

BROADWAY BRIDGE BOND ISSUE VALID

Two Suits Questioning Power to Be Appealed to High Court.

MAYOR TO CALL SALE NOW

Following Presentation of Plans to Army Engineer, Special Public Meeting Will Be Held When Arguments Are Due.

The proposed \$2,000,000 Broadway bridge bond issue was declared valid by Circuit Judge Bronaugh yesterday, the various questions as to its being considered jointly by Judges Bronaugh, Gantenben and Morrow.

The bond issue was questioned in two suits, that of Frank Kierman against the city, in which he asked an order restraining the municipal officers from issuing the bonds, and that of the city against Marie L. Flanders, in which it is sought to condemn for bridge purposes a portion of her property on the west side of the Willamette River. Demurrers to the complaints were interposed in both these cases.

Both Kierman and Mrs. Flanders will appeal their cases.

In the meantime, Mayor Simon declares he will proceed at once with the issue of the bonds. The Mayor held a conference with Engineer W. R. Weidman, who will be in charge of the construction work for Engineer Ralph Modjeski, and Councilmen Menefee and Ellis. They went over the plans carefully and recommended some changes, particularly at Seventh and Hoyt streets, on the West Side.

Special Meeting to Be Called.

The plans will be laid before Major McIndoe, in charge of the local office of United States Engineers, and he will be asked to call a special meeting of the public when arguments for and against the proposed bridge, from the shipowners' point of view, will be heard. Before actual construction work begins it will be necessary to secure more land, and to make arrangements with the Northern Pacific Terminal Company for the erection of the bridge over the yards.

Upon only one point did Judges Bronaugh, Gantenben and Morrow decide against the city yesterday, and this will not affect the validity of the City Council's acts in arranging for the vote upon the bond issue. This was the point that the concluding words of the amendment to the city charter, providing that the bridge shall be turned over to the county for maintenance, are illegal.

The judges held that it is not competent for the city to turn over to the county for maintenance a bridge which the county did not wish to maintain. But they held that this part of the amendment is separable from the rest, and that as it is known that other bridges across the river are maintained by the county, the new bridge may be so maintained, if the county consents to take it.

Judge Bronaugh said up the Kierman case. One ground for this injunction suit was that when the voters assembled last June to cast their ballots for or against the new Broadway bridge, there was, upon the city statute books, an ordinance fixing the date of election in April. It was Kierman's contention that an amendment to this first ordinance, the amendment fixing May 8 as the date of election, had not been repealed at the time of voting in June. But Judge Bronaugh said that the first ordinance, as amended, was repealed.

The court said existing legislation in Oregon is confusing upon the question of the city's power to erect a bridge under the city charter. "We find," he continued, "that there are no constitutional provisions, nor civil or criminal laws, restraining the city from making legislation necessary for the construction of a bridge."

Judge Bronaugh said also:

"The point that the bond issue was not definitely fixed and that the election was therefore ineffective is not well taken, therefore it was never intended that the amount to be paid for a bridge must be fixed so that bonds would have to be issued for a certain amount whether the bridge would cost that much or not."

"We do not think that the objection to alleged irregularities in the wording of the resolution and in the calling of the bridge in different places 'high,' 'new,' or 'free,' are of any weight in this matter. The question in the mind of the court is simply whether the ordinance was given the voters as would advise them intelligently as to the matter to be submitted for their vote under the initiative and this, we believe, was done."

"The objection that a copy of the amendment had not been filed 60 days before the election is not tenable, we hold, because there was filed, in 1908, a similar instrument, and the fact that it was not particularly filed under the action of 1909 was not vital nor a sufficient objection."

Small Vote Registered.

"It was called to the court's attention that less than one-half of the voters actually voted on the amendment. That is a question which does not concern the court. There were over 10,000 votes cast in its favor and about 6000 against. The only question is whether the ordinance was submitted intelligently and the law substantially complied with."

"The court orders that the demurrer of the city to the suit brought against it by Mr. Kierman be sustained."

"In the case of the city against Marie L. Flanders and others, the question arises as to whether the city could condemn property under the right of eminent domain for the terminals of the bridge, the objection is made that such proceedings are invalid because the assent of the War Department had not been obtained. We are of the opinion that such assent was not necessary, but that the approval of the War Department should be secured. We do not sustain the contention that the assent of the department to the entire engineering plans should be obtained, because the plans are not yet completed in every particular, and could not have been when the initiative vote was taken and the charter amendment made. We hold that the proceedings in that particular were valid and that the city can proceed to condemn such property. Ample power to condemn property by the right of eminent domain has been delegated to the municipality by the state when that city charter was first granted. Besides, this is an amendment to the city charter, and as such it vests the municipality with the power of eminent domain for this purpose."

MAYOR SIMON LIKES DECISION

Public Meeting Soon Will Be Held on Bridge Matter.

Mayor Simon expressed great pleasure when informed of the decision of the Circuit Court yesterday in the Broadway bridge case. The plans for

PIERCE ARROW

Winner of Every Glidden Tour

COVEY MOTOR CAR CO. Seventh and Couch Sts. PIERCE CADILLAC

The span are being assembled in the office of City Attorney Kavanaugh, and will be laid before Major McIndoe, of the United States Engineer Corps, at Portland today.

MIXED WEATHER STAYS

RAIN AND SNOW STILL LOT OF ALL OREGON.

Southeastern Washington Experiences Worst Storm of Winter.

Thaw Pleases Harney.

Little change was noted in the weather yesterday and today's forecast promises no success from the occasional rains and snow. While hardly any Oregon cities reported snow remaining on the ground Monday, a few now complain of the weight of the white mantle. Most cities of the state, however, like Portland, report immediate disappearance of the snow after rain.

Albany is covered with six inches of snow after the snow fall of yesterday, and the foothills of Eastern Linn County are a mass of white.

Weston is also covered with six inches of fresh snow, and the storm marks the longest winter since 1871. In that year zero weather prevailed in March, with three feet of snow. The absence of chinook winds in Weston is regarded as a peculiarity of the present winter, which has been a succession of snow storms, freezing weather and gradual thaws.

Weston stockmen report no loss as yet. Their herds were brought out of the mountains last fall, and are being pastured in stable fields. One of the largest owners, J. F. Thompson, is wintering his stock on the Umatilla River near Gibbon. He says that he has not yet lost a single animal out of about 230 head.

The hard winter seems to be over in Harney Valley. A gradual thaw has been in progress several days, and in the southern part of the valley the snow is nearly all gone.

The thaw is looked upon as favorable by Harney, as the water is not going off with a rush, but is sinking into the ground.

Southeastern Washington is in the grip of the worst snow storm of the winter and one of the worst on record. Rain Monday changed to snow and yesterday morning nine inches covered the ground at Dayton.

From the Blue Mountains comes a report of a heavy fall in the foothills. Travel on the country roads is practically cut off and railroad traffic may be blocked.

LOT BRINGS \$42,000

TRANSFER IS MADE OF CORNER AT TENTH AND YAMHILL.

Improvement of Property Is Expected at Early Date—Other Sales Made in Same District.

J. H. Haak, a wealthy local timberman, and R. R. Burke, manager of the Royal Insurance Company, yesterday purchased the property at the northeast corner of Tenth and Yamhill streets. The property was purchased from B. L. Woodworth for \$42,000. It is 50x60 feet with the 50-foot frontage on Yamhill street. The sale was negotiated through the agency of the H. P. Palmer-Jones Company.

The new owners of this corner expect to improve it at an early date. The recent activity in this neighborhood, following closely upon the erection of the big 20x200-foot building at Tenth and Morrison streets by Olds, Wortman & King, has caused many investors to buy recently with the intention of improving for business purposes. Adjacent to the property sold yesterday, last week 40x100 feet on the inside was sold for \$26,500. Mr. Woodworth and family have owned the corner lot for over 20 years.

Another sale negotiated yesterday which will result in the erection of a fine apartment-house was made by the E. P. Mall Company who sold three lots, 150x100 feet, at the northeast corner of Twelfth and Lovejoy streets. The price paid for this property was \$15,500. M. Barde & Sons are the new owners and the seller was E. A. Baldwin.

Mr. Barde will improve this property with one of the largest apartment-houses in the Nob Hill district. It will cover the entire property with a ground space of 100x100 feet and will be a four-story structure, up-to-date and modern in detail and elegant in finish. No plans have been prepared nor has any architect been assigned the task of preparing them.

SEIZED FISH RETURNED

Company Gives Bond to Sell Product Under Proper Label.

The Union Fish Company has secured possession of 21 boxes of codfish recently seized by the United States authorities because the boxes were falsely labeled "Norway Cod."

The owners were allowed to furnish a bond requiring that the labels be removed and the fish placed on the market as West coast product. The complaint was filed under the pure food laws, and the fish were set at the warehouse of Mason, Ehrman & Co.

UNION PACIFIC LIFE INSURANCE COMPANY

Has \$87,916.18 Paid in—Only Needs \$12,083 to Obtain License in Oregon

PROFIT

On account of the high percentage of success, and because the profits are greater than in any other business, there is no better investment than that in a flourishing life insurance company.

Life insurance companies have, therefore, been practically financed, with the result that the enormous profits which they have made, and are making, remain in a few hands.

The plan of the Union Pacific Life Insurance Company in distributing its capital stock in a way by which it not only offers a remarkable opportunity for investment, but, at the same time, puts into effect a successful method of securing the co-operation of its stockholders in the upbuilding of the company, affords an opportunity which will be quickly seen and accepted.

SAFETY

In every investment there are two considerations—safety and profit.

The most important is safety; no one is justified in putting money into any enterprise unless it can be shown that the money so invested is practically insured against loss.

To place funds in a concern of any character is speculation.

The capital stock of the UNION PACIFIC LIFE INSURANCE COMPANY is an absolutely safe investment.

In considering this investment offer, therefore, the following should be borne in mind:

That immense fortunes have been and are being made in life insurance—the most profitable of all forms of legitimate business.

That there is a growing sentiment towards the upbuilding of home institutions of every kind, and especially in regard to life insurance.

That the UNION PACIFIC LIFE INSURANCE COMPANY stock is absolutely safe under the legal reserve laws, and will grow more rapidly in value than any stock available.

That by securing stock in the UNION PACIFIC LIFE INSURANCE COMPANY you have the opportunity of personally and effectively promoting the business of a company in which you are interested, and thus adding to your profits, and the value of your holdings.

Don't wait until the Stock is either Advanced in price or Withdrawn from the Market. BUY NOW!

For further information, address

Union Pacific Life Insurance Company

Oregonian Building, Portland, Oregon.

THE FOLLOWING HAVE SUBSCRIBED FOR STOCK IN THE Union Pacific Life Insurance Co

Capital Stock at a Premium

Realizing that the time is opportune for the issuing of a large Western Life Insurance Company in the State of Oregon and Washington with headquarters at Portland, and after carefully investigating the plans of the Union Pacific Life Insurance Company and the character and ability of the stockholders I have decided to subscribe to the Capital Stock, because I believe with proper management this Company will in a short time be among the top notches in the insurance world. The strength and co-operation of so many good business men all over the State is bound to sell and save life insurance companies in the Northwest.

There is no doubt whatever that we can conduct the life insurance business on the Pacific Coast as well as in any other part of the world. If we must trust somebody to manage the life insurance business we have just as honest and capable men in the West as they have in the East. Our mortality is lower, our interest rates higher and our securities safer on account of the rapid growth in Real Estate value.

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