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MOTION IS HEARD

CELEBRATED O. W. P. FRANCHISE INJUNCTION IN COURTS.

Defendant Councilmen Would Have Suit Dissolved—Judge Frazier's Pointed Remarks.

Argument on a motion to dismiss the application for the issuance of an injunction restraining Councilmen Mason, Chapman and Justin from voting on the pending Oregon Water Power & Railway Company's freight franchise before the Oregon City Council, was heard by Judge A. L. Frazier sitting on the bench in this city Tuesday in the absence of Circuit Judge McBride of this District. After hearing the argument of the counsel for the contending parties, Judge Frazier granted the attorneys for the plaintiff until next Monday in which to prepare and file a brief.

City Attorney Franklin T. Griffith appeared in behalf of the three defendant councilmen. He made a strong and effective argument for the dismissal of the suit on the grounds that it is not within the jurisdiction of a court to interfere with the deliberations of a legislative body except that body exceed its constitutional rights. In the enactment of any legislation, it was argued that if harm or injury results to any citizen or other interest, the injured party has his redress in the courts after the act complained of has been performed. Then, he argued, the injured party can invoke the aid of the courts through injunction proceedings to prevent the enjoyment by the favored party of the rights and privileges conferred by the act complained of. Only when there is unmistakable evidence of fraud, insisted the City Attorney, can the courts interfere with the performance of a City Council's legislative function and in the case at bar, he maintained that the complaint does not clearly establish any such grounds for suit.

Opposed to the motion for a dismissal, Attorneys Eastham and Curry appeared and held that the charges of the complaint are certainly sufficient enough to allege fraud in connection with the Council's deliberation on the pending franchise ordinance, especially as the situation relates to the three defendant Councilmen, who, subsequent to the time of their election to membership in the City Council, it was contended, listened to the overtures of the street railway company and entered the employ of that corporation at salaries in advance of what they had been accustomed to receive. From that time on, the three Councilmen, who are sought to be restrained from voting on the franchise, it was represented, have been firm advocates and supporters of the franchise.

It was claimed by Messrs. Eastham and Curry that in the case before the court, there is sufficient evidence of fraud or irregular methods, to warrant the interference by the courts to prevent the Council from granting the franchise as is proposed.

In passing on a point of law as to the sufficiency of the allegations of fraud as alleged in the complaint, Judge Frazier made a few pertinent comments, which, he explained, were not of the nature of an opinion, however. Assuming that the allegations set out in the complaint are true as recited, the judge stated that the Oregon Water Power & Railway Company had acted in bad form in employing the three defendant Councilmen subsequent to the time of their election to the Council, at wages in advance of what they had been receiving, and then proposing the enactment of the pending franchise in support of which the three aldermen are warm advocates. He considered that the adverse attitude of a considerable number of people of the city to the franchise, as it is proposed to be granted, is due largely to the methods that have been pursued by the company asking for the franchise.

A further consideration of the motion was deferred until next Monday. There is to be held tonight an adjourned meeting of the City Council, at which, it is quite probable had the pending injunction proceedings been dismissed Tuesday, the franchise ordinance would have been presented for second reading and final passage.

ADOPT NEW PLAN.

HOP GROWERS FORM NEW ORGANIZATION.

Seek to Protect Themselves Against Manipulation of Market—Will Establish Information Bureau.

The Oregon Hop Grower's association which was organized in 1899 is apparently a thing of the past and its place is to be filled by a new organization with similar powers but new purposes, reports Thursday's Salem Statesman. Steps toward the formal organization of a new association of hop growers were taken here yesterday at a meeting called by Conrad Krebs. Resolutions were adopted declaring the intention to organize and a committee was appointed to draft a constitution and by-laws. W. H. Egan, president of the old association, is one member of the committee and at the meeting yesterday he announced his readiness to resign his office in the old association and let that organization dissolve whenever the new association is ready to take up the work. The meeting yesterday was attended by about thirty-five growers from various parts of this section of the Willamette valley.

Conrad Krebs presided at the meeting during the discussion and upon motion appointed Henry Fletcher, J. K. Sears, W. H. Woods, Oliver Beers and W. H. Egan as a committee to draft a constitution and by-laws. This committee will meet in Salem next Saturday to perform its work. It was evident from the discussion that the plan is to charge each member of the new association a rate of 3 to 5 cents a bale on the hops he produces in order to secure funds to defray the expenses of the association. The chief expense will be the employment

GETS SILVER MEDAL

CLACKAMAS COUNTY SCHOOL EXHIBIT WAS A DANDY

Received First Honors for Best Collective County Exhibit at the Fair.

It would be superfluous to comment that Superintendent Zinser was much elated the latter part of last week when he was notified by the committee of judges on educational exhibits at the Lewis & Clark Fair that Clackamas county had been awarded the silver medal for the best collective county educational exhibit.

This means first honors since there was no gold medal awarded for this character of exhibit. This is sufficient grounds for pleasing those who were associated with collecting and exhibiting the display from this county. In addition to the distinction of receiving first honors for the collective exhibit, the display from this county also received a great many individual prizes.

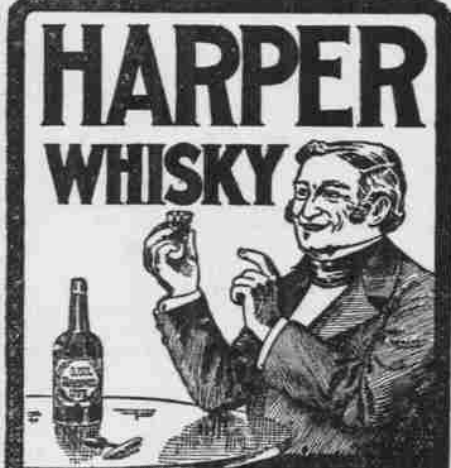
In view of the difficulty that was experienced by Superintendent Zinser in getting the necessary funds for making the exhibit the result of the prize awards is most gratifying and complimentary to the schools of the county, a more creditable exhibit from which would have been possible under more favorable conditions. Superintendent Zinser, together with City Superintendent Addie Clark, of the Oregon City schools and Prof. T. J. Gary, of Willamette were in charge while the principals of the schools of the county, comprising the general committee, greatly aided in the work.

DISTRIBUTING MEDALS.

Department Commander T. E. Hills, has received the handsome bronze medals for this department out of the 20,000 donated to the G. A. R. at its meeting at Denver, by G. Zalvers, a wealthy man. He said that the G. A. R. made it possible for him to make his great wealth, and hence he wanted to show his appreciation by having 20,000 medals struck off. The inscription on one side says the medals are devoted to the soldiers and sailors who helped to save the union. On the opposite side is an etching of Pike's Peak, which point the donor built a railway. Commander Hills is giving the Oregon Posts these medals. These souvenir medals of the Denver Encampment will be highly prized by the posts receiving them.

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IS LOCATED AT SALEM

Deludee Clackamas County Woman Wanders from Her Home.

Mrs. Ella J. Longcoy, of Clackamas, who disappeared from home two weeks ago, has been located at Salem. The deluded woman's husband, H. Longcoy, Wednesday night received a letter from a boarding house keeper at the Capital City, informing him of his wife's presence in that city for which he left yesterday morning.

Because of religious excitement, Mrs. Longcoy's mind became unbalanced two years ago and since then she has been under the constant watch of her relatives. Mrs. Longcoy became imbued with the idea that she is possessed of some miraculous power by which she is able to raise the dead and has at times left her home to visit cemeteries or morgues to perform that mission.

Mrs. Longcoy's delusion is not of such a character as to require her commitment to the asylum for at times she is perfectly rational. She is a woman of refinement and previous to her marriage was engaged as a teacher in the schools of Clackamas county.

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