CLOSING THE DRAWS

County Has the Right to Regulate.

DISTRICT ATTORNEY'S OPINION

Relying on the Escanaba Case, Mr. Chamberlain Says the Oregon Legislature Has Plenary Power Over the River.

District Attorney Chamberlain is of the opinion that the State of Oregon has plenary powers over the Willamette River, and that the Legislature, by implication, has conferred on Multnomah County the right to regulate the opening and closing of drawbridges in the City of Portland. In conformity with a request from the County Court, which body is considering the advisability of keeping the draws closed at certain hours of the day, so as to accommodate the large, constantly increasing number of pedestrians, bicyclists, teams and street-cars, Mr. Chamberlain yesterday handed to Judge Cake, the following opinion:

Hon. W. M. Cake, County Judge, City—

Dear Sir: I am in receipt of your favor asking on behalf of the Board of County Commissioners my opinion as to whether or not the County Court has the authority to keep the draws upon the bridges over the Willamette River at Portland closed at certain hours, for the purpose of accommodating travel upon the same.

Though your request for my opinion does not indicate precisely the ground you desire me to cover, I assume that you desire to be advised:

First—As to the police power of the state over navigable waters entirely within its boundaries, and the authority of the Legislature to invest the County Court with authority to regulate the use of bridges over the same, even though such regulation may so a certain extent place a temporary restriction upon the navigation of such rivers; and

Second—If the state has any jurisdiction over such waters, whether power has been conferred by the Legislature upon the County Court to exercise control over the bridges spanning the Willamette River, within the corporate limits of the City of Portland.

I will answer the questions in the order in which they are stated.

First—The act of February 14, 1859, admitting Oregon into the Union provides amongst other things that "all navigable waters of said state shall be common highways, and forever free, as well to the inhabitants of said state as to all other citizens of the United States, without any tax, duty, impost or toll therefor."

Objection to the construction of bridges over navigable waters within the state and the placing of obstructions therein or thereon by authority of the Legislature of the state, must be predicated either on that portion of the act of 1859 quoted, or else upon the commerce clause of the Constitution of the United States, vesting in the General Government the exclusive right to regulate interstate and foreign commerce, which right involves the control of the waters of the United States which are navigable in fact so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the states or with foreign countries.

Both questions have been before the Supreme Court of the United States, as well as before the courts of last resort of some of the states, and whatever room there may have formerly been for difference of opinion on the subject, the doctrine appears to be well settled against the objections suggested. In 1878 the Legislature of Oregon passed an act authorizing the Portland Bridge Company or its assigns to construct a bridge across the Willamette between Portland and East Portland. In 1880 the Willamette Iron Bridge Company, as the assignee of the Portland Bridge Company, under the authority of the act referred to began the construction of what is now known as the Morrison-street bridge.

In 1881, Hatch & Lownsdale began a suit in the Circuit Court of the United States against the Willamette Iron Bridge Company to enjoin said company from proceeding further, and to compel the removal of piers already in place in the river. It was claimed amongst other things that the construction of such a bridge interfered with the free use of the river, as guaranteed by the act of 1859; and, further, that inasmuch as Congress had established a port of entry at Portland, requiring vessels which navigated the Willamette to be enrolled and licensed, and had made appropriations for the improvement of the river, and had in other ways asserted the power of the United States to regulate commerce upon said river, and to prevent obstructions to the navigation of the same, the state had no power to authorize the construction of the bridge in question.

The Bridge Company justified its action under the act of the Legislature referred to.

A trial was had, and a perpetual injunction granted against the building of the bridge, and a decree rendered for an abatement of the portion already built. The decision of the case was placed principally on the ground that the bridge would be, and that the piers were, an obstruction to the navigation of the river, contrary to that portion of the act of 1859, quoted above, admitting Oregon into the Union, and that without the consent of Congress, a state law was not sufficient authority for the erection of such a structure. See Hatch v. Willamette Iron Bridge Company, 7 Sawyer, 127. The defendant appealed, but the appeal was not prosecuted, and after the decision of the Supreme Court of the United States in the case of the Escanaba Company v. Chicago, 107 U. S., 678, the defendant filed a bill of review for a reversal of the decree. See Willamette Iron Bridge Company v. Hatch, 125 U. S., 1. In deciding the case on the bill of review, Bradley, Judge, delivering the opinion of the court, both the act of 1859 supra, and the question raised as to the assumption by Congress of the police power over the Willamette River, in consequence of having expended money in improving its navigation and of having made Portland a port of entry, were discussed at length. In disposing of the question raised as to the proper construction of the act of 1859, the court says:

It is obvious that if the clause in question does prohibit physical obstruction and impediments in navigable waters, the State Legislature itself, in a state where the clause is in force, would not have the power to cause or authorize such obstructions to be made without the consent of Congress. But it is well settled that the Legislature of such states can have the same power to authorize the erection of bridges, dams, etc., in and upon the navigable waters wholly within their limits, as have the original states, in reference to which no such clause exists. It was so held in Pound vs. Turck, 95 U. S., 459, in reference to a dam in the Chippewa River, in Wisconsin; in Cardwell vs. American Bridge Company, 113 U. S., 205, in reference to a bridge without a draw, erected on the American River, in California, which prevented steamboats from going above it; and in Hamilton vs. Vicksburg, etc., Railroad Company, 119 U. S., 280, relating to railroad bridges in Louisiana; in all which cases the clause in question was in force in the states where they arose, and in none of them was said clause held to restrain in any degree the full power of the state to make, or cause to be made, the erections referred to, which must have been more or less obstructions and impediments to the navigation of the streams on which they were placed. . . . It seems clear, therefore, that, according to the construction given by this court to the clause in the act of Congress relied upon by the court below, it does not refer to physical obstructions, but to political regulations which would hamper the freedom of commerce.

It is to be remembered that in its original form the clause embraced carrying places between the rivers, as well as the rivers themselves; and it cannot be supposed that those carrying places were intended to be always kept up as such. No doubt that at the present time some of them are covered by populous towns, or occupied in some other way incompatible with their original use; and such a diversion of their use, in the progress of society, cannot but have been contemplated. What the people of the old states wished to secure was, the free use of the streams and carrying places in the Northwest Territory, as fully as it might be enjoyed by the inhabitants of that territory themselves, without any impost or discriminating burden. The clause in question cannot be regarded as establishing the police power of the United States over the rivers of Oregon, or as giving to the Federal courts the right to hear and determine, according to Federal law, every complaint that may be made of an impediment in, or an encroachment upon navigation of those rivers. We do not doubt that Congress, if it saw fit, could thus assume the care of said streams, in the interest of foreign and interstate commerce; we only say that, in our opinion, it has not done so by the clause in question. And, although, until Congress acts, the states have the plenary power supposed, yet, when Congress chooses to act, it is not concluded by anything that the states, or that individuals, by its authority or acquiescence, have done, from assuming entire control of the matter, and abating any erections that may have been made, and preventing any others from being made, except in conformity with such regulations as it may impose. It is for this reason, namely, the ultimate (though yet unexerted) power of Congress over the whole subject-matter, that the consent of Congress is so frequently asked to the erection of bridges over navigable streams. It might itself give original authority for the erection of such bridges when called for by the demands of interstate commerce by land; but in many, perhaps the majority, of cases, its assent only is asked, and the primary authority is sought at the hands of the state.

In discussing the question of the assumption by Congress of police power over the Willamette River, by reason of having expended moneys in improving its navigation, and in having made Portland a port of entry, the court does not in terms decide, but strongly intimates, that the expenditure of money for improvements is not necessarily an assumption of such police regulation as would oust the jurisdiction of the state. Congress, by conferring the privilege of a port of entry upon a town or city, does not come in conflict with the police power of a state bridging her own rivers.

Though the case of the Willamette Iron Bridge Company was commenced prior to the case of Escanaba Company v. Chicago, 107 U. S., 678, it was not determined by the Supreme Court of the United States until long after the decision in the later case was rendered, and the decision is based largely on the doctrines laid down therein. The case of Escanaba Company v. Chicago, is determinative, it seems to me, of the plenary authority of the state over bridges across navigable waters lying within the state, where Congress has not acted under the commerce clause of the Constitution. The conditions there did not differ very materially from those that would exist here in case of an attempted regulation of the draws of the bridges, as suggested by your letter. There the Escanaba Company was the owner of three steam vessels engaged in the carrying trade between ports, and placed in different states on Lake Michigan and the navigable waters connecting with it. The vessels were enrolled and licensed for the coasting trade, and were principally employed in carrying iron ore from the port of Escanaba, in Michigan, to the docks of the Union Iron & Steel Company on the south fork of the south branch of the Chicago River in the City of Chicago. In their course up the river and its south branch and fork to the docks they were required to pass through draws of several bridges constructed over the stream by the City of Chicago; and it was of obstructions caused by closing of the draws, under an ordinance of the city, for a designated hour of the morning and evening during week-days, and by a limitation of the time to 10 minutes, during which a draw might be left open for the passage of a vessel, and by some of the piers in the south branch and fork, and the bridges resting on them, that the corporation complained; and to enjoin the city from closing the draws for the morning and evening hours designated and enforcing the 10 minutes' limitation, and to compel the removal of the objectionable piers and bridges, the suit was commenced.

The State of Illinois, within which the river and its branches lay, vested in the authorities of the city jurisdiction over bridges within its limits, their construction, repair and use, and empowered them to deepen, widen and change the channel of the stream, and to make regulations in regard to the times at which the bridges should be kept open for the passage of vessels. Acting upon the power thus conferred, the authorities had endeavorded to meet the wants of commerce with other states, and the necessities of the population of the city residing or doing business in different sections. For this purpose they had prescribed as follows: "That between the hours of 6 and 7 o'clock in the morning, and 5:30 and 6:30 o'clock in the evening, Sunday excepted, it shall be unlawful to open any bridge within the City of Chicago," and that "During the hours between 7 o'clock in the morning and 5:30 o'clock in the evening, it shall be unlawful to keep open any bridge within the City of Chicago for the purpose of permitting vessels or other craft to pass through the same, for a longer period at any one time than 10 minutes, at the expiration of which period it shall be the duty of the bridgetender or other person in charge of the bridge to display the proper signal, and immediately close the same, and keep it closed for fully 10 minutes for such persons, teams, or vehicles as may be waiting to pass over, if so much time shall be required; when the said bridge shall again be opened (if necessary for vessels to pass), for a like period, and so on, alternately (if necessary), during the hours last aforesaid; and in every instance where any such bridge shall be open for the passage of any vessel, vessels, or other craft, and closed before the expiration of 10 minutes from the time of opening, said bridge shall then, in every such case, remain closed for fully 10 minutes, if necessary, in order to allow all persons, teams and vehicles in waiting to pass over said bridge." The first of these requirements was called for to accommodate clerks, apprentices, and laboring men seeking to cross the bridges, at the hours named, in going to and returning from their places of labor. Any unusual delay in the morning would derange their business for the day, and subject them to a corresponding loss of wages. At the hours specified there was three times—so the record showed—the usual number of pedestrians going and returning that there was during other hours of the day. The limitation of 10 minutes for the passage of the draws by vessels seemed to be eminently wise and proper for the protection of the interests of all parties. Ten minutes was ample time for any vessel to pass the draw of a bridge, and the allowance of more time would have subjected foot-passengers, teams, and other vehicles, to great inconvenience and delays. The complainant principally objected to this 10 minutes' limitation, and to the assignment of the morning and evening hour to pedestrians and vehicles. It insisted that the navigation of the river and its branches should not be thus delayed; and that the rights of commerce by vessels were paramount to the rights of commerce by any other way.

In disposing of the case, the court disposed of every objection that could possibly be urged to the regulation of the bridges across the Willamette. They say, with reference to the rights of individuals of each class that:

Some concession must be made on every side for the convenience and the harmonous pursuit of different occupations. Independently of any constitutional restrictions, nothing would seem more just and reasonable, or better designed to meet the wants of the population of an immense city, consistent with the interests of commerce, than the 10 minutes' rule, and the assignment of the morning and evening hours which the city ordinance has prescribed.

While conceding that the power vested in the General Government to regulate interstate and foreign commerce involves the control of waters of the United States which are navigable in fact, so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the states or with foreign countries, yet says the court:

The states have full power to regulate, within their limits, matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience and prosperity of their people. This power embraces the construction of roads, canals and bridges, and the establishment of ferries, and it can generally be exercised more wisely by the states than by a distant authority. They are the first to see the importance of such means of internal communication, and are more deeply concerned than others in their wise management. Illinois is more immediately affected by the bridges over the Chicago River and its branches than any other state, and is more directly concerned for the prosperity of the City of Chicago, for the convenience and comfort of its inhabitants and the growth of its commerce. And nowhere could the power to control the bridges in that city, their construction, form and strength, and the size of their draws, and the manner and times of using them, be better vested than with the state or the authorities of the city upon whom it has devolved that duty. When its power is exercised so as to unnecessarily obstruct the navigation of the river or its branches, Congress may interfere and remove the obstruction. If the power of the state and that of the Federal Government come in conflict, the latter must control, and the former yield. This necessarily follows from the position given by the Constitution to legislation in pursuance of it, as the supreme law of the land. But until Congress acts on the subject, the power of the state over bridges across its navigable streams is plenary. This doctrine has been recognized from the earliest period, and approved in repeated cases, the most notable of which are Wilson vs. The Black Bird Creek Marsh Company, 2 Pet. 245, decided in 1829, and Gilman vs. Philadelphia, 3 Wall., 713, decided in 1865.

The cases cited are approved by the court and it is declared that the doctrine of the decisions is in accordance with the more general doctrine now firmly established, that the commercial power of Congress is exclusive of state authority only when the subjects upon which it is exercised are National in their character and admit and require uniformity of regulation affecting alike all the states. Upon such subjects only that authority can act which can speak for the whole country. Its non-action is therefore a declaration that they shall remain free from all regulation. Citing Welton vs. State of Missouri, 91 U. S. 275; County of Mobile vs. Kimball, 102 U. S. 691.

"On the other hand," says the court, "where the subjects on which the power may be exercised are local in their nature or operation, or constitute mere aids to commerce, the authority of the state may be exerted for their regulation and management until Congress interferes and supersedes it. As said in the case last cited: 'The uniformity of commercial regulations which the grant to Congress was designed to secure against conflicting state provisions, was necessarily intended only for cases where such uniformity is practicable. Where, from the nature of the subject or the sphere of its operation, the case is local and limited, special regulation adapted to the immediate locality could only have been contemplated. State action upon such subjects can constitute no interference with the commercial power of Congress, for when that acts the state authority is superseded. Inaction of Congress upon these subjects of a local nature or operation, unlike its inaction upon matters affecting all the states and requiring uniformity of regulation, is not to be taken as a declaration that nothing shall be done in respect to them, but is rather to be deemed a declaration that for the time being and until it sees fit to act they may be regulated by state authority.' Bridges over navigable streams, which are entirely within the limits of a state, are of the latter class. The local authority can better appreciate their necessity, and can better direct the manner in which they shall be used and regulated than a government at a distance. It is, therefore, a matter of good sense and practical wisdom to leave their control and management with the states, Congress having the power at all times to interfere and supersede their authority whenever they act arbitrarily and to the injury of commerce."

The validity of an ordinance of the City of Chicago in substance the same as that involved in the Escanaba case, was sustained in the case of Chicago vs. McGinn, 51 Ill. 266.

So far as I have been able to discover, Congress has not seen fit to legislate in reference to the Willamette River. The most that it has done has been to give its consent from time to time to the construction of bridges over it. One of these acts was approved February 2, 1870, and gave consent to the construction of a bridge by a corporation from Portland to the east bank of the river, not obstructing, impairing or injuriously modifying its navigation and first submitting plans to the Secretary of War; another authorized Marion County, and another the City of Albany to bridge said river; another authorized the Oregon & California Railroad Company alone or jointly with the Oregon Central Railroad Company, to build a railroad bridge across the river at Portland, and there are some subsequent acts of the same character. These were all special in their nature and show no intent upon the part of Congress to interfere with the power of the state, or to assume control of the river under the commerce clause of the Constitution.

Section 7 of the act of September 19, 1900, provides "that it shall not be lawful hereafter to commence the construction of any bridge, bridge-draw, etc., over or in any port. . . . harbor, navigable river or navigable waters of the United States under any act of the Legislative Assembly of any state, until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War . . . provided that this section shall not . . . be so construed as to authorize the construction of any bridge, draw-bridge, bridge piers . . . under 'An act of the legislature of any state over or in any stream, port, haven or harbor or other navigable water not wholly within the limits of such state.'" See Supplement Revised Statute., Vol. 1, page 801.

This act, which is general in its character, clearly shows that Congress has left the regulation of these matters on navigable waters wholly within the state, to the states respectively, reserving only to the Secretary of War the right of approval of location and plans.

It follows, therefore, that the Legislature of the state possesses plenary power over the navigable waters which are entirely within its boundaries and may invest the County Court with authority to reasonably regulate the use of bridges constructed by its authority, even though such regulation may to a certain extent place a temporary restriction upon the navigation of such rivers.

Second: The act of the Legislative Assembly of the State of Oregon approved February 21, 1895 (Acts 1895, page 421) under the provisions of which the bridges of the city were placed under the jurisdiction and control of the County Court, provides amongst other things that the County Court shall have power and authority "to make all needful rules and regulations for the conduct, management and uses of the same by said city, the inhabitants thereof, and the public in general," and further, "to do any other acts or make any other regulations necessary for the conduct of its business ad the due execution of the powers and authority given by this act and not contrary to law."

The power is not expressly given to the County Court to close the draws at convenient seasons for the acommodation of the people, as was done by the Legislature of Illinois to the City of Chicago, but it arises by necessary implication from those powers which are granted.

I am therefore of the opinion that the Legislature has conferred upon the County Court the power to exercise control over the bridges placed under its jurisdiction by the act of 1895 spanning the Willamette River, and that said court has the authority to keep the draws upon the bridges over said river at Portland closed at certain seasonable hours for the purpose of accommodating travel upon the same.

I desire in conclusion to say that I have not before me the lease in force between the County Court and the railroad company to the steel bridge, and it may be that the right of the County Court may be restricted as to that bridge by the terms of the contract.

I have the honor to remain, yours respectfully,

GEORGE E. CHAMBERLAIN,
District Attorney.

EASTERN MULTNOMAH.

Disappearance of Thomas Wilson Unexplained—Other Items.

GRESHAM, Or., Sept. 9.—Thomas Wilson, a middle-aged man who came here from Montana last Spring, has disappeared mysteriously, and his whereabouts is still unknown. He was working on the farm of George Sleret during the month of July, and up to about the 10th of August. A few days before the latter date he received $1200 from Montana, and one morning he put on his coat and left without saying anything about the wages due him, or anything that would tend to show where he was going or when he would come back. He left his vest and several other articles of clothing and has not been heard from since. His coat was found on the Base Line, near the nine-mile post, a few days after he went away, and that is all that is known of him since he left. He was sober and industrious, and fully able to take care of himself, but his late employer thinks it strange that he has not returned or sent for his effects and the balance due him.

Flag Station Wanted.

A petition has been sent to the O. R. & N. Co.'s offices, signed by everyone interested, asking that Fairview be made a flag station, and that a 10-cent rate be made for children who wish to attend school in Portland. The trains rarely stop, and the Portland-Chicago special never stops. People who wish to travel frequently have to go to Troutdale to get aboard, which is very inconvenient. To make the concession of low fares it would be necessary to have some of the trains stop when needed. It is understood that the company will make arrangements to give the place better service.

Moving the Track.

The O. R. & N. track at Bridal Veil is being moved to a new roadbed nearer the river than formerly. The change will do away with several curves, and give the lumbering company more room for handling the large number of cars being loaded there every day. The mills are now running to their fullest capacity, employing 175 men, and have over two and a half million feet of logs in the lake on the mountain ready to be sawed up. More room was required, hence the removal of the main track of the railroad company.

Brief Notes.

Picking was begun in W. W. Cotton's hopyards this morning. The yield promises to be heavy. The pickers will be nearly all women and children who live here. Mr. Cotton pays by the pound, 80 cents for 100 pounds being the scale.

Owing to the Troutdale yards being full of ties the teamsters from the sawmills now in operation are hauling through this place and unloading at Fairview. But one trip a day can be made, but the roads are good and heavy loads are hauled.

The public school at Fairview has opened with an enrollment of 26, with Professor W. M. Round in charge. The attendance will increase to 50 before the end of October.

The new telephone line has been completed to Orient, and is going on toward the Sandy at a rapid rate. Over a dozen 'phones will be put in and connected with the central station at this place.

Professor H. E. Anderson, the new principal of Gresham's public school, has arrived here with his family from Salem. Owing to the new building being not quite ready the date for opening of the school has not yet been fixed.

Today has been set for the hearing by the District Board of the petition for a new school district at Rockwood. Indications are favorable for the establishment of the district.

All the roadhouses doing business without a county license have closed their doors and the proprietors of a few of these are circulating petitions for licenses. It is thought some of them will fail, and one, at Powell's Valley, has closed up permanently.

Sweet Brier postoffice has been discontinued. The patrons will receive their mail from Terry, being served three times a week by the driver of the Hurlburt stage, who delivers along the road on written orders to the postmasters at those offices.

A freight train of 32 cars broke into three sections at Fairview yesterday morning, but no damage was done except delaying the Chicago special for half an hour. It was necessary to leave about 20 cars on the switch for lack of couplings to replace the broken ones.

Chester Smith, 13 years old, was thrown from a horse at Montavilla Friday, striking the porch of a store. He was insensible for several hours and is still in a serious condition. He vomits blood, which indicates internal injuries.

DIDN'T SERVE HIS SENTENCE

William Hamilton Missed Six Months of Jail Life.

When William Hamilton faced Acting Judge McDevitt, yesterday, charged with larceny of a valise, Deputy City Attorney Davis asked the defendant: "Have you served out your other sentence for larceny?" The defendant stated that he had been sentenced last March to nine months' imprisonment in the County Jail, for larceny, and that he had been released July 18.

"This must be seen to," insisted Mr. Davis, "this man has not served out his sentence. I do not believe in the Jailor exercising the pardoning powers of this county." Acting Judge McDevitt continued the case.

In an interview with an Oregonian man, Hamilton said that he understood that a petition had been presented in his behalf, by friends who had interested themselves, but that no money had been paid. District Attorney Chamberlain was told about the matter, and he stated that he had no distinct recollection of the case, bu that probably Hamilton had been released on parole, or had stated that he had had a position offered him and wished to leave town.

Spokane Industrial Fair.

The O. R. & N. round-trip rate to Spokane on September 13 is only $8 55, which includes one admission to the fair. Limit for return trip, September 17. Ticket office Third and Washington.

NEW TODAY.

J. W. OGILBEE, ROOM 11, 145½ FIRST ST.

$1250

5 acres, quite all in cultivation, 5-room house, stable, chicken yard, etc.; fine cemented cistern, orchard; 4 miles from Morrison-street bridge, 3 blocks from Mount Scott electric line. One-half cash, balance time.

NEHALEM TIMBER LANDS

25,000 acres for sale, situated on the waters of the Nehalem, all within a radius of 15 miles of Vernonia. Actual buyers address Campbell & Pringle, at Vernonia, Or., or at 373 East Burnside st., Portland.

BUTTER BUTTER

Best creamery butter	50@55c
Good creamery butter	45@50c
Dairy butter	40@45c
Country butter	30@35c
Carload best ham in the city	14c lb.
Picnic ham	11½c lb.
Breakfast bacon	12½@15c lb.
Fresh ranch eggs	2 doz., 45c

Remember, Saturday is chicken day. Chickens cheaper than ever.

LA GRANDE CREAMERY, 264 Yamhill.

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A. P. ARMSTRONG, LL. B., PRINCIPAL

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WESTERN ELECTRIC WORKS

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DAILY METEOROLOGICAL REPORT.

PORTLAND, Sept. 9.—8 P. M.—Maximum temperature, 72; minimum temperature, 45; river reading at 11 A. M., 3.9 feet; change in the past 24 hours, 0.3 foot; total precipitation, 5 P. M. to 5 P. M., 0.00; total precipitation since Sept. 1, 1901, 0.22 inch; normal precipitation since Sept. 1, 1901, 0.34 inch; deficiency, 0.12 inch; total sunshine Sept. 8, 6:48; possible sunshine Sept. 8, 12:54.

PACIFIC COAST WEATHER.

STATIONS.	Max. temp.	Precipitation last 12 hours	Wind. Velocity	Wind. Direction	State of weather
Astoria	64	0.00	*	NW	Clear
Baker City	66	0.00	6	N	Clear
Bismarck	70	0.00	6	S	Cloudy
Boise	70	0.00	*	NW	Clear
Eureka	60	0.00	8	NW	Clear
Helena	62	0.00	*	NE	Clear
Pocatello	68	0.00	*	W	Clear
Portland	72	0.00	6	NW	Clear
Red Bluff	92	0.00	*	E	Clear
Roseburg	76	0.00	8	NE	Clear
Sacramento	..	0.00	8	S	Clear
Salt Lake	72	0.00	12	NW	Clear
San Francisco	70	0.00	18	W	Clear
Spokane	64	0.00	*	SW	Cloudy
Seattle	68	0.00	6	NW	Clear
Walla Walla	72	0.00	*	SW	Clear

*Light.

WEATHER CONDITIONS.

No rain has fallen in the Rocky Mountain or Pacific Coast States during the last 24 hours.

It is decidedly warmer in Eastern Oregon and Eastern Washington, and also in the interior of Northern California.

Light frosts occurred Monday morning in Eastern Oregon and Southwestern Idaho.

The indications are for fair weather in this district Tuesday.

WEATHER CONDITIONS.

Forecasts made at Portland for the 28 hours ending at midnight Tuesday, Sept. 10:

Portland and vicinity—Fair; northwesterly winds.

Western Oregon and Western Washington—Fair; northwesterly winds.

Eastern Oregon and Southern Idaho—Fair; winds mostly northerly.

Eastern Washington and Northern Idaho—Partly cloudy and occasional threatening weather; southerly winds.

EDWARD A. BEALS, Forecast Official.

NEW TODAY.

BARTLETT PEARS, RIGHT FOR CANNING, big bushel apple-box size, only 60c box; peaches, Crawfords, 65c box. Remember, this is the old stand where you get that nice, fresh roasted Java and Mocha coffee at 25c per pound, sold elsewhere at 35c lb. California Cash Market, 185 Third st. Phone Red 201.

THE LATEST NEWS—I HAVE RECEIVED the finest assortment of domestic and imported special selections of Fall and Winter suitings, overcoatings and trouserings, and offer to sell garments at suitable prices. J. Reitzele, 350 Alder, near Park.

MONEY TO LOAN

On farm, city or suburban property; low rate of interest; no commission; guaranteed abstracts of title of real estate in Multnomah and adjoining counties.

SECURITY ABSTRACT & TRUST CO., 3 Chamber of Commerce.

MORTGAGE LOANS

On Portland real estate at lowest rates. Titles insured. Abstracts furnished.

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MORTGAGE LOANS

On improved city and farm property, at lowest current rates. Building loans. Installment loans. MacMaster & Birrell, 311 Worcester blk.

BANKRUPT SALE.

Sealed bids for the stock of pictures, art goods, merchandise and fixtures of the Portland Art Company, Portland, will be received by the undersigned at the office of Bauer & Greene, attorneys-at-law, Chamber of Commerce, on or before noon of September 12, 1901. All bids must be accompanied by 10 per cent of the amount in cash or certified check, which shall be forfeited in case the bidder fails to comply with the terms of his bid. Right to reject any or all bids reserved. For inspection of stock and inventory, apply at store, No. 307 Washington street.

L. L. WHITE, Trustee.

NEW TODAY.

SPECIAL FOR TODAY—BARTLETT PEARS, 65c per box; the best cooking apples, 65c box; good table butter, 45c; lard, in bulk, 10c lb. Oregon Cash Grocery, 232 N. 14th st.

UNIVERSITY PARK

The seat of the Columbia University is situated on the high tableland between the Willamette and Columbia rivers and inside the city boundaries of Portland. It has city water, city schools, city telephone service, electric street lights, graded streets, sidewalks, boulevards, cycle paths, and street-car service to any part of the city for a five-cent fare. It is high, sightly and healthful. The owners of this property have decided to sell one-half of the lots for the purpose of inducing homebuilders to locate there. Improvements and population bring values. The reserve blocks will not be sold till 1905 when we shall expect to get $500 each for our cheapest lots. While our reserve lots are advancing, your lots must also advance. The Lewis and Clark Centennial Exposition will surely be held at University Park. Factories that will give employment to thousands of people will soon be built within easy walking distance of University Park. The better class of these people will seek homes at University Park. You can double your money in a short time by investing it in University Park lots. Buy now before the advance. Prices are from $100 to $225 per lot, one-tenth cash, balance $5 per month. No interest on deferred payments. No taxes. Abstract free with every deed. Encourage your sons to invest in this property. It will teach them good habits and they will learn to save what they would otherwise squander.

Call on or address

UNIVERSITY LAND CO., Francis I. McKenna, Mgr.

Room 403, Marquam Bldg., PORTLAND, OREGON.

CLASSIFIED AD. RATES

"Rooms," "Rooms and Board," "Housekeeping Rooms," "Situations Wanted," 15 words or less, 15 cents; 16 to 20 words, 20 cents; 21 to 25 words, 25 cents, etc. No discount for additional insertions.

UNDER ALL OTHER HEADS except "New Today," 30 cents for 15 words or less; 16 to 20 words, 40 cents; 21 to 25 words, 50 cents, etc.—first insertion. Each additional insertion, one-half; no further discount under one month.

"NEW TODAY" (gauge measure agate), 12 cents per line, first insertion; 10 cents per line for each additional insertion.

ANSWERS TO ADVERTISEMENTS addressed care The Oregonian and left at this office, should always be inclosed in sealed envelopes. No stamp is required on such letters.

The Oregonian will not be responsible for errors in advertisements taken through the telephone.

AMUSEMENTS.

CORDRAY'S THEATER—

THREE NIGHTS ONLY,

COMMENCING SUNDAY, SEPT. 8,

RICHARDS & PRINGLE'S FAMOUS GEORGIA MINSTRELS.

50 Minstrel Stars. Two Superb Bands. The best and most up-to-date organization of its kind before the public. Prices 25c, 50c, 75c. Seats now selling.

FREDERICKSBURG MUSIC HALL—SEVENTH AND ALDER STREETS. REOPENED. REOPENED. CARBERRY AND STANTON, Operatic Duettists. PEARL WARD, A Coming Favorite. ROUSELLE AND HOWARD, Famous Horizontal Bar Experts. RUTH LA CROSS, The Popular Artist. HATTIE WARD and MAE LEONDOR, Portland's Favorites.

MEETING NOTICES.

A. & A. S. RITE, OREGON LODGE OF PERFECTION, NO. 1.—Special meeting this evening at 8 o'clock. Work in 4th, 5th and 6th degrees. By order VEN. MASTER.

MULTNOMAH COUNCIL, NO. 1483, ROYAL ARCANUM.—Regular meeting this (Tuesday) evening, Auditorium Hall, 8 o'clock. All members cordially invited. JERRY BRONAUGH, Sec.

ELLISON ENCAMPMENT, NO. 1, I. O. O. F.—Regular meeting this (Tuesday) evening at 8 o'clock. Business of importance. E. R. BOW, C. P. S. GRUTZE, Scribe.

AUCTION SALES TODAY.

At Central Auction Rooms, cor. Alder and Park sts. Sale at 10 A. M. Geo. Baker & Co., auctioneers.

At Gilman's salesroom, 411 Washington st., 10 A. M. S. L. N. Gilman, auctioneer.

At 10 A. M., at 353½ Stark st. J. T. Wilson, auctioneer.

At 10 A. M., at 139½ Fifth st., cor. Burnside. J. T. Wilson, auctioneer.

DIED.

CRAIG—At his home, at Lents, Sept. 9, 1901, D. W. Craig, aged 57 years, member of Mount Scott Camp, No. 47, K. O. T. M. Funeral notice later.

FUNERAL NOTICES.

DITTMER—September 9, Henry William Dittmer; born in Neustettiner, Germany, aged 51 years. Funeral will take place Tuesday, September 10, at 2 o'clock P. M., from Holman's Funeral Parlors, corner Fourth and Yamhill streets. Friends invited to attend. Interment at Lone Fir Cemetery. Chicago papers please copy.

EDWARD HOLMAN, Undertaker, 413 Alder and Yamhill sts. Rena Stinson, lady assistant. Both phones No. 507.

Finley, Kimball & Co., Undertakers. Lady assistant. 275 Third st. Tel. 9.

F. S. Dunning, Undertaker, 414 East Alder. Lady assistant. Both phones.

FOR SALE—REAL ESTATE.

FOR SALE—TO WHOM IT MAY CONCERN—Take notice, that Highland Place, better known as Haight's Orchard, on Alder ave., this side of the stores, fire engine house, etc., is now platted. These lots have large, choice bearing fruit trees, and every one of these beautiful lots are going to be sold for $175 and up. Every investor, homeseeker or speculator, in fact, everybody, is cordially invited to see this property. Do not despise the day of small things. True, our prices are small, but this property ranks with the very best. It has all of the requisites for healthful and beautiful home sites, among which are ventilation, drainage and view. The Highland School, with the view it affords its scholars, ought to produce some great artists. This property is close to fire protection and plenty of water. It is in a choice neighborhood, and situated only 15 minutes from Third and Washington sts. It is on Union-avenue car line; also 2½ blocks from Williams-avenue cars. The title is perfect; a general warranty deed given and an abstract will be furnished every purchaser. For further particulars see E. J. Haight & Co., 212 Abington building, Third st., between Washington and Stark sts.

$5200—10-ROOM MODERN HOUSE, WITH quarter block, East 23d st.; convenient to East Ankeny car line.

$1300—Nice home in Highland Park; price less than cost of improvements.

$3000 for one block; the finest view of Portland.

$2800—The best bargain, near Mount Tabor car line; modern cottage and large grounds.

We have bargain home sites on very easy terms. DAVIDSON, WARD & CO., 408 Chamber of Commerce.

BARGAIN COUNTER—
$250 each—2 lots, Waite's Cloverdale.
$350 each—4 lots, Piedmont.
$300 each—3 lots, North Albina.
$250 each—4 lots, Riverside Add.
$200 each—4 lots, Park Add.
$100 each—7 lots, Good Morning.
$200 each—4 lots, Arbor Lodge.
$50 each—4 lots, 25x100, Peninsular Add.
$250 each—5 lots, Willamette.
H. G. SIBRAY, 403 Marquam.

J. W. OGILBEE, ROOM 11, 145½ FIRST ST., Portland. $2000—255 acres, 30 acres in cultivation, buildings not very good, quite a portion of the land easy to put into cultivation, lies rolling, soil excellent, especially fruit and hops; well watered; one mile from railroad, 20 miles from Portland, in Yamhill County, Oregon. Cheap farm.

OAK GROVE'S THE PLACE! FOUR SALES made last week. You can't help but buy when you go to see this place. Just think of it! Choice one-and-a-quarter-acre to 15-acre lots at prices way down, right on river front or on electric car line. R. R. DUNN, 140½ First or 109 Grand ave.

IRVINGTON ACREAGE TRACTS—WE CAN sell you 5-acre tracts at $250 to $400; easy terms; only 1¼ miles from Irvington; 4 miles from the center of Portland. Come quick; they won't last long. Grindstaff & Blain, 245 Stark st.

LOT 8, BLOCK 12, CARTER'S ADDITION, 17th and Columbia sts.; lot 1, block 4, Sleeper's Addition, Milwaukie st.; 100 beautiful lots in Sellwood; easy terms. T. A. Wood, First and Alder sts.

FOR SALE—BEAUTIFUL HOME ON EAST Side; large house and grounds; convenient; sightly, pleasant, healthy; cheap; terms to suit. J. J. Johnson, rooms 17 and 18, Hamilton bldg., 131 3d st., Portland.

IRVINGTON—Beautiful building lot on 15th, near Tillamook, $595. Lot on Tillamook, near 16th, $685. All city improvements. See owner, 620