

## ASTORIA'S FIGHT ON PORT OF COLUMBIA

### Former Warring Factions Are United for Battle Against Harbor Measure.

### EXPECT VICTORY IN COURTS

#### Opponents of Act Aimed to Correct Abuses of Pilotage and Towage Service on Bar Attack Its Constitutionality.

ASTORIA, Or., March 22.—(Special Correspondence.)—Clatsop County will not let its neck in the Columbia harbor fight with Multnomah and Clatsop counties. If Astoria citizens can argue the courts into severing the bond as enacted by the Oregon Legislature last month, to become operative two months hence, that being the Sunday infernal adjournment of the Legislature, as required by the constitution.

The legislative act transfers control of wharves on the Columbia River bar to a new commission of five members, three of them to be Multnomah residents, and adds the new authority of controlling bar towage. The present Pilot Commission has three members, F. J. Taylor and A. W. Pendlton, being Clatsop residents, as required by law, the other being Sylvester Farrell, of Portland. Pendlton has been living in Portland a considerable time, but is actually a citizen of Astoria.

The legislative act therefore takes control of bar pilotage from Astoria and gives it to Portland. Not only that, but it gives Portland control over bar towage—authority not now held by Astoria.

In fine, the act confers on Portland powers and privileges which Astoria does not wish that city to possess. Astoria fears Portland may build on the law a machine or organization hurtful to the commercial growth of Astoria, and seeking ultimately to exact tax tribute from Astoria for maintaining Portland's river channel above Astoria—this by means of Portland's overwhelming pilot power in elections and legislation.

**Astoria's Dreams of Greatness.**

Deep-rooted in the hearts of Astoria citizens is the hope of grand future progress for their city and rivalry with Portland for commercial supremacy, and even perhaps of triumph over Portland, because of nearer proximity to ocean. Under the circumstances, it is easy to understand the Astoria spirit. That spirit may misinterpret commercial forces and Portland's aims, but it springs true from loyalty to the city.

Portland's argument for the act—that pilotage and towage need the remedy and remedy must be provided, else the Columbia River port will lose in the race for supremacy against Puget Sound, that Portland aims not to tax Astoria with river channel costs and that Clatsop County is included in the taxing district only so as to give the Port of Columbia necessary jurisdiction in Clatsop—these are the points advanced in Astoria ears.

Astoria would even dispense with any Oregon law for pilotage rather than let the new act operate, for annulment of that act would leave no law, since the sections repealing the present laws would hold.

Amended with two U. S. amendments to the constitution as enacted by the people of the state last June, and with a decree of the State Supreme Court of 1881, Astoria is training a fight. The amendments confer home-rule powers on municipalities; one denies to the Legislature authority to create corporations by special laws, the Port of Columbia being a special law, or to enact, amend or repeal any charter or act of incorporation for any municipality, city or town.

The Supreme Court decree, in the decision of 1881, declares the Port of Portland created for municipal purposes, and the legislative act creating the district void.

Astorians aver that the Port of Columbia district is a municipality like the Port of Portland district; that the constitution, as amended in June, 1867, strips the Legislature to create a municipality; that the only authorities who can create the port district of Clatsop, Columbia and Multnomah are the voters of these counties; and that the legislative act creating that district is therefore void.

To this argument Astorians add that the legislative act violates the old provisions of the constitution, which declare "all taxation shall be equal and uniform" (article 1, section 2); and that the Legislature "shall not pass special laws for the assessment and collection of taxes for state, county, township or road purposes" (article 4, section 2, subdivision 10)—this on the ground that the bar service of the Port of Columbia would serve not alone the three counties taxed, but the whole state as well, and that therefore they should pay the taxes alone, but all Oregon.

Astoria's lawyers are weighing the constitution and the act. The County Court has appointed a committee to investigate the authorities. F. J. Taylor, leader of the Astoria lobby against the bill in the Capitol last month and Pilot Commissioner under the old law, G. C. Fulton, brother of United States Senator Fulton, and J. F. Hamilton. The committee members say they have not yet put their heads together and are not resolved what procedure to advise. The leading member on the committee is Judge Taylor.

**Former Factions Are United.**

Never has Astoria so united its warring political factions as to oppose the legislative act. Such is the assertion of Mayor Herman Wise. Says he:

"The bill for the act was drafted in secret in Portland and hid from us of Astoria, even after introduced. Copies of the printed bill were snatched up and put away and we could not find them. The State Printer sought copies for us, but they had been put away after leaving his press.

"We Astorians were not consulted about the bill before it was introduced. We did not know that it was to be introduced. We were hardly consulted after it was presented. True, the Multnomah Legislators held a conference and invited us to attend, but it was perfunctory and our suggestions were all rejected.

"We do not consider that a square deal. We had only three votes to cast against it. Had we known of its existence we were overcome by force of numbers.

**Would Include Whole State.**

Portland made no effort to reach an understanding with us. If such effort had been made, we would have responded readily. The taxing district should have included the whole state. The Commission should have represented the whole state. Authority should have been conferred on

a State Commission to remedy existing defects in the pilotage.

"We object to being yoked with Multnomah because we cannot perceive what is in store for us. Multnomah's great political power can impose any further legislation it desires, by means of the initiative. That means higher taxes for Clatsop County and we know not what else."

**And what of the pilots?**

Uneasy, of course they are, over prospective change of masters. They want their Astoria masters kept. Portland men are bad medicine to them. The critics and kickers live in Portland. From that city have come frequent calls for the scalp of the pilots, for alleged dereliction of duty. Hence also have come demands for more pilots, so as to put new blood into the pilot ranks. The Portland kickers declare the pilots are lazy or lack nerve and like to be ashore when they should be at the bar.

All this rouses the pilots. They don't like Portland. But they like Astoria. This city pets them and says they are doing the very best they can. It says they are not at fault, not the pilots. The pilots don't like to quit the protecting wing. They dread the sharp spurs of Portland shippers. Perhaps they dread not worse the blow of the sou'wester.

**Pilots' Earnings Reduced.**

In answer to Portland's plea, three more pilots were recently commissioned, making 12 in all, three of them for the State of Washington. That reduces the earnings of the nine old pilots, since the fees must now be divided with three more. The "old boys" don't like that, either. They think there is not enough shipping. And they would be right glad to see Astoria knock out the new act. There would then be no law on the Oregon side for regulation of pilots and a tug sweeping on the new commission. The common objection to the new act is that it confers powers too numerous and too sweeping on the new commission. Another is that vacancies in the commission are to be filled by the commission—a non-American and a non-democratic institution.

The court fight over legality will center in the question whether the new port district is a municipality of the kind barred by the constitution. If it is not, the district will set up that the district is not that kind. It will argue that the constitutional amendments intend municipalities, and that the new port district is not a municipality of the kind barred by the constitution. Its argument is quite formidable.

**Change of Constitution.**

Until last June the constitution of Oregon provided that corporations may be formed under general laws, but should not be created by special laws, except for municipal purposes. (Art. XI, Sec. 2.) The last four words were the only ones in the constitution giving the power to create counties, towns and municipalities to the Legislature. Those four words were repealed by constitutional amendment in June, 1904. The amendment further provided, as already cited: "The Legislature shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charters, subject to the constitution and criminal laws of the State of Oregon."

But now that the one provision in the constitution, authorizing passage of special acts by the Legislature for municipal purposes has been repealed, and, as Astorians aver, a specific inhibition has been placed against the Legislature's passing special laws for any municipality, the question raised is a very important one and ought to be settled before the Port of Columbia shall endeavor to sell its \$400,000 bonds authorized by the act for the purchase of pilot-boats and tugs.

**Decision on Port of Portland.**

The decision as to the legality of the act creating the Port of Portland was rendered July 8, 1881, having been enacted in the preceding February. A test suit was brought to determine the validity, as necessary preliminary to sale, of a large quantity of bonds. The question turned, as the court pointed out, on the meaning of "municipal purposes." The court declared the Port of Portland created for municipal purposes in an opinion written by Judge Bean and concurred in by Judge W. P. Lord. The case was argued by Chief Justice R. S. Strahan. In part, the decision was as follows:

A city or purely municipal corporation is, perhaps, the highest type of corporation created for municipal purposes, because it is a miniature government, having legislative, executive and judicial powers, but there is another class of corporation, such as counties, school districts, road districts, etc., which though varying in application and particular features, are but so many agencies or instrumentalities of the state to promote the convenience of the public or to promote the interest of the state. In the broadest use of the term, for municipal purposes, it would include counties and unwarranted construction of language to say that municipal purposes means only cities and towns.

The court in this case evidently contemplates

the creation of counties under the direct supervision of and by a special act of the Legislature; yet no direct power is given to create them, and a section under consideration contains a direct prohibition against doing so, unless the word municipal covers this class of corporations.

**FUNERAL THIS AFTERNOON**

**Obsequies of Captain Rockwell to Be Held at Trinity Church.**

Funeral services for Captain Cleveland Rockwell, whose death occurred at the family home at 10 o'clock Thursday night, will be held at 2 o'clock this afternoon from Trinity Episcopal Church, Dr. A. Morrison officiating. The body will be cremated.

John Rounsaell, of Los Angeles, daughter, will be unable to reach Portland in time for the funeral, because of the floods in California, which have effected.



The Late Capt. Cleveland Rockwell.

factually and completely tied up traffic on the Southern Pacific. Mrs. John R. Stephens, another daughter, is here with her mother.

Captain Rockwell was so widely known throughout Oregon and the Pacific Coast, as well as in the East, that it is expected large numbers will be present at the funeral. He was a noted marine artist, as well as a scientist, one of his famous paintings being a canvas of the mouth of the Columbia River, showing a tug towing a large sailing vessel over the bar.

### Boy of Five Equal to Young Man in Size

Roy Ffifeild, Child of Remarkable Physical Development and Stunted Mentally, Sent to Asylum.

ROY FFIELD, 5 years old, and one of the most remarkable human monstrosities on record, was taken before the County Court yesterday and adjudged insane, after a close medical examination. To the layman the case is infinitely pathetic and to the medical man it is one of unusual interest.

At the age when the normal child is leaving short dresses Roy has grown to the physical proportions of a youth of 18, while his mind has failed utterly in its growth. With a head that requires a hat too large for the average man, the child has nothing but confusion and idiosyncy in the interior and is devoid of intelligence. Notwithstanding the absence of mentality he has shown a tendency to forms of degeneracy. Dr. Joseph, who conducted the mental examination, pronounced the case one of the most remarkable that had ever been brought to his attention. The hapless freak was taken in custody by the authorities at the instance of his father. Following the examination the boy was sent to the State Insane Asylum.

### "The New York Special"

Over the Pennsylvania Short Line from Chicago to Pittsburgh, Philadelphia and New York, leaves Chicago at 8:15 o'clock every morning. This 23-hour New York train attracts many passengers with its dining car and parlor car daylight service from Chicago to Pittsburgh, and its sleeping car service from Chicago to New York. Details about this and other trains east freely furnished upon request addressed to P. N. Kollock, Dist. Agt., Portland, Or.

Every woman should know that Carter's Little Liver Pills are a specific for sick headaches. Only one pill a day. A woman can't stand everything.

### SEVEN DIVORCES ARE GRANTED

#### Galling Ties Are Severed in the State Circuit Court.

In consequence of a hitting trip into the Klondike country seven years ago, A. D. Fowler, husband of Mrs. G. V. Fowler, divorced his wife, Lulu Guthrie, yesterday. In his statement of the case in the State Circuit Court, Guthrie said that during the winter of 1900 she returned to find that her husband had left home after disposing of their belongings. Through the years that have elapsed she has been unable to learn why she left him, he said. He was given a divorce decree.

The divorce will ground six other knots in the matrimonial web. Mrs. G. V. Fowler said that Albert Fowler was brutal and spent all his money for drink. She has stood 15 years of this conduct but could stand no longer, she said. Whereupon she was relieved of the necessity of speaking to Fowler next time she sees him.

Blanche Bacon had an even greater grievance against Walter Bacon. He is a mechanic with an innate aversion to housework, she said, according to her story, and insisted that she become a professional firm and thus earn enough to support them both. She was promptly given a divorce.

Frances J. Harris married George O. Harris in Portland two years ago. A year later she was deserted. Yesterday she was divorced.

M. Bowman was deserted recently by Edna Bowman, to whom he was married here in 1888. He got a divorce.

The marriage of Miss A. Bradley and Darwin Bradley was set aside on the grounds that Mrs. Bradley married within six months from the date of being divorced from a former husband. The proceedings were instituted by Bradley.

Elizabeth Parelius filed application with the court for a divorce from Henry Parelius, claiming that he is in the habit of getting drunk on an average of three times a month. Further than this he is excessively abusive when intoxicated, she says in her complaint. They were married in Portland ten years ago. A divorce and \$50 a month alimony is asked.

### POLICEMAN GOLTZ HAS NARROW ESCAPE FROM EXPLODING STOVE

Municipal Court Heater Blows Up With Loud Noise—A. Sharp Accidentally Gets Into Trouble.

IN THE midst of the grind in the Municipal Court yesterday morning, a huge stove that is supposed to heat the room exploded with a loud report and a roar that startled every one. Accumulated gas and smoke blew open the door, caused the heater to tremble and away as if it were about to tumble down and set fire to the building.

Great excitement prevailed, but persons the one person above all others to take front rank with the frightened ones, was Patrolman John Goltz. He had been standing leisurely in front of the stove, which had steadfastly refused to burn. Goltz was engaged in a desperate effort to warm his back when the explosion came with its deafening report.

Goltz leaped into the air, shrieking in fright. For a moment his feet were lost in the dense smoke that issued from the stove, but when he emerged it was seen that he was still a man, and in fact, not injured, but badly scared. Business was soon resumed and the incident passed into history.

A SHARP is out of harmony with the law is the world. He can't see things as some do. His one great foe is work. He positively refuses to work. It was because of this that he was arrested and brought before Judge Cameron.

When arraigned before Judge Cameron yesterday morning, A. Sharp was very restless. He was ill at ease, for it was some work to tell his story, and he disliked it.

Judge Cameron was inclined to lecture Sharp for his unnatural aversion toward work.

"Why can't you B. Natural, A. Sharp," asked Judge Cameron. "Undoubtedly you take a full measure at every bar, but I would advise you to change your tune and seek work."

The case was continued until March 26, as Sharp thought could approve the change of vantage.

Judge Cameron Advises A. Sharp to B. Natural.

injured, but badly scared. Business was soon resumed and the incident passed into history.

## OBJECT TO RAILWAY

### Citizens Oppose Franchise to Use County Road.

#### FOR MOUNT HOOD LINE

### Public Meeting at Courthouse Develops Strong Opposition to Laying Track for Electric Cars on Section Line Highway.

Strong opposition to the granting of a franchise to the Mount Hood Electric Railway Company, whereby that corporation would be permitted to use about seven miles of the Section Line road, was developed before the County Court yesterday afternoon. A public meeting was held at the Court House for the purpose of canvassing the situation, and instead of the conventional handful of interested persons, the county courtroom was packed to its capacity.

Much was said pro and con on the proposition, but no decision was reached. There are many things to be decided before the terms of franchise can be laid upon. If any franchise is to be allowed at all, Next Wednesday forenoon at 10 o'clock County Judge Webster will announce, on behalf of himself and Commissioners Lightner and Barnes, whether any franchise is desirable. In event it is decided to give a franchise, the question of proper conditions will arise. This question will be considered at a second public meeting to be held.

To the electric line itself there seemed to be no objection. In fact it is pretty generally agreed that the benefits of transportation facilities between Portland and the base or summit of Mount Hood are obvious. But as to the use of the Section Line road as part of the right-of-way, that is where the hitch comes in.

While all were invited to participate in the discussion of the matter, comparatively few took advantage of the opportunity for public expression. A. F. Fletcher, attorney, represented a number of landowners and residents who use the Section Line road and in behalf of these clients Mr. Fletcher made a statement which he opposed the plan as a matter of general policy on the county's part. Of a road 90 feet wide he did not think it advisable to surrender 11 feet to a private corporation.

President Perkins, of the Mt. Tabor Improvement Association, made similar objections. Representing the association, he said he was not opposed to the line itself but thought promoters should purchase a right-of-way, rather than beg one from the county.

Waldemar Seton, on behalf of the railway promoters, outlined the advantages of the road. He showed that 20 feet of the road is now gravelled and that this part alone is used by teams, leaving the remainder unused. By giving the county use of the road, provision might be made for the free hauling of materials for extensive and inexpensive improvement in the road.

Robert A. Miller spoke in favor of the road, saying it would be a great factor in the development of the county and its growth. With a head that requires a hat too large for the average man, the child has nothing but confusion and idiosyncy in the interior and is devoid of intelligence. Notwithstanding the absence of mentality he has shown a tendency to forms of degeneracy. Dr. Joseph, who conducted the mental examination, pronounced the case one of the most remarkable that had ever been brought to his attention. The hapless freak was taken in custody by the authorities at the instance of his father. Following the examination the boy was sent to the State Insane Asylum.

### Chinamen in Mining Company.

Articles of incorporation of the Great American Mining Company, in which two Chinamen are prime factors, were filed with the County Clerk yesterday. The corporation announces its intention of dealing in mining and arid lands, general power and providing irrigation plants. The capital is fixed at \$500,000 and the life of the concern is fixed at 20 years. The incorporators are Choo Choo, Lee Gum, Henry Lee, W. Hutchings and J. F. Chilcote.

### Policeman Detained by Balky Elevator

Keller Thirtly Minutes Late in Appointment to Take Young Woman to the Theater.

Mounted patrolman JOE KELLER, of the Portland Police Department, has gained a sudden antipathy for elevators. It is all because the officer was delayed some 20 precious minutes Tuesday night while on the way to meet his best girl. He is engaged to a charming young woman residing on the East Side whom he had asked to witness "Alcega-by-the-Sea" at the Hellie Theater in his company the night in question. He was delayed some 20 minutes by a refractory lift in the Raleigh building.

Having 15 or 20 minutes to spare before meeting his sweetheart, Keller decided to call at the office of a friend. In this he reckoned without the moods sometimes acquired by elevators. The elevator boy lifted it and also upward, but unfortunately for the officer's engagement, the mechanism became twisted and the machine was stalled between floors. The elevator boy managed to make his exit through a small space in order to visit the seat of the trouble and endeavor to remedy the defect in the machinery in the basement. After several minutes, which seemed hours to the imprisoned officer, the boy made his way upstairs and informed Keller that he could not locate the trouble and throwing a collection of tools into the elevator, he instructed the officer how to loosen the side of the cage so that he could make an aperture large enough to permit his gaining freedom.

Keller has a record for being an excellent police officer, but his knowledge of the art of "knocking down" elevators is extremely limited. After selling his clothing, features and scratching up his hands and wrists in the effort to unscrew the parts necessary to secure his liberty. He glanced at his watch, and, to his dismay discovered that it was at least 15 minutes past the time mutually agreed upon for meeting his sweetheart. Rushing down the street in breathless haste he finally reached the appointed place 15 minutes late and found a very angry

### STRIKE STILL ON AT ROCKPILE

#### Nine of the Prisoners Thrust in Dungeons for Reflection.

Aversion to work continues stronger than the desire for food of a more nourishing character than bread and water.

### OWN YOUR OWN HOME

#### ROSE CITY PARK

so far as some of the county prisoners at the Kelley Butte rockpile are concerned. With the recent strike settled and the chain-gang back at work pounding rock, the latest announced their intention of holding out yesterday. They declined to go to work with the others.

When the entire crew struck, their rations were cut off and they were compelled to sleep in their quarters without beds. But there is room in the dungeons for these nine and into the dungeons they went yesterday. They will remain there with no lights and only enough bread and water to keep them alive until they are willing again to take up the manufacture of little rocks from larger ones.

**Gets Fees, but No \$2000 Salary.**

T. C. Sullivan, Justice of the Peace at Mount Tabor, is entitled to fees for his judicial acts but not to the flat salary of \$2000 a year as provided by the last Legislature for Justices in cities of over 5000 population. The County Court decided yesterday that while the Mount Tabor Justice has jurisdiction over a portion of the corporate limits of Portland, his chief domain lies within the boundaries of Mount Tabor. Failing, thus, to come into the class designated in the recent enactment he is not eligible to the salary class, so it was decided.

**Suits to Cancel Patents.**

Yesterday morning, Assistant United States District Attorney Cole filed four suits in the United States Circuit Court for the cancellation of patents to Government land in Oregon. Two of the claims, each of 160 acres, were purchased by S. A. D. Pater and Fred A. Krebs. The facts upon which cancellation will be asked come to the Government during the land fraud trials of last year, and it is believed that many other claims, fraudulently acquired, will be cancelled in like manner in this state.

young woman, who had waited patiently on the cold street corner, and who immediately taxed him severely for his tardiness. In spite of all his emphatic protests she refused to be convinced that an elevator was responsible for his delay, and forebly conveyed her belief to him that the excuse was "fishy."

Complaints have been made to the effect that the structure is faulty; that the abutments on the south side were placed on made ground, and that the rainy weather of the past three months had unsettled the foundations. Engineer Taylor will make a thorough examination, and if the fears of property-owners are well grounded, he will take steps to have repairs made.

**Jeffries Will Tour Europe.**

LOS ANGELES, March 22.—James J. Jeffries has completed arrangements to go to Europe with his wife in June. He will visit the Jameston Exposition, sailing later from New York.

Did the defunct Legislature represent the people of Oregon? Answered in the People's Press. At all news stands.

### BRIDGE TO BE INSPECTED

#### City Informed That Marquam Gulch Structure Is Unsafe.

City Engineer Taylor will make a careful investigation of the foundations and abutments of the south end of the new steel bridge over Marquam gulch on First street. The bridge was built at a cost of \$50,000 and finished in the Spring of 1905.

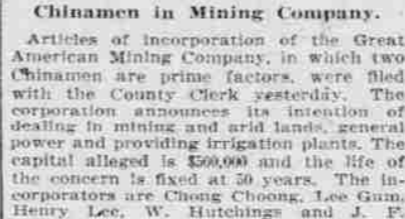
### Says I to myself

#### says I—

## Uneeda Biscuit

Says I to myself says I—they only cost five cents a package.

NATIONAL BISCUIT COMPANY



### Policeman Detained by Balky Elevator

### SEVEN DIVORCES ARE GRANTED

### OWN YOUR OWN HOME

## THE VALUE OF PERSONAL KNOWLEDGE

Personal knowledge is the winning factor in the culminating contests of this competitive age and when of ample character it places its fortunate possessor in the front ranks of

### The Well Informed of the World.

A vast fund of personal knowledge is really essential to the achievement of the highest excellence in any field of human effort.

A Knowledge of Forms, Knowledge of Functions and Knowledge of Products are all of the utmost value and in questions of life and health when a true and wholesome remedy is desired it should be remembered that Syrup of Figs and Elixir of Senna, manufactured by the California Fig Syrup Co., is an ethical product which has met with the approval of the most eminent physicians and gives universal satisfaction, because it is a remedy of

Known Quality, Known Excellence and Known Component Parts and has won the valuable patronage of millions of the Well Informed of the world, who know of their own personal knowledge and from actual use that it is the first and best of family laxatives, for which no extravagant or unreasonable claims are made.

This valuable remedy has been long and favorably known under the name of—Syrup of Figs—and has attained to world-wide acceptance as the most excellent family laxative. As its pure laxative principles, obtained from Senna, are well known to physicians and the Well Informed of the world to be the best we have adopted the more elaborate name of—Syrup of Figs and Elixir of Senna—as more fully descriptive of the remedy, but doubtless it will always be called for by the shorter name of—Syrup of Figs—and to get its beneficial effects, always note, when purchasing the full name of the Company—California Fig Syrup Co.—printed on the front of every package, whether you call for—Syrup of Figs—or by the full name—Syrup of Figs and Elixir of Senna.

## Says I to myself says I—

## Uneeda Biscuit

Says I to myself says I—they only cost five cents a package.

NATIONAL BISCUIT COMPANY

### Shopping Trips are enjoyable, but fatiguing; a cup of Ghirardelli's Ground Chocolate for breakfast helps wonderfully, it is so sustaining as well as delicious. Before returning home don't forget to

Ghirardelli's Ground Chocolate

## CALIFORNIA FIG SYRUP CO.

SAN FRANCISCO, CAL., U.S.A.

LOUISVILLE, KY. LONDON, ENGLAND. NEW YORK, N.Y.