

# MAY APPEAL TO SUPREME COURT

Lawyers Believe Highest Tribunal Has Jurisdiction in Fight on River.

MOST DIRECT WAY OUT

If Controversy Takes Usual Course in Lower Federal Courts, Settlement May Require Years, It Is Argued.

Leading Portland lawyers contend that the United States Constitution provides a means for the speedy adjudication of the interstate fishing muddle on the Columbia River. They insist that under the Federal Constitution the United States Supreme Court has original jurisdiction in all suits in which a state is a party. In support of their argument, they refer to section 2, article 3, of the United States Constitution, which reads as follows:

The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Set for Next Week.

The order issued by Federal Judge Gilbert, restraining Master Fish Warden McAllister from enforcing the Oregon laws against fishermen operating on the Columbia River under authority of Washington State laws will be argued a week from tomorrow. On or before that time counsel for Mr. McGowan, the complainant, may remove their case to the United States Supreme Court under the provision of the Federal Constitution referred to. It is urged by the different interests that because of the importance of the controversy which has been brought into the courts, the earliest possible decision of the matter should be had from the highest court. Under the interpretation of the Constitution, either of the two suits which has been brought against Oregon's Master Fish Warden properly belongs in the United States Supreme Court. This court convenes next month and by taking prompt action the interested litigants could secure a decision within probably 60 days. But should the case be dragged along the routine of Federal court practice it is considered doubtful if a decision could be obtained in less than two years. When the case comes into court, whether it may be tried, the constitutionality

of the initiative and referendum amendment to the Oregon state constitution is certain to be involved, for it was under this measure that the objectionable fish law was enacted. In fact that will be the main contention of the protesting Washingtonians, who, in view of the court decisions already rendered, will get but little satisfaction in raising the question of the jurisdiction of this state on the Columbia River. It is a generally accepted fact that, by virtue of the articles under which Oregon and Washington were admitted to statehood, each exercises concurrent jurisdiction over the waters of that stream from shore to shore.

That defense promising such little encouragement, the plaintiffs will be forced to attack the constitutionality of the law itself. In order to do so, it will be contended that the measure never was properly enacted. That will bring into issue the constitutionality of the initiative and referendum amendment in this state and will insure an earlier decision of the validity of this amendment than can be expected in the suit of the Pacific Telephone & Telegraph Company against Multnomah County, involving the same question, and which is still pending in the lower courts.

In the meantime, Mr. McAllister and his deputies are devoting their efforts to the suppression of fishing on the Oregon side of the river. Mr. McAllister yesterday issued instructions to his deputies to consider the middle of the river the natural boundary line of the state, and not to interfere with the operations of fishermen operating more than half way across the stream. In cases of any doubt as to the location of the fishing line, the deputies were admonished to give the fishermen the benefit of the doubt.

## OBJECTION TO COMMISSION

Governor Decides Against Delegate Plan to Draft Fish Laws.

After a conference with Master Fish Warden McAllister yesterday, Governor Chamberlain decided not to appoint a commission from this state to confer with a like commission to be appointed by Governor Mead, of Washington, for the purpose of drafting uniform fish bills to be presented to the Legislatures of the two states next winter. In declining to name such a commission Governor Chamberlain explained that he did not wish to take the position of presuming to usurp the functions of the State Legislature.

Master Fish Warden McAllister had proposed that each state should be represented by a commission of ten men, to be selected from the trappers, gillnetters, seiners, wheelmen, cannerymen and collocation dealers. By having all salmon fishing interests represented in the proposed conference, it was thought by the Oregon Fish Warden that reasonable and satisfactory bills in the real interest of this important industry could be framed and submitted to the State Legislatures for enactment. It will probably remain for the Legislatures of the two states to draft their own fish laws when they meet next winter.

## WILL ENFORCE FISHING LAWS

District Attorney Tongue to Take Up Prosecutions at Astoria.

HILLSBORO, Or., Sept. 19.—(Special.)—District Attorney E. R. Tongue, who is the state's attorney for the Fifth Judicial District, including Clatsop and Columbia Counties, left for Astoria this evening to attend court Monday morning. Before leaving Mr. Tongue had the following to say relative to the pending injunction case issued by the Federal Court, estopping the arrest of Washington fishermen: "Upon the face of the injunction by the Federal Court it appears that Attorney-General Crawford is the proper officer to take up the matter and see it to its conclusion. However, as the prosecuting officer of this district it becomes my duty to prosecute those already under arrest, and after reaching Astoria and

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ESTABLISHED 1901

Portland, Sept. 15, 1908.—R. A. Thompson, 209 Corbett bldg., city, will afford me genuine pleasure to refer my friends to you when they require glasses. The glasses you furnished me give entire satisfaction. I am able not only to see for a long while, but can read and write with comfort. You are the first person to relieve the right eye, which was almost blind. Mrs. R.

Portland, Sept. 5, 1908.—"After leaving your office yesterday I realized that I had not told you how very grateful I am for the relief my new glasses are giving me. This I want to say now, and to assure you that I will gladly tell my friends of your success with my case, and advise all who need glasses to consult you. Mrs. M.

Portland, Aug. 22, 1908.—"After a hard and long morning's reading without weariness or strain to the eyes, I feel so grateful for the glasses you furnished me that I am constrained to send you a word of sincere thanks. Your work, I am sure, has been done with such scientific precision that I anticipate still greater comfort and satisfaction as my eyes become more accustomed to the glasses. I must thank you, also, for doing so much for me at so small a cost. Mrs. R.

Comments such as these are most gratifying, particularly so because they come unsolicited.

For obvious reasons names are omitted, but we can give them should occasion require.

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consulting with the officials of that place, it appears incumbent upon me to take a hand in the Federal litigation, I shall not hesitate to lend all the assistance of my office. I desire very much that the Oregon fishermen shall have all the rights possible under our laws, and they certainly should have all the privileges accorded the Washington fishermen. If the present injunction is effective through a stipulation it can be so extended as to cover all the waters of the Columbia River.

"I have as yet been served with no papers, and it is a little early to discuss the affair. For the best interests of Oregon and Washington, however, I think it would be expedient to stipulate on the Nielsen case, now passed upon by the Oregon Supreme Court, and have it carried to the United States Supreme Court meantime giving Oregon and Washington fishermen equal rights on the stream. Thus the whole affair could be expedited and the industry protected—an industry which perhaps means as

much to the Oregon side of the river as to the Washington side.

"The Oregon Supreme Court has decided that Oregon can enforce our laws clear to the Washington bank. We will gain much time by putting this particular case up to the highest court, as it will take a long time to argue the newly filed cases and get them through the various court departments."

Husband Desires Divorce.

A. E. Edwards, 409 Stark street, asked the Circuit Court for a divorce from Florence Edwards yesterday. In his complaint he sets up that she visits

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Our Men's Special Suits at \$15

Nothing NEAR AS GOOD can be had at any other store at \$20



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Third and Oak  
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You can Take Our Word

for this—we ALWAYS BACK UP our statements with the goods. No exaggerations in any of our ads—and

WHEN YOU SEE IT IN OUR AD IT'S SO

Boys' School Suits \$1.95 to \$3.95

## CAR STRIKES BICYCLIST

Messenger Boy Reported to Have Caused Accident on Third Street.

In front of a streetcar, which also struck the prostrate man. However, the motorman succeeded in bringing the car to a stop. Gunn's injuries are not considered serious.

Registration Will Begin.

Registration books will be opened Monday to the voting public at the Court-house. County Clerk Fields has arranged to have a deputy on duty continually, from 8 A. M. until 5 P. M. The books will be open until October 31. Those who have not registered since January 1 must do so in order to vote at the Presidential election.

Walter Gunn, 239 Hooker street, was injured last night as the result of a collision between a streetcar and bicycle. The latter was ridden by Archie Haslam, a messenger in the service of the Hasty Messenger Company, who is said to have run down Gunn at Third and Oak streets. The collision occurred July 5, 1902.

Dora A. Boyd filed an application for divorce from Orville Boyd. She married him at Walla Walla August 15, 1904, and says he deserted her a month later.

Tomorrow (Monday) positively the last day for discount on East Side gas bills. Don't fail to read Gas Tips. \*\*

## Black French Voile Skirts

Four handsome models, every one a new Fall design, flared and plaited, trimmed with satin, duchess or taffeta silk, folds, strappings and buttons. \$12.50 values ..... \$5.95

## \$25 Covert Coats at \$14.95

Made of fine quality all-wool double-twist covert, tight-fitting model, 54 inches long, strictly tailored and sold everywhere at \$25. Here tomorrow ..... \$14.95



The Store With a Liberal Money-Back Policy. SAM. E. WERTHEIMER, Pres. and Gen'l. Manager. CORNER FIFTH AND ALDER

## \$10 Silk Petticoats \$4.95

Petticoats made of splendid wearing quality rustling taffeta silk, properly cut to fit perfectly, shirred or sectional flounce, in all the new Fall shades of brown, green, blue, tan and gray, in all changeable effects and in white and black. After careful comparison you will admit they are by far the best Silk Petticoat bargain ever offered. Tomorrow at ..... \$4.95

The Strikingly Low Prices Named in This Advertisement on Brand New, Absolutely Dependable Merchandise in Limitless Quantities Demonstrate Conclusively the Towering Strength and Unassailable Leadership of This Store as a Supply Center for Portland's Careful Buyers

# Distinctive New Long-Coat Suits for Autumn Wear

Another triumph for our Suit Section in this advance sale of new Fall Suits. A greater stock, more varied than ever, and every price has the true ring of economy.

The 1908 Fall Suits are particularly charming and in every outline there is unmistakable evidence of skill and painstaking in construction.

Stunning as they are in effect, every suit is thoroughly practical; exactly as you would have them—perfect in style, unsurpassed in general excellence, and the price is extremely low.

**\$18.75** For your choice of six styles in handsome new Fall Suits worth \$25 to \$35; 30 to 36-inch coats in all the popular shades of fine broadcloth, fancy weaves and novelty worsteds. Coats are finely tailored, coat-shape or rolling collar, large patch pockets, straight or pointed, with slashed seams, trimmed with satin-edge cord and buttons. Skirts are extremely full flare or plaited with extra wide fold, trimmed to match coat. Any one of these six styles ..... \$18.75

## Strictly New Tailor-Made Suits at \$25.00

Several high-class Suits in black and Autumn shades, in the plain and fancy color novelty suitings. Coats are French cutaway, pointed front and back, taffeta silk lined, handsomely trimmed. The skirts are of the newest models. Excellent \$35 and \$40 values. Monday's sale... \$25.00

## Beautiful Human Hair Switches at 95c

Another week of tremendous cut prices in ALL grades of hair. Giving it away was the exclamation of the many hundreds who bought last week. We have another wagonload for this week at the same prices. All Cosmetics at half price. Special prices on all work, including Featural Surgery. Expert Chiropodist. The latest style of hairdress with every shampoo. Ladies, I am here to stay, and I wish to give you a hearty welcome and a royal benefit as well.

AZA HOLMES RIBBECKE.

\$5.00 Ladies' Umbrellas at \$2.95

Made of fine quality silk over Paragon frame, steel rod, adjustable handles, some of pearl with gold trimmings, others natural wood; actual \$5.00 values,

\$2.95

## Jewelry, Cut Glass Silverware

Headquarters for Rogers Bros.' Silverware.

- 1847 Rogers Bros.' Knives and Forks, per set ..... \$4.89
- Ladies' 0 size, 20-year case, Elgin movement ..... \$12.85
- Gents' 12 size, 20-year case, Elgin movement ..... \$12.85
- Gents' 16 size, 20-year case, Elgin movement ..... \$12.85
- 50 Cut-Glass Sugar and Creamers ..... \$3.25
- 100 Cut-Glass 8-inch Bowls ..... \$2.59
- 200 Cut-Glass 6-inch Nappies ..... \$1.25

Visit Our Jewelry Dept.

Watch Cleaned ..... 75c  
Mainspring ..... 75c



# Jaunty Millinery

Street Hats, Walking Hats and Turbans of exceptional beauty will be on display here Monday. Hats with all the jaunty-ness and style of the French model, yet sufficiently practical for every-day wear. They will form the finishing touch and add individuality to the new Fall costumes. Trimmings of fancy feathers and wing effects in the latest parrot shades.

SEE US BEFORE SELECTING YOUR FALL MILLINERY

## Shoes and Oxfords \$3.00

Our first special to introduce the Shoe Department. We offer for one week only, free with any \$3.50 Shoe or Oxford sold A PAIR OF GOOD STORM RUBBERS FREE. We have every new idea in Shoes or Oxfords, in guaranteed better quality grades, for women only, at

\$3.00 and \$3.50

The same goods are sold everywhere for \$4.00 and \$5.00

