

ASSERTS RIPARIAN DOCK SYSTEM IS A NOTABLE FAILURE

Method Has Been on Trial for 50 Years and Has Met With Failure, Declares Writer; Now Have Dock Act.

By J. B. Ziegler.

Last Tuesday was a great day for the riparian owners on Portland harbor, if assurance was always coupled with merit; if vaunted claims were equal to title; if assertion was as good as fact; if custom always established the right. Somewhere I once heard the fable "a long time ago," probably in the idle times of classic Greece, falsehood and truth went in swimming together. Falsehood was a sinister, spiteful shadow of truth and envious of her beautiful mate. By evil design, she came out first, secretly donned truth's shift as best she might. Truth, covering the trick, spurned falsehood's raiment, saying she would rather stark the rest of her days, since she had passed among the haunts of men, bearing with modesty and patience the jibes and insults of those to whom she was a torment and mean mere an intrinsic worth.

Man Delights in Counterfeit. And so originated the phrase, the counterfeit truth, and the vogue of her counterfeit. Man alone delights in counterfeit. Nature and her creatures despise them.

"Thou shalt not bear false witness" is a more or less efficient interdiction against the tendency of man in all the ages, and yet we find him dodging the naked truth as if it were a pestilence.

Nietzsche, the pet philosopher of the modern smart set—the Antichrist—the idol of the privileged "super-men" says it is all a superstition, that truth is superior to falsehood, or more useful.

It is an attitude of impartiality between the two, and says, "that we do not predicate a statement that is both true and untrue, is not proof that such can not be the case, but is a proof of our own inability."

This doctrine is the foundation of the laws of lawyers that they can make good an argument on one side of a case, and of the popular theory that there are two sides to every question.

It was the support of Mr. Fulton when in his attack on the pending waterfront bill, he characterized it as "loot and legalized robbery" of Mr. Fenton when he called it theft, and quoted the decision in *Johnson vs. Knott* as confirming the title of the riparian owner to low water line under the act of 1874.

Couldn't Include Silver Banks. What that decision really is on that point is in Judge Thayer's own words: "It is unreasonable to suppose that the legislature intended to convey the title to the banks of the river. They could convey more than that than they could convey any other part of the bed of the river." (The legal definition of the banks of a river is the shores between ordinary high water and low water mark.)

No one has yet denied that the title to the beds of navigable waters up to ordinary highwater mark is vested in the state in trust for the public purposes of navigation and commerce. All important decisions on statutes attempting to except from these boundaries any and to convey to private title has stated that such conveyances are subject to the public trust, must be in aid of navigation and commerce, subject to regulation in behalf of some, and grants must not be of such extent as to impair the public use of the river or harbor.

Not Title in Fee. Such exceptions were only intended to permit the state the exercise of a discretion to convey into private possession such lands as were not then probably would be in the future needed for navigation or commerce. If the land lay within the bed of the stream, the title was not a title in fee.

There is no necessity of sending out invitations on hastily bought paper, for we carry a full assortment of

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simple, that could be used to exclude the public rights of navigation and commerce within the limits of ordinary high water mark, all conveyances and private rights differ, to that extent, from rights that may be acquired outside these limits. In short the ordinary highwater line is the boundary between lands subject to private and those subject to public ownership.

That wharfage improvements and business have been conducted as private business, is the occasion for all occupancy and rights below these lines, but they convey no title in fee to the occupant.

To permit such would destroy the policy of public ownership and use of navigable waters. A line must be drawn somewhere, indiscriminate sales could not be permitted. If one part of the bed of the river could be granted away, another part could. Past experience has shown that the destruction of officials can be no safeguard whatever.

Arbitrary harbor lines are open to the same objection. Pierhead lines define the channel upon which the docks must not encroach, and have nothing to do with property boundaries. Low water lines will not do, because most river navigation is carried on in other than low water conditions. The river needs all its bed to confine its waters at high stage, so the logical line is ordinary high water mark, and so the law has fixed it.

Why Was Change Made? Why the legislature should want to change it to low water mark is incomprehensible. Why they should oppose Portland's effort to claim the shores for public improvements is also incomprehensible.

The concentration of public effort on improvements, the securing of the traffic routing and rates to Portland would insure both regular ocean lines and lower rates for exports and imports for the whole state. It is a very narrow view which dictates the withholding of the public title and the administration which goes with it from the city, in pretended behalf of the state, when the state has not only neglected to improve the property but the legislature has actually attempted to give it away, and the state administration had forgotten that it existed.

The creation of a municipal fund and board for the improvements is, in effect, the assertion of the public right, on the part of the municipality, and I do not believe the state has any legal right to deny it, unless it assumes itself to construct the public improvements demanded.

Mr. Thompson of the senate committee on this bill, as well as Attorney Fulton, claim that the demand of the bill for a conveyance of the state's title to the city is in itself a denial of the inalienability of the state's title.

I cannot believe that lawyers of their repute can be so dull as not to see that the state under its trust can vest its title in a subject public corporation, the municipality of Portland, under a law requiring it to assume the public trust and construct the docks and administer them as a public property, when to convey them in fee to a private owner, as the act of 1874 attempted to do, and as the riparian owners now claim them as a private property, would be illegal.

Even a discretionary power to convey in fee when not an injury to the public property would not establish a discretionary power to convey away all the harbor front, 50 per cent as in this case to railroad companies antagonistic to water commerce.

There are plenty of decisions on this point, and the wild words of Messrs. Fulton, Fenton et al., objecting on moral grounds were the mere bluster of attorneys with a poor case trying to earn their fees.

Dock System on Trial. The threat of Mr. Swigert also that the dock commission in interfering with those holding these properties in private possession is going too far, that "they are on trial," etc., was unwarranted. The riparian dock system has been on trial for 50 years, has failed, and that is the reason we have the dock act.

A fee vested in a sovereign state and reposing with a trust on the vest the state imposes the trust upon a subject municipal corporation, but does not by so doing divest itself of the obligation to use its sovereign control to compel the terms of the trust, or resume the fee. That it could do the same with a private person or corporation I doubt, but at least suggest that these riparian owners, if they had succeeded to the trust, would be subject to the demands of the public to install the improvements of such character and comprehensive system as needed. This the several owners cannot do. So they cannot properly receive the trust.

THIS COW DOES NOT SMOKE, DRINK OR CUSS; SHE IS A GOOD COW

Yes, even humor—the unconscious variety of course—is found in the want ad columns. An instance: "Wanted—Man to milk cow who doesn't smoke, drink nor swear." "Widow would adopt infant, whose husband was lost at sea." "Lost—On Alder, West Park or Washington, silver mesh bag containing money. Finder leave at Journal office reward." No, there is no hidden humor in the last one. It was inserted by Miss Florence Meister of 27 East Thirteenth street. She had lost her purse containing \$5 in gold and some silver.

And the ad brought results. Miss Neva Bonnell of 1108 East Flanders, found the purse and turned it into The Journal a short time after the notice was published.

And now Miss Meister has her money and purse. The Journal publishes the lost and found ads free and the loser pays only when the article is recovered.

PRESIDENT FOSTER TO DELIVER AN ADDRESS

The relation of automobiles, road-houses, dance halls, automobiles, saloons, moving pictures, bill boards and theatres to immorality will be defined by President W. T. Foster of Reed college in an address he is to deliver at the east side library February 10. It will be the first of 12 lectures on sex hygiene to be delivered in consecutive weeks, as follows: Physiological aspects, Dr. William House, February 17; medical aspects, Dr. Walter T. Williams, February 24; economic aspects, Professor A. E. Wood, March 3; recreational aspects, L. H. Weir, March 10; legal aspects, Dr. Calvin S. White, March 17; teaching aspects—The pedagogy of instruction in sex and reproduction, Dr. Elson, March 24; the education of adolescent boys, H. H. Moore, April 14; education of girls, Dr. Stuart April 17; problems of the schools, State Superintendent L. B. Alderman, April 21; moral and religious, Professor Coleman, April 28. Dr. Foster's address on February 10 will have as subject "The Social Emergency," and he will define many of the permitted conditions which conduce to improper and unnatural living.

PROTEST AGAINST 'IRISH EMBLEMS'

Sale of Articles Offensive to the Feelings of Members of the Race.

Resentment of the public display of so-called "St. Patrick's Day Souvenirs," was voiced at Thursday night's special meeting of the state, county and division officers of the Ancient Order of Hibernians, ladies auxiliaries and other Irish societies. The following resolutions were adopted:

"Whereas, In recent years it has been the custom of many of the 'pore' to offer for sale as 'St. Patrick's Day' and 'Irish Emblems,' pigs, hats, pipes and other articles which under these headings are most offensive to our race.

"Whereas, These uncivilized displays are not only an insult to the Irish in general, but also a shock to

the refined feelings of all other people.

"Whereas, The offering for sale of these articles is a display of ignorance, which the smallest knowledge of Irish history would very soon dispel.

"Whereas, We would gladly appreciate seeing the emblem of our nationality and race, such as the harp, Celtic cross and Shamrock in evidence, and the return as a business proposition would be far greater than under existing circumstances.

"Therefore, Be It Resolved, That we, voicing the sentiments of all those of Irish extraction, in which hosts of sympathizers will concur, hereby offer a firm, determined and stern protest against any future displays of those obnoxious articles."

The resolutions were signed by T. J. Murphy, president division No. 1, A. O. H.; Mrs. W. J. Smith, president division No. 1, L. A. A. O. H.; and Miss Elizabeth Gallagher, president division No. 2, L. A. A. O. H.

E. H. Deery, state president of the Ancient Order of Hibernians, and Mrs. Ellen Elvers, state president of the auxiliary, were elected delegates to the meeting of the United Irish societies to be held in Oakland, Cal., in the near future.

TO CURE A COLD IN ONE DAY

Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails. E. W. GROVE'S signature on box. 25c.

Journal Want Ads bring results.

GROWERS GET AT DRY ROT CAUSES

Hood River Orchardists Are Attempting to Stop Heavy Losses.

(Special to The Journal.)

Hood River, Or., Jan. 27.—The most largely attended meeting of the Hood River fruitgrowers held this year was held at the Commercial club rooms Saturday afternoon to discuss the subject of "dry rot," and it was ordered that no other fruit subject be discussed.

Hood River valley has lost thousands of boxes of apples this year on account of the dry rot that appeared in the apples at the time of picking. About 50 of the growers present related their experience with their orchards this year, and it appeared from their experience that the dry rot was found in the fruit that had grown on all the different soils and under all of the different classes of cultivation and irrigation, and

that all of the different varieties of apples were infected.

It was the order of the meeting to have the growers express themselves on the subject before the plant pathologist, Professor W. H. Lawrence, should express his findings, and the reasons for the conditions were numerous as the number of speakers.

Professor Lawrence said that the prime cause of the dry rot was due to the weakened condition of the trees as a result of the lack of plant food, and that the heavy water pressure in the trees due to heavy irrigation or rains caused a breaking down of the tissues in the fruit. He said that the water pressure in the trees ran as high as 75 pounds to the square inch.

He urged as a remedy the loosening up of the soil and consistent irrigation and the growing of cover crops in the orchard to furnish plant life and to shade the ground so that the temperature of the ground and tops of the trees would be more equal. At the conclusion of the discussion the meeting unanimously endorsed the new horticultural bill now before the state legislature giving the county courts power to employ experts to deal with horticultural problems in the county.

California Congressman Dead.

Los Angeles, Cal., Jan. 27.—As the result of two years' illness, Congressman S. C. Smith of the Fourth California district, died here yesterday. Smith was serving his fourth term in congress. He was 55 years of age.

ADMITS BUNCOING; \$14,200 IN SPOILS

(By the International News Service.) San Francisco, Cal., Jan. 27.—Frank Du Bois, one of the group of Italian bunco men which is rapidly being swept into prison as the result of the crusade against them by Italian bankers and merchants of San Francisco, has confessed to participating in three confidence games aggregating \$14,200 in spoils.

Du Bois was brought to San Francisco from Chicago where he was captured after a nation-wide search. He told his story to Captain of Detectives Mooney and said he would plead guilty and go to prison at once. There was so much evidence against him, he said, and so much feeling had been aroused over the cases that he felt he had no hope.

Attempts Novel Hari-Kari.

New York, Jan. 27.—Lying prone over the streetcar rails and holding an ugly looking knife, which he hoped a speeding trolley car would drive into his vitals, an expensively dressed Japanese of fine physique attracted a big crowd in Madison avenue. He was taken from the tracks and removed to a hospital.

Cut Rate Drugs

Lowest Prices in Portland

45c box Quinine Pills 29¢
35c box Quinine Pills 19¢
50c Chocolate Coated Cas-
cara Pills, 5-grain 29¢
35c 5-gr. Bland's Pills 19¢
35c 3-gr. Asafoetida Pills 19¢
25c A. B. S. & C. Tablets 15¢
25c Wyeth's Kissingen
Tablets 15¢
25c Wyeth's Vichy
Tablets 15¢
15c Wyeth's Pepsin
Tablets 8¢
10c Potassium Chlorate 6¢
25c Bromo Quinine
Tablets 12¢
25c Cascara Aromatic 16¢
25c Essence Peppermint 16¢
25c Essence Jamaica
Ginger 16¢
25c Antikamnia Tablets 15¢
50c Wyeth's 5-gr. Lithia
Tablets 29¢
15c Wyeth's Aspirin
Tablets 9¢
15c Phenacetin Tablets 8¢
35c Compound Cathartic
Pills 19¢

25c Popular Sheet Music
Now 10c a Copy
Music Store, Basement

French Novelty Stationery

65¢ the Box

—An excellent quality stationery, which includes Riblawn effect, décollé edge, French panel cloth and Fabrique Raye. Comes in all shades with novelty or regular envelopes, gold and silver bordered paper. Box contains 24 sheets paper and 24 envelopes. We will stamp your two letter monogram on this stationery in any color, including gold and silver, without extra charge.

Riblawn Pound Paper 33¢

—Box containing one pound or 102 sheets pure linen paper in invisible line weave. Comes in white only.

Riblawn Envelopes 12¢

—Envelopes to match above mentioned paper in deep, long, flat style.

The One Best Sewing Machine

The "Domestic"

Sold here exclusively on the easy payment plan

\$1 Down, \$1 Week

—Will place one of these machines in your home. Our expert demonstrator will teach you its many practical working parts.

—These machines are guaranteed for 25 years.

—Will you not come in and let us show you these machines, which sell from \$35.00 up to \$60.00 each?

—We will make an allowance for your used machine.

—Fifth Floor.

Hoover Sweepers

—The Hoover Electric Suction sweeper is a combined carpet sweeper and vacuum cleaner. It has all the good points of both without the faults of either.

—Because of the ease with which it is used—the rapidity with which it cleans—and its ability to remove all forms of dirt and litter, the Hoover Suction Sweeper is the only vacuum cleaner that women will or can use regularly for the doing of the daily and weekly cleaning.

—We are sole agents for the Hoover Suction Sweeper in this city.

\$5 Down, \$5 Month

Prices \$58, \$93 and \$110
Fifth Floor

YARN

Slightly Soiled

Clearance 5c Skein

Regular 15c and 20c

—This is a lot of yarn which is slightly soiled from handling, and includes the Fairy floss, 4 and 8-ply. Germantown Shetland floss, wool and Saxony yarn. In an assortment of shades.

Stamped Centerpieces

Clearance 25c

Selling Regularly at \$1

—32-inch centerpieces of a heavy white linen stamped in attractive designs, which can be worked in either white or colors. Second Floor

Prices Lowered on Warm Flannelette Kimonos

Clearance \$1.35

—Long flannelette kimonos in various light and dark colorings in neat designs. Some have yokes back and front, three-quarter length sleeves and low turn-down collars with scalloped edges. Also scalloped edges down front and on edge of sleeves. Others are made in empire style with short, flowing sleeves. Have large sailor collar and are trimmed with Persian bandings of self material. Blues, reds, grays and lavender.

Clearance \$1.49

—Long, loose kimonos, made regular kimono style with elbow sleeves. Have large collar with point in back and silk tassel on same. Trimmed with satin-covered buttons. Another style is made empire effect with large sailor collar and long revers in front. Effectively trimmed with flowered borders to match material.

\$2 Flannelette Dressing Sacque

Clearance \$1.15

—Made of Scotch flannel in peplum style with three-quarter sleeves and round collar. Finished with satin ribbon and covered buttons. Comes in gray, lavender, light blue and pink.

Dressing Sacque 95c

—Short light and dark colored flannelette dressing sacques, with large sailor collar effect. Closed in front with wide side revers. Has set-in elbow sleeves and is trimmed with fancy border. Light blue, lavender, navy and red.

Supply Your Needs Now in Housefurnishings

SILKOLINE COTTON COMFORTERS

—Cotton filled comforters—full weight and size. Filled with excellent quality laminated cotton and covered with pretty figured silkolines in beautiful floral or conventional designs.

\$1.25 Silkoline Cotton Comforters \$1.09

\$1.50 Silkoline Cotton Comforters \$1.23

\$1.75 Silkoline Cotton Comforters \$1.47

\$2.00 Silkoline Cotton Comforters \$1.68

\$2.50 Silkoline Cotton Comforters \$2.19

\$3.00 Silkoline Cotton Comforters \$2.47

\$3.50 Silkoline Cotton Comforters \$2.98

\$4.00 Silkoline Cotton Comforters \$3.33

\$5.00 Silkoline Cotton Comforters \$3.95

Mezzanine Floor
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Rendezvous for You
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