

# CITY COUNCIL HAS STORMY MEETING

## Councilmen Bayne and Downing Get in a Mix-Up That Makes the Meeting Lively

Another act in the Comedy of Errors was played at the city hall last night. Councilmen Bayne and Downing ably sustained the leading roles and were well supported by Aldermen Jacob, Acheson and others. John Carson and Chas. McNary took a hand on several occasions, and Mayor Waters enacted a thinking part. The occasion was another weekly stunt by the city council on the South Commercial street problem, and besides adding another considerable contribution to the gaiety of nations, nothing was done. The motive for the scene last evening was a call for a special meeting of council signed by Messrs. Acheson, Steussloff, Downing, Skafie, Wallace, Lowe, Haas and Baker, to consider matters relative to the South Commercial street paving and an ordinance prohibiting fireworks on the Fourth of July.

After an hour and a half of recrimination and purposeless talk, in which Messrs. Downing and Bayne came dangerously near calling each other liars, council adjourned, doing absolutely nothing.

In the meantime, work on South Commercial street has stopped short and there is no immediate prospect of the Warren Construction company beginning operations. Neither is there the slightest indication that council will either order or instruct the Warren people to saw wood.

City Engineer Byers is over east of the Cascade reveling with his compass and chains among the sage brush and jackrabbits, presumably in blissful ignorance of the fact that if both the statements given out by Councilmen Downing and Bayne are true, they are placing that gentleman in a hole and are snugly sitting on the lid. Mr. Bayne says he has in his pocket a set of field notes furnished him by the engineer by which he drew the now celebrated grade ordinance, and that those figures are incorporated in the grade ordinance. Mr. Downing says he has in his pocket another set of field notes, widely at variance with the Bayne set, that were furnished him by the city engineer and from which the present work on South Commercial street was done.

When the mayor called the council to order last night, Chairman Downing of the street committee said there seemed to be a misunderstanding on the part of the Warren Construction Co. They seemed to think they had been ordered to stop work by council and were waiting for permission to go ahead.

Resident Manager Stone said the company had merely stopped as a matter of courtesy to see exactly what the people wanted. That was all.

The Mayor—"Do you want an order from council before you go to work?"

Mr. Stone—"No; we are in a compromising mood and are willing to give and take."

The Mayor—"If council ordered you to proceed would you do it?"

Mr. Stone—"Yes."

Mr. Acheson moved that the Warren Construction Co. be instructed to go on with the work on the same grade of the street car track. This received no second.

Mr. Downing said he was willing for them to go to work, but if they were ordered, the city would be bound, and

he was against doing anything that would bind the city. "I will do nothing to stick the city," he said. Mr. Downing said he wanted to ask Mr. Bayne a question, and turning to that member asked:

"Who gave you authority to make the starting point at the grade in the ordinance?"

Mr. Bayne—"It was discovered that the grade was too high in the first ordinance and Mr. Byers furnished me the figures, which I have in my pocket and which I expect to keep for my own protection. Mr. Downing was on that committee on ordinance and Mr. Acheson was its chairman, and if there was any mistake in the figures they should have known it."

Mr. Downing, to Mr. Bayne—"Did you not tell property owners there was a flaw in the contract?"

Bayne—"I did not know I was to be brought here and placed on the witness stand; if so I want a stenographer and Downing's testimony taken."

Downing—"Mr. Bayne has in my absence accused me of everything mean in the calendar. I don't think Bayne acted the gentleman in not telling the street committee when he found a flaw in the contract. Byers gave me the field notes which contain the figures the work has been done on. If the ordinance was framed on his figures too, then he is in a close box. We did not look at the ordinance, Acheson and I had too much confidence in Bayne's honesty and we were in a hurry."

Mr. Acheson—"We did not look over the ordinance at all."

Mr. Wallace—"I don't think council has any right to order any work done except on the grade in the ordinance. It's up to the people in that section to say what grade they want."

Lowe—"We should have the people petition council as to what grade they want."

Here Mr. Bayne said that Mr. Downing and others had been over on the ground with petitions and had "queered" the whole cheese. To a certain extent they had lost confidence.

"If they will leave the people alone," he said, "perhaps the matter can still be adjusted."

Mr. Downing said he was over there and spoke to four different men on the matter. He had a petition in his pocket but did not draw it.

John A. Carson, representing some of the property owners, said that it was not necessary for council to order the work to go ahead. Everybody, he said, knew that when the street car track was laid, that was the grade. As a matter of law any objection comes too late now.

Charles McNary, representing the Warren Construction Co., said that the contractors felt secure in their rights, but they wanted council and the people to agree on a grade and they wanted some action soon.

Mr. Carson said he did not criticize the Warrens for the manner of work at all; only for the delay. Mr. Carson went on to say he saw some of his neighbors saw off four inches from the stake and lower the grade themselves.

Mr. Bayne—"Ham Smith and others got permission from the street commission to lower the grade and in giving that permission Mr. Downing went beyond his authority. 'We will not be bulldozed,' he said, 'Downing has tried to put the blame on me and I resent it. He knew of that mistake, why didn't he bring it up? What Mr. Carson says is not true. A protest was made at the time.'"

Mr. Bayne and Mr. Downing had a vigorous dispute as to which knew of the error first, and finally agreed that they both knew of it in April, or before the Linn county surveyor went over the ground.

Mr. Steussloff—"They all contend no one has ordered them to stop; then let them go ahead and do the work." Here Mayor Waters got in a word edgewise. He explained that the recent resolution ordering the company to proceed with the work according to contract, virtually stopped them from work on the street car grade