

BIG PERIL SEEN IN WATERFRONT ACT

Covert Declares Mulkey Conveys False Impression in Exploiting Measure.

OWNERS WARNED OF HARM

Argument Is Made That Claiming of Title by State Will Bar Tax Collection and That Deficit Will Fall on Property Holders.

Contrary to the contentions of F. W. Mulkey, member of the Public Lands Commission, E. Covert declares that the proposed "tide-lands" amendment will be voted upon at the coming election and will affect owners of waterfront property.

"Mr. Mulkey's speeches and newspaper reports are conveying a false impression," said Mr. Covert yesterday. "He would induce owners of improved waterfront property to believe that the proposed amendment is perfectly harmless, when in fact, it would be extremely harmful."

Although, he points out, the provision in the measure that would divest tide-land owners of their property is in violation of the Federal Constitution, Mr. Covert points out that so long as the state claims title to these lands it will be impossible to collect taxes on them, and that this deficit in tax receipts will have to be made up by other property-owners.

Exemption Argument Attacked. "Mr. Mulkey said before an East Side audience last week," said Mr. Covert, "that there is but one piece of property between Burnside and Madison streets that would be affected by the amendment."

"This exception presumably is between Oak and Stark streets, on which no dock has been built."

"Why is the remainder not affected? His answer is that the shore owners have constructed docks to the harbor line under the wharfing act of 1882 and therefore the remainder is exempt from its operation."

Mr. Covert insists that the amendment does not exempt such lands. The title to every foot of such shore land, he declares, from bank-full stage down to low-water mark, with all riparian rights fronting thereon, is, by the positive terms of the grant of 1874, "perpetual and inalienable."

The only mention as to wharves already built, he says, is to the effect that a city cannot build a dock upon submerged land upon which a wharf has already been constructed under the act of 1882 without paying for it.

Act Likened to Spite Fence. "The title to all shore land, however, up to bank-full stage," said Mr. Covert, "goes back to the state if the amendment becomes law."

"But there is the rub. It will not be effective, because the state in 1874 granted the shore land, that is, the space between full-bank stage and low water, to the upland owner—and all riparian rights follow and attach as an incident to the upland title."

"Why doesn't Mr. Mulkey admit this? Why does he continually harp on the repealable franchise of 1882, when the state owners title to low water is by virtue of the grant of 1874? Why does he talk about a wharf being built over the foreshore, between low water and harbor line, when he knows such a wharf is impracticable and cannot be utilized."

"He knows that a large part of a wharf is above the water level, and also a large part is between this line and low-water line, and but a small fraction extends beyond the low-water line to the harbor line. The foreshore is so narrow that it is of no value for dock purposes without the privately-owned shore land above it."

"The amendment will have the effect of preventing a shore owner from hereafter extending a wharf from his low-water line to the harbor line, then it will be in effect a water and low water line, rendering a shore owner's property valueless, unless he comes through with rent money to the state."

Measure Deemed Conflicting. "He is right in saying this amendment cannot affect this improved shore land, but not because the intent to repeal the state title is plainly stated in the amendment, but because this shore land became irrevocably vested in the upland owner over 40 years ago."

"But what will be the result if the amendment carries? With the state claiming title thereto, the Assessor cannot assess the present claimants with it—until present claimants have resulted in a holding, as it will hold—that the amendment, in its attempt to vest title in the state up to bank-full stage, is in violation of the Federal Constitution, and void."

"In the meantime the values deducted on the tax roll from waterfront owners on account of the state's claim of ownership will add to the burdens of other taxpayers. The passage of such freak amendments as this, along with the \$1000 exemption, the sur-tax, the workmen's relief bill and eight-hour law, will soon drive investors out of the state and deter others from coming."

Act Held Confiscatory. "Mr. Mulkey, however, admits that the amendment will confiscate the expected unimproved waterfront block above mentioned. I will take him at his word."

"For the same reason it will confiscate 10 miles of unimproved waterfront below bankfull stage on each side of the Willamette from the south limits of the city to its mouth. What is this worth now? What will it be worth if the amendment passes? And what will be done with it? The city will improve but a small fraction of it, if any."

"If the demand for docks is so limited that the present owners cannot erect them when a rental is made for the privilege, how can they afford to construct docks when in addition to the cost of construction they will be compelled to pay a rental, and then, too, not own the fee to the shore under their improvements?"

"No one will invest a dollar in improvements on shore land that is clouded on his title if the amendment carries."

"Mr. Ziegler, however, in a recent letter to the Journal, made a fine letter. Mr. Mulkey had overlooked it. The Supreme Court in the Pacific Milling Company case and the attorney and 'amicus-curious' failed to mention the grant of 1874 was repealed in 1878. Therefore the shore owners' title to low-water mark vanished with the repeal of 1878. If a grant can thus be repealed, I know of a few improvement grants made several years ago at low prices which the grantors would now be extremely anxious to repeal."

Baker High School Growing. BAKER, Or., Oct. 6.—(Special).—Figures compiled at Baker High School

for the attendance to date show an increase of 12 1/2 per cent over the same figures for a year ago at the corresponding time. The enrollment this year is 243, a year ago it was 216. Many improvements have been made in the school and several new courses added, special attention being given to shop work and the domestic science departments.

Alibi Fails; Youth Fined for Chicken Theft.

Jury in Judge Dayton's Court Convicts Prisoner of Taking Two Fowls From Poultry Farm.

THE theft of two chickens occupied the attention of Judge Dayton and a jury in District Court yesterday for two hours. Matthew Heide, a youth lately from Norway, who speaks imperfect English, was found guilty and fined \$25, the minimum penalty.

Mrs. Katherine Petersen, the complaining witness, testified that she caught Heide carrying the fowls, one under each arm, from her poultry farm at Brentwood. She ordered him to leave, but he refused to do so and he dropped the fowls and walked down the road, she says.

On the witness-stand, Heide made a flat denial of the affair, saying he had never seen the woman before and did not steal the chickens. He is a member of the Salvation Army Industrial Home, 24 Union avenue, and had Lieutenant Hoyt of that institution in court to testify that during the whole afternoon of September 16, when the alleged theft occurred, Heide was chopping wood at the industrial home, directly under Lieutenant Hoyt's watchful eye.

This startling alibi almost floored Deputy District Attorney Ryan, who prosecuted the case, but he resorted to legal methods that secured a testimony with the jury, which brought in a verdict of guilty after being out only a few moments.

Needleworkers to Gather Garments Before Annual Tea. Preliminary Tomorrow in Irvington Clubhouse to Increase Scope and Members for Big Meeting.

The Portland branch of the Needlework Guild of America has set November 11 as the date for its annual tea, which will be held in the parlors of the Unitarian Church. Prior to that date the members of the organization will be busy gathering garments for the annual tea.

As a preliminary a tea will be given in the Irvington clubhouse on tomorrow afternoon from 3 to 6 o'clock. Mrs. W. E. Woodward and Mrs. C. Lewis Meade will be patronesses representing the guild, under whose auspices the afternoon is given. All women of the Irvington district and anyone who is interested in the splendid work of the Needlework Guild will be welcome. Mrs. Ralph W. Wilbur will give an informal address on the work that is being done by the organization.

Last year about 4500 garments were distributed among the Dayton flood sufferers and among the local charities. Two thousand articles were sent to Dayton, and it is for that reason that this kind that the women feel there should be a larger membership and a wider understanding of the work.

The object of the Needlework Guild is to collect and distribute new, plain, suitable garments, to meet the great need of hospitals, homes and other charities, and to extend its usefulness by the organization of branches.

The annual contribution of two or more new wearing apparel or household linen, or money, constitute membership in a branch. Men, women and children may become members.

Any member obtaining contributions from 19 persons (or the equivalent, 22 if one money-member) becomes a director, and is eligible for the board of directors. The guild affiliated with the American Red Cross in 1908 and with the National Federation of Women's Clubs in 1909.

Mrs. Elizabeth Hamilton, president, and the officers are anxious to enlarge the membership of the local branch. With this in view, tomorrow's tea will be held and the matrons and maids attending will be invited to participate in this non-wide charitable work.

Church Home Now Ready Services in Methodist Episcopal Building to Be Held Sunday. The members of the First Methodist Episcopal Church will attend service in their church home at Twelfth and Taylor streets next Sunday. The edifice has been thoroughly refitted and is made comfortable, artistic and inviting. Beginning Sunday the choir will be organized. The church is directed by Howard D. Barlow, and the quartet will be in charge of A. Musgrave Roberts.

At the quarterly conference of the church on Monday night, Rev. J. W. McDougall presiding, official action was taken to change the name of holding service, transferring the church to the meeting from Third and Taylor to the new location. Professor T. T. Davis was elected a member of the board of stewards and T. S. McDaniel was re-elected a trustee to serve for five years.

Bond Offer Is Too Low City Refuses 90-1-2 Cents for Issue of \$100,000 for Docks. Improvement of the market for long-term municipal bonds was noted yesterday when an bid of 90 1/2 cents was received for an issue of \$100,000 in 30-year 4 per cent bonds. The bid was submitted by E. H. Rollins & Sons of Chicago.

It was decided that the bid was too low to be accepted and the bonds were taken up by City Treasurer Adams for investment in a municipal sinking fund. Some time ago an issue of \$150,000 in the same kind of bonds was offered and there were no bidders. A year ago the best price was 87 cents. The market gradually improved until the war caused a slump which resulted in the city falling to get any bids for the bonds.

Shipments Made Yearly. The largest exports of whalebone in the world are made from the Pacific Coast, and at present we control the world's supply," said Mr. Plagemann. "Similarly the fur industry from this coast runs in enormous proportions annually, and we ship every year to the East and to Europe, and even invade the territory of Russia, which is our strongest competitor. Though the industry is essentially dependent upon the Alaskan fields, it is financed and managed entirely from the coast, and gives employment to many hundreds of persons."

Local interests believe that now is the moment for the United States to grasp a position of control in the world's fur markets. The demand for furs in every northern country this winter must be supplied from the Western manufacturers, and conditions place us in admirable preparation to assume the task.

"This year has been a banner one for our fur fleets. The catch just brought into port is the largest in the history of the business. We are sending up from San Francisco 2000 white foxskins of the rarest and perfect type, and even these furs form but a small part of the great variety that the Liebes ships brought into port in San Francisco last week."

Far North Great Base. The Liebes company sends its fleet every year into the Arctic to trade for furs among the Eskimauts of Alaska and Canada. White fox, red fox, blue fox and the rare silver and black fox, mink, marten, land otter and polar bear skins are the principal furs traded. The company has stations at the most northerly points from Point Barrow into the barren Arctic regions, and the cruises of the fur ships are filled with adventure.

The Liebes steamer Herman was the ship that rescued Captain Bartlett, of the Stefansson expedition, from the Siberian Coast. It was this steamer that brought news of the wreck of the Kapruk to the world, and that the survivors were on Wrangell Island. The furs brought in by the two Liebes steamers, Herman and Jeanette, will, to a large degree, be made

APPLE DAY PLAN BIG

Everyone to Be Asked to Buy Fruit October 20.

SALESMEN TO USE PHONES

Housewives to Be Called up and Urged to Help Oregon Dispose of Its 11,000,000 Beauties—Commercial Club Arranges.

If any householder, businessman or patriotic citizen of Portland escapes buying a box of apples on the National apple day, October 20, it will not be because of lack of energy in the propaganda in behalf of this style of observing the day. The apple day committee of the Portland Commercial Club met yesterday and outlined a campaign designed to cover the City of Portland like a porous plaster, and even at that the committee has only begun to figure out its schemes to encourage the purchase of apples on apple day.

Schools of the city are to be interested. It is planned to distribute 200 boxes of apples among the schools, and thousands of circulars will be sent broadcast calling attention to the importance of the apple as a commercial commodity and a food.

Commercial and civic clubs of Portland will be urged by spellbinders to buy apples and observe properly the great day of the apple.

Salesmen to Telephone. But that is not all. Every housewife in the city will be called up by telephone by trained and alert-tongued salesmen, informed of the reasons why Portland should buy every housewife to do her duty and buy a box of apples on apple day. This suggestion was made by George E. Zygowski, and S. C. Pier promptly promised to donate the services of one trained salesman. A committee will canvass the wholesale grocery business and enlist other men to take up the work. Then the housewives of the city will be called up, from Astoria to Zygowski, and given a red-hot, convincing talk on the value of the apple and the need of it in the ration list of every home.

C. C. Chapman and a sub-committee will go after the clubs of the city, not only boosting the apple before them, but urging every member to buy apples. H. R. Boyer and H. R. Hayes have been appointed on a committee to go after the business men of the city and similarly to be heard in their own words and lead them to promise to buy apples.

11,000,000 Apples Waiting. It is estimated that there are upwards of 11,000,000 apples in the Northwest this season to be sold. The committee from the Commercial Club is going to make every endeavor to get the people of Portland interested in going their share toward making the apple market move and to hold up that portion of the prosperity of the Northwest.

George D. Lee is permanent chairman of the committee and his confidants are George Baker, A. J. Bale, H. J. Banta, A. P. Bateham, Rev. J. H. Boyd, John C. Boyer, A. H. Brown, O. C. Calhoun, John F. Carroll, C. Chapman, George L. Cherry, S. C. Catching, Paul S. Dick, H. L. Smith, Fred W. Farrington, Phil Ferguson, J. Charles E. Gray, Sylvester Higgins, Jr., Charles H. Hays, George H. Fitchner, S. C. Pier, E. H. Sensesch, George D. Lee, Wilmer Sieg, E. H. Morrison, J. H. Joyce, C. S. Jackson, H. L. Pittock, Dorr E. Kistner, E. K. Trufant Foster, J. C. English and Emory Oimstead.

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When I told a prominent man today what the Westover proposition was, he would hardly believe me. I wish I could tell you who he is—you would recognize him as one of the conservatives of Portland.

He knows the value of Cornell Road and Nob Hill property, which lies just below Westover. He knows that lots which sold on Cornell Road six and seven years ago for about 60c a square foot are held at \$2 a square foot today.

The owners of Westover have authorized me to make an extraordinary proposition to move a certain number of Westover Terrace sites at once. You will probably never have another such opportunity.

If you desire, the proposition will include the building of a home for you, under our supervision. You can pay for it all like rent.

You owe it to yourself to know the details of this extraordinary Westover proposition now. It will place you under no obligation to find out. Phone or drop me a line today.

F. N. Clark & Company Selling Agents Second Floor Title & Trust Bldg. 89 Fourth Street

Advertisement for F. N. Clark & Company, Selling Agents, Second Floor Title & Trust Bldg., 89 Fourth Street.

HOLD ON FUR FIRM

J. P. Plagemann Says America May Be Supreme Base.

WAR ELIMINATES RUSSIA

CHURCH HOME NOW READY

BOND OFFER IS TOO LOW

BIGGEST CASE UP AGAIN

SEWER BIGGEST PLANNED

GO EAST VIA SPOKANE

LEARN MUSIC NOW, IN YOUR HOME

THE NORTH BANK ROAD LIMITED TRAINS

up in San Francisco, Portland or other Coast houses and will furnish employment this winter for scores of persons.

ROSARIANS PLAN BIG TOUR

San Francisco, Pasadena and San Diego in Proposed Itinerary.

Royal Rosarians plan an excursion for next January which will include San Francisco, Pasadena and the opening of the Panama-California exposition at San Diego.

Decision to prepare for the excursion was made at the monthly meeting of the Rosarians at the Commercial Club Monday, following an address by G. M. Hyland, director of the Oregon exhibits at the Panama-Pacific Exposition of San Francisco.

The Rosarians also voted yesterday to send a large delegation to San Francisco next August to assist officially in the observance of "Oregon week" at the exposition.

SEWER BIGGEST PLANNED

Specifications for Willow Street Trunk Are Filed.

Plans for the Willow street and East Eighty-second street trunk sewer, the largest sewer yet undertaken by the city, were filed yesterday by City Engineer Dater. Proceedings for the construction have been started and it is expected a contract for the work will be let in time for the commencement of work next Spring.

Under the estimate prepared by City Engineer Dater the sewer, if constructed of concrete pipe, will cost \$174,978. If built of monolithic concrete it will cost \$187,616.

BEN HARRISON MINE CLOSED.

BAKER, Or., Oct. 6.—(Special).—Winter has come earlier than usual in the western part of Baker County, the big Ben Harrison mine, one of the chief gold producers of this district, having closed this week on account of heavy snows and frost in the ground.

YOU CAN LEARN MUSIC NOW, IN YOUR HOME

SPECIAL OFFER TO OUR READERS

Think of it! The new SIMPLICITY SYSTEM of teaching music, without the aid of a teacher, right in the privacy of your own home, now gives to every man, woman and child, old or young, an opportunity to learn to play their favorite instrument during spare moments. You do not have to know one note from another—this wonderful system teaches you simply and thoroughly. The lessons are mailed to pupils for only a few cents a week by the INTERNATIONAL INSTITUTE OF MUSIC, Dept. 10, 1000 Broadway, New York, N. Y.

THE SCENIC LINE

THE NORTH BANK ROAD LIMITED TRAINS

Leave Portland 9:55 A. M., 7:25 P. M.

exchange girl and she called Sheriff Word and Sheriff Mass. They at once started out officers to Oswego, but by that time the safe robbers were well away. The robbery occurred at 3 o'clock yesterday morning.

OSWEGO SAFERLOWERS MAKE MAKE GOOD ESCAPE WITH LOOT.

Saloon's Vault Explodes With Roar That Awakens Town and Men Work as People Watch.

Although the Sheriffs of two counties and Portland's police force have been searching for three cracksmen who blew open the safe of the Mosier & Williams saloon, Oswego, early Tuesday morning, taking \$800 in cash and a watch valued at \$250, no suspects had been captured late last night.

Sheriff Word was notified early Tuesday and Sheriff Mass. of Clackamas County, has also been on the lookout. City detectives worked on the case yesterday. It was found that the robbers had motored out to Oswego from Portland and then rode back to this city.

Methods of blowing open the safe were like those of the fancy burglars in moving pictures. They awoke some of the townspeople by the noise they made. They rolled the safe out of the building, loaded it on a baggage truck they took from the depot. They then pulled the load down the street some distance and deposited the safe on the roadside. There they poured nitroglycerine into the cracks at the edge of the door and set off the explosion.

John Bickner, an Oswego merchant, was awakened by the disturbance and watched the performance from a window of his home. He thought it was a hoax and believed he was watching what would be a good joke on the burglars, as he knew there was no money in the depot safe.

Poslam Soap Best Shampoo for Dandruff

BENEFITS THE SCALP

For health of hair and purity of scalp, shampoo with POSLAM SOAP. This scientific, wholesome, luxurious and delightful, leaves the scalp pure and sweet and the hair in superb condition.

GO EAST VIA SPOKANE

LEARN MUSIC NOW, IN YOUR HOME

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THE NORTH BANK ROAD LIMITED TRAINS

Leave Portland 9:55 A. M., 7:25 P. M.

These trains serve the great cities of the West—Spokane, St. Paul, Minneapolis, Chicago, Omaha, Kansas City and St. Louis—connecting with all Eastern lines.

Observation cars, dining cars, parlor cars, standard, compartment and tourist sleeping cars and first-class coaches.

Full details, sleeping-car accommodations, tickets, etc., at: CITY TICKET OFFICE, Fifth and Stark Streets. NORTH BANK STATION, Tenth and Hoyt Streets.

WOODLAND, Wash., Oct. 6.—A force of six Government surveyors and a number of helpers are in the vicinity of Davis Peak, about nine miles up the north fork of Lewis River, making a survey of some Government land north and west of that peak that heretofore has remained unsurveyed. There are a large number of squatters on the land, and they probably will hold their rights when the land is surveyed and opened for settlement.

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