

OREGON CITY ENTERPRISE

Published Every Friday. E. E. BRODIE, Editor and Publisher.

Entered at Oregon City, Oregon, Postoffice as second-class matter.

Subscription Rates:

Table with subscription rates: One year \$1.50, Six Months .75, Trial Subscription, Two Months .25.

Advertising Rates on application.

THE STATE BAR association has struck the keynote of the litigation troubles, not only in the federal courts but in every other court of the state.

This is a condition that should not be. The small pocketbook should be able to get even and exact justice in the courts of this country in the same way that the heavily laden pocketbook can get it.

In condemning the present system in this state and coming out for a stringent reduction in the fees, the state bar association has taken a step that, it is hoped, will tend toward the simplifying of legal procedure and will make it easier for the poorer litigant to have his troubles properly settled by the courts.

The association believes that the courts should direct their efforts, not to the discouragement of litigation, but to the simplification of the procedure and the reduction of the costs of suit.

The statement of the committee upon which the association has acted follows:

"Congress should at once eliminate the double fee system in those states now burdened with it, should put the clerks on a flat salary proportioned to the duties they have to perform, and should revise the scale of fees charged for their services as well as those in the marshal's office.

"Nothing makes for disrespect and contempt for law and the processes of the courts more than the present extortionate fees exacted. Nothing would tend to reestablish confidence in legal institutions more than a real effort to make the accessibility of justice independent of the wealth of the litigant.

"Instead of trying to discourage litigation by making it expensive * * * the efforts of the courts should be in the opposite direction. The wealthy litigant has, irrespective of court costs, an enormous advantage over his poorer opponent in being able to employ able counsel, secure witnesses, and to await without inconvenience the outcome of the case.

"In the opinion of your committee the fees and compensations paid and exacted in the federal courts should be overhauled at once and put on such a basis that the amount will bear some relation to the service performed. They bear very little now.

"Clerks' fees—No adequate reason appears for exacting from the litigant in Oregon, Nevada, California and Montana exactly double what is charged in Washington, Idaho, Arizona and the other 41 states for identically the same service by the same officials.

"Marshalls' fee—Any justification for doubling them in Oregon and a few other western states, that may have existed in past years on account of the particularly arduous nature of the marshal's duties has now disappeared. No fair minded litigant will contest that the marshal's office which is maintained very largely in the interests of the government, should be sustained by fees paid by private litigants. The marshal has now been placed on salary basis. The exorbitant and in many cases unreasonable fees demanded are a relic for former times and should no longer be exacted. * * * The situation is in the hands of congress and the department of justice.

MULTNOMAH COUNTY has appointed a roadmaster with absolute power of administration over all of the roads of the county and over all of the county employes in the road division. He will serve without pay and will have the direction and supervision of everything that is done for the benefit of the county roads.

That county, too, has declared that it would construct no roads in its territory unless it was able to build hard surface highways. It has reached the point where it does not believe that cheap, temporary roads are a paying proposition. The fact that the thousands of tourists from the east are coming overland to the Panama-Pacific exposition at San Francisco has stimulated the people of the metropolis to hurry their road construction and to prepare for the reception of the visitors.

In appointing John B. Yeon, the county court of Multnomah has selected a man who has been for years an enthusiast over good roads. He has made the matter a study and has seen the improvement that comes to every section of the country with the coming of hard surfaced and permanent highways. There is no foolishness or hobbyism in the make-up of the new roadmaster of that county and the work that is done hereafter under his supervision will be done in a way that will bring into the pockets of the taxpayers a full return for every cent that is invested.

Such a man is worth something to the community in which he lives for he shows his public spiritedness when he undertakes to spend his time and effort in the management of a public project of this character and expects no return from the taxpayers for his service. He will now practice what he has preached for several years. During the time that he has been identified with the good roads movement of that county, he has urged the county courts to build hard surfaced roads and has taken a leading part in all of the campaigns that have been waged for the betterment of the road conditions.

FIVE CENTS A DAY

Saved by a child until twenty-one years old will make about \$500.00, enough for a college education. The actual saving has been only about \$375.00—the remainder is interest. Suppose you start your child a Savings Account now and watch it grow. Your child will appreciate it at maturity.

The Bank of Oregon City OLDEST BANK IN CLACKAMAS COUNTY

Portland estimates that at least \$3,000,000 will be spent in that city by tourists during the pre-exposition days. It is also estimated that 10,000 parties will come overland to the west and that they will average at least five members to the party. Figuring a profit of 20 per cent, this would give to the people of Multnomah county \$600,000 or more than enough to cover the cost of the road construction that is now planned and still enable them to plan for further extension work on the hard surface roads of the county.

If Portland figures that these parties will pour through the city in such numbers during the year before the exposition, it is certain that some of them will visit Oregon City and Clackamas county and that good roads here would bring to this section of the state more than enough to meet whatever construction cost a complete highway through the county would entail.

These tourists are not merely sight-seers. Many of them are investigating the resources of the county through which they pass. Most of them are interested in the development of the west. It is to be expected that a large percentage of them will make their homes in the western states and that Oregon will receive its share of these visitors. It behooves, therefore, every county in the state to make some sort of preparation for the tourists when they come. For years we have advertised our resources. We have sent special trains whistling through the middle west and the far east with samples of the wonderful products that we raise in this state. We have aroused the interest of the east in our resources and have called the attention of the factory worker and the man with money to the advantages that this country has to offer.

Isn't it rather inconsistent, then, that we should bring them out here and show them our mud puddles and our sink holes and have to explain to them that it costs this county—Clackamas county—alone, \$240,000 every year merely as a mud tax?

MEXICO HAS BECOME a land of barbarism and murder. The report that eleven men have been murdered by the rebels came over the wires from the front yesterday. If the federals do not have a hand in murders of this kind and Mexico is relegated to the inside pages of the newspapers for a few days, the rebels become indignant and start a massacre of their own.

Torn asunder by constant strife, ravaged by factions and destroyed by plunder and pillage, the republic to the south of these United States is in a condition more pitiful than was Cuba when the merciless dictator of Spain killed and starved the population of that little island. In that instance, the government of the United States sought to raise the blood-stained hand of the usurper and succeeded in freeing that people from the iron rule of the dictator.

If the Huerta "government" is not able to cope with the situation there, all of the diplomacy at the white house will not remedy matters. It is time that some more drastic step were taken and that the announced policy of the president be put into effect and the people of the United States take a hand in the problems to the south. In more ways than one, the United States is interested in the outcome of the troubles there. It has citizens whose lives are daily endangered by the lack of law and order and by the rifle bullets of the contending forces as they march over the country seeking whom they may destroy. The country has been torn so long that there seems to be little hope of ever again maintaining the peace that lasted with the Diaz administration. Though he held the people in bondage under a dictator's rule, he at least had peace and quiet through his empire and the country was not continually in a state of turmoil between warring factions.

Even peace at any cost is something to be considered by a country that has been rent by strife as long as has Mexico. If the government of Huerta is not capable of dealing with the situation as it has arisen there, it is time that the people and government of the republic to the north took a hand in the game and settled the disputes there for a few days, at least.

From the conditions as they have appeared in the press dispatches of the past few weeks, Huerta is not able to cope with the problems. He has failed to maintain order. He has not conquered the rebellious states to the north and has never succeeded in downing the opposition that has developed to him in all parts of the country.

It is a matter that is of interest to the United States and one that some definite action will have to be taken in at once.

STOCK RAISING BY THE Portland Union stock yards have adopted a SCHOOL CHILDREN novel policy for encouraging the children of the rural districts to raise stock. The company has offered to give every school in this state and Washington one pig, provided an accurate record is kept of the cost of raising that animal to a marketable size. The kind and quality of food and its ultimate cost must also be shown. After the pig has been raised, the company will buy it back at the market price and the school may use the money in any way that it sees best.

This is a commendable policy for the company and it is one that ought to tend toward the increase in the stock business of the state. If there is one thing more than another that this state needs, it is an increased stock production. In states where land is as valuable as it is in Oregon, the common products of the middle west are not profitable and the people must look to other sources to gain the interest on their investment.

The high freight rates to the markets of the east and the prohibitive cost of sending the products to the seat of consumption makes it imperative that the products of this state should be consumed here and put into others that will bring in the largest returns on the money that is used.

This condition prevails through all of the western states. Stock raising is one of the solutions to the problems. The grains and grasses that are raised must be used here in Oregon to feed stock that can be shipped and sold to the consumer of Chicago and the east. There is no chance for competition in the hay market of the east because of freight rates. The cost of shipment is prohibitive. The farmer cannot realize on his investment.

Only by feeding his stock the produce of his farm can he ever hope to make money out of the high priced lands that are to be had in this and other developed states of the West.

It is imperative, therefore, that the farmer realize the conditions that he faces and that he turn his attention along those lines that bring in the most money and the greatest returns for his expenditures. It is a step along this line that the children of the schools should become interested in the growth and production of stock and that they should be taught the value that a stock farm can be made to return to the farmer in face of the circumstances that he must meet.

In many states, the government is organizing pig clubs. This is particularly true through the southwest, where stock, except cattle, has not been generally recognized as the source of wealth. The officials have already formed corn clubs through those states and have now started a follow up campaign of pig clubs to raise stock that will consume the product of the state.

This movement is a good one for the southwest. It is also good for the far West. It means that the stock industry of the country will develop and that the states will have a greater production than in recent years. It means the solution to those problems that confront the western states and may mean the difference between profit and loss to the farmer.

The school children of the states have been an important factor in developing the agricultural idea along any particular line. They have stirred through the southwest an interest in the production of corn. They are now to interest themselves and their parents in the raising of stock. As that scheme has worked in those states, so it may be worked in the West. It is a good one to try and the company deserves commendation for beginning a plan that will insure to the benefit of the whole people of the state.

INSANE A few days ago, a New York woman left \$50,000 to found a BEQUESTS home for dogs. The administrator of her estate will have to establish an orphan's home for stray animals and appoint officers to take charge of the institution and manage its affairs.

This is another one of the foolish and insane bequests that have come from New York in the past few months. Fifty thousand dollars spent on a home for dogs! It seems impossible that women of the United States in such circumstances as was this one could be able to write a will that would pass through a court and could not be contested on the ground of insanity and yet sign away a fortune for such an insane purpose as this.

No Substitutes

RETURN to the grocer all substitutes sent you for Royal Baking Powder. There is no substitute for ROYAL. Royal is a pure, cream of tartar baking powder, and healthful. Powders offered as substitutes are made from alum.

Yet it has, apparently, been done. With that \$50,000, all sorts of beneficial work could have been accomplished by the people of New York in the way of relieving the suffering that exists among the tenement districts of the city. The Associated Charities, for instance, could have used the amount to advantage and would have been able to make the money of some direct benefit to the residents of the East Side.

Or that \$50,000 might have been used as Carnegie has spent a large part of his fortune in distributing and carrying education to the masses through a series of libraries. All over the United States a movement is on foot to carry the education that is contained in the large city libraries to the masses in the country who are not able to reach the centers in the congested districts. Such a movement would have been well aided by that \$50,000 and permanent and lasting good would have been accomplished had the money been used in some such beneficial way.

There are organizations, too, over the country that are well able to care for all of the money that people have in inclination to spend and do not know how to spend most usefully and in a way that will do the greatest good. Had this been given to education, to charity, to any of the thousand and one other sources that tend toward the improvement of the general conditions, some good would have resulted.

FORUM OF THE PEOPLE

AN OPEN LETTER TO THE COURIER

OREGON CITY, Ore., Nov. 19 (Editor of the Enterprise)—A friend informs me that The Courier has been availing itself lately with divers and sundry squibs in regard to the underdog among which it seems as if it were to select from the Reverend Mr. Spitta, and a demand for my own credentials from the editor himself.

I do not subscribe for, never see, and consequently waste no time perusing the hysterical and sensational libelations of that erratic journal, couched in bad English and worse grammar. What the gist of these attacks may be I neither know nor care.

If it amuses him it certainly fails to annoy me.

I lately declined a public position, which would have exposed me to the spiteful criticisms of such men as Mr. Spitta and such sheets as The Courier. I wear the collar of no party, nor seek nor crowd to win a livelihood and am not compelled to dance when any one cracks the whip.

Let me kindly advise the reverent gentleman to challenge Dr. J. W. Norris to debate the issue between them. By doing so he would undoubtedly learn some wholesome, if unpalatable truths. The matter is of no personal interest to myself whatever. Naturally the Dominie shrinks from meeting the man he has wronged. "Thus conscience does make cowards of us all."

As for my own credentials, if the editor of The Courier will take the trouble to call, I will be pleased to exhibit the following diplomas: Bachelor of Arts, 1867, Master of Arts, 1868, Lafayette College; Doctor of Medicine, 1867, The University and Bellevue Hospital Medical College, New York City; Post-Graduate Course 1901, Chicago; also vouchers for the following positions: U. S. Examining Surgeon for pensions; surgeon, Chicago Rock Island & Pacific Ry.; commission of insanity for Iowa county, physician board of health, Fellow American Academy of Medicine state licenses for Iowa and Oregon member of the Phi Beta Kappa which admits only those graduates who have won highest honors.

DR. W. C. SCHULTZE

OREGON LOSES FAST GAME TO VISITORS

Punting was one phase of the Oregon-Washington game in which Oregon excelled 10 to 7. A review of the game, play by play, shows that Fenton, doing the footwork for the University of Oregon, made two punts which were better than 50 yards. These brought his average close to 45 yards. Sutton's average was about 35 yards.

In the first quarter three punts netted Fenton an average of a little more than 40; in the second quarter, five kicks held up almost to same standard.

There was one boot of more than 45 in the third, and in the fourth he made one of 55 yards. This footwork had a lot to do with keeping the Washington score down.

However, what Oregon gained by Fenton's superior footwork was almost lost by repeated penalties. Oregon lost 45 yards because of off-side and 15 yards for holding. Sutton, punting for Washington, averaged near 35 yards. The total punting exchange gave Oregon and advantage of approximately 100 yards, 40 yards to the good after deducting the loss by penalties.

Declare War on Colds.

A crusade of education which aims "that common colds may become uncommon within the next generation" has been begun by prominent New York physicians. Here is a list of the "don'ts" which the doctors say will prevent the annual visitation of the cold:

- "Don't sit in a draughty car."
"Don't sleep in hot rooms."
"Don't avoid the fresh air."
"Don't stuff yourself at meal time."
Overeating reduces your resistance."
To which we would add—when you take a cold get rid of it as quickly as possible. To accomplish that you will find Chamberlain's Cough Remedy most excellent. Sold by all dealers. (Adv.)

REAL ESTATE

James A. Cobb and wife to Jennie J. Eitelman, lots one, two, three, four in block 32, Zobrists addition to Estacada, \$10.

Wallace T. Miller and wife to Geo. Harry Hoelcher, lot 21, block one, Stanley, \$400.

James E. Shibley and wife to James A. Shibley, tract in N. E. 1/4 S. E. 1/4 lot three, section six, T. 4 S., R. 4 E., \$10.

Warren Edgar to Rachel A. Edgar, 40 acres in N. 1/4 S. 1/4 S. W. 1/4, section 36, T. 1 S., R. 4 E., \$10.

J. Estell Hard and husband to James A. Shibley, W. 1/4 S. E. 1/4 and S. 1/4 S. W. 1/4 section six, T. 4 S., R. 4 E., \$10.

H. R. Nehrbas to James P. Duncan, 10 acres in William Bland D. L. C., \$1.

Clackamas Abstract and Title company to James P. Duncan, 10 acres in William Bland D. L. C., \$10.

Margratta C. Church to Emille F. C. Church, S. E. 1/4 S. W. 1/4 section 2, T. 4 S., R. 3 S., \$207.

Same to Edmund C. Elliott and wife S. 1/4 N. W. 1/4 W. 1/4 S. W. 1/4 S. W. 1/4 N. E. 1/4 S. W. 1/4 S. W. 1/4 section 2, T. 4 S., R. 3 E., \$1993.

Harry A. Lalarre and wife to Margratta C. Church, S. W. 1/4 S. W. 1/4 section 2, T. 4 S., R. 3 E., \$2600.

Gladstone Real Estate association to H. G. Coburn and wife, lots seven to 10 inclusive, block 76, Gladstone, \$1000.

Eva A. Hinton to W. W. Leete, lots 14, 15 in block 53, Gladstone, \$1. George W. A. Hinton to W. W. Leete, same lots in same description; \$600.

E. E. Taylor and wife to F. A. Haxter, lots two, three, block one, Erie Crest, 10.2 acres; \$1275.

State of Oregon to Ezra B. Harrison, W. 1/4 S. W. 1/4 section 4, T. 3 S., R. 1 E.; \$150.

Albert W. Cooke and wife to Eva L. Moulton, 40 acres in S. E. 1/4 N. E. 1/4 section 7, T. 2 S., R. 3 E.; \$10.

Eva L. Moulton to Albert W. Cooke and wife, S. E. 1/4 N. E. 1/4 section seven, T. 2 S., R. 3 E.; \$10.

Bertha Heinz and husband to Emil Frey, tracts four, to 13 inclusive, in Mt. Pleasant Heights; \$10.

Clark S. Page to J. H. Hadley, block 41, Oregon City; \$10.

Thomas McGuire to Addie M. Hunt, 40 acres in sections nine and 16, T. 4 S., R. 1 E.; \$1.

F. I. Stewart and wife to Frank H. Ford, lot four in block 98, Oregon City; \$10.

C. D. Robeson and wife to Hannah E. Ingram, tract in Andrew Hood D. L. C., 10 acres; \$1.

Roy Campbell and wife to Leo Singler and wife, one-half acre in section 32, T. 2 S., R. 2 E.; \$1600.

L. G. Reid and May Davidson to E. Henness, lots two, four, six, eight, 10 and 12, block 15, Robertson; \$100.

Northwestern Trust company to H. W. Rothwell, lots eight and nine in Bell Heights, Finlayson; \$10.

Robert Verpahl and wife to L. S. Lee, five acres in E. 1/4 S. W. 1/4 S. W. 1/4 section 25, T. 3 S., R. 1 E.; \$1000.

Anna Struy to Adolph Friedrich and wife, lot four, in block 39, Oregon City; \$500.

William Clark and wife to W. W. Leete and wife, lot 16, in block 53, Gladstone; \$1200.

CLACKAMAS ABSTRACT & TRUST COMPANY.

Land Titles Examined. Abstracts of Title Made. Office over Bank of Oregon City.

O.C.H.S. HASHARD GAME

WILL PLAY ESTACADA NEXT SATURDAY

Oregon City High school will play its hardest and closest game with Estacada next Saturday on the grounds of the latter school. The boys have undergone thorough training during the last week at the hands of Coach Wagner. Night signals practice and hard day work on the lot back of the school has been the program for the preparatory period preceding the game.

The dope on the coming contest seems to favor the school from the other side of the county. They played Gresham and came off victors to the score of 93-0 while the local eleven, although they handed it to the Greshamites, did so to a much smaller score.

Just what effect the illness of Clyde Green will have on the team is hard to figure out but if his team mates are in good condition, it is thought that the effect on the game will be slight.

OSTER SUIT IS NOW DISMISSED

DISOBEDIENCE TO ORDERS NOT CAUSE ENOUGH FOR REMOVAL FROM OFFICE

INDEPENDENT IN WATER MATTERS

Charter Gives Commissioners Full Control—Only Remedy is an Application for a Writ of Mandate

Disobedience to orders is not sufficient cause for the removal of the water board.

The board is an independent part of the city government in all matters that relate to the water supply. Disobedience in judgment does not constitute a cause for removal nor can the city council discharge the members of the board without a more sufficient reason than it has given. The remedy at law is by a mandatory injunction, not an ouster suit.

These were some of the essentials of the decision in the circuit court of the county by Judge J. L. Campbell in which he Friday overruled the city council and declared that the former water board had not been discharged because the council exceeded its authority in entering the order for its removal.

Cannot Qualify.

The newly elected board has not qualified for office. Under the decision of the circuit court, it cannot qualify. The decision held that the city council did not have the authority to remove the former water board as there had been no good cause presented to predicate such an action upon.

Reviewing the case, Judge Campbell held that the board is, under the city charter, an independent branch of the city government and as supreme in the discharge of the peculiar functions with which it is entrusted as the manager of municipal interest. The court declared that the council could remove the members of the board for cause only and did not believe that the cause that had been offered during the trial was any good or sufficient reason upon which to base the action that was taken.

Disobedience is No Cause.

The mere fact that the water commission might at any time have a difference in judgment with the members of the city council over water matters is not a ground for the action that the council took. It was held for the charter has given the board the same powers and functions with its perfect freedom from control as the city council is given in other matters of the welfare of the community.

During the progress of the hearing upon the stipulation of facts, it was contended that the legislature of the state had the right and power to give the city council complete and full authority over all branches of the city government or it could make it merely a figure-head with no way of carrying out its commands.

Granting this power to the legislature, it was pointed out that the body had been fit to give the council full control of every other matter of general interest but had specifically delegated to the taxpayers of the city, styled collectively "The Board of Water Commissioners," the management and direction of the affairs of the water plant.

In view of these facts, the attention of the court was called to the authority that had been vested in the board and the control that had been given to it of matters pertaining to a water supply. The council also called attention to the provisions of the charter that gave the city council the right to remove the board "for cause." It was contended that a mere difference in judgment is not a sufficient cause for removal from office.

Mandate Only Chances.

During the argument, it was also suggested that the only remedy at law that is now left to the city council in the application for a mandatory injunction directing the board of water commissioners to supply the city elevator from the power plant. The court would then pass upon the facts that surround the case, the contention that such a remedy would damage the plant and retard the entire system break the pipes, and take so much water from the mains as to leave the hill without an ample supply.

After the court had examined the particular facts involved in this case, it could then issue a mandate to the board instructing it to furnish the water that had been demanded by the city fathers. The point is involved as to whether or not the board would furnish water for municipal purposes when instructed to do so by the council and when such water is needed. But, it is argued, that such a point can only be determined by the court upon the application for a mandate after the board and the council have had their battle of words.

Won't Give Up Records.

The old board has refused to surrender the records of the plant and has always taken the stand that it was still the water board and has never been ousted by the council. At the same time, more than \$2000 in warrants, mostly for labor, have been held up pending this decision. The members of the board are on personal bonds for the faithful discharge of their duty and for the legal expenditure of the public funds.

Had the court decided against them and had the warrants been signed, it is possible that the members would have had to pay the \$2000 out of their own pockets. They did not propose to take any chances. A meeting was held Friday night at which the warrants were passed upon and signed, following the decision of the court.

The members of the board are: C. H. Caulfield, president; J. E. Hedger, secretary, and James Roake. The removal board selected following the removal order was: Fred McCausland, Chris Schubei and John W. Loder.

The attorneys in the case were B. N. Hicks for the defendant and L. W. Stipp and William Stone for the plaintiff. John F. Albricht, councilman, was relator in the action.

Cause of Insomnia.

The most common cause of insomnia is disorders of the stomach and constipation. Chamberlain's Tablets correct these disorders and enable you to sleep. For sale by all dealers. (Adv.)