

RENTERS OPINION DECK AND DOCK NEWS

Attorney General Hands Down Fish Trap Opinion.

Rumored Sale of Redondo to Simpson Lumber Company.

STATE MUST ISSUE LICENSES

HILONIAN DUE DOWN TODAY

According to the Opinion of Attorney-General Crawford State Cannot Refuse License to Those Applying For It.

Second Portland-Hawaiian Line Reported—Echo Leaves For Australia—Yosemite Goes to Bay City—Waterfront Notes.

In answer to a request of State Fish Warden Van Dusen, Attorney-General Crawford yesterday handed down the following opinion relative to the warden's right to refuse licenses for four traps near Gross and Snag Islands: Salem, Ore., June 29, 1906.

The U. S. Civil Service Commission announce an examination on August 15, 1906, to secure eligibles from which to make certification to fill a vacancy in the position of fireman, at \$600 per annum, in the Customs Service at the port of Astoria, Oregon, on the launch Patrol, and vacancies as they may occur in that service there requiring similar qualifications. No educational test will be given and it will not be necessary for applicants to appear at any place for examination. Age limit 20 years or over on the date of examination. Persons named in the application as references will be communicated with. Unless answers are received from these

H. G. Van Dusen, Fish Warden; Dear Sir:—Your favor of the 26th inst. with enclosures, is received. Also the letter from H. M. Lorntsen, secretary of the Columbia River Fishermen's Protective Union, of date June 14, was awaiting me upon my return from Eastern Oregon a few days since enclosing a copy of the opinion of Judge Miller, rendered January 1, 1899, at Kalama, Wash., and a copy of the opinion of Judge McBride in the case of Warren et al vs. Service, rendered in June, 1895, both upon the right of the public to fish in navigable waters.

fish traps cannot lawfully be maintained within navigable waters to the exclusion of other fishermen.

I have examined the opinions above referred to, together with the authorities cited therein, and am of the opinion that the right to fish in navigable side waters is common to all citizens and cannot be usurped by any person or persons to the detriment of the public in general. Judge McBride, in his decision above-referred to, lays down the rule as follows:

As to the question of the fish warden refusing to issue a license to a person desiring to maintain and operate a fish trap in navigable waters to the exclusion of the public in the exercise of its common right of fishery, I find no authority for such refusal. Section 4093 of Bellinger and Cotton's compilation, as amended by section 2, chapter 56, page 166, general laws of 1905, provides that "any person who is a citizen of the United States, or who has declared his intention to become such, and is a resident of the State of Oregon, or of the States of Washington or Idaho, desiring to engage in the business of operating a fish trap, etc., shall make application in writing to the fish warden of said state, specifying with convenient certainty the character of the appliance that the applicant desires to obtain license for and the location, if for a stationary appliance, and upon payment of a license fee as hereinafter provided, said fish warden shall issue to such applicant a license to operate the character of the appliance desired in said application."

"The right of fishing in navigable tide waters is common and public to every one; Arnold vs. Mundy, 1 Halstead; Martin vs. Waddel, 16 Peters, 400; Parker vs. Cutter, 20 Maine 353; Gould on Waters, chapter 1. The same authorities hold that such common right of fishing extends to tide flats which are owned by private parties. And in a well considered case which has never been questioned, it was held that the public had a right to enter upon such tide flats at low water when they were bare to dig clams; Porter vs. Sheehan, 7 Gray 435. So there can be no question about the right of plaintiffs, in common with the rest of the public, to enter upon these waters to drag seines or other movable nets across them and take fish from them.

You will notice that no discretion is given the master fish warden upon the receipt of such application, but he is required to issue the license upon compliance of the applicant with the requirements of said section. The supreme court of this state has held that any person who has brought himself within the requirements of the statute providing for a license is entitled to the license; Trainer vs. Multnomah County, 2 Oregon 214; McLeod vs. Scott, 21 Oregon 94, 106. It would, therefore, seem that it is a matter for the courts to decide whether the person receiving the license is, in fact, not interfering with the common right of the public in the waters where such trap is maintained, and that the fish warden cannot refuse to issue the license when the applicant has brought himself within the requirements of the statute. Very respectfully yours,

"The state holds such lands in trust for the people and a grant of tide lands will not be construed to give to the grantee a right to exclude the public from its common right to fish in the waters covering them. Gould on Waters, section 21."

"It is contended that a fish trap is a customary mode of fishing and therefore permissible, but in my opinion it is only permissible where it does not interfere with other people's common right to fish or where it is not objected to, or possibly where it has been maintained for a period equal to that prescribed for limitation of actions concerning real property."

Judge Miller's decision is to the same effect, and is supported also by the case of Morris vs. Graham, 16 Washington 343. Therefore, it is my opinion that

A. M. CRAWFORD, Attorney-General.



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Beginning Monday, July 9, we will sell every two-piece suit in our store at prices that will be sure to move them. There are some seventy odd suits, everyone new and up-to-the-minute in point of style. They must all be sold

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persons within three weeks from the date of sending the communication, the application will not be accepted for the particular vacancy for which this examination is to be held, but if received within six weeks it will be considered for any vacancy which may arise in the future requiring similar qualifications. The application of those persons whose references fail to answer within six weeks will be canceled.

The steamship Hilonian left Portland last evening for Honolulu and Hilo with several hundred tons of local freight and some few passengers for the islands. This is the first venture of the Matson Navigation Company out of that port for the islands, and it is hoped that by the next visit of the vessel to that port, which will be about the latter part of the month, the local merchants will have enough trade with the islands to give the craft a fair cargo. On the present outward voyage the Hilonian takes about 500 tons of freight from Portland, which is practically all she carried as she came up from San Francisco with a cargo consigned to merchants there and the outward cargo consists of what the Portland firms are shipping to the islands. This consists of lumber and flour in the greater part, but on the next trip the vessel will probably receive much more for the islands.

Notice to Mariners.

British Columbia—Admiral Island—Ganges harbor—Horda rock—Buoy changed.—Referring to Notice to Mariners No. 36 (1041) of 1901, the Canadian Government has given notice that the black steel can buoy marking Horda rock, Ganges harbor, British Columbia, has been replaced by a plumb buoy, with slat work pyramid surmounted by a lattice drum, the whole painted black. Approximate position on H. O. chart No. 1769, latitude 48 deg. 50 min. 00 sec. N., longitude 123 deg. 25 min. 00 sec. W. Vancouver Island—Strait of Georgia—Pylades channel—False narrows—Beacons replaced by buoys.—Referring to Notice to Mariners No. 26 (581) of 1897, the Canadian Government has given notice that the three single pile beacons formerly marking the channel in False narrows, between Pylades and Northumberland channels, Vancouver Island, having disappeared, three red wooden spar buoys have been moored in their places.

Yesterday's Oregonian contains the following cheerful announcement: "The announcement yesterday of the Charles F. Beebe Company, local agents of the American-Hawaiian Steamship Company that the vessels of this company would call at Portland in the future is of especial significance since the arrival of the Matson Navigation Company's liner Hilonian, for it indicates that there is to be competition in the matter of securing local trade with the islands. The American-Hawaiian Company operates a line of steamships between New York and San Francisco, and from the latter port the Eastern consignments are sent to the islands via smaller vessels of the company's fleet, and it is the intention of the operators to have these smaller vessels make Portland a port of call in the future, and this will be kept up as long as the trade warrants the sending of the vessels to this port."

It is rumored in this city that the fine coast steamer Redondo has been purchased by the Simpson Lumber Company, at Knappton. The final terms have yet to be closed. She will be put on the San Francisco-Coo's Bay run immediately the deal is accomplished.

W. A. Lynch, chief engineer of the steamer Sue H. Elmore, has become an

Astorian, having moved his entire family here from Tillamook City, with the intention of residing here permanently.

The fine new steamer Yosemite came down the river early yesterday morning and after a few hours' stay at the Calender pier went to sea and San Francisco.

The steamer Noyo came down from Portland yesterday and spent nearly the whole day here at the Elmore pier trying to secure a fireman. She left out yesterday afternoon late.

Captain Reed and the bar tug Wallula went to Knappton yesterday and took the fine barkentine Echo to sea and gave her an offing for Sydney, Australia.

The steamer Sue H. Elmore arrived in from Tillamook City at noon yesterday with a good passenger list and a hold full of merchandise.

IMPORTANT MEETING.

Seaman's Friend Society Board Called For Friday.

The official board of the Seaman's Friend Society will meet on Friday evening at 8 o'clock in R. M. Gaston's office, corner Fourteenth and Bond streets. A full board is looked for, as important matter is to be decided on. The time has now arrived for a decisive move to be made in the direction of securing the lot, and to lay the foundation of the Seamen's Institute, along with the other great enterprises which promises to make Astoria a city of the first order. With the present board of leading business and professional men, much is hoped for, and the Seamen's and Fishermen's Institute will stand as a beacon to the tired and weary mariner, and a testimony to the world of Astoria's spirit of benevolence and humanity.

Morning Astorian, 65 cents per month, delivered by carrier.

PERSONAL MENTION.

G. J. Youk and wife of Seattle are in the city.

E. J. Arnold is in the city, from Portland.

J. H. Johansen went up to Maygers yesterday morning.

Geo. A. Patton of Portland spent the day here yesterday.

N. W. Bloomfield of Portland was here on business yesterday.

J. K. Rose of Denver was doing business in Astoria yesterday.

A. C. Reese of Portland was a business visitor in Astoria yesterday.

P. M. Vilas of New York is in the city, a guest at the Hotel Occident.

H. A. Pierce of San Francisco spent the day in Astoria yesterday on business.

Pat Gallagher was a passenger for the metropolis on yesterday's 8:20 express.

Lee Sungenman of The Dalles was a business sojourner in Astoria yesterday.

Hon. Asmus Brix was a Portland passenger on the morning express yesterday.

Mr. and Mrs. J. J. Utzinger are home from their bridal tour of the Sound cities.

W. O. Stuart of Chicago was among the arrivals here yesterday on the noon express.

Deputy Sheriff A. L. Anderson spent the day in Portland yesterday returning last night.

Mr. and Mrs. W. H. Tipton of Walla Walla, are in the city and domiciled at the Occident.

Mrs. M. J. Fox departed yesterday morning for Pullman, Wash., on the 8:20 express.

Captain Bailey of the Tatoosh came down from Portland on the noon train yesterday.

Mrs. W. R. McBeth, who has been quite ill at St. Mary's hospital, for some weeks is improving steadily.

Mr. and Mrs. C. W. Halderman have returned from Yaquina Bay and will soon be at home to their friends.

Deputy State Warden Herman Web-

ster left yesterday evening for Oregon City after a brief visit in this city.

W. Miller left for his Portland home yesterday morning after a pleasant three day visit with his son, E. G. Miller.

Mrs. Seymour H. Bell of Ontario, Ore., accompanied by her son, Albert, is in the city visiting her mother, Mrs. Eastbrook.

Captain and Mrs. J. A. Brown came down from Portland yesterday to be in attendance at the funeral of the late Miss Alice Wright.

Malcom Barger left for Denver on last evening's express. He goes to attend the Elk grand lodge there, as the representative of the Astoria "herd".

Mr. and Mrs. J. N. Laws will soon be at home to their friends at their new domicile in the Fulton cottage on Grand avenue just east of Eleventh street.

Only 82 Years Old.

"I am only 82 years old and don't expect even when I get to be real old to feel that way as long as I can get Electric Bitters," says Mrs. E. H. Brunson, of Dublin, Ga. Surely there's nothing else keeps the old as young and makes the weak as strong as this grand tonic medicine. Dyspepsia, torpid liver, inflamed kidneys or chronic constipation are unknown after taking Electric Bitters a reasonable time. Guaranteed by Charles Rogers, druggist. Price 50 cents.

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- Wing sleeves, 10-12 25 cents.
- Long sleeves, summer weight, 25 and 48 cents.
- Pants, lace trimmed to match.
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- Light weight wool, long sleeves, 75 cents garment.
- One grade, sleeveless vest, exceptionally fine wool.....90 cents



- LACE ROSE.....15-25-50 CENTS
- EMBROIDERED ROSE.....15-25-60 CENTS
- MEN'S UNDERWEAR.
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