STATE IS SOVEREIGN, SAYS F. S. GRANT

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

DECISIONS CITED

Point Made That City Is Entitled Only to Make Laws Where No General Act by Commonwealth Is in Conflict.

In the opinion of Frank S. Grant, ex-City Attorney, many perplexing prob-lems 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. 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 Sate of Oregon has surrendered its sovereignty to the City of Portland to the extent that it must be deemed to have paragraphy by the control over it. 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 'sovereigntial suicide' and 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 and on its behalf 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 sill of the charters within it, subject, of course, to vested right and limitations otherwise provided by our fundamental laws. This, under the constitution as it now stands, may be done by the Legislature through general laws only and the same authority may be invoked by the people through the initiative by either general or special enactments; only the Legislature being inhibited from adopting the latter method.

"Municipal legislation must always purely municipal in character, but the difficulty which will continually confront municipalities, under our present system of government, will be that of distinguishing between matters purely municipal and matters of general state concern. The recent case of Duniway v. City of Portland, 123 Pac. biniway v. City of Portland, 183 Pac.

82, serves to filustrate 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 urged upon the court that this prefixed violated the state law, but the preferences.

"The boundary between state and method violated the state law; but the court held that municipal elections were matters of purely municipal con-

court anad a new trial was granted that the charter was complete in iself upon these matters, which were purely

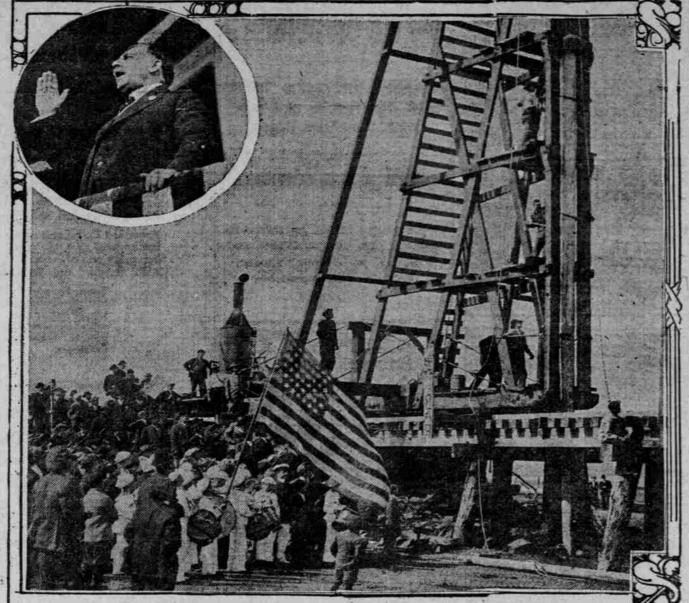
Where, however, the state, acting through its Legislature, or though the upon the state, and not wholly upon people, by the initiative, assume conmunicipalities, and the state may, in trol over a subject, be it state or municipal in character, the state act will supersede any city charter or any city ordinance. To illustrate: The Legislature adopted a uniform system for the regulation and control of public service corporations throughout the whole corporations throughout the whole state. The charter of the City of Portland confers express power upon the Council to fix rates that may be

"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 Grants Pass attempted to fix the rates that should be charged by a public service corporaton, 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; her could it revoide a different method of the country of the count that matter; nor could it provide a difmethod of governing public

"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 munici-palities and, in my judgment, the state intends, by this enactment, to assume general police regulation over automobiles and all other vehicle traffic; note the language of the act—'the purpose object and intent of this act is to provide a comprehensive system for regulation of all motor vehicles in this state.' The state has the right to do state. The state has the right to do this, notwithstanding the provisions of the constituion hereinbefore referred to. If the City of Portland can disre-gard the mandate of the people of the State of Oregon, acting through its representatives, the legislative assem-bly, as expressed in said act—Local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation . . . contrary or inconsistent with the provisions of this

Criminal Law Subject to State. "It may provide for matters 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 un-der the state law. This the Legislature der 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 PIRST PILE WAS DRIVEN FOR NEW NORTH BANK TERMINALS, AND OFFICIAL WHO PRESIDED.



CROWD GATHERED AROUND DERRICK AND PRESIDENT GILMAN SPEAKING. Pile drivers pounded persistently at Flaval 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 Flavel Hotel, out into the river a distance of 600 feet.

The dredge North Bank is at work taking said 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.

motor law is a criminal law, within the motor law is a criminal law, within the meaning of State vs. Baxter (49 Ore, 353), and all municipalities, in amending their charters, or enacting laws, do so subject to the criminal laws of the State of Oregon. The Council could say to the owner of every vehicle using the streets of Portland, you must not display on your vehicle any numbered plate, but simply a plate with your name and address—if you do you will be subject to a fine and imprisonment. The state law says a plate with nu-The state law says a plate with nu-merals thereon shall be placed on all motor vehicles, and for failure to so do

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. I, the Legislature in 1907, by a general statute, gave an appeal from an order granting a new trial. The Portland city charter provided for an appeal from a reassessment to the Circuit Court and further provided that the jury should view the property as-"The boundary between state and

the jury should view the property as-sessed and its verdict would be final as to the benefits assessed. The jury disregarded the instructions of the court anad a new trial was granted and the city attempted to appeal from that order, but the Supreme Court held that the charter was complete in itself. sively appertaining to the city gov-government. The protection of life and limb, in a state or division thereof, is a governmental duty which devolves its sovereignty, impose or delegate it; but it can always be withdrawn, and such was done by the enactment of a uniform system of regulations over

Mrs. Simon's Funeral Today.

Funeral services for Mrs. Anna Simon the Council to fix rates that may be charged by public service corporations, operating wholly within its boundaries, and the Council, acting under that authority, undertook to fix rates that streetcar companies could charge for the transportation of passengers.

Bules.

Who died in St. Vincent's Hospital Friedry, following injuries received when 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 farangement attributed to insomnia. She was the widow of Samuel Simon. She is survived by her son, Nathan Simon, and a brother, Rabbi Jacob

Japanese Hurt by Fall From Wagon

Something Doing Every Day During Festival Week.

DANCE TO BE FEATURE

Electric Parade and Other Attrac tions of Friday Night to Bring About Postponement of Usual Daily Programme

Given fair weather, the Oaks Amusement Park promises to enter quite largely into the festivities of Rose Festival week. The calamity of last year. when the park was almost flooded and water was a few inches from the boardwalk, is not likely to occur this year, say weather and river prophets.

With the exception of Friday night, the night of the electric parade, the Oaks will offer a complete programme every afternoon and night during the Festival. There will be no programme of any kind at the park Friday night. Fireworks Display Planned.

Tuesday, the opening day of the Fes-tival, will be especially marked at the Oaks by the first of two fireworks displays. The pyrotechnics will begin at 9 o'clock, immediately following the band concerts in the new open-air amphitheater. They will last for three quarters of an hour and will be fol lowed by the musical comedy, vaude-ville and other free entertainment fea-

Rose Festival ball, but this will not interfere with the dance at the Oaks dancing pavilion or with the free entertainment features , which will be

carried on at the same time.

On Saturday night, the day after the Festival, to give a special entertainment feature to those passing the week-Japanese Hurt by Fall From Wagon.

T. Okawa, a Japanese farmer. 48 years old, sprained his ankle yesterday when he fell from a wagon while driving to the public market. He was taken to the Good Samaritan Hospital.

ment feature to those passing the wecken of the week on the feature to those passing the wecken of the week of the week will be a second fireworks display, quite different the home rule celebration is my with great success.

Contributions have been received only from the Irish themselved the many Celtic sympathizers.

be featured by McElroy and his band at 2:30 and 8 o'clock.

After a brief intermission there will appear in quick succession Montana Bill, the cowboy singer, who is a per-sonal friend of Louis W. Hill. The Ha-waiian Troubadors with a number of new songs, several other vocal num-bers, and motion pictures and the bill bers, and motion pictures and the bill will conclude with "The Rounders," an amusing little musical comedy by the

Frank Rich company.

The musical and vaudeville numbers will be accompanied by the big 15-piece American orchestra, the largest theater orchestra in Portland.

BERRY BOX IS PUZZLE

Market Inspector Tells of Work During Past Quarter.

Because of different standards for the size of berry boxes in Washington and California and the lack of any standard in Oregon, Portland is getting the size of the edition of the Bureau a miscellaneous assortment of boxes Journal from 3500 to 4000 copies large during the present season, according to by in response to an Eastern demand a statement issued yesterday by E. D. from those who desire to become in-Jones, city sealer of weights and measures. Mr. Jones has recommended the adoption of a berry box standard for Portland to correct the present

In his statement Sealer Jones gives a summary of the inspection work of his department during the last three months. It is shown that 967 sets of scales were inspected of which 41 were condemned; \$4 ordered repaired 842 sealed as being correct. Of weights inspected only seven were con

A campaign was conducted during the quarter against inaccurate autocampaign was conducted during matic tanks and pumps. Out of 137 inspected five were condemned and 28 ordered repaired. Mr. Jones says that inaccuracies generall were in favor of the dealers. Of 601 liquid measures inspected during the quarter 68 were terday by Judge Stevenson to 90 days

Funds for Celebration Reported \$13 a day.

They were R. S. Beardon, a man o Coming From Other Nationalities.

All the committees of the Irish-American Fellowship Club will hold a meeting at Alisky Hall, Third and Morrison streets, Tuesday. D. W. Lane, of the publicity committee, announced yesterday that the collection of funds for the home rule celebration is meeting with great success.

Contributions have been received not only from the Irish themselves, but

EIGHT "ROSES" IN "THE ROUNDERS," MUSICAL COMEDY OFFERING FOR PESTIVAL WEEK AT

THE OAKS AMUSEMENT PARK.



THE "SUNSHINE CHORUS" IN THE FRANK RICH COMPANY.

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.

An increase of 200 per cent in the nineral production of the state for 1913 was reported at the first annual meeting of the Oregon Bureau of Mines

last week.

The total production of the year was worth \$2,000,000. The increase was due largely to the growth of hard-rock mining, says the Commission, which de-

mining, says the Commission, which de-clares that the mining industry of the state has arrived at the most stable stage of its development.. Recent publication by the Commis-sion of A. M. Swartley's contribution, "What Is the Matter With the Mining Industry?" is given credit for much valuable aid for the industry. The coal deposits of the Source Creek

The coal deposits of the Squaw Creek oal basin of Coos County has been reported upon by a party in charge of Ira A. Williams, of the bureau staff. This field had not been touched by the United States Geological Survey, and the report based upon it is expected

to have a great economic value in the coal development of the state.

A supposed coal deposit 25 miles east of Roseburg which was filed upon by 20 applicants who were making large expenditures in its development was reported by Ira A. Williams to be ob-sidian, or worthless volcanic glass,

losely resembling some varieties of nthracite coal in appearance. The second issue of the "Mineral Resources of Oregon" was devoted to a study of the quarry possibilities of Oregon building stone. Since its publica-tion, four quarries have been opened, which were previously idle, including the Pioneer sandstone near Newport, which was years ago used in the con-struction of the Call building in San Francisco; a black marble deposit at Enterprise; a granite at Ashland, and the Cooper sandstone near Roseburg.
"Others probably will follow as necessity demands," says the Commission,
"but those already opened at considerable expense should be given the
patronage of public contract, in order that they may be able to keep up a continuous production. There is no question whatever about the quality and attractiveness of any of these Oregon building stones."

The third issue of the bureau publication was a comprehensive reconnais-sance of the John Day basin with regian possibilities.

Aside from these publications, the bureau has solved a slime treatment problem which renders an important The list of publications scheduled to appear in the present year is as fol-

Drainage of Willamette Valley Farm Lands, now in press; Geology of Por-tions of Jackson and Josephine Counties; Report on Part of the Baker Quadrangle, Baker County; Portland Cement Materials in Oregon; Mines and Prospects of the State: Report on the Sumpter Quadrangle, Eastern Oregon

PICKPOCKETS SENT TO ROCKPILE

MAKE \$13 DAILY AVERAGE.

Fair and Festival Schedule Found or Them and Tickets Showing Long Trips Over Northwest.

each on the rockpile for vagrancy shows that in the past 23 days the MEETING OF IRISH CALLED gathered funds to the amount of \$548 of \$395, or at the rate of more than

They were R. S. Beardon, a man of several allases, who is known in his business as the Gorilla: Harry Martin, allas Hill, and Frank Smith, alias George Baker. The record in their book shows that the largest day's income in that time was \$177, June 4, at Independence, Or., and the next largest \$122, in Walla Walla.

Most of the profits were found on their persons, the total funds taken from them by the police being \$250. Detectives Swennes and Pat Moloney, who arrested them Friday as they left

who arrested them Friday as they left an Oregon Electric train, found on them a list of all fairs and festivals on the Pacific Coast this year and a miscellaneous collection of tickets, showing their trips from town to town in the Northwest and in California.

All have police records, the most extensive of them being that of the Gorilla who is said not to have been arrested since 1900. He is said to have passed through Portland four times since 1900 without detection. His latest police picture received by the local police picture received by the local bureau is dated 1900 and is somewhat different from his present appearance Moloney recognized him from the pic-

ture.
Five attorneys were in consultation to defend the men.

EAST SIDE ROUTE REFUSED Streetcar Company Finds Portion of Street Not Dedicated.

Because it has been found that a portion of East Twenty-ninth street on the course of the proposed cross-town streetcar line on the East Side is not dedicated as a street, the Portland Railway, Light & Power Company has falled to accept the cross-town franchise granted about two months ago by the City Council. The final date for acceptance expired last week.

The company, through President Grif-

fith, will seek now to get a franchise for the cross-town line over East Thir-Hawthorne avenue eliminating East Twenty-ninth street from the route. The proposition will be put up to the crosstown committee of East Side clubs within a few days.

Trainmen to Hold Services.

Annual memorial services of the Or-der of Railroad Conductors and the Brotherhood of Railroad Trainmen and

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 -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-cquipped dental establishment in the Pacific Northwest, having 16 chairs and costing more than \$15,000. But it is not large enough and nore 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 advertise-

ment 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 departmentized 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 paridental 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 coutains no cocaine, and we do not use arsenie 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 claimedhigh-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 skeptie. 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, S: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

PAINLESS PARKER

Sixth and Washington Streets PORTLAND, OREGON

Sau Francisco. Brooklyn, N. Y.

San Diege. Oakland.

of Pythias Hall, on Alder street between Tenth and Eleventh streets. For-lowing the programme the members will go to the cemeteries, where they will decorate the graves of the de-ceased members of the organization.

RESOLUTION IS TABLED

Discussion to Be Held on Policy of first. Hiring Married Teachers.

Although a committee of the Oregon Civic League recommended yesterday at a luncheon of the league at Multnomah Hotel that the league adopt | -Adv.

resolutions requesting the School Board to change its policy regarding the non-employment of married women as teachers, the league tabled the reselution until next Saturday, when the subject will be given consideration.

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

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 the skin-use Santiseptic Letion



'The Trest Busters" Cor. Front and Grant Sts.