OREGON CITY LOCKS

Government Will Not Pay to Exceed \$456,000 for Them.

New Locks Recommended in Case an Agreement as to Price Cannot Be Reached.

No action has yet been taken by the Government in regard to the purchase of the Oregon City locks. The matter was fully investigated by Major W. L. Fisk, when he was stationed at Portland, and uently by a board of engineers cor sisting of Major W. H. Heuer, Captain W. C. Langfitt and Captain W. W. Harts. The preliminary report of Major Fisk and the evidence taken by the board at the session in Portland last September have been printed in House Document 302. The Portland General Electric Company asks \$1,200,000 for the locks, and the Government is not willing to pay over \$456,000. There the matter rests for the present. Major Fisk reported that the water-

power and the canal are very intimately connected, as a portion of the power is taken directly from the canal basin. The greater part of the west bank of the canal is nearly a vertical wall of rock, while all of the small space available on the east side, between the canal and the river, is valuable as building sites for use of the power, and the greater part of he willing to assume its operation with-out considerable repairs and betterments, and much work would also be required on the locks to place them in good condition so that the expense involved would be considerable in addition to the actual pur-

The traffic through the locks for the six years ending with 1898 was, according to Major Fisk, 376,025 tons of freight, 27,385,-785 feet of logs, plies and lumber, and \$2,574 passengers. The charges collected by the Portland General Electric Company in 1898 amounted to \$39,673 50.

cuseing these charges, Major Fisk said:
"Supposing the toils abolished and the
entire benefit given the producers, the
direct saving to them would be over \$39,000, while the indirect saving due to corresponding reduced rail rates it would be ossible to estimate without access to the books of the Southern Pacific Combe much greater still.

"The Willamette Valley is very rich, is settling up rapidly, and its traffic is constantly increasing; the General Government is now at work carrying out a project for improvement of the Williamette and Yamhill Rivers, involving an expenditure of \$200,000, nearly all above the locks at Williamette Falls. As Portland, the natural scaport for all this Valley, is below the locks, practically all the traffic of the river must pass through them. In my opinion the canal and locks are worthy of equisition by the general Government, if they can be obtained at reasonable cost." Cost of the Locks.

The board, consisting of Major Heuer and Captains Langfitt and Harts, went fully into the history of the locks, their cost and present value. They reported that about \$38,900 would be required to put the locks in good, serviceable condition and \$314,300 to build them anew. The re port of the board continues:

"To determine the present value of the locks on the basis of cost of construction, we must, therefore, deduct the cost of we must therefore, negate the cost of needed repairs, leaving the present value \$25,500. To this should be added the orig-inal cost of right of way, reported to be about \$35,000, making the present value \$310,500. The private statement of a relia-ble resident of Portland, based on papers now many years old, but believed to be authentic, has been made to a member of the board, stating that the origina construction was carried on with funds obtained by issuing on the faith of the company \$200,000 in bonds, in addition to the \$200,000 in bonds given by the state; that all these bonds were discounted, in one case being sold for 77% per cent, and in the other for 80 per cent, of their face value, and the funds, amounting to value, and the lunes, amounting the tall, 600, were all that were used for the construction. These amounts correspond closely with the cost of original constructions. tion, as determined by the state legislative committee in 1893, that is, between \$500,000 and \$325,000, and with the cost as found by the present board's survey. One of the original incorporators also in-formed another member of this board that the total cost was \$259,000, of which \$35,000 went for right of way, and that po-litical extras, so to speak, took about \$20,000 more, leaving the actual cost of construction at \$284,000."
The board on its visit to the locality

new locks could be constructed in case any disagreement about the sale price of those already built. These new canal and locks, if no water rights need be purchased, would cost for right of way and construction \$459,000 if one site were chosen, and \$456,000 if another site were

Traffic Handled at the Locks.

merce actually passing the locks from its opening in 1873 to the present time is given below as it was furnished to the board by the Secretary of State of Oregon, to whom, under the state law, certified statements by the canal owners of all traffic shall be submitted quarter-These quarterly statements are still

YEAR.	Number of lockages	Number of passengers	Total tonnage
1882 1833 1884 1885 1895 1898 1890 1890 1891 1893 1894 1895 1895 1895 1897 1898	123 378 237, 5 376, 5 361, 5 412 447 415 281, 5 420, 5 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	2.256 1.985 7.517 6.443.5 6.913 8.571 6.689.5 6.444 1.575 22.270 22.270 22.270 22.270 22.322 23.322 24.352 25.352	12,614,06 28,281.11 24,663.25 80,510.20 21,600.51 22,569.40 85,707.14 37,538.55 30,732.67 24,637.28 30,732.67 24,637.42 25,288.10 26,637.42 25,638.10 36,569.65 10,386.25
motole.	10-100 5	Best des e	COL 235 '04

Total* 12,863.5 | 234,451.5 | 504,145.04

*For 174 years. 'It is claimed, and apparently with just ice, that much more commerce than that given above is affected by the acquisition of these lock and canal by the General Government. This acquisition means free tolls, and therefore it is claimed a cor-responding reduction of freight rates, amounting to 50 cents per ton on all railroads along this river, will necessarily be made on all shipments to Portland from upper Valley points. The amount of commerce thus affected is stated by H. B. Thielsen, secretary of the Chamber of Commerce of Salem, in his letter dated September 16, 1889, as 560,106 tons annually. If 30 cents per ton on this freight could be saved every year it would require but few years of saving to the shippers of the Valley to more than pay for the value of the locks and canal.

Present Value.

"The president of the Portland General Electric Company, P. F. Morey, under date of September 13, 1829, offered to sell to the Government the canal and locks alone for \$1,200,000. It is understood, from verbal conversation with the general manager of this company, Mr. Goode, that row strip of land along each side of the eral Electric Company, and the bonds were

canal for buildings, etc., the separation by a concrete wail of the water-power flume from the canal, and a guarantee to supply sufficient water at all times for navigation. If such an offer could be accepted it would involve relying for the future on this company to keep up its dam in good condition, so that sufficient water should be available in the upper Exceed \$456,000 for Them.

pool at all times. It would not permit the United States to modify in any way the dam or other accessories should such modifications be needed for navigation. It would also place to a certain extent the discretion with the company instead of with the United States as to how much water is necessary for boats. Such a condition would probably be a constant source

of complaint. "One method of determining the present value of the locks from a business stand point is the capitalization of the earning power. In the case of the locks on the Monongahela River the average of the net earnings for a period of years was capitalized at 5 per cent to determine one estimate of their value. The annual cost of operation and maintenance of these locks for the past seven years and the gross earnings are stated in the letter of the Portland General Electric Company above referred to. For the past five years they are as follows, together with the

Expense of Income. Net profit. \$27,529 99 \$34,682 03 28,518 11 \$4,163 54 25,356 00 \$21,210 13 22,479 98 26,730 59 33,880 10 \$28,503 10 4,354 57 4,155 87 5,749 39 5,277 00

"These locks have deteriorated until the estimated cost to put them in repair is \$28,800, as shown above. These repairs are almost entirely for renewal of woodwork, such as revetment, dam, lock gates etc. All woodwork in this region if exposed to the weather requires renewal, according to the experience of ratiroads and of the this space is already occupied. The canal itself, Major Fisk reported, is not in such condition that the United States would years. In moist places its life is even

"Lock gates on these locks have been renewed once since original completion in 1873, making their average life about 12 years. An average of 10 years is assumed, therefore, as a fair one for the length of time these repairs will last before requiring a repetition of the work. For this reason the average annual cost of main-tenance should be increased by \$3850 or the average annual net income decreased by a like amount. The average annual not profit for tolls for the past five years would therefore be \$21,057 37, which, cap-Italized at 5 per cent, amounts to \$421,-147 40, or, in round numbers, \$421,000.

"Upon investigation, it was stated to the board that money may be borrowed now in Portland—long loans and good security—at from 5 to 6 per cent. The rate of 5 per cent is considered, therefore, as a fair and moderate rate for this locality at the present time. From a busi-ness standpoint, therefore, the value of the locks may be said to be \$421,000. "Another method of obtaining their present value is to deduct the cost of re-

pairs necessary to put them in as good condition as when first built from the cost of original construction, computed at present prices for labor and materials. As stated above, this fixes the present value at 275,500. To this should be added, however, the cost for right of way, the amount of which is about \$35,000, making its present value about \$310,500. 'Further, any price to be paid by the United States for the old locks and canal should not be in excess of what a new canal with new locks of equal capacity can be built for at or near the same place. Assuming that the United States has reserved the right of improvement of the river for the benefit of navigation, no water rights would have to be purchased and only construction and right of way considered. As stated, the board estimates that such new locks and canal can be built around the falls on the east side of the river at either of two locations for of the river at either of two locations for \$433,000 and \$455,000, respectively. This would secure for the United States all that would be obtained by the purchase of the old locks and would insure new, better and more satisfactory work. This estimate (\$456,000) is therefore given as a limit of price which, in the opinion of the Board, should be paid for the old locks.

Company's Proposition Relected. "The board cannot recommend the acceptance of the offer of the Portland General Electric Company to sell the calocks to the United States for \$1,200,600, as this price is considered ex-cessive. In the opinion of the Board, the public interests to be benefited and the commerce, present and prospective, of the Willamette River, will not justify the United States in acquiring possession of the present canal and locks unless the total cost for construction, right of way. water rights, and land necessary, etc., in-cluding separation of the canal from the water-power intake, shall not exceed, approximately, \$456,000.

"If satisfactory terms of transfer of the old canal and locks to the United States, including land necessary, water rights, otc., cannot be obtained for this amount, it is recommended that the construction of a new system of locks and canal be undertaken by the General Government practically as indicated in the plans sub-mitted, at an estimated cost of \$455,000. To the extent stated above, viz. \$455,000. the river at this point is considered worthy of improvement by the General Government. Before either the present locks are acquired, or new ones be exact legal rights of the United States to water for lockage purposes, and incident thereto the right to control the waters to insure sufficient supply, should be determined beyond question by the Department of Justica."

The Electric Company's Offer.

The Government's view of the locks question is fully set out in the foregoing report of the engineers. The Portland General Electric Company's side of the case is contained in the following letter from P. F. Morey, its president, to the en-

"We are unable to give you the original ost of the canal and locks, as we have no reliable data on that point.
"We can give you the cost of operation and maintenance, including repairs, only

for the time the property has been in the possession of the Portland General Electric Company—that is, for a period of seven years ending August 31, 1899:

"We inclose blue prints, showing pro-osed plans of modifications contemplated, referring particularly to the extension of power-house and the concrete wall on river side of lock to separate the locks canal from the power canal, thereby do-ing away with the taking of water from the canal for power purposes.

'The leases to other parties of water rights and sites cover the right to use

about 5000 horse-power of water and the use of the land on which factories are "Blue print No. 3, inclosed, and other maps heretofore furnished you, will show our holdings, together with leased sites

and all buildings, present and proposed indicated separately.

"The tolls received for the past seven

years-that is, the full term of our ownership-have been as follows: ptember, 1884, to August, ptember, 1894, to August, eptember, 1896, to August, eptember, 1897, to August, eptember, 1897, to August

September, 1838, to August, 1839. "The locks property formerly belonged to the Willamette Transportation & Locks Company, and the capitalization of that company was: Common stock, \$1,900,000; bonds, \$420,000; all issued. This stock was exchanged for stock in the Portland Gen-

"We are not advised of the consideration in the transfer from the original compan-to the Willamette Transportation & Lock Company. The consideration expressed in the deed from the Willamette Transportation & Locks Company was nominal, it

tion & Locks Company was nominal, it being a stock transaction.

"We will sell the canal and locks, with sufficient land for buildings, storerooms, etc., required for its operation, and with the right to take at all times the water necessary for the operation of the locks, for the sum of \$1,200,000.

"In this connection, it should be noted that the earnings of the locks have increased steadily for the past seven years.

creased steadily for the past seven years, and that the earnings for the year ending August 31, 1899, were almost double those for the year ending August 31, 1833. The net earnings for the last year were \$23,-503 10, or practically 2% per cent on the price named. It is only fair to assume that the tonnage through the locks will continue to increase, and if the increase is in proportion to the past few years, there should be within five years a net revenue of about 4 per cent on the valua-

This proposition would require the rat-ification of the stockholders at a special meeting called for that purpose, and also the consent of the Old Colony Trust Com-

Steamers Not Properly Handled. The report contains much information relative to the management of the locks which was submitted to the engineers

last fall but was not made public at the Captain A. J. Spong, of the steamer

Pomona, wrote:

'I have been master of steamboats for eight years: the last four years I have been running through the locks at Oregon City. The management of the locks has been something awful toward steamboats. boats, and especially my company's boats. There is no one there that has any authority. Those mills do just as they please. A raft of logs is just as good as a passenger steamer. I have been within three minutes' run of the locks—that is, in sight—and they run a raft of logs into the locks ahead of my boat and delay me from 10 to 20 minutes. This is once in a while, but it occurs on. When the W. P. & P. Co. their logs up from the Columbia River there is 30 days that their man takes possesion of the locks. They run the logs through, and a steamer is a second-ary consideration. The last lot of logs which they locked through I lost three hours, 10, and 15, and 20 minutes at a time. In the past four years the Portland General Electric Company has been building their plant in the canal, and they had mg their plant in the cause, mud scows, der-rick scows, and they have been afloat and sunk, and the boats got through when they got a chance and drag a sunken scow out of the way. I have done this

nore than once.
"At the head of the canal there are craggy rocks on the right and no protec-tion from a boat's hull striking them. The steamer Hong struck them last summer and sunk. They are now putting some boom logs at this point that I speak of, after 20 odd years without anything there. They could have done that years ago; it is inexpensive and sufe. The Oregon Railroad & Navigation Company boats handle the freight for those mills in the canal. They stop and discharge and keep other boats waiting. They will move to a narrow place in the canal where you can not get past them and hold five and 10 minutes, then go on through ahead of you, lay in the locks anywhere and discharge or take on freight. Just a short time ago I waited 20 minutes Pomona on one of the Oregon Railroad & Navigation Company boats. The fact of it is those mills run things there just about to suit themselves. The worst of all is when the water is low in the fall, those mills suck the water out from under your boat and let your boats set on those broken rock in the bottom of the canal. I have set, time and again, 20 minutes at a time, and they would growi among themselves about whose turn it was to shut down and give the water to the boat. There are numerous other things that I will not have time and space to mention. I will conclude by saying that if there is anything in the United States that had ought to be owned and managed by the Government it is the locks and canal at the falls of the Willamette at Oregon City.

Government Ought to Purchase. Elmore, wrote under date of August 1, 1899:

sons why the General Government should acquire and operate the locks, and none why it should not. Some of the reasons are the poor condition the locks have been kept in for the last two or three years; bolts and boltheads being allowed to protrude, which tear the guards of steamers as they pass through. For the last three weeks there has been a raft of logs at the lower end of the locks, which protrude over the entrance to the locks so that it is necessary for boats in going in and out of the locks to rub against this raft, which scrapes the paint off and sometimes slivers the hull of your boat. "The company which owns the locks have leased the water right to the paper

mills, which, instead of taking water from a flume, are allowed to take their water from the canal, which for three or four months during low water of each year makes it impossible for boats to get in or out the canal until the mills shut down (which they are very loth to do) and ailow water enough to accumulate to float the boat, and even then the current is so swift in the canal, caused by the water wheels they still keep going, that navigation is very unsafe, as witness the sink-ing of the steamer Hoag in the canal last low water, for which the owners of the boat are now suing the lock company. For which reasons and innumerable other instances, which I consider the Genera Government would remedy, to say nothing of the benefit which would acquire to the many inhabitants of the Willamette Val-ley by the reduction of 50 cents a ton on freight. In fact, I consider that the whole Willamette Valley would be the gainer by the acquisition of the locks and canal by

the General Government."

Navigation Hindered.
Captain J. L. Smith, of the steamer
City of Eugene, wrote:
"I am decidedly in favor of the locks
being under the control of the United
States Government, for the following
reasons: In the first place the locks reasons: In the first place, the locks be-long to the school fund of the State of Oregon, the state furnishing \$200,000 to build the locks, and for use of said money the locks were to revert to the state at the expiration of 20 years, but was swin-dled out of the last compare and second died out of the last copper; and, second ly, the locks are now used mainly for th enefit of private corporations, diverting the water from its proper channel, to the hindrance of navigation, and often to the damage and delay of boats in passing through, especially during the low-water period, when so much water is taken from the canal for the use of the mills situated on the banks of the locks or canals that it is impossible for boats to get through until they see fit to shut get through until they see fit to shut down some of their gates; and, lastly, it is a burden on all producers contiguous to the river, being tolled 50 cents per ton, which should be free, and, besides, the locks are sadly in need of repairs; nearly every part is rotten, ready to give way at any time during high water. Freight carried by boats cun by me for the last 20 years average about from 60 to 150 tons each round trip.

Charges Too High.

The Salem & Pacific Coast Railway Company, which a year ago acquired the Luckiamute Valley & Western Railway

properties, made this statement:
"That it is constructing a railway of 224 miles from Fails City, in section 21, T. 8 S., R. 6 W., to Salem, the capital of the state, and that its carrying trade will chiefly be logs and lumber for Portland and for prairie farms of the Willamette Valley from new regions of timbered country tributary to it for over 100 square miles of the finest forest in Oregon.

"That the City of Portland now use:

nearly a million feet of lumber per day, and is compelled, on account of scarcity of saw logs, to go farther back into the interior for same, and for that reason a contract has been offered to this railway company to carry 250,000 feet of saw logs per day for years, and dump the same into the Willamette River at Salem, and to be from there carried down through the locks at Oregon City, to and delivered at Portland, at the sawmills of Inman, Poulsen & Co., to be there manufactured into lumber.

into lumber.

"That, in addition thereto, lumber now manufactured at Fails City, the western terminus of this railway (only 38 miles from the Pacific Ocean by an easy grade), and wheat, oats, hops and agricultural produce will be carried to Salem on the Willamette River, and thence through the locks to Portland, its chief shipping market.

"That the lockage tolls now payable on "That the lockage toils now payable on such products are as follows: Manufactured lumber, 50 cents per 1000 feet; saw logs, 50 cents per 1000 feet; pilling timbers, 20 cents per linear foot; oak and fir cordwood, 25 cents per cord, of which there are many millions of feet growing on both sides of this company's line, suitable for Portland market, which cannot stand railroad transportation the long distance of 72 miles; wheat, 50 cents per ton.

"That if the high tartif of lockage rates is continued as now, the produce and tim-ber lying along this company's rallway and beyond its present terminus cannot be developed, because, being heavy products and small products, they cannot stand a long transportation of 72 miles to Portland. re are 140 square miles of timber land There are 100 square miles of timber and tributary .o Falls City, besides the 224 miles of clear farming land and oak groves lying between the Willamette River and Falls City."

What the O. R. & N. Has Paid. President Mohler, of the O. R. & N. Co., resident Mohler, of the O. R. & N. Co., its ownership of the minus of the following statement of lockage, of the river, and therefore to the middle of the stream.

Tation to the Portland General Elactric "Second—Should the United States Government of the stream." wharfage and basin dues paid by his cor-poration to the Portland General Elactric

nearly a million feet of lumber per day, and other waters and made withconstrued as to their effect according to the law of the state in which the lands ile. In consequence, the decisions of the Supreme Court of the United States are not in harmony except as applied to the state in which the question arose. In the case of the Grand Rapids and I. R. Co. vs. Butler, 159 U. S. Sī, the Supreme Court held that where the Government construed as to their effect according to grants land on the bank of a fresh-water stream above where the tide ebbs and flows without reservation in states where the common law prevails, that a grant of land bounded by the stream, whether navigable in fact or not, carried with it the bed of the stream to the center of the

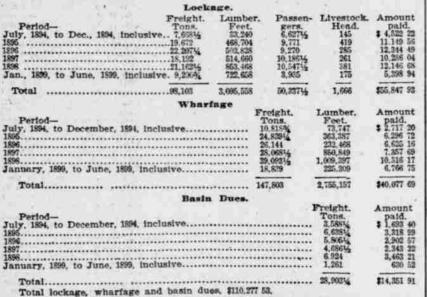
thread thereof.

'That the common law prevails in Oregon in matters of this kind has been deided repeatedly by the Oregon Supreme

"In the great leading case of Shively vs. Bowlby, 152 U. S., 1, which case arose in the State of Oregon, at Astoria, where the tide ebbs and flows, Justice Gray, in delivering the opinion of the United States Supreme Court, said: 'The settlers of Oregon, like the colonies of the At-lantic States, coming from a country in which the common law prevailed to one that had no organized government, took with them, as their birthright, the principles of the common law, so far as suited to their condition in their new homes. The jurisprudence of Oregon, therefore, is based on the common law.' But he held that as regards lands where the tide ebbs and flows that the lands extend only to the high-water mark, the rule being different as to lands of that character and lands where they are on a navigable stream above the tide

"So the Portland General Electric Company has exclusive right to the water at, shove and below the falls by reason of its ownership of the lands on each side

company from July 3, 1894, to June 30, 1899; ernment desire to build locks of its own



Rights of the United States. United States District Attorney John H. Hall gave the board this opinion as to the right of the United States to improve the Willamette River at Oregon City, either by the construction of a canal and locks or by blasting out the obstructions in the channel, and as to the liability, if any, the government would be to the riparian owners and the owners of the locks already

constructed: "Upon the accession of the Territory of Oregon to the United States, whether by discovery or whether acquired under the Louisiana purchase, the United States became the owner of the soil and held the bitrarily or capriciously destroyed or imfee therein, which included the lands in paired. It is a right of which, when once the beds of the navigable streams extend- vosted, the owner can only be deprived in the beds of the navigable streams extending to high-water mark, not only in those streams where the tide ebbs and flows, but also to streams navigable in fact. The title to this chas of property was held by the United States as trustee for the future State when created. Therefore when the State of Oregon was admitted into the Union in 1859, the legal title to said into the Union in 1859, the legal title to said lands in the beds of streams, between the ordinary high or low-water mark, became and was vested in the State which witch hold the doctrine of the absolute came and was vested in the State, which the State might dispose of at will, subject, however, and subordinate to the right of the Congress of the United States to regulate the commerce thereon. This right has been construed by a high tribunal as to the right of improving the channel of a stream by removing obstructions therealthough having acquired legal title to the land to the middle of the stream, can have or claim no damage from the United

States that may accrue to them by virtue of such improvement. "The case of Scranton vs. Wheeler, de cided by the Circuit Court of Appeals for the Sixth Circuit, reported in 57 Fed., page 503, is a case strictly in point. You would have no right or authority to appropriate or demolish the canal and locks that have been already constructed there under au-thority from the state without condemnation proceedings. But the Government has a legal right to construct other canals and locks, although it may impair the usefulness of those already constructed, providing it constructs them over ground that is either at all times covered by the flow of the water, or that lies below ordinary high-water mark. Within these limits the authority of the General Government for purposes of commerce and navi-gation is supreme, and cannot be divested either by the state or by individual pro-

prietors, and damage that would arise would be an injury without a remedy. "The authorities upon this question are numerous and elaborate that I will not at this time make any further citations, except to say that in the case of Shively vs. Bowlby, reported on page 1, volume 152, United States Supreme Court reports, the matter is very exhaustively considered by Justice Gray, of the Supreme

Position of the Electric Company. Frederick V. Holman, general counsel of the Portland General Electric Company, thus summarized the right of the

company to the water in the Williamette River at Williamette Falls. "First-That the Portland General Electric Company owns the land on each side of the river at the fails, and a short distance on the east side of the river below the falls, and also for a long distance on Below the falls it owns the land on the west side of the Willamette River, the side on which are situated the canal and locks, from the falls for a long distance down the river. Oregon City is on the east side of the river and begins a short distance below the falls, adjoining the lands of the Portland General Electric Company on the east side of the river. All these lands owned by the Portland General Electric Company were origi-nally donation land claims, for which patents were issue and from the original owners of which the Portland General Electric Company derived its title by mesne conveyances. These lines extend to and follow the meander lines of the river as originally surveyed by the United States surveyors. The Portland General Electric Company derived its right to the water flowing in the Willamette River and the use thereof from its ownership of the lands on each side of the river and above the falls and below the falls on the west side of the river to the meander line of the river.

"Considerable confusion has arisen in the decisions in different parts of the United States from not understanding that all the states do not follow the com-mon law, and that those states which do not follow the common law vary consider-ably in their laws and decisions of the courts relating to water and riparian rights. In Hardin vs. Jordan, 140 U. S. 371, it is held that grants by the United States of its public lands bounded on

on lands belonging to the Portland General Electric Company, it would be com-pelled either to purchase the lands or to ondemn the same in the courts. On the condemnation proceedings it would be compelled to pay not only what the land is worth, but also what the right to use the water is worth to the Portland General Electric Company as the owner of the land and the water rights.

"In the case of Yates vs. Milwaukee, 10 Wall., 77 U. S., 497, speaking of riparian rights, it is said: "This riparian right is property, and it is valuable, and though it must be enjoyed in due subjection to the rights of the public, it cannot be araccordance with established law, and, if lic good, upon due compensation." "In Lewis on Eminent Domain it is said, ection 84: 'According to principles heretofore laid down, it follows that any intu

ry to riparian rights for public use is a title of the public course deny any redress for injury to riparian rights, for the reason that they do not recognize the existence of such rights." "But this principle does not apply in Oregon, where, as I have said, it has been held by the Supreme Court of Oregon and the Supreme Court of the United States the principles of the common law do prevail, and that the Portland General Electric Company has a vested right in the flow of the water as appurtenant to its ownership of the lands to low-water mark on the river.

"Third—There is nothing in the law granting a subsidy of \$200,000 to the Wil-lamette Falls Canal & Locks Company for the construction of the canal and locks at the Willamette Falls, or any other law in the State of Oregon which would com-pel the Portland General Electric Com-pany to operate said locks or canal if it did not choose to do so. The Portland General Electric Company could close the locks if it chose. Neither the State of Oregon por the United States could com-Oregon nor the United States could con pel the operation of the canal and locks, any more than it could compel the operation of a railroad which did not agree to transport troops or mail or to compel any other public carrier to operate its road if it did not choose to operate it at all. Of course, so long as the locks are op-erated the state can exercise a superviston over the locks somewhat similar to the supervision the State may exercise over railroads when they are operated. This subsidy was merely a gift to the or-iginal company to aid it to construct the locks, the locks being constructed on the land of the original company. The subsidy was given out of the sale of lands given by the United States Government to the State of Oregon on its admission to the Union for internal improvements. The benefit which the state derived was the indirect benefit that boats could pass the falls, which could not be done without the canal and locks."

ANOTHER ATHLETIC CARNIVAL Hall Adali Will Meet McMillan and

The success of the carnival of sports at the Exposition building last Saturday each side of the river above the falls. evening has caused the same managemen to arrange for another and bigger event next Saturday night. At that time Hail Adali, "the Sultan's Lion," will attempt to throw D. A. McMillan, the champion fine-style wrestler, and Louis Cannon, the champion Graeco-Roman wrestler America, four times in 90 minutes. Two of the bouts will be Graeco-Roman and two catch-as-catch-can. At the same time Hall Adali challenges 10 mgn to meet him on the mat, one after another. without a rest. The Turk's challenge to McMillan and Cannon is open to all the wrestlers of the world. If Adali falls to throw either of the other principals with-in one hour he forfelts \$1000, if he falls in half an hour he forfelts \$500, and if he

er Empire, for Coos Bay; steamer Geo. W. Elder, for Portland. Queenstown. March 18.—Sailed—Bovic, from Liverpool, for New York. Portland, Me., March 18.-Arrived-Van ouver, from Liverpool.

DAILY METEOROLOGICAL REPORT. PORTLAND, March 18, 8 P. M .- Maximum river reading at 11 A. M., T.S feet; chan last 24 hours, —G; total precipitation, 8 P. M. to 8 P. M., 0; total precipitation from Sep-tember 1, 1899, 29,44 inches; normal precipita-tion from September 1, 1898, 36,10; deficiency, 66; total sunshine March 17, 1900, 6:55; possible sumshine, 12-01 WEATHER STNOPSIS.

No rain has fallen at any of the weather bureau stations reporting. Fine, warm weather has prevailed everywhere west of the Rocky Mountains. The temperature has risen, locally, and also slightly at Walla. Walls. The lat-ter is the warmen. and also slightly at walls. The lat-ter is the warmest place in the country, at this report, the temperature being 72 degrees. The pressure is highest along the Coast, and lowest over North Dakots. West to northwest winds are blowing along the Coast. WEATHER PORECASTS.

Forecasts made at Portland for the 28 hours ending midnight, Monday, March 19, 1960; Western Oregon and Western Washington-Pair; winds northwesterly. Eastern Washington and Northern Idaho-Fair; westerly winds; cooler at Walla Walla. Eastern Oregon and Southern Idaho-Fair, northwest winds. Portland and vicinity-Pair; westerly winds G. N. SALISBURY, Section Director.

CLASSIFIED AD. RATES "Rooms," "Rooms and Board," "Housekeeping Rooms," "Situations Wanted," 15 words or ess. 15 cents; 16 to 20 words, 20 cents; 21 to 22 words, 25 cents, etc. No discount for additional

UNDER ALL OTHER HEADS except "New Today," 30 cents for 16 words or less; 16 to 20 words, 40 cents; 21 to 25 words, 50 cents, etc. irst insertion. Each additional insertion, onehalf; no further discount under one month.
"NEW TODAY" (gauge measure agate), 15
cents per line, first insertion; 16 cents per lire or each additional insertion.

AMUSEMENTS.

MARQUAM GRAND—
CALVIN REILIG. Mgr.
Tuesday and Wednesday evenings, March 20
BEAUTIFUL PRODUCTION OF A GREAT
PLAY. A COLONIAL ROMANCE.
"TOLL GATE INN."
"TOLL GATE INN."
"TOLL GATE INN."
"TOLL GATE INN."
A story of "Ye Olden Times."
PRICES—Lower floor (except last 3 rows), \$1; last 3 rows, 150; balloony, first 6 rows, 150; balloony, last 6 rows, 500; gallery, 25c.
Seats now selling. MARQUAM GRAND-

CORDRAY'S THEATER—
All week, with Saturday Matinee, commencing Sunday evening, March 18, the greatest of all Russian plays,
DARKEST RUSSIA."
Interpreted by Edwin C. Jepson's Excellent Company of Finiahed Flayers.
A Stirring Drama, Elaborately Staged, A Story of Thrilling Dramatic intensity, Heart Interest and Clean, Bright Comedy.
Prices—25c and 50c; lose seats. 75c; hox seats. \$1.00.

AUCTION SALES TODAY. At residence, 434 Larrabee etreet, 10 A. M., by S. L. N. Gilman, auctioneer,

MEETING NOTICES.

At 201 Russell street, corner Vancouver avenue, Upper Albina, at 10 A. M. J. T. Wilson

GENERAL GERMAN AID SOCIETY.—The numbers of the General German Aid Society

members of the General German Aid Society are requested to meet at Arion Hall. cor. Second and Oak, Tuesday, March 20, 1990, at 1 P. M., to attend the funeral of their late member, Ferdinand A. Flacher.

JOHN REISACHER, Pres.

C. BIRCHER, Sec.

HAWTHORNE LODGE, NO. 114, A. F. & A. M.—Stated communication this (Monday) evening. E. A. degree. All Masons cordially invited. By order W. M.

E. GLAFKE, JR., Secretary.

PORTLAND SOCIAL TURN VEREIN-Toe members of the above verein are requested to be at their hall at 1 o'ctock, Tuesday, March 20, to attend the funeral of our late member, F, A. Flecher.

JACKSON-March 17, Mrs. Ann Jackson, 88 years, mother of Mrs. P. M. Dekum and Albert Jackson, of this city, Funeral from residence, 185 13th st., at 10 A. M., Monday, Services at the grave, private; omit flowers. FISCHER—In this city, March 17, 1900, Ferdinand A. Flacher, aged 52 years. Funeral will take place Tuesday, March 20, at 2 P. M., from his late restdence, 114 East Third north, cor. East Glizan. Friends are respectfully invited to attend.

HOLMAN—At her residence, this city, 30d Market street, after a long illness, at 4:25 A. M., March 18. Honor Stephens Holman, wife of Robert Holman, Funeral will take place at 2 P. M. Tueslay, the 20th Inst. Friends invited. Fiint, Mich., and Brooklyn, N. Y., papers please copy.

EDWARD HOLMAN, Undertaker, 4th nd Yambill sts. Rena Stinson, lady ssistant. Both phones No. 507.

J. P. FINLEY & SON, Undertakers, Lady Assistant. 275 Third st. Tel. D.

NEW TODAY.

\$2000 TO LOAN ON WEST SIDE, 6 PER cent; no brokerage. Address Loan, P. O. box 670, city.

Mortgage Loans On improved city property, at lowest rates.

Mortgage Loans
on improved city and farm property, at lower
current rates. Building loans. Installment
oans. Macmaster & Birrell, 211 Worcester bik.

J. D. Wilcox & Co. GENERAL BROKERS, HAVE REMOVED TO 2021/5 STARK ST. We buy and sell mines, tim-ber lands, forest reserve scrip, real esinte, stocks, bonds and mortgages.

THOS. SCOTT BROOKE REAL ESTATE—LOANS

PARRISH & WATKINS REAL ESTATE, LOAN AND INSURANCE AGENTS Have Moved to 250 ALDER STREET

HOMES ON THE INSTALLMENT PLAN The undersigned is prepared to build residences in Irvington, the most popular suburb of Fortland, and sell them at actual cost, with 6 per cent interest, on the installment plan, whereby the purchaser has to pay but a slight advance above the usual amount of rental charged for similar residences.

C. H. PRESCOTT.

212-213 Chamber of Commerce.

Auction Sales Geo. Baker & Co.

ADMINISTRATOR'S SALE

ADMINISTRATOR'S SALE

In half an hour be forfelts \$290, and if he falls in 15 minutes he forfelts \$250.

Preliminary attractions will be given.

Domestic and Foreign Ports.

ASTORIA, March 18.—Arrived — Bark Gleaner, from San Francisco, for Knappton. Salled—Steamer W. H. Harrison, for Tillamook, at 9:40 A. M.; at 4:40 P. M., British steamer Strathgyle, for the Orient via San Diego. Left up at 9:40 A. M.—British ship Poseidon. Condition of the bar at 5 P. M.—Moderate; wind, north; weather, clear.

New York, March 18.—Arrived—La Gascogne, from Havre.

Bremen, March 18.—Arrived—Munchen, from Baltimore.

Cherbourg, March 18.—Salled—New York, from Southampton, for New York, San Francisco, March 18.—Salled—Steam—Steam—Steam of the numerous lots, sale will commence at 9:39 A. M. sharp.

ADMINISTRATOR SALE

TOMORROW, TUESDAY, MARCH 20, AT 110

TOMORROW TUESDAY, MARCH 20, A

NEW TODAY.

SPECIAL FOR SATURDAY AND MOP
2 dosen fresh Oragon eggs
Fancy creamary butter (none better).
Lion or Columbia coffee, 2 packages.
Best Valley flour, per sack.
Burbank potatocs, per sack.
10-lb, sack white or yellow comment
2 lbs, Costa Rica coffee
5-lb, package Gold Duet
Try our Royal Mocha and Java col
per lb.

POUNDS DRY GRANULATED SUGA good Valley flour, Toe sack: 10 pounds oats, 25c; 6 pounds clean rice, 25c; 2 ages coffee, 25c; 2 packages raisina, dozen Oregun eggs, 25c. Jregon Cash (Co., 232 North 14th.

FOR SALE-STOCK OF GENERAL chandise in Columbia River town; bee tion in town. Address J 35, Oregonia

Wellington Coal. Pacific Coast Company. Telephone, ashington street.

FOR SALE-REAL ESTATE

BARGAIN COLUMN—
\$500—House and lot in Sunnyside,
\$1500—Corner, S-room nouse, large be
10th and Pacific, near new factory,
\$2000—100x100, modern house, S. 21s
\$2000—2 sightly lots and destrable c
Page st and Gantenbein ave.
\$1850—Modern *r-room house, 608 E. 2 lots and 7-room house, N. E. cor.
and Courb.

A lots and 7-room house, N. E. cor. and Courh.

Corner and 8-room house, 694 E. Alder.

2 lots, running from E. 6th to E. T. Iween Morrison and Alder.

Lot and 6-room cottage, 147 E. 20th.

55x100 and cettage, E. 18th and Beimo Corner and 8-room house, 960 E. Yam Lots in Bent's addition, Beacon and 2 kie sts., \$400 each.

Sightly lots, E. Eighth and Brooklyn. 3 lots and 2 store buildings. Union as Sellwood sts. Sell separately.

Lot and desirable nouse, 619 Mississipp Lot and desirable notage, 611 Vancouver av 4 houses on San Rafaei st., Albima; no ing 8 per cent on price saked.

Acre tracts right in town.

The above is a partial list of properties by a foreign moragane company. The are low and the terms cesy.

W. H. GRINDSTAFF, 246 2

\$25-6 LOTS IN ARBOR LODGE. \$250-8 lots in Columbia Heights, just Piedmont. \$700-2 lots and cottage, S. E. tor. I

of Piedmont.

\$700-2 lots and cottage. S. E. Sor. 1
and Minnesota ave.
\$1500-Large lot and neat modern cot
terminus Hawthorne car line.
\$1000-\$6ve125 and 2 cottages. E. Russ
500 paying 10 per cent.
\$1000-2 lots, cottage, 506 Mississippi
\$1000-Lots Sox100, E. Ash, near 20th.
\$1000-\$80x100, 5-room cottage, 500 E. C.
\$1700-2 lots and modern house. E. 2
near Division.
\$2000-2 acres and half. Wiberg's
improved and very destrable.
\$2000-2 acres and balf. Wiberg's
improved and very destrable.
\$2000-3 lots. E. 17th and Weidler.
\$2000-3 lots. E. 17th and Weidler.
\$2400-3 lots. E. 17th and Weidler.
\$2400-3 lots. E. 17th and Tiliamook,
ton. Will sell separately.
\$650 to \$500-Acre tracts right in bor
minute car service. Opposite Pledmont
Favorable terms on any of the above.
W. H. CRINDSTAFF, 246 S

W. H. CRINDSTAFF, 248 s

2150—Lot on Seventh-street Terraces
brick foundation and furnace.
4500—House and lot, Portland Height
\$2100—40x100, 6-room cottage, 7th st.
\$1600—Fractional lot and neat, strictle
ern cottage on Hall st.
4450—Lot near 25th and Thurman.
4500—6-room house and fractional lo
50x100, with a strictly first-class
house. This property is located 746 J.
Nob Hill. House is modern in every
and was built at a cost of \$5400. Will
low and on favorable terms.
\$4500—Lot and house, 10th st., near
\$2500—Modern cottage, 70th Davia, near
\$2500—100x100, with 2 small cottages
cor. 15th and Raleigh.
\$2500—Corner lot, 24th st., King's Sec
\$000 to \$700—Lots in Doscher's 26
North Portland.
\$5500—Washington-street business pr
Will pay 6 per cent on \$10,000.
\$1700—60x100, Irving, between 23d and
\$1500—25x100, Iz-room house, 440 Job
\$1000—Destrable quarter blocks, P
Reights.
\$550—60x100, Johnson, near 21st.

\$1000 — Desirable quarter block, P. Heights, \$850—50x100, Johnson, near 2fex.
The large brick castle on Seventh-sraces will be sold at a sacrifice, or exfor vacant property.
\$7500—Block facing N. P. raliroad, B. Wilson. Warehouse property.
\$0x100 and cottage, 330 N. 19th.
\$2000—Lot and desirable house, 150 N. \$2100—South-front lot, on Irving, ju of 25d.
\$2700—Corper and 2 cottages, 11th and

\$2100—could rente be, on Irving, in \$2100—could rente be \$2500—corner and 2 coulages, 11th and ney. Will sell separately. 50x100 and cottage, 809 Corbett. Corner and 2 bouses, Water and Whit Corner and 2 bouses, Water and Whit Corner and 2 bouses, Water and Whit Three houses and lots, Nebraska st., ern Portland; \$750 each. IExal00 on Thurman, between 21st as Desirable buys on Portland Heights. Pavorable terms on any of the above.

Favorable terms on any of the above. W. H. GRINDSTAFF. 246 \$1000 BUYS A NEW 5 - ROOM COT having bath, fireplace, large grounds, ing on improved street, in good location oneh, balance in payments at 6 per of

ing on improved street, in good locatio costs, balance in payments at 6 per o terest.

24500 buys a new modern 8-com res with full lot, in fine part of the city ent owner built it for his home, but state will sell.

Third-street property—By order of colose an cotate, I am authorized to a dwellings and greunds, having 10 feet age on Third at. This property is "clo and is a bargain.

Sixth-street property—Fine corner, large, well-built modern residence, a ble home and reasonable in price.

\$2000 buys a fine modern residence full quarter block, in good location, or blocks from car line, Best buy abolity of Portland at the price.

\$2000 buys an improved tract of 15 a Johnson Greek; fronts on main county and is being sold for amount of mothis is A SNAP.

Lots to build home on—I have the East Burnedde st., in Holladay's at Irvington and that choice suburth, Pir IF YOU INTEND BUILDING, come a me about your selection of a lot or may, be able to save you money.

If you want to buy property, call to K. Henry, as you may gave money doing, and

If you want to sell property, it we you to list it with CHAS K. HENI

POSITIVE SACRIFICE—CHEAPEST

A POSITIVE SACRIFICE—CHEAPEST ner lot centrally and well located East Side, price only \$500. See it. Cheapest home for the money—Corn 7-room practically new house, modern 12 blocks from the east end of steel \$2500 one-third cash, balance low 1 interest.

Cotinge of 6 rooms, large lot, near 1 tion building, \$2500.

Large lot, two 5-room modern houses, rental, good location, near care, will less than the houses can be built for only \$3500, easy terms.

The cheapest and choicest quarter bit Holladay's addition, from \$1100 up. A 5-room cottage, small lot, on East, central, only \$750.

Cheapest and best buildings lots city for the money, on East Burnside at \$650 each, on installments. Special ments to parties that will pay cas build. Investigate these lots before y elsewhere.

F. W. TORGLI.

YOU CAN GET

100 feet square, with neat 5-room of a barn, chicken-house, choloce fruit shrubbery, on East Sixth etreet, one from Weodlawn Station, for \$750.

Six lots on East Eighth skreet, with cottage, \$900.

An acre in Clackamas, all in fruit schrubbery, beautiful cottage, for \$50.

11 acres fronting on Clackamas Rive house, good barn, choice fruit, \$1100.

40 acres with good house, 20 cleared \$00-acre farm, two miles Hillsboom, \$00.

R. R. Dunn, 1494; Fire

EAST SIDE HOME - CORNER LOT bouse of 9 large, well-arranged rooms, i modern, close in; desirable neighborhos an opportunity to get an inside hor very little money. Easy terms. W. H. staff, 246 Stark.

250 FOR A 5-ROOM COTTAGE AND at University Park, on Olin near Ober The house is in first-class shape and a well improved; plenty of fruit. G. I Houten, M5 Chamber of Commerce.

220-Chicken ranch, 5-room house, good chickens, ducks, incubasor, brooders, wagon, running and well water; pallone to Oct. 1; may be extended. A. son, 183% Madison et.

NEW MODERN HOUSE, 10 MINUTES from postoffice, \$2950, at \$20 per month modern house. Washington car line, \$1 \$15 per month. T 29, care Oregonian. TWO BARGAINS, WEST SIDE RESU property, well located; 9-room house; I rooms and 38x100, lot, \$3900. De Ward & Co., 2721/2 Stark st.

\$2250 FOR 3 ACRES ON MOUNT T sightly, near cars, beautiful situation fine home; will sell part. Hart Las room 7 Sherlock block. WATER FRONT, WELL SITUATE West Side, for sale cheap, 480,000 squa Rallway facilities, F. V. Andrews Hamilton building.

NOB HILL COTTAGE, 6 ROOMS, FINI lot, \$2750; about \$1200 cash, balance if if desired; bargain, Address W 37,