

LEGAL BATTLE OVER ELEVATOR POSSIBLE

Title to Site May Be Affected by Homestead Claim of County Commissioner Muck.

SETTLER STATUS UNFIXED

Strip of Property Between River and Holdings, Including Location for Warehouse, Claimed for Past Five Years.

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property," said John H. Burgard, a member of the commission, last night. The members of the Dock Commission and the Port of Portland Commission are going on a trip down the river this morning for the purpose of looking over various properties, including the elevator site.

BABARE BROTHERS TO RESUME

Three Days of Idleness in Shipbuilding Plant to End Monday.

TACOMA, Wash., Aug. 24.—(Special.)—After being obliged to shut down for three days, the shipbuilding plant of Babare Brothers will resume operations Monday morning, its manager says.

Strip of Property Between River and Holdings, Including Location for Warehouse, Claimed for Past Five Years.

The owners of the property immediately back of the strip occupied by Mr. Muck are the Weyerhaeuser timber interests, the O. W. R. & N. Co., and the Malarkie-Ogden Syndicate, the latter having sold the elevator site to the Commission.

Fence Is Torn Down.

Mr. Muck said that he had a wire fence between the strip that he claims as his homestead and the other property.

Tuesday night a force of men in the employ of the O. W. R. & N. Co. tore down that segment of the fence

fronting the company's property, which has a width of 150 feet and is used to carry a pipeline through which oil is conveyed from vessels in the harbor to tanks along the waterfront.

Mr. Muck contemplates now going into the United States courts either to restrain the O. W. R. & N. Co. from proceeding with the construction, or to have the company maintain a watchman there.

Obviously any proceedings against the O. W. R. & N. Co. would not affect the Weyerhaeuser interests and the owners of the elevator sites, as practically the same points in law are involved.

Mr. Muck said last night that he has sought to avoid publicity of the case for the reason that any discussion of the rights at the present time must necessarily arouse a controversy over the validity of the title to the proposed terminal elevator site.

"I would rather relinquish my claim to that portion of the strip adjacent to the elevator site than to interfere with such a public enterprise," said Mr. Muck.

Conference Is Suggested.

"I am a public official myself and do not wish to obstruct a public undertaking which is being carried out so far. My attorneys advise me, however, that it would be impossible to relinquish one portion of the strip without relinquishing the entire tract."

"I do not know what the best solution of this difficulty would be, but I suppose the only way to settle it would be for all the interests involved to get together and confer as to the best method."

"Of course, after living nearly five years on the strip, with my family, I feel that it is only right that I should take such steps as are necessary to defend my equipment."

Mr. Muck's homestead claim on the river front has been the subject of numerous transactions in the Federal land office, and decision on its status is still pending.

Mr. Muck contends that the strip of land in question was never dedicated by settlement until he filed upon it.

The owners of the upland property facing the strip contend that it would not exist now and that the western boundaries of their lands coincide with the eastern meander line of the river.

REALLY BOARD TO INVESTIGATE

Availability of Elevator Sites Offered Free to Be Probed.

A complete investigation of the various free sites that were offered the Public Dock Commission for the terminal elevators was authorized by the Portland Realty Board at its weekly meeting yesterday and a committee was appointed for that purpose.

The committee, consisting of Whitney L. Boise, Herbert Gordon, Dorr E. Keasey, Paul Murphy, J. O. Eilrod, Leo Friede and W. H. Harrison, met yesterday afternoon and conferred with I. W. Keady, who had offered the commission a free site on Hayden Island, and Frank Kierman, who offered a free site on Muck's bottom.

The Malarkie-Ogden site, purchased by the Commission, cost \$17,000.

Both Mr. Keady and Mr. Kierman said that they offered their respective sites without reservations, excepting that the proposed terminal development be built there.

C. C. Colt, president of the Peninsula Development Company, also was unable to do so owing to plans for leaving the city. Mr. Colt's company also had offered a free site, it is understood.

A subcommittee, composed of Mr. Eilrod, Mr. Keasey and Mr. Murphy, was named to confer with the Dock Commission and gain the facts regarding the site purchase.

"We have absolutely no doubt about the availability of the site that the Commission selected," said Mr. Murphy last night. "The owners of the free sites offered to the Malarkie-Ogden and presented their cases so the Board thought it only just to all interests to make an investigation of the situation. That our committee is doing."

The Dock Commission met yesterday afternoon and received the complete abstract for the Malarkie-Ogden property, brought down to date and approved by the City Attorney. It is probable that the deeds formally transferring the property will be given over to the Commission within the next few days.

Members of the Commission were not disturbed yesterday at least, as A. A. Muck, County Commissioner, proposed to bring proceedings against the O. W. R. & N. Co. on the ground that he owns a homestead site, consisting of a strip of land situated between the river and the property of the O. W. R. & N. Co. and the new elevator site.

"Mr. Muck has no more of a claim against the elevator property than any other person would have who owned a homestead site on a piece of private

SHIPBUILDERS ASK FOR STRIKE TO BE SET

Demand Is Made on Metal Trades Council After Stormy Session and Angry Debate.

HIGHER WAGES WANTED

Argument Becomes Bitter at Times and Trouble Is Expected When Many Attempt to Gain Floor While Issue Is Discussed.

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that time, the prediction is freely offered that a walkout, affecting nearly 12,000 men, will ensue.

The Grace liner Santa Anita is awaiting turn at the drydock to undergo repairs to a broken crankshaft, which will delay her 10 days.

After being laid up here undergoing repairs since July 4, the steamer Jefferson will resume her Southeastern Alaska schedule for the Alaska Steamship Company by sailing tomorrow night.

The steamer Leontine, one of the leased German freighters, took a trial cruise after experiencing extensive repairs to her main engine, according to Captain Johnson.

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