HAS A PERPETUAL FRANCHISE

So-Called Ones and So-Called Exclusive Rights Are Revocable by Council.

MAY MEAN MILLIONS SAVED FOR THE CITY

It Is Now Apparent That Limited Franchises Are More Valuable Than Those Granted for an Indefinite Time.

Any corporation claiming an exclusive perpetual franchise in Portland builds claim on the sands.

Its claim on the sands.

Despite the general impression to the contrary, all of the railroad, telegraph and other franchises granted for indeterminate periods are terminable at the will of the city council. Investigation shows that no perpetual or exclusive franchise has ever been granted by the city of Portland, or by East Portland or Albina prior to their consolidation with this municipality.

The Southern Pacific, the O. R. & N., the District Telegraph company, the Postal Telegraph company and other corporations hold valuable franchises in Portland which the public has regarded as perpetual. According to prominent attorneys who have recently examined the question with great care, this idea is entirely mistaken. The franchises in

entirely mistaken. The franchises in estion were granted without any re-iction as to their duration, and their is therefore subject to that principle law which makes it illegal for any city council to grant an exclusive or perpetual franchise unless the city char-ter contains an express delegation from the legislature of power to make such

The charters of Portland, East Portland and Albina contained no such delegation from the legislature and there was therefore no power to grant exclusive or perpetual franchises. Grants of franchises for a specified term of months or years are of course not involved in the question.

A study of the ordinances adopted since 1868, which was the date of the first franchise ordinance ever passed in this city, reveals the process of evolution through which the municipality has passed and shows the liberality with which these privileges were formerly given away, often in the belief that the corporation that accepted them was by to doing placing the municipality argely in its debt.

In the early years in Portland every conserved.

argely in its debt.

In the early years in Portland every ranchise was given without compensation-for the valuable privileges concerred, and today privileges are enjoyed on Portland streets that cost nothing originally but which would bring milions were they now put up at public process.

One sound principle appeared to actuate the early city fathers, however, for although numerous rights were granted, the council in those days invariably reserved the right to control the operation of the franchise and even in the case of the rallroads to prohibit the running of irains altogether, if that seemed necessary to the public weal.

The Fourth street franchise, for instance, which was granted to the Oregon & California Railroad company, and is now owned by the Southern Pacific, conferred the privilege of running loco motives and trains on that thoroughfare, but placed no limit on the duration of the privilege. For this right, which now any of the new corporations seeking ingress into the city would pay a large sum to secure, not a dollar was paid to the city, but the council placed in the ordinance the reservation of the privilege. For this right, which now any of the new corporations seeking ingrees into the city would pay a large sum to secure, not a dollar was paid to the city, but the council placed in the ordinance 1,656, passed by the council of Portland in 1887, granted the Northin the ordinance the reservation of the of Portland in 1882, granted the North-right to regulate the operation of the ern Pacific Terminal company a fran-luck to land a lobster.

Many Are Term minable at the option of the council. It appears to learned lawyers who have inquired into the matter that action might wisely be taken to systematize the franchises and readjust the relations be-

There are many ordinances that are no chaotic state, not limited, yet in the absence of specific limitation aparently voldable at any time the countly wishes to terminate them.

Limited More Valuable.

It is argued that a limited franchise, in which the corporation is assured of privileges for an absolutely certain period of time, is really more valuable than one terminable at the caprice of a city council, and that Portland would do well were it to thoroughly revise all these franchises and clear up all uncertainty.

Not one of the standard railroads en-

Not one of the standard railroads en-tering Portland ever paid a dollar for the privileges thus gained. There has not been absolutely steady progress to-ward the ideal in past years. Some franchises, adopted subsequent to oth-ers that require annual payments, con-tain no such proviso.

the franchise, which is now owned by the Southern Pacific.

Ordinance 599, passed by the council of Portland in 1868, granted the Oregon & Cellifornia Railroad company a franchise, no time limit being named, on Fourth street, from the south boundary of the city to the north side of G street, and as much farther north as Fourth street may be extended; no compensation was required; the council reserved the right to restrict or prohibit the running of locomotives, at such time and such manner as they may deem necessary; alterations of grades or streets and improvements and repairs shall be made as required by the council; the Southern Pacific now owns the franchise.

Franchise on Mill Street.

Franchise on Mill Street.

Ordinance 2.969, parsed by the council of Portland in 1881, grants the Oregonian Railway company, Limited, a franchise on Mill street, from block 103 to Front street, and on Front greet to Madison street, and thence to block 71; no compensation was required. The council reserved the right to prohibit the running of locomotives at any time.

Ordinance 310, passed by the council of East Portland in 1881, granted the Oregon Railway & Navigation company a franchise in Sullivan's guich and other

BOYA

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Absolutely Pure

Royal Baking Powder has not its

qualities, which make the bread more

healthful and the cake of finer appear-

ance and flavor, are peculiar to itself

and are not constituent in any other

No other baking powder is so accurately

and carefully made; no other can be

substituted for it if the finest and most

counterpart at home or abroad.

leavening agent.

healthful food is required.

chise on North Front street and on East and West Park streets, and "M," N," O" and "P" streets; no compensation was required; no limit was placed on the life of the franchise.

Ordinance 5,568, passed by the council of Portland in 1888, granted the Northern Pacific Terminal company a franchise in North Seventh, West and East Park, "M," "N," "O" and "P" streets; no compensation was required; the council reserved the right to regulate the manner in which the franchise should be used, and so prohibit the running of locomotives.

Ordinance 13,054, passed by the council of Portland in 1902, granted the Northern Pacific Terminal company a franchise on Front street, in Watson's addition; no compensation was required, and no limit was placed on the life of the franchise.

tric company now owns the franchise.

Portland General Owns Soma.

Ordinance 595, passed by the council of East Portland in 1887, granted H. A. Hogue, C. P. Hogue and D. H. Jones a franchise for poles and wires in East Portland; no compensation was required and no limit was placed on the life of the franchise, which is now owned by the Portland General Electric company.

Ordinance 989, passed by the council of East Portland in 1891, gmanted George Ordinance 938, passed by the council of East Portland in 1821, granted George W. Brown a franchise for poles and wires in East Portland; no compensation was required and no limit was placed on the life of the franchise, which is now owned by the Portland General Electric company.

Ordinances in Question.

The franchise ordinances that are under question as to duration of the privileges conferred are as follows:

Ordinance 183, framed in 1876 by the common council of East Portland, granted the Oregon & California Railroad company a franchise on First street, from the center of A street to the center of V street; no compensation was required from the company; the content of V street; no compensation was required from the company; the ordinance placed no limit on the life of the franchise, which is now owned by the Southern Pacific.

Owned by the Portland General Electric company.

Ordinance 3,538, passed by the council of Portland; no limit was set to the life of the franchise, which is now owned by the Council of Portland in 1885, granted G. W.

Weidler a franchise for poles and wires in Portland General Electric company.

Ordinance 4,532, passed by the council of Portland in 1885, granted G. W.

Weidler a franchise for poles and wires in Portland; no limit was placed on the life of the franchise; no compensation life of the franchise; no compensation required; the franchise now is owned by the Portland General Electric company

Ordinance \$,101, passed by the council of East Portland in 1892, granted E. W. Leonard, J. E. Condict, C. B. Bellinger, J. M. Gearin and William Under-

linger, J. M. Gearin and William Underhill a franchise for gas mains in East
Portland; no compensation was required
and no limit was placed on the life of
the franchise which is now owned by
the Portland Gas company.

Ordinance 3,513, passed by the council
of Portland in 1882, granted the Portland Hydraulic Elevator company a
franchise in all streets of the city; no
compensation was required and no limit
placed on the life of the franchise.

placed on the life of the franchise.

Telegraph Privileges.

Ordinance 7,942, passed by the council of Portland in 1886, granted the American District Telegraph company a franchise in all streets of the city; no compensation was required and no limit was set to the life of the franchise.

Ordinance 4,995, passed by the council of Portland in 1887, granted the Postal Telegraph-Cable company a franchise on all streets in the city; no compensation was required and no limit was

Western Union Gets One.

Ordinance 8,419, passed by the council of Portland in 1893, granted the Western Union Telegraph company a franchise on all streets of the city; no compensation was required, and no limit was placed on the life of the franchise. Ordinance, 9,641, passed by the council of Portland in 1898, granted L. Zimmerman a franchise to operate a packmerman a franchise to operate a pack-ing and meat business within the city limits; the ordinance excepts Zimmer-man's business from the application of the ordinance prohibiting slaughterhouses in the city; no compensation was required, and no limit was set to the life of the franchise.

Adele-There are just as good fish in

Grand Free Concert

Saturday Afternoon and Evening

At the Salesrooms of the

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Next to Star Theatre

371 Washington Street

OWNERS OF ALGOA FEAR BAR

Constant Knocking on Part o Pilots Finally Has Expected Result.

SHIP WILL LEAVE ONLY PARTLY LOADED

Will Take on Rest of Cargo at Seattle-Algoa Is Ship That Carried Immense Cargo of Flour a

Strict orders have been issued by the owners of the British steamship Algoa that she must not be loaded down to a draft that will endanger her touching the bottom of the river when she leaves down for the sea. This is said to be one of the direct results, which has long been expected, of the constant knocking of the bar pilots.

The Algoa reached the harbor this

of the direct results, which has long been expected, of the constant knocking of the bar pilots.

The Algoa reached the harbor this morning from San Francisco to load flour and grain for Japanese ports and Hongkong. It was the intention to load her down to a draft of about 25½ feet, but on account of the stand taken by the owners, who insist that some one will have to be held responsible if she should happen to touch the top of a should happen to touch the top of a should happen to touch the top of a should happen to touch the son of grain to California ports. This morning the French bark Touraine was should happen to touch the should that she could make the trip withou striking on a draft of even 26 feet, bu

City on the steamer, consigned to a firm in Hongkong, and in addition to this shipment she will probably take on Columbia, from San Francisco; arrived about 9,000 tons at Portland. She is capable of handling almost 12,000 tons of cargo, and had it not been for the San Francisco; outside at 10:30 s. m. of cargo, and had it not been for the cry raised about the channel and the Co-lumbia river bar by the pilots at Aslumbia river bar by the pilots at Astoria the big freighter would have fitted out here almost to her full capacity. She will now have to go to the sound to complete the cargo.

The Algoa was at Portland just two years ago this month, and won distinction by taking out the largest flour cargo

tion by taking out the largest flour cargo ever floated at any port in the world, comprising nearly 20,000 barrels of the product.

She will be given quick dispatch on her present trip. After receiving fuel at the Pacific coast bunkers Lais morning she moved over to Montgomery dock No. 2, where she began taking on her cargo this afternoon. She is officered as follows: A. Locett, captain; J. M. Perry, first officer; Allen Macauley, second officer; O. P. Watson, third officer; Hugh Auld, chief engineer; T. W. Thompson, second assistant engineer; J. Young, third assistant engineer, and J. Bailey, fourth assistant engineer.

IS A NEW SHIP.

Steamer Volga, Now in Port, Is Equipped With Modern Appliances.

with Modern Appliances.

One of the newest vessels in the harbor is the British steamship Volga, which arrived yesterday from Java by way of Puget sound. She was built at Glasgow in 1903 and is equipped with modern apparatus for the rapid handling of freight. Immediately after being launched she started out tramping and has been at it ever since. This is only her second trip across the Pacific, her first having been made to San Francisco from the orient a year ago. Her dimensions are 390 feet long, 50 feet across the beam and depth of hold 29 feet.

It is not definitely known just how much lumber the Volga is capable of handling, as he was never fitted out with a cargo of that sort before. An effort will be made, however, to load her with 3,500,000 feet of fir. The work of loading her is progressing rapidly at the Inman-Poulsen mill and it is believed that she will be ready to leave for the sea in less than 10 days. A list of her officers is as follows: Captain Pattle, W. G. Watt, first officer; A. M. Stuart, second officer; F. Horsfall, third officer, and R. Pindlay, chief engineer.

REGULATOR AGROUND.

Strikes Sandber Mear Oncont

While coming down the Columbia river from The Dalles yesterday with a cargo of wheat and about 100 passengers the steamer Regulator went aground on a sandbar near Obeonta gorge and was still lying there at last reports. The Joseph Kellogg was sent up there yesterday afternoon and brought the passengers to Portland. It is thought that the Regulator can be pulled out into deep water today by the Bailey Gatzert, which has been ordered to make the attempt.

At the time of the accident the Regu-

get ashore at a point seldom touched by the steamboats. A strong east wind was coming down the canyon and car-ried the boat out of her course. It is said that she is resting in an easy posi-tion and there is no danger that she will be damaged. If the Gatzert succeeds in getting her out into the channel the stranded vessel will reach Portland this evening.

ALONG THE WATERFRONT.

By means of a donkey engine and a hauser fastened to a pier of the Burn-side street bridge, the steamer Aber-deen, which was aground at the foot of Couch street yesterday afternoon, suc-ceeded in pulling herself out into deep

At 5 o'clock this evening the steame Alliance is due from Eureka and way ports; she is bringing a full cargo of freight and the usual number of pas-

sengers.

On Monday, the British ship Carradale will move from the Banfield dock to Montgomery No. 2, where she will be fitted out with a grain cargo for the United Kingdom.

In tow of the Ockiahama the schooner Ethel Zane, lumber-laden, left down this morning bound for San Pedro.

Lightship No. 67, ordered sent to the mouth of the Columbia river to relieve No. 50 recently blown ashore, arrived at her station last night from Puget sound.

striking on a draft of even 26 feet, but no one cares to assume the responsibility of the attempt.

Seven hundred tons of cotton and steel rails were brought from the Bay and left up at 8 a. m., steamer Aber-City on the steamer, consigned to a firm from Coos bay and Eureka; arrived French bark Touraine, from San Fran-

cisco, San Francisco, Oct. 21.—Arrived at 8 a. m., steamer Costa Rica, from Port-

m., American ship Charles E. Moody, from San Francisco; arrived down at 2 p. m., sehooners Virginia and Oakland. San Francisco, Oct. 20.—Sailed at 2 p. m., steamer W. H. Kruger, for Portland. Astoria, Oct. 20 .- Arrived at 5:50

Hobart, Oct. 21.—Sailed September 28, French bark Asie for Portland.

Astoria. Oct. 21.—Condition of the bar at 8 a. m., smooth; wind light east; weather clear. San Francisco. Oct. 21.—Arrived, schooner W. F. Jewett, from Columbia

FOR BETTERMENT OF **OUR PRISON SYSTEM**

Lincoln, Neb., Oct. 21.—Three important conventions opened their annual sessions here today, the National Prison Association of the United States, the National Prison Physicians' association and the National Prison Chaplains' association. All three organizations practically belong together and have been organized for the purpose of improving and reforming the prison system in the United States in regard to their general administration and management, their hygienic conditions and their moral and religious side. Every state in the union and every territory is represented by delegates appointed by the respective state and territorial governments and the United States government is especially represented by the Rev. J. L. Milligan, who for years has represented the United States government at various national and international prison congresses in this country and Europe. The three conventions will continue antil next Thursday.

MATCH-MAKING PATENTS ARE SOLD AT AUCTION

Wilmington, Del., Oct. 21.—Under an order of the court of chancery Andrew E. Sanborn, as receiver, will sell at the courthouse this afternoon the letters patent and the right, title and interest of the Ruby Match company in inventions of match-making machinery that were used in the Camden plant of the Ruby company. It controls five valuable patents used in the manufacture of matches and all of them will be sold. Representatives of several manufacturing concerns engaged in the manufacture of matches are in the city and some spirited bidding is expected at the auction. The Ruby Match company was a Delaware corporation doing business in Camden.

YOU ARE INVITED

Tonight the Royal Hawallan Quintette will enter-our friends at our other. You are invited, you

You will also have an opportunity to see that magnificent collection of "Gold Medal" and "Honor Roll" Pianos. Although many of them have been sold, they are still on exhibition, and if you wish to see the finest collection of Pianos ever gotten together on any single floor space on the Pacific coast, come in and look at them-second floor of our

To Be

These Pianos all have a history. Every Piano either won a gold medal at the Fair or was chosen by an exhibit for superior merit. You will be proud to tell your friends, ten years from now, that your Piano helped to make history at the Lewis and Clark Exposition.

A fine Piano is more than a piece of furniture; it is a friend, a companion. One should be careful when choosing his friends, both human friends and Piano friends. Here is a chance to choose a lifetime friend from among the aristocrats of their kind.

These 33 Pianos are all of noble lineage and have performed a service to mankind which places their names in the Hall of Fame.

Every Piano in the list is worth its regular price. Think of a Packard Baby Grand, worth every penny of \$800, selling for \$480.

These instruments are better than new. They have been used just enough by good musicians to demonstrate, their splendid tone and wearing qualities. These are second-hand Pianos, better than new, and with a notable history.

Letters

Letters and messages from out-oftown people will be given the most scrupulous attention. We shall constitute ourselves the guardians of the interests of those who do not live in Portland. If you write us or wire us to reserve a Piano for you, it will be done. You can buy just as safely as if you were here in

We give our word of honor-the word of honor of the oldest, largest and strongest Piano House in the Pacific Northwest-that every word we tell you about any instrument is

The Allen & Gilbert-Ramaker Co.

SIXTH AND MORRISON STS

The Oldest, Largest and Strongest Plano and Organ House in the Pacific Northwest.



Going! Going! Gone!

Dayton Hardware Co.

Verdict of Guilty in Pifth Trial.

(Special Dispatch to The Journal.)

Corvallis, Or., Oct. 21.—The fifth trial the jury being out only 10 minutes and Mike Cline are the parties in the case, the Corvallis clubmen closed here last taking but one ballot. Sentence will be Geer having left the country.

ROYAL BAKING POWDER CO., NEW YORK