

DECLARES RIGHTS OF PUBLIC HAVE BEEN CURTAILED

Instead of Expanding in Advance of Growth of City Private Interests Have Encroached, It is Declared.

By J. B. Ziegler. As a commercial city grows its public needs grow in proportion. If it is the metropolis of a dependent territory, its common highways and terminal properties should expand rather faster than its population.

The pioneer founders of the city recognized this in the dedication of the public levee, throughout the extent of the waterfront from the west line of Front street to the river.

Other needs were liberally provided for in the tier of park blocks extending from Lincoln street on the south to the river on the north, and numerous blocks besides for public squares, schools, markets, churches, etc.

But instead of expanding, the park blocks have been curtailed at both ends, and broken in the middle, the public squares have mostly disappeared, the levee has not only disappeared but the river has been platted and claimed down to the government pierhead line.

This provoking and perverse result becomes most interesting in connection with the pending harbor improvements, which have thereby not only been forced a mile down the river, but demand is made that the public disgorge, from the fund proposed for construction, some \$200,000 for initial sites.

But it is not good for the city, as a contrary policy adopted by the great ports of the world amply proves. The loss of public squares and parks also is proved bad by the disinclination of the people to bond themselves for millions to buy more.

The first chapter in this municipal drama is related in the case of Pariah vs. Stephens, by Justice Olney of the United States supreme court for the territory of Oregon, in December, 1853. In his decision he says:

"This is a suit in chancery by the owner of the Water street (Front street, west side) in Portland to enjoin the proprietors of the town and their vendees from erecting buildings on the river bank in front of the plaintiff's premises. The bill was filed in 1850, and an injunction allowed, after which the entire strip of blocks between the foot of a compromise by which a portion of the levee was to be private property and the remainder (from Washington to Main) was to be public.

The compromise failing, the parties revert to their original rights, and bring the entire strip of blocks under adjudication. "In 1845, Pettigrove and Lovejoy, as joint owners, laid out the town of Portland, and caused a plat to be made. Upon the strip of ground between the river and the front row of blocks, the proprietors claim that the street in front does not cover the entire strip, but leaves a narrow margin along the bank not dedicated to the public. Their right is contested by the citizens, who claim the entire strip as public ground, and whether public or private is the question to be decided.

"Upon the face of the plat there is the same evidence that this strip is a street, as those spaces between the blocks are streets. "Indeed it is admitted to be a street, its boundary alone being disputed. But the plat carries no evidence on its face of any other boundary than the river. It is not unreasonably wide for the whole of a commercial town, but on the quay rather narrow for that purpose, being wider than its extent narrows, and but for a slight curve narrower wider than the ordinary streets of a town.

This language indicates the extent of the present encroachments of these blocks upon the river. And yet from this location, it must necessarily be meted more used than any other for the carting of goods; and besides, must be the receptacle of all goods imported and exported by the vessels resorting there. It is quite as important to the town proprietors as to the individual lot holders of the vessels which confer upon the town its principal importance should not be embarrassed by the caprice and avarice of private persons; and they appear by the face of the plat to have adopted, as reasonable men, the usual and proper means of safeguarding against the avarice of the street, was intended to adjoin the river, to form the connecting link between all the highways of the town and the great highway of water, upon which the town is dependent, is therefore, both reasonable

"If she had remained on Codein, the orthodox treatment, there is little doubt but that, as the doctor said, she would have lived 'but a few days at best.' "How can people who do their own thinking be content to go down into the shadows without hope under Codein, while many other diabetics are either recovering or having their lives prolonged by the use of a simple infusion which has the new effect to aid the liver to oxidize more sugar and starch and thus permit the system to assimilate it and grow in strength?"

"If you have diabetes and are of middle age or over do you not owe it to yourself and family to try Fenton's Diabetic Compound before giving up? It can be had at druggists. For free pamphlet on our investigation into the curability of Bright's disease write John J. Fulton Co., San Francisco.

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BILL FOR PURCHASE OF TOLL SPAN AWAITS GOVERNORS' APPROVAL



Washington-Idaho bridge across Snake river at Clarkston, Wash., bill for purchase of which has passed legislatures of two states.

Nothing now remains to complete the details for the purchase of the long toll bridge that connects Washington and Idaho except the signatures of the governors of the two states to the bills passed by the two legislatures. This bridge is over the Snake river and connects Lewiston, Idaho, and Clarkston,

Wash. The purpose of the bridge is to include Idaho in the great interstate highway system. The span was built about 13 years ago, yet it is said to be in excellent condition at the present time. The owner is Charles Francis Adams and associates of Boston, and is under the control of the Lewiston-Clarkston Improvement company. It has been operated as a toll bridge and has paid the investors approximately 20 per cent annually. It will be sold to the two states for a total of \$80,000, of which each state will bear half the expense. The original cost was \$125,000.

The bridge is 40 feet above the high water mark of the Snake river, which allows an abundance of room for all boats to pass under it.

Chancellor Kent cites approvingly the opinion of Chief Justice Martin of Pennsylvania—a jurist venerable for his age, learning and character—that "when the plan of a city fronting on a navigable water, has an open space between the front row of houses or street, and the water, in public use, it becomes a part of the port without other designation or evidence of dedication."

"Before dismissing this plat, it is proper to notice a document which is relied on as a limitation of the street to a part only of this strip. Only a copy of the plat is in evidence, admitted by both parties to be correct, except as enlarged by subsequent additions. The absence of the original which was made for the proprietors by Brown, the surveyor, is unaccounted for. The document referred to is upon a sheet exactly like that on which the plat is copied; and the back of the plat is placed upon the face of the document, and the two pasted together at the upper edge, so as to appear like a single sheet. All lots are 60x100 feet. Water street in front of blocks 4 and 5 is 30 feet wide, in front of blocks 1 and 8 is 60 feet wide. All other streets are 60 feet wide."

"When and by whom this copy of the plat and this private document were made does not appear. The plat shows more than double the number of blocks originally laid out; all written in 1845 and the same ink, and at the same time, and must have been prepared after the additions were made to the town. It explains the name of Stark and bears evidence of having been prepared about 1845. The town was laid out in 1845 and first sales made in 1846. * * *

"This memorandum is an afterthought, and is hidden away where not likely to be seen. If it was attached to the original plat, why has not that fact been stated in the original plat? It has been proved by the production of the plat or by oral evidence after showing its loss?"

"There is no oral evidence concerning this memorandum until the town had become the metropolis and emporium of the country, and the proprietors had been impetioned to sell lots on the river bank. "The witness, Pettigrove, after looking at this copy, corroborates it, except that Front street, as he calls it, is 30 or 35 feet wide in front of blocks 4 and 5, and he adds, as will be seen by the original map, but the absence of that original not being explained, its contents cannot be instituted in this flimsy, unsatisfactory and suspicious mode, and if it could, the memory of this witness, if not his veracity, would be an unsafe foundation for a solemn decree, as will be presently seen. (To be Continued.)

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BARRIER IS RAISED ON SHIP DECK TO HALT DESERTERS

Master of Japanese Steamer Takes No Chances With His Crew While Vessel is in Port; To Load Lumber.

Talking no chances on a fine of \$500 per head for the members of his Chinese crew should they take a notion to slip ashore to seek work as truck gardeners, laundrymen or domestics, Captain C. Matsushima, master of the Japanese steamer Senju Maru, erected a sort of barricade on the steamer to insure their safekeeping.

In addition to the prisonlike structure, there are four watchmen hired by the captain to keep a lookout on both Japanese and Chinese members of the crew. There are 32 Chinese in the ship's company and 15 Japanese, the latter number including the officers. Sailors and firemen compose the Chinese complement. It is unusual for a Japanese vessel to carry a Chinese crew.

The Senju Maru arrived at the Banfield dock yesterday morning, laden with oak logs from Japan for the Emerson Hardware company. She sailed from Otaru Feb. 13, and was 24 days on the passage over. During the voyage she had to remain here for three days because of a terrific typhoon which overhauled her shortly after she sailed from the Japanese port.

The typhoon hit the Senju Maru February 18, and that day and the two following days she plunged head on to the hurricane with her decks continually awash. Fortunately, however, her deckload remained secure and she lost none of her logs nor received any damage. The remainder of the voyage she had good weather.

The Senju Maru was until recently the British steamer Powhatan, when she was bought by Japanese interests and renamed. She is under long time charter to the China Import & Export Lumber company, and will load an outward cargo of fir for them for China delivery.

None of Frank Waterhouse Ships Now on Pacific Coast. Not a single vessel of the Frank Waterhouse fleet is on this coast now, according to the weekly report of the company showing the positions of their vessels. The British steamer Ockley, which arrived here yesterday morning from Puget sound, was the last of their chartered fleet to come from the orient, and her charter was up when she had discharged her cargo on the north. She is here to load a cargo of lumber for Sydney under charter to Balfour, Guthrie & Co.

Considerable comment has been indulged in because of cargo for Portland that was brought from the orient and shipped from Seattle by rail when the steamer arrived here but a short time after. The weekly report of Waterhouse & Co. shows the positions of the steamers as follows: Elhatu—Sailed from Seattle for Hongkong, via Molok, February 3. Harpagus—To load at Portland about April 11, for regular oriental ports. Lord Derby—At Japan ports. Oterrie—Sailed from Seattle for Yokohama, March 1. Polemie—At Hongkong.

BARGE VASHON BEACHED Floated After All Night Struggle by Tug Snohomish. (United Press Special Wire.) Fort Angeles, Wash., March 10.—The big barge Vashon No. 2, loaded with logging machinery, is in port today, after being on the beach all night. The barge went ashore in the surf six miles west of here when the tow line broke, but was saved after an all night struggle by the crew of the United States tug Snohomish.

ALONG THE WATERFRONT About an average collection of duties at the custom house for the month of February was shown last month, according to figures compiled there. The total amount collected for the month was \$43,378.68, of which \$48,106.63 was for duties and \$270.05 was for miscellaneous collections. Arriving at 8 o'clock Saturday night from Los Angeles and San Francisco, the steamer Rose City, Captain Rankin, had 235 passengers and 1200 tons of general freight. Bringing a cargo of over 1200 tons of cement and general freight, the Dodge steamer St. Helens, Captain O'Leary, is scheduled to arrive in the local harbor from San Francisco. Barley was started on the French

bark Vendee at the Irving dock this morning and the British ship Wray Castle began discharging her ballast at the Linnton dock. Carrying passengers and general freight, the steamer Geo. W. Elder, Captain Paulsen, will be due to arrive at the Martin dock this afternoon from San Diego, San Pedro and San Francisco. Completing the discharge of her inward cargo this forenoon, the British steamer Crown of Seville, Captain Smith, is scheduled to sail this afternoon for Victoria and Vancouver. She will be due back here about the middle of the month to load lumber and general cargo for the orient. The steamer Breakwater arrived yesterday afternoon from Coos Bay with passengers and freight. Seattle, Wash., March 10.—Following an accident on the Union Tank Liner Graywood, at sea, en route from San Francisco, the body of A. Pettigrove is in a local morgue here today. Pettigrove was standing on a slippery iron bar on the crank shaft when he fell. Engineer Smith witnessed the accident and stopped the engine, but Pettigrove had been fatally hurt.

Myrtle Creek Mayor HAS NO OPPOSITION (Special to The Journal.) Myrtle Creek, Or., March 10.—The citizens of this place have nominated candidates for the town election which takes place March 17. Quite a large number of women voters were present. J. M. Martin, present incumbent, was renominated for mayor, with no one to oppose him. O. A. Kirby for recorder and E. J. Fairbanks for treasurer, were the council candidates. For councilmen, J. Carter and C. A. Strong were nominated in Ward 1; S. H. Knight, Ira Miles and C. D. Buick in Ward 2 and Will Gallun and George H. Wilson in Ward 3. For councilman-at-large, J. J. Anlauf, F. E. Smith and Charles W. Rice were nominated.

ARBOR DAY MOVED UP IN FLORENCE SCHOOLS (Special to The Journal.) Florence, Or., March 10.—The Florence schools moved Arbor day back in the calendar and observed it Thursday. About three dozen trees were set out, all the school rooms were made "neat as a pin," four swings and a teeterboard were put up on the grounds and the grounds themselves were raked to an attractive state of cleanliness.

May Block New Douglas Roads. (Special to The Journal.) Roseburg, Or., March 10.—Taxpayers of Douglas county, corporate or individual, will be required to pay their special road taxes as usual this year, but if the Weyerhaeuser company wins its threatened suit to prevent the collection of such taxes against itself, the decision will be made applicable to everybody. The court is of the firm belief that the Weyerhaeuser company cannot win, but if it does every cent of the special tax collected from other taxpayers will be refunded.

Pasadena Team Wins. (United Press Special Wire.) San Diego, Cal., March 10.—The Pasadena Polo team is further toward the championship as a result of its defeat yesterday of the Calgary players, 6 to 5. It was the first game on the Pacific coast for the all-American trophy. Calgary led up to near the end, when Pasadena tied the score and then won in the play off. The lineup: Pasadena—Robert Neustadt No. 1; Reginald Weiss No. 2; Carlton Burke No. 3; John Hobbs, backup. Calgary—W. H. Huston, No. 1; Richard Carle No. 2; G. Snowden No. 3; O. A. Critchley, backup. The San Mateo Juniors and the First Cavalry were to play today.

South Portland Wins. The Mt. Scott team clinched the championship of the Oregon Soccer league yesterday afternoon, by defeating the Crickets by the score of 3 goals to nothing. The Crickets were outclassed from the start to the finish. In a much better game the South Portland team won from the Barrett club by the score of 6 goals to one. Wells, Flint and Howarth scored the points for South Portland, while Storck made the lone goal for the Barrett players.

Sellwood Five Wins. The Sellwood basketball team defeated Y. M. C. A. Hustlers Saturday night by the score of 10 to 8. It was the fastest and roughest game played on the Y. M. C. A. floor this season. Twenty-eight fouls were called during the game. Daniels and Waters were the players able to score baskets, Walters getting two. The lineup: Sellwood—Kurtz and Daniels, forwards; Triebel, center; Corbett and Walters, Hustlers—E. Brown and F. Brown, forwards; Fiegat, center; Fisher and Gieger, guards.

Multnomah vs. Whitman. A dual track and field meet between Multnomah and Whitman college will be arranged for some time in May. Manager Schmitt is negotiating with the Whitman College for a meet and if they are in favor of it, it will be held about the second Saturday in May.

Daily River Readings. STATIONS. Lewiston 28 4.2 0.0 0.0 0.0 0.0. Eugene 29 5.0 0.0 0.0 0.0 0.0. Astoria 29 5.0 0.0 0.0 0.0 0.0. Portland 27 7.8 0.0 0.0 0.0 0.0.

(*) Rating. Miss Van Bibber at Florence. Florence, Or., March 10.—Miss Goldie Van Bibber, school supervisor, has been visiting the Florence schools the past three days. Three schools in her district will soon become standard.

AS OREGON SAVOR

Aurora Farmers Hear How to Save Millions to State Each Year. (Special to The Journal.) Aurora, Or., March 10.—A good meeting of those interested in the breeding of pure blood stock and in other farm topics was held here Saturday afternoon under the auspices of the Commercial club. The attendance was out down some on account of the splendid weather which kept the farmer at work in his field.

Dr. Withycombe of the Oregon Agricultural college, Grant B. Dimick of Oregon City, J. W. Mickle, state dairy and food commissioner, and R. E. Brown of the Union Meat company and the Brownvale Farms, Inc. made brief addresses. Dr. Withycombe made an address that appealed to his hearers when he declared that they should give the cow, the pig, and the hen a chance. He said the hog had paid more debts, built more homes, bought more clothes and school books for the farmer than any other product. He believed a dairy country, with properly diversified industries, the most successful stock and in other farm topics was held here Saturday afternoon under the auspices of the Commercial club. The attendance was out down some on account of the splendid weather which kept the farmer at work in his field.

Judge Dimick appealed to the farmer to remedy the conditions now prevailing under which Oregon sends out of the state annually the enormous sum of \$2,500,000 for beef, pork, butter and eggs. He cited the fact that two trainloads of hogs each week are received on average at the Portland stockyards each year from outside the state. He declared every dollar of this should be produced at home. Not only that, but he believed that the state is able to produce four times the amount of its present output in these products. His remarks were greeted with hearty approval even when he said that present farming methods do not produce 2 per cent on the farmers' investment.

He also told the farmers some wholesome truths concerning their antiquated methods as well as to give them very practical pointers on modern methods. Mr. Brown gave a short talk on up-to-date methods on commercial poultry and egg farms, as well as a discussion of general livestock conditions. He described the "chick commercial egg plant" of which he is president, the Brownvale Farms, Inc. 5 miles north of Aurora, where the hens "are trained to lay by the clock."

Mr. Mickle discussed dairy cattle in an interesting and practical manner which appealed to his audience as the words of a speaker thoroughly qualified to discuss his subject. The speakers were entertained at a noon lunch by the Aurora Commercial club.

Oil Excitement on in Washington. (Special to The Journal.) Aberdeen, Wash., March 10.—An oil excitement rivaling that of several years ago is promised. Outcroppings of the real thing have been found in Jefferson county and the land that is open to filings between this city and the straits of Fuca has been filed upon for months. The crude oil which has seeped through is now exhibited here. It is said that there is a real mountain or large hill of oil bearing mud which has oozed from the earth which has been discovered between here and

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Roseburg Granges Elect Delegates. (Special to The Journal.) Roseburg, Or., March 10.—The election held on Friday night at which H. F. Fancher was elected chief and Clark J. Bargar, assistant chief of the Roseburg fire department, has been declared illegal by the board of fire commissioners because the proper procedure was not gone through in calling the election. Another election will be held in the meantime former Chief C. W. Parrott will act as chief.

RHODE ISLAND INSURANCE COMPANY OF PROVIDENCE, IN THE STATE OF RHODE ISLAND, on the 31st day of December, 1912, made to the Insurance Commissioner of the State of Oregon, pursuant to law:

Table with columns: CAPITAL, INCOME, DISBURSEMENTS, ASSETS, LIABILITIES. Total assets admitted in Oregon: \$1,238,360.00.

RHODE ISLAND INSURANCE COMPANY. Statutory general agent and attorney for service: PHILLIP GROSSMAYER, Portland, Ore. PETTIS-GROSSMAYER CO., 303-210 Wilcox Bldg., Portland, Or. Both phones.

UNITED STATES CASUALTY COMPANY OF NEW YORK CITY IN THE STATE OF NEW YORK, on the 31st day of December, 1912, made to the Insurance Commissioner of the State of Oregon, pursuant to law:

Table with columns: CAPITAL, INCOME, DISBURSEMENTS, ASSETS, LIABILITIES. Total assets admitted in Oregon: \$2,727,907.46.

UNITED STATES CASUALTY COMPANY. Statutory general agent and attorney for service: D. G. LUCKETT, Secretary. H. N. H. LURGARD, Portland.

"Fifty Years Ago, When Golden Wedding Rye Was Young"



The demand for this famous old whiskey grows amazingly each year—the smoothness surprises even the most critical users. The Flavor, Mildness and Mellowness are the result of years of good whiskey making.

Finch's Golden Wedding Bottled in Bond

is made by our own special formula and method. These are perfected for one object—to keep the original Flavor and Quality absolutely pure as it comes to you sealed by the U. S. Government stamp.

Golden Wedding is distilled only from the finest Rye and Barley Malt. It is aged and matured in wood under Government supervision. But it is more than that—It is the Whiskey Satisfaction that you have been looking for.

"Made Differently" F. ZIMMERMAN & CO., Portland Distributors

the Quilnait Indian reservation and the Hoh river. There are also indications of oil in Chehalis county along the Wishkah river bottoms.

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