



COLUMBIA PORT AGENTS UNLAWFUL
Not Constitutional Says Supreme Court
VIOLATES 1906 AMENDMENT
Corporations Shall Not Be Created by Special Laws.
OPINION BY JUSTICE BEAN
Decision Rendered by Circuit Court in Multnomah County Reversed.
Distinction Between General and Special Legislative Acts.

PORT OF COLUMBIA CASE.
By act of the Legislature of 1907 the counties of Multnomah, Clatsop and Columbia were created a separate district and declared to be a corporation by the name of "The Port of Columbia."

SALEM, Or., Sept. 3.—(Special.)—The Supreme Court today held the Port of Columbia act unconstitutional, because passed in violation of section 2 of article 11 of the Constitution, as amended by the people in 1906, which declares that corporations may be formed under general laws, but shall not be created by special laws.

Contrary to Constitution.
"A law is general when it operates equally and uniformly upon all persons, places or things, brought within the relation and circumstances for which it is provided. But when it is applicable only to a particular branch or designated portion of such persons, places or things, or is limited in the object to which it applies it is special."

Text of Court's Decision.
Herewith is given the full text of the decision of the Supreme Court in the Port of Columbia case:

Can't Be Formed by Special Law.
This law was evidently modeled after that creating the Port of Portland (Sess. L. 1891, 271), and if the constitution had not been amended since the enactment of the latter statute it could possibly be sustained, if otherwise valid, on the ground that it is a corporation created for municipal purposes.

provided that "corporations may be formed under general laws, but shall not be created by special laws, except for municipal purposes," and it was held that the Port of Columbia was a corporation formed for municipal purposes.



Gifford Pinchot, Chief Forester of United States, Who Favors Free Imports of Lumber to Save the Forests.

Every Public Law Not General.
It does not follow, however, that because a public law is general in form, it is general in effect.

University Case Not Similar.
The case of Dunn vs. State University, 9 Or. 237, and Liggett vs. Ladd, 23 Or. 26-45, are cited as authorities supporting defendant's position. It is argued that the Regents of the University and of the Agricultural College are not corporations for municipal purposes.

concluded on Page 6.

JAPANESE SEIZE FINE NAVAL BASE
Pratas Island at Gate of Philippines.
GOOD ANCHORAGE FOR FLEET
Only 60 Miles North of American Territory.

LAST LAND FROM FORMOSA
Explorers Hoist Flag on Sandy Isle Only Visited by Fishermen and Useless Except as a Base for Naval Operations.

WASHINGTON, Sept. 3.—(Special.)—News from Yokohama that Japanese "explorers" had occupied and hoisted the national flag over the island of Pratas, near the Philippines, attracted much attention here because by this act as been added to Japanese territory an island within 120 miles of the Philippines, which would furnish an admirable naval base, Japanese possessions are brought almost within the archipelago, because Pratas island is less than 60 miles north of the twelfth parallel, which was the international boundary of the former Spanish dominions as defined in the treaty of Paris.

Pratas Island, in connection with the excellent anchorage afforded by Pratas Park here, would be very serviceable to the Japanese, should they operate in the waters adjacent to the Philippines. The reef, the northeast point of which is about eleven miles from the island, is a wind barrier of circular form, inclosing a lagoon with water of from five to ten fathoms. The reef is about 40 miles in circumference, and between one and two miles in breadth. There are two channels leading into the lagoon, one on either side of Pratas island. There are several good anchorages in from ten to twenty fathoms of water, the position abreast of the south channel being well adapted for naval purposes.

SAVED BY TREE'S FOLIAGE
Female Aeronaut Falls 300 Feet, but Escapes Injury.
MIDDLETOWN, N. Y., Sept. 3.—Mrs. Myrtle Rysdike, a 17-year-old aeronaut, narrowly escaped death in making a balloon ascension at Midway Park here.

concluded on Page 6.

NEWS SERVICE NEARLY RESTORED.
NEW YORK, Sept. 3.—Melville B. Stone, general manager of the Associated Press, sent the following bulletin to Associated Press papers today:

The territory east of the Mississippi River, with the exception of four or five cities in the interior of Pennsylvania and three or four cities in the South, is practically in a normal state. The cities in Pennsylvania referred to are Scranton, Wilkesbarre, Altoona, Harrisburg, and Williamsport, and those in the South are Chattanooga, Nashville, Knoxville, Savannah and Louisville.

WASHINGTON, Sept. 3.—(Special.)—News from Yokohama that Japanese "explorers" had occupied and hoisted the national flag over the island of Pratas, near the Philippines, attracted much attention here because by this act as been added to Japanese territory an island within 120 miles of the Philippines, which would furnish an admirable naval base, Japanese possessions are brought almost within the archipelago, because Pratas island is less than 60 miles north of the twelfth parallel, which was the international boundary of the former Spanish dominions as defined in the treaty of Paris.

ORIGINIAN NEWS BUREAU, Washington, Sept. 3.—The individual military championship of the United States has been won by Harold Travis Smith, an 18-year-old Washington boy, new midshipman at Annapolis Academy. He made the highest average score in the President's match and National individual match, thus outranking the best shots in the Army Navy, Marine Corps and Naval Academy. The department considers it remarkable that so young a man should hold this distinguished record. He will receive an autograph letter of congratulation from the President.

JOEL W. DEWEES, LAWYER AND VETERAN
LINCOLN, Neb., Sept. 3.—Joel W. Dewees, collector of the Burlington Railroad Company for the lines west of the Missouri River, died at his home in Lincoln today after a brief illness, aged 81 years. He was a veteran of the Civil War. Mr. Dewees' service as attorney for the Burlington probably had antedated that of any other man in the legal department of the road.

NOTES OF DISCORD IN WET CONGRESS
Pinchot Forced to Declare for Free Lumber.
ROOSEVELT UNDER CRITICISM
Yuma Valley Men Say Interests Are Ignored.

TIMBER SUPPLY VANISHING
Chief Forester Would Husband It by Free Imports—Pardee Telled of When Roosevelt Demanded the Lumbermen.

SACRAMENTO, CAL., Sept. 3.—Discordant notes ran through the proceedings of the National Irrigation Congress today and the name of President Roosevelt also figured prominently, on one occasion the country's chief executive being referred to in a manner that meant criticism of his policy in connection with the Owens Valley water project. There was also criticism of policies pursued by other Government officials.

Motion for Free Lumber.
The first break in the reign of harmony came shortly before the noon hour. After Gifford Pinchot, Government Forester and personal representative of Mr. Roosevelt, had delivered an address on "Conservation of Resources," Judge E. Raker, of California, moved that it be the sense of the convention that all duties on timber be repealed, in view of the statement of Mr. Pinchot that the supply of lumber in this country would be exhausted within 20 years if nothing was done to protect them. The motion was seconded. It was then moved that the resolution be referred to the committee on resolutions, in line with the plan adopted earlier in the day, when the motion of Matthew Dougherty, of Utah, as amended by Judge Raker, was carried. This would shut off debate.

JOEL W. DEWEES, LAWYER AND VETERAN
LINCOLN, Neb., Sept. 3.—Joel W. Dewees, collector of the Burlington Railroad Company for the lines west of the Missouri River, died at his home in Lincoln today after a brief illness, aged 81 years. He was a veteran of the Civil War. Mr. Dewees' service as attorney for the Burlington probably had antedated that of any other man in the legal department of the road.

legislation. The answer was satisfactory, but Mr. Fairweather, of Fresno, brought matters to an issue by asking Mr. Pinchot: "Are you in favor of admitting lumber free into this country?"



W. A. Williams, of Oregon, Who Sounded Praises of Oregon at Irrigation Congress.

close of the programme was reached it was announced that George Otis Smith, of the Geological Survey, had not arrived in time to speak, and that any delegate who desired to be heard might address the congress. White Smith arose and said he did not think any delegate was opposed to reclamation and forestry, but that it was not a question of what, but of how. He said the congress had heard from only one side.

Yuma Valley Kicker Heard.
Associate Justice Nave, of Arizona, suggested that Mr. Smith be allowed three quarters of an hour to address the convention, and accordingly he took the platform. He said the people could not be properly represented in the Irrigation Congress if not have more voice. Referring to the remark of Mr. Pinchot, the Inyo County man said the Government officials are evidently afraid to stand forth in the interests of the poorer classes, as shown by the statement that they do not want to gain the opposition of interests like those controlling four-fifths of the timber in the United States. Mr. Smith then turned his attention to Mr. (Concluded on Page 3.)

TAFT ACCEPTED AS BEST CHOICE
Worthy to Be Successor to Roosevelt.
STANDS BY POPULAR RIGHTS
Would Govern for People and Not for Interests.

PROVED BY GOOD SERVICE
Roosevelt's Decision to Retire Taken as Final and Reliance Placed in His Judgment as Best Successor.

OREGONIAN NEWS BUREAU, Washington, Sept. 3.—Talk about the renomination of President Roosevelt has completely subsided in the East. Newspapers that once speculated on the third term, or so-called "second elective term," no longer devote space to the subject, and politicians who once discussed the possibility of Mr. Roosevelt's renomination, no longer mention the President in connection with the next convention.

Before Mr. Taft started on his tour around the world, enemies of his declared that he would be unsuccessful, that he would be subject to dictation from Wall street, and that he would be less vigorous than Mr. Roosevelt in the prosecution of the law-breaking trusts. But the Secretary has spoken on these issues, and his words apparently carried conviction to those who heard or read them. Moreover, it is not to be presumed that the President would show such confidence in Mr. Taft if he believed Mr. Taft would turn out as a weakling and permit himself to be swayed by the money interests. The President has had a better opportunity than any one else to study Mr. Taft and find out what is in him, and it is his opinion, after years of association and collaboration, that Mr. Taft is big enough and strong enough and honest enough to fill the Presidential office with more satisfaction to the country than any other one of the men who are aspirants for the place.

Carry Out Roosevelt Policy.
No one questions the desire of the President that his policies shall be carried out after he retires from the White House. More than any other man he is anxious that the prosecution of the law-breaking corporations should be pushed until the last one of them shall be brought to bay. Likewise he wants to see a man in the White House who will keep after the railroads until they show a universal respect for the law and until they deal with the public squarely and fairly. What is equally important, Mr. Roosevelt wants a man in the White House who will be close to the people and who will work for the people and not for the special interests. Mr. Roosevelt knows well Mr. Fairbanks, Mr. Knox, Mr. Cannon and the other aspirants for the Republican nomination, and it is his opinion that Mr. Taft is the one among them who comes nearest his ideal. If Mr. Taft is elected, he will personally and intimately all the various candidates, picks Mr. Taft, and if the President is extremely anxious that Mr. Taft should be elected, and if he still adheres to his statement that he himself will not be a candidate, it is the most natural thing in the world that thousands of Republicans, big and small, should be so confident in Mr. Roosevelt, should begin to look with favor on Mr. Taft as a possible nominee in 1908.

Captious Critics Silenced.
Mr. Roosevelt would not favor Mr. Taft as against other candidates if he believed any of the others better equipped than the War Secretary. There is nothing selfish in the selection of Mr. Taft; it is an honest choice of an honest man. Mr. Roosevelt has no fear that his Successor will be a man who will give chances as he will not; that none of the various men named would attain fame greater than that of Mr. Roosevelt, but whatever the future may develop, that condition is not a factor in the President's choice. He has picked Mr. Taft because he believed in him and because he believed that Mr. Taft could be elected if nominated.

It is strange to note that there is no more criticism of Mr. Taft because he is Mr. Roosevelt's choice. When the Taft boom first had the endorsement of the President, there was a great deal of talk about Mr. Roosevelt undertaking to dictate to the party what it should do, and stories were sent broadcast that no man could be nominated if it became known that he was "Roosevelt's favorite." These reports stated that no man who wore "the Roosevelt yoke" could hope to secure the nomination, reference always being made to Mr. Taft. It has since been discovered that all such reports emanated from the Foraker camp, and since the exposure there has been no more talk of Mr. Taft's unavailability "because he is Roosevelt's choice." The fact that Mr. Taft is Mr. Roosevelt's choice will help him immensely; it will not create adverse sentiment.

PUZZLE—WHO'S ABOUT DUE?



CONTENTS TODAY'S PAPER
The Weather.
FOREIGN.
National.
Politics.
Domestic.
Commercial and Marine.
Pacific Coast.