

PORT MEMBERS NOT RECOGNIZED

Legal Proceedings Will Determine Status of Governor's Port Appointees.

MOVE COMES AS SURPRISE

Communication Agreeing to Resign Is Remembered—Importance of Issues Involved Requires Removal of Doubt.

Raising a question as to constitutionality of a recently enacted measure under which the Governor is empowered to designate the personnel of the Port of Portland Commission...

The action of the Commission came as a surprise, in view of the fact each of the seven members, including Captain Archie Pease, Mr. Adams and Mr. Ainsworth, who were not present yesterday, had signed a communication to the Legislature...

Whereas, because of the bonds to be issued, contracts to be made, taxes to be levied and other financial and public duties and trusts to be performed by the Commission of the Port of Portland, public policy requires that the acts of the said Commission be not open to any doubt or question whatever.

Resolved, by the Port of Portland, and the Commission of the Port of Portland, that the Commission or Commissioners appointed by the Governor as successor or successors to the present Commission be not appointed, until such time as the Commission or Commissioners appointed, entitled by said appointment to the office of Commission or Commissioners of the Port of Portland...

Resolved, That the Commission of the Port of Portland, and each Commissioner thereof, refuse to surrender its or his office to the said Commission or Commissioners so appointed by the Governor, under authority of the act aforesaid.

Resolved, That public policy matters of great public importance, and which require a decision of this matter as is consistent with the due consideration of the public interest of the State of Oregon, therefore, the courts be and they are hereby respectfully requested to advance on the docket any proceedings brought in the behalf.

Cameron Will Proceed.

Mr. Inman was absent from the city, but Mr. Gray, Mr. MacGuire and Captain Crowe attended the session and a copy of the resolutions was given them.

"I don't know who will prosecute the case, but no doubt steps will be taken at once to get the case before the courts. The appointees of Governor West are, in my opinion, state officers and it seems to me that the proposition of throwing out the legal points would be up to the state authorities, but we are advised that District Attorney Cameron is empowered to proceed here. The move of the Commission did not come as a surprise to me, as I felt certain some such step would be taken."

The Commission has retained the law firm of Williams, Wood & Lathicum to handle the case.

Mr. Gray, who is one of the Governor's appointees who was refused his seat yesterday, called up Governor West at Salem by telephone yesterday and told him of the circumstances. Mr. West, according to Mr. Gray, did not express an opinion, but said that he was leaving Salem for a few days and that when he returned on Monday would like to be informed further.

"The resolutions speak for themselves," said W. D. Wheelright, last night. Mr. Wheelright was a member of the old commission and was also appointed on the new one. "It is obvious that if, as many lawyers contend, the law providing for the appointment of the new Commissioners is unconstitutional the Port of Portland district might become involved in a serious legal entanglement later were the new men seated."

PORTLAND MEETS REDUCTION

Wheat Will Be Carried for \$1.50 and Flour at \$2 a Ton.

Notification was received yesterday by J. W. Ransom, general agent of the Harriman steamship lines, that R. P. Schwerin, head of the service, had authorized a reduction in tariffs from Portland to the Orient from \$3 a ton on grain and its products to \$2 a ton on flour and \$2.50 a ton on wheat, effective during March and April.

The Oriental liner Henrik Ibsen is due the latter part of April and will be dispatched before May 1. She will carry the cut-rate offerings and there are excellent prospects that she will have a full cargo. Portland grainmen say there are larger stocks of wheat here of the kind sought by Japanese millers than available on Puget Sound and with a more frequent service records for past seasons would be broken. The Portland & Asiatic officials say there is no profit at the \$2 rate and the reduced tariffs will entail a loss. They argue that there would be no justification for

engaging other steamers to carry the surplus. The action of the Harriman line places it on a basis with lines operating from Puget Sound and British Columbia, but it is understood that the Japanese are accepting shipments for even less.

TWO SQUARERIGGERS ARRIVE

Invermay and Saveric Head for Sea With Cargo.

Southerly weather of the past few days assisted two windjammers into the Columbia River yesterday, the British bark Invermay, from Callao, crossing in shortly after noon, completing the voyage in 48 days, and the French bark Bougainville, 69 days from Antofagasta, arriving at 4 o'clock. The coming of the carriers will make material difference in the March exportation of grain, as the Owensens is loaded by Kerr, Gifford & Co., and the Bougainville by Balfour, Guthrie & Co., both for the United Kingdom.

The British bark Invermay, wheat-laden for Europe, left down yesterday. Her cargo is dispatched by Hind, Rolph & Co., who held their until the expiration of her lay days despite the fact

STEAMER INTELLIGENCE. Table with columns: Name, From, Date, To, Date. Includes ships like Washington, Rygia, Palcon, Beaver, etc.

she was loaded a week ago, and it is assumed that they are counting on a favorable change in the wheat market for gains. The Waterhouse liner Saveric sailed also with a mixed cargo, wheat forming the principal item, and after coaling on Puget Sound she will proceed to Far Eastern ports. The Invermay is the only wheat carrier in the harbor and she is discharging ballast at Linton, where she will be joined by the two arriving steamers today. All may be working outward cargoes by the end of next week.

Upper Ainsworth Berth Wanted.

As many large vessels passing through the Steel bridge are using the east channel, the Steel Bridge & Portland Steamship Company will take up with Major McIndoe, Corps of Engineers, U. S. A., and Harbormaster Speler the question of permitting the steamers Beaver and Rose City to berth at the southern end of Ainsworth dock. The vessels will return to the Summer wharf April 2 and sail at 9 o'clock in the morning instead of 4 o'clock in the afternoon. The upper berth facilities loading. On account of the limited space to moor the vessels between the dock and bridge on the West Side the company was asked to moor its carriers toward the north.

Marine Notes.

Lightship No. 23, from the Swiftsure Bank station, which was recently towed to Puget Sound for an overhauling, will be repaired at the yards of Hall Brothers, Eagle Harbor, say the vicics received yesterday by Commander Elliott, Lighthouse Inspector.

In general cargo from Tillamook the steamer Golden Gate is due today and she will sail Saturday. The steamer proceeded here and the Toby will be towed up by the steamer Oklahama and discharged at Supple's dock. The steamer Coaster yesterday discharged at the Couch-street dock and the Nome City and Westerner are due this week.

Negotiations are under way for the purchase of the steamer Butterfly, lying north of the east approach to the Burnside-street bridge, which will probably be taken to an Oregon Coast port. The hull was formerly that of the steamer Jessie Harkins and the machinery is new, but the house was burned last year and has not been permanently replaced.

Following an overhauling the steamer Ottawa, of the Diamond O fleet, resumed service yesterday. Barges of the company are being decorated in advance of the season's business, the houses being painted green and hulls red. As the O'Reilly interests control the company and the name of all barges begins with O it is planned to have the painting finished by March 11.

Having satisfied himself with the operation of the first acetylene gas buoy in use in the district, which is located in Willapa Harbor, Commander Elliott, Lighthouse Inspector, returned from there yesterday. He reports that while the bar there was rough as a result of the southeast blow, the entrance to the Columbia River was smooth, and it is assumed from that fact and past demonstrations that southeast gales are felt greater in the north than on the Oregon Coast.

In general cargo from San Francisco the steamer Coaster yesterday entered at the Custom-house from San Francisco, and the steamer Alliance, from Eureka and Coos Bay. The Coaster cleared with 600,000 feet of lumber for the Golden Gate, and the steamer Johnson Towner, for the same harbor, with 225,000 feet.

Movements of Vessels.

PORTLAND, March 9.—Arrived—Steamer W. S. Foster, from Monterey; steamer Beaver, from San Francisco and San Pedro; steamer St. Helena, from San Francisco. Sailed—British steamer Saveric, for Hongkong and way ports via Seattle; British bark Invermay, for Queenstown or Valmouth.

ASTORIA, March 9.—Condition at the mouth of the river at 5 P. M., smooth; wind south 14 miles; weather cloudy. Sailed at 8 A. M. Steamer Rose City, for San Francisco and San Pedro. Arrived at 7 and left up at 8:30 A. M.—Steamer W. S. Foster, from Monterey, for Portland. Arrived at 7:30 and left up at 8 A. M.—Steamer St. Helena, from San Francisco. Arrived at 7:30 and left up at 8 A. M.—Steamer Johnson Towner, from Eureka and Coos Bay. Arrived at 7:30 and left up at 8 A. M.—Steamer Coaster, from San Francisco. Arrived at 7:30 and left up at 8 A. M.—Steamer Alliance, from Eureka and Coos Bay. Arrived at 7:30 and left up at 8 A. M.—Steamer Saveric, from San Francisco. Arrived at 7:30 and left up at 8 A. M.—Steamer Beaver, from San Francisco. Arrived at 7:30 and left up at 8 A. M.—Steamer St. Helena, from San Francisco. Arrived at 7:30 and left up at 8 A. M.—Steamer Johnson Towner, from Eureka and Coos Bay. Arrived at 7:30 and left up at 8 A. M.—Steamer Coaster, from San Francisco. 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