

and when so located or established said county roads or public highways shall be and become public streets of said city and subject to jurisdiction and control of the Council, the same as though streets.

CHAPTER XI.

SEWERS AND THE CONSTRUCTION THEREOF

Section 1. The Common Council shall have power and is hereby authorized to construct or repair and lay down all necessary sewers and drains of a character and capacity to supply a complete system of sewerage and to declare by ordinance before doing the same whether the cost thereof, or any part of such cost, and if so what part, shall be assessed upon the property directly benefited by such drains or sewers, or paid out of the sewer fund as hereinafter provided for, and the determination of the Council for any sewer or drain shall be final.

Section 2. If the Council declares that a proposed sewer or drain shall be constructed, laid down, or repaired at the expense, in whole or part, of the property directly benefited thereby, thereafter the proposed sewer or drain as to that part of the expense thereof to be assessed upon the property benefited, shall be deemed an improvement, and the Council shall proceed in all respects and with the same authority and power as in the improvement of a street by grading or graveling, except that the requirements of Sections 6, 7 and 8 of Chapter IX of this act shall not apply; but in lieu thereof the Council shall appoint three disinterested freeholders, residents of said city, whose duty it shall be to view the streets and new location of the proposed drain or sewer and shall ascertain and determine what property is directly benefited by such sewer or drain, and the estimate of and proportion of said benefits to and upon each lot or part of lot, or acreage property so directly benefited (compared with the other property benefited) and report the same to the Common Council, which said report shall be filed with the Recorder.

Section 3. Upon the report provided for in the preceding section being filed with the Recorder, he shall immediately give notice thereof by publication for twenty days in some newspaper published in said city, or by posting notices thereon in three public places in said city; such notices must specify with convenient certainty the streets or parts of streets thereof on which said sewer or drain is proposed to be located and the property ascertained and determined by said viewers to be directly benefited by said sewer or drain, and the estimate and proportion of such benefit.

Section 4. Within ten days from the final publication of such notices, the owner of any property ascertained and determined by said viewers to be directly benefited by said sewer or drain may file with the Recorder any objection he or she may have to the findings and determination of said viewers.

Section 5. At the next regular meeting of the Council after the expiration of the time provided within the preceding section for filing objections to said report the Recorder shall present the same with the objections thereto, if any, to the Council and it shall thereupon proceed to examine and consider said report and objections thereto, if any, and may adopt said report in whole or in part, modify or reject the same; provided, that the Council may, by motion or resolution, postpone the consideration of said matter to the next regular meeting, or some special or adjourned meeting.

Section 6. Should the Council adopt said report, either in whole or in part, or as modified, it shall proceed to ascertain and determine the probable cost of constructing such sewer or drain, and shall assess upon each lot or part thereof, or other property liable therefor its proportionate share of such cost, and shall declare the same by ordinance as provided in section 9 of Chapter IX of this act relating to improvement of streets, and all further proceedings in relation to such sewer or drain, shall be the same as in this act provided for the improvement of streets by grading and graveling.

Section 7. Should the Council declare that the costs of any proposed sewer or drain shall be paid out of the sewer fund, such sewer or drain may be constructed, laid down or repaired as the ordinance may provide, and be paid for accordingly.

Section 8. In the construction of any sewer or drain the City of Springfield shall have the right to use and divert from its natural course any and all creeks and streams running through the city, in said sewer or drain.

Section 9. The Council has power and is authorized to, whenever it may deem it expedient or necessary, in order to provide a complete system of sewerage for said city, lay down, construct sewers or drains outside of the corporate limits of said city, to regulate the manner of construction and to expend the funds of said city therefor, as if the same were constructed, laid down, or repaired within said corporate limits; provided, all drains or sewers and repairs thereof outside of the corporate limits of said city shall be paid out of the sewer fund hereinafter provided for.

Section 10. Said City of Springfield shall have the power and authority to acquire by purchase or otherwise, own and possess such real property outside the corporate limits of the city as in the judgment of the Council may be necessary to enable it to provide a complete system of sewerage and to have the right to enter upon any land between the termini of any proposed sewer or drain, either inside or outside of said corporate limits for the purpose of examining, locating and surveying the line of such sewer or drain, doing no unnecessary damage therefor; and it may appropriate the use of so much of said land as may be necessary for the construction or laying down, or keeping in repair said sewer or drain, not to exceed twenty feet in width, and may make whatever cuts and excavations as may be necessary in order to repair or lay down said sewer or drain, filling such excavations or cuts as soon as practicable after making the same.

Section 11. Should the city be unable to agree with the owner of the lands mentioned in the preceding section as to the compensation to be paid for the right-of-way over the same, or if such owner be absent from the city said city may maintain an action in the Circuit Court of the proper county against such owner, for the purpose of having such land appropriated to its use, and for determining the compensation to be paid to such owner therefor, and the general laws of this State regulating the mode of proceedings to appropriate land by private corporations shall govern and control the mode of proceedings in such action.

Section 12. For the purpose of raising money with which to pay the costs and expenses that may be incurred by the City of Springfield in constructing and laying down the sewers and drains in this act provided for, said city is hereby authorized and fully empowered, whenever in the judgment of the Council it may be expedient or advisable, to issue and dispose of the bonds of the city of the denominations of from \$100.00 to \$1,000.00, as the purchaser may desire, with interest coupons attached thereto, the par value of which shall not exceed the sum of \$50,000.00, signed by the Mayor and countersigned by the Recorder, with the seal of the city attached, and effect to undertake and promise, in consideration of the promises, to pay to the bearer of each of said bonds the sums therein named, in lawful money of the United States, together with interest thereon at such per centum and when such time as the Council may determine, interest payable half yearly, as provided in said coupons. Said issue shall be in addition to all other issues authorized heretofore for sewers.

Section 13. Before disposing of any of the bonds provided for in this act, the Council shall require the Recorder to advertise for thirty days, in at least one newspaper of this State, for sealed proposals to purchase such bonds, which said advertisement shall state the amount of bonds to be sold; the interest thereon at the time the same shall become due; the time and place the proposals will be opened and considered, and that the bonds are issued and disposed of under provisions of this act.

Section 14. At the time specified in the notice provided for in the preceding section, the Council shall proceed to open all proposals received for the purchase of the bonds offered, and dispose of the same to the person or persons making the best offer or offers therefor; provided, the Council shall have power and authority to reject any and all bids or proposals.

Section 15. The funds arising from the sale or disposal of all bonds provided for in this act shall be known as the sewer fund, and shall be kept separate and apart from all other funds of the city, and shall only be used to pay the costs and expenses that may be incurred by the city in and about the construction and laying down the sewers and drains in this act provided for, and the issuing and disposing of said bonds.

Section 16. The Council of said city shall, at the same time the tax for general expense is levied, and at least once in each year, levy and collect a special tax on all taxable property within said city, sufficient to raise money enough to pay the semi-annual interest issued under this act and to provide a sinking fund with which to pay the principal of said bonds on maturity; said tax may be included in the other taxes of said city and considered a part thereof for the purpose of levying and collecting the same, and as fast as the tax is collected its proportion to the other taxes collected with or included in the sum collected, shall be set apart from the other tax as a special fund for the purpose and to be used in the manner hereinafter provided, and shall not be used for any other purpose, except that for which the same was collected.

Section 17. The money belonging to the sinking fund, provided for by the preceding section of this act, shall be by said city invested from time to time in interest-bearing bonds of the United States or of this State, or some municipal corporation therein, or loaned on good unencumbered real estate security, or used in purchasing any outstanding bonds of the city disposed of under this act.

CHAPTER XII. MISCELLANEOUS PROVISIONS

Section 1. In every action, suit or proceeding in any court concerning the exercise or enforcement by said city, the Common Council or any committee thereof, or any officer or board of the city, of any power or authority by this act given or delegated to said city, Common Council, or any of its officers, boards or committees, all acts, proceedings and duties of said city, the Common Council, or any committee thereof, or any officer or board of said city, shall be presumed to be regular and duly done or taken from the beginning, and no error, defect or omission in any act, proceeding or thing required to be done or taken by this act, or any ordinance of said city shall affect or invalidate such act or proceedings, unless the person attacking the same shall allege and prove that he has been misled by such error, defect or omission to his damage, and the court shall disregard every error, defect or omission which does not affect the substantial rights of such person; and any proceeding, matter, or thing by this act committed or left to the discretion or judgment of the Council such discretion or judgment of the Council when

"King Ben" Arrested on Girls' Charge



"Ben" Purnell, self-styled king of the famous House of David cult at Iron Harbor, Michigan, is facing serious statutory charges by Mrs. Reed (right) and Miss Rubel (left), former members of "King Ben's" colony. Purnell who has been sought since the scandal in 1925 is out on \$120,000 bond.

exercised or declared, is final, and can not be review or called into question elsewhere.

Section 2. The Common Council, at its earliest convenience after this act takes effect, may provide by ordinance, direction or resolution for codification and publishing in book form this charter and all ordinances or parts thereof in full force at the time of such codification, and from time to time thereafter, as it may deem proper.

Section 3. All general or special taxes or assessments levied or created under this act shall bear legal interest from the time they become due.

Section 4. All ordinances, laws, rules and regulations heretofore passed or made by Springfield or the City of Springfield when this act takes effect, and not inconsistent herewith, shall be and remain in full force and effect after this act takes effect and thereafter until repealed by the City Council. All rights vested or liabilities incurred under either the act of incorporation of the town of Springfield, or the amendatory acts thereof, or any ordinance, when this act takes effect, shall not hereby be lost, impaired, or in any way be disregarded or destroyed.

Section 5. All actions and proceedings pending in the Recorder's Court for the City of Springfield when this act takes effect shall thereafter be proceeded in according to the provisions of this act, or any ordinance applicable thereto, and continued in force by this act, and no suit, or proceeding now pending in any court shall abate by virtue of this act. No proceedings for the collection of taxes or for street improvements, and no proceedings under any street assessment or other matter or proceeding relating thereto, and no proceedings for the sale of property shall abate or be affected by this act, but may be determined as though this act had not been passed, or under this act as the person enforcing the same may determine, and all taxes heretofore levied in favor of said city are hereby legalized and declared to be collectible if levied upon the same basis as are other similar taxes.

Section 6. Any person or persons hereafter laying out, and platting any addition to the City of Springfield, within the limits or adjacent thereto, shall cause the same to conform in size of blocks and width of streets to that portion of the city already laid out and platted adjacent thereto, and to be so laid out that all streets shall correspond with and be a continuance of the streets already laid out in said city. Any person violating the provisions of this section shall forfeit and pay unto the City of Springfield such sum as may be prescribed by ordinance, to be collected by action in the name of said city in any court of competent jurisdiction.

Section 7. The Common Council shall have power and authority to divide the City of Springfield whenever it may deem it expedient or necessary into a suitable number of wards, and define the boundaries thereof, and after such wards are so established no voter in the City of Springfield shall vote in any ward other than that of which he is a resident.

Section 8. Whenever the Council shall divide the city into wards, as provided in this act, it shall, by ordinance, provide for the election, as nearly as possible, of an equal number of Councilmen from the residents of each ward, by the voters thereof; but in case it shall not be practicable to provide for an equal number of Councilmen from each ward, it shall provide for the election of one Councilman from each ward and the remaining Councilmen from the city at large by the voters thereof.

Section 9. Whenever the city shall be divided into wards, the Council shall provide a voting place in and judges and clerks of election for each ward, and prescribe the manner of conducting the election and the return and canvassing of the votes cast thereat.

Section 10. Whenever the city is divided into wards, as in this act provided, the Council shall, by ordinance, provide for the apportionment of the city into as many wards as may be necessary, and the city at large, as judgment of the Council may seem advisable.

Section 11. No injunction or restraining order shall issue from any court to enjoin or prevent the issuance of warrants or the collection of any street or sewer assessment provided for in this act after the work for which the assessment has been made has been completed, or to prevent the sale of property for any tax.

Section 12. The power and authority granted to the Council by this act is granted to the municipal corporation of the City of Springfield to be exercised according to the provisions of this act.

Section 13. The Common Council shall grant no franchise or amendments to any franchise or other prerogative of sovereignty to any person, firm, or corporation except by ordinance. As a condition precedent to the enactment to any such ordinance, the Common Council shall publish notice of its intention to do so not less than once a week for three consecutive weeks, in one or more newspapers of general circulation printed and published in the city. Such notice shall state the substance and nature of the proposed ordinance, including the name of the grantee, and consist of at least one hundred words, and unless the ordinance is of less length, in which event the whole ordinance shall be published. The said ordinance shall be read at two consecutive regular meetings of the Council before the same is finally passed. Any corporation, firm or person applying for such franchise or other prerogative of sovereignty shall pay the expenses in advance, of the said publication of notice. No franchise shall be granted by any public service corporation, or for a public utility, except upon such terms as shall secure to the city adequate service and adequate compensation therefor by exacting such a percentage of the gross income as shall be deemed adequate to cover present values and future development.

Section 14. The following acts are hereby repealed: An act entitled an act to incorporate the Town of Springfield in Lane County, approved the 9th day of February, 1893, and all acts and parts of acts amendatory thereof.

Section 15. In as much as the present municipal government of the Town of Springfield is inefficient and does not serve the interests of the inhabitants thereof, this act shall take effect and be enforced from and after its approval by the Governor.

Approved February 9th 1893

BALLOT TITLE TO BE USED IN SAID ELECTION

"Shall the Town of Springfield amend its charter by approving and adopting the new city charter proposed and submitted by the Council to the people of the Town of Springfield by resolution adopted by the Common Council and filed with the Recorder on the 12th day of January, 1927?"

500	Yes.
501	No.

NOTICE SPECIAL ELECTION TO APPROVE ADOPTION OF NEW CHARTER

NOTICE IS HEREBY GIVEN that on Tuesday the 25th day of January, 1927, a special election will be held of the voters of the Town of Springfield, Lane County, State of Oregon, and that the poles will be open from the hour of eight o'clock A. M. until the hour of eight o'clock P. M. of said day.

Said election is called by order of the Common Council of the Town of Springfield for the purpose of proposing and submitting to the people of the Town of Springfield for their approval or adoption of a new charter for said town as proposed by the Common Council of said town in a resolution passed and adopted on the 3rd day of January, 1927, the approval of the said charter by the people of Springfield will be submitted to the voters in the following proposition:

"Shall the Town of Springfield amend its charter by approving and adopting the new city charter proposed and submitted by the Council to the people of the Town of Springfield by resolution adopted by the Common Council and filed with the Recorder on the 12th day of January, 1927?"

500	Yes.
501	No.

The full text of said resolution and proposed charter is on file at the office of the City Recorder where it may be read and consulted by the public. The polling place for said election shall be at the City Hall in the Town of Springfield, Lane County, Oregon.

I. M. PETERSON, Town Recorder

OREGON NEWS ITEMS OF SPECIAL INTEREST

Brief Resume of Happenings of the Week Collected for Our Readers.

Walter H. Gilliam has been appointed postmaster of Dixonville, in Douglas county.

In an attempt to stamp out an epidemic of scarlatina, City Marshal Haag of Cove has authorized shooting of all stray cats.

Receipts at the Baker postoffice for 1926 were \$57,312.82, according to W. S. Bowers, postmaster. Last year they were \$54,987.39.

Louis E. Bean, who assumed his duties as a member of the public service commission last week, was elected chairman of that body.

Fines collected in Bend in 1926 totaled \$4095, according to the report of the city recorder. Revenue from license fees amounted to \$1835.

Building permits were issued in Klamath Falls during 1926 for new construction valued at \$2,905,818. July was the record month with \$620,045.

The public treasury of Baker county was in a flourishing condition at the close of 1926, the treasurer reporting cash on hand amounting to \$240,337.40.

Cottage Grove showed steady progress during the last year, building operations reaching a total of \$400,000, far exceeding that of any previous year.

Total fire loss in La Grande during 1926 was \$49,501, according to the annual report of Fire Chief C. C. Murchison just completed. The 1925 loss was \$36,528.88.

Co-operation, feeding, testing and breeding were the outstanding points discussed at a meeting of more than 200 dairymen and their families at Haines last week.

James Stuart of Stanfield, 83 years of age, has just completed his 62d year in the Masonic lodge, which makes him the oldest Mason in point of membership in the state.

Citizens of Curry county, business men and ranchers, have formed a stock company and organized for printing a newspaper to be called the Gold Beach Independent.

Portland postoffice receipts in December were 5.44 per cent over December of last year, according to figures announced recently. The receipts aggregated \$363,000.

Real estate brokers licensed in Oregon in 1926 numbered 1919, according to a report issued by the state real estate commissioner. There were 758 licenses issued to salesmen.

Kenneth McKenzie, 15, was in a Salem hospital suffering from the effects of swallowing a 50-cent piece. X-ray photographs taken failed to reveal the location of the coin.

Marion county prune growers expressed unanimous approval of some form of organization to stabilize the market, at a meeting held in Salem last week. More than 250 growers attended.

Bend's municipal water system was completed at a cost of \$550,000, a saving of approximately \$86,000, John Dubuis, engineer, informed members of the Bend city council at a meeting last week.

Twenty-two cars of cattle left Baker and Grant county zones for Portland last week. Six main line cars were from Grant and the remainder from Baker. Eight cars were loaded in the city of Baker.

T. J. Kirk, 90, pioneer of Clackamas county and an intimate friend of Dr. John McLoughlin, died at his homestead at Upper Highland, near Oregon City, where he had engaged in farming for many years.

The Port of Astoria terminals handled 369,353 tons of freight during the year 1926, a gain of 10,342 tons over 1925, when the total traffic was 358,991 tons, annual report of the traffic department showed.

A course for carpenters in the use of the steel square will at once be established in the Eugene high school under the Smith-Hughes act, according to Fred Chess, manual training teacher of the city schools.

There were a total of 345 industrial accidents in the state of Oregon during the week ended January 6, according to a report from the state industrial accident commission. None of the accidents were fatal.

Oregon monthly pensions have been granted as follows: Clara L. Sheffield, Portland, \$30; Thomas V. Davis, Portland, \$30; Franklin Hall, Lebanon, \$20; Edward Waldvogel, Baker, \$30; Bertha Stueding, Eugene, \$30.

A men's dormitory to be known as the Sherry Ross hall, in memory of the late Sherry Ross, will be built at the University of Oregon under the terms of the late Mrs. Mary Jane Ross Woodward's will. Her father, Sherry Ross, was the first settler on Ross Island and the first private owner of the island.

Postal receipts of the Pendleton postoffice for 1926 were \$301 higher than for the year 1925. Postmaster Thompson reported last week, declaring this condition shows a healthy business growth in the city of Pendleton.

Postal receipts in Bend in the 1926 calendar year exceeded those of 1925 by \$1315.81, with the number of money orders issued approximately equalling that of the previous year. The Bend postoffice in 1926 went into the first-class division.

There were 90,130 telephones in Portland January 1, 1927, according to figures compiled by H. M. Durston, division commercial superintendent of the Pacific Telephone & Telegraph company. The increase during 1926 was 5669 telephones.

The receipts recorded by the county clerk's office in Clackamas shows an increase of nearly 150 per cent since 1916. In 1916 the total of receipts was \$76666.25. In 1926 the total was \$20,484.25. The office staff has not increased since 1916.

Andrew Nickum, 94, a pioneer of the west and long-time resident of Oregon, who crossed the plains in 1853 on foot in company with an ox-cart caravan, died at his home in Portland recently. Mr. Nickum fought in the Indian wars of 1855 and 1856.

A cross between a coyote and a collie, a big dog in Bend owned by L. O. Reed, killed six coyotes in the past year. This week the dog-coyote cross killed a big coyote near the city limits. The animal last spring killed five coyotes on a cattle ranch in the Metolius river country.

Sheriff T. M. Hurlburt came to work recently to find that his jail contained the largest number of prisoners in the history of Multnomah county—324. If the influx continues the recently completed eighth floor cells, which accommodate 110 men, will soon be filled. Capacity now is 370.

Expenditure of \$1,036,400 during 1927 was proposed in the tentative budget submitted to the board of regents of the university of Oregon at a recent meeting by President Arnold Bennett Hall. The figures show that the university has anticipated resources for the year of \$1,948,844.81.

Oregon highway maps—50,000 of them—showing the railroads of the state as well as the vehicle roads, and showing on each of the highways the number by which it is designated on federal records, are ready for distribution by the publicity department of the Portland Chamber of Commerce.

Reappointment of the following postmasters has been recommended by Representative Hawley of Salem for offices in the first Oregon district: Robert N. Torbet, Albany; Alington B. Watt, Albany; C. E. Ingalls, Corvallis; C. G. Coad, Dallas; D. E. Yoran, Eugene; Thomas W. Angus, Gardiner.

Curry county's financial problems are over for the present and a large amount on floating indebtedness will be retired by a bond issue for \$100,000. This was decided at a special bond election held with a view to putting the county back on a basis where its warrants would no longer be selling below par.

John Macomber, about 45, was shot and killed almost instantly last week at Dallas, as he was leaving the home of Leo Roberts following an altercation over a missing umbrella. Mrs. Roberts was said by officers to have admitted doing the shooting and then to have declared that her husband fired the shot. Roberts also admitted the shooting, it was said.

Sheepmen in the southern and eastern section of Marion county have declared war against sheepkilling dogs, which are said to have been wreaking havoc with flocks around Silverton and Jefferson across the line in Linn county. Never before in the history of this county, sheep men say, has the slaughter of sheep by dogs been so heavy as at the present time.

More than \$1,000,000 has been appropriated to Oregon for the forest highway and forest road development funds for the fiscal year 1928, beginning July 1, 1927, according to information which has just been received by C. M. Granger, district forester. Of the total of \$1,116,904, \$537,103 is in the forest road development fund and \$579,801 in the forest highway fund.

A new complaint against freight rates on livestock in the Pacific northwest was filed with the interstate commerce commission at Washington, D. C., by the Northwest Livestock Shippers' Traffic league, said to comprise more than 2000 shippers. The rates complained of are those to Tacoma and Seattle from Oregon points on the Southern Pacific and the Oregon Electric Railway company and from North Portland.

More Oregon produce was marketed in Portland last year than the year before and as a consequence receipts from outside the state were lighter. There were 5283 carloads of fruits and vegetables unloaded in Portland in 1926 in comparison with 5963 carloads in 1925, 5294 carloads in 1924 and 3727 carloads in 1919, reports R. L. Ringer, in charge of the Portland office of the bureau of agricultural economics.