

manding the recall of said officer as set forth in the recall petition, and in not more than two hundred words, the officer's justification of his course in office. Any officer elected at such recall election shall be deemed to be elected for the remainder of the term held by the officer sought to be recalled.

Sec. 151. When Office Vacated.—Any officer sought to be removed by any such recall election shall continue to hold his office until the result of said election shall be officially declared.

Sec. 152. Mandamus; Injunction.—If the Secretary shall refuse to accept for filing any such petition, or shall refuse to call an election thereupon, any signer thereof may apply to the Circuit Court of the State of Oregon for the County of Jackson for a writ of mandamus to compel him to do so. Any officer sought to be recalled may apply to said Court for a writ of injunction against the calling of any such election on the grounds of the insufficiency of such petition. The said Court shall have jurisdiction of all matters arising under the provisions of this Article.

Sec. 153. No Recall Petition For Six Months.—No such recall petition shall be circulated against any officer until he has held his office for at least six months.

ARTICLE VIII.

INITIATIVE AND REFERENDUM

Sec. 154. Initiative Petition.—Any ordinance or amendment to this Charter may be proposed by initiative petition signed by legal voters of the City equal in number to at least fifteen per cent of the votes cast in the last preceding municipal election.

Sec. 155. Requirements.—The requirements, contained in Secs. 147, 148 and 149 of this Charter, as far as they may be applicable thereto shall apply to an initiative or referendum petition.

Sec. 156. Petition to Contain Text of Measure.—Every sheet of such petition for signatures of petitioners shall be attached to a full and correct copy of the title and text of the measure proposed thereby. All sheets comprising any such petition shall be bound together by the Secretary, when filed, in such form that they may be conveniently preserved.

Sec. 157. Board May Adopt.—When any such initiative petition shall have been filed with the Secretary, he shall transmit the same to the Board of Directors at its next meeting. If such petition calls for an enactment other than an amendment to this Charter the said Board of Directors may adopt the same without change as its own enactment. But if said Board shall not so adopt said proposed measure, then the Secretary shall cause the same to be submitted to the electors of the City for approval or rejection at the next election held in said City, more than thirty days after the filing of said petition, or at a special election called for that purpose if requested in the initiative petition and ordered by vote of the Board of Directors. The proposed measure shall be put on the ballot in such manner that the electors may vote "Yes" or "No" on the question "Shall the proposed measure be adopted?"

Sec. 158. Ballot Title.—When any such petition shall be transmitted to the Board of Directors a copy shall also be submitted to the City Attorney or the officer performing the duties of that office, who shall forthwith draft a ballot title to the Secretary of the City for such measure. Such ballot title may be distinct from the legislative title and shall express in not more than one hundred words the purpose of the measure. In drafting such ballot title, said City Attorney shall give a true and impartial statement of the purpose of said measure in such language that the same shall not be an argument, or likely to create prejudice for or against the measure. If any signer of such petition deems the ballot title as drafted by the City Attorney not in accordance with the provisions of the last sentence hereof he may apply to the Circuit Court of the State of Oregon for Jackson County for an order compelling said ballot title to comply with the above named provisions. The ballot title shall be printed with the ballot numbers of said measure on the official ballot.

Sec. 159. Enacting Clause.—The enacting clause of all initiative measures submitted to the people shall be: "The people of the City of Medford do ordain as follows:"

Sec. 160. Adoption.—No initiative measure shall be adopted unless it receives an affirmative majority of the total number of votes cast on such measure. If two or more conflicting ordinances, or two or more conflicting amendments to this Charter shall be approved by the people at the same election, that receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such ordinance or amendment may not have received the greatest majority of affirmative votes.

Sec. 161. Proclamation.—The votes for and against any such measure shall be counted by the precinct election officers before the ballots are sorted as provided in Sec. 137 hereof, and return thereon made to the Secretary who shall, as soon as possible thereafter, in the presence of the President of the Board, canvass said returns. The President of the Board shall thereupon issue and cause to be published in a newspaper, published and of general circulation in the City, a proclamation setting forth the whole number of votes cast for and against each such measure and declaring such measures as are adopted to be in full force and effect from date of such proclamation, unless in such measure it shall be provided that it shall go into effect at some subsequent time. Such proclamation shall contain a full title and text of all such measures.

Sec. 162. Any Number at Same Election.—Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Article.

Sec. 163. Referendum.—No ordinance or resolution of the Board of Directors, except a measure for the immediate preservation of the public peace, health or safety, which measure shall contain in a separate section a statement of the reasons for its urgency and be passed by the affirmative vote of at least five members of the Board of Directors, shall go into effect for ten days after its passage. If, during said ten days, a petition, signed by legal voters of the City equal in number to at least ten per cent of the votes cast in the City at the last preceding election, shall be filed with the Secretary protesting against the passage of such ordinance or resolution, the same shall thereupon be suspended from going into effect. Unless the same shall be repealed by the Board of Directors, it shall become the duty of the Secretary to submit the same to a vote of the electors of the City. Such ordinance or resolution referred to the people shall not go into effect unless and until a majority of the votes cast thereon shall be in favor thereof.

Sec. 164. Directors May Propose.—The Board of Directors may submit to a vote of the qualified electors of the City for adoption or rejection any proposed ordinance or resolution or amendment to this Charter in the same manner and with like force and effect as is provided in this article for measures submitted on petition.

Sec. 165. Referendum Election.—The provisions of Secs. 154, 155, 157, 159, 161 and 162 of this Charter, except as to the number of signatures required, shall apply, where applicable, to a referendum petition and election.

ARTICLE IX.

FRANCHISES AND PUBLIC UTILITIES

Sec. 166. City May Own Utilities.—The City shall have the right to acquire, construct, maintain and operate any or all public utilities; and any fixtures, plants, systems, works, tracks, pipe lines, wire lines, poles or other works or constructions of any kind necessary or convenient in the construction, maintenance and use of any utility within or without the corporate limits of the City.

Sec. 167. City's Books and Accounts.—The books of accounts covering the ownership or operation by the City of any public utility shall be kept distinct from other city accounts and in such manner as to show a full and correct record of such City's ownership or operation. Such accounts shall show the actual cost to the City of the utility owned; and all costs of maintenance, extension, improvements, repairs; if the City operates such utility, all operating expenses in proper classification; the amounts set aside for and contained in sinking funds; the value of any service or materials furnished to said utility free of charge, and the value of service or materials given by such utility to city departments or other public uses free of charge; interest accounts, insurance,

taxes, if any, and a reasonable allowance for depreciation. The City shall cause to be published annually a full and correct financial report covering the above items and the general results of any such City ownership or operation.

Sec. 168. May Grant Franchises.—Subject to the limitations contained in this Charter, the City may grant franchises to individuals, or corporations for the construction, maintenance and operation of any public utility, and to that end may grant a right to locate and enter upon any street or public place, and to construct, erect or lay any tracks, pipes, conduits, poles, wires, or other structures in, upon, under, over or along any street, thoroughfare or other public place in the City necessary or convenient in the construction, maintenance and use of any such utility.

Sec. 169. Franchises Strictly Conferred.—All franchises and privileges respecting public utilities shall be strictly construed in favor of the City and shall not be held to have been granted unless granted in plain unmistakable terms.

Sec. 170. Must Not Compete With City Utilities.—No franchise shall ever be granted for the construction or operation of a utility that would be in competition with an already existing utility owned or operated by the City.

Sec. 171. No Exclusive or Perpetual Franchise—Time Limit.—No exclusive franchise shall ever be granted within this City. The longest time for which any franchise, or renewal thereof, may be granted shall be twenty-five years.

Sec. 172. City's Assent To Transfers.—No franchise granted by the City shall be sold, leased, assigned or otherwise alienated without the express consent of the City by ordinance of the Board of Directors; and no dealings of the City with any such assignee or lessee shall be deemed as such consent.

Sec. 173. Compensation.—No franchise shall ever be granted by the City except with provisions for proper compensation to the City therefor, such compensation to consist of a percentage of the gross receipts received by the owner or user of said franchise for services thereunder; and the City shall retain the right whether expressly stated in the franchise or not, to provide for ascertaining accurately the amount of such gross receipts per annum; provided however, that a franchise may provide that the amount of said receipts shall be paid to the City, and the earnings of the utility are adequate to pay all legitimate operating expenses and taxes, to maintain the plant and fixtures at a high practicable standard of efficiency and to provide a return of five per cent upon the capital actually invested in the utility. Such compensation shall be in addition to any license fee or taxes levied against the property of the owners of any such franchise.

Sec. 174. City to Regulate Rates.—The power to regulate all rates, charges, fares and other matters for services under public utility franchises is hereby reserved to the City, and no franchise shall be granted except this right be retained by the City. Said right or regulation may be exercised by ordinance of the Board of Directors. This right of regulation shall include the right to require any reasonable extension or enlargements of the service rendered to the public, and an adequate and convenient maintenance of such service.

Sec. 175. Provide For Safety, Etc.—The grant of any franchise shall be subject to the right of the City, whether expressly reserved in said franchise or not, to make and enforce any and all regulations which the Board of Directors may deem necessary to provide for the accommodation, safety and welfare of the public, and to protect it from danger or inconvenience in the operation of any business authorized under the franchise, which shall include the right to require any railroad or street railway company to elevate or lower any of its tracks and to require any company erecting poles or wires to remove said poles and place said wires underground whenever, in the judgment of the Board of Directors, the safety or convenience of the public requires.

Sec. 176. Regulate Apportionment Among Utilities.—The City shall at all times have and retain the right to control the distribution of space in, over, under, across or along all public streets or places to be occupied by the tracks, conduits, wires, poles, or other fixtures or property of the various utilities which may at any time occupy any portion of such streets or public places. In case of the admission of another utility to any street or public place, or the enlargement or relocation of the fixtures of an existing utility, or the carrying out of any public improvement which shall, in the judgment of the Board of Directors, require the moving or re-adjustment of any utility fixture existing in any street or public place, the Board of Directors may order such re-adjustment and fix the method whereby it shall be carried out and by whom the expense thereof shall be borne. Any granting of a franchise by the City shall be assumed to place upon the grantee thereof an obligation to move, adjust and relocate such grantee's fixtures in any street or public place wholly or in part, at the expense of said grantee, as may be prescribed by the Board of Directors.

Sec. 177. City May Acquire.—Every franchise hereafter granted shall be, whether in specific terms reserved therein or not, subject to the right of the City, after the expiration of a specified term which shall not be more than ten years, and upon written notice to the owner or user of said franchise at least one year in advance thereof, to terminate the franchise or grant and take over the property necessarily or conveniently used in the operation of such utility. The City shall have the right to acquire such property by condemnation or other lawful mode of procedure; but any such method of acquisition shall be alternative to the right to purchase. Any such property so taken over by the City shall be held as the City's property and may be operated by the City under its ownership, or may be leased to other individuals or corporations for operation. The purchase price shall be ascertained as may be prescribed in the franchise, but in no case shall the grant or franchise itself be given a valuation, and the price to be paid shall be based upon the actual capital invested in the physical property belonging to the utility, due account being taken of depreciation. Any additions, betterments and extensions actually made shall be added to the capital account as of the date when the same were constructed; but any renewals or replacements of any part of the plants or fixtures shall be deemed to be part of the cost of maintenance and operation and shall not be charged to capital account. Upon the City's taking over any such property or a utility, by purchase, condemnation or otherwise, all franchise rights, original or renewed shall at once terminate. No grant of a franchise or renewal thereof shall be valid unless it expressly provides therein a method of fixing a valuation upon the property that may become connected therewith, for the purpose of enabling the City to acquire the same; and, unless it expressly provides that the City shall not have to pay for the franchise or grant itself as property.

Sec. 178. Paving Between Tracks.—Any franchise granted for the operation of any railroad or street railway shall provide that the user of such franchise shall pave that portion of the street over which it shall have laid any of its tracks, between the rails and for a space of at least one foot on the outside of the outer rails; and shall repave any portion of said street from which the pavement shall have been removed or injured in connection with the laying of any such tracks. Such paving or repaving shall be in the same manner and with the same material as the street shall have been paved by the City if so ordered by the Board of Directors. In case such street shall not have been paved when until it shall be paved, the user of such franchise shall fill the space between the outer rails and to the ends of the ties with such material and in such manner as the City may require and shall keep said space in good repair.

Sec. 179. Bridges; Viaducts.—In any franchise granted by the City whereby the right is given to use any bridge or viaduct built by the City, provision shall be made for the payment by the owner or user of such franchise of any cost or expense of making use of such bridge or viaduct, including any alteration, repair or strengthening of same.

Sec. 180. Maintain General Supervision.—The Board of Directors shall, either directly or through such officer or officers as it may designate, maintain general supervision over all public utilities so far as it is consistent with this Charter, and in accordance with any regulations prescribed by state law or any state Board or Commission created for that purpose so far as they shall not be in conflict with the provisions of this Charter. Every person or corporation operating under any grant or franchise from the City, whether heretofore or hereafter granted, shall keep

books of accounts according to forms prescribed by the Railroad Commission of Oregon. In case any utility extends its operations to an extent beyond which the City does not have the right to buy or condemn its property should it terminate the franchise as herein provided, separate books of accounts as above shall be kept for that part of the utilities' business coming within the right of the City to purchase or condemn. Every person or corporation operating under any franchise grant from the City shall file with the Secretary of the City an annual report of the status and financial operations of that utility during the preceding fiscal year which shall show: (1) the amount of authorized and outstanding capital stock; (2) the amount of authorized and outstanding indebtedness; (3) an itemized statement of receipts and expenditures during the preceding year with balance sheet; (4) payments of taxes; (5) payments of interest on indebtedness; (6) payments on salary accounts with names of persons to whom paid with amounts; (7) payments in wages to its employees; (8) payments as dividends; (9) such other information as the Board of Directors may require.

The Board of Directors may from time to time, upon reasonable notice, call for such supplementary or special information in regard to such utility or its operation as it may desire, and such information shall be forthwith furnished by the owner or user of such utility, so far as it is possible to do so.

The Board of Directors may prescribe forms for all reports, the dates within which they shall be filed and the penalties for failure to file them as required.

The Board of Directors may, at any time, either directly or through its agents, examine any and all books of account and records covering the ownership and operation of any such utility so far as the same shall fall within the jurisdiction of the City to purchase or condemn its property.

The obligations heretofore provided for the owners or users of public utilities may be enforced by appropriate legal proceedings.

Sec. 181. Joint Use of Fixtures.—Any franchise granted by the City shall be subject to the City's right to require the owner or user thereof to share with the City or with any other person or corporation holding a subsequent franchise from the City, the use of its tracks, poles, conduits, or other property or fixtures to an extent that such use shall be safe and shall not unreasonably interfere with the service being rendered or to be rendered by the owner of such property or fixtures, providing that the City or the person or corporation desiring to use the said property or fixtures shall pay to the owner thereof a reasonable compensation for such use.

Sec. 182. Franchise Records.—As soon as convenient after the adoption of this Charter, the Board of Directors shall provide and cause to be kept in the office of the Secretary of the City certain books of record as follows: (1) A Franchise Record, in which shall be kept full, true and correct copies of all franchises, renewals, and modifications thereof, at any time heretofore or hereafter granted by the City; also a complete and conventional record of all franchises granted, with the ordinances, regulations of the Board of Directors and any proceedings at law respecting each and every thereof. (2) A separate book of record for each public utility heretofore or hereafter granted by the City, which shall contain a full and correct history of such franchises and, so far as obtainable, the operations thereunder, including the annual reports thereof to the City and the inspection reports thereon made by officers or representatives of the City, and such other matters of information and public interest as the Board of Directors may, from time to time, direct.

Sec. 183. Franchises Granted and Acquired Only on Popular Vote.—No franchise shall be granted by the City, no renewal shall be allowed and no purchase or condemnation by the City of the property belonging to any franchise utility shall be made except when ratified by a majority vote of the qualified electors of the City voting thereon.

The question of any such franchise granting, renewal or purchase or condemnation may be submitted to the electors at either a general or special election, either on referendum or initiative petition or by the Board of Directors; but no question of the granting or renewal of a franchise shall be submitted to the electors at a special election called for that purpose, until the applicant for such franchise or renewal shall have deposited with the Secretary of the City a sum of money sufficient, in the opinion of said Secretary, to defray all costs of such election, from which said sum costs shall be paid.

Sec. 184. Renewal.—The renewal of any franchise granted by the City, or the modification of the terms thereof shall be subject to all the conditions as to procedure and limitations as are applicable to original franchise grants. No such renewal shall be for a period in excess of that of the original franchise. No franchise shall be renewed before one year, prior to its expiration. Any modifications of a franchise shall be of force only during the unexpired term of such franchise.

Sec. 185. Arbitration of Disputes.—Whenever any disagreement or dispute shall arise between an owner or user of a public utility granted by the City and its employees or any thereof, which in the judgment of the Board of Directors interferes or threatens to interfere with the giving to the public, of a satisfactory, uninterrupted and safe service, the Board of Directors shall have the right to submit such disagreement or dispute to arbitration under such terms and procedure as it may prescribe by ordinance, which ordinance shall provide how the arbitral authority shall be constituted, that each side shall have a full and equal hearing before it, that the hearings shall be public and that the findings of such arbitral authority shall be final and binding upon the parties to such dispute.

Sec. 186. Temporary Permits Not Franchises.—The Board of Directors may grant a permit for the use of any street or public place and the same, if revocable by the Board of Directors at its pleasure shall not be considered to be a franchise as that term is used herein. And the Board of Directors may grant to railway companies the right to lay side-tracks or connect a railroad with any warehouse, factory, establishment or parcel of land which, in its judgment needs such connecting privileges, providing the assent thereto in writing has been obtained from the owners of a major part in frontage of the parcels of land in front of which the said proposed side-track would pass; and the granting of such right shall be revocable by the Board of Directors at its pleasure and shall not be deemed to be a franchise as that term is used herein.

Sec. 187. Other Provisions and Limitations Possible.—The specification in this Charter of matters which must be included in every franchise shall not be construed as limiting the right of the City to include in any such franchise any other matters, conditions, terms, restrictions or provisions as shall be deemed proper to protect the rights of the City and its people.

ARTICLE X.

CIVIL SERVICE

Sec. 188. Appointment.—The Board of Directors may at any time, and shall within sixty days after an official announcement of any State or National census whereby the City of Medford shall be shown to have a population of not less than twenty thousand people, create a Civil Service Commission to consist of three electors of the City, who shall serve without compensation.

Sec. 189. Terms.—Of the first Commission appointed, the term of one member shall expire January first next following after his appointment, the term of another member shall expire January first of the second year after his appointment, and the term of the third member shall expire January first of the third year after his appointment. Annually thereafter the Board of Directors shall appoint one member to fill the vacancy caused by the expiration of a term, so that one member shall be appointed each year for a term of three years.

Sec. 190. Vacancies; Quorum.—Any vacancy in the Commission shall be filled by the Board of Directors for the unexpired term. Two members shall constitute a quorum.

Sec. 191. Officers; Equipment.—The Commission shall select one of its members as Chairman, and one as Clerk who shall keep a record of the meetings of the Commission. The Board of Directors shall provide suitable accommodations and equipment to enable the Commission to properly and adequately attend to its business.

RAILROADS HAUL NO MORE BOOZE INTO ARIZONA

SAN FRANCISCO, Dec. 21.—The Southern Pacific is reminding wine and liquor shippers in general, that, owing to the new prohibition law in Arizona, which becomes effective, January 1st, it will be necessary for the railroads serving that state to decline to accept for transportation to Arizona points any shipments of intoxicants after January 1st. Likewise, it will not be possible to

accept such shipments which cannot be delivered at destination on or prior to December 31st, 1914.

The law was adopted by popular vote in Arizona; and the railroads, as common carriers, are charged with the same responsibility as individuals for the observance of it. Agents, conductors and others have been notified to bear this actively in mind.

Interested shippers have been urged to forward any shipments of this nature intended for Arizona points without delay, as the carriers must be sure they can get the shipments into the state by December 31st, 1914, or refuse to accept them.

The instructions do not apply to shipments of liquor between points in Arizona over a route entirely within the state, nor to shipments from Arizona to points outside the state.

RIVAL MEXICAN FACTIONS HOLDING POSITIONS AT NACO

WASHINGTON, Dec. 21.—Brigadier General Bliss, commanding the border troops at Naco, Ariz., today reported that the rival Mexican factions were still holding their positions and that desultory firing continued. He made no mention of any shots falling on American soil.

ident Gutierrez, stating his intention of moving his forces away from the American border. Saturday, he said, his forces refused to return the fire to avoid shooting into American territory.

Word was received today from the Brazilian minister at Mexico City that Gutierrez' cabinet was considering declaring a general amnesty.

Disorders are feared in Manzanillo, where the Gutierrez forces in possession of the city are threatened by an attack from Carranza troops assembling in the vicinity. Secretary Bryan said today he was without advice of reported disorders in Mexico City or Vera Cruz.

CHRISTMAS CIGARS
Get Governor Johnson and Mr. Pitt cigars in Christmas boxes. Home made and the best.

ESPEE EMPLOYEES ADVERTISE FAIR

Employees of the Southern Pacific company are doing their share of the work to boost the attendance at the Panama-Pacific International Exposition and the Panama-California exposition. Just now, they are centering their efforts in the east, where by means of correspondence, they are reminding their friends of the dawn of the opening of the exhibitions, and urging them to make it a point to visit California in 1915.

The Southern Pacific, which has stimulated this work among its men, has added a further incentive by having printed fifty thousand attractively designed post cards which are being distributed free to employees. These cards carry on one side a view of the exposition and beneath are greetings for the New Year. On the other side—the address side—is a suggestion for a New Year's resolution—to visit California. The suggestion in part follows: "To Visit California and the expositions. To see the quaint, but progressive South, Old and New Mexico, Arizona, the Old Missions, Catalina, and the Ocean Beaches, Yosemite, Lake Tahoe, Great Salt Lake, Mt. Shasta, Crater Lake, and other wonderful places."

It Theater
Tonight, the last performance of the Kenworthy Players will be given at the It theater. It is a comedy drama of city life with a big story, strong situations and plenty of comedy, entitled, "The Game." If you like a good show well presented, be sure to play the game tonight. A very appreciative audience saw the opening show last night and the verdict was "Fine." So don't wait until it is too late. A new run of pictures also as well as play.

CHICHESTER'S PILLS
SOLD BY DRUGGISTS EVERYWHERE

Engineers ask congress for \$1,750,000 to complete work at mouth of Columbia.