assembly in that behalf. Dillon on Municipal Corporations, (5th ed.) 332; Montgomery vs. Capital City Water Co. 93 Ala. 351; Illinois Central Hospital vs. Jacksonville, 61 Am. Dec. 639; Gale vs. Kalamazoo, 9 Am. Rep. 80; Brick Presbyterian Church vs. New York, 5 Cow. 540.

The constitution has not provided for municipal suicide. Yet this is what is proposed to be accomplished by the proceedings under consideration. The charter of St. Johns would be as effectively relegated to desuetude if the election were to be upheld as if the people of the entire state should by an initiatory measure in express terms repeal that charter and that of the city of Portland and consolidate the two cities under a new municipal constitution. Indeed the Portland charter describes the results to be attained in these words: "The inhabitants of such annexed territory shall become subject in all respects to the jurisdiction of the authorities of said city, (Portland) and the jurisdiction of any public authority exercised theretofore in such annexed territory shall, so far as it is in conflict with the corporate authority of said city, (Portland) thereupon cease and determine." This result is not in harmony with the latter constitutional provisions the people have adopted, the spirit of which is segregation rather than consolidation in municipal governments. Whatever may have been the power of the city of Portland under the charter granted by the legislative assembly to absorb other municipalities, yet it must yield to the later restrictions of the constitution forbidding the legislative assembly to enact, amend, or repeal any charter or act of incorporation for any municipality, city or town. The reason is that the authority to do this having been taken away from the legislative assembly, the power of the city of Portland, resting upon the act of that law-making body, must fall also. The city's energy in that direction cannot survive that which gave it force. The branch of the tree cannot exist without the trunk. In brief, the confirmation of the scheme in question would amount to a repeal of the charter of St. Johns, a result not within the scope of any prerogative vested in either of the cities or their electorate.

We deem it unnecessary to consider the other questions presented at the hearing. The decree of the court below is reversed and one entered here according to the prayer of the complaint. V. W. Mason has secured the contract for the erection of the Columbia County bank building at St. Helens, and has begun work upon same. It will be an imposing structure of reinforced concrete with cut stone front. Kerr & Son will do the carpenter work. People abroad are beginning to realize that St. Johns is the place to get contractors when good work is desired.

A. M. Eason and family have decided to defer the pleasures of California for a few days longer.

Communication

Editor Review:

It surely is gratifying to every public spirited citizen of St. Johns to know that it is going to be given a spring cleaning; and when it is done and the unsightly places are put in nice, presentable condition, we will be proud of it, and be glad the steps were taken to bring it about. It was a wise move on the part of the joint efforts of the Commercial club and Ladies' Auxiliary; and the prompt approval of the Honorable Mayor and the city council showed they fully appreciated the situation. The mayor's proclamation designating April 13th as the day, has the right ring to it, and the general public sentiment that prevails is a good guaranty that the people will back up the movement. As the matter is everybody's business, or ought to be, let us each and all enlist in the good work. It's the best campaign movement we have had in a long time, and one in which everybody can take part—men, women and children. As the mayor well says, we have heretofore had no place to put the rubbish and garbage, and that no doubt had much to do with the reason why it was not done before. The mayor has given ample time in which to get ready and when the sun rises on April 14th let us hope it will shine over a cleaned up, rejuvenated city. After that it should be kept clean, and it is understood that the mayor favors having some fixed day to collect the garbage, debris, etc., every week. The idea is all right, in fact that is the right way to do it. Alderman Perrine will require a big place to hold all the tin cans that abound in the city for the first clean-up, after that it will not be so difficult. Let it be understood that the vacant lot, wherever it belongs to, must be cleaned up, just the same as the yard and surroundings of any of the buildings. If the owner is not here, let his agent attend to it. It will not do to have some clean and the others unclean. Make it universal—an entire community proposition. The order has been given by the Mayor-Commander, and it is the duty of every one to obey. Fall in line, sound the bugle-call and keep step with the music of the forward movement along the whole line. St. Johns is going to do itself proud on April 13th. Let everybody get ready for the grand popular movement. Progress

Bre'r Hewitt at the Beach

A letter from H. S. Hewitt, which was crowded out last week because of politics, says among other things that Bay View is the best yet, and that they are doing fine. He eulogizes Joe Smith as a chef—more skillful than Marcelli, or Graecino, or any of the famous French chefs. He can even boil water without burning it or having it stick to the bottom of the stew-pan, but it's the only article he has not been able to make stick. Their menu is rich and varied; they have mush for breakfast, and for lunch breakfast food out of the same package and for supper Joe fries what is left from breakfast and dinner. A day or two ago Hewitt complained of the mush being too salt and lumpy; after breakfast they found Joe had used water from an oyster can; that one of the boys was saving a jelly-fish in, to make the mush. Joe eats all the spoiled fruit, so there is no waste. It has been clear weather ever since they have been down there, because they eat for clear weather every night; that is, they eat every edible thing on the table. Hewitt says he isn't nearly so thin as when he went down, but weighs over 200 pounds. He would like a little Willamette valley shower, though, as even the ocean is getting dusty for a mile or so out and if it don't rain soon he thinks of sending for a street sprinkler. Its a great place to sleep. The only way Joe can awaken Hewitt is to take a megaphone, stand beside his bed and call loudly: "Ham-and, noodle soup, chop suey." That generally brings him in.

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Subscriber Delighted

Mr. Editor: We are delighted to know that the city is to be given a general cleaning up and now that a place is provided by the council to deposit the stuff and the ordinance is to be enforced we feel that our city is to be made and kept neat and attractive, and it will be a paying proposition. We, who live here, will feel better over it, and we will be able to make a better impression on the visitors. I think we should all feel very glad that this work has begun and is going to be done. I have a suggestion I would like to offer through the valuable columns of your paper. I notice some people are plowing their vacant grounds and going to plant them. Is not that a good idea? The unoccupied land will bring some return; and a good growing crop of potatoes or other vegetables will beat a crop of weeds every time, both in appearance and value. Years ago Mayor Pingree of Detroit, Mich., turned over the available public grounds to those who would cultivate them, and lots of poor people planted potatoes and got a good return. At first it was ridiculed and called "Pingree's potato patch," but it afterward proved that he had the right idea. Why wouldn't it be a good thing to carry out that plan and cultivate the vacant lots of this city and of which there are so many? I believe it is a sensible and practical proposition. What do the rest of you say and think about it? Subscriber.

Waldemar Seton

Waldemar Seton, candidate for Circuit Judge, Department No. 4, was born in 1865 and came to Oregon in 1890, and has lived in Portland ever since. He has practiced law actively for 16 years in all the courts. Was Deputy District from 1897 to 1898, and Assistant U. S. Attorney 1900, and Justice East Portland District from 1902 to 1906. Is now member of the Executive Board of the city of Portland. Was married in 1893 to Dottie M. Hurlbert and has two children. All his interests are in Oregon. He is a member of the Elks, Artisans, Linnea, Bar Association of Oregon and the Bar Association of Multnomah county. His slogan: Justice without delay. Right before night. One standard for all. Paid Advt.

John Ditchburn

Republican candidate for Circuit Judge, Department No. 4, came to Oregon a sailor; was a member of a lifeboat crew at Ft. Canby; assisted in building Tillamook Rock Lighthouse; was a fisherman, longshoreman and worked for Louis Nicolai in a sawmill; was admitted to the Bar in 1888 and has practiced ever since in all the courts of Oregon, Washington and of the United States. "If elected," he states, "I will obey the law; I will enforce the law, as the people have made the law. I believe in the recall, in the Oregon system, and that sex alone should not disfranchise. That there are enough judges if they will change the system and work harder. I will be Judge for all the people—not for lawyers only."

Baptist Church

All the services next Sunday will be appropriate for Easter. The Sunday school lesson will pertain to our Lord's resurrection. The pastor's subject at 11 a. m. will be: "The Duel with Death." In the evening at 7:45 a special Easter program will be given by the Sunday school, consisting of recitations, songs, special music, etc. A special offering for home missions will be taken. All are invited.

Voters of St. Johns and Vicinity

I wish to thank you for your loyal support in the past and advise you that I am now seeking the office of Secretary of State. There is a wide field for work connected with that office. Most of you know my record here. If you do not, take the pains to make inquiry of some one who does. Frank S. Fields. Dr. B. F. Rambo is angling for the wily trout in the waters of the Lower Nehalem this week. He expects to back in time to fish for defective teeth, as usual, next Monday morning.

Council Proceedings

All members assembled around the table at the last regular meeting of the present city government Tuesday evening. When the new city council convenes next Tuesday night the familiar faces of Mayor K. C. Couch, Attorney A. M. Eason and Councilman Chas. Bredeson will be numbered among the missing. In their stead will be found A. A. Muck, mayor; Perry C. Stroud, city attorney, and J. E. Hiller, councilman. The aldermen were in a jolly mood when they assembled, although there was an undercurrent of sadness at the prospect of disorganization partially of the little band that had weathered the storms and tempests and criticism of an arduous and most successful regime. At the close of the session Mayor Couch was called upon by Alderman Hill to sing the long-metered doxology, but he cracked a cracked voice, and was sympathetically excused. The first business taken up was a petition from Scott Wagner asking permission to lay a walk and curb. Granted on motion of Ald. Bredeson. A strong remonstrance was presented against the improvement of Fessenden street between Buchanan and Oswego street. Referred to the city engineer to check the amount of property represented. Bills amounting to \$511.98 were allowed on motion of Alderman Muck. The matter of payment of the attorney fees of Policemen Dunbar and Etheridge incurred through the Hindu disturbance, was taken up for action. It had been referred to the finance committee for recommendation, but this committee referred it back to council without recommendation. Ald. Perrine favored payment of the fees, contending that the courts had dismissed the cases, and therefore it was apparent to him that the policemen were not guilty as charged. Not having been proven direct in duty he believed in payment. Alderman Bredeson pointed out that the attorneys did nothing to earn the fees, and that their charges were made for preventing the cases coming to trial; that the cases were not tried and the policemen's innocence not established. Alderman Hill said the bills were unjust; that council did wrong in allowing the Hendricks claim, and that while he believed the policemen bills were even more just, yet he did not believe two wrongs made a right. Therefore he made a motion that the bills be disallowed. Carried. Ald. Horsman stated that complaints had been made about motorists using Fessenden and Newton streets as a race course to the peril of children living in that neighborhood. The attention of the police was ordered called to the matter. A communication from the Ladies' Auxiliary, signed by Mrs. R. McKinney, chairman of the committee, addressed to the mayor, inquired what the city intended to do in the way of furnishing transportation for rubbish on cleanup day. Council decided that the city was too poor to hire wagons for the occasion. Ald. Horsman suggested that the Commercial club might well use some of its funds for the purpose. It was finally decided to refer the communication to the chief of police and direct him to enforce the provisions of the cleanup ordinance. Nine bids were received on the hard surfacing of Fessenden street between Buchanan and city limits. The lowest bid was for \$1.08 per yard, the lowest price ever obtained in the Northwest for hard surface pavement. Bidwell, Hayden & Co. were the successful bidders, \$7,824.66 being their total bid. The Pacific Coast Paving Co. of this city was only \$213.88 higher. The engineer's estimate was \$10,950.95. On motion of Ald. Bredeson the former was awarded the contract, although Ald. Muck fought hard to have it go to the local contractors. An ordinance repealing the dray license ordinance was passed on motion of Ald. Horsman; all yes. An ordinance fixing the salaries for the ensuing year was unanimously passed. The new officials will be sworn in next Monday evening.

The Library

The steady demand for material on vegetable raising has necessitated the ordering of new books on that subject. Those received this week are: Vegetable garden—Bennett. The Potato—Fraser. A. B. C. of Potato Culture—Terry and Root. New Rhubarb Culture—Morse. Tomato Culture—Tracy. Mushroom Culture—Robinson. California Vegetables—Nickson. Other new books: Scenes and shrines in Tuscany—Leves. A chatty personal record of travel in Italy. The Andersons—MacNaughton. Chickens and how to raise them.—Johnson. Fattening Poultry—Lee. The Case of Russia—Rambrand. The South in history and literature.—Rutherford. Bible in practical Life—Religious Education Association. Standard Bible Dictionary—Jacobus. The German magazine, "Uber Land und Meer," has been added to the magazine list. The long list of excellent works on child study which the librarian furnished us, we were obliged to leave out for lack of space. Those having children in their care should by all means read these books, for they will be found most helpful. Ask our librarian about them.

Big Company Organized

The permanent organization of the Oregon Home Builders was effected this week in Portland with a capital stock of \$100,000. The company consists of the most prominent men in the West. Thomas Prince is acting president. He is vice president of the Reed-Prince Mfg. Co. of Worcester, Mass., and is also heavily interested in Yambill county walnut properties. Oliver K. Jeffrey, prominent real estate man, is vice president. H. L. Keats, president Keats Automobile Co., is second vice president. W. A. King, formerly president of the First National Bank of Newberg, Oregon, will act as secretary-treasurer. In addition to these officers, the board of directors consists of Franklin T. Griffith, chief counsel and director Portland Railway, Light and Power Co., T. J. Franklin, general superintendent Portland Railway, Light and Power Co., W. B. Shively, prominent attorney, E. H. Dodge, president Dodge Lumber Co., and M. Peterson, a well known merchant of the Willamette valley, formerly mayor of Forest Grove, and ex-vice president of the First National bank of that place.

Building Permits

No. 19—To J. N. Keeler to repair dwelling on Smith avenue between St. Johns avenue and Thompson street; cost \$300. No. 20—To S. H. Ashman to erect dwelling on Central avenue between Hartman and Leonard street; cost \$300. No. 22—To W. S. Jeans to erect a temporary dwelling on Polk street between Smith avenue and Hudson street. cost \$100. No. 22—To Mrs. J. C. Ritter to erect a dwelling on Hayes street between Trumbull and Catlin streets; cost \$200. No. 23—To Emanuel Weber to erect dwelling on Richmond street between Seneca and Smith avenue; cost \$460. No. 25—To J. N. Edlfeisen to erect dwelling on Willamette boulevard between Burr and Buchanan street; \$3100. No. 25—To East St. Johns Land Co. to erect bank building on Fessenden street, corner of Midway; cost \$7000.

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How is Your Title?

Have your abstracts made, continued or examined at the Peninsula Title, Abstract and Realty Co. Accurate work. Reasonable fees. H. Henderson, manager, 208 North Jersey, McDonald building. CHARLES E. NICHOLS ESTATE.—Notice is hereby given that the undersigned, has been appointed administrator of the estate of Charles E. Nichols, deceased, by the County Court of the State of Oregon, for Multnomah County, and has qualified. All persons having claims against said estate are hereby notified to present the same to me at the office of O. J. Gatzmyer, at the McDonald block, 208 North Jersey street, St. Johns, Oregon, with proper vouchers and duly verified, within six months from the date hereof. Date of first publication Friday, March 26, 1912. ELLIS NICHOLS, Administrator. O. J. Gatzmyer, Attorney.