

St. Johns is Calling You

Has seven churches. Has a most promising future. Distinctively a manufacturing city. Adjoins the city of Portland. Has nearly 6,000 population. Has a public library. Taxable property, \$4,500,000. Has large dry docks, saw mills, Woolen mills, iron works, Stone works, asbestos factory, Ship building plant, Veneer and excelsior plant, Flour mill, planing mill, Box factory, and others. More industries coming. St. Johns is the place for YOU.

ST. JOHNS REVIEW

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

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NO 11

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Is second in number of industries. Is seventh in population. Cars to Portland every 16 min. Has navigable water on 3 sides. Has finest gas and electricity. Has two strong banks. Has five large school houses. Has abundance of purest water. Has hard surface streets. Has extensive sewerage system. Has fine, modern brick city hall. Has good payroll monthly. Ships monthly many cars freight. All railroads have access to it. Is gateway to Portland harbor. Climate ideal and healthful.

COUNCIL MEETS

Matters of Importance Receive Attention

All members were present at the regular meeting of the city council Tuesday evening, with Mayor Vincent presiding as usual. A petition signed by a number of property owners interested asked that Mohawk street between Willamette boulevard and Decatur street be opened. Council acquiesced in the request and J. E. Hiller, S. W. Rogers and L. B. Chipman were appointed as viewers upon the opening of the street. V. W. Mason asked for permission to use excess dirt on New York street to fill in on Willamette boulevard, which was granted. A petition for a fire light at the corner of Buchanan and Banks streets was referred to the water and light committee. A resolution directing the engineer to prepare the plans and specifications for the improvement of Catlin street between Central avenue and Decatur streets was adopted. Bills totalling \$59.80 were allowed. E. O. Magoon offered to install a ladies' rest room on the east side of Jersey street, provided the city donate \$10 per month toward same. The offer was accepted. Councilman Waldref was granted permission to break curb alongside his residence for the purpose of auto entrance. Resolutions providing for the improvement of Ivanhoe street between Burlington and Richmond and Chicago street between Willamette boulevard and Smith avenue were adopted. An ordinance vacating Kellogg street between Charleston and John street for school ground purposes was passed. The engineer presented estimates for the hard surfacing of Pittsburg street between Crawford and the ferry slip in three styles—concrete, graveled bitulithic and wooden blocks. The chairman of the street committee, Davis, was directed to interview the property owners and ascertain the kind of improvement they desired.

Highly Recommended

Canyon, Texas, March 27th, 1915. To whom it may concern: I hereby certify that I have intimately known W. H. Nolen, now of Saint Johns, Oregon, for over fifty years, and know him to be a man true to his convictions, honest in all his dealings with his fellow man, conscientious in what he believes to be right, not afraid to proclaim the same to any people under any and all circumstances, and as far from being a hypocrite as any man I ever knew. Respectively submitted—B. Frank Buie, Lawyer. Hopkinsville, Kentucky, March 27, 1915.—This is to certify that we, the undersigned, have known W. H. Nolen from childhood, and know him to be a self made man, a true Republican, and a believer in woman suffrage. When he was a young man he debated the question with the other boys and won his side. He was also opposed to capital punishment. He was Constable for four years and made a good officer. He was postmaster at Bainbridge three years, and at Sinking Fork two years, and gave perfect satisfaction. He never belonged to any church.—W. T. Williamson, G. A. Renshaw, J. H. Duquid, F. P. Renshaw, H. C. Clark. Mr. Nolen is a candidate for Councilman from the Second Ward. adv

ANNOUNCEMENTS

I hereby announce myself as an independent candidate for the office of city treasurer to be voted for at the election to be held April 5th, 1915.—Mrs. J. M. Shaw. Auto for hire by day, hour or trip, at very reasonable rates. Good opportunity for parties of four or less to make a trip into the country at a low price.—H. M. Waldref, 609 Fessenden street. Phone Columbia 206.

The Water Question

To the Editor: As you are attempting to place the idea before the voters that the Water Co. has an exclusive franchise, I am going to conclude my letter writing in this campaign with a short legal argument and place the truth as it is before your readers. In 1903 St. Johns was organized as a city and drew up its charter. The charter nowhere directly authorized the city to grant a water franchise but on the contrary did authorize the city to build one of its own. In 1905 the Legislature passed an act entitled: "An act to incorporate the city of St. Johns, Multnomah county, State of Oregon and to provide a charter therefor and to repeal all acts or parts of acts in conflict therewith." Now, Mr. Editor please note there is nothing in the above title authorizing or referring to any curative measure. Section 20 of Article four of the State Constitution provides: "Every act shall embrace but one subject, which subject shall be expressed in the title." Section 22 of the State Constitution provides: "No act shall ever be revived or amended by mere reference thereto but the act amended must be set forth at full length."

The Water Company is depending entirely—according to your legal(?) advisor and opinion writer—on a section injected into the 1905 charter that pretends to cure a void franchise granted in 1903 charter and that, without even so much as a reference to the "No." of the void ordinance granting the franchise and without embracing the same in the act as is provided shall be done in Section 22 of the State Constitution or in any manner referring to the void franchise. The courts all hold this cannot be done. You cannot breathe the breath of life into a void act by a retroactive measure and that is what was attempted to be done. The Supreme Court of Oregon and the Supreme Court of Kansas and all of the states agree on that rule.

Here is the language from the Kansas decision: "A retroactive statute attempting to create a power or cure a defect of jurisdiction has never been held valid." 12 Kansas 243—Star Paper 305. "The exercise of such power would be despotic, odious, oppression and impairing the obligation of a contract." If the legislature could breathe the breath of life into these instruments then it could make valid forged instrument. 2 Kansas 115. Exclusive franchises under such authority as exists here in the 1903 and 1905 charter could not be created. Under a much stronger law and plainer grant the United States Supreme Court so held in the case of Wright vs. Nagle 101 W. S. 791. I am surprised to find anyone who should contend to the contrary. When we annex to Portland, Portland has the absolute right to, at once, commence laying water mains into St. Johns and Bull Run water will be ours and where we now pay as high as \$1.85 per month for water we will get the same for 50 cents per month.—D.C. Lewis.

We have consulted our "legal adviser" concerning the points Mr. Lewis has brought out, and his reply appears elsewhere in this issue.—Ed. Some of the mergerites when they meet some unsophisticated individual will pull a letter out of their pocket and slyly hand it over to be read. The purport of it is that the "St. Johns Water Company" was dissolved in 1906 by proclamation of the governor. It even makes the peddler of this misleading piece of literature snicker when he sees the innocent one swallow the bait. There is no company with the title St. Johns Water Company, but there is one with the title "St. Johns Water Works & Lighting Company," which name it has been incorporated under. That it is solvent and doing business right along is shown from the fact that the state values its franchise to such an extent as to exact \$45 yearly tax. If it was dissolved, surely the state would know it. Anyway the franchise is just as binding toward its successors or assigns. It is pretty cheap politics, yet some bite at it. Don't be thus misled; use a little of your gray matter.

An Opinion Worth While

Dr. E. E. Gambee, St. Johns, Oregon. Dear Sir: I have been asked to submit a legal opinion as to what effect merger of St. Johns with Portland might have upon the water situation in St. Johns. That depends upon how Portland could legally manage the water question after merger. I note that the St. Johns water works franchise is exclusive till April 1919, and that the Legislature of 1905, in St. Johns charter of that year, and the people in the 1907 charter, enacted by them and under which St. Johns is now operating, validated all franchises theretofore granted. The U. S. Supreme Court in a number of decisions has held that a city cannot run a competing water system as against the private owner of a valid exclusive franchise. The leading cases on this subject are: Vicksburg v Water Works Co., 202 U. S. 453; Walla Walla v Water Works Co., 172 U. S. 1. These decisions make it certain in the event of merger Portland could not sell Bull Run Water in your district in competition with the St. Johns water works till after April 1919. The only alternative would be the purchase by Portland of the St. Johns water works. Portland could not purchase without borrowing money and issuing bonds. Sec. 120 of the Portland Charter reads as follows: "No bonds other than bonds for public improvements payable out of assessments upon the property benefited, and sewer bonds if otherwise authorized, shall be issued unless approved by a vote of the people at a general or special election at which the question shall be submitted in the same manner as other measures are submitted under the initiative and referendum. This provision shall not apply to bonds heretofore authorized. All bonds of the City of Portland shall be sold to the highest responsible bidder." Portland people do not vote bonds freely. During the last three years 16 bond propositions, ranging from Two Million Dollars down to Twenty Five Thousand Dollars have been submitted, and only one of these was passed by the people. It will not be to the advantage of the City of Portland or her citizens to vote the bonds or buy the present St. Johns water works, and for at least four years it does not appear likely there will be lower or better water rates in St. Johns, even if the City becomes a part of Portland. Yours truly, JOHN B. CLELAND. Judge John B. Cleland was on the bench twelve years and is one of the most prominent and widely known Attorneys in Portland.

Truth About Conditions

Editor Review: There are so many false impressions being left with the voters of St. Johns, by the imported spellbinders from Portland and its suburbs, on the question of annexation that I am moved, through a spirit of fair play, to submit the following notes: Sunday, March 21, the writer made a trip to Sellwood, Lents and Montavilla and found some interesting opinions upon the advisability of becoming a suburb of a great city. In Montavilla, the home of the Corn Cure Doctor, they howl about high taxes, no representation, difficulty in arranging a hearing with any City Commissioner, a general dissatisfaction with the present conditions of the Portland Commission government, graft, favoritism in improvements and inadequate police protection. One night patrolman covers a territory as large as St. Johns, leaving the business center unprotected one-half of the night, while the day patrol is inadequate. They have sufficient lights, water and fire protection; well, so have we. The sidewalks are in rotten condition, even in the center of the district, being nearly all old wood walks, and not very many new ones appearing, either. They have no manufactures, and of course, located as they are, perhaps never will have any. Street improvements are hard to secure by the little fellow, and easy for the realty broker. Street repairs, scarcely ever, with plenty of mud on the crosswalks, unless some enterprising citizen takes kindly to the shovel. Enough for Montavilla. Lents, before annexation, was a village with no government of her own, so had to annex or incorporate as a city. By a majority of 33 votes Lents annexed. Now the majority are mourning because they did not incorporate and govern themselves. What have they received from merging into Portland? Some few hundred feet of rotten, discarded hose; a donation of \$15 per month to maintain a fire department and purchase supplies, pay rent, etc.—A LARGE donation; higher taxes by 25 per cent, with no reduction in fire insurance; severe building restrictions and inspections; high license on teamsters and vehicle traffic; no representation or any chance on reasonable time to a hearing by the Commissioners; one policeman for a territory larger than St. Johns; one additional car light and very few hydrants; absolutely no improvements of any kind. They admit one gain, however, to wit: A regular policeman, where formerly they had a watchman paid by popular subscription. There is a strong dislike for the present Commission government. Now for Sellwood. Sellwood sent a speaker down to the North school Friday, Mar. 19, or rather he came upon the earnest solicitation of our Annex element. This speaker was R. M. Gatewood, a real estate vendor with his "For Sale" tags stuck up over about one-fifth of the Sellwood district, making it appear that annexation must

Voter's Soliloquy

(Parody on Hamlet's Soliloquy.) To be or not to be—that is the question: Whether 'tis wiser, in fact, for we, of St. Johns, to suffer The small natural, municipal ills incident to any town Or to take up arms against these little troubles And by committing suicide end them? To die, to sleep Forever more! and by sleep to say we end These small troubles and a few petty pangs That any self governing community is heir to—'tis a consummation Devoutly to be wished, says D. C. To die, to sleep To sleep! Perchance to dream of Bull Run water (which we won't get) Aye there's the rub! For in the sleep of death what dreams may come to us, When we have shuffled off this mortal coil, Must give us pause. Thus, merger, would Make St. Johns a calamity for years to come. But why should we, of St. Johns endure the whips and scorns Of a few of us, who dissatisfied would always be, Disappointed office seekers and the like? But, still, in case of merger, how about the pangs Of disillusioned love for Portland dear, the laws delay, The insolence of her Commissioners, those Five thousand dollar beauties, whom we could never see? Would they care to listen to our troubles? Scarcely at all. And yet why should we our little troubles bear, alone, To grunt and sweat under a weary life, But that the dread of something after death, by merger, That undiscovered country from whose bourne We could never return, Puzzles the mind and makes us rather Bear the few small troubles we now have Than to fly to others we know not of: And thus the native hue of suicidal resolution Artificially inspired, by a few who their own ends have in view, Is sickened o'er with pause and that: And this nefarious merger enterprise of great Pith and moment to these few, who have Alone their own ends in view, Is turned aside, when we stop to think That suicide will not cure The few ills we now endure, for after death, Forsooth, what then? That's the question. —K. R. Citizens of St. Johns, Greetings: You are invited to attend a grand rally to be held in the auditorium of the James John High School building, Saturday night, April 3, 1915, under the auspices of the Merger Club. You will hear classy arguments in favor of annexation. Prominent speakers will be present. —H. D. Beam, Sec'y.

HIGH SCHOOL

Incidents of High School Interestingly Told

The base ball season has now begun in earnest. The Hill grounds have been put in shape and the boys have been practicing every night of the past week. Prospective candidates for the team are: Wesley Wrinkle, Bert Sundstrom, Carlyle Cunningham, Earl Keliher, Clifton Crouch, Ray Hawkins, Joe Toole, Dick Johnson, Harry Card, Harold Baybrook, Louis Dunsmore, Jack Brownley, Bill Schroeder, Delbert Day, Marshall Shaw, Ferris Swisher, Drott Larsen, Clyde Thayer, Wyeth Jayne, Henry Jower, and George Hufford. From these the school expects a good team. The enterprising first term Freshmen have organized a base ball team of their own, as follows: Everett Day, captain and catcher; Bill Schroeder, manager and pitcher; Dick Johnson, coach; Walter Bugbee, left field; Joe Toole, first base; Clarence Martin, second base; Russell Smith, third base; Max Stearns, center field; Charles Kreyer, short stop; and Jack Brownley, right field. This team promises to be a good one. They played their first game with Central school, which did not result in a victory. However, the team was not composed of regulars, so this game "doesn't count." As yet tennis is not under way for the "powers that be" refuse permission for the use of one court until both are ready. The girls' basket ball team, accompanied by Coach White and his wife, enjoyed "Genesee of the Hills" at the Baker Theatre Thursday. The Seniors, finding it difficult to choose a suitable vehicle for their several histrionic powers, think of requesting Barrie or Belasco for a brand new play. The "Reporter" respectfully suggests Bernard Shaw as being best able to help them. The Dramatic Society gave a very pleasant program and entertainment Friday evening. The principal part of the program was the Sophomore-Junior debate on the question: Resolved, that one session of school from 8 o'clock to 10 o'clock would be better for J. J. H. S. than the present arrangement. Those on the Sophomore team were Carlyle Cunningham, Dorothy Schaefer and Ferris Swisher; on the Junior team, Minnie Nolen, Homer Plaskett and Drott Larsen. Although both teams did good work, the judges decided in favor of the Juniors, who supported the negative. This debate was the second of the series of interclass debates, the Sophomores having won over the Freshmen in the first contest. The Junior-Senior trial remains, which will decide the championship. The entertainment following the debate was in the form of an "abbreviated social," the novelty of which was much enjoyed. Those who attended the recent appearance of the Pacific University Glee club at the H. S. auditorium were well repaid for their effort. The club, consisting of sixteen young college men, rendered a very pleasing program. The college songs were especially attractive features. The Freshman class has announced a return reception to be given the Upper Classes on Friday, April 2. The invited guests anticipate a good time. Senior Notes: Here it comes! What? The Senior play! After many readings and discussions the Seniors have at last selected "The Sky Riders" for the annual play. It is a thrilling comedy of two California aviators. Mrs. G. M. Hall, the well known coach, has charge of the play. The following is the cast: Algeron Gordon Brown, Bill Teutsch; Horace Saunders, Carlyle Cunningham; Teddy Nixon, John McGregor; Mrs. Algeron Brown, Gladys Palmer; Helen Brown, Alice Wrinkle; Koma, Marshall Shaw; Juliana Brown, Marie Bredeson. Friday, April 30th, is the date set. The staff of the Senior Annual has now begun work in earnest. Histories, jokes and other literary articles are being collected. The class, though small, is united in effort and promises to give the public an annual unequalled.

Again Knocked Out

Editor Review: Our good friend D. C. Lewis is in a hole again on the water question. At first he contended that an exclusive franchise would not stop municipal competition. I drove him away from that position by showing that the U. S. Supreme Court has said about that. Then he backed up and took the position that the exclusive franchise of the local company was void because the 1903 charter did not empower the city to grant an exclusive franchise. I then showed him where the 1905 and 1907 charters expressly validated the franchise. Again he backs away and takes now the new position that the validating sections are no good because the charter titles do not mention these sections. I now cite him the case of "Nottage vs. city of Portland 35 Oregon, 539. In that case the Legislature gave Portland a new charter, as it did in 1905 to St. Johns, in which it validated certain assessment proceedings, void under the old charter. Nottage resisted the collection of these assessments, and one of his contentions was, like Lewis', that the title of the new charter did not refer to the validating section, and that therefore the validating section was void under the Constitutional requirement that the subject matter of a statute must be germane to the title. The title of the new Portland charter was exactly like the title to the 1905 and 1907 St. Johns charters, and contained no reference to the validating sections. On this point, in the Nottage case, the Supreme Court of Oregon said: "We think in view of the fact that it was but a re-incorporation of a previously existing municipality, the matter of ratifying and validating prior proceedings for the improvement of streets is germane to the subject matter of the title and properly included in the act." In answer to Lewis' argument that retrospective legislation is void, above decision says: "There is no clause either in the U. S. Constitution or of this commonwealth which prohibits retrospective laws." Above decision is binding Oregon law, and again poor old Lewis is driven from his position. He has not a leg to stand on in his plea that merger will lower our water rates. His legal citations in this issue are absolutely no good. The writer has carefully inspected them all and the facts therein dealt with, so widely differ from the St. Johns matter that his cases have no applicability to our situation. There could be no municipal competition from Portland for 4 years. The only alternative would be for Portland to buy the St. Johns water works, by selling bonds which Sec. 120 of the Portland charter says must be submitted to the people for ratification. Portland people don't vote bonds freely. In the last 3 years they have rejected 15 bond proposals and passed one. Would they vote bonds to benefit a few thousand people in the North end, now St. Johns? No chance. If the people of St. Johns think that merging will solve the water question they will be sadly fooled. It will not. Let us hang onto our own government. Turn down the paid agitators.—Howard O. Rogers. The report has been circulated that the St. Johns Review and several other leaders of the Anti-Merger movement have been presented with blocks of stock of the St. Johns Water Company. Now wouldn't that grab you? We are most sorry to admit that it is not true. Would that it were. As a matter of fact the St. Johns Water Company is not interested in this fight. It feels that it would get a better price for its plant if Portland would take it over. And you do not notice its officials or employees or in fact anybody going around telling the people or even suggesting that this city purchase the plant at the price offered. They can make more money by keeping it. So when some one tells you that the company is giving away stock, just give them the laugh, because if we are getting stock we are not earning it. The Review has not and is not advocating purchasing of the plant. That is up to the people entirely.

Note the label on your paper.

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