

MAYOR HARTWIG FILES VETO

Declines to Approve Ordinance Appointing Derby City Attorney on Ground That It Is Illegal--Council Orders Paving Ordinances Prepared For Three Kinds Of Pavements--Increase in Recorder's Salary Gets Unfavorable Report and Minors Must Refrain From Liquor and Tobacco--Other Business

Although the ordinance appointing A. J. Derby city attorney was expected to be passed Monday night over the mayor's veto, which was filed Saturday, action on the matter was delayed by a motion made by Councilman Brosius that the ordinance be taken up for reconsideration at the next meeting of the council. This action was taken immediately after the reading of the minutes and precluded the reading of the veto, which was in the recorder's hands and is as follows:

To the Honorable Gentlemen of the Hood River City Council:

At this time I wish to respectfully state that I am conscientiously compelled to veto Ordinance No. 271, passed for the purpose of appointing A. J. Derby city attorney, regardless of my preference in the matter, and also for its questionable legality. My reasons for doing so are as follows:

1. The title to the so-called ordinance is misleading and defective. It states that it is "An ordinance authorizing a contract with A. J. Derby for legal services for the year 1911," while the ordinance itself in section one and elsewhere says: "The City of Hood River does hereby enter into a contract," etc.

2. The contract specified is contrary to the laws and the constitution which the city officials have taken an oath to support. Chapter 2 of the City Charter provides how the city government shall be constituted and who the city officials shall be, and how they shall be placed in office. Some are elected and some are appointed. It is clearly the prerogative of the mayor to appoint all officers who are not elected, and therefore it is evident that the use of the word "may" instead of "shall" before the word "appoint" in the charter was employed to vest a future power in the mayor, to be exercised when the occasion arises. At the time the charter was enacted, the need of a city attorney, a surveyor, or a street superintendent did not exist. The word "may" in law is held to mean "must" whenever it is necessary for that power to be exercised. The supreme court of this state has said: "It is a general principle in statutory construction that where the word 'may' is used in conferring power upon an officer, court or tribunal, and the public or third person has an interest in the exercise of the power, then the exercise of the power becomes imperative."

3. Furthermore, the ordinance purports to put the city in contract relationship with an individual, an act which can only be legally done by the proper officers signing the contract.

4. It also ignores and attempts to annul the provisions of the charter giving the mayor or the council power of removal, and must therefore be construed as illegal on that ground also.

5. From a purely economical standpoint, the ordinance calls upon the taxpayers to pay a salary of \$75 a month from January 1, 1911, to an attorney who is practically absent from the city for the months of January and February as a representative in the state legislature, and who cannot, therefore, perform the duties, and ought not to draw the salary.

6. That said ordinance is not passed according to law. It is my opinion, gentlemen, that the passage of this ordinance is illegal, uncalled for, and against the dignity that pertains to the official acts of the mayor of Hood River, and I decline to approve it.

Dated this 4th day of February, 1911.
E. H. HARTWIG,
Mayor.

According to the charter, it takes the votes of two thirds of all the members of the council to pass an ordinance over the mayor's veto. In the absence of Councilman Arnold it is not believed that the ordinance could have been passed, as Councilmen Hall and Smith have put themselves on record as against it. Notwithstanding the fact that Mr. Derby has not been appointed, a bill was presented for his services as city attorney for the month of January, for \$75, and just what will be done with his claims for salary remains to be seen.

A petition signed by many of the residents on Columbia street from 7th to 13th, against curbing that thoroughfare, was read. The petition stated that the signers were in favor of having the street graded, but not curbed. Before moving to have the matter referred to the street committee, Councilman Brosius made a talk, asking that the petition be withdrawn, as he believed the signers could be shown the advisability of having the street fully improved rather than left so it would shortly develop into a street that would be little, if any, better than a country highway.

In regard to the trouble that the city has had with the Farmers' Irrigating Company, owing to its water running through the streets on the hill, C. L. Morse, J. A. Shipley and A. J. Anderson appeared for the ditch company and addressed the council. They stated that if the council would allow them a little more time, or until the new water system was brought in, they would be able to abandon their part of the system in the city, but at present it would cost the company \$1,000 to comply with the demand to pipe the water in the city limits, which they stated was working a hardship on the company. The water users who owned stock in the company in the city, they said, had promised to release it as soon as the council could consistently do so. Councilman Wright, in behalf of the people on the hill who had complained of the water, said he thought that the company should keep the agreement to pipe the water, which it had made over a year ago when the council had then granted an extension of time. The matter was referred to the fire and water committee, to report at the next meeting.

A request from Cuddeford & How-

ell, the wagon makers and blacksmiths, to erect a shed covered with corrugated iron, on Oak street, was referred to the fire and water committee, with power to act.

A letter from Jesse P. Stearns, attorney for the councilmen in the injunction suit, was read, stating that the suit had been dismissed without costs to either party and advising the council not to try to sell the water bonds without advertising them. It also stated that a conference with Mr. Talbot, president of the company, who has withdrawn the suit, would be advisable. In connection with this, a communication from Councilman Hall, chairman of the judiciary committee, to Mr. Talbot was read, asking that a conference with the councilmen be arranged.

A report from City Engineer Morse who has recently been studying street paving in Portland, was read. Mr. Morse's report was concise and intelligent, giving the prices of various pavements and recommended that the city try several kinds on the different grades. Wood block and bitulite were recommended, the former where the streets are level and the latter on the grades. The cost of the pavement ran from \$1.84 to over \$3. On motion of Councilman Hall the city engineer and street committee were instructed to bring in ordinances for street paving covering at least three kinds.

No action was taken on an offer of W. G. Aldred & Company to take bonds in payment for street work.

The finance committee reported that the work of expediting the city books had been commenced and the fire and water committee reported that it had inspected the Monroe theatre and considered it safe. The same committee reported in regard to additional street lighting that unless a five year contract was made the light company would expect the city to pay the cost of installing extra lights. The work of the committee was continued and it was asked to consult the company with a view to getting a better distribution of the present system with additional lights.

The city engineer and engineer were ordered to prepare an ordinance providing for the completion of all sidewalks ordered.

In regard to the increase in the recorder's salary the judiciary commit-

Wants To Cut Out Middleman's Profit

Dakota Hood River Orchard Owner Writes Letter Advising Growers to Get Together and Adopt System to Cut Out Fat Profits

East Grand Forks, Minn., 1-30-11.
To the Hood River News Pub. Co.,

Gentleman:—As your paper bearing date of January 25th lies before me, and I have gone over its contents, I find on first page first column an article in which I am personally interested, and when I say that I am interested in this article I think I voice the sentiments of every fruit grower in Hood River valley, and that is the article bearing on the form of selling our productions. As I have a young orchard about to come into bearing, in the Oak Grove district, and desiring to obtain the best prices possible for my product, and also desiring to see my fellow growers do likewise, I have a few suggestions to offer. The main one is to place our product in the hands of the consumer as direct as possible, thus cutting out the large profits made by jobbers and other middlemen by which our products are being handled. I wish to state for an illustration, on my way east last June during the strawberry season I dropped off the train at Helena, Montana, and in walking down the platform I noticed a truck on which were loaded several crates of Hood River strawberries. I asked a gentleman who was standing by how much those berries were selling for at that point. He did not know. A policeman standing near spoke up and told me that his wife had purchased two crates the day before for which she paid four dollars per crate. Now, gentlemen, I happened to have sold several crates of these berries through the union before leaving Hood River for which, after a long period of waiting, I was enlightened with the fact that the berries I sold brought me one dollar and ninety-eight cents for which a profit of two dollars and two cents was gained by the jobber, retailer and railroad company. The latter charges could not

have exceeded twenty cents a crate for the distance represented.

Now as to the apple situation. I am not conversant with it as Grand Forks, North Dakota, just across the Red river from this place, has not handled the Hood River product to my knowledge, but during the month of November, I think it was, the Nash Brothers had on display in their Ontario store show windows a large display of Wenatchee apples for which a much larger price was received than the grower at Hood River receives for his product (at retail price I mean). Now fellow fruit growers, I wish to say that Hood River has nothing to fear from competing districts so long as she maintains her present superior pack, flavor and keeping qualities. I have not seen anything here that would compare with the Hood River product. Now, gentlemen, when this is made possible why not reap the benefit; and at the same time I feel confident we can, by selling more direct, reap a rich reward and at the same time place our output, both strawberries and apples into the homes of the consumers at a much less figure than they are now paying. Fellow growers, it is now up to us. Let us act and let us do so wisely, to obtain the object in view.

Yours truly,
W. F. ANDREWS.

COMMISSION WILL ASK FOR NEW TRAIN SCHEDULE

The Upper Hood River Valley Progressive Association, which has been in conference with the State Railroad Commission in regard to train service to Parkdale, has received the following letter from the commission, which it submits for publication as a matter of public interest:

Salem, Oregon, Jan. 18, 1911.
Upper Hood River Valley Progressive Assn., Chas. I. Moody, Secretary, Parkdale, Oregon:

Gentlemen:—After consideration of the above matter, the Commission is of the opinion that during the present climatic conditions it is unwise to make any order which will look toward shortening the time schedule of the Mount Hood Railway Company. We are unwilling to assume the responsibility of ordering the schedule shortened at the present time.

However, as soon as the weather conditions are settled in the spring, we recommend that the Mount Hood Railroad shorten or so arrange its schedule to the end that passengers from the Upper Hood River Valley can get into Hood River in time to attend to banking and business. We will ask that the railroad company work out and submit a schedule later on which will accomplish this. If this cannot be done, the Commission will retain jurisdiction for the purpose of making appropriate order. In the meantime the matter will be carried upon our books as pending. Very truly yours,
RAILROAD COMMISSION OF OREGON.
By C. Atchison, Chairman.

Eggermont Orchard Sold To Syndicate

Fine Orchard Property Passes Into Hands of Company Which Will Further Develop It—Price Not Made Public But Said To Be Big

The Eggermont Orchard Company, recently incorporated with a capital stock of \$50,000 for the purpose of taking over the Eggermont orchard lands, completed the deal Wednesday, when the property was transferred. The directors and officers of the company are as follows: Chas. Hall, president; F. L. Davidson, vice-president; P. S. Davidson, secretary-treasurer. F. L. Davidson will have charge of the management of the orchard. The offices of the company are at No. 3 Oak street.

The purchase includes one of the finest orchard properties in the valley, on part of which was grown the car of Newtowns that took first prize at the National Apple Show last fall. It consists of 135 acres, 30 of which are in bearing orchard, 20 acres in hay, and the rest undevel-

oped. It lies along the Hood River on the east side and has on it the former summer home of F. L. Eggermont and also the residence of Henry Avery, under whose care the orchard has been developed. The property has on it adequate farm buildings, including barns and an apple house, all of which are in good condition. In many respects it is considered one of the finest properties in the valley, both as an investment and on account of its location.

The new owners bought the property as an investment on account of its profitable product, and later expect to clear and improve the undeveloped land. They will be given possession March 1st, when the family of Mr. Avery will vacate the premises.

The sale was made through the agency of J. H. Hellbroner & Co.

HOOD RIVER HIGH LOSES SECOND GAME

The Hood River High School crick basket ball team lost to Goldendale High School 25 to 12 on Goldendale's floor Friday night. The boys out-clobbered Goldendale from start to finish, but had the misfortune of being compelled to abide by the decisions of an umpire who was determined to give Goldendale the game at any cost. He called fouls on Hood River whenever occasion prompted, though they were not fouls in any sense of the word. During the game he called 17 fouls on Hood River and not one on Goldendale. Such an unscrupulous umpire is a great detriment to the Goldendale boys, as they, themselves, played a clean game.

Hood River High School plays Stevenson High at Hood River Friday evening, February 10th. This will be the game of the season. If Hood River beats Stevenson here, and Stevenson beats Goldendale, then Goldendale, Stevenson and Hood River will be tied for first place. The local boys promise the best game of the season Friday, and ask for a full attendance to help them along.

VALENTINE BASKET SOCIAL AT PINE GROVE HALL

On Tuesday, Feb. 14th, a Basket Social will be given at Pine Grove hall. Come out and have one big time. In each basket there will be placed two tickets, which will give the owner of the basket and the buyer the privilege of dancing.

There will also be a rollicking farce comedy entitled "The Matrimonial Agency, or Husbands and Wives Supplied," which is brim full of good, hearty laughs, besides numerous other things.

Now, ladies, don't forget your baskets, or no dance, and gents your pocket books. Don't miss this or you will regret it until next year. Remember the date, Valentine's day, Feb. 14, 1911.*

APPLE VINEGAR COMPANY INCREASES CAPITAL STOCK

The Hood River Apple Vinegar Company recently held its annual meeting and increased its capital stock from \$15,000 to \$50,000. The company has been doing a large business and has under contemplation the enlargement of its plant, as soon as the street improvement under contemplation near its factory has been decided upon, so it can get a grade to build to.

The new officers and directors of the company are as follows: Directors, C. J. Calkins, G. C. Ruff, T. J. Fellows. President and manager of the plant, C. J. Calkins; vice president, G. C. Ruff.

Free Advertising For Our City

We received the good news that the Benedictine Fathers of Mt. Angel, Ore., who have worked in this state since 1882 are to publish a centennial number in which our city is to have a conspicuous position. The Mt. Angel Magazine that circulates all over the Union and Europe, in previous years has done much to advertise the Oregon and bring progressive citizens to the west. G. Noonan, the field solicitor, will call here and take up the work with the Commercial Club.

HOOD RIVER MEN TO BECOME ELKS

On Thursday evening, February 23rd, the largest class of candidates that has been initiated into the Elks, from Hood River, will leave this city for The Dalles by special train, where they will become members of this popular organization. The class is being organized by Arthur Clarke, and it is expected that it will be accompanied by a large number of the members of the organization who reside here.

The names of the candidates are H. F. Davidson, W. H. Chipputz, C. H. Stranahan, C. P. Ross, Charles N. Clarke, Harry Wood, C. H. Sprout, C. E. Gilbert, Roy Stocum, V. Winchell, Dr. Eldridge, J. M. Hutchinson, C. P. McCann, R. E. Laraway, J. C. Skinner, Dr. Bronson, T. A. Decker, G. A. McCurdy, C. Dethman, Wm. Ehrek, M. F. Shaw, G. Y. Edwards and F. M. Howell.

Will Make Extended Trip

Mr. and Mrs. F. A. Cram left Sunday morning for Portland, from which point they started on an extended eastern trip that will cause them to be absent for a month. From Portland they went to San Francisco, thence to Los Angeles, and will go on to New Orleans, in all of which places they will visit. Their next stop will be at Washington, D. C., and from there they will go to New York, Boston will be their next stop, from which place they will visit the great shoe manufacturing districts of Brockton and Lynn, Mass. On the way back a visit will be made in Chicago, when they will return home. While away Mr. Cram will do the spring and summer buying for his establishment, and expects to show a lot of new things in both men's and women's wear during the season.

Received Carload of Buggies

The Gilbert-Vaughan Implement Company received last week the large consignment of vehicles ever brought to Hood River at one time, and which consisted largely of buggies. The consignment was a full carload from the factories of the Studebaker Company and it has been placed on exhibition in their warehouses. Among the lot are a number of new models and already several of them have been sold. The Gilbert-Vaughan company is now stocking up with everything in the vehicle and orchard implement line and is looking forward to a busy season.

Woman's Club Meeting

The program for the Woman's Club meeting on February 15th at 2:30 p. m. is as follows:

An Original Program.
Roll Call—Original Valentine.
Romance.
Poem.
Piano solo, "Reveries," (composer, Mrs. C. W. Edmunds).
This program will be of unusual interest. It is hoped that every member be present and have a Valentine in response to her name at roll call.

CALENDAR COMMITTEE.

C. G. VanTress, an expert stenographer and typewriter, has taken the position of deputy county clerk at the court house. J. P. Lucas, who has been acting as deputy county clerk is engaged in the work of extending the tax roll, making it necessary to secure additional help in the county clerk's office.

Events of World Wide Interest Pictured For Busy Readers



News Snapshots Of the Week

Six shots were fired into David Graham Phillips, the novelist, in front of the Princeton club in New York city by Fitzhugh C. Goldsborough, a violinist, causing his death. The assassin, who was unfavorably impressed with the author's writings, then killed himself. After several deadlocks in the New Jersey legislature James Smith, Jr., withdrew from the senatorial fight, and Governor Wilson's candidate, James E. Martine, was named as the new senator. Carrying five passengers, two sitting on the skids, Roger Sommer flew thirteen miles in his aeroplane in France. It has been announced that Willie Hoppe, champion billiardist of the world, will retire from professional life. He recently married an heiress. President Taft's secretary, Charles D. Norton, has tendered his resignation, to take effect in March.