

### ASSETS PUBLIC BENEFIT IGNORED IN LEVEE ISSUES

Provisions of Act of 1885 Are Not Carried Out; Only Local Passenger Service Said to Have Been Given.

By J. B. Ziegler.

The Jefferson Street Levee bill, S. B. 62, introduced by Senator Kellaher, was argued before a joint session of the judiciary committee of the house and senate last Tuesday night. A. A. Jayne, the governor's special counsel to investigate the matter made a brief statement in support of the bill. It was followed by Mr. Fenton for the Southern Pacific. He related the story of the Dundee company (The Portland & Willamette Valley Railway Co.), of which he was one of the incorporators, and the acquisition by the road of the levee for terminal purposes by the act of 1885. This act conveyed "whatever title the state has therein and may lawfully convey" to the railroad, on condition of the road maintaining a dock for the transshipment of grain to ships.

Mr. Fenton also stated that this aid was given for the purpose of furnishing a competing line with the Forest Grove and East Side lines (also, although Mr. Fenton did not say so, doubtless, Stephen Coffin's purpose in deeding the levee to the city was to create a dock and terminal business there, which would benefit the rest of his large holdings in the vicinity).

After the first week, however, the dock fell into disuse, the water front was used as a bonnyard, the road with the Forest Grove line soon fell into the hands of the Southern Pacific, and all the purposes for which the levee was dedicated, failed.

**Due to Terminal Changes.**

Mr. Fenton, however, argued that this was due to terminal changes and traffic movements, for which the Dundee road could not be held responsible, and having performed the trust to the best of its ability, that its rights under the act could not be legally canceled.

His recommendation was a substitute act based upon an agreement between the Southern Pacific and the city, to divide the use of the tract.

Aside from this statement the arguments were confined to questions of technical law rather than to the fulfillment of the purposes for which the grant was made.

Mr. Fenton forgot his statement that the consideration for which the state vested its trusteeship in the road was a road connecting there with ships, and hauling grain in competition with the Forest Grove and East Side lines. The act forbade conveyance to which it did not carry out the terms of its trusteeship. Yet, we have an absorption of the property into the combined competing lines, the traffic provided for entirely suppressed, and the holding company, the Southern Pacific, acquiring extensive waterfront properties in all parts of the harbor on similar pleas and with similar results. Mr. Fenton placed much emphasis on the road's willingness to turn over its obligation to maintain a wharf to the dock commission, and to release its claim on the wharf right; also on its willing ness to permit a municipal belt line on the premises, and to give common users on its tract there. He claimed his road as a public utility corporation in entitled by its usual service to such trusteeship, and that by performing it, it complies in a general way with the purpose of the levee as a public terminal.

**Silent About Waiver.**

But Mr. Fenton did not say that his company would forego the waiver inserted in their recent franchise against the charter provision for common user on commercial tracks. This waiver cuts off and violates the common user generously offered on the levee itself, as far as the Dundee lines are concerned, and flatly contradicts the claims of Mr. Fenton that his road is conforming to the condition of the trust to maintain a public levee.

The public benefits provided for by the act of 1885 have all been acquired, except a local passenger service, entirely unrelated to levee uses. While the denial of the common user on the Dundee tracks shrewdly distinguishes the public as to the claims of Mr. Fenton that his company stands ready to comply with the terms of its trusteeship, administering the levee as a public property.

The property was first dedicated, then deeded by Coffin to the city for the specific purpose of a public levee. Mr. Jayne asked Mr. Fenton "If the act of 1885 failed to provide for connection of the rail tracks with the water, that would be invalid?" Mr. Fenton answered: "No."

The legislature would do well to dig down under all the legal quibbles and consider the actual things and conditions with which the act of 1885 was concerned.

Senator McCulloch and Mr. Jayne followed Mr. Fenton with very able and comprehensive arguments sustaining the legality of the bill. Senators Kellaher and Markey stated that they were to the origin of the bill two years ago, and assured the committee that they fully endorsed it, both as to policy and legality.

**Character of State's Title.**

An interesting feature of the discussion, is the character of the state's title which is by virtue of its trusteeship over public utilities as representing the sovereignty of the people. Such title is not a fee, and is inalienable. This state assumed control of the property as sovereign proprietor for the public. The title of the city was left an empty husk and passed through some sort of a condemnation proceeding. The title of the state to beds of navigable rivers is similar except that it is derived solely by virtue of its sovereignty, while the title to the levee was, although of similar public uses and of the same character, derived from Stephen Coffin's deed. The acts of 1874 and 1876 are claimed by Messrs. Fenton and Fenton to convey and divest from the state this trust title held under its sovereign power for the people, and to exclude the people from the uses of the property. They slight the decisions of the courts holding those laws invalid, and ignore the act of 1878 repealing them. The act of 1878 removed the cloud on the state's title by the acts of 1874 and '76, and resumed its trusteeship.

The trusteeship of the state in the Levee case appears to be canceled, by the railroad's attorneys, they only denying that they have alienated their own trusteeship with said trusteeship by failing to comply with its terms. So that the issue is one of the facts in the case, rather than of law.

Left for sale at great bargain, a fine pure white diamond, I. Simpson, The Pioneer Watchmaker and Jeweler, 200 Gerding building. Take elevator.

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#### Sale of Men's Underwear

50c Cotton Fleece Shirts and Drawers	39c	\$1.25 Gray Wool Shirts and Drawers	99c
\$1.00 Gray Wool Shirts and Drawers	79c	\$1.50 Heavy Wool Shirts and Drawers	\$1.19
\$1.50 Cooper's Worsteds Shirts and Drawers	\$1.15	\$1.50 Buff Wool Shirts and Drawers	\$1.25

WE OPEN AT 8:30 A.M.—WE CLOSE AT 5:30 P.M.

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75c Negligee Shirts, all colors and sizes	55c	50c Men's and Boys' Flannel Gowns	39c
\$1 Pemberton Flannel Custom Shirts	79c	75c Men's and Boys' Flannel Gowns	55c
\$2.75 Navy Blue Double Breasted Shirts	\$2.25	Men's 20c Gray Wool Sacks at the special low price of	12½c

## February Slashing of Prices on Most Merchandise

### A "CLEAN-UP" OF ALL BROKEN LINES, REMNANTS AND ODDS AND ENDS

February, by the calendar, is the "cleanup" month in this store, but judged by the prices, it is the carnival month of the whole year for bargain giving. Standing as we do midway twixt the seasons, nothing will stimulate your appetite to buy quite so forcibly as sharply cut prices, and that is the quick-business tonic we offer now.

Nothing has been reserved for its intrinsic worth—every department is embraced in the sale—even the new spring goods are temptingly low priced. It is a sale that few women can afford to miss.

#### After-Inventory Sale of Remnants, Broken Lines and Odd Pieces Table Linens, Toweling, White Goods, Sheet-ing, Muslins, Ginghams, Percales, Etc.

The timeliness of this great sale of Domestic Goods should be quite as welcome as the magnetic values, which present unique possibilities to thrifty housewives, hotels, rooming houses and institutions. We can only hint at the values, as lots and assortments are too numerous to describe in limited space.

### Half Price! Remnants Half Price! of Curtain Materials and Wash Goods

Unlimited choice from a wonderful lot of Remnants at one-half regular remnant prices. The assortment includes Wash Goods of most every description, suitable for most any purpose; also Curtain Materials, such as plain and dotted scrim, cross bar and striped madras, silkolines, Swisses, cretonnes, etc. All are this season's goods and you have choice of all colors, widths and lengths at ONE-HALF REGULAR REMNANT PRICES.

- 15c INSTEAD OF 25c—A fine lot of Mohair Finish Suitings in a large variety of styles, in neat checks, stripes and plaids.
- 9c INSTEAD OF 15c—A great lot of Velour Flannels shown in medium and dark colorings, in styles most suited for kimonos and house dresses.
- 6c INSTEAD OF 9c—About 500 dozen Huck Towels of good size and quality. They come 16 by 32 inches and in plain white or with fast colored borders.
- 8c INSTEAD OF 10c—Over 2500 yards of 18-inch White Crash shown, with fast colored red border. It is very absorbent and durable.
- 98c INSTEAD OF \$1.25—A brand new line of White Bed Spreads, full size, for double beds. They come in a large variety of neat patterns.
- Best 12½c Pillow Slips, 42x36 in., 10c
- Best 15c Pillow Slips, 42x36 in., now 12c
- Best 50c Sheets, 72x90 in., now at 42c
- Best 65c Sheets, of extra size, now 54c
- Heavy Bed Spreads, \$1.75 grade, \$1.48

#### After-Inventory Sale of Women's Coats and Suits

An Opportune Time to Purchase These Handsome, Stylish Garments at a Great Saving. This Season's Models Shown in Plain Colors and Mixtures and Tailored in a Superior Manner. Regular Values to \$19.50. Tomorrow, each \$5.00

Think of it! High grade fine tailored Garments—strictly man tailored! And only Five Dollars to pay. The suits are those handsome mixtures we have been showing, all high grade, fine quality and good colors. The coats come in a wonderful assortment of desirable styles, handsomely made of excellent quality broadcloth, chinchilla, zibeline and mixtures. Garments that sell as high as \$19.50 each. Priced for this sale \$5.00

#### Sale of Women's Silk Waists

Beautiful Models of Good Grade Silk, Selling Regularly to \$7.50, Tomorrow at \$2.98

You are sure to be pleased with this most wonderful lot of Women's Waists. They are stylish models of pretty messaline, charmeuse, taffeta and wash silks and are shown in many pleasing colors. Dainty and serviceable. Waists that sell as high as \$7.50, very special at \$2.98

#### For Tomorrow--Two Big Specials in Muslin Underwear

Pretty Muslin Gowns and Combination Suits, Made of Excellent Quality Materials and Shown in Many Styles. Regular Values Up to \$2.00. Special at 98c each

The Gowns come in the low neck slip-over styles and are made of fine quality nainsook, cambric, lingerie and crepes, and are beautifully trimmed with lace, embroidery and ribbon. Also a line in the high and V-shape neck styles, made of fine cambric and nainsook and embroidery trimmings. Each and every garment made good full size and extra well finished. The Combination Suits come in corset cover and skirt or combination corset cover and drawers, in the regular Princess or Knickerbocker styles. They are made of fine quality nainsook or lingerie, with dainty trimmings of embroidery, laces and ribbons, all extra well made and guaranteed to fit. Regular values to \$2.00, priced at 98c

#### Great Reductions Women's and Children's Shoes for This Sale

Invoicing brought to the front a great many odds and ends in women's and children's shoes that had accumulated during the busy season. These included the best quality shoes, but we must sacrifice them in order to make room for our regular spring lines. Do not fail to visit our bargain department. Here are a few of the specials:

- Women's high-grade Patent and Gun-metal Oxfords that are regular \$3.50 values, special at 99c
- Broken lines in "Graven's Comfort" Shoes, regular \$2.50 values, special at 99c
- Children's every-day Shoes, shown in button and lace, sizes to 8, \$1.00 values, 69c
- House Shoes of all kinds and sizes, regular \$2.00 values, sold at the special price of 99c
- Children's Jockey Boots, shown in all sizes to 8, regular \$1.50 values, 99c special at 99c

#### Women's Fine Wool Union Suits

PERFECT FITTING HIGH-GRADE GARMENTS, WINTER STYLES. SIZES 4 TO 6. BEST \$3.00 GRADE, PRICED AT, THE SUIT \$2.19

Women who appreciate fine underclothes will find most interesting choosing in our large assortment of Knit Underwear. Especially attractive are the offerings for tomorrow. Women's Fine Wool Union Suits of seasonable weight, shown in the high neck, long sleeve styles, in ankle length, and in all sizes, 4 to 6. They are perfect fitting, neatly finished garments, in gray and in white, that were bought to sell regularly at \$3.00 a suit. Underpriced for this sale at \$2.19

#### Boys' Hose, Best 20c Kind at 12½c

We have a fine line of Boys' Medium Weight Cotton Hose for tomorrow that should not be overlooked. They are fast black, are absolutely stainless and come with triple knee and reinforced heel and toe. All sizes, 5 to 9½, and regular 20c values. Special at 12½c

#### This Season's Choicest Novelty Silks

Broken lines in Embroidered Weaves, Printed Warps, Rich Persian Patterns, Pompadour Fancies, Striped Styles, etc. 75c, 85c and \$1.00 qualities, priced at, the yard 59c

See Our Morrison Street Window Display Today and Be Here Tomorrow When Our Doors Open at 8:30.

Here is a specially underpriced collection of beautiful Novelty Silks over which we've been working the past few days. Many of the patterns are exclusive with us. The color range is as fine as the qualities are reliable, and you'll be surprised, too, when you see how beautiful they really are. The assortment includes all wanted weaves in a splendid variety of neat and attractive colorings. You have choice from 20 to 27-inch Novelty Embroidered Weaves, Printed Warp Fancies, Rich Persian Novelties, Beautiful New Pompadours, Novelty Satin Plaids, Fancy Pin and Pekin Stripes, Jacquard Novelties and an endless variety of Foulard Silks. Come and profit by an early selection. Choose from 75c, 85c and \$1.00 Silks at, per yard 59c

#### Sale of Short Lengths and Remnants Woolen Dress Goods

Here's about the best value news we've printed from this section this season. It tells of sharp reductions on all short lengths and remnants, offering them to you below present mill cost. Included are Serges, Novelty Worsteds, Dress Flannels, Broadcloths, Waistings, Cashmeres, Heavy Coatings, Scotch Mixtures, etc. All widths, all lengths, all colors, at all prices and all at sharp reductions.

#### Great Sale of Ribbon Remnants at Half Remnant Prices

THE GREATEST VALUE GIVING SALE EVER HELD IN THE CITY

All Colors, All Kinds, ½ to 7-inch Widths. All Widths, All Lengths, ½ to 3-yard Lengths.

Just think of buying beautiful Ribbons, suitable for most every purpose, at exactly one-half marked price! It is economy of the most pronounced sort. In this assortment are ribbons suitable for hair bows, sashes, trimmings, millinery, fancy work. All kinds, all colors, in both plain shades and fancy, in all lengths from one-half to 3 yards and in all widths from one-eighth to 7 inches. Not a ribbon remnant reserved. We are determined to dispose of the entire assortment at this Half Price Sale and suggest an early visit.

