

ANSWER OF CITY RAPS COURTS AND OBSTRUCTIONISTS

Deputy City Attorney Benbow's Reply to Application for Injunction to Enjoin Sale of Bridge Bonds Filed in Court.

William C. Benbow, deputy city attorney, filed with the supreme court today the city's answer to the Kierman-Dunaway obstructionist application for an injunction to prevent delivery of Broadway bridge bonds to the buyers. The brief has the nature of a thunder-bolt. Scathing denunciations of Kiermanism are interspersed with red-hot shots at present day court methods. That the Broadway bridge fight is not a contest of quibblers and legal technicians, but involves the growth and development of a great city, is the point of greatest emphasis.

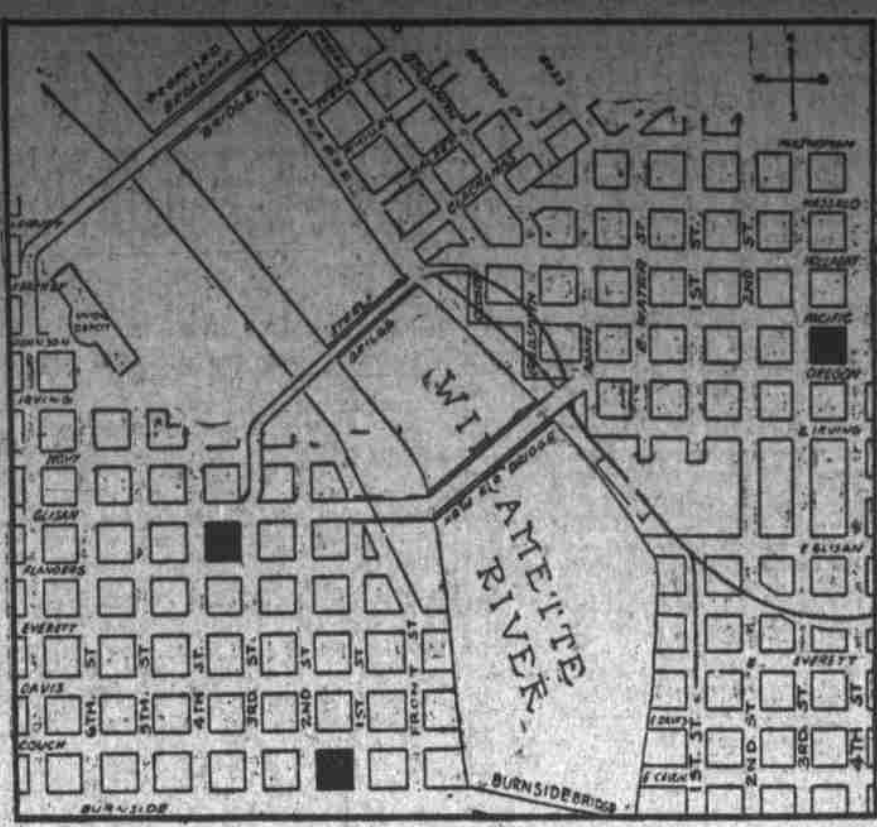
"Courts of equity do not sit to assist technical obstructionists in defeating the popular will and destroy much needed public enterprises in furthering their selfish interests," is one of Mr. Benbow's conclusions.

In view of the fact that Kierman's fight to prevent the building of the Broadway bridge rests apparently on the fact that he has three parcels of property near the new O. R. & N. bridge that the Broadway bridge, as shown by the map that Mr. Benbow also filed with the supreme court today, the statement contrasting the city's and the obstructionists' interests gains effectiveness, as follows:

"The welfare of the whole city is involved in this question. Great injury to the public will be sustained by the granting of such injunction. No immediate irreparable injury to plaintiff (Kierman) is apparent."

Concerning the pretexes by which the obstructionists make the courts their agency in setting themselves up against progress and the people the brief contains a long paragraph, which reads:

"The city has far more equitable



Reproduction of map filed in Oregon supreme court today by Portland city attorney, Frank Kierman, showing portions of blocks indicated by black squares. The map is intended to show how small Kierman's interests are in comparison with the interests of property owners favoring the Broadway bridge.

grounds to enjoin this injunction than the plaintiff has to obtain it. It is full time that the legislature or the people enjoin the courts from the improvident issue of this extraordinary writ. It is so much easier for the court to issue the writ than to investigate the equities alleged in the complaint that this writ has become as common as a summons. The complaisance of the courts in its issuing is causing greater and greater irritation in the public mind. The defendant city is continually harassed and badgered in carrying on its public business by this writ issued for alleged technical defects claimed to have occurred in the performance of its public business.

"The indolence of the courts together with the extraordinary activity of well paid attorneys has contributed largely to its abnormal growth until now, instead of being an equitable instrument to sustain and bring about justice, as in olden times, it has become a legal bludgeon with which to delay and destroy necessary public improvements."

"The city has been enjoined from

collecting its revenues, improving and opening its streets, building its bridges, laying its sewers and water mains, letting its contracts and holding its elections. The delays and loss to public business by these injunction suits are beyond calculation. It has reached such a stage in its business that the city, when contemplating any large enterprise whatever, asks and solicits an injunction suit at once, so that it may have it over with as soon as possible in order that its public improvements may be kept up, to some extent at least, with the growth of the city."

According to the representations of the brief Portland the city has the same bridge facilities as Portland the village.

Traffic Congested.

"The congestion of traffic due to the lack of bridge facilities across the Willamette river is now a matter of supreme public concern," continues the answer. "The last new bridge constructed across the river for public use, outside of repairs of existing bridges, was the Burnside bridge, constructed in 1893. At that time the population of East Portland, including Albina, was

approximately 30,000 people. The population of the east side at the present time is approximately 130,000. If the traffic increases in proportion to the population the traffic is now more than six times as great as when the Burnside bridge was completed.

"The streetcar traffic is impeded by the open draws of the present bridges, and the people living on the west side are also inconvenienced by the delay of the streetcars, due to stoppages caused by lack of bridge facilities. The welfare of the whole city is involved in this question. Untold loss is sustained from it, by reason of the delay at the bridge draws, which would be largely decreased if the Broadway bridge could be at once constructed.

All Enterprises Suffer.

"This bridge would be about 65 feet above high water mark and 90 feet above low water mark, and would have to be opened only occasionally for the passage of masted vessels. Ten or 20 minutes' delay in the morning by the people desiring to get to their work, causes great loss to all enterprises in which they are engaged. Such delays are an intolerable hindrance to the effective execution and carrying on of business enterprises, both public and private, and will not do so unless the necessity is urgent.

"The construction of a bridge or public building by public authorities is very slow in execution, and if the Broadway bridge was permitted to go ahead without further obstruction occasioned by this suit, it would not be ready for traffic for a period of nearly three years, at which time, at the rate of increase in population, the east side will have increased from eight to ten times its population in 1893, the date of the construction of the last new bridge.

"It is the opinion of counsel for defendants that under the conditions now existing, the city council has ample authority under its police power to build this bridge without any amendment to the charter.

City Has Authority.

"The police power gives the city ample authority to protect itself in cases of great urgent public necessity, and the council of the city of Portland, under the situation now existing, can go ahead and build the bridge and pay for the same and would have complete justification for such procedure by the urgent necessity of its construction."

The brief contains a summary of all the causes of obstruction as advanced by Dunaway. They are mentioned as including every pretext, technically and subterfuge known to the professional obstructionist. It is declared that the suit is not being prosecuted in good faith. It asserts that if the injunction for which Dunaway has asked were to be granted it would amount to re-

versal of the lower courts without giving the city a chance to be heard.

An appeal to the supreme court of the United States, such as the obstructionists have declared they will seek, is named as a public calamity. That the National Shawmut bank of Boston may collect damages for the city's failure to deliver the first \$250,000 issue of the Broadway bridge bonds which it bought, is also pointed out. All of the allegations contained in the brief are supported by affidavits furnished by citizens of Portland.

The motion for injunction will be argued before the supreme court Thursday morning at 10 o'clock.

POOR DOCKS

(Continued From Page One.)

from Seattle, is proof. The statement also was short sighted, apparently coming from an impression that the business of today is all that must be considered. We are exporting flour, lumber and wheat. We have fair dock facilities declared by the private interests engaged in such business. They are exclusive of others who might desire to engage in such business. But do these assertions deal in the slightest particular with our imports?

No Place to Unload.

"We have no place now where a ship of the sea can unload a cargo of general merchandise. Recently I hunted all over the waterfront seeking storage room for a consignment without success. All the private docks were 'busy.' Think how much greater this question will become when water transportation will have become a large factor in the operation of the Panama canal. We must not be short sighted. We must look to the business of tomorrow. Portland is not standing still, much as some individuals and some interests would like to have it so."

While the railroads and a few others fight public docks in Portland news comes of similar fights in other Pacific coast cities. Tacoma and Seattle are both arranging to spend large sums for harbor improvement. The Port of Coos Bay has arranged for a public dock to cost \$5000. San Francisco will vote about a dock bond issue of \$10,000,000 about the same time that Portland is voting upon a dock bond issue of \$2,500,000. Oakland is making a strenuous effort to wrest control of the waterfront from Southern Pacific control.

Los Angeles is beginning the expenditure of \$10,000,000 for public docks and harbor improvement. The fight in nearly all of these cities is identical with that in Portland.

Laborer Killed by Train.
(Special Dispatch to The Journal.)
Chahalla, Wash., Oct. 15.—Train No. 23, N. P. southbound passenger, due here at 3:35 p. m. yesterday, struck Frank Henry, a laborer. Henry was picked up and brought to Chahalla, where he died soon afterward. He was walking on the trestle track carrying a roll of blankets when the accident happened. The man was a stranger here, and about 33 years of age. Papers on his body asked that in case of mishap to him notice be sent to Mrs. C. Middleton at Indianapolis, Ind.

CLERGYMAN'S SON CURED OF TUBERCULOSIS

To neglect a cold, bronchitis, lung trouble or Consumption is dangerous. We all know how prone people are to deny they have Consumption. It is a habit which the foolish sufferer is filled with bright hopes of improvement. Call consumption by its own dread name—and then—take Eckman's Alternative, because it is effective in Tuberculosis. No one need doubt about it—there is plenty of evidence from live witnesses. Investigate the following:

Amelia, N. Y.

Gentlemen: "Prior to Feb. 1908, I was located in Rochester, N. Y., suffering from Tuberculosis. My physician gave me one month to live. I was having terrible night sweats and mid-day chills and losing flesh rapidly, having gone from 155 to 135 lbs. I coughed and raised continually and became so weak that walking a few feet exhausted me. On my return home, my regular physician gave me little encouragement. My father, who is a clergyman, heard of Eckman's Alternative and induced me to take it. The night sweats and chills disappeared, my cough became easier and gradually diminished, and in a few days I developed an appetite, the first back to 155 lbs. I feel certain that I owe my life to Eckman's Alternative."

E. H. COWLES.

Gentlemen: "I cannot find words to express my appreciation of what your remedy has done for my son. It changed despair into hope within two weeks after he began taking it, and without any doubt in my mind, it saved his life. I wish to add my endorsement to every word of his testimony."

(Signed) REV. J. J. COWLES,
Pastor Presbyterian Church,
Eckman's Alternative cures Bronchitis, Asthma, Hay Fever, Throat and Lung Affections. For Sale by Owl Drug Co. and other leading druggists. Ask for booklet of cured cases and write to the Eckman Laboratory, Philadelphia, Pa., for additional evidence.



This Is Service

When you buy glasses of me the transaction does not end there. It means that for one year from date of purchase I will look after your eyes in the way of lens changes without extra cost. My mounting and frames are the best manufactured. In fact, I have such confidence in the goods that if they fail to give satisfaction I will replace them with new ones at any time in two years. The only charge is for broken lenses.

If you are not one of my patrons I want you to get acquainted with my methods of doing business. You will not regret it.

Over 50,000 people in Portland and vicinity are now wearing my glasses and constantly sending me their relatives and friends.

THOMPSON EYE SIGHT SPECIALIST
Fifth and Morrison Street 2nd Floor Corbett Building

The Book Lovers' Club

Started Monday—Has Over Three Hundred Members—Think of It

Subscription Books \$1 Week

—In reviewing the many years of retailing we fail to recall any event in our entire mercantile career that approaches this book sale in magnitude or importance. It involves a certain amount of courage to contract for the number of sets we guaranteed to dispose of in this sale.

—Judging by Monday's enthusiastic buying, by the favorable comments of book experts, by the approval of men who own the best private libraries in Portland, we feel confident that this sale will be the largest of its kind ever held on the Pacific coast.

—These library sets are sold at half former prices, and in many instances represents less than the cost of production.

Books of the Jenson Society

—These books until now were sold by subscription only. This is the first time they have ever been offered at retail, and in order that everyone can enjoy the privilege of this sale we sell these books on our Book Lovers' Club Plan.

\$1.00 Down, \$1.00 a Week

—Library editions of Browning, Smollett, Fielding, Balzac, Hugo, Irving, Gibbon, Thackeray, Dickens, Ruskin, Dumas, De Musset, Poe, Shakespeare, Kipling, Scott, Goethe, Lamb, Byron, Shelley, at HALF publishers' price.

—Books delivered upon the first payment of \$1.00.

An Oasis in the Desert of Neckwear

—We are placing temptation in your path when we show you this charming collection of refreshing new Neckwear Novelties.

—Dainty little bits of Roman stripe conceits. Pretty new contrivances in Persian borders. Oddities made of laces, messaline and nets in jabots trimmed with Persian plaids and Roman stripes. Satin collars in unique braids and Roman trimmings.

—Ranging in Price From 35c to 75c

\$2 Gloves at \$1.37

—Ladies' Fine Kid Gloves, three-clasp style, with Paris point back and overseam stitching. In grays, browns, tans and white.

Special at \$1.15

—Ladies' Mocha Gloves, the one-clasp style, with half P. K. seams, in brown, tan and gray. A full assortment of sizes. Just the glove for rainy weather.

Button, Button

Who's Got the Button?

10c a Card

—Buttons for every use, in every size and for every garment. Greatest button value you have ever seen.

—These buttons are made of the best quality of ocean shell, in plain and carved surface. Two-hole, four-hole, self-shank, wire-shank. Sizes 20 to 50 lines. In pure white and smoked. Put up on cards.

15c Percales at 11c

—These percales have never been offered by anyone for less than 15c a yard. They are full 36 inches wide, in white and tinted grounds with neat stripes, checks and figured designs.

30c Shirting Madras 18c

—Just 20 pieces in this lot, 32 inches wide, white grounds with fancy stripes and hairlines.

No Groceries No Liquors **Lipman-Wolfe & Co.** No Meals, No Restaurant

FALL WAISTS—A Mighty Sale



—A success—This sale is bound to be. The reason is apparent—positive. When your own sales-people, accustomed to sales, wax enthusiastic over these waist bargains it is very easy to estimate the approval which this sale will meet at the hands of the public on Wednesday.

—Persian and plaid silk waists, taffeta and messaline silk waists, tailored waists in a dozen different styles and materials. White and colored waists, laundered and soft waists in all fashionable and up-to-date styles, at prices that you have not seen quoted before this season.

Persians, Special \$4.35

—Persian and Plaid Silk Waists, made in a tailored style, with large plaits on each side of the front. Has a standing collar and tailored cuffs. In brown, navy and red.

Madras, Special \$2.23

—Waist of fine madras, with colored stripes in black, blue or heliotrope. Made with wide box plait down the center and two large plaits on each side, and a crushed collar.

Linens, Special \$1.45

—Ladies' Tailored Waists of fine quality Union linen, in white only. Made with clusters of tucks and embroidered panels and bias-cut front and fine pearl buttons and clusters of fine pin tucks on each side. Laundered collar and cuffs.

Poplins, Special \$2.38

—Tailor-Made Waist of fine imported silk-finished poplin, in black, navy, brown or gray. The front has a center of box plaits with six one-inch side plaits. Has crushed collar and cuffs.

Madras, Special \$1.95

—Waist of fine imported madras, with colored stripes in black and blue. The front is trimmed with fine pin tucks and one large plait over each shoulder. Has laundered collar and cuffs.

Messaline, Special \$3.65

—Tailored Waist in a hairline stripe taffeta or plain colored messaline, trimmed with large buttons and pin tucks.



This Is Corset Week

Emphatic Bargains, Authentic Models

—There's no better way to safeguard yourself against an ill fitting suit than by buying a corset that we guarantee to fit every requirement that fashion demands.

—There is many a dressmaker, no matter how hard she tries, finds it impossible to give you that particular figure now in vogue. Nine times out of ten this is due to the corset. This year fashion demands a corset cut on entirely new lines. And in this sale we give you the opportunity of buying eight different models, all new fall styles at very special prices. Below we enumerate them:

- \$1.75 Nadia Corset on sale \$1.15
- \$2.75 Nadia Corset on sale \$1.75
- \$2.00 Nadia Corset on sale \$1.39
- \$3.00 W. B. Nuform on sale \$1.95
- \$1.50 Nadia Corset on sale at 98¢
- \$5.50 Smart Set on sale at \$2.98
- \$1 C. B., A la Spirite on sale 79¢
- \$1.75 Crown Belt on sale at \$1.15

You Need Not Fear the Rain When Carrying One of These Umbrellas

Umbrellas

Special at \$1.15

—American black taffeta umbrellas guaranteed fast black. They have steel rods, paragon frames and every one in a case.

\$1.15 and \$2.50

Silk Umbrellas, Special \$2.50

—United Taffeta Silk Umbrellas, in black, blue, red, green and brown. Tape edge finished taffeta on the best imported frames, fully guaranteed. They come in a silk case and with tassels. More than 60 styles of handles, all the very latest.

Linen Table Cloths

—250 table cloths, guaranteed all linen in assorted patterns with border on all four sides, grass bleached, in two sizes.

\$2.50 Cloths, sizes 68x70, each \$1.98
\$3.25 Cloths, sizes 85x70, each \$2.48

Trimmed Hats, Special \$3.95

—Trimmed Hats in navy, brown, green, black and gray, with velvet-bound edges, in many varied shapes. Some have Tam o' Shanter and bell crowns, with trimmings of ribbon rosettes, graceful ostrich and willow plumes and feather fancies.