

# STATE IS SOVEREIGN, SAYS F. S. GRANT

### Ex-City Attorney Declares That Municipal Home Rule Is Limited.

#### OTHER DECISIONS CITED

**Point Made That City Is Entitled  
Only to Make Laws Where No  
General Act by Common-  
wealth Is in Conflict.**

In the opinion of Frank S. Grant, ex-city attorney, many perplexing problems will arise from the decision of the State Supreme Court last week in the Knapp case, in which an important point in regard to home rule was decided in favor of municipalities. "The state constitution," says Mr. Grant, "gives to incorporated cities the control and management of their own affairs, even to the extent, if desired, of legislating within their borders, without limit, exclusive of the state. But this provision of the constitution must always be construed in connection with the other fundamental laws of the state; and whatever may be the literal import of this provision of the constitution, it cannot be held that the State of Oregon has surrendered its sovereignty in relation to the cities to the extent that it must be deemed to have perpetually lost control over it; this the state cannot do, and a judicial interpretation to this effect would be a recognition of the independent right of dissolution upon the part of the state and would be 'sovereign self-surrender' in violation of article IV, section 3 of the Federal Constitution, which article prohibits the creation of a state within a state.

**Decision Illustrates Point.**  
"In *Straw v. Harris*, 54 Ore. the rule is expressed: 'Municipalities are but mere departments or agencies of the state, charged with the performance of duties for its benefit and subject always to its control. The state, therefore, regardless of any declarations in its constitution to the contrary, may at any time revise, amend, or even repeal any or all of the charters within its subject, of course, to vested rights and limitations otherwise provided for by the fundamental laws of the state. This power, as it now stands, may be done by the Legislature through the enactment of a law of the same authority may be invoked by the people through the initiative by either general or special statute, and the power of the state being inhibited from adopting the latter method.

"Municipal legislation must always be purely municipal in character, but the difficulty which will continually confront municipalities, under our present system of government, is that of distinguishing between matters purely municipal and matters of general state concern. The recent case of *Bunway v. City of Portland*, 123 Pac. 62, serves to illustrate this point. Under the old charter of the City of Portland the matter of elections was governed by the state law, but under the new commission charter the preferential system of voting was adopted and it was held upon the facts of this case that the method violated the state law; but the court held that municipal elections were matters of purely municipal concern.

**Municipal Decision Cited.**  
"In *Nottingham v. the City of Portland*, 58 Ore. 1, the Legislature in 1907, by general statute, gave an authority from an order granting a new trial. The Portland city charter provided for an appeal from a decision of the Circuit Court and further provided that the jury should view the property assessed and its verdict would be final as to the benefits of the assessment. The court annulled the instructions of the jury and a new trial was granted and the city attempted to appeal from that order, but the state supreme court held that the charter was complete in itself upon these matters, which were purely municipal in character.

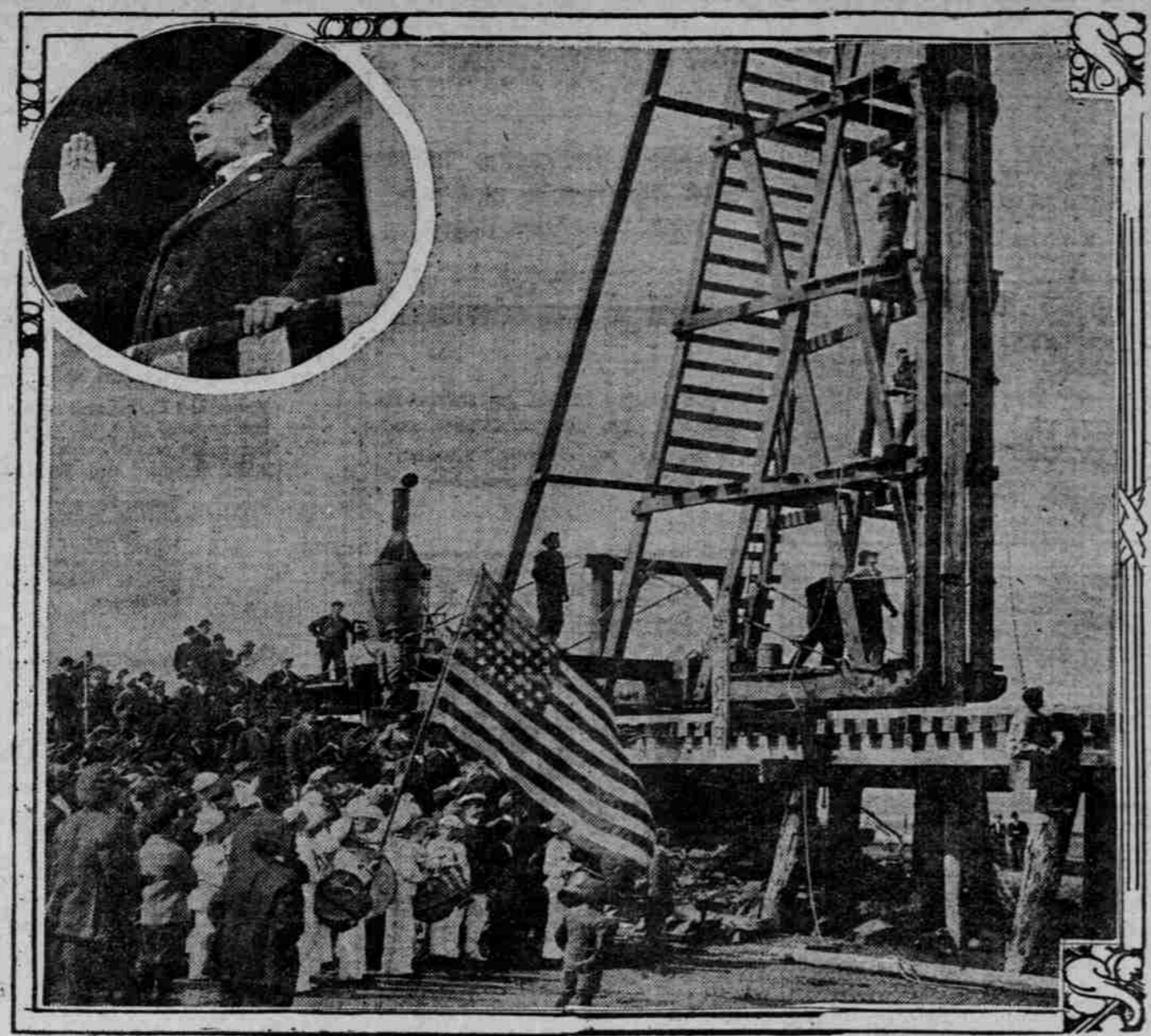
"Where, however, the state, acting through its Legislature, or through the people, by the initiative, assume control over a matter, be it state or municipal in character, the state act will supersede any city charter or any city ordinance. To illustrate: The Legislature adopted a uniform system of regulation and control of public service corporations throughout the whole state. The charter of the City of Portland contained no provision regarding the Council to fix rates that may be charged by public service corporations, operating wholly within its boundaries, and the Council, under that authority, undertook to fix rates that streetcar companies could charge for the transportation of passengers.

**Judge Bean Rules.**  
"Judge Bean of the Federal Court, held that the act of the Legislature superseded all municipal charters in conflict or inconsistent therewith. The City of Grant has attempted to fix the rates that should be charged by a public service corporation, in that city, furnishing electricity. Judge Bean made the same ruling in that case. He held that the public utility is a general law, and that it was the desire of the Legislature to assume general control over the entire subject of regulation. It may be claimed that the regulation of rates is not purely municipal, but such contention is not well founded, because the regulation of rates that may be lawfully charged by a corporation owning and operating a public utility, wholly within the boundaries of a municipality, furnishing no service outside the city, is purely municipal in character. While the election of officers is municipal in character, the city could not provide a different method of registering voters; because the state has assumed general control over that matter; nor could it provide a different method of governing public schools.

"The Oregon motor law which was construed in the recent decision of the Supreme Court, herein referred to, is a general law, applicable to all municipalities and, in the judgment, the state intends, by this enactment, to assume general police regulation over automobiles and all other vehicles operating on the language of the act—the purpose, object and intent of this act is to provide a comprehensive system for the regulation of all motor vehicles in this state. The state has the right to do this, notwithstanding the provisions of the constitution heretofore referred to. If the City of Portland can disregard the mandate of the people of the State of Oregon, acting through its representatives, the Legislature, assembled, as expressed in said act—Local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation in violation of or inconsistent with the provisions of this act."

**Criminal Law Subject to State.**  
"It may provide or modify wholly and totally inconsistent and different from the provisions of the state law. It may make unlawful and punishable, by ordinance, that which is lawful under the state law. This the Legislature intended should not be done, but it desired a uniform regulation over public service corporations. Then, again, it must be borne in mind that the Oregon

## SCENE AT PLAVEL WHEN FIRST PILE WAS DRIVEN FOR NEW NORTH BANK TERMINALS, AND OFFICIAL WHO PRESIDED.



**CROWD GATHERED AROUND DERRICK AND PRESIDENT GILMAN SPEAKING.**  
File drivers pounded persistently at Plavel yesterday on the new bulkhead and retaining wall begun there Wednesday as a part of the great North Bank rail and steamship terminal. William Gerig, assistant engineer, in charge of the work, said that by the first of next week the entire enterprise will be in full swing. The main pier will extend from a point almost directly in front of the old Plavel Hotel, out into the river a distance of 400 feet. The dredge North Bank is at work taking sand and earth out of the river immediately in front of the proposed pier and pumping it into the shallow space behind it. L. C. Gilman, president of the North Bank and other officials of that road, who attended Wednesday's festivities, are pleased with the progress made by Guthrie & McDougall, the contractors, in getting the work under way.

## OAKS EVENTS MANY

Something Doing Every Day During Festival Week.

## DANCE TO BE FEATURE

Electric Parade and Other Attractions of Friday Night to Bring About Postponement of Usual Daily Programme.

## Mrs. Simon's Funeral Today.

Funeral services for Mrs. Anna Simon, who died in St. Vincent's Hospital Friday, following injuries received when she jumped from the Ford-street bridge Wednesday, will be held at 10 A. M. today in Holman's chapel. Interment will be in Beth Israel Cemetery. Mrs. Simon attempted suicide during mental derangement attributed to insomnia. She was the widow of Samuel Simon. She is survived by her son, Nathan Simon, and a brother, Rabbi Jacob Bloch.

## Japanese Hurt by Fall From Wagon.

T. Okawa, a Japanese farmer, 43 years of age, sustained his ankle yesterday when he fell from a wagon while driving to the public market. He was taken to the Good Samaritan Hospital.

## BERRY BOX IS PUZZLE

Market Inspector Tells of Work During Past Quarter.

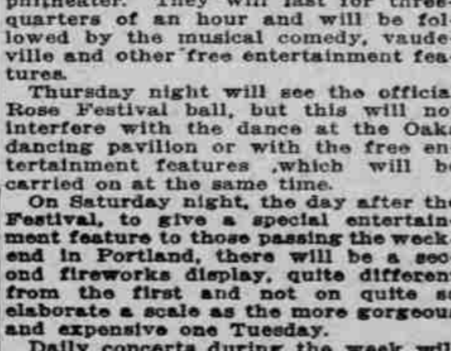
## BOOK TELLS RICH HAULS

Fair and Festival Schedule Found on Them and Tickets Showing Look Trips Over Northwest.

## MEETING OF IRISH CALLED

Funds for Celebration Reported Coming From Other Nationalities.

## EIGHT "ROSES" IN "THE ROUNDERS," MUSICAL COMEDY OFFERING FOR FESTIVAL WEEK AT THE OAKS AMUSEMENT PARK.



THE "SUNSHINE CHORUS" IN THE FRANK RICH COMPANY.

## MINING IS GROWING

Increase in Oregon's 1913 Production Is 200 Per Cent.

## MUCH QUARRYING IS DONE

Valuable Coal Deposits in Coos Bay District Reported On and Series of Publications Are Scheduled to Appear.

## RESOLUTION IS Tabled

Discussion to Be Held on Policy of Hiring Married Teachers.

## EAST SIDE ROUTE REFUSED

Streetcar Company Finds Portion of Street Not Dedicated.

## TRAINMEN TO HOLD SERVICES.

Annual memorial services of the Order of Railroad Conductors and the Brotherhood of Railroad Trainmen and auxiliary organizations will be held at 11 o'clock A. M. June 14 in the Knights

## It is not always the wisest man who succeeds in this world, but the fellow who uses the wiseness he has is the one who brings home the bacon.

—PAINLESS PARKER.

# I Appeal To Thinking Men and Women



Six weeks ago I opened my Portland office on the second floor of the Merchants' Trust Building, Sixth and Washington streets. It is the sixth Painless Parker office on the Pacific Coast, and the largest and best-equipped dental establishment in the Pacific Northwest, having 16 chairs and costing more than \$15,000. But it is not large enough and more room has been secured and will be fitted up at once. Is not this a flattering compliment to Painless Parker dentistry? Many Oregonians, who had been patients of mine in California, where there are five Painless Parker offices, have come into our

Portland office and also sent their friends. The best advertisement is a satisfied patient. This is an age of specialization in all the arts, sciences and trades, and I have raised dentistry out of a petty larceny business by the modern methods of organizing, systematizing, specializing and advertising. No one man can be a specialist in all six branches of dentistry, because each branch requires a different kind of skill. My offices are departmentalized and a specialist in extractions does nothing but take out teeth, while another does nothing but make artificial teeth, etc. And every operator is a graduated, licensed dentist of experience. Because we are specialists we are surer and more rapid in our work than if we were general practitioners. The "old school" method of "howl-and-cuss" is a thing of the past in my offices. Twenty-five years ago I originated a local anesthetic by which we perform all operations without pain to the patient. I make this myself and it is used exclusively in my offices. I have taught my associates, how to use it, but not how to make it. It is not a general anesthetic like "gas" and ether, but is applied around the teeth in the parietal membrane, not in the gums. It is without danger to the most delicate of health and leaves no bad after effect. Teeth can be crowned, filled and extracted and nerves removed absolutely without pain. It contains no cocaine, and we do not use arsenic in any operations. At some time in life every man, woman and child needs the services of a dentist. The sooner diseased teeth are taken to a dentist the less will be the cost. Hundreds neglect their teeth because of the fear of pain in a dentist's chair. I don't blame them. But could I have built up my large business, extending from New York to San Francisco, unless I did what I claimed—high-class painless dentistry at a price within the reach of all? No intelligent man or woman can come into my office and go away a skeptic. I have the names of over 700,000 persons in all parts of the country on my dental register. I convinced them that I can make good my claim, and I can convince you. Office hours, 8:30 A. M. to 6 P. M. Consultation and examination free. We save out-of-town patients money because we do our work more rapidly than under old-style methods. My new book on the care of the teeth sent free by mail.

# PAINLESS PARKER

Sixth and Washington Streets  
PORTLAND, OREGON

Los Angeles, Bakersfield. San Francisco, Brooklyn, N. Y. San Diego, Oakland.

of Pythias Hall, on Alder street between Tenth and Eleventh streets. Following the programme the members will go to the cemeteries, where they will decorate the graves of the deceased members of the organization. The question of adoption of the resolutions was about to be put to the main body when objection was made on the ground that the league should consider the question in all its phases first. The feature of the luncheon was an address by W. S. U'Ren, who outlined his platform and policies in connection with his candidacy for Governor. If it is to the skin—use Sanitiseptic Lotion.—Adv.

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Just think of being able to buy a large size, absolutely safe and efficient Camp Stove for 85c! We secured 5000 of these Stoves in a spot-cash purchase. Every one of them is new. Made in the design as shown in illustration. Light and convenient to take with you on your Summer camping and outing trip. Such Stoves could not be sold regularly for less than \$1.50! We'll not be able to sell them for such a price as 85c when this lot is sold. The greatest value of its kind ever known in Portland. Sale price..... 85c Come to our Store and see these Stoves, if you can. Take "S" Car South on Third street, get off at Grant street and walk one block east. If you can't come, order by phone—Main 2002.

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