

PORT OF COLUMBIA STATUTE IS VALID

Circuit Judge Cleland Holds Act of Last Legislature Constitutional.

TEST CASE IS DECIDED

Decision Means Much to Shippers of Portland and the Columbia River. Towing and Pilotage Service Is Now Under One Board.

Presiding Judge Cleland, in the Multnomah County Circuit Court, holds that the act creating the Port of Columbia is constitutional. This decision was rendered yesterday when Judge Cleland overruled the demurrer that had been filed by the members of the newly created Port of Columbia Commission to the complaint of Sylvester Farrell in a suit to restrain the commission from issuing bonds in the sum of \$400,000 and entering on the discharge of its duties. An appeal to the Supreme Court will be taken immediately, and it is expected a final decision from the Appellate Court will be received within 40 days.

This decision means much to the shipping interests of Portland and the Columbia, and the members of the commission feel confident it will be sustained by the Supreme Court. The announcement of the initial victory for the Port of Columbia was received with rejoicing among Portland's shippers. The law creating the Port of Columbia was enacted at the last session of the Legislature. From the time the law was passed its validity has been assailed on constitutional grounds, its opponents contending that the Port of Columbia is a municipality that was created by the Legislature in violation of the amendment to the state's constitution adopted at the preceding general election, barring creation of municipalities by the Legislature.

To test this question, Sylvester Farrell, a member of the Board of Pilot Commissioners, which is authorized by the creation of the new commission, brought suit. The members of the commission by their attorneys, Chamberlain and Thomas, submitted a demurrer to the complaint. In sustaining the demurrer Judge Cleland holds that the Port of Columbia is not a corporation, either in a municipal or a quasi-corporation. He contends that the constitutional provision must be held to apply only to cities and towns and not to the class of legislation by which the Legislature created the Port of Columbia. In supporting the demurrer of the defendant commission, Judge Cleland said:

"The purpose of the act is to promote the navigation of the river on which the prosperity of the state so much depends. Such an act, in the opinion of the court, is not within the class of special laws.

"This district, comprised of three counties, does not approximate the condition that exists in incorporating a city or town, but is created in an exercise by the state of its power to develop and increase its commercial resources."

For the validity of the Port of Columbia to be sustained by the Supreme Court in affirming its judgment of the lower court is of vital importance, not only to Portland and Multnomah County, but to the Counties of Clatsop and Columbia, which would share equally the benefits following the operation of the proposed new plan for combining the towing and pilotage services better at Astoria and the bar. At the present time the pilotage service is in charge of a commission consisting of three men, two of whom, it is provided, shall reside at Astoria. This gives to the port the control of the pilotage of all vessels, which it would lose under the Port of Columbia law. The towing service is controlled by the O. R. & N. Company.

By combining both the towing and the pilotage services and placing the same under one board of commissioners, the law proposes to make both more efficient and reduce the charter rate on vessels in this port. Now that the differential in the rates of Puget Sound which has been levied against foreign vessels loading at this port has been removed, the operation of the Port of Columbia law will materially benefit all other shippers in this regard.

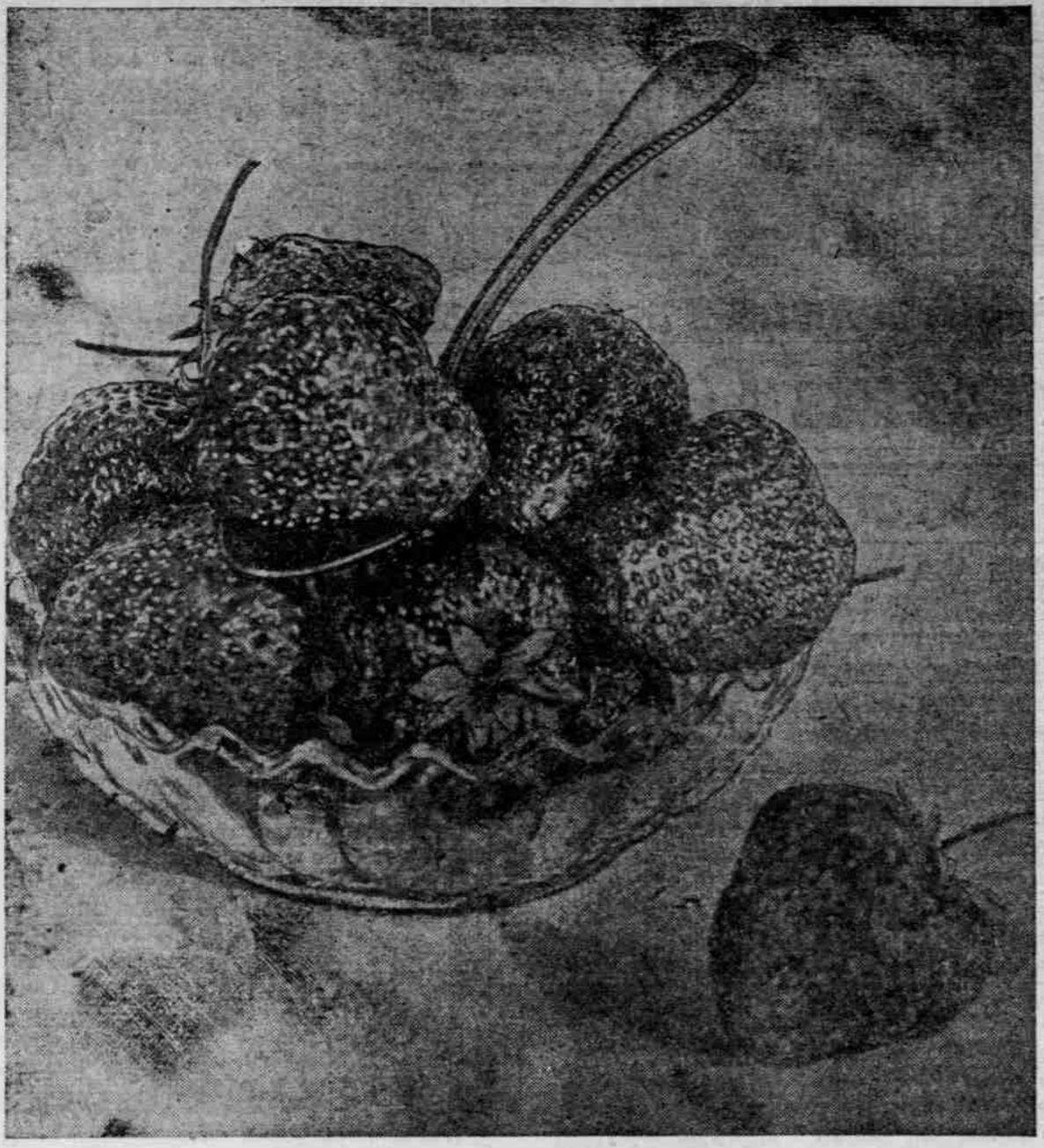
ASTORIA WILL STILL FIGHT

Clatsop County Judges Do Not Consider Decision Final.

ASTORIA, Or., June 22.—(Special).—The decision of Judge Cleland on the Port of Columbia law will not check the fight by Clatsop County against the enforcement of the measure, judges here from remarks made today by persons who are directing the fight. When told of Judge Cleland's ruling this afternoon County Judge Trenchard said: "That will make no difference with us. The County Court has taken this matter up in the interest of the taxpayers of the county, and in this we have the support of the people. We know the measure is unjust, and believe it is unconstitutional, and the County Court has instructed its attorneys to take whatever steps are necessary to carry the contest up until the law has been defeated or its many weak points have been passed upon by the higher courts."

Judge J. Taylor, who is one of the heaviest taxpayers in the county and is also one of the three attorneys employed by the County Court to test the law, said: "Just what steps we shall take I cannot say as I have not consulted with my associates since today's decision was rendered, but we shall continue to fight, probably by intervening with briefs in the appeal of the Portland case, and perhaps by bringing an independent suit. That the law is unconstitutional, I thoroughly believe. It is not a question of what benefits to the state or any district may accrue from the operation of the law. The one question before the courts is the constitutionality of the law. If it is not constitutional no court has any right to consider the question of benefits."

G. C. Fulton, another of the attorneys employed by the County Court, said: "The Cleland decision will have no effect on the fight to be made here. If Multnomah County appeals to the State Supreme Court, we shall intervene with briefs setting out our contentions. If that case is not appealed we shall begin an independent suit. Even should the State Supreme Court uphold Judge Cleland's ruling,



STRAWBERRIES GROWN IN THE CITY LIMITS OF PORTLAND.

Here are pictured, exact size, a few strawberries from the garden of Francis Clarno, 358 Larrabee street. They are the recently developed "Oregon Berry," not so dark as the Magoon, larger and of most delicious flavor. Mr. Clarno offers them as evidence that the very finest strawberries may be, and actually are, raised in the heart of the City of Portland.

WHY ST. JOHNS PROSPERS

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FAMILY SUES FOR ESTATE

Widow of Joseph Skelton Disputes Property With Stepdaughter.

Mrs. Effie A. Skelton, widow of Joseph Skelton, who died in a runaway June 12, will contest with Mrs. Herbert W. Foster, her husband's daughter by his first wife, for possession of Skelton's estate, estimated by the widow to be valued at \$15,000. That a contest will be waged is evidenced by a petition which was filed by the widow yesterday asking for letters of administration. The daughter petitioned the County Court for the same authority a few days ago.

The estate to which both women say they are entitled to letters of administration consists mainly of real estate; the widow estimates to be worth \$32,000 and the daughter \$24,000. The daughter asserts the property nets an annual income of \$1250, and the widow makes no mention of an income. In her petition the daughter states her father's personal property amounts to \$2120, and the widow asserts it is valued at more than \$3000, of which \$2615 is represented by cash in a local bank.

Mrs. Skelton lives at 1627 Peninsula street, and Mrs. Foster lives at 1537 Curtis avenue. Closing Attraction at the Heilig. William T. Pangle, manager of the Heilig Theater, yesterday received a telegram from the manager of Miss Ethel Barrymore and company, announcing that Miss Barrymore will appear at the Heilig Friday night, July 6, in "Captain Jack" and Saturday night in "Cousin Kate." This will be the closing attraction of the season at the Heilig.

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which I do not believe it will, that will not settle the matter as, if necessary, we shall begin a suit in the United States Court in the name of a property owner who is not a resident of the district, and carry it to the United States Supreme Court for a decision."

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of a mile, the mother bear suddenly remembered that she had left her cubs. Besides, Mr. Lapham's companion was ap proaching. She stopped and returned to her babies. This was well for Mr. Lapham, who was nearly exhausted, and they could have gone but a short distance further. Neither he nor his companion had a gun and they were four miles from camp. They took a position from which they could see the bear and the Hans cubs. The cubs climbed a tree, and the mother bear, thinking they were safe from harm, disappeared in the timber. Mr. Lapham and his companion then started a fire at the foot of the tree, where they remained all night. In the morning they cut the tree down and captured two little bears, the third being killed when the tree fell.

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3 Days' Sale of Buffets Monday, Tuesday, Wednesday

The richest, rarest bargain-giving we have yet presented. Beautiful Buffets going at such remarkably low prices that the buyer will be bewildered, surprised, astonished. "Seeing is believing," so do not take our word for it, but come and see. Here are values not to be obtained at any other house in Portland.



These Extremely Low Prices for Three Days

- \$70 Buffets, now only \$49.00
\$60 Buffets, now only \$38.00
\$48 Buffets, now only \$30.00
\$35.00 Buffets, now only \$26.50

We cannot illustrate all of these beautiful little Buffets—in fact, only three are shown here. If you are in the market for one of these handy little dining-room accessories, you should not pass this sale by. We assure you that you'll be amply rewarded for inspecting the many styles numbered in this great sale. You have, perhaps, learned to know what a Gevurtz sale means. If so, you will need no urging to be on hand during the three days named.



Opportune Buffet Bargains

- No. 361 1/2. — Golden oak, hand polished, like cut; French bevel mirror. Regular price \$48. Now \$30.00
No. 58. — Weathered oak, like cut; large French plate bevel mirror; regular \$50; now \$33.00
No. 351. — Golden oak, hand polished, French plate glass, like cut, regular \$46.50; now \$35.00



- No. 109.—Early English finish, solid oak, beautiful polish, large French plate; regular \$45.00; now \$35.00
No. 133.—Golden oak, beautiful polish, French plate, regular \$65.00; now \$49.00
No. 345.—Golden oak, a very handsome piece, with French plate glass doors, etc.; regular \$70.00; now \$49.00
No. 303.—Golden oak, beautiful hand polish, bevel French mirror, regular \$40.00; now \$30.00
No. 301.—Golden oak, hand rubbed, bevel plate mirror, regular \$32.00; now \$26.50
No. 179.—Golden oak, very handsome little Buffet, with French plate mirror, regular \$35.00; now \$26.50

YOU CAN HAVE EASY TERMS IF SO DESIRED



New Go-Carts Just Received

On Thursday we unloaded a carload of Go-Carts—newest styles—direct from the factory. Many very beautiful designs. All the latest models, and we sell them at the lowest possible prices, on the easiest possible terms.

GET THE NEW BABY A NEW CART. Give it an airing these few mornings. A very little money will secure one of these, say \$1.00 DOWN—50¢ A WEEK.



Gas Ranges That Fight the Gas Trust

They have patent burners, so constructed that they burn ONE-FOURTH less gas than the ranges sold by the GAS COMPANY. They are the kind of range you'll want. Investigate this "New Method" Gas Range.

Prices are lower than Gas Company's ranges, and we sell them on easy payments. FOUR-BURNER RANGES \$16—\$1 DOWN, \$1 A WEEK.



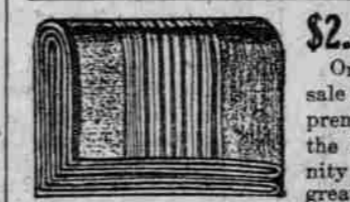
Plate Racks at \$3.50

These are just like the cut, and are solid oak, golden and weathered finish. Size, 3 ft. long by 20 in. high.



MONDAY SPECIAL

To introduce our large crockery and tinware department, in the new basement, we place on sale tomorrow (Monday) a large nickel Coffee Pot, nickel-plated, and having double copper bottom. 45¢ COFFEE POT 15¢



\$2.50 Comforters at \$1.15

On Wednesday we place on special sale a lot of fine comforters—Fall stock prematurely arrived—\$2.50 values for the low price of \$1.15. Fine opportunity to stock up on bed coverings at a great saving in cost.

Out-of-Town Folks Send for Catalogue No matter where you live, you can have all the credit you want. Illustrated Catalogue sent free on request. Write for it TODAY.

A Large Stock of Carpets and Rugs

Gevurtz & Sons

CORNER FIRST AND YAMHILL -- CORNER SECOND AND YAMHILL