BONDS ILLEGAL, SAY EASTERN LAWYERS

Purchase of Property for Proposed Docks Held Up by Commissioners.

MESSAGES ARE EXCHANGED

Boston Attorneys of Opinion That Issue Would Be Legal Only on Vote of People—Decision Expected Today.

Though reinstated by the voters when the commission form of city government was adopted, the Commission of Public Docks is without authority to issue bonds, according to an opinion by Boston attorneys, and thereby a stumbling-block has been encountered that may seriously interfere with plans for waterfront improvements.

The first intimation that the power to issue bonds is vested only in the City Council was contained in a telegram received yesterday from Storey Thorndyke, Palmer & Dodge, bond attorneys of Boston, Mass., calling attention to the sections of the charter dealing with bonds.

The Commission had retained the attorneys to pass on the legality of a proposed bond issue in the sum of $1,000,000, which was to have been sold September 4. The following telegram was received:

"Has court construed section 92 of charter amendments submitted May 3, being section 120 of Auditor's compilation? If not, we consider it unsafe to approve dock bonds without vote of people. Words 'heretofore authorized' may include authorization by Dock Commission. Nor does section 93 seem to overcome difficulty."

Property Deals Held Up.

On receipt of the telegram the Commission declined to proceed further in the purchase of the William Reid property, located between East Oak and East Washington streets, which was selected as the site of the East Side dock. Though the deed is in readiness, negotiations will cease until it is determined whether the Council can safeguard the bond issue through the adoption of an ordinance. In that connection the following telegram was sent to Storey, Thorndyke, Palmer & Dodge:

"Section 92 of charter amendments submitted May 3 requires vote of people authorizing certain bond issues, but expressly excepts therefrom bonds heretofore authorized.

"Section 93, submitted May 3, reads: 'The Council of the City of Portland is hereby authorized to issue and sell additional bonds heretofore authorized and not sold under the provisions of section 118.'

"Section 118 of the Auditor's compilation, passed by vote of the people in 1910, provides for issuance and sale of dock bonds.

"On June 2, 1913, the people amended above section 93, continuing in existence the Dock Commission under the new charter, and re-enacted and reauthorized the bond issue in exact language of the above section 93.

"It seems that complete power is vested in the City Council to issue these bonds. Ordinances providing for the sale of these bonds should be passed by the Dock Commission and the City Council."

Commission Meets Today.

The Commission adjourned until this morning, by which time a reply from Boston is expected. City Attorney La Roche and Fred W. Mulkey, chairman of the Commission of Public Docks, agreed that complete power is vested in the Council to issue the bonds. City Attorney LaRoche summed up the situation as follows:

"The people on May 3 amended the charter, providing for the abolition of all boards and commissions except the Civil Service Commission and vesting all the powers previously exercised by these boards and commissions in the Council, and in the same section which provided for the abolition of these boards and bodies there was a provision to the effect that the Council could issue and sell the dock bonds previously authorized.

"On June 2, 1913, that section was amended to continue in force the Dock Commission, but through a clerical oversight the provision in the section authorizing the Council to issue and sell the dock bonds was not changed, but was allowed to remain as amended on May 31.

"This creates a situation where the Dock Commission possesses the powers originally given to it by the amendment of the charter of 1910, with the exception that the power to issue and sell bonds heretofore authorized and not sold is vested in the Council.

"Section 92 contains the following provision: 'This provision shall not apply to bonds heretofore authorized,' and section 93 of the present charter, submitted and passed by the people May 3, in express terms, authorizes the Council to issue and sell additional bonds heretofore authorized and not sold under the provisions of section 118. Section 118 is a charter provision, passed by the people in 1910, that provides for the issuance and sale of these dock bonds by the Commission of Public Docks.

"On June 2, 1913, the people amended the above section 93, continuing in existence the Dock Commission under the new charter, and re-enacted and re-authorized the bond issue voted by the people in 1910 in the exact language set out and contained in section 93 of the present charter.

Issue Safe, La Roche Thinks.

"In view of this condition, the Commission of Public Docks telegraphed to the Messrs. Storey, Thorndyke, Palmer & Dodge, calling their attention to these provisions of the present charter, and it is the opinion of Senator Mulkey and of my department that complete power at this time is vested in the Council to issue these bonds, and that all that is requisite to carry this power into full effect is the passage of appropriate ordinances by the Commission of Public Docks and by the Council providing for their issuance and sale."

It was ordered that the printing of the bonds be held up temporarily, and options on outside property will not be taken advantage of, as the new charter also prevents the Commission from maintaining docks without the confines of the municipality. At this morning's meeting the matter will be thoroughly gone over and no doubt a decision reached as to the action of the Commission as a body and individually.

Coquille Fishing Is Light.

BANDON, Or., Aug. 28.—(Special.)—Owing to the prices being paid by the local cannery for salmon, few fish are being taken in the Coquille this season. The run has been light so far. The cannery is paying 15 cents for silversides and 25 cents for Chinooks.

GOOD ROADS ADVOCATE AND WAGON IN WHICH HE CAME TO PORTLAND FROM ATLANTIC COAST.

CROWDS SEE TRAPS

Colonel C. W. Thatcher's Outfit Is Unique.

BOOSTER IS ENTHUSIASTIC

"Good Roads Apostle" Here in Interest of Portland-Seattle Division of Proposed Lincoln National Highway.

Worse-looking contraption than even the old "one-hoss shay" after it had finally fallen to pieces was the wagon in which Colonel Charles W. Thatcher, "good roads apostle," came to Portland yesterday afternoon. After a trip in the wagon from the Atlantic Coast he came to anchor before the Commercial Club, where for the rest of the day his peculiar outfit was an object of interest to crowds.

Colonel Thatcher, working without pay, but as enthusiastic about good roads as one could be, is proving a great aid to the National Government and the various state governments in their work for highway betterment. All of his recommendations to the National Government have been accepted and followed out. Just now he is devoting his attention to the Portland-Seattle division of the proposed Lincoln National Highway, which is to span the country from Atlantic to Pacific. He will be in the city several days.

Drawing Thatcher's vehicle are two Spanish mules. They are assisted over particularly hard places by a sturdy little burro. Then there is Gordon. Gordon is a full-blooded English pointer, and is the boon companion of the Colonel. The Colonel, by the way, is no Colonel at all, but the Atlanta Constitution, in Southern style, wished the title on him because it wanted to be complimentary, and the title has stuck.

Thatcher prefers to sleep outdoors, but hospitality always is forced on him by good roads enthusiasts in the larger cities, where he has to yield to the tortures of civilization and sleep in a dreadful bed on a dreadful soft mattress and be covered by dreadful blankets and sheets.

But when he has his own way his night's makeup consists of the grass for a mattress and the sky for a sheet.

He will attend the good roads meeting at Gearhart next Sunday and Monday.

SULZER SENDS GREETING

MESSAGE WILL BE READ AT MEETING TONIGHT.

Portland "Uprising" Against Tammany Expected by Many to Become Nation-Wide.

A personal message from Governor Sulzer himself will be read at the anti-Tammany mass-meeting at Sixth and Ankeny streets tonight, at which the Rev. Charles T. McPherson, pastor of Trinity Methodist Episcopal Church, will preside.

"Give my best wishes to all the citizens assembled at the meeting in Portland," heads the Governor's greeting, which came by telegraph to the pastor yesterday. "Assure them that in the future, as in the past, I shall go forward in the struggle I am making for honest government, regardless of political or personal consequence."

Rev. Mr. McPherson is receiving letters by the score every day, commending him for being the one to start what it is declared will become a nation-wide movement to emancipate New York State from Tammany domination. Likewise have come a few letters of condemnation from persons who take the Tammany side.

The pastor telegraphed the following message to the New York Governor yesterday: "Portland anti-Tammany meeting Friday evening backed by all conditions of society. Circuit Judge Morrow delivers opening address. Dr. Morrison, rector of Trinity Episcopal Church; Miss Lida O'Bryan, president of the New York Society, and F. W. Jobelman, all formerly from your state, among speakers. Hope nation-wide movement may result from Portland uprising."

Tonight's meeting is to start promptly at 8 o'clock, Mr. McPherson says.

LODGE HEADS INSTALLED

Banquet Follows Ceremonies at Independent Masonic Body.

Robert Bruce Lodge, Ancient and Accepted Scottish Rite (symbolic), an independent Masonic body not allied with the Masonic grand lodge of Oregon, held installation ceremonies at Masonic Hall, 208½ Third street, Wednesday evening. The installation ceremonies, which were conducted by G. B. M. Sommerville, state deputy grand master, were followed by a banquet at the Portland Hotel.

The following were installed:

S. H. Haines, right worshipful master; A. F. McCue, supreme lodge deputy; A. G. Wabshaw, master deputy; J. D. Asher, master substitute; [illegible] Wheeler, senior warden; W. S. Davis, junior warden; Elton Withrow, secretary; P. A. Johnson, treasurer; R. C. Weaver, chaplain; William F. Hankerson, senior deacon; B. N. Davis, junior deacon; F. A. Blank, senior steward; L. C. Leidstrom, junior steward; [illegible] L. Davis, almoner; J. F. Johnson, marshal; W. F. Marshall, orator; J. P. Fonner, inner guard; W. M. Muir, tyler.

Charles W. Thatcher and His Outfit.

PIONEER OF 1851 IS DEAD

William F. Briggs Passes Away Near Glendale at Age of 76.

ROSEBURG, Or., Aug. 28.—(Special.)—William F. Briggs, a pioneer resident of Canyonville and for more than 18 years County Surveyor, died at the home of his son, near Glendale, yesterday.

Mr. Briggs was born in Athens County, Ohio, September 18, 1837. He came West with his parents in 1851 and located in Douglas County. Enlisting under Captain Gordon, in Company H, Second Oregon Regiment, in 1855, he served three months in the Indian wars. In 1866 he purchased land in the City of Canyonville, upon which he erected a hotel and maintained it until his death. In 1872 Mr. Briggs was elected County Surveyor, a position which he held for 18 consecutive years.

Mr. Briggs is survived by his wife and seven children—William F. Briggs and Marcus Briggs, of Canyonville; Mrs. Minnie James, of Riddle; Mrs. Delia Applin, of Portland; Mrs. Alice White, of Portland; Mrs. Dora Bartle, of San Francisco, and Nathaniel Briggs, of Lake County, Oregon.

Four Couples Licensed to Wed.

WALLA WALLA, Wash., Aug. 28.—(Special.)—Popularity of Washington as a refuge for Oregonians who object to the new examination law was shown yesterday, when four couples obtained licenses. They were Frank Mitchell Robinson and Dora Melford Morris, of Milton; Harry Taylor Buchanan and Lottie Lee Purcel, of Weston; Robert R. Maxwell, of Helix, Or., and Bertha Flock, of Wallula, Wash., and Emmett Ogden of Holaman, Or., and Dorris Flock, of Wallula, Wash. The girls named in the last two licenses are sisters and the men are near-neighbors and friends. They were married in the afternoon by Judge T. M. McKinney.

Stanfield to Have Exhibit.

STANFIELD, Or., Aug. 28.—(Special.)—That Stanfield will have an exhibit at the Umatilla County Fair at Pendleton in keeping with its resources and prosperity was the decision reached last night at a meeting of the boosters of this vicinity. Mayor Kyle, P. H. Buchholz, Ralph Holte and R. H. Irwin will raise funds necessary to prepare the exhibit and place it on display. M. C. Barager will arrange the exhibit.

Eugene Woman Re-elected.

EUGENE, Or., Aug. 28.—(Special.)—The Eugene Woman's Christian Temperance Union yesterday re-elected Mrs. N. E. Sears as president and chose Miss L. E. Beckley as secretary and Mrs. H. D. Palmer as treasurer. Delegates were selected to attend the state convention, and announcement was made of the county convention, which is to be held at Creswell Thursday, September 11.

Albion Wheat Yield Light.

ALBION, Wash., Aug. 28.—(Special.)—A large amount of grain is being delivered at the Pacific Coast Elevator Company's warehouse at Shawnee Station, three miles below Albion on the Moscow branch of the O.-W. R. & N. The farmers report a smaller yield than last year. But what the grain lacks in quantity it makes up in quality and the price is right, so it will average up with last year's crop.

Color of Taxis Is Issue.

W. H. Warrens, manager of the Oregon Taxicab Company, is seeking to obtain in Circuit Court a permanent injunction against N. E. Nielson, an independent driver, who operates a taxicab so painted that it resembles closely the brown taxis of the Oregon Taxicab Company. Mr. Warrens asserts that his company was first in the field with this color and is entitled to a "corner" on it as far as Portland is concerned.

Berries and Fruit on Branch.

ALBION, Wash., Aug. 28.—(Special.)—A wild sarvis berry bush is growing near a spring with ripe and green berries and blossoms on the same stem. This is unusual at this time of the year.

DIECK DENIES BIAS

Explanation Made of Objection to "Bitucrete."

BITUMEN HELD EXCESSIVE

Commissioner Favors Eastern Method of Submitting Sample Strip of Paving to Test for One Year Under Observation.

Declaring that he has been accused of favoring paving companies now operating in Portland to the exclusion of new concerns, City Commissioner Dieck yesterday issued a statement explaining why he opposed permitting the Linden-Kibbe Construction Company placing "bitucrete" paving in Groveland Park Addition for experimental purposes.

The statement of Mr. Dieck follows:

"Referring to discussion in the Council regarding the admission of the 'bitucrete' type of pavement to bidding in the City of Portland, I wish to place myself on record as objecting against this course of procedure.

"The investigations thus far made by the department do not justify a final decision as to the suitability of this type of wearing surface. At the present time I have no distinct objections to it other than this—that the pavement has not been subjected to conditions such as are found in Portland.

"About one month ago, upon authority of the Council, Messrs. Dulin and Hardesty, of this department, were delegated to make examination of this type of pavement then being laid in The Dalles, Or. Their independent reports show that the appearance of the pavement, during its laying, was good. There has this date been filed with me a report from the chief chemist, which shows that the percentage of bitumen contained in a sample submitted by the Linden-Kibbe Construction Company from actual cut in the pavement at The Dalles is about 15.35 per cent, or about 5.35 per cent in excess of the ordinary percentage permitted in bituminous wearing surface of like character. I have not been convinced as yet that the method of construction of the pavement will result in a wearing surface of a uniform composition, since the proportion of bitumen at any point may not be controlled.

"In view of these facts and of the lack of definite data on pavement of this type during an entire season of use, I object most vigorously to experimentation by the city.

"I am of the opinion that the admission of new types of paving to bidding should be based upon sufficient data as to wearing quality, freedom from checking, etc., which may be determined under our local conditions only after an observation extending over at least one year.

"It is the practice in the large Eastern cities to require that sample strips of pavement shall be laid in such places as are suited to the type and most convenient to observation by the engineering department. It appears to me that this is a proper course of procedure, and I recommend that, in future, no types of pavement upon which we are not well informed as to wearing quality, checking, etc., shall be laid unless upon the basis of experimental

COUNTY MAY FORECLOSE

PAYMENT ON OLD POORFARM IS DEMANDED.

Proposition of Buyer to Raise Mortgage, Acre at Time, Rejected by Commissioners.

Unless B. M. Lombard pays within the next three or four days a note for $35,000 together with interest to date on $119,500, the amount he still owes on the purchase price of the old County Farm on the Canyon road, foreclosure proceedings will be commenced against him by the county. When he bought the property four or five years ago he paid $35,000 cash, the purchase price being $154,500, but, according to the County Commissioners and A. E. Clark, their legal representative in this matter, this is all he has ever paid either in principal or interest.

Mr. Lombard has asked if he could have the mortgage released an acre at a time on $1000 payments, saying it was impossible at present to get money from the banks and that he wanted to plat and sell off a portion of the farm, in which there is 202 acres. His proposition was declined and a letter written to him saying that he need expect no further consideration. Mr. Clark said the foreclosure suit will be instituted unless the first note of $35,000 and interest on the total amount to date is forthcoming within a few days.

According to the original agreement one $35,000 note became due May 5, 1912; a second for a similar amount May 5, 1913, and the third, for $49,500, May 5, 1914. All bear interest at the rate of 6 per cent and are secured by mortgage on the property.

The first note was extended a year and the other two were to be extended two years each on condition that Mr. Lombard should take up the first one when due and keep up the interest.

WATER

YOU GOING TO DO ABOUT YOUR WATER SUPPLY?

If you live in the country or suburbs that question has perplexed you. It has perplexed thousands before you. Most of them have installed

MITCHELL-LEADER WATER SUPPLY SYSTEM

More Than 100 Within a 15-Mile Radius of Portland

and forgotten all about water supply troubles. So will you when you understand that this system gives you better than city service at low cost.

The Mitchell-Leader is simple—easy to operate.

The Mitchell-Leader is sure—water where you want it, when you want it, at the pressure you want.

The Mitchell-Leader makes possible your enjoyment of the bath, toilet, washroom, etc., etc. Can you afford to be without it?

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E. Second and E. Morrison

DIRECT VOTE PROBABLE

PEOPLE MAY HAVE CHANCE TO ELECT SENATORS.

Representative Johnson Telegraphs Lister That Congress May Pass Necessary Legislation.

OLYMPIA, Wash., Aug. 28.—(Special.)—Representative Albert Johnson, of Hoquiam, who three weeks ago wrote Governor Lister that there was no chance that Congress would enact legislation to carry into effect the direct election of Senators amendment, and that a special session of the Washington Legislature undoubtedly would be necessary, today sent telegrams both to Governor Lister at Colorado Springs and to Acting-Governor Hart here, stating that conditions had changed materially.

"The impression now prevails that the Senate subcommittee will urge passage of a bill which will authorize direct voting for United States Senators," states the message. "The death of Senator Johnston, of Alabama, which occurred after I had written to Governor Lister, has served to bring matters to a head."

Acting-Governor Hart made no comment, but appointees of Governor Lister were jubilant, believing the news means that the Governor's desire to avoid a special session will be gratified.

ACTING MONKEY ESCAPES

Performing Animal Bolts From Orpheum and Is Not Found.

From the manager down consternation reigned at the Orpheum last evening when it became known that the little 7-months-old Resheus monkey with Buckley's Animals was missing. He made his escape just as the orchestra began to play. He was running loose in the property room, where the animals are kept, and when Mr. Buckley attempted to catch him and put him in his cage he bolted out the window near the ceiling to the sidewalk. Immediate search was made, even on the roof of the theater, but without success.

As a last resort Mr. Buckley took Heinie, the big baboon, out in quest of the baby, but still he could not be found. When Mr. Buckley got the baby four months ago all of his other monks whipped him until one day the baby darted into the cage of Heinie, the most ferocious monkey of the collection, who at once adopted him and is his constant protector.

Anyone who can return the monkey or give information leading to his capture to Mr. Buckley at the Orpheum will not only receive his gratitude but a reward as well. The monkey is hardly half grown, light brown, almost tan in color, and without collar or chain.

DAILY PAPERS CRITICISED

Reference of Kaiser, as "On Water Wagon" Arouses Churchman.

The annual conference of the Pacific German Methodist Episcopal Church began yesterday in the First German Methodist Episcopal Church. The conference will end with the service on Sunday evening. Bishop R. J. Cooke presided.

The sessions yesterday were devoted chiefly to the hearing of reports and the election of officers. H. F. Luecke, of Seattle, was elected secretary; J. C. Miller, of Ritzville, Wash., statistical secretary, and J. M. Herman, of Edwalk, Wash., treasurer.

Reports of church work from the various districts of Oregon, Washington and Idaho showed progress in membership and collections. The bishop made a talk on general church work during the morning session. Incidentally he took exception to the references in some of the daily papers to the German Emperor having "gone on the water wagon." He thought the term undignified and disrespectful.

The Rev. Clarence True Wilson, of Topeka, Kan., ex-pastor of Grace Methodist Episcopal Church in this city, spoke on "The Progress of Temperance." He is secretary of the temperance of the Methodist Episcopal Church.

At the evening session Dr. Hancher, of New York, secretary of the Educational Society, and the Rev. J. A. Weigle, of Tacoma, spoke on "The Educational Question," the latter speaking in German.

MAILMEN GET HALF DAY

Postoffice Employes, of Necessity, Will Work Part of Monday.

Portland postal carriers will have a half-holiday on Labor day. They will make one delivery in the residence sections, and two in the business districts.

The general delivery, stamp and registry divisions of the Postoffice will be open until noon. Like the banks of the city, the money order and postal savings departments and the cashier's office of the Postoffice will be closed all day.

While Postmaster Myers would like to see all his employes have a full holiday Monday, he deemed that it would be inadvisable. Labor day follows Sunday, and as it is the first of the month, when all accounts are rendered, the business will be about double that of an ordinary day.

QUARRY TERMS REACHED

City and County Will Co-operate at Linnton Sub-Jail.

An arrangement by which the city will continue to use the Linnton quarry sub-jail to house its prisoners was made at a conference yesterday between Mayor Albee and Commissioners Daly and Brewster, representing the city, and County Commissioners Holman, Lightner and Hart for the county. A few days ago the County Commissioners took the Linnton quarry away from the city.

Under new agreement the county will supply guards, a rock-crusher foreman, supplies and equipment. The city will feed the prisoners, furnishing the cook and food. The city will get 10 per cent of the rock and the balance will go to the county.

BIG LAND TRADE UNDECIDED

Washington State Officials Hopeful of Exchange With Uncle Sam.

OLYMPIA, Wash., Aug. 28.—(Special.)—Attorney-General Tanner and Commissioner of Public Lands Savidge, who have been at Washington, D. C., since the middle of June endeavoring to exchange $20,000,000 worth of state land in the National Forests for Government land outside the forests, returned today, with the legality of the proposed exchange still undetermined.

An opinion from Attorney-General McReynolds is awaited and if this is favorable, the return to the Capital of Secretary of the Interior Lane, late in September, must be awaited before negotiations are resumed. Both officials are hopeful of a favorable opinion from McReynolds.

NEW JETTY REPORT SOUGHT

Lane, Jones and Johnson Urge Chairman of Committee to Act.

OREGONIAN NEWS BUREAU, Washington, Aug. 28.—Senator Lane, of Oregon, and Senator Jones, of Washington, after a conference today, decided to call jointly on the chairman of the House rivers and harbors committee, in company with Representative Johnson, of Washington, to urge prompt action on a resolution introduced yesterday morning for a supplemental report on the north jetty at the mouth of the Columbia River.

They hope by pressing the matter fully to get early action, so that the report of the engineers may be available by the time the next river and harbor bill is framed.

SEATTLE BRIDE TARGET

FORMER HUSBAND RESENTS SECOND MARRIAGE.

After Keeping House for Two Years for Divorced Spouse Secret Alliance Is Contracted.

SEATTLE, Wash., Aug. 28.—(Special.)—Mary A. George, 1116½ Virginia street, was getting dinner today when in walked her former husband, S. L. Lovejoy, whom she had divorced in 1905. Thinking that Lovejoy and Mr. George, whom she married last Tuesday, were friends, she told Lovejoy that George was her husband. Lovejoy drew a revolver.

"Run," she said to George, and George did.

She followed suit by going through the window, Lovejoy after her. Lovejoy pulled the trigger five times, but only one cartridge exploded, doing no damage. She begged him not to shoot her and he desisted.

Hearing the noise, Hazel Nash, who lives upstairs, came down to see what was the trouble, and when she saw, went down Virginia street looking for help. Help came and Lovejoy was disarmed.

Lovejoy was arrested and booked on an open charge. He is a carpenter living at 314 North Seventy-second street. One thing that helped to complicate matters was that Mrs. George had been keeping house for Lovejoy, her former husband, for the last two years, and only left when she was married secretly to George.

Nine-tenths of the letters handled by the United States mail are in the usual business size envelope.

TOO LATE TO CLASSIFY.

NOTICE TO SHOE DEALERS—We have five thousand pairs of women's high shoes, Oxfords and strap pumps, all or a part at 25c, 37½c and 60c per pair; regular wholesale value $1.50 to $2.00. We need money. Phone A 7523.

Friday Inducements at the National

Every line contributes money-saving specials of compelling interest.

USE THE PHONE AND SAVE MONEY.
Main 6499, A 4499

ALL ORDERS DELIVERED

75c PER GALLON
for splendid quality Sherry, Angelica, Port or Muscatel, regular $1.50 grade.

$2.75 PER GALLON
Rye or Bourbon Whisky, our regular $4.00 grade.

$2.75 PER GALLON
Regular $4.00 quality Jamaica Rum or Gin. An excellent grade.

We save you money on Everything in the liquor line—Call up for saving prices—Quality the best. Full stock of all standard Brands.

NATIONAL WINE CO. FIFTH & STARK PORTLAND OREGON