

TWO BAR TO ROAD

War Department Unable to Stop It.

PORTAGE WAY IS ASSURED

State Railway Will Not Conflict With Canal.

NO OPPOSITION FROM O. R. & N.

Manager Calvin Comes to Agreement With Open River Association, Which Insures Right of Way.

In spite of the announcement from Washington to the effect that the Department of War would not at this time consent to the granting of a right of way for the Portage Road where it might have to conflict with the proposed route of the Cello Canal, the members of the Open River Association are still meeting, and it is announced that their plans neither have received, nor are expected to receive, any setback from action taken by the Department over which Secretary Taft has control. In other words, the members of the Open River Association do not consider that the War Department holds the winning hand in the controversy or that it has any say in the construction of the road.

The Portage Road will be built; it will not conflict with the Cello Canal, nor will the project meet with opposition from the O. R. & N. Co.

In the first place, according to the members of the association, the granting of the right of way for the Portage Road does not lie in the hands of the Government, according to a decision rendered by the Supreme Court of Oregon. In general terms the court has held that land taken under condemnation proceedings can only be taken for the particular use for which it is sought to be appropriated through the condemnatory proceedings and not for any other purpose whatsoever.

According to this decree, if land is secured through condemnation by the Government for the right of way for a canal, it cannot be given to the Portage Road people for the construction of the road unless it be through the consent of the owners of the land or by further condemnation. This condemnation is specific and not general, and property acquired through it must be used for the purpose specified; if it is not, the grant becomes null and void and the property reverts to the owner.

Government Not the Owner.

The idea that the Government has an ownership in the right of way is incorrect. Through the courts, the United States has been, or will be, given an easement over certain property along the Columbia River for the purpose of constructing the Cello Canal, but that title and privilege will last only so long as the land is used for a canal, no longer.

If this is the case and the opinion of the Supreme Court is behind the supposition, then the War Department is not yet in a position to be able to hinder the construction of the road in the least, for as yet has not title to but two small strips of territory in the district. Deeds have been given to the Government by William Mitchell and Leopold Schmidt, but these documents are the only ones that have been actually executed in favor of the Government.

Condemnatory proceedings have been brought against the property at the eastern end of the proposed line, and a decision has been given by the Circuit Court at The Dalles granting to the Government the right to construct the canal. This decision is now hanging on a motion for a new trial which will be heard at an adjourned term of the court to be held during the middle of the present month. Not until the decision is decided and, in case of adverse decision and appeal to the Supreme Court, the final decision is rendered, will the Government have any title to the Pacific property.

There are two points at which the Government might be able to cause delay, provided it had title to the property. Those points are at the ends of the proposed route. In the first place, the canal could well be described as a bow, one end being at The Dalles while the other is at Celilo. The river forms the bow and the O. R. & N. Co. owns the way the string. At either end of the bow the ground upon which the canal and the Portage Road must pass is narrow, there not being room for the canal, or for the two projects without one encroaching upon the territory of the other. For the greater part of the way, however, there is from 100 to 150 feet to spare without infringing upon the rights of the canal or of the O. R. & N.

If the Government had the title to the land at these narrow places, as it has not, it would take some time for a legal grant to be made to the Portage Road construction even if the Government did all in its power to hurry matters, for either the consent of the property-owners would have to be secured or the construction of the road or additional suits in condemnation would have to be taken through the courts.

Manager Calvin Agrees.

Even this problematic case for delay is offset, however, by an agreement reached Monday afternoon between the Open River Association and the management of the O. R. & N. At that time Manager E. E. Calvin stated the attitude of the company in a short note given to the association, in which he said: "We are afraid that the Portage Road will hurt Portland as well as the O. R. & N., but Portland wants it, and we will not oppose it."

This statement is the groundwork for an argument presented to the Open River Association by Mr. Calvin, the result of which was an agreement between the two parties. It is the intention of the O. R. & N. to straighten out its tracks in certain places, and it happens that two of these places are in the narrow ground wanted by the Portage Road and the canal. According to the agreement made by Mr. Calvin, the road will offer no opposition to the association. It does not say that it will give the portion of its right of way needed for the construction of the Portage Road, but it will make no fight in any proceedings instituted. At the points of dispute ample room for the road can be secured by changing the O. R. & N. tracks, and this change will be allowed by the company provided the Portage Road promoters stand the expense of relaying the tracks. With the railroad offering no opposition to the construction of the road, it will be as easy a matter to buy the Portage without the sanction of the Government, for at no place will the right of way conflict

with the construction of the canal or be upon the land desired by the Canal Commission. The consent of the Government is not necessary since the railroad company has agreed to give the necessary ground in the narrow parts of the route proposed.

Fund to Be Raised.

A meeting was held yesterday afternoon by the open river committee of the Chamber of Commerce in behalf of the executive committee of the Open River Association. A large number of men interested in the construction of the road were present. The meeting was called for the purpose of enlisting the active support of the men interested in a financial way. It is necessary for the association to indemnify the state to the amount of \$162,000, the amount of the appropriation now left, and for it to provide for any expense in excess of that amount used in the construction of the road. These phases of the question were discussed at the meeting yesterday, but with what result was not announced. It was stated, however, by N. T. Deal, representing the association, that the meeting was entirely satisfactory and that the executive committee of the association would meet with the State Portage Board this morning at 10:30 when it was thought that some final decision would be reached. The plans of the association have been completed and all that remains is to fix the final details with the State Commission, and no trouble is expected to arise. The construction of the road is now practically assured.

SWETLAND TO PAY COUNTY \$50

Suit to Recover Alleged Deficiency in Fees is Dismissed.

The suit of Multnomah County against ex-County Clerk L. Q. Swetland, to recover an alleged deficiency in various fees collected and delinquent taxes, has been settled by the payment of \$50. Mr. Swetland can recover the costs, which will amount to about as much as he has paid, and the county has to pay the fees of the special counsel engaged in the case by the County Commissioners.

Mr. Swetland has contended all along that the report of the expert against him would not hold good when put to the test. The settlement was made during his administration, there was never a judgment against Mr. Swetland could not be obtained. He told both the counsel and the County Court that while some mistakes might have been made during his administration, there was never a deficiency, and he would spend his last cent trying the case out before he would allow such a deal for record signed by records against him. He said the errors in the return of fees might amount to \$50 and he offered to pay that sum. The offer was accepted as the county thought it best to avoid further litigation.

LEFT NOTHING FOR CREDITORS

Dying Woman Gave George W. Long All Her Property.

Suit to set aside the transfer of certain property has been commenced in the State Circuit Court by Dr. George H. Strowbridge, administrator of the estate of Lizzie Hamilton, deceased, against George W. Long. As stated in the complaint, Miss Hamilton employed Dr. Strowbridge to perform a surgical operation for the purpose of saving her life, but she did not survive, passing away on May 8 last. On the following morning, before 9 o'clock, it cannot be given for record signed by the woman, conveying to him four lots, and he also drew a large sum of money out of the bank a few days before on a check signed by her.

The complaint recites that no consideration passed between Long and the woman for the transfer of the property which operates to defraud her creditors. Dr. Strowbridge holds a claim for \$25 and Dr. Jones one for \$25. J. H. Strowbridge, Jr., appears as attorney in the case.

Got Security, Made No Loan.

Henrietta Cole, who alleges F. A. Jones is trying to defraud her out of \$1200, yesterday by her attorney, Frank Schlegel, filed suit against him in the State Circuit Court yesterday. The complaint recites that on May 23 last Mrs. Cole executed a deed to Jones covering four lots in Roseland, B. C., as security for \$1200 which he agreed to lend her. It is asserted that he recorded the deed and then refused to pay over the money. She asks the court to enjoin him from transferring the property to a third party, and to compel him to reconvey it to her.

Decisions Today.

Judge George will decide the following cases this morning:

State et al vs. Thuringia Insurance Company; Motion to strike out parts of defendant's answer.

O. R. & N. Co. vs. Larsen. Demurrer to complaint.

State vs. Wing On. Demurrer to information.

Newton Courter vs. Dan H. and Eva Rickart. Motion to release attachment on homestead property.

Court Notes.

G. Zanelli has filed a mechanic's lien suit in the State Circuit Court against Antonio Lberti, to recover \$480 for erecting a brick house.

District Attorney John Manning yesterday filed an information in the State Circuit Court against E. A. Parker charging him with stealing \$25 from Andrew Palmer on August 29.

M. A. Butler was appointed in the County Court yesterday administrator of the estate of John E. Mayo, deceased, valued at \$1200. The heirs are Rachel E. Mayo, the widow, and two children, Mary E. Andrews and Charles E. Mayo.

THREE DAYS' SPECIAL SALE.

Boys' Suits—We offer for three days special prices on boys all-wool school suits:

- \$3.75 for Pure Wool Suits worth \$5.00.
- \$4.25 for Pure Wool Suits worth \$5.50.
- \$4.50 for Pure Wool Suits worth \$6.00.
- \$9 cents for pick of 500 pairs Knee Pants which we have made up from cloth remnants out of goods as high as \$2.00 per yard.

BROWNSVILLE WOOLEN MILL

3103 Third Street, opposite Chamber of Commerce.

A PINK TICKET.

The ones you get at any B. B. Rich Cigar Store.

When you find a pink ticket in your pocket entitling you to a guess on the jar of money given away by B. B. Rich, the cigarman, fill it out, as the guess this year is easier than all previous years, because the bills are so placed to aid you in figuring the amount. The jar given away last year to D. L. Povey contained \$174.52.

One Collier to Be Built on Coast.

WASHINGTON, Sept. 7.—Formal announcement is made at the Navy Department that the colliers authorized by the last Congress will be built, one at the navy yard, New York, and the other at the navy yard, Mare Island.

Summer Diarrhoea in Children.

During the hot weather of the summer months the first unnatural looseness of a child's bowels should have immediate attention, so as to check the disease before it becomes chronic. It is necessary in a few doses of Chamberlain's Colic, Cholera and Diarrhoea Remedy followed by a laxative of Chamberlain's Colic, Cholera and Diarrhoea Remedy for several years and find it a very valuable remedy, especially for Summer disorders in children." Sold by all druggists.

This Store Will Be Closed All Day and Evening Next Saturday on Account of It Being a Holiday

View the New Millinery Display



Our Fall Millinery display is commanding the attention of the most critical buyers in town—it's the particular women that we find pleasure in serving because the hats to be found here, in addition to having style and exclusiveness, are put together the way they should be—

You need have no fear about the first gust of wind blowing it all to pieces—We put the best workmanship into every hat we send out—Your particular attention is called to the beautiful "Cavalier" hats for dress wear, exquisite creations for dress and evening wear, exclusive models—Walking hats for immediate wear, all the newest shapes—Second Floor

We'll Furnish Your Home



Are you intending furnishing up a new home? If so, drop us a postal and one of our experts will call, take measurements, and give estimates on everything needed with the exception of furniture—We will supply window shades, carpets, rugs, lace curtains, beds, bedding, do your drapery work, furnish cooking stove and heater, china, glassware, kitchen utensils, housekeeping and bed linens, blankets, comforters, groceries, and all at the very lowest prices—Parties of good credit can make arrangements for easy payments at no advance in regular prices—Write today or, come in

Meier & Frank Store Basement Specials

- 3-pint Nickel Coffee Pot... 83c
- No. 7 Nickel Teakettles... 83c
- English Decorated Teapots... 44c
- Dover Eggbeaters, each... 6c
- Granite Breadpans, each... 19c
- Wire Flykillers, each... 3c
- 13-in. Tin Trays, for, each... 8c
- 3-qt. Granite Pudding-Pans... 16c
- 15c Paraffin Wax, for canning at... 11c
- 8-qt. White Enameled Saucepans, at... 69c

Sale of Dinner Sets

- Semi-Vitreous Dinner Sets, brown floral decorations, great special value at—
- 100-piece set, sale... \$7.14
 - 60-piece set, sale... \$4.88
- Semi-Vitreous Dinner Sets, green floral decorations, gold on knobs and handles; great values at—
- 60-piece set... \$5.99
 - 100-piece set... \$9.13
- Best English Semi-Porcelain Dinner Sets, green decorated, gold on knobs and handles—
- 60-piece set... \$6.57
 - 100-piece set... \$9.45

\$8.50 Walking Skirts \$4.45

200 of Them in the Very Best Styles, in Blacks, Blues

For Tomorrow's 775th Friday Surprise Sale

200 Handsome new man-tailored Walking Skirts, very latest models in 17 gore, kilt effect, a great special purchase from a leading skirt manufacturer at a price far below regular value—Positively the best skirt bargain you ever had the opportunity to take advantage of and made possible only through the enormous purchase of regular stock from this particular manufacturer—The material is Panama cloth, rich, stylish, serviceable—Skirts are strictly man tailored, beautifully made and finished, colors black and blue, every one standard values at \$8.50 each—Exactly 200 of them; they won't last through the day at the phenomenally low price of **\$4.45**

See Fifth-St. Window Display; you'll recognize them at once as an extraordinary bargain



Meier & Frank Store NEW GARMENTS FOR CHILDREN

Just received, latest styles, big variety, attractive apparel that will please young ladies

Children's Cravenettes and Waterproof Long Coats, tans, olives and mixtures, ages 6 to 16 years, handsome assortment at prices ranging from \$7.50 to \$14.00.

Children's and Misses' Mackintoshes in new styles, ages 6 to 16 years... **\$3 to \$5.50**

Russian Blouse and "Peter Thompson" Suits in fine serges, and Scotch plaids, ages 4 to 14 years... **\$6 to \$14**

New Coats in the latest styles and materials.

SUSPENDER WAISTS

For Boys and Girls.

"The Byron" Suspender Waist for boys and girls, ages 3 to 12 years—practical, comfortable, pair... **20c**

The "Samson" Suspender Waist for boys and girls, 2 to 10 years, pair... **50c**

The "Wolverine" Combination Suspender and Hose Supporter, 4 to 16 yrs... **50c**



Children's Hosiery Bargains

Children's fine 1-and-1 ribbed Black Cotton Hose, sizes 6 to 9½, fast color; marvelous value for this sale at, pr... **10c**

Boys' heavy 1-and-1 ribbed Black Cotton Hose, double knee, sizes 6 to 10; the quality usually sold at 25c pair... **15c**

Children's 1-and-1 ribbed "No Mend" Black Cotton Hose, double knees, sizes 6 to 10 years; the best 25c Hose on the market, pr... **18c**

Children's Colored Border Handkerchiefs, 3 in a box; great value for the "school sale," box... **15c**

Children's White Hemstitched Handkerchiefs, superior quality, great value at, 3 for... **10c**

Children's White or Gray fleece-lined Ribbed Vests and Pants, sizes 4 to 14 years, special value at... **22c**

Buy School Supplies Here

Slate Pencils, 5c, 10c, 15c dozen	Compasses at, each... 25c
Lead Pencils, 10c, 25c, 50c dozen	Dividers at, each, 5c and... 10c
Pencil Holders, 2 for 5c, 5c, 10c	Pencil Boxes, 5c, 12c up to... 25c
Pens at... 10c dozen	Note Books, 5c, 10c and... 15c
Pencil Pads, plain or ruled, at 5c, 7c, 10c up to... 25c	Composition Books, 5c to... 25c
Ind. Pads, all sizes, 5c to... 25c	Book Straps, School Bags, Sponges, Knives, Slates, Pencil Extenders, Colored Crayons, Chalk, etc., etc.—all at the very lowest prices.
Ink, bottle, 5c, 8c and... 10c	
Erasers, pencil, ink and combination, each... 5c	
Knives, 5c, 10c and... 15c	
Pencil Sharpeners, 1c to... 25c	

The Meier & Frank Store's "School Sale"

School apparel of every description for boys and girls at special low prices this week—We take delight in making the children happy and pleasing the parents from a price standpoint—All lines necessary to complete the outfit will be found here in the most generous assortment, best qualities and lowest prices—Read carefully:

Bargains in School Shoes

Misses' Box Calf or Vici Kid Lace Shoes, heavy sole, very best styles, great value, 1½ to 2 at... \$1.29	Little Gents' Vici Kid, Satin Calf and Kangaroo Calf Shoes, sizes 10 to 12½, values extra-ordinary at, pair... \$1.29
Misses' Shoes, in box calf and vici kid, low heel or spring heel, sizes 1½ to 6, great values... \$1.59	Youths' Shoes, in sizes 13 to 3, satin and kangaroo calf, great special values, pr... \$1.39
Misses' Box Calf and Vici Kid Shoes, heavy sole, low heel, great value, pair... \$1.79	Boys' Shoes, in satin calf, plain or quilted sole, sizes 1½ to 9½, great values at this low price, pair... \$1.49
Old lot of Children's and Infants' Shoes, sizes 2 to 8, regular \$1.00 to \$1.75 values—for this sale your choice, pair... 49c	Young Men's Shoes, in sizes 6 to 9, box calf, vealour calf and vici kid, heavy and light soles, at, per pair... \$1.99

BOYS' AND GIRLS' HATS

Hats, Caps and Tams for misses, boys and little children, all the pretty, new, attractive styles in big variety and every one moderately priced.

Felt cloth Tams, with visor; navy, red and brown.

Wool and Silk Toggles, with silk tassel; prices range from 25c up to \$3.50 each.

MISSES' AND CHILDREN'S UNDERCLOTHING

Nazareth Waists for Boys and Girls of all ages, a knit undershirt that keeps the body warm and the child in form; each... 15c	Children's 5c White Aprons 43c
Jean Waists for Boys and Girls, 5c values, each... 25c	Children's plain white Muslin Drawers, tucked, pair... 15c
	Lace and embroidery trimmed Drawers, pair, 10c and... 25c

BOYS' CLOTHING AND FURNISHINGS

Boys' School Suits, strictly all wool, extra well made, dark brown and gray plaids, checks and mixtures; also in navy blue chevots—7 to 16 years... **\$3.95**

Boys' School Suits in dark blue chevots, brown and gray plaids and mixtures, tweeds and cassimeres, 8 to 16 years, at the very low price of... **\$5.00**

Boys' School Suits, double-breasted coat, knee pants, dark plaids and mixtures, 8 to 14-year sizes... **\$2.50**

Boys' Knee Pants, in corduroy and heavy cassimeres, 3 to 16 years, 6c, 7c, \$1.00 and \$1.25 pair.

Young Men's Suits, new Fall styles, \$10.00 to \$20.00.

Boys' 5c Fancy Percelle Golf Shirts, with cuffs to match; best patterns and colors, each... **38c**

Boys' new 25c fancy silk Windsor Ties in plaids, stripes and plain colors, at the low price of, each... **21c**

Portland's LEADING CLOAK AND SUIT STORE

The leader in every way you look at it, first to show new styles, first in extent of variety for your choosing, the largest, cleanest, most up-to-date cloak department on the coast—A notable gathering of all the new, pretty garments in Suits, Coats, Skirts, Cravenettes, Costumes, Wraps, Waists, Petticoats, Etc.—This big cloak store of ours is our pride, we point it out to friends as an example of what a little special effort backed by sound merchandise can accomplish—A ready-to-wear department for women and children that stands in a class by itself, unequalled in the entire country west of the Mississippi—New garments keep arriving by the thousands, 77 express packages came to hand Tuesday and Wednesday. They are ready for inspection.

New Waists



New Silk and Flannel Waists in superb variety—an immense showing of exclusive styles in all grades—Waists for everyday wear—Waists for dress wear—magnificent Waists for evening wear—in all grades. You'll find a most pleasing assortment. Second Floor.

The September Carpet Sale

75c INGRAINS 52c YARD	\$1.10 BRUSSELS 87c YD.
Melrose Ingrains in pretty wood effects, big variety to select from; best 6c grade is offered during this sale, sewed, laid and lined... 52c	Tapestry Brussels, floral and Oriental effects, carpet of beauty and durability; the grade sold everywhere at \$1.10 the yard; you can buy here, sewed, laid and lined at... 87c
\$1.80 AXMINSTERS \$1.63	\$1.25 BRUSSELS \$1.15
Royal Axminsters in the new two-tone and floral effects and Orientals, very large variety to select from; price quoted includes sewing, laying and fitting; best \$1.50 quality, yard... \$1.63	The celebrated Windsor Brussels, mostly Oriental and two-toned effects, carpet guaranteed fast color and can be washed with soap and water, including sewing... \$1.15
90c Linoleum 55c Sq. Yd.	75c Linoleum 45c Sq. Yd.
Very best patterns, the only fast with it is that the tissue paper sticks to the face in a few places—a little soap and water removes it quickly. The best bargain in good linoleum you ever shared in—Third Floor.	

Blanket Sale

Great September Blanket Sale now in progress—all the best grades at wonderfully low prices. Third Floor.

6.00 Blankets for, pair... \$4.80	7.00 Blankets for, pair... \$5.70
8.50 Blankets for, pair... \$7.10	10.00 Blankets for, pair... \$8.50
11.00 Blankets for, pair... \$9.25	12.00 Blankets for, pair... \$10.15
15.00 Blankets for, pair... \$12.65	16.00 Blankets for, pair... \$13.50

All Baby Carriages and Go-Carts are being closed out at prices far below cost—best models—Third Floor.

French Underwear at 1/3 Off

Choose from our entire matchless stock of hand-made French Lingerie at a third off regular prices, Gowns, Skirts, Chemise, Drawers and Corset Covers, magnificent pieces, an assortment three times greater than any in the city—For Today and Tomorrow, your unlimited choice at a discount of **1/3**

50c Two-Toned Ribbons

3000 yards of beautiful new two-toned Ribbons, turquoise, light blue, gray, red, pink, all other leading shades, best 50c values, yard... **23c**