AMENDMENTS TO CHARTER

(Continued From Preceding Page.)

sumed to have been regularly and legally taken until the contrary is shown.

Section 348. After the entry of a judgment in an action as herein provided for, the City Attorney shall cause to be filed in the office of the Auditor a certified copy of the verdict of said jury. The Council, at the expiration of the time limited for appeal, if no appeal be taken, or immediately after judgment is rendered, if an appeal be taken, shall by resolution direct the Auditor to enter in the Docket of City Liens the respective sums of benefits over damages so assessed as hereinbefore provided.

Section 349. Whenever the full amount of the assessment of benefits as entered in the Docket of City Liens is paid into the City Treasury, warrants shall be drawn on the Treasurer, payable out of the fund to be provided for that purpose, for the amount of excess damages, or excess of damages and costs assessed, and in favor of the owner or owners, or other persons in interest, and when said warrants therefor are drawn and ready for delivery to the parties entitled to the same, such property shall be deemed appropriated for the purpose of such street, and not otherwise; provided, that no process of any court shall issue to compel any appropriation for damages or the issuing of warrants for the same.

Section 350. And when said warrants are drawn and ready for delivery to the parties entitled to the same, the property required for public use as shown in the report of the City Engineer shall be deemed appropriated for the purpose of the street, and the Council shall by resolution declare such street to be opened, laid out, established or changed, and within thirty days after the adoption of said resolution the City Engineer shall file for record with the County Clerk of Multnomah County, a copy of said resolution, and an accurate plat of said street, and of the property so appropriated for public use. An appeal to the Supreme Court shall not stay the proceedings so as to prevent the city from taking such lands into possession and using them for street purposes.

RESOLUTION NO. 5610.

BE IT RESOLVED by the Council of the City of Portland, that there be and is hereby submitted to the legal voters of the City of Portland at a special city election to be held in said city on the 2nd day of November, 1912, for their adoption or rejection, an amendment to the Charter of the City of Portland, entitled, "An Act to amend Sections 347, 348, 349, as amended, and 350, and repealing Sections 351, 352, 353, 354, 355, 356, 357, 358, 359, 360 and 361 of the Charter of the City of Portland, entitled, 'An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith,' filed in the office of the Secretary of State January 23, 1903, providing for the manner of opening, laying out and establishing new streets, and changing existing streets by widening, altering or extending the same, in the City of Portland," and each elector who votes upon said amendment shall vote "Yes" or "No" in answer to the following question: "Shall the Charter of the City of Portland be amended to provide a new method of opening, extending or changing streets?"

ADOPTED BY THE COUNCIL AUG. 30, 1912.

A. L. BARBUR,
Auditor of the City of Portland.
By S. GRUTZE, Deputy.

BALLOT TITLE.

An Act to amend the Charter of the City of Portland respecting the manner of opening new streets and changing existing streets and providing that the City Engineer shall report the amounts of benefits and damages to be assessed or allowed, and in case remonstrance thereto is filed, the City Attorney shall condemn all property required and the jury shall determine the amounts of said benefits and damages.

Shall the Charter of the City of Portland be amended to provide a new method of opening, extending or changing streets?

130.....Yes.
131.....No.

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL.

AN ACT

To amend Chapter VII of the Charter of the City of Portland entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, as amended, by inserting in said Chapter VII a new section to be numbered consecutively, authorizing the sale of bonds in an amount not to exceed two hundred thousand ($200,000.00) dollars for the acquisition of land for, and the erection and maintenance of a Public Market in the City of Portland, Multnomah County, State of Oregon, and creating a commission to carry out the provisions of this act.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, AND THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

That Chapter VII of the Charter of the City of Portland, entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State January 23, 1903, as amended, be and the same is hereby amended by inserting in said Chapter VII the following section, which section shall be numbered consecutively:

"The Council of the City of Portland is hereby authorized in the name of and under the corporate seal of said city to issue and dispose of bonds of said City of Portland to an amount not exceeding two hundred thousand ($200,000.00) dollars, of such denomination as the Council may determine, and in such form as said Council shall select, with interest coupons attached thereto. The said bonds shall be signed by the Mayor and countersigned by the Auditor of said City of Portland, and each of said coupons shall have the signature of the Mayor and Auditor of the City of Portland engraved thereon, whereby the City of Portland shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of said bonds, at the expiration of thirty years from the date thereof, the sum named therein in gold coin of the United States of America, together with interest thereon in like coin at the rate of three and one-half per centum per annum, payable half yearly as provided in said coupons. The bonds issued in pursuance of the authority hereby granted shall be known as "Public Market Bonds of the City of Portland." The bonds herein provided for and authorized to be issued shall be advertised and sold to the highest responsible bidder. The Council may, in its discretion, reject any and all bids tendered for such bonds and proceed to readvertise the same when the bids are not satisfactory. The Treasurer of the City of Portland, Oregon, shall have the care and custody of all moneys received from the sale of said bonds, and of any and all sums received as revenue from the public market building herein provided for, which shall be credited to the Public Market Fund, and shall pay out the same on warrants of the Mayor, when recommended by the Commission hereinafter created, countersigned by the Auditor, and not otherwise.

The fund herein provided for shall be expended in the payment of the expense of the issuance and sale of said bonds and in the acquisition of land for a site for said Public Market, either in the direct purchase thereof or in pursuance of condemnation proceedings in the manner provided by the Statutes of the State of Oregon for the appropriation of land for corporate purposes, and for the construction, maintenance, operation and management of said Public Market.

There is hereby created the "Public Market Commission." Said Commission shall be composed of three members, one member of which shall be the Mayor of the City of Portland, who shall be the Chairman of said Commission, and the Auditor of said city shall be the clerk of said Commission. Said Commissioners shall serve without compensation and shall be appointed by the Mayor for a term of four years, and may be removed by the Mayor at any time; but on removing any member of the Commission the Mayor shall make a written report to the Council setting forth his reasons for such removal and the same shall be filed in the office of the Auditor. Upon the taking effect of this act, the Mayor shall immediately constitute the Public Market Commission by appointing two members, one of which shall serve for two years and the other for four years, subject to removal as above provided, and as these terms expire thereafter the Mayor in office shall appoint their successors. The members of said Commission shall, at the time of their appointment, have been residents of the City of Portland for at least five years.

The Commission shall have power and authority to make all necessary rules and regulations for its government.

In the construction of said Public Market the Commission shall proceed only after public notice asking for proposals based upon the plans and specifications selected by it; provided, however, that when, in the judgment of the Commission, the bids are excessive, or otherwise unsuitable, the Commission may proceed to do the work directly. The Commission shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding two hundred fifty ($250.00) dollars, except by advertising for bids therefor, or in case of failure to receive bids after reasonable notice, or in case of extreme emergency where the delay might cause loss or injury to the work. The Commission shall have authority to appoint, subject to the civil service rules of this Charter, a Market Master, and such other employes as may be necessary in the efficient and economical carrying out of its duties. The compensation of such Market Master and other employes shall be determined by the Council. The Commission shall have authority to fix the rates to be charged for rentals in said Public Market, and to enter into leases for the occupation of space therein for a period not exceeding three years.

The Commission shall annually make to the Council of the City of Portland a full report of its doings for the year, including an itemized account of its receipts and disbursements. Such report shall be made at the same time as reports of the other departments of the City are submitted."

ADOPTED BY THE COUNCIL AUG. 30, 1912.

A. L. BARBUR,
Auditor of the City of Portland.
By S. GRUTZE, Deputy.

BALLOT TITLE.

An Act to amend Chapter VII of the Charter by inserting a new section therein authorizing a bond issue of two hundred thousand dollars for the purpose of purchasing a site for, and the construction of a Public Market, and creating the Public Market Commission to manage and control said Public Market.

Shall Chapter VII of the Charter be amended by inserting a new section providing for the sale of two hundred thousand dollars in bonds for the construction of a Public Market?

182.....Yes.
183.....No.

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL.

AN ACT

To amend Section 112 of the Charter of the City of Portland entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, creating the Portland Public Service Commission, defining its powers and duties, providing for carrying into effect the provisions of this act, and repealing any provisions of the Charter in conflict therewith.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, AND THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

That Section 112 of the Charter of the City of Portland entitled, "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a Charter therefor, and to repeal all acts or parts of acts in conflict therewith," filed in the office of the Secretary of State, January 23, 1903, be and the same is hereby amended to read as follows:

"Section 112. There is hereby created a Public Service Commission consisting of three members.

(1) Said Commission shall be known as the "Portland Public Service Commission," and in that name may sue and be sued. The Commission shall have a seal with the words "Portland Public Service Commission" thereon, and such other design as it may prescribe.

(2) The word "Commission" as used in this section shall be construed to mean the Portland Public Service Commission, and the word "Commissioner" as used in this section shall be construed to mean a member of the Portland Public Service Commission.

(3) Each Commissioner shall be a citizen of the United States, of the State of Oregon, a taxpayer, and shall have been a resident of Portland for five years prior to the date when appointed or elected. If any Commissioner ceases to have any such qualification, his office shall become immediately vacant. Each Commissioner before entering upon the duties of his office shall execute a penal bond in the sum of $10,000.00 with sureties to be approved by the Mayor, payable to the City of Portland for the faithful discharge of his duties and office, which bond, when approved, shall be filed with the City Auditor.

(4) Within twenty days after this measure becomes effective the Mayor of the City of Portland shall appoint three Commissioners who shall constitute the Commission. The Commissioners so appointed shall hold office until July 1, 1913. At the regular city election to be held in June, 1913, there shall be elected by the legal voters of the City of Portland, three Commissioners, one for a term of two years, one for a term of four years, and one for a term of six years. At each biennial city election thereafter there shall be elected a Commissioner for a term of six years. Each Commissioner appointed or elected under the provisions of this section, shall hold office until his successor is appointed or elected and qualified. A Commissioner shall take office upon July 1st of the year of his election, or if such date is Sunday or a legal holiday, then upon the following day. Any vacancy occurring in the Commission shall be filled for the unexpired term by appointment by the Mayor of the City of Portland, subject to the approval and consent of the remaining Commissioners. If for a period of ninety days after vacancy occurs, no appointment is made and approved, as above provided, the Governor of Oregon shall fill such vacancy by appointment.

(5) A Commissioner shall be subject to recall by the legal voters of the City of Portland in such manner as is, or may be, provided by law for the recall of any municipal officers.

(6) The Commissioners shall be nominated and elected in accordance with the provisions of the city charter governing election of other city officers.

(7) No person appointed or elected to the office of Commissioner shall be, directly or indirectly, pecuniarily interested in any common carrier, street railroad corporation, gas company, electrical corporation, or in the business of any person or corporation subject to the provisions of this section, or in, or with any person or corporation, engaged elsewhere in a similar line of business. Any person so interested shall be disqualified to hold the office of Commissioner. If any such Commissioner shall voluntarily become so interested, his office shall become at once vacant. If he shall become so interested otherwise than voluntarily, he shall within ninety days divest himself of such interest, and failing to do so, his office shall become vacant.

(8) No Commissioner shall hold any other office or position of profit, or pursue any other business, or vocation, or serve on, or under any committee of any political party. He shall devote his entire time to the duties of his office.

(9) Before entering upon the discharge of his duties, each Commissioner shall take and subscribe an oath or affirmation to support the Constitution of the United States, and of the State of Oregon, to faithfully and honestly discharge the duties of Commissioner; that he is not directly or indirectly, pecuniarily interested in any common carrier, street railroad corporation, gas company, electrical corporation, or in the business of any person or corporation subject to the provisions of this section, or in, or with, any person, or corporation, engaged in like business elsewhere; that he does not own directly or indirectly, and is not pecuniarily interested in stocks, bonds, securities, earnings or contracts of any such person, or corporation; that he holds no other office or position of profit, and is not connected with any committee of any political party or organization. Each Commissioner shall receive an annual salary of five thousand ($5,000.00) dollars, payable monthly out of the city treasury, as the salaries of other municipal officers are paid.

(10) The Commissioners first appointed under this act shall, within thirty days after their appointment, organize by electing one of their number chairman, who shall serve two years, or until his successor shall have been elected. Biennially thereafter the Commission shall elect a chairman.

(11) A majority of the Commission shall constitute a quorum to transact business. The act, order or decision of a majority of the Commissioners shall be, and be deemed, the act of the Commission. No vacancy shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

(12) The office of the Commission shall be open for the transaction of business and the receiving, filing and hearing of complaints between the hours of eight o'clock a. m. and six o'clock p. m. except Sundays, and at all other times designated by the Commission. The Commission shall hold regular meetings at least once each day, except Sundays and legal holidays, at its office in the City of Portland. The time for holding such meetings shall be fixed and established by rules of the Commission.

(13) The office of the Commission shall be in the City of Portland. Suitable rooms for the use of the Commission shall be provided in the City Hall, or some other convenient place, by the Council of the City of Portland, and at the expense of the said city. The offices of the Commission shall be supplied, at the expense of the city, with all necessary furniture, books, maps, charts, stationery, telephone and telegraph connections and all other necessary equipment and supplies.

(14) It shall be the duty of the City Attorney to represent and appear for the Commission whenever required by the Commission so to do, in all actions and proceedings whatsoever, and to advise the Commission, or any Commissioner, when requested, in regard to any matter in connection with the powers and duties of the Commission, or Commissioners, or arising under the provisions of this section or otherwise, and he shall receive such additional compensation for such services as shall be determined by the Commission. It shall be the duty of the City Engineer to render such advice, service and assistance as may be required by the Commission.

(15) The Commission shall appoint some suitable person Secretary of the Commission and shall fix his compensation. Such person must be a citizen of the United States and the State of Oregon, and a resident of the City of Portland, and before entering upon the office of secretary shall take an oath similar to that prescribed for the Commission. Such secretary shall keep full and correct records of all transactions and proceedings of the Commission and shall perform such other duties as may be required by the Commission.

(16) The Commission shall have power and authority to employ such clerks, inspectors, experts, and other assistants as it may deem necessary to carry out the provisions of this act, and to prescribe their duties. Persons so employed shall receive the compensation fixed by the Commission, and such compensation, when audited and approved by the Commission, shall be paid monthly, or at such other intervals as may be fixed by the Commission, by the City Treasurer out of the general funds of the city. The Commission shall have power and authority to incur such other expenses and disbursements as it may in its discretion deem necessary in the discharge of its duties, and in carrying into effect the purposes of this amendment. All such expenses and disbursements shall, when audited and approved by the Commission, be forthwith paid by the City Treasurer out of the general fund of the City of Portland. The Commissioners, and the several persons employed by the Commission at any time, and in addition to such compensation as is provided by law, or as shall be fixed by the Commission, shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements incurred, or made, by them in the discharge of their several duties.

(17) It shall be unlawful for any Commissioner, or any person employed by the Commission, while so employed, to solicit, suggest, recommend, or request, directly or indirectly, to any person or corporation, subject to the provisions of this section, or to any officer, attorney, agent or employe thereof, the appointment of any person to office, place, position or employment with any person, or corporation, subject to the provisions of this section. It shall be unlawful for any officer, attorney, agent or employe of any person, or corporation, subject to the provisions of this section, to offer to any Commissioner, or to any person employed by the Commission, while so employed, any place, office, appointment or position, or any free pass, transportation, or preferment, or any discrimination, rebate in price, present, gift, or gratuity, either in services or otherwise, of any kind whatsoever, which is not afforded to, and to which the public generally is not entitled.

(18) All hearings before the Commission, or a Commissioner, shall be public. In all investigations, inquiries, or hearings, the Commission, or Commissioner, shall not be necessarily bound by the technical rules of evidence. No person shall be excused from testifying, or from producing any book, paper, record or document, in any investigation, inquiry, or hearing by, or before the Commission, or a Commissioner, upon the ground that the testimony, evidence, book, paper, record or document required of him may tend to incriminate him, or subject him to any penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture, for, or on account of any act, transaction, matter or thing concerning which he shall, under oath, or affirmation, have testified, or concerning which, under the order of the Commission, or a Commissioner, or subpoena, he shall have produced any documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution, or punishment, for any perjury committed by him in his testimony. Nothing herein contained is intended to or shall be construed to in any manner give immunity to any corporation.

(19) The Commission shall have authority to issue subpoenas to witnesses whose attendance is required before the Commission, or a Commissioner. Each Commissioner, and the secretary of the Commission, shall have power to administer oaths. Subpoenas shall be signed and issued by the Commission, or by the Secretary of the Commission, and may be served by any person of legal age. Subpoenas may be issued by the Commission, or by a Commissioner or the Secretary in the manner above stated whenever a Commissioner, or the Commission shall require the attendance of any witness at any investigation, hearing, inquiry or trial. Any interested person shall have the right to apply for the issue of subpoenas requiring the attendance of witnesses before the Commission, or a Commissioner, upon any investigation, inquiry, hearing or trial. The fees of witnesses required to attend by the Commission, or a Commissioner, upon subpoenas issued other than upon the application of an interested party, shall be two dollars for each day's attendance and five cents for every mile of travel by the nearest generally traveled route in going to and from the place where the attendance of the witness is required, such fees to be paid when the witness is excused from further attendance, by the City Treasurer upon the order and approval of the Commission, or a Commissioner. The fees and mileage of witnesses required to attend before the Commission, or any Commissioner, by subpoenas issued upon the application of any interested party, shall be the same, and payable in the same manner as witnesses subpoenaed in civil actions of the Circuit Court of the State of Oregon for the County of Multnomah.

(20) If any person subpoenaed within the City of Portland to attend before the Commission, or a Commissioner, fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Commission, or a Commissioner shall, without reasonable cause, refuse to be sworn or to be examined, or to answer a question or to produce any book, paper, record or document when ordered so to do by the Commission, or a Commissioner, or to subscribe to his deposition after it has been correctly reduced to writing, he shall be guilty of an offense and punished as hereafter defined and prescribed.

(21) If any person in attendance before the Commission, or a Commissioner, shall refuse, without reasonable cause, to be examined, or to answer a legal and pertinent question put to him, or produce any book, paper, document or record when ordered so to do by the Commission, or a Commissioner, the Commission, or a Commissioner may apply to the Judge of the Municipal Court, upon proof by affidavit of the facts, for an order returnable in not less than two, nor more than ten days, directing such person to show cause for such refusal before said judge, or any other judge of said court. Upon the return of such order, the judge before whom the matter shall come on for hearing shall examine, under oath, such person whose testimony may be relevant, and shall examine into such other facts and matters as may be pertinent, and the person so ordered to show cause, shall be given a full opportunity to be heard and if the said judge shall determine that such person has refused, without reasonable cause, or lawful excuse, to be examined, or to answer legal and pertinent questions, or to produce any book, paper, document or record which he was so ordered to bring, or produce, such judge may forthwith by warrant commit such person to the city jail for a period not exceeding six months, or such person may be punished by a fine not exceeding three hundred dollars, or by both such imprisonment and fine.

(22) The proceedings of the Commission, and all documents and records in its possession, or placed on file, shall be public records, and the Commission shall make and file with the City Auditor of the City of Portland, an annual report on or before the second Monday in December of each year, which shall contain copies of orders issued by it and any information in the possession of the Commission which it shall deem of value to the Mayor and Council and the people of the City of Portland. At least one thousand copies of such report, together with abstracts prepared under the supervision of the Commission, or reports to the Commission of persons and corporations subject to the provisions of this section, shall be printed as a public document by the City Auditor, for the use of the Commissioners and to be distributed by them in their discretion to the persons and corporations subject to the provisions hereof, and other persons interested. At least one hundred copies so printed shall be delivered to the City Auditor for the use of the city officers, boards and bodies and for distribution by the City Auditor in his discretion.

(23) Copies of all papers, records, documents and orders filed or deposited according to law in the office of the Commission, and all evidence taken and reduced to writing upon any hearing, certified by a Commissioner, or by the secretary of the Commission, to be true copies of the original shall be admitted in evidence in any court or controversy in like manner and with the same effect as the original.

(24) The Commission shall charge and collect the following fees, which shall be paid monthly, or at more frequent intervals, to the City Treasurer of the City of Portland: For copies of all papers and records not required to be certified or otherwise authenticated by the Commission, ten cents for each folio of one hundred words; for certified copies of all papers, records and official documents and orders, fifteen cents for each folio of one hundred words, and fifty cents for each certificate under the official seal of the Commission; for certified copies of evidence and proceedings before the Commission, ten cents for each folio of one hundred words. No fee shall be charged or collected for copies of papers, records, evidence, proceedings or documents, furnished to public officers for use in their official capacity, or for the annual reports of the Commission in the ordinary course of distribution.

(25) The Commission shall adopt, compile and publish rules of order to govern its proceedings and amend the same at will, and by rules, orders or in other appropriate manner, to regulate the mode and manner of all investigations and hearings. Any person may appear before the Commission and be heard personally, or by attorney or agent.

(26) A substantial compliance with the provisions of this section shall be sufficient to give effect to all the orders, acts, rules and regulations of the Commission, and any omission of a technical nature in respect thereto shall be disregarded. The provisions of this section shall be liberally construed with a view to serving the public welfare, securing adequate and efficient service to the public at reasonable compensation by the persons and corporations subject to the provisions hereof, and doing substantial justice between the public and the persons and corporations engaged in a public service and subject to the provisions of this section.

(27) The rights, duties and liabilities herein defined, fixed and imposed, are cumulative to those at common law, and to those provided by the Constitution of the State, of the United States, or other provisions of law not in conflict herewith.

(28) Any investigation, inquiry or hearing which the Commission has power, or authority, to undertake, or to hold may be undertaken or held by, or before, any one or more of the Commissioners. Such investigation, inquiry or hearing, shall be held at such place or places, as the Commission, or Commissioner holding or conducting the same shall deem most convenient. Any investigation, inquiry or hearing by, or before any Commissioner, or Commissioners shall be, and shall be deemed the investigation, inquiry or hearing of the Commission, and every act, decision or order made by the Commissioner or Commissioners when approved and confirmed by the Commission, shall be and the same shall be deemed to be the act, order or decision of the Commission.

(29) All rates, fares, charges, regulations, practices and service prescribed by the Commission by order, or in other appropriate manner, and all orders made by the Commission touching any of such matters, and all orders of the Commission within the scope of the powers conferred upon the Commission, touching any of such matters, or any matter whatsoever, shall be prima facie lawful and reasonable, and in full force and effect until finally found otherwise, in proceedings brought for that purpose in the manner hereinafter specified.

(30) Any person or corporation interested in, or affected by, any order of the Commission, being dissatisfied therewith, may as plaintiff, commence a suit in the Circuit Court of the State of Oregon for the County of Multnomah against the Commission as defendant, to vacate and set aside any such order on the ground that the same is unlawful, or unreasonable. Such suit shall be commenced and conducted in the same manner as an ordinary civil suit, except as herein otherwise provided, and service upon the Commission shall be by service upon the Chairman or Secretary thereof. The Commission shall serve and file its answer to such complaint within twenty days after service of summons upon it. The plaintiff shall reply within five days, whereupon said suit shall be at issue and may be brought on for trial, by either party, upon ten days' notice to the other. As many persons and corporations subject to the provisions hereof as may be similarly interested in, or affected by an order, may join as plaintiffs.

(31) Upon the trial of any suit brought by any person or corporation to vacate or set aside the order of the Commission, as unlawful or unreasonable, all of the evidence taken by or before the Commission or any Commissioner, including all exhibits upon which such order was based, when certified under the seal of the Commission, shall be admissible and received in evidence in the Circuit Court. If other evidence is introduced by the plaintiff, which is substantially different from that offered upon the hearing before the Commission, or Commissioner, or is additional to that so offered, the Circuit Court, before proceeding to render judgment, shall transmit a copy of such different, or additional evidence to the Commission and stay the proceedings in the cause for a period not exceeding twenty days from the date of such transmission unless the parties to such suit stipulate in writing to the contrary. The Commission shall consider the evidence so transmitted and may, in its discretion, alter, amend or rescind the order which is the subject matter of litigation, and in any event, shall report its action thereon to the court within ten days from the receipt of such evidence. If the Commission shall rescind the order complained of, the suit shall be dismissed. If it shall alter or amend the same, such order so altered or amended, shall take the place of the original order so complained of and judgment or decree rendered thereon as though rendered by the Commission in the first instance. If the original order be not rescinded by the Commission, judgment shall be rendered upon the original order.

(32) Whenever any person or corporation subject to the provisions of this section shall violate or refuse, or neglect to obey, or perform, any lawful order, or requirement of the Commission not founded upon any controversy requiring trial by jury under the Constitution of the State of Oregon, the Commission, or any person or corporation interested in any such order or requirement may apply in a summary way by petition to the Circuit Court of the State of Oregon for the County of Multnomah, sitting in equity, setting forth such order and the violation, or disobedience complained of. The court shall have power to hear and determine the matter upon such notice to the person, or corporation complained of as the court may deem reasonable, not in any case being less than five days. Such notice shall be served in such a manner as the Court shall direct, and upon any person, officer or agent, as might be served in any ordinary civil action. The court shall proceed to hear and determine the matter speedily. The court may require issue to be joined in proper pleadings, defining the issues, disregarding technical forms. The court shall have power to take evidence and to direct and prosecute by such mode and by such persons as it may appoint such inquiries as the court may deem needful in order to form a just judgment in the premises. Upon any such hearing, any findings of fact in the report of the Commission shall be prima facie evidence of the matter therein stated, and the order of the Commission shall be prima facie lawful and reasonable. If it shall appear to the court on such hearing that a lawful order, or requirement, of the Commission in controversy has been violated, or disobeyed, it shall be lawful and shall be the duty of the court to issue such writ of mandamus, writ of injunction, or other process enjoining obedience to such order, and restraining and enjoining further violation, or disobedience thereof. Obedience to a writ, order or process of the court may be enforced by attachment, contempt proceedings, or other appropriate manner. In the case of a corporation, the disobedience, or violation, of any order of the Commission, or any writ, order, or process of the court shall be taken and deemed as well the violation and disobedience of the executive and managing officer, or either thereof, and of the directors resident in the State of Oregon, and of every officer or agent who aids, abets, counsels, or assists in such violation, or disobedience. If the matters involved in any such order or requirement of the Commission are founded upon a controversy requiring a trial by jury, it shall be lawful for the Commission, or any person, company or corporation interested in any such order, or requirement, to apply in a summary way by petition to the Circuit Court of the State of Oregon for the County of Multnomah, alleging such order and the violation, or disobedience thereof complained of. The court shall forthwith by its order, fix a time and place for the trial of such cause, which shall not be less than ten, nor more than forty days from the time such order is made. A copy of such petition, and the order of the court aforesaid, shall be forthwith served by the Sheriff of Multnomah County, Oregon, upon the person or corporation complained of. The petitioner shall be known as the plaintiff, and the person, or corporation, complained of shall be known as the defendant. Service of such petition and order shall be made in the same manner as service is now made in an ordinary civil action. The defendant shall file its answer to such petition within ten days from the date of service. The plaintiff shall reply, if it is desired to traverse any of the allegations of the answer. No other pleadings shall be had. The parties may waive trial by jury in the same manner as trial by jury is now waived by the statutes of the State of Oregon and the rules of the Circuit Court of the State of Oregon for Multnomah County. Upon the issues made by the aforesaid pleadings, the cause shall be heard and disposed of as an action at law. Upon the trial, the findings of fact of the Commission as set forth in its report, or order, or both, may be given in evidence and shall be prima facie evidence of the matters therein stated, and the order or requirement of the Commission in controversy shall be prima facie lawful, just and reasonable. The judgment of the court may be enforced in the same manner as is provided for the enforcement of decrees in previous provisions of this subdivision. In any case, whether the controversy be triable by jury, or by the court, the Circuit Court may, in its discretion, allow to the complaining party, including the Commission, in addition to the costs and disbursements of the proceedings taxable in an ordinary civil case, a reasonable attorney's fees which shall be taxed and collected as a part of the costs of the case, and in allowing such attorney's fee, the court shall take into consideration the nature of the controversy, and the character and amount of professional services performed by the attorney, or attorneys, for the complaining party. All costs, disbursements and attorney's fees collected by the Commission shall be paid as other fees into the City Treasury.

(33) Either party to any suit, action or proceeding authorized by the provisions of this section, may appeal to the Supreme Court of the State of Oregon from any judgment, or decree, of the Circuit Court within sixty days after the entry of such judgment or decree. No appeal to the Supreme Court shall stay the operation of any order, or requirement of the Commission unless the Circuit Court of the State of Oregon for Multnomah County shall so order upon hearing in the same manner as that required upon application for injunction, or unless ordered by the Supreme Court, and in either case, the person, or corporation, so appealing and desiring to stay the operation of any such order, shall give a bond with like conditions and terms as that required to be given upon the granting of an injunction.

(34) In all suits, actions and proceedings in the courts arising under the provisions of this section, the practice, procedure and the rules of evidence shall be the same as in civil actions, except as otherwise provided herein, and orders, writs, and other processes shall be served and executed in the same manner as in an ordinary civil action, except as herein otherwise provided. The provisions of this section with respect to civil proceedings for the enforcement of any order, or requirement, of the Commission, or with respect to any civil remedy or proceeding, legal or equitable, authorized, or provided, by this section are, and shall be construed to be in addition to any and all penal provisions of this section whether designed to secure the same ends, or otherwise; that is to say, the civil remedies and the penal provisions are each cumulative to the other and do not, and are not intended to impair or exclude the other.

(35) The word "corporation" when used in this section includes every corporation, company, association, or joint stock company other than an individual or co-partnership. The word "person" when used in this section, includes an individual or copartnership.

(36) Every person or corporation, their lessees, trustees, or their receivers appointed by any court whatsoever are, and shall be deemed to be engaged in a public service within the City of Portland who carry on, conduct, maintain, control, manage or operate in said city.

(a) Any street railroad. The term "street railroad" as herein used includes every railroad by whatever power operated, and any extensions and branches thereof engaged in the street railroad business, in the conveyance of persons or property for compensation and operated mainly upon, along, above or below any street, avenue, road, highway, bridge or other public place, including any public waters, and all switches, spurs, tracks, rights of trackage, tunnels, stations, terminals, facilities, appliances and equipment of every kind, used or operated by or in connection with any such street railroad.

(b) Any plant, property, system, tunnels, tubes, pipes, ducts, appliances or equipment of whatsoever nature for manufacturing for sale or distribution, distributing, or selling for distribution, any gas, natural or manufactured, to the public for light, heat or fuel.

(c) Any plant, property or equipment whatsoever for generating and distributing, or distributing or generating to sell for distribution, or selling for distribution, electricity, or electric current, to the public for light, heat or power, or for the transmission of electric current for any such purpose.

(d) Any telephone plant, telephone exchange, system or equipment whatsoever, operated for public use for hire in the transmission of messages or telephone service between points or patrons within the city.

(e) Any plant, property, system or equipment whatsoever for the carrying on of telegraphic business for hire in the transmission of messages or service to and fro in said city.

(f) Any plant, system, property or equipment whatsoever other than that owned and controlled or operated by the City of Portland for the sale and distribution, or sale, or distribution of water to the public for hire.

(37) No person, or corporation, engaged in a public service within the City of Portland as hereinbefore defined, shall directly or indirectly, or by any special rate, rebate, drawback or other device, or method whatsoever, charge, demand, collect or receive from any person or corporation whatsoever a greater or less compensation for any service rendered, or to be rendered, than such person or corporation charges, demands, collects or receives from any other person or corporation, for a like service, except as specially authorized by law, or by order of the Commission.

(38) Every charge, rate, fare or compensation made, charged or demanded by any person or corporation, engaged in a public service within the City of Portland, for any service rendered, or to be rendered shall be just, fair and reasonable, except as otherwise specially authorized by law, or by order of the Commission, and every unjust, unfair, or unreasonable rate, charge, rate or compensation is hereby declared unlawful and is prohibited.

(39) Every person and corporation engaged in a public service within the City of Portland shall, at all times, maintain, operate and furnish with respect thereto such property, service, facilities, additions, equipment, improvements, and extensions as shall at all times be safe, adequate, just and reasonable.

(40) The Commission shall have general supervision and control of all persons and corporations engaged in a public service within the City of Portland, and such additional powers as are within this section enumerated.

(41) The Commission shall have power, and it shall be its duty (a) to investigate and ascertain from time to time, and as often as the public service, health or welfare shall require, the quality of gas manufactured, sold, distributed, offered for sale, or supplied to the public within the City of Portland, examine the methods employed in manufacturing, selling or supplying such gas, and for transmitting or distributing the same; and to order such changes, improvements, extensions, additional facilities, appliances or equipment as may be necessary or desirable to promote the public interest, convenience or welfare and to protect those using such gas, or those employed in the manufacture, sale or distribution thereof, or in the maintenance or operation of the works, lines, conduits, plant, equipment, or system in connection therewith; and to fix the standard of the illuminating power and purity of gas to be manufactured, sold, offered for sale, or distributed within the City of Portland, for lighting, heating or fuel purposes, and to make such orders, requirements and regulations touching the quality, purity, illuminating power, and the manner of manufacturing, selling and distributing such gas, and the delivery and measurement thereof as shall best promote the public interest.

(b) The Commission shall have power to investigate and ascertain and examine into, from time to time, and as often as the public welfare requires, the methods employed by any person or corporation engaged within the City of Portland in generating, manufacturing, distributing, selling or transmitting electric current for light, heat or power; to fix the efficiency of all lamps or lights, incandescent or arc, or other kinds, furnished by, or supplied with electric current by any such person or corporation for the lighting of residences, places of business, or other places within the City of Portland; to order such improvements, extensions, or additional facilities, appliances or equipment to be maintained, furnished, supplied and operated by such person or corporation, as will best promote the public interest, convenience and welfare, and protect those using such electric current, and those employed in the generation, sale or distribution thereof, or in the maintenance or operation of the works, wires, poles, lines, or any other property, equipment or appliances in connection therewith; to fix and prescribe appropriate and uniform methods and regulations for supplying, measuring and distributing such electric current.

(c) The Commission shall have power to investigate and examine into, from time to time, and as often as the public service safety or welfare, shall require, the methods employed by any person or corporation, operating a street railroad within the City of Portland, in the carrying of freight, passengers, express or other traffic for hire; to order all such improvements, extensions, appliances, equipment and additional facilities whatsoever to be maintained, furnished, supplied and operated by any such person or corporation as will best promote the public interest, convenience and safety of those employed in the maintenance, construction or operation of any such street railroad; to require any such person or corporation to reasonably heat and light all passenger cars operated and to afford reasonable, proper and equal facilities for the interchange of traffic between all connecting or intersecting lines of street railroad, whether operated by such person or corporation or any other person or corporation in the City of Portland.

(d) To investigate and examine into, from time to time, and as often as the Commission shall deem it necessary, the methods employed by and the plants, systems, equipment and facilities of any person or corporation operating a telephone system, or telephone lines or telegraph system, lines or business within the City of Portland; to order and require all improvements, extensions, appliances, equipment or additional facilities to be furnished, maintained, supplied and operated by any such person or corporation as the public interest, convenience or welfare may reasonably require, or as may be necessary or desirable to reasonably protect those employed in the construction, maintenance or operation of any such plant, system or line; to require connections with and the interchange of service and traffic upon reasonable rates or terms with any other person or corporation engaged in like business within the City of Portland.

(e) To investigate and examine into, from time to time, and as often as the Commission may deem it necessary for the public health, the methods employed by any person or corporation engaged in the sale or distribution of water to the public within the City of Portland; to examine into the sources of the water supply and into the purity of the water sold or distributed, or to be sold or distributed; to forbid the sale or distribution of impure or unwholesome water and require such additional improvements, extensions, facilities or equipment to be maintained, furnished, supplied and operated by any such person or corporation as will best promote the public convenience and welfare.

(f) To order and require any person or corporation engaged in a public service within the City of Portland to so maintain, control, manage and operate its plant, property and equipment, and to make such improvements, extensions and additions to property, appliances and facilities as will promote the public interest, welfare and convenience. To order and require all such persons and corporations to at all times maintain, furnish, render, provide and operate such service, property, facilities and equipment of every nature as shall be safe, adequate, just and reasonable.

(42) The Commission shall have power to inquire into the management of the business of any person or corporation engaged in a public service within the City of Portland, and shall keep itself informed as to the manner and method in which the same is conducted and shall have the right to obtain from any person or corporation all necessary information to enable the Commission to perform the duties and carry out the objects for which it was created. The Commission upon its own motion, or upon the complaint of any person or corporation, including the City of Portland through its Mayor or Council, may examine into and investigate the business and methods of any person or corporation engaged in a public service within the City of Portland, and to that end shall have access to the several Commissioners of any person employed or authorized by the Commission or by any Commissioner to make such examination, and the Commission