ELECTION GIVES PAUSE TO LOCAL REAL ESTATE MARKET

SAWYER MAKES ANSWER TO ONE OF HIS CRITICS

Lawyer Tells How Power of Remonstrance Against Street Improvements Works to Detriment of the City—Council Also Coming in for Criticism.

Harold M. Sawyer, a local attorney who recently delivered an address before the realty board on the subject of hard surface pavement, takes exceptions to the complaint of a property holder, published in a morning paper, to the effect that it is impossible to keep paved streets clean on account of the mud brought and deposited on the pavements by passing vehicles. Mr. Sawyer answers the complaint as follows:

"It is natural and entirely in accordance with my expectation that the property owners should object to the abrogation of their rights to remonstrate against a proposed improvement. Inasmuch as the gentleman has given no reasons, in support of his contention, that the remonstrance should be retained in the new charter, it hardly seems necessary for me to reply to his statement that the property owners should have this right. He has taken no exception to the soundness of my legal conclusions and has not even adduced any practical reasons justifying the retention of the remonstrance.

"Viewing the matter from the legal standpoint, the remonstrance gives to the property owners, rights far in excess of those guaranteed to them by the constitution of this state or of the United States. Hence, there can be no possible legal objection to the abrogation of the remonstrance. Of course, I am using remonstrance in the technical sense; I do not mean merely the right to object, but rather the right given by the present charter, which, when exercised, blocks the proposed improvement for a period of six months, unless 50 per cent of the signers of the remonstrance subsequently petition for the improvement.

Reasons Not Legal.

"Therefore, the only reasons which can be urged in support of the remonstrance, must be practical rather than legal in character.

"There are a great many property owners in Portland, as in all other new and undeveloped cities who are content to lie by and do nothing towards improving their property, because they realize that the mere growth of the city, unaided by any effort on their part, will ultimately and automatically increase the value of their holdings. This may be shrewd business judgment, but it is not good citizenship.

"It may be urged that the remonstrance is a salutary check upon the hasty or corrupt action of the council, and this is, to some extent, true. But such action can be checked without the aid of remonstrance, by recourse to the courts, if it can be shown that the council have acted from base or unworthy motives, or have abused their discretion. Of course, the remonstance is in the nature of summary process, whereas recourse to the courts involves delay and expense. But even so, it seems wiser to me, at least, to remove this arbitrary check upon the action of the council, than to retain a provision in the charter which permits selfish and short-sighted property owners to retard the development and improvement of the city.

"This city needs hard surface pavements more than many other cities, for the reason that it has so much rain. Streets that are not paved are much muddier than those that are paved. Because we have muddy streets, we insist that the streetcar companies shall abandon making stops on the "near side" because this system forces us to wade through mud to reach the cars. Yet practically all railroad men agree that the "near-side" system tends to reduce and eliminate the danger of accident.

Retard City's Development.

"The truth of the matter is that Portland is not a well paved city, and in my judgment never will be as long as the property owners have the right to remonstrate against improvement.

"Another reason why I advocate the abolition of the remonstance is that such action would lead to the repeal of the rule which requires all improvements to be inaugurated by petition. If the property owners wish to reduce the cost of their hard surface pavements, they should take steps to eliminate petitions as a means of starting improvements. As I have pointed out in other places, the petitions are a source of great evil and much expense, all of which expense is charged to the property owners either directly or indirectly. Yet the council will not repeal the rule in regard to petitions, unless the remonstrance is abolished. The two evils are closely related and are, in my judgment, largely responsible for the lack of street improvements in this city.

"With regard to the danger that the property owners run of seeing expensive pavements taken up and others substituted in their place, I have only this to say: that the courts would restrain any such proceedings on the part of the council. It is true that the council has a broad discretion in the matter, but palpable abuses of its discretion can easily be checked, and that too without the aid of a remonstrance. The decision of the council, that a pavement just laid and paid for is worn out, does not establish the uselessness of the pavement; the broad discretion of the council does not enable them to establish, as a fact, that which is obviously untrue.

"The gentleman's complaint against the practice of tearing up newly laid hard surface pavements, for the purpose of installing gas and sewer mains, water pipes, etc., is well taken. The council, however, has the power to remedy this abuse. Section 383, of the city charter, is to the effect that the council shall have the power and authority in providing for any street improvement requiring a concrete foundation also to provide for placing in the street where said improvement is to be made, all necessary service pipes for water, gas, heat, power, sewerage or any other purpose and all conduits for electric wires or other purposes that are or may thereafter be necessary. This power is ample and sufficient for the purpose, and if it were exercised, the evil of which the gentleman complains would not exist.

"The chief difficulty in the situation is not the charter, but the council. The council has charter power to inaugurate street improvements and to determine all the preliminary questions of fact in its discretion. But at every turn the council refuses to exercise its discretion, and puts the matter up to the property holders. The only charter check upon the discretion of the council is the remonstance, but this unfortunately is a check not only upon abuses of discretion, but also upon discretion wisely and justly exercised.

"The abuses of discretion can be checked by the courts, but the exercise of a sound discretion should never be checked; the courts would not have the right to interfere and the property owners should not be given the power to do so. Even the limited discretion allowed the council the refuse to exercise and have placed the matter entirely in the hands of the property owners.

"To the lack of adequate charter power and to the limitations upon that power, imposed by the council itself, I attribute the deplorable lack of street improvement in this city."

TO BUILD IN SUBURBS FOR AN INVESTMENT

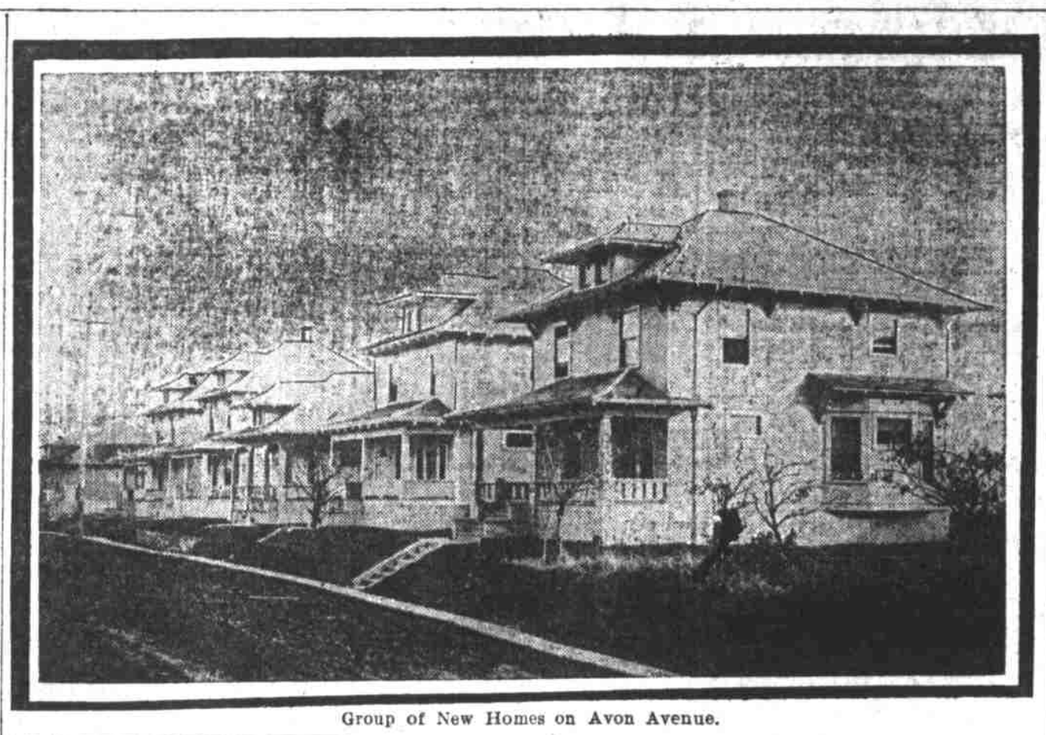
The uncertainty of the election didn't worry some investors to any extent. Clarke & Cook report the sale of 17 lots in Rossmere to the Beacon Investment company, Inc., for $10,100. The buyers intend to build for an investment. Lots 1, 2, 8, 9, 10 and 11, block 35, Rossmere were also sold for $4,900 to D. W. Dineen, of Gloverdale, Cal. Mr. Dineen is a timber dealer who intends to make his home here.

Both these sales were made prior to the election. Many smaller sales are also reported by Clarke & Cook, who are very optimistic about realty the coming winter and spring.

RAILROAD FILES REPORT

(Salem Bureau of The Journal.)

Salem, Or., Nov. 7.—The first annual report to be received from any railroad doing business in the state of Oregon was received yesterday by the railroad commission from the Salem, Falls City & Western Railway company. The directors are Charles K. Spaulding of Salem; H. L. Pittock and Louis Gerlinger Sr. of Portland. Others owning controlling interests are F. W. Leadbetter, George Gerlinger and Louis Gerlinger Jr. During the year the total freight revenue was $65,006.89; passenger revenue, $8,998.20; transportation revenue, including the two items mentioned as well as others not mentioned, $77,123.76; operating revenue, $79,256.59. Following are the expenditures: Maintenance and equipment, $11,236.74; transportation expense, $23,505.22; operating expenses, $63,211.76—or 79.86 per cent of the total operating revenue for the year beginning November 1, 1907, and ending October 31, 1908; taxes, $1,353.25.



Group of New Homes on Avon Avenue.

NEW BLOCKS FOR STREET PAVING

German Turns Out Product That Gives Great Satisfaction.

Germany, the land of scientific research, has come to the front with a new kind of paving material that is said to be far more durable than anything of the kind now in use in the civilized world. In the October issue of the Daily Consular and Trade Reports, the new material is spoken of as follows:

"Consul H. W. Harris, in reporting from Nuremberg that a German firm at Wurzburg has recently placed on the market a patented artificial stone, called Vulkanol, for paving purposes, for which much is claimed, thus describes it:

"The stone is composed of crushed basalt or other similar rocks collected in part as refuse from quarries and mixed with a small percentage of cement. The mixture is subjected to heavy hydraulic pressure and formed into blocks of convenient size for paving. These blocks are then subjected to a process of burning under high temperature in specially prepared furnaces, which process continues for about 12 days. The blocks are then permitted to cool as slowly as possible. This process of manufacture, resembling somewhat remotely nature's process in the formation of volcanic rocks, furnishes the name Vulkanol.

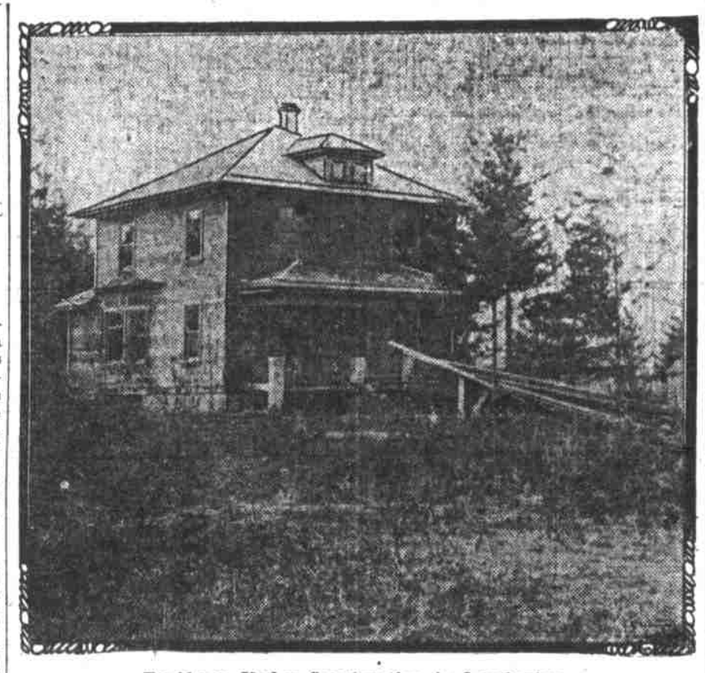
Tough and Durable.

"The blocks are of a brown chocolate color, and show on a broken edge a similar color intermixed with white grains and small fragments of feldspar. The blocks are tough in structure and, it is claimed, withstand all the ordinary tests as to crushing, frost, disintegration, and so forth, that they do not become smooth or slippery by use, and are as durable as natural granite. For much-traveled streets, where heavily loaded wagons are in use, a 6-inch concrete foundation is recommended by the manufacturers, while for lighter traffic a foundation of macadam is regarded ample. On a concrete foundation stones six centimeters (2.36 inches) in thickness are said to be ordinarily sufficient. On a macadam foundation stones of eight centimeters (3.15 inches) in thickness are preferable.

"The manufacturers claim that by reason of its hardness and close-fitting joints pavements of this material are comparatively free from dust; that filth can not penetrate to the ground below; that the pavement can be readily cleaned with a hose, and on sanitary grounds is unsurpassed by any other form of pavement. The claim is also made that the pavement can be readily fitted to street car tracks, is well adapted for automobile roadways, and is comparatively noiseless. Thinner tiles of the material are made for sidewalk purpose, the surface of those being grooved where required on grades or for other reason.

"The pavement has been tried with satisfactory results, as it is claimed, on short stretches of street or on driveways, courtyards, etc., in Wurzburg, Munich, Bremen, Cologne, Bamberg, and elsewhere.

"The cost of street paving with this material is said to be less in this part of Germany than where granite blocks or asphalt are used, and slightly more than the first cost when asphalt is used. It is claimed, however, that asphalt paving is more expensive than Vulkanol by reason of fewer repairs required on the latter."



Residence Under Construction in Larrington.

LARGEST DEAL MADE IN VANCOUVER WATERFRONT

Bulk of Sales for the Last Six Days Have Been in Residence Property—Acreage on the Lower Peninsula Will Be Put on the Market.

Due doubtless to the election, and to some extent the advent of real winter weather, the week ending yesterday was the dullest in the local realty market for months past. The whole volume of real estate transfers did not go above $350,000, and nearly half of that sum, to be exact, $125,000, represented the consideration in the purchase by Charles K. Henry of the quarter block on the southwest corner of Fourth and Oak streets, on which Mr. Henry has already begun the erection of a modern six-story office building. The sale was made several weeks ago, and is therefore not properly included in the volume of last week's business.

An important sale, which, however, was closed last week, and which is regarded as of vast interest to the Portland district, was that of 215 acres of Columbia river front, situated just below the north approach to the Hill road in Vancouver, Wash. This property was purchased by E. M. Rowley of Vancouver, who has heretofore acted as the land purchasing agent of the North Bank road, and was sold by W. H. Moore of the Moore Investment company for $107,500. The property belonged to the Columbia Investment company, a subsidiary concern of the Moore interests. It has over a mile of river frontage, and is considered the most valuable piece of acreage west of and adjacent to the city of Vancouver, that had not already passed into the hands of either the Harriman or Hill roads.

Big Returns on Investment.

Less than 12 months ago it was purchased by the Moores for $25,000, or at the rate of a little more than $100 an acre, and by the recent sale was disposed of for exactly $500 an acre. This sale is but another of the numerous transfers of acreage which shows the enormous increase in land values brought about by the advent of the North Bank road in the Portland district. No announcement has been made of what use is to be made of this considerable tract of Vancouver river frontage. It is not available just now, and probably will not be for several years for subdivision purposes, and for that reason it is believed that it will eventually become the site of the repair and construction shops of the Hill roads centering in Portland.

The handsome residence property owned by William Gadsby on Twenty-fifth street between Overton and Northrup streets has been sold to A. A. Kyer for $14,000. The site is a fractional part of two lots, and is improved with a new dwelling of modern design.

Bernhard Brandenberg has sold to E. E. Merges five acre lots in Spring Valley addition for $12,500. The property is known as lots 8, 9, 10, 14 and 15, and are about 200 by 400 feet each.

Property Well Improved.

Dan Malarkey has purchased from Agnes Schneider lot 1 and the east 25 feet of lot 2, in block 28, Albina, for $7,500. The property is located at the southeast corner of Williams avenue and Stanton street, and is well improved.

T. G. Brownson has sold to Ida E. McCormick four lots, comprising half a block fronting on the south side of East Salmon street between East Twenty-seventh and East Twenty-eighth streets; $6,500 was paid for the property.

L. O. Ralston has just closed a deal with E. E. Espey for 5 lots in Nash's addition, consideration $5,500.

H. C. Wilson has purchased from G. W. Peterson seven lots in Springdale addition, consideration $5,000.

W. D. Coombs has sold to Charles B. Kier lot 14, block 52, Albina, located on Albina avenue between Russell and Page street for $4,000.

C. S. Siemsen has purchased from T. J. Armstrong lot 16 in Hazelwood, consideration $3,000.

Mrs. Margaret Allehoff has purchased from Albert Fehrenbach an unimproved resident plot on the northeast corner of Myrtle and Chapman streets for $3,350.

W. M. Killingsworth and associates have sold to G. A. Taylor a quarter block on Hendricks street between Emerson street and Killingsworth avenue, Walnut Park, for $2,500.

Deed Over Land Claim.

Henrietta Failing and others have deeded to Henry C. Cabel the land claim of James and Amanda W. Charlton.

Arthur E. Deloney has purchased from S. S. Chambers an unimproved lot in Walnut Park, which is described as lot 10, in block 14, for $1,290.

Rufus Mallory has conveyed to the East Side Construction company lots 19 and 20, Sewell's addition, consideration $1,000.

Louis Goldsmith has sold to Christina Berker lots 3 and 4 in block 18, Goldsmith's addition for $7,500. The property is located in the high-priced district at Overton and Twenty-eighth streets.

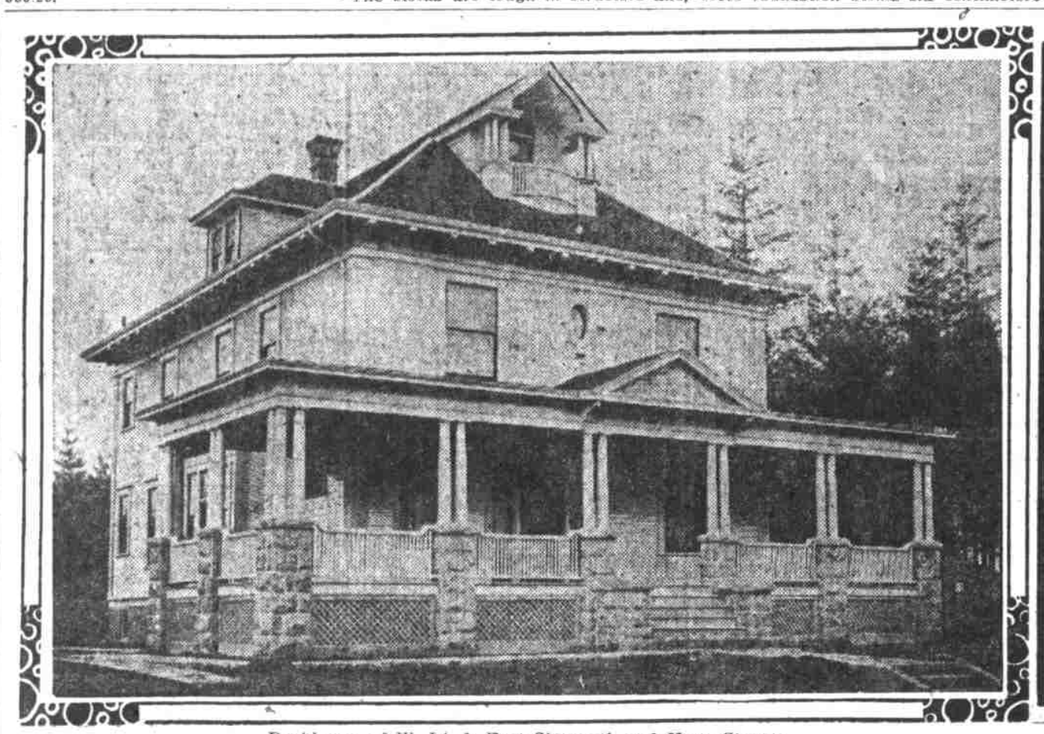
Edwin Tyler has purchased from John Hampton lot 7, in block 1, Albina, for $3,000. A small cottage occupies the property.

E. J. Daly has sold to a local investor one and one half lots, part of the Barker estate, at the head of Lovejoy street, for a consideration in the neighborhood of $9,000. It is announced that the purchaser will improve the property in the early spring by the erection of a handsome home.

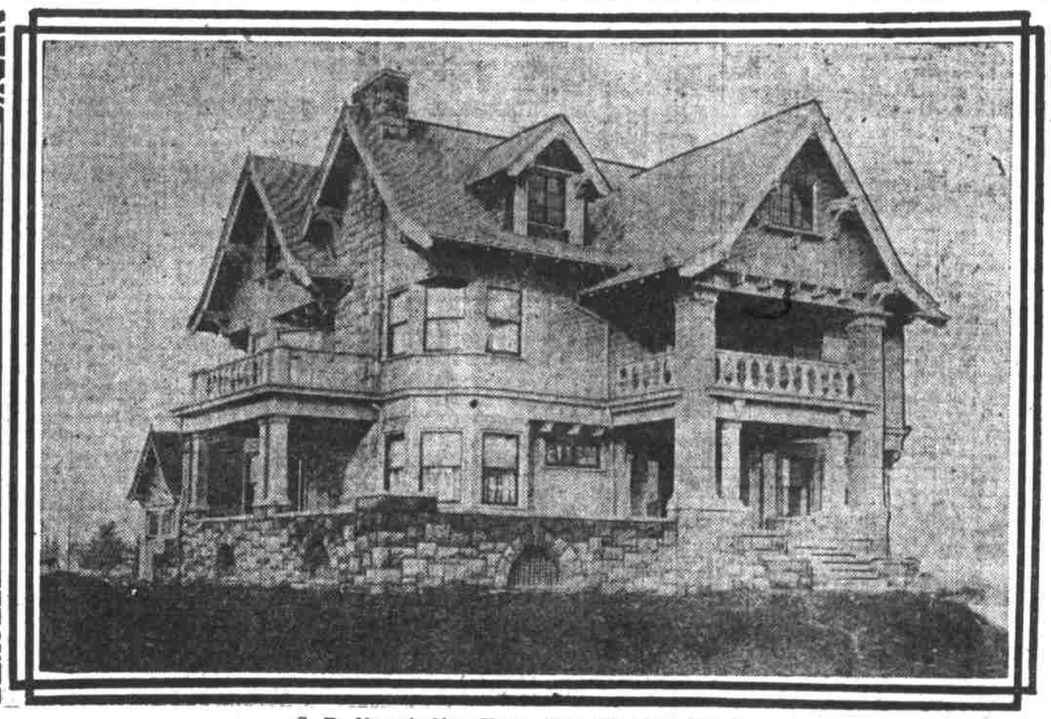
Additions on Peninsula.

Owners of acreage on the lower peninsula are preparing to put on the market several new additions. These additions for the most part adjoin plats now on sale, and which have very largely been sold out.

The only unplatted acreage between Portland and St. Johns, or rather along the St. Johns carline, was recently purchased by M. L. Holbrook and will be subdivided and put on the market before the end of the year. Mr. Holbrook has marketed more additions on the peninsula than any other dealer in property in that part of the city and has uniformly sold them out at excellent prices.



Residence of W. Lind, East Sixteenth and Knox Streets.



C. B. Moore's New Home, East Fifteenth Street.

Stray Topics From Old New York

New York, Nov. 2—Scarcely a week passes that some one, endowed with more than the ordinary share of imaginative power does not venture to inform the world what President Roosevelt will do when he has completed his term as wielder of the "Big Stick." There may be a few things he has not been accused of as contemplating, but it was merely an oversight that they were not mentioned with the rest. According to one story the president intended to retire from public life after leaving the White House and to live the simple and strenuous life of a farmer, awaiting, like a second Cincinnatus, the time when he would be called away from his plow by the will of the people to serve another term as president. Among the professions selected for him by imaginative writers were those of a professor, a lawyer, an explorer, a hunter of big game, a lecturer, a manufacturer, a mineowner, a balloonist and a professional trustbuster. According to the latest yarn, based upon "excellent authority," President Roosevelt has already signed a contract with a certain publishing concern to become associate editor of their magazine. It is stated on the same authority that the president, while in Africa, will not devote himself altogether to the shooting of big game, but that he will penetrate into the wilderness of the Congo country, to investigate the conditions existing there in behalf of the magazine with which he is to be associated. There is no doubt that Mr. Roosevelt would make just as able and competent a magazine writer as he made a president, and, if the story is actually based upon truth, the periodical literature of the United States is to be congratulated on the acquisition. Judging from the anaemic and hysterical character of the American magazines of the present day, a little infusion of fresh and healthy blood would be highly acceptable. But, after all, why don't they give the poor man a rest. He surely has deserved it.

The Elkins Abruzzi comedy has reached its climax and the psychological moment for the denouement has arrived. After the latest announcement that Miss Elkins is to be elevated to royal rank, before she is married to the duke, and the king and the queen of Italy are, at last, ready to receive her with open arms and that the duke is coming to the United States to claim his bride, has brought things to the point where one of two things is bound to happen: the report has to be confirmed or nailed down as a lie. This uncertainty is getting on the nerves of New York society and should not be tolerated much longer. If these foreign correspondents of yellow hue continue to send such yarns, half the society girls on this side of the Atlantic are liable to come down with nervous prostration.

A great deal of fuss has been made over the alleged fact that the wife of a former United States senator from one of the western states is growing rich by means of a number of valuable inventions which did not originate in her own mind, but were communicated to her by revelation or inspiration. There is nothing particularly remarkable in that. There are quite a number of men in this city who have grown rich by inventions which never originated in their own brains. They also received their ideas by way of revelation, but in their case the revelations were not of the transcendental kind. It was not a case of heavenly inspiration, but of plain stealing. The ideas were "revealed" to them by altogether too trusting and unsophisticated inventors, who had tried to interest them in their inventions with a view of obtaining their financial aid in bringing out the invention. Some of the wealthiest men in this part of the world owe their wealth to just such "revelations."

Fame, as well as notoriety, carries its own reward and its own punishment. Fame is sweet, but even the most famous men will admit, without being submitted to the "third degree," that the sweetness of fame has often a bitter and disagreeable by-taste. Oscar Hammerstein is one of those men. He has become famous—every one knows how—and only his natural acumen has enabled him so far to escape the penalty for being so prominent in the eyes of the world. Had he not been so famous, the Philadelphia property owner, who recently filed a suit against him for damages, because the horses of the contractor who is building the new theatre for Mr. Hammerstein, had nibbled off the unprotected bark of a couple of shade trees in front of the complainant's property, the man might have sued the contractor but he would never have dreamt of making Mr. Hammerstein the defendant. It is not quite clear what Mr. Hammerstein has to do with the nibbling propensities of the horses hauling material for a contractor in Philadelphia, and by what logical process of reasoning the complainant expects to hold Mr. Hammerstein responsible for the alleged damage to the shade trees. But, the suit has been filed and Mr. Hammerstein duly served with papers in the case.

Some old fashioned and fossilized writers of the present day, who had the misfortune of being born two or three hundred years too late, have lately deplored the decadence of the spirit of chivalry which characterized the golden era of romanticism in Europe and found its final expression in the gallantry of the south before the war. These gentlemen with antidiluvian ideas may be right as to the fact, but their prejudiced eye seems to be unable to recognize the reason. If they would only read the daily papers instead of their musty romances of past centuries, they would know how dangerous chivalry may be in this prosaic age. Only a few days ago a certain wealthy business man in this city allowed himself to succumb to the temptation of rushing to the aid of beauty in distress, and it cost him several hundred dollars and a heap of mortification. On the street near his residence he met a woman crying as if her heart would break. Gallantly that modern knight-errant approached the maiden in such evident distress and placed himself at her service. She accepted promptly, leaned against his shoulder and while her tears were rolling down over his coat sleeve, she skillfully and deftly extracted a good-sized roll of bills from the knight's inside coat pocket. If such things happen, is it to be wondered that chivalry is on the wane?

The festive and insuppressible press agents are a jolly lot and when they come together as they did the other night at a banquet which they tendered to the ex-members of their guild who are now winning laurels in other fields, more particularly in the field of dramatic literature, high jinks are bound to be the order of the day. It was an interesting event that banquet and the hosts as well as their guests were so delighted that it was decided to have such "blow-outs" once a week after this. There is only one point that remains to be settled before the plan can be carried out with success; an understanding must be reached that no one present shall talk "shop" during the banquets and shall keep perfectly mum about them afterwards. Owing to the peculiar propensity of the press agents, it would otherwise be impossible to obtain a truthful account of the feasts.

RELIEF PROMISED VALE

Railroad Commission Takes Action on Coal Famine.

(Salem Bureau of The Journal.)

Salem, Or., Nov. 7.—Steps have been taken by the railroad commission to relieve the reported fuel famine at Vale. Citizens of that city, according to reports received, are reduced to burning sagebrush. Through the efforts of Commissioner Aitcheson the Oregon Short Line has promised to divert a carload of coal to Vale as soon as possible. The railroad officials say the famine is due to the dealers, and lack of foresight in the business men at Vale.

MARSHFIELD IMPROVEMENTS

Coos Bay City Is Doing Extensive Paving Work.

(Special Dispatch to The Journal.)

Marshfield, Or., Nov. 7.—Contractor W. O. McCann, of the Eureka Paving company, who has been laying asphalt pavement and concrete sidewalks at Marshfield, has about completed the work for this year. The Asphalt plant will be left in Marshfield as the company has contracts for laying more pavements next spring, and will make bids for contracts yet to be let. About ten blocks of asphalt pavement have been laid in the city. The improvement is one of the most important public works the city has ever undertaken. Streets in the residence districts have also been improved. Several miles of board streets have been constructed; the side of a large hill on the waterfront has been torn down to make a street, and roadways are being extended back from the city into districts which a year ago were dense woods but which have recently been built up. In the spring a $50,000 sewer system is to be constructed in south Marshfield and many other important public improvements are contemplated.

PRELIMINARY HEARING HELD

Walter Johnson Is Bound Over Without Bail.

(Special Dispatch to The Journal.)

Hillsboro, Or., Nov. 7.—The preliminary hearing of Walter Johnson, charged with the murder of Elmer Perdue, near Glenwood, last June, was held, before county Judge Goodin yesterday, and resulted in the defendant being held without bail to await the action of the grand jury.

Packing Company Incorporates.

(Special Dispatch to The Journal.)

Eugene, Or., Nov. 7.—The Hurd Cooperative Packing company filed articles of incorporation with the county clerk today. The capital stock is $25,000 and the principal place of business is at Florence, at the mouth of the Siuslaw river in Lane county. The incorporators are, W. W. Neely, D. M. Kemp, O. W. Hurd, J. C. Beck and Phil Nicolle. The company has been organized to build a salmon cannery at Florence to take the place of Hurd's cannery which was burned at Acme last summer. As the name of the company implies, it is a cooperative concern. The fishermen on the river will all take stock and the profits of the plant will be distributed to them pro rata.

DATE OF TRIAL OF RUEF'S MAN MURPHY

(United Press Leased Wire.)

San Francisco, Nov. 7.—Attorney Frank J. Murphy, formerly of counsel for Abraham Ruef, will go to trial on November 17 on a charge of attempting to bribe John Martin Kelly, a prospective Ruef juror. District Attorney William H. Langdon has announced that the continuance was given to enable him to personally prosecute the cases against John and Peter Claudianos, charged in Oakland with dynamiting the home of former Supervisor James L. Gallagher.

Attorney A. S. Newburgh, who is similarly charged, will go to trial after the case against Murphy is finished.

Murphy and Newburgh pleaded not guilty to the charge yesterday afternoon before Judge Frank Murasky. E. A. S. Blake, a contractor, has confessed to attempting to bribe Kelly, implicating Murphy and Newburgh, in his confession.

Tomorrow and Tuesday positively last days for discount on west side gas bills. Don't forget to read Gas Tips.

Spectacles $1 at Meuzger's.