

OBSTRUCTIONISTS

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might have been to change the result of the election. Following the doctrine above announced courts have frequently held statutes containing provisions similar to the one invoked by plaintiff in this case to be merely directory as to the voter.

"The same answer may be made to the contention that the transportation of the ballot numbers in the voters' pamphlet rendered the whole proceeding void."

Holds Section Void.

Justice McBridge holds that the section of the amendment providing for a surrender of the bridge to the county by the executive board is void, but added that the annulment of one section would not render void the whole measure. He adds:

"The contention that no permission has been obtained from the war department is negated by the evidence, and if this were not so, the plaintiff does not stand in such a relation to the subject matter as to be able to raise the question, which is one to be settled between the government authorities and the city. The objection that no permission has been received from the Port of Portland may be answered in the same manner."

"In addition to this, we have been cited to no statute requiring the city to obtain the permission of the Port of Portland before constructing bridges over the Willamette river. This corporation is authorized to remove obstructions, to deepen channels, and generally to have control over the river for the purpose of facilitating and protecting commerce, but it may well be doubted whether this grant of power was ever intended to authorize it to act as sole judge as to when and where and how a great city shall erect bridges over a waterway exclusively within its own limits."

City Has Power.

"Section 76 of the charter of 1903 authorizes the city to acquire, construct and maintain bridges and ferries, and has been obtained from the war department is negated by the evidence, and if this were not so, the plaintiff does not stand in such a relation to the subject matter as to be able to raise the question, which is one to be settled between the government authorities and the city. The objection that no permission has been received from the Port of Portland may be answered in the same manner."

Justice King Concedes.

"I concur in the conclusion reached by Mr. McBridge, says Justice King in rendering his opinion, 'and only wish to add that in my opinion there can be no doubt as to the power of the city of Portland to build bridges across the Willamette river without asking the consent of the corporation of the Port of Portland.'"

"The act of the legislature of February 10, 1893, incorporating the Port of Portland, contains the following grant of power: 'The object, purpose and occupation of corporation... shall be to improve the Willamette river at the city of Portland and the Willamette and Columbia rivers between said city and the sea, so that there shall be made and permanently maintained in said Willamette river at said city from wharf line to wharf line, and in the Willamette and Columbia rivers between said city and the sea, a ship channel of such width at any and all points as it may deem necessary...'"

"So far as is necessary, requisite or convenient to carry out the said objects and purposes the said corporation shall have the full control of said rivers at said city of Portland and between said city and the sea, as an end to the full extent that this state can grant the same, and shall have full power, from time to time, make such rules and regulations for the navigation thereof, or the placing of obstructions therein, as may be requisite, necessary or convenient for the regulation and maintenance of such channel..."

Commissioner Not Master.

"From the foregoing it will be observed that there is no express provision requiring the city of Portland to apply to the Port of Portland for permission to build bridges at any point within the city's corporate limits. It is too well settled to require citation of authority for support that grants of sovereignty are always to be strictly construed."

"Again, an express reservation as to bridges existing by virtue of an express grant of the state, is made in favor of the city in Section 76 of the charter of Portland authorizing the building of bridges and the maintenance of ferries. In addition to this, section 118 1/2 passed pursuant to a constitutional amendment delegates to cities all the sovereignty of the state within their municipal boundaries, so far as that sovereignty relates to matters of pure municipal concern. Such grants of sovereignty, however, may be recalled by the power conferring them, and this power of recall serves to prevent the abuse of the privileges delegated."

Justice King then goes on to draw the conclusion already quoted that if the Port of Portland commission could prevent the building of the Broadway or any other bridge, that it would make the Port of Portland master of the city of Portland, which he deems clearly improper and illegal.

The decision is styled: "In the supreme court of the state of Oregon, Frank Kierman appellant, vs. City of Portland et al., respondents. Appeal from the circuit court of Multnomah county. The Honorable George H. Burnett, judge. Argued and submitted October 20, 1910. Ralph R. Dunway, attorney for appellant, Frank S. Grant, city attorney; W. C. Benbow, deputy city attorney; C. W. Fulton, M. L. Pipes and H. H. Riddell, attorneys for the respondent."

FIRE FATAL SHOT

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Porter, whom he had shot directly through the center of the forehead, was dead.

Slayer Young Man.

Young Pottage—he is but 24 years old, has been married a little less than

a year and lives at 745 Northwick street—has been doing contract street work since he was 17 years old. He recently secured a contract to excavate a deep cut on East Tenth street, where street improvement work is being carried on, and leased a steam shovel from the Independent Hauling company, with which to do the work. With the shovel came Frank A. Porter, the engineer, who lived at 613 East Market street, with his wife and a stepdaughter, Mrs. Clara MacFarland, and Porter's fireman, Joseph S. Kreuber, who lives at the Yale lodging house on Grand avenue. Kreuber had been working with Porter for the past six months.

Trouble between Pottage and Porter began at noon yesterday. Pottage's version of it follows: "We had some little disagreement over Porter's handling of the steam shovel. Twice he scraped and broke the tops of wagons. I spoke to him about it, but we had no serious controversy."

Porter Quits Job.

"Yesterday morning I told Porter I wished he would try to get along with his wheel men, who keep the shovel blocked up. He had fired a number of them and was constantly having trouble. He said he would show me who was running the shovel and that he would quit himself and fix it so no one else would run the shovel either."

"He quit at noon yesterday, and I found out he had tightened some bolts and monkeyed with the steam valves and other parts of the shovel in what was apparently an effort to block it and prevent my running it. When he went I told him he could return if he behaved himself, but if he didn't I told him I would get another engineer. Kreuber, of course, quit with him."

"I sent over town yesterday and got Wellman and his fireman, J. H. Reesa. They worked yesterday afternoon and I expected them to work today. I feared that Porter might come back last night and break up the machinery, and I also feared some possible trouble

from Halloween pranks, so I stayed up all night, having my 30-caliber revolver with me and kept watch. My wife's uncle, John Farrell, was with me."

Porter Pulls Revolver.

"The men came to work at 6:30 this morning, and I was walking away with Farrell when I saw Porter and Kreuber come running up. They had some words with Wellman and I turned back to try and smooth the matter over. But Porter drew a revolver and pointing it at Wellman, shouting: 'I'll see if any man can take my job that way.'"

"Meanwhile Kreuber kept yelling to him to shoot. He turned and pointed the revolver at me. I was certain that I heard him shoot and I even felt that I was shot myself, but I reached for my gun and shot him."

Porter dropped without a sound, according to the other witnesses who were Wellman and his fireman, Kreuber, Farrell and James Le Mar, the wagon tender. Kreuber ran to telephone the police and Pottage went over to the station and gave himself up."

Porter's body was taken to the morgue. Mrs. Porter claims her husband was killed last night, but took his revolver because he expected trouble with Pottage."

Mrs. Porter claims that as her husband was hired by the Independent Hauling company and was working for it, Pottage had no say-so in hiring or firing him. Porter had a brother, Enoch Porter, who is a shovel engineer for Paquet, Gleibach & Joplin. He has a father living in Washington, and had worked for paving contractors here for seven years."

Pottage blames Porter's engineer, Kreuber, for most of the trouble. Kreuber, a comparatively young man when examined by Detectives Hillier and Malone, who were working on the case this morning and later by the district attorney and grand jury, he seemed sulky and unwilling to make any extended statement concerning the affair. Pottage bears an excellent reputation. His father, who lives at Strling sta-

tion on the Canadero line, was for many years in the shops of the O. R. & N. Young Pottage has been a hard worker, doesn't drink and has a good record with contractors and his backers.

ROSENHEIMER

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Assistant District Attorney Maynard asserted that Rosenheimer was driving his machine at a mile a minute when he came up behind the buggy in which Grace Hough was riding. The automobile crashed into the vehicle and threw the occupants to the ground. The driver of the automobile, Maynard said, did not offer to help his victims but increased his speed and fled from the scene. He was arrested soon afterward.

Rosenheimer is being tried for murder in the first degree, which entails the possibility of the death penalty in event of conviction. Under the statute when a person is killed through the reckless disregard of the safety of others, even though no premeditation is shown, first degree murder may be charged.

Attorney Maynard, in his opening address, asserted that the state would prove that while Rosenheimer was fleeing from the scene of the automobile fatality another automobilist notified him that his automobile had killed a girl.

"Go to hell," Rosenheimer is said to have shouted, as he increased his speed and fled.

Coroner's Physician Curtin testified that Miss Hough died of a fractured neck.

The government of Belgium maintains a horseshoeing school, students from all over the country being given one lesson a week for two years.

NEW IDEA Patterns 10c NEW FALL STYLES

The Most in Value—The Best in Quality **Robert's Bros.** THIRD AND MORRISON

NEW IDEA Magazine 10c 50c A YEAR

Largest Line of Persian Silks in the City



Our Silk Section is fairly brilliant with these gorgeous silks. Persian Mesalines in 8 and 10-color combinations on navy, black, white, old rose, goblin, tan, brown, olive, myrtle and other colored grounds. Also novelty brocaded Persians, satin, louisine and taffeta Persians—a wonderful exhibit at \$1.00, \$1.25 and \$1.50 a yard.

3000 Yds. of Silk Poplins All Shades, 65c Vals. 39c

A special underpriced purchase of over 3000 yards of standard width Silk Poplins just received in time for Monday's sale. The assortment includes every wanted new shade—pink, blue, tan, brown, green, gray, lavender, red, castor, cream, etc. An excellent wearing silk of brilliant finish and soft clinging, stylish weave, the kind that usually retails at 65c a yard, priced for this sale at 39c

New Woolen Dress Goods



This will be one of the most wonderful Dress Goods sales that you ever attended. The immense lot comprises all the season's newest styles in the most fashionable shades and colorings.

Storm Serge, 65c Quality, Now at 42c About 50 bolts of all-wool, double Warp Storm Serge of good seasonable weight, shown in colors black, tan, slate, myrtle, reeds, copenhagen, blue, brown, scarlet and cardinal; usual 65c grade, specially priced for this sale 42c

Novelty Suitings, \$1 Val. 69c An out of the ordinary sale of fine, pure fabrics, from 46 to 54 inches wide. New novelty suitings, hard finished worsteds, invisible checked sackings, plain coverts, fancy coatings, etc., etc. Included are all the popular new plain shades and rich color combinations. Regular \$1.00 fabrics now on sale at 69c

Novelty Fabrics \$1.50 Val. 95c 45 to 54 inch New Novelty Fabrics of Fall and Winter weight, shown in the popular two-toned granite weaves, new basket weaves, shirred zibeline, illuminated novelties, etc., etc.—strictly high-class fabrics at a bargain price; regular \$1.25 and \$1.50 grades, priced at 95c

Big Values in Domestic Goods

Our popular Domestic Section is filled to overflowing with new Fall and Winter goods—Flannels, Blankets, Curtaining, etc.—and women who appreciate absolutely dependable qualities will find many unusual values. For tomorrow and Thursday we call your particular attention to following lines:

Baby Blankets

A new shipment of Baby Blankets just received, the assortment includes a large variety of neat and attractive patterns in flowers, animals, birds, etc. They come in good colors and white, four grades to choose from—\$1.25, 95c, 85c, 60c and

Bathrobe Flannels

A splendid showing of Bathrobe Materials, including the newest and prettiest designs in medium and dark colorings, full width flannels. Special values at, per yard 40c and 35c

Bathrobe Blankets

An unsurpassed showing of Bathrobe Blankets, including the most popular new styles and colorings. They are of excellent quality, come two yards wide and two and one-half yards long, and are easily shaped into a nobby bathrobe. Two special values, at \$2.50 and \$2.00

Embroidered Flannels

White Embroidered Flannels, the kinds most in demand for skirts and infants' cloths, shown in a large assortment of pretty patterns from a narrow scalloped edge to an elaborately embroidered edge, four inches deep. Many prices from \$1.75 a yard down to 65c Eiderdown Flannels in all wanted plain colors, at 60c, 50c and 40c

Showing Still Greater Shoe Values

Women's Shoes, \$3 Values, \$2.37

Our Special Shoes for women represent satisfaction, perfect fit and superior wearing qualities. Latest styles and all sizes are shown. They come in vici kid, gunmetal, patent colt, high and low heel, turn and heavy sole. Regular \$3.00 values, \$2.37 priced for this sale

Women's Shoes, \$3.50 Vals. \$2.69

A showing of Women's Shoes in Goodyear welt, with heavy and turn sole. They come in vici kid, patent colt and gunmetal, in blucher, lace and button style, high and low heel. Good stylish shoes for both dress and serviceable wear. Regular \$3.50 values, specially priced at \$2.69



Women's Shoes for \$1.49

An extra fine line of Women's Shoes in all styles to fit every foot and to suit every taste, in all the popular leathers, all sizes and widths, shown in vici kid, box calf, velour calf, gunmetal calf and our regular \$2.00 and \$2.50 values, specially priced for this sale \$1.49

Men's Shoes for \$2.49

A fine line of Shoes for the men. There's a style and leather for every occasion—a strictly high grade shoe for particular men, shown in box calf, velour calf and gunmetal, latest raised toe, double sole. Regular \$3.00 and \$3.50 values, \$2.49 priced this week

Properly Tailored Clothing

The longer you wear a "Salem" Suit, the more its good quality is apparent. The quality of "Salem" Clothes is NOT skin deep, but goes through and through. "Salem" Clothes are especially good where it doesn't show—namely, in the interior construction—nothing but shrunken interlinings being used. This, in connection with hand tailoring of the highest quality, enables us to guarantee every suit to retain its shape.



Suits and Overcoats

Best to be had anywhere at \$15, \$20, \$25, \$30, \$35

Boys' Clothing

Ours is of the sort especially designed to meet the needs of youngsters who are hard on clothes. Outer cloths, linings and sewing are all combined to bring about the utmost wear resisting quality. We want you to see our "\$5 SPECIAL"—made of all-wool fabrics in grays and browns, knicker style, with two pairs of pants. Sizes 5 to 17.



FREE WITH BOYS' SUITS AND OVERCOATS—BASEBALL, FOOTBALL, BAT OR CATCHER'S MITT.

Salem Woolen Mills Clothing Co.

4th and Alder GRANT PHEGLEY, Manager 4th and Alder

Blankets and Comforts for the Week

Cash or Credit	Terms to Suit
"You can go farther and fare much worse," or in other words, it will pay you to buy your winter bedding at Powers. Prices are undoubtedly lowest here.	
WOOL BLANKETS	
\$5.50 Gray Wool Blankets	\$4.15
\$7.50 White Wool Blankets	\$5.95
COMFORTS	
\$1.75 Cotton Filled Comforters	\$1.35
\$2.50 Cotton Filled Comforters	\$1.85
\$3.00 Silkoline Covered Comforters	\$2.30
\$5.00 Silk Bordered Comforters	\$3.75

We Sell "Jewel" Ranges \$1 Weekly

A very liberal offer, indeed, when you know it is made on the very best range it is possible to build. The Jewel is a range that is always ready, and always does exactly what you expect of it.

\$15 Heater \$9.95

Cash or Credit—Terms to Suit



Of ample size to heat 3 rooms—has nickel top, rim and fenders—polished steel body—cast base—top swings off. Equal to any \$15.00 heater shown anywhere.

\$10 Iron Beds—Special Tomorrow \$6.15



A big value—has heavy continuous posts and top rod—ornamental cast-iron connections—large filler rods—enameled cream and gold.

POWERS THE STORE THAT SAVES YOU MONEY

DIGNIFIED CREDIT FOR ALL FIRST AND TAYLOR

Now Is the Time to Buy Ribbons

The offerings for tomorrow's sale are exceptional values—almost sensational. The daintiest, prettiest ribbons you wish to see. The showing far exceeds in variety of patterns and colorings any previous assortment. Provide for your future needs now and you can save many a dollar.

Fancy Dresden Ribbons

In Stripes, Checks, Printed Warps and Persian Effects. All values to 35c specially priced for this sale at 23c All values to 50c specially priced for this sale at 27c All values to 60c specially priced for this sale at 39c

Black Taffeta Ribbons

Suitable for Hair Bows or Millinery Purposes. 4 1/2-inch Taffeta Ribbon, 25c kind, special at 15c 6-inch Taffeta Ribbon, 35c kind, special at 21c 6 3/4-inch Taffeta Ribbon, 50c kind, special at 27c

Women's Knit Underwear at Special Prices

Here is an opportunity to prepare for the cold weather soon to come. Tomorrow we offer the following lots considerably below regular value, just to stimulate early buying. These are all excellent garments for the regular prices—at the sale prices they are the best values you will see quoted this season.

Fine Wool Union Suits

\$2.25 Grades Priced at \$1.69 A very important sale of women's seasonal weight, fine rib, White Wool Union Suits, perfect fitting and neatly finished throughout, the best styles in all sizes, including extra large size; best \$2.25 grade, at \$1.69

Silk, Wool Underwear

Vests & Pants \$1.69 \$3 Values for \$1.69 A special underpriced sale of the celebrated Globe Underwear—fine rib silk and wool Vests and Pants of medium and heavy weight. The vests come in form-fitting styles with high neck and long sleeves, finished with cuffs that keep their shape, the pants come in ankle length and with French or equestrian bands, all sizes; in regular \$3.00 garments, specially priced at only \$1.69