

TRIAL BY JURY CAN BE APPEALED BY COURT

Counsel for Opposition Says Case Will Be Appealed to Supreme Court.

JETTY TO BE CONSTRUCTED

Vast Timber Area is Accessible to Water Route That Will Be Opened When Project is Carried Out.

Enthusiasts who have upheld the Port of Tillamook were given cause for elation yesterday when it became known that Judge Benson, of Klaskan Falls, sitting in Judge Kelly, of Tillamook, had handed down a decision sustaining the Port of Tillamook in an action begun by land owners having interests in the district that was brought into the original Port of Tillamook and who are opposed to increased taxation under the present system outlined for harbor improvements.

Ralph R. Dunaway, counsel for the plaintiffs, said last night that an appeal would immediately be taken to the Supreme Court, as he thought the question involved should be determined by the higher tribunal.

The project for improving the waterway, which originally included a channel to Tillamook, but which was eliminated on a later report submitted by Major Marrow, Corps of Engineers, provides for the construction of a north jetty at the entrance of the harbor. It is estimated to give a depth at mean lower low water of 20 feet, with a channel extending to Bay City with a depth at the same stage of 16 feet.

Efforts to Pay Half. The project has been approved by the board of engineers and the War Department and the latest step has been to submit it to Congress. To gain the marine betterments the two ports are to pay one-half of the estimated cost, which would make their share \$407,000, and if the total amount is insufficient the Government will provide the balance.

It is said there is between 30,000,000 and 35,000,000,000 feet of standing timber that when cut will largely make water and that it is mostly accessible from Bay City or that it can at least be delivered at tidewater without the necessity of a jetty.

Mr. Dunaway avers that there is no disposition on the part of his clients to delay the adjudication of the legal features, but that they contend the method of procedure in creating the present Port was not proper.

Incidentally, it is declared. The first Port was created under the provisions of the Legislative act of 1899 and under the act of 1909 he holds that there could be no occupation over the Port of Tillamook, and steps that were taken to reincorporate and the matter of extending the jurisdiction was disposed of. In submitting the question of extending the Port's zone, Mr. Dunaway says that the votes were counted together, instead of those within the former district being tabulated separately from those cast by land owners in the additional territory. The method followed, he recites, is in violation of the Oregon system.

In the original Port of Tillamook there is represented taxable property of \$500,000 and with the new territory it is increased to \$5,000,000, said Mr. Dunaway. "The farmers favor one large Port instead of the smaller ones and the question at issue is, I think, the only one of its kind in the state."

KNOWLES' BODY IS RECOVERED. No Trace of Captain and Mate on Wreck of Sarah Dixon.

With the left arm severed and all clothing burned off with the exception of the shoes, the body of Silas Knowles, fireman of the steamer Sarah Dixon, who was on duty when her boiler exploded late Thursday night near Martin's Island, was recovered from the wreck yesterday. A brother of Knowles was at the scene and it was intended to send the body to Portland on the steamer Lulline, or start with it on the gasoline tug Echo.

Captain "Dad" Shaver was informed of the recovery, also that Captain James Shaver, who is in charge of the operations of raising the steamer, expected to board her at the lower end of Deer Island this morning. A start made on raising her and as soon as possible a search was made for bodies. That of Knowles was found in the wreckage, immediately forward of the boiler, but no trace was obtained of those of Captain Stinson and Mate Montiel.

Plugs Renewal Probable. Vessel Owners Think Dixon Disaster May Bring New Rules.

Operators of steam vessels in this district fully expect that the government inspectors will order that fuse plugs in boilers be renewed frequently, probably once a month, because of the explosion on the steamer Sarah Dixon. The fuse plug removed from the crown sheet of her boiler is apparently intact, the soft metal in the center not having melted, and in the opinion of some of the marine fraternity scale might have formed over the plug so as to prevent melting.

Under the existing regulations fuse plugs are renewed twice each year. The average cost is \$1 each and it frequently happens that the plugs are replaced more often owing to defects or leaks which brought there would be objections raised to putting in new plugs every month, as it might be arranged that those removed could be used later, probably after being examined. It would practically mean that the plugs would be inspected every 30 days.

BEACONS ON NEW STRUCTURES. Lighthouse Inspector Announces Tongue Point Crossing Changes.

Photographers interested were notified yesterday through the office of Henry L. Beck, inspector of the lighthouse district, that beginning tomorrow night Beacon No. 1 light and Beacon No. 2 light on the main channel, from Tongue Point to Jim Crow Point, on the Lower Columbia River, a short distance above Astoria, would be shown from the new structures.

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The locality is what is known as the Tongue Point crossing, an important stretch in the channel between Portland and the sea, and pilots say that because of the frequency with which vessels are navigated there at night it is highly essential that illuminated aids be established and maintained.

BEAR'S CREW SAW ADMIRAL. Officers Sent First Wireless of Peril of Damaged Schooner.

Officers of the steamer Bear, arriving last night, saw for the first time the damage resulting to the Columbia River jetty and the schooner Admiral washed through the trestle the morning of January 13, as the Bear was heading south from the river.

Captain Neplander sent the first wireless report of the position of the schooner seen her hit the jetty and realized how severe the shock was when her sails and topmasts fell. From the steamer could be seen the position of the vessel which sent a message was transmitted to North Head, though some time was lost as the operator there was talking to the Marshfield station.

R. T. Martin, who for a year and a half was second steward on the Bear, arrived yesterday in the recalls of a full cargo of wheat, including 100 tons of Guineas. On the run up the coast the Bear's 160 passengers were favored with southerly winds and yesterday it began to blow from the east, and the steamer entered the river over a smooth bar. Larry Sullivan, formerly in the sailor boarding-house business here but lately in Los Angeles and recently concerned in the McNamara case, was a passenger from San Pedro to San Francisco.

Marine Notes. In low of the steamer Ocklahoma the schooner C. S. Holmes is to leave Prescott for Astoria this morning.

The schooner Ocklahoma to start down tomorrow with the British bark Beeswing, wheat laden for the United Kingdom.

In low of the tug Dauntless the British bark Beeswing crossed into the Columbia yesterday from San Francisco, after a run of three days. She will load wheat for Europe.

In low of the steamer Monarch the schooner Alvena to start down from St. Helens today, bound south with lumber, and on the return the Monarch will bring up the British ship Wm. T. Lewis.

Captain L. A. Bailey, of the Columbia River Pilot's Association, has returned to the city after an absence of three months, accompanied by Mrs. Bailey and their son, the skipper visited Panama and the Hawaiian Islands.

Everything is favorable for a resumption of service between the Port of Astoria and the Regular line today and the steamer Dallas City is to leave on time, after being out of commission for a lengthy period.

Fog on the lower river detained the American Hawaiian steamer Falcon yesterday, as she left up from Astoria at midnight and did not reach her berth at Alder's dock until 4 o'clock.

In low of the steamer Quinault the schooner Alvena to start down from St. Helens today, bound south with lumber, and on the return the Monarch will bring up the British ship Wm. T. Lewis.

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VISIBLE LOSS IS BIG Supply Figures Do Not Strengthen Wheat Market.

CHICAGO PRICES LOWER Weakness Due to Favorable European Crop Outlook and Better Prospects for Shipments From Argentina.

CHICAGO, Jan. 23.—Notwithstanding a big decrease in the world's available supply total wheat declined today, owing to the favorable European crop outlook and better prospects for shipments from Argentina.

The local market was weak, with a decline of 1/4 cent to 1/2 cent, and a 1/4 cent advance to 1 1/4 cents for No. 2 hard winter wheat, and 1/4 cent advance to 1 1/4 cents for No. 2 soft winter wheat.

May wheat futures ranged from 84 1/2 to 85 1/2 cents, and No. 2 hard winter wheat from 1 1/4 to 1 1/2 cents.

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Western steers, \$2.00 to \$2.40; cows and heifers, \$1.50 to \$2.00; calves, \$1.00 to \$1.50; bulls, \$1.00 to \$1.50; hogs, \$1.00 to \$1.50; pigs, \$1.00 to \$1.50; sheep, \$1.00 to \$1.50; lambs, \$1.00 to \$1.50.

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My One-Treatment Cures For Weak, Diseased Men Cure, to Stay Cured

Honest Treatment. For 20 days I will heal and cure all Weak, Sick, Diseased and Discouraged men at a reduced fee. This is just one-half my usual fee. I give you my first and only thought, and attention as if you paid my regular fee. You could receive no better service for your money. You could but talk to the many cured patients I am dismissing daily, you would refuse to stay longer on the promise of other doctors. Don't be a Weakling, a Failure, and your life a miserable existence. Why pay exorbitant fees when other men get curative treatment for this low charge? I am a man of independent means; the curing of my patients by my first and only thought, and attention as if you paid my regular fee. You could receive no better service for your money. You could but talk to the many cured patients I am dismissing daily, you would refuse to stay longer on the promise of other doctors. Don't be a Weakling, a Failure, and your life a miserable existence. Why pay exorbitant fees when other men get curative treatment for this low charge? I am a man of independent means; the curing of my patients by my first and only thought, and attention as if you paid my regular fee. You could receive no better service for your money. You could but talk to the many cured patients I am dismissing daily, you would refuse to stay longer on the promise of other doctors. Don't be a Weakling, a Failure, and your life a miserable existence. Why pay exorbitant fees when other men get curative treatment for this low charge? I am a man of independent means; the curing of my patients by my first and only thought, and attention as if you paid my regular fee. You could receive no better service for your money. You could but talk to the many cured patients I am dismissing daily, you would refuse to stay longer on the promise of other doctors.