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COUNCIL MET TUESDAY EVENING, IN ADJOURNED

Mayor Bagley Gives Resume of Year in Annual Message

FRANCHISE HAS NOT BEEN TAKEN UP

Tells What City Has Accomplished Inside of Twelve Months

The city council met Tuesday evening in adjourned session, the meeting popularly being supposed to consider the franchise asked for by the Southern Pacific. The committee, however, had held no consultation with the S. P. officials, and the matter of whether or not the company can run a line down Main Street was not taken up. Mayor Bagley presented his annual message, reviewing the work of the year, and suggesting future action within the province of their powers. The message follows:

To the Honorable City Council of Hillsboro, Or: Section 114 of the charter of Hillsboro provides, among other things, that it shall be the duty of the Mayor, semi-annually or annually, at his option, by message to the City Council, to communicate a general statement of the condition of affairs of the city and to recommend the adoption of such measures as he may deem expedient and proper and to make such special communications to the Council from time to time as he may think proper, useful and beneficial to the city.

In obedience to the duty enjoined by the section referred to, I have the honor to submit the following general statement of the condition of the affairs of the city, and recommend the adoption of measures which I deem expedient and proper.

In my efforts to secure data from which to prepare a statement, I have been groping in the dark, so to speak, and have expended much time and labor by reason of the fact that there is a woeful lack of system in the manner of keeping the city records. It is not intended by this suggestion to cast any reflection upon any officer, but the fact is the city has not provided the Recorder and Treasurer with proper books and records, and there is no way of determining the exact condition of the financial affairs of the city and no way that the accounts of the Recorder can be accurately checked, even by an expert accountant. The present Recorder is strictly honest and absolutely trustworthy, but in justice to him and his successors a system should be adopted that will remove every chance for suspicion, and, further, the taxpayers are entitled to have the records so kept that an accurate report of receipts and expenditures can be furnished at any time. In justice to them, the records should be so kept and the disbursement so classified, that they may be advised at any time of the cost of maintaining each branch of the city government.

By the terms of the new charter, the fiscal year begins January 1 and ends December 31 of each year, and the figures here given are for the fiscal year 1911.

At the beginning of the year there was a balance in cash in all of the funds—that is, general, street and park funds—and there were water and light and refunding bonds outstanding to the amount of $14,000. These bonds are still outstanding.

If a report were furnished at this time by the Treasurer it would show the general fund overdrawn and that warrants are being indorsed "not paid for want of funds," which would indicate, of course, that the expenditures ordered upon this particular fund exceeded the receipts. This condition was brought about by advancing money from the general fund to carry on the sewer construction and street paving until such time as the sewer and street-paving funds were created.

The following sums have been paid and advanced from the general fund toward the construction of sewers, street paving and labor on Shute Park:

Services calculating sewer and paving assessments	$ 227.72
Engineering services, printing and publishing	2,637.76
Septic tank site	425.00
Labor on Shute Park	3.00
Sewer inspections (error)	7.00
Total advanced	$3,300.48

The general fund should, therefore, be reimbursed from the various funds in the following amounts:

Park fund	$ 3.00
Sewer maintenance fund	7.00
Sanitary sewer fund	1,442.50
Storm sewer fund	696.23
Street-improvement fund	1,151.75
Total	$3,300.48

With these sums paid back into the general fund, the report of receipts and expenditures as to the general fund is:

Receipts.

Collected from general taxes	$5,217.59
Saloon licenses	2,000.00
Dog licenses	221.00
Fines and bail forfeited	191.00
Peddlers, show, vendors and billiard-hall licenses and receipts impossible of classification	505.85
Total receipts	$8,135.44

Disbursements.

Stationery	$ 74.25
Filing cabinet	143.20
Recorder's fees	104.19
City Hall	135.68
Boarding prisoners	13.25
Salary health officer	29.70
Special election, including printing of new charter	188.50
Interest on water and light and refunding bonds	1,410.00
Water and light, including $19 for flushing sanitary sewer	1,636.35
Salaries and expenses of Mayor and Councilmen	170.15
Police Department	839.50
Fire Department	459.17
City Attorney	449.00
Street monuments	29.36
Sidewalk grades	342.40
Miscellaneous and not classified	136.37
Total disbursed	$6,161.07
Excess of receipts over expenditures	1,974.37

STREET FUND.

Receipts.

Received from County Treasurer	$1,252.13
Received from other sources	65.26
Total receipts	$1,317.39

Expenditures.

Lumber	$ 512.22
Sprinkling streets (before paving)	89.00
Street-cleaning machinery	850.00
Labor on streets	583.58
Team hire	210.15
Sidewalk, City Hall	49.08
Nails, spikes, tools and other items not classified	99.89
Total warrants drawn	$2,393.52
Excess of expenditures over receipts	1,076.14

PARK FUND.

Receipts.

Received from County Treasurer	$ 279.17
Southern Pacific for right of way	250.00
Total receipts	$ 529.17

Expenditures.

Labor	$ 9.50
To be refunded to general fund	3.00
Total	$ 12.50
Excess of receipts over expenditures	516.67

During the year there has been constructed a sanitary sewer system at a total cost of $28,414.66. There has been constructed a storm sewer at a total cost of $22,270.93. There has been paid on street paving $40,836.18.

With the installation of the storm and sanitary sewer systems in District No. 1, all that territory lying between Fifth and North Range streets and south of Jackson street has been provided for, which is nearly one-half of the city. When the paving contract is completed, the entire business district will be paved and two residence streets, those lying north and west of the public square.

It is important at this time to determine what, if any, improvements are to be undertaken during the present year and such as are to be undertaken should be commenced without delay.

I have been importuned by many to try and bring about the installation of a sanitary sewer system in District No. 2, lying east of Fifth street, but this matter, in my judgment, should be left entirely to wishes of the people residing and owning property in that district. It was absolutely necessary that our business streets be improved and before this could be done the installation of sewers was necessary. There was urgent necessity for the sanitary sewer also aside from the advisability of constructing in advance of paving. It is true that the construction of a sanitary sewer in the district east of Fifth street will affect those who have not heretofore been assessed for improvements but the Council should be guided largely by the desires and needs of the people affected.

There should be further street improvement. We are spending considerable money annually in keeping up the unimproved streets, which are only temporary, at best. Hard-surface pavement of some character, in my judgment, should be extended on Main street, from Fourth to Eighth street, but I think improvement on other streets should not be forced or urged by the Council but action taken only upon proper petitions filed by owners of property affected.

Water Supply.

The question of determining whether or not Washington-Oregon Corporation has, at the present time, the quantity and quality of water contemplated by its contract, or whether it will soon be in a position to furnish an adequate supply, and if not, what supply is available to the city, the advisability of constructing a municipal gravity or other system, and matters properly connected therewith, are questions which have been heretofore submitted to a competent commission for investigation and report and no action should be taken looking to a solution of these matters until the commission has reported its findings and recommendations. We have to do, however, with the past acts of this company. Contractual relations were entered into by the city and Washington-Oregon Corporation. This company is and has been operating under a franchise which is made concurrent with a certain contract in which the company agreed to furnish an adequate supply of pure and wholesome water for all purposes; maintain and operate with promptness in case of fire, fire pumps and maintain a pressure of 80 pounds with water running from four three-quarter-inch fire nozzles and provide sufficient water to maintain those streams for 24 hours continuously. The company, by its contract, is further required to put its mains and entire light and water system in first-class condition not later than May 27, 1911, so as to furnish first class service, both water and light, was to connect all dead end mains so as to provide a circulating system; keep in reserve 60,000 gallons of water and keep same pure and wholesome; test the mains once each month for 30 minutes with a pressure of 100 pounds. That none of the provisions here enumerated have been complied with is apparent to all. New pipes have been installed from the new pump house to the city mains and in a few of the streets where pavement was laid only. Other mains have not been replaced since originally installed and are not in a condition to stand the required test.

The company has wholly failed to comply with its contract in this: It had not on May 27, 1911, and no time thereafter to and including the date of the appointment of the water commission, an adequate supply of pure and wholesome water; could not have operated four fire streams for 24 hours continuously; failed to keep on hand a reserve supply of 60,000 gallons, pure and wholesome; failed to put its water and light plant in first-class condition so as to furnish first-class service, both water and light; failed to replace defective mains; failed to test mains once each month for 30 minutes with pressure of 100 pounds; failed to connect all dead end mains and provide a circulating system as contemplated by the contract and has not operated its pumps with promptness when called upon in case of fire and maintained a pressure of 80 pounds.

Further than this the company has not anticipated the growth of the city, has not extended its water service so as to meet the demands of the inhabitants of the city, and the lighting service at times was poor.

How to deal with this situation is the question of greatest importance before the Council. To forfeit the company's franchise means litigation; to remain inactive means a possible waiver of the city's rights and leaves us at the mercy of the company for a period of 23 years.

To forfeit or revoke the franchise under which this company is operating does not mean it must necessarily retire from the field for should the water commission report that this company has an ample supply of water in sight and against a municipal system, a new franchise can be granted with proper restrictions and conditions, or if the commission reports in favor of a municipal system, a light franchise could be granted to the present company provided proper terms can be agreed upon.

At all hazards the city is entitled to better fire protection and the users of water and light are entitled to a substantial cut in the rates, the present charges being exorbitant. The Council, I believe, has power to regulate the rates to be charged for light and water.

Fire Department.

Under the present charter the Mayor is required to appoint the Chief of the Fire Department and the Council has authority to organize and maintain a fire company. After the adoption of this charter I informed the Volunteer Fire Department that so long as the organization was maintained as a volunteer company I would permit them, so long as I am Mayor, to name their own Chief and conduct their own affairs, and appoint as Chief the man of their selection. Since the repeal of the poll tax law the company has no way of compelling attendance of its members or enforcing discipline and our company is now in a state of disorganization. The boys are good fire fighters and willing workers and have made many sacrifices and are entitled to great credit but the organization consists now of less than 15 members in good standing.

Within the past 15 days a committee of firemen waited upon me, reported the condition of the company and requested advice and assistance to put the company again upon its feet and in better working condition. They have consented to place the entire matter in the hands of the Council and agreed to abide by your decision.

In this connection, I have heretofore advised and wish now to endorse the action of the Council authorizing the purchase of a team. With a well-organized Fire Department, people living or owning property three or more blocks from the City Hall and away from the paved streets are, in the night time, when a team is not available, absolutely without protection against fire. If a fire were to start now in the vicinity of the school house in the night time could the fire boys be expected to drag the fire apparatus through the mud and mire? It would be an impossibility notwithstanding their willingness to try. Every citizen is entitled to equal protection. There is constant use for a team in the cleaning and sprinkling of paved streets, the dragging, grading and ditching of unpaved streets, hauling of lumber for culverts and crossings and the hauling away of cans and rubbish placed in proper receptacles by householders, all of which would be of equal benefit to the general public. In addition, the team should be housed in the fire hall and kept available for use by the fire department during the night time; thus again, the entire city would be benefited by the additional protection afforded. Connection to the fire bell could be made to the central telephone office and time would be saved in the turning in of alarms.

City Jail.

I advised a year ago that the city jail be condemned and steel, sanitary cells installed. The Council agreed to the suggestion but in the vast amount of work we had on hand the jail and its unfitness were lost sight of. I have obtained plans, specifications and engravings of cells suitable for our use and two cells can be installed at a total cost of not exceeding $165.

Street Lighting.

During the past year arc lights have been adopted for street lighting and at the present time more lights are in use and the city better lighted than ever before, but there is need for more lights. The people residing in the outlying districts have been contributing every year toward the support of the city, yet have very few conveniences and they are entitled to favorable consideration.

In conclusion I desire to submit the following recommendations and ask your favorable action thereon:

1. That warrants be drawn in favor of the general fund as follows, on the funds named, viz.:

Park fund	$ 3.00
Sewer maintenance fund	7.00
Sanitary sewer fund	1442.50
Storm sewer fund	696.23
Street improvement fund	1151.75
Total	$3300.48

2. That all records be immediately indexed, filed and kept in the filing cabinet provided for that purpose, that the same may be preserved and readily accessible.

3. That the Recorder's office be provided with a register of warrants; that no claims be allowed unless presented on proper printed voucher; that all claims be numbered and bear the number of the warrant issued in payment of the same; that all warrants be registered in the register of warrants showing date and number of claim, total amount of warrant and that all expenditures be classified so that at any time it can be readily determined the total amount expended for a given purpose or for the maintenance of a particular department. I advise that all ordinance requiring the payment of license fees to the Recorder be amended so as to require the payment of these fees direct to the Treasurer, that officer to issue his receipt and that licenses be issued by the Recorder only upon presentation of the Treasurer's receipt. The Recorder should be provided with a book of license blanks numbered consecutively and being authorized to issue them only upon presentation of the Treasurer's receipt, a complete check can be kept.

The Treasurer should also be provided with a register in which to keep his record of moneys received with proper classifications and in this manner it will be possible to ascertain at any time the total amount of money received and from what sources.

In short, a complete system of books should be installed, simple, however, but designed to keep a complete check on all funds and a correct classified record of all expenditures.

(4) I have considered with much anxiety how to advise you relative to the failure of the Washington-Oregon Corporation to comply with the conditions of its contract and franchise. I have concluded that we have no right to sit idly by, remain passive and allow the rights of the city and its inhabitants to be jeopardized or lost. The company is entitled to fair treatment at your hands and the city is entitled to receive what the contract calls for. We know the contract has not been complied with in the past; that the breaches are numerous. Should the report of the water commission be favorable to the company, when filed, or should it be adverse, further action on your part will be necessary, but for the protection of the rights of the city in view of past breaches of the contract I recommend that counsel be retained, an ordinance be passed revoking the franchise under which the company is now operating and that immediate steps be taken looking to a substantial reduction in water and light rates under the power granted to the city to fix and regulate rates, or by agreement with the present company or other companies willing to contract.

(5) That the fire hall be immediately remodeled, additional apparatus purchased together with a team for use by the city during the day and the fire department at night and that the Council pass an ordinance adopting rules and regulations for the fire department.

That among other things, the ordinance provide that the department shall consist of not to exceed 20 members and contain a provision similar to the ordinance providing compensation for the Mayor and Councilmen, that is, that each member of the fire department receive $2 per month, provided he attend every meeting of the department, is present at every drill and fire during the month unless absent from the city or prevented from attending by reason of illness of the member or some member of his family, such illness to be evidenced by a physician's certificate. The ordinance should provide that absence from any one meeting, drill or fire, though present at all others shall work a forfeiture of the stipulated sum. Absence for a stated number of times unless such absence is excused by the terms of the ordinance, should operate as a dismissal from the company. An eligible list should be kept and as a vacancy occurs in the membership applicants should be advanced in the order in which their names appear on this list and all members dismissed or expelled required to await their turn for re-instatement. This plan would cost the city $480 for the services of the fire boys. They would be required to drill and thus keep familiar with the working of the apparatus which would, in this manner, be kept in perfect working order. This plan would keep the boys together, insure attendance at all meetings and enable the officers to enforce orders, besides, the boys are entitled to something for their time and services and the sum is paltry when compared with the service rendered and the benefits received. This plan has been suggested to the fire department and approved by its members.

(6) That new cells be purchased and installed in the City Jail.

(7) That as soon as arrangements can be made additional street lights be installed, particularly at the following places: Eleventh and Main; Highland Park Addition to accommodate the residents and persons coming into the city by way of the Jackson bridge; northeast corner of Ball Park to accommodate persons entering city from southeasterly direction; North Side Addition; on Fir street near the eastern boundary of the city; North Range and Washington and North Range and Fir streets.

Permit me to thank you individually and collectively for your loyal support, harmony and co-operation during the past year. The duties for all, during this time have been many, hard and oft times trying but your deliberations have been free from discord and discussion and my burdens were thus made lighter and duties easier to perform for all of which I am truly grateful."

January 23, 1912.

SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR WASHINGTON COUNTY

Amelia Liebhart, Plaintiff,
vs.
John W. Liebhart, Defendant.

In the name of the State of Oregon: You are hereby commanded to be and appear in the above entitled cause and Court on or before the 9th day of March, 1912, then and there to appear and answer to the complaint in said suit, and if you do not, decree will be taken against you for want thereof, for the relief demanded in the complaint.

This summons is published pursuant to an order of the Honorable J. U. Campbell, Judge of said Circuit Court, made and entered on the 18th day of January, 1912, and the date of the first publication of this notice is January 18, 1912, and the date of the last publication of this notice will be February 29, 1912.

The relief demanded in the complaint is a decree of divorce and dissolution of the marriage between the plaintiff and the defendant, and for the care, custody and education of her infant child, Milton Webster Liebhart, and for the sum of $35.00 per month for the support of plaintiff and her said minor child, together with her costs and disbursements in this suit, and for such other and further relief as to the Court may seem meet and proper.

E. S. Fuller and
Arthur Langguth,
605-6 McKay Building, Portland, Ore.,
Attorneys for Plaintiff.

Notice of Final Settlement

Notice is hereby given, that the undersigned, the duly appointed, qualified and acting Admisistrator of the Estate of Lewis F. Carstens, deceased, has filed, in the County Court, of the State of Oregon, for Washington County, his final account of said estate, and that said Court has fixed Monday, the 26th day of February, A. D., 1912, at ten o'clock, a. m. of said day, at the County Court Room, in Hillsboro, Oregon, as the time and the place, for hearing objections to said Final Account, and for the final settlement of said estate.

Dated this 17th day of January, A. D., 1912

John F. Carstens,
Administrator of the Estate of Lewis F. Carstens, deceased.

Thos. H. Tongue, Jr., Attorney for Administrator.

Argus and Journal, $2.25.

W. E. MAYS, President
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NOTICE OF BOND SALE

Notice is hereby given that sealed bids will be received by the Recorder of the City of Hillsboro, Oregon, up to the hour of 10 a. m. of January 15, 1912, for the purchase of "Hillsboro Water and Light Refunding Bonds" aggregating the sum of $8,000.00, said bonds being numbered from 1 to 18, inclusive, and each of said bonds being of the denomination of $500.00.

All of said bonds are dated September 1, 1911, and bear interest from date at the rate of 5 per cent. per annum, payable semi annually, on March 1, and September 1, of each year.

All of said bonds mature on September 1, 1921, the city reserving the right to redeem any or all of said bonds at any semi-annual coupon period, at or after five years from the date thereof, upon the payment of the face value thereof, with accrued interest.

Said bonds shall not be sold for less than par value, with accrued interest. Each bid must be accompanied with a cashier's draft for 5 per cent. of the amount of said bid, payable to the order of the Mayor of said City, and to be forfeited to said City unless said bidder accepts said bonds and pays therefore the amount bid within ten days from the time said bid is accepted.

Dated at Hillsboro Oregon, this December 28, 1911.

Benton Bowman,
City Recorder of Hillsboro, Oregon.

Notice to Creditors

In the County Court of the State of Oregon, for Washington County,

In the Matter of the Estate of Angus McLeod, Deceased.

Notice is hereby given, that the undersigned has been duly appointed, by order of the County Court of the State of Oregon for Washington County, heretofore made and entered, as administrator of the estate of Angus McLeod, deceased.

Now Therefore, all persons having claims against said estate are hereby required to present the same, together with proper vouchers therefore, to the undersigned either at his residence near Gaston, Oregon, or at the law office of Bagley & Hare in the American National Bank building in Hillsboro, Oregon, within six months from the date hereof.

Dated this 18th day of January, 1912.

W. E. Mays,
Administrator of the estate of Angus McLeod, deceased.

Bagley & Hare, Attorneys for Administrator.

Argus and Oregonian, $2.25.