

ATE, CRY SOLONS WITHOUT KNOWING WHAT IT IS ABOUT

"Not a Man in This House Knew What He Was Passing," Admits Abbott; Chairman Even "Doesn't Know."

(Staff Correspondence.)

Salem, Or., Feb. 8.—The house this morning took back its action of last Monday in endorsing the Owen bill for public health department, now before congress, and killed the resolution by decisive vote.

This action followed charges by Anderson of Wasco, Abbott of Multnomah, Johnson of Marion and others that the Owen bill itself is framed in the interests of the allopathic school of medicine, and that the resolution endorsing it had been "railroaded" through the house last Monday, with the members willfully kept in ignorance of what they were passing.

Abbott of Multnomah was particularly vigorous in his denunciation of the measure and the methods taken to obtain an endorsement of it from the Oregon legislature.

"Isn't a Man Who Knows?"

"There isn't a man in this house who knew what he was passing," said Abbott. "I think we should take the matter up, right now and settle whether we are going to memorialize congress in regard to legislation that we don't know anything about. It is not a thing for this legislature to endorse."

Abbott forced immediate action on a recommendation by Chairman Conrad Olson of the resolutions committee that the resolution, embodied in senate joint memorial No. 11, be voted down. The house had previously reconsidered its action of Monday, and referred the matter to Olson's committee.

"I don't know anything about the merits of the bill itself," said Olson, "but I do know that since the passage of this resolution we have been receiving 20 to 30 letters and telegrams of protest a day from some of the best people of the state. Where there is so much objection something must be wrong, and we recommend that the resolution be killed."

Speaker McArthur said that he had promised persons in Portland that there should be a hearing on the resolution, and wanted to lay it on the table for a few days, but Abbott forced a vote and won his point for immediate action.

Decisive Vote by Acclamation.

The vote to postpone indefinitely was not by roll call, but by acclamation, but it was decisive.

Referring to the Owen bill as backed by "organized medicine," Anderson of Wasco, himself a practicing osteopath, was prominent in the debate.

"My objection is that this memorial was brought over to the house after the senate had passed it; that the rules were suspended, and the memorial passed without our knowing what it really meant, and that within 15 minutes the news of the endorsement by the Oregon legislature was telegraphed to Washington," he said. "It was a pretty smooth piece of railroad."

Anderson declared that the very fact that the resolution was "railroaded" was an indication that it endorsed a bad measure.

Opinions of Other Legislators.

Hagood of Multnomah denounced those opposed to the measure. "The Owen bill proposes to place the department of public health under the allopathic school of medicine," he said. "And all this row is kicked up by other schools of healing."

"It is the various sorts of fellows who work on your back, and your spine, and do other tricks of healing to you that are kicking up all this rumpus and sending all these letters. The Owen bill would put the really scientific school in control and they don't like it."

Johnson of Marion spoke of "juggling methods" used in getting the resolution through.

"I don't believe it right or just that we should stand for one school of medicine," he said.

Dentist Introduced It.

Howard of Douglas, a minister, said that the bill favored one school of medicine and that the legislative endorsement ought to be withdrawn.

The memorial had been introduced in the senate, which passed it, by Perkins of Multnomah, a dentist, under the title "Urging favorable action on Owen bill now before the United States senate relating to marine hospital service." It passed in the senate unanimously.

Opponents of the measure declared that the title was deceptive. Among others opposing the endorsement are members of the Christian Science faith.

FILES CURED IN 6 TO 14 DAYS.
Pazo Ointment will refund money if Pazo Ointment fails to cure itching, Blind, Bleeding or Protruding Piles, Etc.

SENATE KILLS VICE CRUSADE MEASURE

H. B. 83 Postponed Indefinitely; Made Ownership of Immoral House Criminal.

(Staff Correspondence.)

Salem, Or., Feb. 8.—After passing the house with a rush as the first of Governor West's vice crusade measures, H. B. 83 was killed in the senate this morning. It was indefinitely postponed by unanimous recommendation of the senate judiciary committee, which considered the bill last night.

H. B. 83, introduced by Blanchard of Josephine, made it a criminal offense, punishable by \$100 to \$1000 fine and 30 days to one year in prison, for any person to own, lease or rent a house in which immorality is practiced. Its most drastic provision, however, made any fine levied against an inmate of the house a lien against the property.

Senator Moser last night pointed out to the senate committee that there is now a law on the statute books giving full power to proceed against persons who own premises used for immoral purposes. The provision making a fine a lien against it was considered too drastic.

Senator McCulloch of Baker agreed in the findings of the committee.

OPENS LARGE FIELD TO LOCAL MANUFACTURERS

Portland manufacturers will be given a strong boost by new and reduced commodity rates to be given from Portland to points in the Oregon Short Line territory. The O-W. R. & N. company and the Oregon Short Line have granted the reductions upon the conclusion of several conferences between Traffic Manager R. B. Miller and General Freight Agent H. E. Lounsbury of the O-W. R. & N., General Freight Agent J. A. Reeves of the Oregon Short Line and J. N. Teal, counsel for, and J. H. Lohr, manager of the transportation committee of the Portland chamber of commerce.

The new rates will become effective in about 60 days, so it was stated this morning, the decision to reduce them having been reached last night.

The reduction gives important recognition to Pacific coast manufacturers, in that it places them on equal footing with manufacturers in the east who, under the present rates, are having to ship manufactured goods as cheaply from Portland into Pocatello as from the manufacturing centers of the middle states. The reduction is regarded as a very important step in the direction of manufacturing development of the Pacific northwest.

BOY OFFENDERS GIVEN A HEARING IN COURT

Two nine-year-old boys appeared before Judge G. J. O'Connell this afternoon, charged with the theft of some old coins from the display cases in the hallway of the city hall. Both admitted the charge. One boy was sent to the Frazier home indefinitely. The other was given a chance to redeem himself.

Suffering 100 milk bottles from the Laurelhurst Creamery a short time ago and many other thefts by Lloyd Thomas, 14 years old, drew a sentence for the lad to the reform school from Judge Gaten. Three other boys, each 15 years old, were implicated in the bottle theft but were placed on probation.

Young Thomas broke away from Superintendent Baker of the Frazier Home as he was being brought to court last Saturday and once put a quarter's worth of potato on the car tracks to hear the explosion.

Three boys appeared charged with breaking lights. Ardewald station with guns. Another boy of 11 was charged with breaking an eye light at Sixty-sixth and Whitman streets. The boys were ordered to pay damages and were dismissed. Two boys charged with shouting songbirds were placed on probation.

MRS. BOYD'S CONDITION IS IMPROVED TODAY

The condition of Mrs. John H. Boyd, wife of John H. Boyd, pastor of the First Presbyterian church, who suffered a stroke of paralysis yesterday, is slightly improved today, according to report given out from the home. Her condition is still thought to be serious, however. They are now residing at 751 Montgomery Drive.

WIFE-BEATER GETS LIMIT ON ROCKPILE

Best Pryne, the man who beat his wife while she was ill with a 10 day old baby, was given the limit on the rockpile this morning in the municipal court. This limit consists of 240 days confinement. The wife with the baby was in court to tell how her husband had abused her.

She said that they had trouble for several weeks before the child was born, at one time the husband going away for a week to visit with friends at Albany. Upon various occasions, she said, he struck her. Ten days ago, the woman testified, she was dressing the baby, while Pryne was writing a letter. She asked to see it. He refused, whereupon a quarrel followed. He walked across the room, struck her twice in the face, and took the baby, when she fell to the floor.

Neighbors heard the woman screaming and ran to her assistance. They testified Mrs. Pryne was bleeding at the nose and mouth, the blood flowing over the child's clothing. Dr. J. H. Hickman was called to the stand to testify to the woman's condition at that time, which he said was serious. The physician had her taken to the county hospital, where institution cared for her until yesterday.

CHECKS OF STATE PLANTS ARE 'N.F.' TILL COIN COMES

February Bills Have to Wait Appropriations Because All Money Left Over Has Reverted to General Fund.

(Staff Correspondence.)

Salem, Or., Feb. 8.—With all the appropriation bills buried deep in the ways and means committee of the legislature, the state institutions are up against a famine for maintenance funds. All of them are "dead broke."

When the stack of bills came in the first of February for the January maintenance there was not a penny with which to pay. All the money that happened to be in the funds at the close of the fiscal period reverted back to the general fund.

Dr. R. E. L. Steiner, superintendent of the asylum, went to a bank and borrowed enough money to pay the employees of the institution and the urgent bills. Employees at the other institutions are waiting.

In the meantime, it is said the ways and means committee are moving unusually slow. Maintenance appropriation bills are usually out with an emergency clause attached by this time. The monthly maintenance cost runs about \$50,000.

NEW GAS AND ELECTRIC COMPY INCORPORATED

Articles of incorporation of the North Pacific Gas & Electric company were filed today with the county clerk here. The capital stock is placed at \$1,000,000 and divided into 10,000 shares. As briefly stated in the articles, the purpose of the corporation is to furnish water, gas, electric current, light and heat in towns in Oregon and adjoining states. The incorporators are C. J. Franklin, F. L. Shultz and H. E. Lounsbury of Portland, and W. W. Seymour and F. C. Brewer of Tacoma, Wash.

Mr. Franklin is general superintendent of the Portland Railway, Light & Power company, and H. E. Lounsbury is general freight agent of the O-W. R. & N. company, and both deny the fact that they are interested in the new corporation except in a personal way and not acting for their respective companies. Messrs. Brewer and Seymour of Tacoma are said to be the principal factors in the organization of the company.

"We haven't had our first meeting yet," said Mr. Franklin this afternoon, "but will get together soon, after which our plans will be announced. The purpose, however, is as stated in the articles to operate light, water, heat and power plants in towns in Oregon and Washington, or adjoining states."

GOVERNOR WEST GIVEN CLUB HE DESIRES IN ANTI-VICE CAMPAIGN

(Continued From Page One.)

The proviso for a court review as considered it entirely fair.

"Animosity," Says Thompson.

Then Thompson came on with a fiery charge. He assailed the bill as unconstitutional, and he objected to suspending a public official for a period of 90 days or, rather than offering him, if guilty of misdeeds, he said that under this bill people would be permitted to "throw a bucket of mud on an official," and still the man would remain in office. He said the bill was "asinine."

Butler of Wasco, who assisted in framing the bill, responded to Thompson with spirit. He said it was not true that the bill trenches on the constitution.

"If an official is complained against by the governor," he said, "and the charges are not sustained, he will be stronger with his people than before. If the circuit judge before whom the charges are heard, finds he has not been enforcing the law, then he deserves the bucket of mud."

Daniel of Clackamas, said he had been inclined to oppose the bill at first, but as now amended he favored it, because it not only gave the governor power to go after an official who winks at the law, but places responsibility on the governor to make good any charges that are filed.

Senator Thompson and the Recall.

"I am not surprised by the opposition of Mr. Thompson," said McCulloch, closing the debate. "He refers to the recall as one means of getting rid of an undesirable official, but I will remind the senate that if the recall had been left to him, we would not have it."

"This is a progressive measure. It comes up to the expectations of these people, and under it an official indifferent to his duty and the laws of the state may be called to the bar and made to answer."

On the roll call Barrett of Umatilla, Day of Multnomah and Hoskins of Yamhill were the ones to line up with Thompson. Even Wood of Washington called him, and voted for the bill. Bean and Miller were absent, all others voting aye.

AGREEMENT FINALLY REACHED BETWEEN THE CITY AND COUNTY

(Continued From Page One.)

ferries. Another, at the suggestion of the Southern Pacific counsel, was a descriptive of bridge approach. There was added the provision that the city shall maintain the power of police regulation. The county will accept for use of the bridges the city's speed regulations, but retains its own regulations as to opening and closing of the draws, including the closed period.

Judge Cleaton suggested that the city might well assume the obligation for the lighting of the bridges, saying the city gets a better contract from the lighting company.

Step Toward Union.

As the legal effort to untangle the conflicting authority of city and county proceeded, he again observed that no better argument for unifying the government and making it the city and county of Portland had ever been presented.

At the present time the city's bonded bridge debt is \$2,215,000, and for ferries \$115,000. The interest charge for both is \$140,850 annually or \$135,000 for bridges alone. The revenue from the bridges, it was said, does not pay the interest charges, much less sinking fund and depreciation. By the agreement this morning the city will apply the revenue from cars using the steel bridge to the sinking fund and will not turn over the money to the county.

At the conference were County Judge Cleaton, County Commissioners Lightner and Hart and District Attorney Evans for the county. For the city, Acting Mayor Baker and City Attorney Frank S. Grant. For the corporations Judge W. D. Fenton, of the Southern Pacific, Arthur Spencer, for the O-W. R. & N., and Frederick V. Holman and Franklin T. Griffith, for the Portland Railway, Light & Power company. The city attorneys leading on the union question are city attorney and the corporations are meeting again this afternoon to redraft the bill in the form agreed upon, after which it will be again submitted to the legislature.

TRAVELERS DO NOT MISS TRAINS NOW

"Not one passenger has missed a train since the installation of the automatic annunciator in the depot," said Day Depot Master G. W. Long at the Union station this morning. "The megaphone voice speaks plainly and immediately a rush for the gates to the yards."

The automatic annunciator system was installed a short time ago at the station and is now in perfect working order. It is the only system in use on the Pacific coast, but has been tried out with great success in Chicago and the eastern centers of travel.

"Telegram at information desk for James Brown," Mr. Long spoke in an ordinary tone of voice into the tube.

"Telegram at information desk for James Brown," Mr. Long spoke in an ordinary tone of voice into the tube.

Had James Brown been anywhere in the vicinity he could not have missed the message.

Arrivals and arrivals of trains are announced, persons are paged and general information is given out through the annunciator and much time and trouble is saved both for the public and the railroad personnel.

BIDS FOR 163,000,000 FEET OF U. S. TIMBER

The United States Logging company, a new corporation of Cottage Grove, was the only bidder for the 163,000,000 lumber feet of timber, advertised by the government as for sale in the Umpqua National forest. Bids closed Wednesday, and representatives of the timber concern were in Portland yesterday and signed the final contract, which has been tried out with great success in Chicago and the eastern centers of travel.

The timber lies southeast of Cottage Grove, and one and one half miles east of Clifton, on the little road that runs out into the mountains from Cottage Grove. It will only be necessary for the company to construct a spur, one and one half miles long before cutting in the timber. This will be in the spring. Most of the timber consists of Douglas fir, and this with red cedar and sugar pine, sold at \$1.25 100 feet. Hemlock sold at 50 cents 1000 feet.

London Bakers to Strike.

(United Press Leased Wire.)

London, Feb. 8.—The strike of London bakers which has been threatened for the last three or four weeks, is now believed to be inevitable unless a satisfactory conference is held shortly to settle the dispute.

It is estimated that, should the trouble break and the master bakers go on strike, London would be breadless within three weeks, and the seriousness of such a strike is beginning to be realized with the result that the public are demanding that the grievances of the bread makers be heard immediately.

Earl Rogers to Retire.

(Special to The Journal.)

Los Angeles, Cal., Feb. 8.—Earl Rogers, chief counsel for Clarence Darrow, must disassociate himself with the case and retire at once if he values his life. This is the ultimatum today of nerve specialists, who examined the attorney. They declare that his life or his reason will be forfeit unless he maintains a mental rest for many months.

GREAT ALL DRINK, AVERS VIC BERGER

Congressman From Famous Wisconsin City Cites List, Caesar to Cannon.

(United Press Leased Wire.)

Washington, Feb. 8.—"All great men, from Julius Caesar to Joe Cannon, were moderate drinkers except the gentleman from Alabama (Hobson), the hero of the Meridian. And Hobson owed his greatness not to the water he drank, but to the water he didn't drink."

This was part of the contribution in the house today by Victor Berger, Socialist, of Milwaukee, to a bitter debate on the Webb bill which prohibits the shipment of liquor from "wet" to "dry" states. Its passage is predicted.

Berger attacked the bill, saying that he favored abstinence and temperance as opposed to prohibition, and cited some illustrious examples besides the three mentioned above. He said:

"Washington, Jefferson, Grant, Lincoln and Lincoln were moderate drinkers, while Shakespeare, Goethe and Dante drank whenever they had a chance."

DOCK PLAINTIFFS DISPLAY DISLIKE OF WATER FACTS

Attorneys for Interests Attempting to Enjoin Commission Try to Belittle the Showing of Figures.

By J. B. Ziegler.

What promises to be one of the biggest and most important suits ever tried in Oregon is now in progress before Judge Morrow, involving indirectly as it does the title to all the water front of the city.

The suit is to restrain the city and Dock Commission from building public docks on the two sites selected, No. 1 at the foot of Seventeenth street and No. 2 between East Oak and East Washington.

The plaintiffs seeking to restrain and claiming legal possession of the sites are the Pacific Milling & Elevator Co. at site 1 and William Reid at site 2. The plaintiffs in the first place at a hearing some weeks ago when Judge Morrow denied the state the right to intervene as owner of the land below ordinary high water line. The judge held that the title was not the point at issue but a wharf right under the act of 1882, granting such right to abutting owners in incorporated towns, to reach deep water.

The city is represented by L. E. Latourrette, the Dock Commission by Fred W. Mulkey.

These attorneys claim that no upland above ordinary high water existed on these sites in 1882 when the city boundaries were extended to include the No. 1 site and consequently nothing to which the appurtenant wharf right could attach.

Since that time fills have been made on Front street and Water street adjacent to the dock sites, but that is yet a question whether any land exists above the meander line.

Site Was Submerged.

The witnesses in behalf of the city yesterday were D. S. Whitfield, R. S. Greenleaf, who surveyed the land about site No. 1 in 1902, Captain Groves, Supt. of dredges for the Port of Portland, who conducted the filling operations in the vicinity and Mr. Fisher, a longshoreman, who lived in a houseboat in the vicinity of site 1 for 12 years.

According to the evidence of these men practically the entire site of Dock No. 1 was submerged by ordinary high waters and for long periods of time. Mr. Greenleaf said he could not remember with exactitude, but suggested that the hydrographic reports in the U. S. engineer's office would be conclusive.

Captain Groves testified to fills made on adjacent tracks and in Front street adjacent to the dock sites, and that the low ordinary high water mark. These fills, he said, sloughed over for lack of proper bulkheads and filled the No. 1 site, called the Mays tract, materially.

Fisher said that there was, in 1902, 15 feet of water ordinarily under his houseboat located immediately alongside the dock site, and that he judged the filling had raised the land until now a matter of 15 feet. It was brought out that a part of this raise is due to accretions caused by fills and docks constructed south of this land, particularly a solid fill by the Star Sand company.

Testimony at Variance.

Judge Morrow expressed surprise at the apparent intention of the attorneys for the public to plead that the wharf rights belonged to the public as appurtenant to the street, which, according to evidence offered, reached the meander line.

He said such intention did not appear in the pleadings filed.

Franklin P. Mays took the stand for plaintiff. His testimony was at variance with that of the city's witnesses, but was very indefinite and uncertain. He laid much emphasis on a bank of higher land raised by the action of a spring branch emptying into the river by the tract, but could not say as to amount of land expended at stated gauge readings above United States datum plane.

Both Mr. Mays and C. W. Fulton, attorney for plaintiff, expressed a disdainful unacquaintance with datum planes. Exactitude, in fact, was manifestly adherent to their cause.

Mr. Fulton failed to bring out any positive evidence from Mr. Mays, one way or the other, as to whether the land was upland or submerged in character.

Mr. Mays stated he was interested to the extent of a \$100,000 mortgage held on the tract in trust for him.

Mr. Reid testified in behalf of his ownership of the No. 2 site. He claimed that at times 200 feet or so of it is exposed, and at others but little. No more exact knowledge of this point was exhibited by Mr. Reid than by Mr. Mays. He bought the land in 1909 and 1910.

Mr. Reid offered in evidence his deed, which calls for land down to the harbor line.

An interesting lot of evidence was offered by Mr. Mays in the way of two letters from former City Attorney L. A. McNary, making offers to Mr. Mays of compensation by the city for the use of his land for the Albina ferry slip. One of these offers was \$12,000 for 15 feet of water frontage. It was refused by Mr. Mays.

The hearing will be continued next week on a day yet unfixed, and probably will require a number of days.

BOYS' AND GIRLS' AID INVESTIGATORS NAMED

(Staff Correspondence.)

Salem, Or., Feb. 8.—House members of the joint legislative committee to investigate the Boys' and Girls' Aid society in Portland were named by Speaker McArthur this morning. They are Representative Bonbrake, Blinnard and Nolta. Behind the investigation, it is understood, is the purpose to conduct an inquiry into alleged acts of Superintendent W. T. Gardner.

CLAIM COAL FRAUDS TO REACH MILLION

U. S. Takes Possession of Western Fuel Company's Offices in Frisco.

(United Press Leased Wire.)

San Francisco, Feb. 8.—Uncle Sam is in possession of the offices of the Western Fuel company, the Pacific coast branch of the coal trust, today. Planked by a dozen government expert accountants, Special Treasury Agent W. H. Tidwell is seeking confirmation from the company's books of allegations that the company has defrauded the United States out of more than \$1,000,000 in a drawback tax and by weighing practices similar to those practiced in New York by employees of the sugar trust.

"My examination so far has been cursory," said Tidwell this afternoon, "but I have found on the face of the books, set out in plain and striking fashion, sufficient evidence to support every allegation made by the government."

United States District Attorney McNab is marking time until Tidwell and his experts have finished with the company's books. He will then present any evidence of a damaging nature to the federal grand jury.

"I am certain that action against the trust will not end with Tidwell's examination," said McNab. "The grand jury will consider the case next Tuesday."

First of the company's books, the dock weighing journal of the company showed a discrepancy of 70 tons between the amount of coal loaded on a barge at the trust bunkers and the actual weight of the coal delivered. This represents not only the swindling of Uncle Sam out of \$3150 in drawback money, but shows that the steamship company, of which the cargo was delivered paid for 70 tons of coal it never received."

ALLEGED UNITED SHOE MACHINERY CO. TRUST

(United Press Leased Wire.)

Trenton, N. J., Feb. 8.—Following closely on the dissolution in Detroit of the "shoe last trust," the United States district attorney today filed a suit under the provisions of the Sherman anti-trust law against the United Shoe Machinery company. The complaint asks that the corporation be declared illegal and enjoined permanently from further operation.

The suit further states that the organization controls more than 99 per cent of trade in the machinery industry through unlawful competitive methods and a leasing system by which machinery is let to manufacturers in an illegal manner.

THEATRES — AMUSEMENTS — ENTERTAINMENTS

BAKER THEATRE—Home of the Baker Players. Tonight, one of the most beautiful comedies ever written. "MOTHER" By Jules Eckert Goodman. Price 25c. 50c. All Mats, 25c. Next week, "The Brass Bonnet."

Orpheum—Matinee Daily. Seventh and Taylor Streets. Main 6, A-1020. Mats, 25c. 50c. Nights, 25c. 50c. 75c. THIS WEEK

"PUSS IN BOOTS"

ENGLISH PANTOMIME—25—In Company—25;—5 Other Star Acts—5. Antimated Weekly.

PANTAGES—1913 Road Show No. 1, Miss Daisy Harcourt, Little Hip & Napoleon, Beck and Henry Davis, Cyr & Co. The Boardman Sisters, Del Bally and Jan. Pantomime, Orchestra. Popular prices. Matinee daily. Boxes and first row balcony reserved. Phone 4-2225. Main 4535. Box office open from 10 a. m. to 10 p. m. Curtain 2:30, 7:15 and 9.

LYRIC THEATRE—Keating & Flood present "The Insurrection," featuring the famous Russian dance. Two performances nightly. Matinee daily. Tuesday night athletic contests. Friday nights, chorus girls' contest. Sunday nights, continuous performances starting at 6:30. Next week—"Who Stole the Turkey?"

WHY WE GUARANTEE

We first make mortgage loans with our own money, and know they are good. We guarantee the payment of the principal six months after maturity, which contingent liability we consider better and safer for us than to have a moral obligation demanding payment at maturity.

The 1st Trust Company

The 1st Trust Company of Portland Oregon Third and Washington

OREGON HOTELS

THE MULTNOMAH ABSOLUTELY FIRE-PROOF PORTLAND'S GRANDEST HOTEL

100 rooms \$1.00 per day
100 rooms \$1.50 per day
200 rooms, with bath \$2.00 per day
100 rooms, with bath \$2.50 per day

Add \$1.00 per day to above prices when two occupy one room.

VERY ATTRACTIVE PRICES FOR PERMANENT GUESTS

H. C. BOWERS, Manager.
GAINER THIGPEN, Asst. Ma. Mgr.

NEW PERKINS HOTEL

IN THE HEART OF THE CITY

NOTE OUR RATES:

Room with Bath Privilege \$1.00 UP
Two Persons \$1.50 UP
Room with Private Bath \$1.50 UP
Two Persons \$2.50 UP

L. Q. SWETLAND, MGR.
(Permanent Rates on Application)

The Seward Grille

Sunday Table d'Hote Dinners

Have That Satisfying Effect 6 to 8:30 p. m. \$1.00

Business Men's Lunch Daily 11:20 to 2 p. m. 40c

10th at Alder—Main 7164

Fred E. Phillips. Victor E. Tarbell.

THE SUNDAY JOURNAL

for tomorrow will consist of five news sections, replete with news, reviews and illustrated features, twelve-page magazine and Woman's Section, and Comic Section.

IN THE MAGAZINE

WHAT THE NEGRO OWES TO LINCOLN

A graphic story that reviews the astounding changes in the moral and mental condition of the black people in their 50 years of freedom.

BUILDING SAN FRANCISCO'S EXPOSITION

Striking illustrations show what the visitor will see in San Francisco in 1915, and an accompanying article explains the progress of construction.

ABOARD A DONKEY IN THE HOLY LAND

A Portland tourist's impression of Jericho, River Jordan and The Dead Sea, an interesting word picture illustrated with photographs of places famed in Biblical lore.

POVERTY HER HARDEST MASTER

How Odette Valery, once the idol of the public and the terror of managers, now plays to want and destitution.

HOW MANY OF OUR WOMEN ARE DOOMED TO LOVELESS LIVES

Discussion of the factors responsible for the increasing number of women who go unwed.

POPULAR FEATURES

HEALTH AND EFFICIENCY—By Lora C. Little.

THE NET—By Rex Beach, Continued story.

HEALTH AND BEAUTY—By Mrs. Henry Symes.

CHILDREN'S STORY PAGE—By Polly Evans.

TOMORROW

COMPANY DENIES IT TOOK STRIP OF LAND FROM PUBLIC

May Rededicate Property on Third, Between Glisan and Hoyt, for Use as Sidewalk as Originally Intended.

Manager Edward Lyons of the Northwest Terminal company, denies an attempt on the part of the company to convert to private use public property by erecting the fence along Third street, between Glisan and Hoyt streets, and thereby adding to the enclosed grounds of the terminal yards the 12 by 250 foot vacated June 6, 1896, when the O. R. & N. Co. secured permission from the city to build the Steel bridge recently replaced by the new structure.

"The terminal company built the new fence where the old fence was erected 17 years ago," said Manager Lyons, "and we built it to protect the public from the danger of crossing the tracks in the yards. The old fence was partly demolished and hundreds of persons would walk across our tracks day and night and we were in constant fear of someone getting maimed or killed."

"Vacated streets or portions of streets revert to the adjoining property and hence the company would consider itself owner of the strip, 50 feet from the north line of Glisan street. The 50 feet belong to the city, because some years ago the Terminal company decided to the city of Portland a lot having 50 foot frontage on Third street and 100 on Glisan street, for the purpose of erecting a fire station thereon. Therefore 50 feet of the vacated sidewalk reverts to the city. This strip as well as the lot were fenced in, too, in order to accomplish the desired purpose, that of preventing people from crossing the tracks."

"The company has plans for building a sidewalk on the strip vacated, and in all probability it will be dedicated to the city again, for the plans are to elevate the sidewalk from its eastern end, at Hoyt street, across the tracks leading from the depot to the bridge, and over to Front street for the accommodation of persons wishing to cross the terminal yards at that point. A great many people find this the most convenient route to the O-W. R. & N. freight houses and the steamship offices on Front street."

The point raised, that the strip should not revert to the Terminal company, since it is not now being used for the purpose for which it was vacated, is regarded as debatable, some holding that usual interpretation of the law would not apply, but that a court would rule that the strip should be returned to the city for the original purpose for which it had been dedicated.

DOCK PLAINTIFFS DISPLAY DISLIKE OF WATER FACTS

Attorneys for Interests Attempting to Enjoin Commission Try to Belittle the Showing of Figures.

By J. B. Ziegler.

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Since that time fills have been made on Front street and Water street adjacent to the dock sites, but that is yet a question whether any land exists above the meander line.

Site Was Submerged.

The witnesses in behalf of the city yesterday were D. S. Whitfield, R. S. Greenleaf, who surveyed the land about site No. 1 in 1902, Captain Groves, Supt. of dredges for the Port of Portland, who conducted the filling operations in the vicinity and Mr. Fisher, a longshoreman, who lived in a houseboat in the vicinity of site 1 for 12 years.

According to the evidence of these men practically the entire site of Dock No. 1 was submerged by ordinary high waters and for long periods of time. Mr. Greenleaf said he could not remember with exactitude, but suggested that the hydrographic reports in the U. S. engineer's office would be conclusive.

Captain Groves testified to fills made on adjacent tracks and in Front street adjacent to the dock sites, and that the low ordinary high water mark. These fills, he said, sloughed over for lack of proper bulkheads and filled the No. 1 site, called the Mays tract, materially.

Fisher said that there was, in 1902, 15 feet of water ordinarily under his houseboat located immediately alongside the dock site, and that he judged the filling had raised the land until now a matter of 15 feet. It was brought out that a part of this raise is due to accretions caused by fills and docks constructed south of this land, particularly a solid fill by the Star Sand company.

Testimony at Variance.

Judge Morrow expressed surprise at the apparent intention of the attorneys for the public to plead that the wharf rights belonged to the public as appurtenant to the street, which, according to evidence offered, reached the meander line.

He said such intention did not appear in the pleadings filed.

Franklin P. Mays took the stand for plaintiff. His testimony was at variance with that of the city's witnesses, but was very indefinite and uncertain. He laid much emphasis on a bank of higher land raised by the action of a spring branch emptying into the river by the tract, but could not say as to amount of land expended at stated gauge readings above United States datum plane.

Both Mr. Mays and C. W. Fulton, attorney for plaintiff, expressed a disdainful unacquaintance with datum planes. Exactitude, in fact, was manifestly adherent to their cause.

Mr. Fulton failed to bring out any positive evidence from Mr. Mays, one way or the other, as to whether the land was upland or submerged in character.

Mr. Mays stated he was interested to the extent of a \$100,000 mortgage held on the tract in trust for him.

Mr. Reid testified in behalf of his ownership of the No. 2 site. He claimed that at times 200 feet or so of it is exposed, and at others but little. No more exact knowledge of this point was exhibited by Mr. Reid than by Mr. Mays. He bought the land in 1909 and 1910.

Mr. Reid offered in evidence his deed, which calls for land down to the harbor line.

An interesting lot of evidence was offered by Mr. Mays in the way of two letters from former City Attorney L. A. McNary, making offers to Mr. Mays of compensation by the city for the use of his land for the Albina ferry slip. One of these offers was \$12,000 for 15 feet of water frontage. It was refused by Mr. Mays.

The hearing will be continued next week on a day yet unfixed, and probably will require a number of days.

BOYS' AND GIRLS' AID INVESTIGATORS NAMED

(Staff Correspondence.)

Salem, Or., Feb. 8.—House members of the joint legislative committee to investigate the Boys' and Girls' Aid society in Portland were named by Speaker McArthur this morning. They are Representative Bonbrake, Blinnard and Nolta. Behind the investigation, it is understood, is the purpose to conduct an inquiry into alleged acts of Superintendent W. T. Gardner.

CLAIM COAL FRAUDS TO REACH MILLION

U. S. Takes Possession of Western Fuel Company's Offices in Frisco.

(United Press Leased Wire.)

San Francisco, Feb. 8.—Uncle Sam is in possession of the offices of the Western Fuel company, the Pacific coast branch of the coal trust, today. Planked by a dozen government expert accountants, Special Treasury Agent W. H. Tidwell is seeking confirmation from the company's books of allegations that the company has defrauded the United States out of more than \$1,000,000 in a drawback tax and by weighing practices similar to those practiced in New York by employees of the sugar trust.

"My examination so far has been cursory," said Tidwell this afternoon, "but I have found on the face of the books, set out in plain and striking fashion, sufficient evidence to support every allegation made by the government."

United States District Attorney McNab is marking time until Tidwell and his experts have finished with the company's books. He will then present any evidence of a damaging nature to the federal grand jury.

"I am certain that action against the trust will not end with Tidwell's examination," said McNab. "The grand jury will consider the case next Tuesday."

First of the company's books, the dock weighing journal of the company showed a discrepancy of 70 tons between the amount of coal loaded on a barge at the trust bunkers and the actual weight of the coal delivered. This represents not only the swindling of Uncle Sam out of \$3150 in drawback money, but shows that the steamship company, of which the cargo was delivered paid for 70 tons of coal it never received."

ALLEGED UNITED SHOE MACHINERY CO. TRUST

(United Press Leased Wire.)

Trenton, N. J., Feb. 8.—Following closely on the dissolution in Detroit of the "shoe last trust," the United States district attorney today filed a suit under the provisions of the Sherman anti-trust law against the United Shoe Machinery company. The complaint asks that the corporation be declared illegal and enjoined permanently from further operation.

The suit further states that the organization controls more than 99 per cent of trade in the machinery industry through unlawful competitive methods and a leasing system by which machinery is let to manufacturers in an illegal manner.

THEATRES — AMUSEMENTS — ENTERTAINMENTS

BAKER THEATRE—Home of the Baker Players. Tonight, one of the most beautiful comedies ever written. "MOTHER" By Jules Eckert Goodman. Price 25c. 50c. All Mats, 25c. Next week, "The Brass Bonnet."

Orpheum—Matinee Daily. Seventh and Taylor Streets. Main 6, A-1020. Mats, 25c. 50c. Nights, 25c. 50c. 75c. THIS WEEK

"PUSS IN BOOTS"

ENGLISH PANTOMIME—25—In Company—25;—5 Other Star Acts—5. Antimated Weekly.

PANTAGES—1913 Road Show No. 1, Miss Daisy Harcourt, Little Hip & Napoleon, Beck and Henry Davis, Cyr & Co. The Boardman Sisters, Del Bally and Jan. Pantomime, Orchestra. Popular prices. Matinee daily. Boxes and first row balcony reserved. Phone 4-2225. Main 4535. Box office open from 10 a. m. to 10 p. m. Curtain 2:30, 7:15 and 9.

LYRIC THEATRE—Keating & Flood present "The Insurrection," featuring the famous Russian dance. Two performances nightly. Matinee daily. Tuesday night athletic contests. Friday nights, chorus girls' contest. Sunday nights, continuous performances starting at 6:30. Next week—"Who Stole the Turkey?"

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