INMAN-POULSEN DECISION UNIQUE IN ITS DOCTRINE

Opinion Classed as Progressive and Is Likely to Be Followed by Courts of Other States.

The action of the supreme court in affirming Judge McGinn's decision in the case of the City of Portland against the Inman-Poulsen Lumber company has established a new doctrine in cases of this kind. Many cases have been decided in the United States involving questions determined in this case, but the doctrine enunciated in the opinion of Chief Justice McBride is unique.

The decree is that the city is estopped and restrained from claiming or undertaking to assert that any public easements shall exist within the bounds of the premises occupied by the defendant as long as the defendants, their successors or assigns shall use the premises as a lumber manufacturing, planing or dressing plant; but, in effect, the city would not be estopped to object to the use of the premises as a tannery or any other business disassociated with the lumber business.

Heretofore, where facts justify the finding of an estoppel against a city, the courts have held the city to be estopped, and has not limited the use of the premises. The opinion in this case is, therefore, progressive, and will doubtless be adopted as the authority in like cases by the courts of other states.

The opinion was written by Chief Justice McBride, and adopted the findings and decree of the trial court. The portion of the opinion establishing the doctrine of estoppel follows:

City Invited Occupation.

"We think the city is estopped from claiming any right to use the streets in controversy. Their legal existence was a matter of grave doubt when defendants located their mill upon the premises. They did not go as trespassers or uninvited guests, but at the urgent solicitation of the city authorities of the city of East Portland, who were anxious to secure the location of the immense plant defendants proposed to erect within their boundaries.

"When defendants inquired in relation to the supposed streets, they were told by the mayor that Stephens, the original proprietor of Stephens' addition, had so muddled the situation with plats that it was doubtful whether any legal streets existed; that, if there were any, they were of no use to the city; and that they would never be claimed by the city.

"Several of the blocks occupied a deep slough, with banks more than 30 feet high, and having an oozy mud bottom, which rendered it difficult to bridge even with piling, and which effectually obstructed travel for a great part of the distance on the north and northeast. * * *

No Streets Through Tracts.

"In 1885, long before the defendants came into possession of the property, the city of East Portland established all street grades, but did not establish any grades through this particular tract, although establishing them all around it; and neither the city of East Portland, nor the city of Portland since the consolidation, has ever established any grade upon the alleged streets within the tract in question.

"This neglect to establish grades, coupled with the representations of the mayor and councilmen, no doubt, tended to induce defendant to believe that the city either did not intend to accept the dedication of that part of the plat upon which defendants were requested to erect their plant, or that the city did not consider it had any right to those portions of the streets embraced within the tract in controversy.

"Acting upon the requests and representations made to them by the city authorities, the defendants proceeded to erect their mill and to begin the work of filling up the malaria-breeding slough on the north side of their property. The city authorities have stood by all these years and have permitted them, without protests, to enlarge their plant, to fill up the slough, and to make it safe, dry land. They have at great expense filled the slough where Grand avenue crosses it; leaving it open and obstructed for public use.

Only One Rule of Morality.

"They have expended about $500,000 in building and equipping one of the largest sawmills in the world; a mill employing 500 hands and confessedly a great benefit to the community. There is not one rule of morals for a municipality and another for an individual.

"Should a private citizen request and induce another to enter upon his premises under assurance that he would never be disturbed, and stand by and, without protest, see him spend three-quarters a million dollars in improvements relying in good faith upon the request made and the representation put forth, he would be spurned from the courtroom if he attempted to regain possession of the property.

"The estoppels urged by defendant are well pleaded, and are abundantly proved, but they amount to no more than that the defendants were desirous of securing a site for a sawmill. The authorities of east Portland were of the opinion that a sawmill at the place in controversy would be of benefit to the city, and of such benefit that it would be of advantage to the city to waive all possible rights to the alleged streets in order to secure a sawmill at that location.

"The construction and maintenance of a sawmill was the motive for the assurances of the city that defendants would not be disturbed in the occupation of the street. It is not conceivable that defendants would have been invited to occupy these streets for the purposes connected with a livery stable, a tannery, or a candy factory.

"The estoppel should go no further than the purposes for which the acts and representations which induced them, and which were known by the defendants to have induced them, legitimately carry it. Therefore, the circuit court was right in limiting defendants' right to occupy these streets to the purposes for which it originally occupied them, namely, for purposes of a sawmill."

Beautiful Drives Enjoyed

The different automobile drives out of the city have been liberally patronized the past few evenings by those having cars to get away from the heat in the city. This is the season that starts many wishing they had an automobile, and there are many who would have a car if they knew where they could get one cheap. Particular attention should be given to the "Automobile" column in the classified section of today's Journal if you are interested in purchasing a car. You will find listed there some very attractive buys in slightly used machines.—Adv.

Men's Pants

For the best values in the city, take the elevator and see Jimmy Dunn, room 315, Oregonian bldg. (Adv.)

REAPPRAISEMENT OF KAMM ESTATE SHOWS INCREASE

New Figures Greatly in Excess of Those Obtained Previously; Inheritance Tax Fund May Be Gainer.

The reappraisement of the real property in Multnomah county belonging to the estate of the late Jacob Kamm will result in the payment into the inheritance tax fund of the state of a larger amount than was provided by the first or official appraisement, which fixed the value of the estate in this county at $1,066,900.

It has not yet been determined what the exact amount of increase will be, for the reason that the appraisers, S. D. Vincent, John B. Coffey and David S. Stearns, appointed by State Treasurer Kay to make the reappraisement, have not agreed on their valuation.

It is understood that Vincent and Stearns estimate the total valuation to be $1,164,500, while Coffey thinks it ought to be placed at $1,282,000. There is a difference of $118,000 between the appraisers.

At any rate the figures of Vincent and Stearns are an increase of $97,600 over the first appraisement and, those of Coffey are an increase of $115,000. The increase in both cases is due to an addition to nearly all of the items of property over the first appraisement and is well distributed. Messrs. Vincent, Stearns and Coffey will probably meet Monday and endeavor to find a common valuation.

When the first appraisement of the Kamm estate was made it was thought by the county and state officials that it was too low. State Treasurer Kay ordered a reappraisement, appointing a special committee for the purpose.

The Kamm estate has seven items of property in Clatsop county and these may also be reappraised.

KLUG PRESIDENT OF SOCIAL TURN VEREIN

At the regular semi-annual general meeting of the Portland Social Turn Verein last Friday night, George Ludwig Klug was elected presiding officer for the ensuing six months. Mr. Klug is a prominent young attorney. He enjoys a large personal acquaintance throughout the city, having come here alone from his home in Baden, Germany, when but 14 years old. He has been actively connected with various fraternal and social associations for a long time.

The most arduous labor confronting the new administration is the erection of the new home for the Turners on Thirteenth street between Main and Jefferson. The excavation for the home is now complete and the cornerstone will be laid some time during next month.

The Portland Social Turn Verein now has over 300 members, whose motto: mens sana in corpore sano (a healthy mind in a healthy body) has just recently been demonstrated by the Portland Turners returning from the Denver Turnfest with many prizes.

The property of the P. S. T. V. is conservatively estimated at over $130,000, including the new hall under construction.

For the purpose of giving all an opportunity to share in the future development of the Turn Verein, a bond issue has been decided upon, secured by gilt edged mortgages on all of this property, the new home as well as the old hall on the corner of Fourth and Yamhill streets. The bonds are bearing 6 per cent interest, subject to redemption in 20 years. Bonds in denominations of $100 and $500 are now being subscribed for and payment for same can be made in small monthly installments to suit the investor.

RAILROAD WILL INSTALL SIGNALS AT CROSSING

An electric bell will be placed at the Oregon-Washington Railroad & Navigation company's crossing at the intersection of East Eighty-second and Halsey streets. The crossing will also be paved with asphaltum and crushed rock.

This is a bad crossing for vehicles owing to a four foot dip in the street at this point with the rails sticking up from two to four inches at the bottom of this dip and a sharp curve in a deep cut directly to the east.

A delegation from the East Tillamook Street Improvement club filed a complaint with the railroad commission of Oregon, which was promptly taken up with the company by the examiner, F. A. Rasch, and the superintendent of road maintenance of the O.-W. R. & N. company has promised that the improvement will be installed in the near future.

Journal Want Ads bring results.

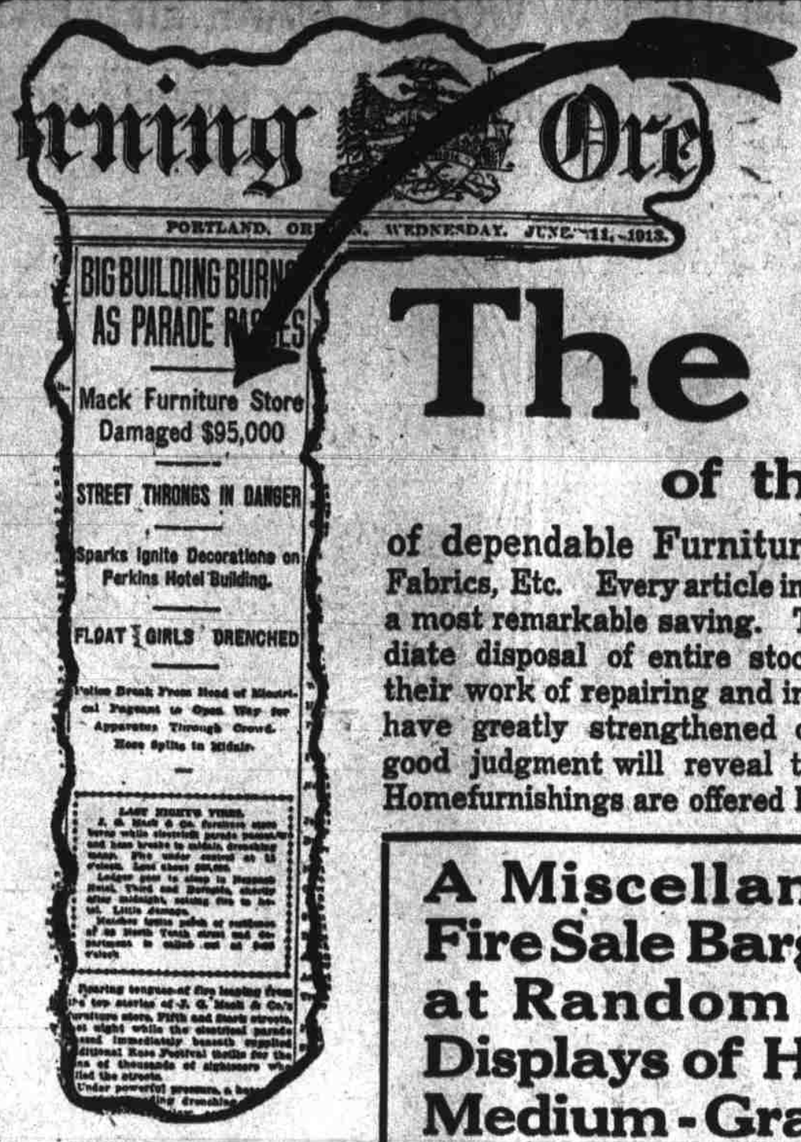
RUPTURE IS CURABLE

Results Not Influenced by Age or Time Standing, Says Expert.

Rupture is not a tear or break in the abdominal wall, as commonly supposed, but is the stretching or dilating of a natural opening, therefore subject to closure, said F. H. Seeley, on a late visit to Portland.

The Spermatic Shield Truss closes the opening in 10 days on the average case, producing results without surgery or harmful injections. Mr. Seeley has documents from the government, Washington, D. C., for inspection. Anyone interested will be shown the truss or fitted if desired. Sold and fitted only by Laue-Davis Drug Co., sole and exclusive agents for Oregon.

Other firms advertising and selling imitation "Seeley" Spermatic Shield Trusses are impostors. Look for the word "patented" on each Spermatic corrugated shield.



Radiant with opportunity is this event that is attracting homefurnishers from far and near

The Fire Sale

of the $150,000 Stock

of dependable Furniture, Carpets and Rugs, Drapery and Upholstery Fabrics, Etc. Every article in every department now bears a Fire-Sale price that denotes a most remarkable saving. The efforts of every department are centered toward immediate disposal of entire stocks, in order that the contractors will not be hampered in their work of repairing and improving our building. Reserve stocks from the basement have greatly strengthened our Furniture displays in the past few days. Your own good judgment will reveal to you the fact that the dependable kind of Furniture and Homefurnishings are offered here at prices far less than asked for the commonplace kind

A Miscellaneous List of Fire Sale Bargains Selected at Random Throughout Displays of High-Grade and Medium-Grade Furniture

$5 Bedroom Chairs in Circassian Walnut, all good patterns, now $2.75

$8.00 Bedroom Chairs in quarter-sawed golden oak, now $3.25

$7 Mahogany Serving Tray for .. $3.75

$12.50 all metal Coil Bed Springs, with fabric tops, 3 ft. and 3 ft. 6 in. sizes only, now $3.75

$8.50 Bedroom Tables in Circassian Walnut, now $3.75

$12 Bedroom or Center Table in curly birch, now $4.00

$12.50 Stickley Combination Costumer and Umbrella Stand in fumed oak, now $4.50

$8.50 full size or 3-4 size Metal Springs for iron and brass beds, now $4.75

$15.00 Stickley Costumer in fumed oak, now $5.75

$16 Serving Table in the fumed oak, now $5.75

$12.50 Solid Oak, golden finished Arm Dining Chairs with leather seats, $5.75

$360 BEDROOM SET OF 3 PIECES, NOW $187
A fine crotch mahogany over solid mahogany set from the shops of Nelson & Matter. Set includes full-size bed, dresser and chiffonier.

$25 damaged Sewing Table in white enamel, now $6.00

$10.00 Mahogany Water Glass Carrier, now $6.00

$18 full size Mahogany Bed $6.75

$28 damaged White Enamel Toilet Table, now $6.75

$13 Mahogany Arm Chair or Rocker with upholstered seat, Colonial pattern, now $7.25

$19 Kaltex Arm Chair, now $7.50

$18 Stickley Hall Mirrors in fumed oak, now $8.75

$15.00 Statue, "Flying Mercury," old ivory finish, now $8.75

$13.50 full size Brass Beds, now ... $9.00

$35 Serving Table in mahogany .. $9.75

$28.00 Serving Table in the fumed oak, now $9.25

$20 Solid Mahogany Book or Magazine Rack, now $9.25

$25 Solid Mahogany Book Stand .. $9.75

$75 fine Circassian Walnut Serving Table, now $10.75

$15 Mahogany Somnoe, now $8.75

$32 Colonial Scroll Bed in golden oak, 3-4 size, now $11.75

$38 Oak Serving Table in Early English finish, now $12.00

$17.50 large Arm Rocker in fumed oak, with Spanish leather seat, now .. $12.50

$21.00 Full size and ¾ size continuous-post Brass Bed, now $13.50

$22.50 Oak Dressing Table with cane panels, now $12.00

$27.50 Chiffonier in Circassian Walnut, now $14.75

$225 BEDROOM SET OF 4 PIECES, NOW $98
Slightly damaged by water, in birdseye maple; Sheraton inlaid design. Set includes full-size bed, dresser, chiffonier and toilet table.

$27.50 Double decked Tea Table and Tray in solid mahogany, now .. $14.75

$27.50 heavy Library Table in fumed or waxed golden oak, now $15.75

$28.50 full size, heavy Brass Bed .. $16

$35.00 Dresser in cream enamel finish for $16.00

$35.00 Colonial Scroll Bed, 3-4 size, in golden oak, now $16.00

$33.50 solid Mahogany Table with tapered pedestal base, made by Cowan of Chicago, now $17.50

$40 Beds, 3-4 size, in cream enamel, cane paneled, now $18.50

$360 BEDROOM SET OF 3 PIECES, NOW $157
Solid Mahogany large Dresser, large Chiffonier and Toilet Table, and in a design that compares favorably with many of the higher priced sets.

$30 Reed Arm Chair, winged back, with upholstered seat, now $17.75

$32 Solid Cuban Mahogany Arm Chair with seat and back upholstered in panne mohair, now $18.00

$38 Toilet Table in Circassian Walnut, now $18.75

$27.50 Mahogany Poster Bed, full size, now $15.00

$33 large Arm Rocker or Chair upholstered in Spanish leather, now ... $19.75

$75 to $100 fine Art Domes, electric, in our show windows ..... $22 to $27.50

$45 large Arm Rocker in the fumed oak, with Spanish leather seat and back cushions, now $22.50

$490 BEDROOM SET OF 4 PIECES, NOW $244
In mahogany, and a splendid example of Sheraton inlaid pattern, twin beds, large dresser and writing desk comprise this fine set.

$45 overstuffed easy Arm Chair with loose cushion seat, now $24.50

$85 white enameled Desk with cane panels, made by Berkey & Gay, water damaged, now $25.00

$42.50 large, heavy Library Table in fumed oak, now $25.00

$47 all square-tube Brass Bed, full size, now $27.00

$45 heavy, full size sample Brass Beds with continuous post, now $29.75

$50 large Buffet in golden oak, Grand Rapids make, now $28.50

$60.00 Wardrobe in birdseye maple, interior fitted with nickel plated fixtures, now $27.50

$60 Cheval Mirror with solid mahogany frame, full size mirror, now $32.00

$57 Arm Rocker, upholstered in Spanish leather, now $35.00

$65.00 Colonial four-poster Beds in mahogany, full or 3-4 size, now $38.50

$87 Cheval Mirror with solid mahogany frame, now $39.00

$75.00 solid Mahogany Tea Table, made by Cowan, of Chicago, now $39.00

$85.00 Colonial Cheval Mirror with mahogany frame, now $42.50

$110 fine mahogany Cabinet $49.50

$87.50 large overstuffed Davenport, now $49.50

$125 fine high back Sofa with carved, solid mahogany frame, now $58.50

$160 large Colonial Chiffonier in beautifully figured Circassian Walnut, now $79.50

$175 large Colonial Chiffonier in mahogany, now $97.00

$285 large, Sheraton inlaid mahogany Cabinet, a faithful reproduction and a beautiful piece, now $125

$330 TWO-PIECE SET, NOW $153.50
Dresser and Chiffonier—two large and splendid pieces in solid mahogany. This set from the shops of Nelson & Matter, Grand Rapids.

A COLUMN OF FIRE SALE ITEMS CONTRIBUTED FROM

The Carpet and Rug Department

15 Patterns of Standard Grade Carpets at Less Than MANUFACTURER'S COST

$1.50 to $2.25 yard grade are now being closed at, the yard **75c**

Fabrics whose names have been household words for generations.

BIGELOW, AXMINSTER, SMITH AND HARTFORD AXMINSTERS AND SANFORD VELVET, in quantities ranging from 24 yards to 150 yards, suitable for living room, dining room and bedroom use. The opportunity to buy carpetings of these makes at such ridiculously low prices has never before been known in Portland. Such an opportunity may never occur again.

The $1.35 to $1.50 yard grade Roxbury Brussels Carpet being closed out, yd. **60c**

—The best known and highest grade 10-wire Brussels on the market. Borders to match.

Never Such Low Prices on

Room-Size Rugs

$60.00 Fine Wilton 9x12 Rugs, Now $35.00 to $47.50.
$40.00 to $47.50 Wilton Rugs, 9x12 feet, $26.75 to $36.75
$33.00 Body Brussels, 9x12-ft. Rugs, now $21.75 to $24.75
$30.00 Body Brussels Rugs, Now at $19.95
$60.00 to $75.00 Imported Seamless Rugs, Now $44.90
$30.00 to $45.00 Scotch Rugs 9x12-ft., now $15.75 to $26.75

VERY UNUSUAL PRICES IN SMALL RUGS

50 Assorted Small Rugs, average 27 by 54 inch size; regular price, $3, choice at **$1.25**

Imported and Domestic Rugs—A special lot of these magnificent rugs, including German and Austrian, Anglo Persian, Hartford Saxony, Ardebil and Herati. Regularly priced at $10 to $12.50, now **$5.75**

Anglo Persian and equal grades, size 22½ by 36 inch; regular price $4.50, now **$3.25**

Extra Large Rugs

There is so little demand for rugs larger than the 9x12 ft., and this offering enables you to secure one at the price often asked for the smaller sizes. Note our present prices:

ANGLO-PERSIAN, ARDEBIL AND HERATI RUGS.

$55 for the regular $71.50 Rugs, size 10 feet 6 in. by 10 feet 6 in.
$59.75 for the regular $81.75 rugs, size 10 ft. 6 in. by 12 ft.
$67.50 for the regular $92.00 rugs, size 10 ft. 6 in. x 13 ft. 6 in.
$76.75 for the regular $102 rugs, size 11 ft. 3 in. by 15 ft.
$37.50 for reg. $57.50 Wilton rug, size 10 ft. 6 in. by 12 ft.
$29.50 for reg. $40 Axminster rug, 10 ft. 6 in. by 13 ft. 6 in.
$55.75 for reg. $67.50 Wilton rug, size 10 ft. 6 in. by 12 ft. 6 in.
$59.50 for regular $75 Wilton rug, size 11 ft. 3 in. by 15 ft.
$34.50 for reg. $45 Body Brussels rug, 10 ft. 6 in. by 13 ft. 6 in.
$43.50 reg. $50.50 Body Brussels rug, 10 ft. by 13 ft. 6 in.

The Drapery-Upholstery Sale Is Most Remarkable in Value-Giving

Note This Unique Sale—It Begins Tomorrow

Table Number 1

Brass Goods—Brackets, Sockets, Pole Ends, attachments of all kinds, Curtain Rings, Extension Rods, etc., etc., at

One-Fifth Former Price

For instance:
65c Extension Rods now 13c
25c Extension Rods now 5c

Table Number 2

On this this table will be shown bundles of short lengths of Cretonnes, Madras, Satines and Laces—one yard to five yards each. Here are some instances of the pricing:

Five-yard bundle of Imported Cretonne, formerly $2.50, now at ..... **75c Bundle**

Six and one-half yard bundle of Lace, formerly $5.85, now at ..... **$1.25 Bundle**

Four and one-quarter yard bundle of imported Madras, former price $1.75, now at ..... **75c Bundle**

Five yard bundle of Sundour Fabric, former price $7.50, now at ..... **$1.50 Bundle**

Table Number 3

This table will include Fancy and Plain Bungalow Curtain Laces, 50 inches wide, ranging in length from 10 to 35 yards, and ranging in regular price from 75c to $2 yard, but to be sold at

¼ Regular Price
OR 18¢ YARD, TO 50¢ YARD

Table Number 4

On this table will be short lengths of Brocades, Striped Silks, Velvets, Tapestry, Armures and Damasks—one yard to three yards, formerly priced $1 to $10 yard, but to be offered at

20c to $1.75 a Yard

Table Number 5

will include Linens, Cretonnes and Taffetas in sample lengths of from one yard to three yards, regular prices ranging from 60c to $5 yard, but now at

12c to $1 a Yard

Other Interesting Bargains

Fire Sale of Wall Papers

75c yard Kamma Cloth, for bungalow drapery, now, yard 25c

25 Bundles of High-Class Wall Paper at Quick-Disposal Prices. For instance: Sixteen-roll bundle of Imported Paper, regular price $24.00, now, the bundle $4.50

Eleven-roll bundle of Grass Cloth Paper, former price $66.00, now, the Bundle $4.50

Six-roll bundle of Imported Embossed Paper, former price $30.00, now the bundle $1.50

$8.50 Asbestos Table Pads, now at $3.90

Two Extra Leaves for Same, 90¢.

$2 Bolster Rolls, full size, with padded end, now 35c

Fifth and Stark

J. G. Mack & Co.

Fifth and Stark