

CITY'S BULL RUN RIGHT BALANCE

Portland's Water System Seen in Danger in Suit of Mount Hood Line.

DEVELOPMENT FIRM SUED

Railway in Attacking Title of W. B. Cobb Before Judge Morrow Is in Line to Block Second Pipe if Decision Is Won.

Involved in the suit of the Mount Hood Railway Power Company against W. B. Cobb and the Electric Development Company, which has been pending before Circuit Judge Morrow for several months, is the right of the City of Portland to appropriate water from Bull Run for its second pipeline, which was recently completed. The suit is determined adversely to the Mount Hood interests the municipality will awaken to find itself entitled only to the 22,500,000 gallons a day, the capacity of the old pipeline and covered by the city's original filings on that stream, with no right or title to the volume of water that is diverted from that stream by the newly-constructed conduit.

The original filing by the city for the appropriation of water from Bull Run for domestic purposes was legalized by legislative act. This was taken by citizens generally to perpetuate the city's rights to a supply of water and no further thought was given to the matter until Dr. Harry Lane became Mayor in 1898. Shortly after assuming the Mayoralty, Dr. Lane learned that several individuals were filing an application for a license to divert water from the rights on the same stream. He caused the City Attorney immediately to prepare the usual filing notices for increased appropriations in the name of the city and caused them to be posted on that stream, only to be informed a few days later by the city's legal representative that the notices had been removed and private persons had been made covering all the water of that stream in excess of the 22,500,000 gallons included in the city's original filings.

Fillings Obtained by Hood.

Later these filings were transferred to the Mount Hood corporation which, in its dealings with the city, stipulated that the city should be entitled to the use of all water from Bull Run which might be needed for domestic purposes.

While I was Mayor," said Mr. Lane last night, "I sought to force the Mount Hood line to relinquish to the city all of its rights to the water in Bull Run above the Mount Hood company should lease or forfeit its title, the city at the same time, being subsidiary rights to would lose or forfeit all its rights to the water. For the same reason, I endeavored to have the present Mayor and members of the City Council force this relinquishment upon the Mount Hood company, but it has not been done. In the aggregate, this city has expended between \$5,000,000 and \$8,000,000 in installing its water system, including the completion of the new pipeline."

The present controversy between the Mount Hood company and Mr. Cobb and his associates dates from January 13, 1909, when Cobb filed on water rights on Sandy River below the mouth of the Bull Run River, considering that the Hood concern for ten months immediately preceding that date had not performed the development work on its water rights required by law and that reason for its neglecting its obligations under the law to those rights, Cobb and his associates organized the Electric Development Company, which has expended money in developing the rights for the purpose of keeping alive its rights. Subsequently, the Mount Hood Company instituted suit in the State Circuit Court against the Electric Development Company, seeking to be declared absolute owner of the water rights in dispute.

Three Projects Involved.

In relating the suit, Cobb contends that the rights claimed by the Mount Hood Company include three projects; that the company's development work has been carried out on the upper project alone and that the two lower projects have lapsed under the law. The plaintiff company, however, contends that its filings are protected by the provisions of the law which require the required 10 months following its filings.

A. B. Huston and Judge M. L. Pipes are attorneys for Mr. Cobb and the Electric Development Company. Mr. Huston said yesterday that his clients had expended about \$30,000 in development work as an evidence of their faith in their own holdings. The gravity of the situation, so far as Portland's water rights are concerned, was admitted last night by Mr. Huston. "If our contention is as to the possession of water rights in the Sandy River are sustained by the courts," he said, "it means that all the water in Bull Run, with the exception of 22,500,000 gallons daily, covered by the city's original filings, belongs to Cobb and his associates. Having been laid since our filings were made in 1909, the second Bull Run pipe-line, owned by the city, is taking water not included in the city's filings and which properly belongs to the Electric Development Company, if our contentions are correct.

"The rights of Cobb and his associates to the water on which they have made filings are further protected by the ownership of land along the Sandy in the district covered by our filings of January, 1909. Even if our rights to the water in Bull Run are not sustained by the courts, there is a serious question in my mind whether the Mount Hood Company can continue under its agreement to permit the city to appropriate a sufficient supply of water for its second pipeline, in excess of that to which the city is entitled by its filings, when the increased appropriation will operate to the injury of riparian rights held by Cobb and his associates on the Sandy, into which the depleted waters of Bull Run empty.

Demurrer Decision Awaited.

"Until the demurrer pending before Judge Morrow has been decided, we will not determine our attitude towards the city and its position. Cobb's counsel takes, there is prospect for litigation before the right of the city to supply its second pipeline with water from Bull Run can be determined legally. If Cobb and his associates win out over the Mount Hood Company in the courts, the municipality will have

GUARD RIVER SPAN SEIZED BY FEAR

Twenty-Five Accidents on Burnside Bridge in Month Scare Tender.

MORE RESORTS RAIDED

Police Arrest Dozen Women and Men in Various Places.

Continued activity of the police in raiding disorderly houses brought inmates of a dozen of the smaller places into the police station yesterday on a general charge of vagrancy. Minnie Elpers and Angela Richard, 216 Davis street, were arrested yesterday by Sergeant Burke and Patrolman Henson. Eva Horton was arrested by Patrolman Bewley at 37 1/2 Burnside street, in company with George Sthenken, who was charged with visiting the place. M. M. Sorenson and Elmer Gordon, inmates of 1 1/2 Taylor street, were arrested by Sergeant Riley, with J. J. Martin, who was charged with visiting the place. Louis George, alias Madge Joy, was arrested by Sergeant Front and Madison street by Sergeant Oelsner and Patrolman Everett. Mary Loop was arrested at 158 Clay street and Emma Jacobs at 153 Clay street yesterday. Patrolmen Haney and Stewart making both arrests. Minnie Sullivan was arrested by second and Everett streets by Patrolman Bewley and Henson, who also arrested Lena Melton and Susan Ledio, at 275 Davis street. Patrolmen Riley and Stewart arrested Rose Williams and Christine Fleming at 233 1/2 Flanders street. Goldie Wilson was arrested at 223 Main street by Sergeant Oelsner and Patrolman Everett, who have been scouring the South End.

MAN KILLED SAVING DOG

M. A. Tucker Throws Pet Off Track and Is Run Down by Train.

M. A. Tucker, aged 55 years, was killed last night by an Oregone local Southern Pacific train while trying to save his fox terrier. Fear, as it was in the mind of the locomotive and was too frightened to run out of the way. He threw the dog to one side down an embankment, but was himself struck by the train and killed instantly. Tucker and his 15-year-old son, Charlie, living at 1825 Macadam road, were returning to their home, with their dog, when they were around the curve at the foot of Curry street. When he saw the two on the track, Engineer W. F. Schellenburg blew the whistle twice.

NATIONAL BODY JOINED

Electricians Form Section of Light Association of America.

A Portland section of the National Electric Light Association of America was formed last night at the annual convention of the association held at 100 persons engaged in the electric-lighting industry of this city. T. Comberford Martin, secretary of the national association, from New York, instructed those present in the procedure to acquire membership. He also spoke of his association and experience with the electric light industry.

BLIND MAN FOUND GUILTY

Court Stays Sentence Against Unlicensed Practitioner.

Second in the list of doctors recently arrested for practicing without a license, Ernest Vosse, a blind practitioner, who has been conducting a "chiropractic institute" in his office at 24 1/2 First street, had a jury trial before Justice of the Peace Olson in a night session of the Justice Court last night. Morris Goldstein appeared for the defendant and the case was prosecuted by Dr. Samuel White, representing the State Medical Board. Vosse in future, he would be given the full penalty for his breach of the law.

FIRM FILES STATEMENT

Creditors of Vancouver Company to Name Trustees Soon.

VANCOUVER, Wash., Sept. 19.—(Special.)—A schedule was filed in the court of George B. Simpson, referee in bankruptcy for this district, by Swank & Company today, showing the unsecured claims are \$49,353.74, and the total assets are scheduled at \$25,749.76. The inventory of the mercantile establishment at Ninth and Main streets, is \$22,998.

GEORGE P. CREAMER DIES

Attack of Heart Disease Suffered While Washing Hands.

DALLAS, Or., Sept. 19.—(Special.)—George P. Creamer, of this city, died here today of heart disease. This morning he went to work as usual working until noon. While washing his hands before dinner the attack came and he fell to the floor.

Mr. Creamer came to Dallas about two years ago from Portland. The body will be shipped tomorrow to Francis, Wash. for burial. Mr. Creamer is survived by his widow.

Mortgage Loans

Wanted for our Savings Department. Must be secured by at least three times amount of loan and on well located, improved and income bearing properties.

MERCHANTS SAVINGS & TRUST COMPANY

Capital \$150,000.00

W. H. Fear President
Willard Case Vice President
O. C. Bortmeyer Cashier
Walter H. Brown, Asst. Cashier.

Twenty-five, more or less, serious accidents on the Burnside bridge in the last month are attributed to deplorable traffic conditions, by P. G. Forbes, bridge foreman, in an appeal for relief made to the County Commissioners yesterday. Mr. Forbes says he decided to ask for relief after the accident Monday, in which a boy was hurt, and another one yesterday morning, in which a boy on a bicycle was injured by being run down by an auto truck. He pictures the bridge traffic as a mad race between automobiles, streetcars, bicycles, wagons, auto trucks and pedestrians, which the bridge force is unable to check and which he fears will result in more serious accidents unless conditions are changed.

"The main trouble comes," said Mr. Forbes, "when the draw span is open for boats and the traffic becomes congested at the two gates. I occupy a lookout over the bridge, and when I ring the bell for the gatekeepers to open the gates I hold my breath and look out the window for the results. Every variety of vehicle wants to take the lead, and the result is all kinds of collisions, blockades and smashups in which damage is generally done. I have gathered up some of the pieces of broken automobiles, and now have in my house enough broken parts to construct a good-sized auto truck.

WOOL RATES EXAMINED

UTAH, NEVADA AND IDAHO WITNESSES AT SALT LAKE.

Shippers Assert That Prices From West to Chicago More Than From Pacific Coast.

SALT LAKE CITY, Sept. 19.—An investigation by the interstate commerce commission into the charges that the rates charged by railroad companies on wool and hides from the West to the Eastern markets are unfair, was taken up in this city today by Examiner Prouty.

LETTERHEAD IS CLEW

NEW WESTMINSTER ROBBERS LEAVE TRACE IN ABERDEEN.

Trio That Lived Several Months at Boarding-House Suspected of Looting Canadian Bank.

ABERDEEN, Wash., Sept. 19.—(Special.)—A letterhead, bearing the name of Mrs. Nellie C. Reynolds, proprietor of the Cecil Hotel, 521 West Heron street, Aberdeen, found in the Bank of Montreal building, New Westminster, B. C., on the morning of the robbery of the bank, is believed to be the first tangible clew in possession of the detectives which may aid in the apprehension of the robbers. In fact so important do the officers consider the incident that two men are now in the city working on the case.

GASCARETS INSURE

INSIDE CLEANLINESS

The millions of Gascaret users never have Headache, Constipation, Biliousness or Sick Stomach.

It is more necessary that you keep your Bowels, Liver and Stomach clean, pure and fresh than it is to keep the sewerage or drainage of a large city free from obstruction. Are you keeping clean inside with Gascarets—or merely forcing a passage-way every few days with salts, cathartic pills or castor oil? This is important. Gascarets immediately cleanse and regulate the stomach, remove the sour, undigested and fermenting food and foul gases; take the excess bile from the liver and carry out of the system the decomposed waste matter and poison in the intestines and bowels. No odds how badly upset you feel, a Gascaret tonight will straighten you out by morning. They work while you sleep. A 10-cent box from your drug-gist will keep your entire family feeling good for months. Don't forget the children—their little insides need a good, gentle cleansing, too.

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Wanted for our Savings Department. Must be secured by at least three times amount of loan and on well located, improved and income bearing properties.

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employment or having employment of some sort in mind. While the men were at the Cecil Hotel they were incommunicative and little was known of them. Mrs. Reynolds said that she was called up by long-distance telephone from New Westminster last Saturday, undoubtedly by officers who were trying to reach her, as to information she may have about the card. The message was in complete account of trouble on the line. The same night, however, she was visited by the detectives from Seattle to whom she imparted what little she knew about the strangers.

It is the presumption of the detectives that the men who committed the robbery and left the Cecil Hotel letterhead in the bank may have been the three that made their home here for several months.

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Shippers Assert That Prices From West to Chicago More Than From Pacific Coast.

At today's session P. Adams, traffic manager of the Western Pacific Railroad, explained that the rate of \$1 from the Pacific Coast to Chicago, as against a rate of \$1.13 from Nevada and Idaho to Chicago, was due to water competition. J. W. Sommerhays, a shipper of wool, said that he could ship wool from Montana, Utah, to Los Angeles and thence to Chicago at a rate of \$1.95 against a rate of \$2.18 by direct route.

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Absolutely Fireproof. 200 Rooms, 120 Bathrooms. Reinforced Concrete Building. Every room Faces the Street. Superbly Furnished and Appointed.

Rooms with detached bath	\$1.00 Up
Rooms with private bath	\$2.00 Up
Two-room suite with private bath	\$3.50 Up
Additional person in room	\$1.00

A LIMITED NUMBER OF ROOMS AND SUITES RESERVED FOR GUESTS ON A MONTHLY RENTAL BASIS.

HOTEL CARLTON RESTAURANT

offers a dining place of dignity and elegance with a cuisine and service of exceptionally high standard at moderate prices.

THE RITZ-CARLTON HOTEL CO. Fourteenth, Washington and Burnside Streets, Portland, Or. G. C. LARM, Manager.

CASE HEARD ON APPEAL

Appellate Court Takes Up Suit of H. L. Pittock Against Lessees.

The case of H. L. Pittock and Georgiana Pittock against J. Whyte Evans and W. D. Wood, which was decided in Mr. Pittock's favor by a jury last January, came up for hearing on appeal before the United States Circuit Court of Appeals in Portland yesterday. After hearing the legal points in this case, the court adjourned for the term. It will convene in San Francisco October 2.

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GRAND CELEBRATION

SPECIAL RATES SPECIAL TRAIN TO GRAY'S HARBOR

(Aberdeen and Hoquiam) Saturday, September 23

Event is to celebrate the completion of the O. W. R. & N. LINE Into Aberdeen and Hoquiam.

Business men and citizens of Grays Harbor cities have invited the Portland Commercial Club, Portland business men and citizens to accompany special train party to Grays Harbor.

O. W. R. & N. HAS MADE SPECIAL RATE:

Portland to Hoquiam and return, \$6.15. September 23d, limit September 26th. Proportionate rates from other cities.

Special train will leave Portland 7:45 A. M., arriving at Grays Harbor for lunch, and returning will leave Grays Harbor at 5:30 P. M., arriving Portland at 11 P. M.

Join a Live Bunch and Visit Two Live Cities O. W. R. & N. (LINE OF THE SHASTA LIMITED)

All Trains Arrive and Depart from Union Depot, foot of Sixth Street. City Ticket Office corner Third and Washington Streets.

G. W. STINGER, City Ticket Agent. Telephones: Private Exchange 1, Home A-6121. W. D. SKINNER, General Freight and Passenger Agent.

4000 MILES SAFE GOING GUARANTEED

Pennsylvania Vacuum Cup Tires Are Guaranteed NOT TO SKID

The best tires for wet and slippery streets and muddy roads. It is not necessary to use Anti-Skid Chains with Vacuum Cup Tires.

A. J. Winters Co., Agents 67 Sixth Street. Portland, Or. Note—Put a Pennsylvania Vacuum Cup Tire on your wheel opposite any other make.