

Rogue River Courier

WEEKLY EDITION

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GRANTS PASS JOSEPHINE COUNTY, OREGON. FRIDAY, SEPTEMBER 5, 1913.

NO. 21.

FOUR INDICTED BY GRAND JURY

BODY COMPLETES WORK AND
MAKES FINAL REPORT.

RETURNS 3 NOT TRUE BILLS

Indict One for Perjury, One for Burglary and Another for Black-mailing Resident of Hugo.

The Josephine county grand jury, which has just adjourned, turned in true bills against Chas. and Everett Hogue, the former on a charge of perjury and the latter on a charge of inciting perjury. Bail was placed at \$500 each, which will be supplied, and their case will be brought at the regular September term of court, which convenes on Monday.

A true bill was brought against Lewis Humphrey on a charge of burglary, to which he plead guilty. Bail was placed at \$500 and in the absence of that amount he will remain in the county jail awaiting trial next week.

A true bill was also brought against Geo. McCormack of Hugo on a charge of Blackmail.

Judge Calkins was in the city the fore part of the week finishing the business of the adjourned April term, consisting of a number of equity cases.

In the Circuit Court of the State of Oregon, for Josephine County, To Hon. F. M. Calkins, Circuit Judge We, your grand jury, met in adjourned session on the 2nd day of September, and have inquired into all cases brought to our attention, and have returned into court four true bills and three not true bills.

Having examined the county home and different county offices at our last session, and having found the same in satisfactory condition we did not deem it necessary to make further examination at this time.

Having completed all work before we make this, our final report. Dated at Grants Pass, Oregon, September 3, 1913.

A. J. KLOCKER, Foreman.
H. F. YOUNG,
M. JORDAN,
C. E. WOODFOLK,
N. SNOW,
W. R. WHIPPLE,
W. H. POLLOCK.

ALMEDA MINING CO. INSTALLS MOTOR TRUCK

(From Tuesday's Daily.)

E. N. Howe, of the White company, manufacturers of motor cars and motor trucks is in the city today, coming from Merlin to Grants Pass, especially, he says, to make favorable comment of the good condition of the Josephine county roads. He spoke enthusiastically of the engineering skill and the road work.

Mr. Howe came to Merlin to put in commission a 5-ton motor truck which will be unloaded Wednesday morning for use for hauling for the Almeda mine, taking coke to the mine and copper matte or ore from the mine to the railroad at Merlin. For the present but one round trip a day will be made. It is the intention of the receiver of the Almeda to add more trucks as the necessities require or as the output will admit.

Mr. Howe was accompanied by Mrs. Howe, Mrs. E. W. Hill, wife of the manager of the White company, and Miss Wilmore, and they have had a most pleasant trip throughout. They will probably drive out to Selma before returning to Portland.

Miss Helen Hershey of San Diego stopped off in Grants Pass Wednesday night to visit Miss Ruth Young. Miss Hershey is on her way to Kansas City.

ROGUE VALLEY BUTTER IS NOW ON MARKET

Rogue Valley Creamery butter is now for sale in the local market, the big churn at the factory having commenced the working out of its destiny Thursday of last week, when the first cream collected on that day, amounting to 800 pounds, released 350 pounds of the golden nuggets. This collection of cream for the first day was considered satisfactory, although all the route that it is proposed to cover was not gotten over. The farmers along the routes are taking a lively interest in the establishment of the creamery, and now that it is ready to take their cream they promise to add to their herds.

The first churning was taken out of the churn at about six o'clock, thirty minutes being required to "bring" the butter. A good many visitors witnessed the first operation of the new enterprise, and all were full of praise and commendation for the efficient manner in which the creamery was conducted, especially the cleanliness demanded in every operation in the butter-making process, and the care exercised by Manager Bates and his white robed assistants. Mr. Weissenfluh, the buttermaker, showed that he was not a novice, and the many who tasted the first product of the creamery pronounced it of the best possible quality.

The butter was done up in one and two pound bricks, and these were then packed in boxes containing fifty pounds each. The butter wrappers are attractive, a view taken of the Leonard Orchard Co.'s dairy herd being engraved on one side of the wrapper. This view shows a dozen of the thoroughbred Holsteins recently brought here from Wisconsin grazing on the flat floor of the valley on the old Penn-Oregon ranch, with the Rogue hills for a background. Surrounding the view are the words "Rogue Valley Creamery Butter."

The butter will be sold only at wholesale, but it is expected that every store in town will carry it for the retail trade.

BROOM CORN CROP IS IN FINE CONDITION

W. T. Miller, of the Ashland broom factory, was in the city Saturday looking after his trade, and inspecting the crop of broom corn that is growing in this vicinity. Thirty-four acres of the product are being raised by local farmers this season under contract with Mr. Miller, and he was enthusiastic over its condition and quality. He said the yield was the very best, and samples he had showed it to be of extraordinarily long and tough fibre. The harvest of the crop will not be on here for some days yet, the planting having been delayed till late, and Mr. Miller will bring his baling machine here to prepare the broom for shipment as soon as it is ready to cut.

Those who have grown the crop this season are Roy Lathrop, 14 acres; G. S. Eaton, 10 acres, and H. T. Pritchard and W. W. Canby, 5 acres each.

WATERSPOUT SINKS S. S. NEBRASKA LAUNCH.

Newport News, Va., Sept. 3.—Three petty officers and five sailors of the battleship Nebraska were drowned today by a waterspout when a hurricane swept Hampton Roads. The men were in a launch on their way to shore when the boat was struck by the water spout and instantly sank.

The Nebraska was anchored off Fortress Monroe when the hurricane struck. The storm damaged the wireless station and as rough seas prevented small boats going out to the warship, the names of the dead have not been learned.

It is reported here that the Old Dominion side-wheel steamer Mobjeck sank in the storm near the mouth of the York river but this has not been confirmed. The Mobjeck carried a crew of eight and is reported to have also had some passengers on board. The wind caused great damage throughout all this section of the state.

NEW ELECTION TO VALIDATE BONDS

SUPREME COURT DECIDES CASE
AGAINST CITY.

MUST AMEND THE CHARTER

Decree Was Based on Provision
Which Prohibited Bonding for
Work Outside Municipality.

A new election will be required to validate the Grants Pass bond issue of \$200,000 voted last December for the purpose of constructing a railroad to the Applegate valley. This was made certain today when the state supreme court reversed the lower court, and held that the issue was not regular, and that the charter would have to be amended to make it so.

The decision was based on the city charter when the court holds forbids bonding to build a railroad outside the city limits, but it is held that under the law passed by the last session of the legislature the city can amend its charter and by holding a new election vote bonds that are valid.

Chairman Gilkey of the Public Utilities Commission, stated this afternoon that it was evident to him from the wording of the bulletins received from Salem that the defects were not serious and that the only effect of the adverse decision of the supreme court would be to delay the work on the municipally owned portion of the railroad. He said that the commission would be called together this evening or Wednesday morning, and action taken to remedy the defect at the earliest possible moment.

At the time of the voting of the bonding last December there were many who questioned the legality of the point upon which the supreme court has decided against the city, though others considered that the action of the legislature in passing the bill last February permitting cities to bond for building railroads outside the city limits would cure the defect. It is evident, however, that the court based its decision upon the city's charter, and that before the bonds can be legalized the charter must be amended by vote of the people, and a new vote taken upon the bonding proposition. It is believed that this can be done at a single election, and that the election can be had thirty days after it is called by the city council. Chairman Gilkey said that he had not investigated this phase of the question, but that he thought not more than 60 days would be required to remedy the defects and make the bond issue available.

The decision of the court was rendered this afternoon, and the bulletin to the Courier announcing the fact read as follows:

Salem, Sept. 2.—The supreme court today handed down but one opinion, and that was as to the legality of the issuing of bonds by the city of Grants Pass, for the construction of a railroad. The court reversed the lower court, and held the city had no right to issue the bonds.

The decision was based on the charter which forbids bonding to do work outside the city limits. Under the law of 1913 the city can amend the charter and then vote bonds.

Salem, Or., Sept. 2.—The state supreme court today, in the suit of S. H. Riggs against the City of Grants

Pass, in an opinion rendered by Justice Eakin, held that the defendant could not issue bonds with which to build a steam railroad outside the city. Last December the city voted to issue \$200,000 bonds for building a railroad to connect with another having its terminus in Crescent City, Cal. Mr. Riggs, a property owner, filed suit to enjoin the issuing of the bonds, and the city was sustained by the Circuit Court. In reversing the opinion the supreme court holds that under the old law a municipality cannot issue bonds with which to do work outside of its limits. It is held that before doing such work a municipality would have to obtain permission through the passage of bills by the legislature.

A bill was passed at the last session of the legislature which gives municipalities the right to issue bonds for work outside of the cities, and Justice Eakin said tonight that Grants Pass, if the people so willed under the new law, could amend its charter so as to make the \$200,000 bond issue legal. The bond election in December was held under the old law.

The opinion calls attention to two similar cases, the most important being the Tillamook port suit, which was decided against the city.

The charter of Grants Pass provides that \$50,000 should be the maximum bond issue, and the court held that the residents could now amend the charter so as to provide for the proposed \$200,000 issue.

The opinion in part follows:

This is a suit to restrain the City of Grants Pass from issuing and selling bonds of the city and from expending any money or incurring debts to purchase right of way or building, owning or operating a railroad either within or without the city. An amendment to the city charter, known as section 93 A, provides the common council shall have authority and power and is hereby granted authority and power to incur indebtedness and pledge the credit of the city for the sum of \$200,000, in addition to other indebtedness of the city now outstanding for general municipal purposes in building bridges, roads or electric or steam roads or tramways within or without the City of Grants Pass, in Josephine County, Oregon; to buy and hold real estate for municipal purposes.

An ordinance passed by the city provided for the issuing of these bonds. The questions considered by the court are:

The power of the city to amend its charter authorizing the council to bond the city to the amount of \$200,000 for the purpose of building a railroad to a neighboring city for profit and whether the act of the legislature of February 27, 1913, authorizing incorporated cities to build, own and operate railroads, operated to give validity to said charter amendment. The court holds:

A municipality cannot amend its charter to confer itself power or authority beyond what is properly municipal or governmental. The power of the legislature is unlimited when not restricted by the constitution, but such power does not extend to a city except as granted by the state. Section 2, or section 1 A, article 4, of the constitution does not confer such power. The rights there given are municipal. The effect of adding section 93 A to the charter was an attempt to ignore the state authority and to assume sovereign rights. Furthermore, such an amendment was only an attempt to enlarge the powers of a city in addition to those conferred in section 93 and not an attempt to legislate.

We cannot recognize the attempted charter amendment as it was beyond the power of the city to assume to itself sovereign power that rests exclusively in the state. Defendants insist that the legislative act of 1913 gives validity to the charter amendment of December, 1912, but it can have no retrospective effect. It does not operate as an amendment of the city charter, but charters may be amended to take advantage of powers granted.

The attempted amendment of the charter was unauthorized when adopted and the legislative acts could give it no validity. Neither it

WANT THE COUNTY ROADS IMPROVED

LOCAL ASSOCIATION MAKES
PLEA TO COMMISSIONERS.

FOR HIGHWAY TO FRISCO

Good Roads Boosters Would Turn
Tourist Travel Over the Cres-
cent City-Coast Route.

The executive committee of the Josephine Good Roads association, appeared before the county court Thursday morning relative to road work that is necessary and which should be done before the rainy season begins.

The committee had in its possession a list of the roads of the county, their location, estimates as to the cost of graveling or rock-surfacing these roads, etc., and made a plea to the county court and the county commissioners to have this work done at once.

There have been graded several miles of roadway in the county, and the association claims that unless this road that has been graded is immediately gravelled or hard surfaced, placing the same in proper condition before the rainy season, these roads will become impassable during the winter and the many miles of good roads already constructed would in many cases be made useless. The stretches of graded road which the association complains of lies in the Kerby, Holland, Slate Creek, Wonder, Williams, Merlin and Galice districts.

By figures given to the commissioners it was shown that if this work was done this fall, it would be of a permanent and lasting nature and would make the roads all over the county 25 per cent better than they have ever been. It will mean hundreds of dollars saved to the people of the county in hauling freight, supplies, etc., during the coming winter.

It will also mean that the roads of Josephine county will be ready for the summer traffic and travel at a much earlier period than if this work had to be done next spring. The estimate given the committee by the road overseer amounts to \$8,500.00, but the committee feels that to half way repair the roads would be an injustice to the people of the county and they have asked the county commissioners to increase this amount to \$12,000.00, for then the work could be done in a proper manner, and in a manner that will make it lasting. They claim that the object of the Josephine County Good Roads association, is the building of permanent roads, and that the money that they are now asking to be expended on the county roads, will be expended in making permanent roads and this work will not have to be done over, in the future.

Some three months ago the county court ordered signs made and placed on the Grants Pass, Crescent City road to the county line. The Good Roads association has also asked the county court to pay for the making and painting of 150 signs marked "Grants Pass, San Francisco Highway," with an arrow pointing toward Grants Pass and an arrow pointing toward San Francisco. This sign the association proposed to have placed along the coast route from Grants Pass through Crescent City, Eureka, Santa Rosa, to San Francisco, California.

The association claims that they can have all the signs made that will be necessary, including signs to the Sucker Creek route for \$100.00. A sample of the sign of the Grants Pass, San Francisco Highway was shown the commissioners and received very favorable comment. The letters are black over aluminum background, which makes an extremely neat sign, the arrows pointing to San Francisco and to Grants Pass are in red.

ROUGH AND READY DIST. FOR HOMESTEADERS

A letter under date of Aug. 29th, written by C. J. Buck, assistant district forester, and just received by H. B. Hendricks of this city, announced the success of Mr. Hendricks and others who have been interested in the opening to settlement of lands in the Rough and Ready country on the west branch of the Illinois river. This land, some 900 acres in all, is included in the Siskiyou forest reserve, and applications have been made for its settlement under the homestead law. The cause of these applicants was taken up to the department and Mr. Buck recently visited this city and the reserve to inspect the land, and his report now is favorable to the opening of the tract to settlement. Under the application of the land law regarding agricultural lands in forest reserves, the applicants will have sixty days in which to complete their filings on the land after it is once open to entry, but if at the expiration of that time the filing has not been completed, it can be homesteaded by others. Applications are already on file for all the land to be opened.

W. P. COUNTS SUCCEEDS COUNCILMAN CLARK

W. P. Counts, feed and grain merchant, succeeds H. J. Clark as councilman from the third ward of the city of Grants Pass, the continued absence of Mr. Clark having caused the council to declare the office vacant, the election of Mr. Counts following by unanimous vote of the seven councilmen present. Mr. Clark was given a sixty day leave of absence last May, the leave having expired July 25th. The charter provides that when a councilman is absent three times without leave the office can be declared vacant, and as the three meetings had passed since the expiration of the leave, the council adopted a resolution declaring the vacancy. Announcement was made by Councilman Everton, however, that Mr. Clark had announced in a letter to him that he would not return to resume the office. The nomination of Mr. Counts was the only one made for the unexpired term of Mr. Clark, and he was given the unanimous vote of the seven members. On the election of Mr. Counts the mayor announced that Mr. Clark had held membership on but one committee, he having given him but the single place owing to the fact that he had considered the scrapping third warder a maker of trouble, and he suggested that other councilmen who were long on committees places might divide up with the new member. Clark's office would have expired this fall.

Public Utilities Commission Reports.
The public utilities commission reported its audit of bills for the last half of August, and they were duly ordered paid by the council. The bills included those for grading on the railroad right-of-way, and for engineering and materials.

An ordinance was introduced by Councilman Everton to repeal the ordinance that had established the public utilities commission, he maintaining that the decision of the supreme court had made the commission a body unwarranted by law. The mayor explained that the commission had authority under the ordinance to supervise and control other utilities than the railroad, and that it was properly constituted. Mr. Everton tried to get immediate action on his ordinance, but was unable to get it past second reading, and it will come up for final action at the next meeting.

Propose Settlement of East A Street Improvement.

A communication was read from property holders along East A street regarding settlement of the claim of the city for the improvement of that street. The communication was referred to the street committee for report back to the council.

The council adjourned to meet with the public utilities commission this evening when the railroad situation will be considered.

(Continued on Page 2.)