

NEEDS OF PUBLIC ARE OVERLOOKED BY PUBLIC RULE

Sale of Dabney's Island and Fills About Swan Island Cited as Instances Where People's Rights Are Ignored.

By J. B. Ziegler.

A press dispatch from Salem a few days ago stated that no action would be taken by the State Land board as to fills on the banks of the harbor, until the courts had passed on the ownership of the area in question, the water frontage of the Eastern & Western Lumber company at the foot of Nineteenth street.

Less than a year ago, a suit in the Multnomah county court was decided against the title obtained by the purchase of Dabney's island from the state. The case is now pending in the supreme court. Dabney's island is a shoal in the west channel, a little farther down river, formed by the building of the dam about the year 1890 across the west channel to increase the depth of the east channel. The pitch of the water over the dam, scooped out the sand and deposited it a little lower down, thus forming the island. It lies partly within the government harbor lines, and is raised a matter of only three or four feet at its maximum height above low water mark and is consequently submerged by a small rise in the river.

Not Swamp Lands.
It possesses none of the characteristics of tide or swamp lands subject to sale by the state for reclamation, yet the land board sold it for the merely price put upon such lands, \$1.25 or whatever it is per acre, while the actual value is much more than that per square foot. When we reflect that an acre contains 4,840 square feet we can arrive at the extent of the absurdity of such administration. The ratio obtained is its ratio of efficiency. Add to that the character of the land, the fact that it was formed by port operations, and lies within the harbor area, while the owners of such land are attempting to hold up the dock commission for \$1000 per front foot, while at great public expense the harbor area is being increased by dredging, and we can begin to catch a conception of the extreme silliness of such administration of public affairs.

State's Real Estate Speculations.
I do not know what the magnificent sum may be which the state received for this island, but I know that \$1,200,000 is demanded of the dock commission for an area of about the same extent.

Remember that all the land under consideration is in the area of navigable waters belonging to the public, the state is sovereign being invested with the title in trust for the people—that the people elect the officials executing this trust; that compute the deal, say the state received \$100 for Dabney's island (that won't be many hundreds off, and a hundred more or less won't matter in this case).

The city bonds itself for \$1,500,000 to buy a similar area in the near vicinity—a difference of \$1,199,900 profit to the public? Not on your life! To the private owner.

It appears that when the right of the state to sell is dubious, the courts having declared against it, the land board would not have taken the risk, and that the profit accrued to the public, whom they are representing, would be the view of an innocent observer, but a short study of local public administration would make him less veridical.

I do not know how these public officials justify these things. I have never heard them try. I do not even know whether they think they have to justify themselves.

What Do They Get?
I do not even know whether the public at large objects to paying the price. But what do they get for it? Is it necessary? Could not the harbor improvements be carried on just as well without these alienations of harbor property?

Only this morning I asked Colonel Wood, one of the port's attorneys—the public attorney, by the way, the public pays him—if he was defending the port commission or the public. He said "Both."

"Then," said I, "do you not recognize the value of the public area lost through these fills when millions are demanded by the private beneficiaries for similar areas?" His reply was virtually that it was all incident to the laws as they exist, and we (the public) would have to adapt ourselves to it."

I object to this attitude on two grounds: First, it is not law we are getting now, but a misconstruction of law—worse, a reversal of it as it has been expressly established in Oregon courts until very recently; second, if it is law it is inconsistent with public policy, and instead of adapting ourselves to the law, we should adapt the law to a sound public policy. And certainly giving away property and buying it back at a million dollars per acre is not that.

Adapting ourselves to such administration—net law—bears no fruit in public benefits, but only bares our back to the lash. Shall we adapt ourselves to the paying heavy taxes, bearing no fruit except for private beneficiaries?

Obstruct Public Improvements.
These men say: "Why do not the dock commission act in and do something?" The answer is plain—because

FOUGHT SIOUX INDIANS ON NEBRASKA FRONTIER



Amos Shick, who died April 19.

(Special to the Journal.)

Athens, Or., April 24.—Amos Shick was born October 31, 1831, and died April 19, 1913. He began life in Pennsylvania, and after spending 25 years in his native state moved west to the state of Minnesota. He then moved to the territory of Nebraska, where he lived 18 years. It was while a resident of Nebraska in 1852 that the warlike Sioux began a series of raids and bloody massacres along the thinly settled frontiers of Minnesota and Dakota. The call to arms was sounded and Amos Shick with 1200 other United States soldiers marched with Gen. Alfred Sully to White Stone Hills, where they engaged and defeated 3000 Sioux. Several other engagements took place before the Indians were finally subdued.

On November 2, 1857, Mr. Shick and Miss Martha J. Bender were married, and to them have been born nine children, seven of whom are dead, so that he is survived by his widow and Mrs. Ladora Lockwood, Athens, and Arthur Shick, Athens. Mr. Shick came to Athens in 1877 and took up a homestead five and a half miles northwest of the town. About eight years ago he had a stroke of apoplexy, from which he really never recovered. He was a member of the Christian church and was a member of the Gettysburg post of the G. A. R., Athens.

The questioners themselves sit tight and try to the courts for obstructive injunctions.

"Why does not the commission pay the price and go ahead?" That is what they mean by "adaptation"—adaptation to the condition of a permit being greater than a title, an official being greater than the state, a man on the bench greater than the law, a violent faction of wealthy men and their attorneys greater than the public.

They themselves concede the waterfront which they claim as in their exclusive possession, to be subject to public needs for docks? Have they built any? Do they propose to build any suitable to the public needs? No, they propose neither to build the docks nor let the public do so. They propose to get money out of the public needs—all it will bear. In that case what becomes of the public right to the use of the shores of navigable waters?

Extends Below Low Water Mark.
In the dispatch alluded to, it was said that the Eastern & Western Lumber company had built an embankment at low water mark. That is untrue.

When that embankment was built the water there at low water stage was 3 to 15 feet deep (see U. S. maps), and during floods has not yet filled to low water line.

Granting that it was low water line, that does not give the upland owner the right to fill. Suppose the right to fill to low water was conceded to the upland owners as they claim it what would be the effect on the river?

Could such policy be tolerated and would it be consistent with the public rights? The courts said in the Pittsburgh cases: "The Ohio river at low water occupies only a small part of its bed, it would be disastrous to navigation and during floods to permit the upland owners to fill to low water."

In Portland we have two reasons for rejection of such policy, both conclusive. We need the area for a water terminal (public commerce and navigation) to which all the area is subject and the river needs it to discharge its flood waters.

It was also said in the dispatch that the laws of 1872 and 1874 granted the banks of the Willamette river to the upland owner down to low water mark.

The acts of 1874 and '76 attempted to do so in consonance with many other similar attempts to give away the public property both alienable and inalienable to private operators.

Acts Held Invalid.
But all the decisions of the courts bearing on the same, barring only the recent one of Judge Morrow, held the acts invalid and they were repealed in 1878. Strange, is it not, that in the information vouchsafed the public concerning them, that part of the story is left untold?

The fact is that the trouble with the representatives of the public on these questions is a very radical one, which no law, or policy, or ethical principle can correct; that is, that instead of them owing the duty of service to protect the public welfare, a very short familiarity

NEW QUARTERS A BAR TO LOMBARD HOLDING OFFICE

Such is Opinion of R. W. Montague in Answer to Query of Women's Political Science Club.

That Gay Lombard is ineligible to hold the office of mayor under commission government was asserted by R. W. Montague, member of the official charter revision committee, before the Women's Political Science club at its meeting in the auditorium of the Medical building Tuesday afternoon.

Mr. Montague, after his address on the commission charter, was asked by the secretary of the club if a mayor or commissioner, who had direct or indirect pecuniary interest in contracts with the city, could hold office under the commission charter. Mr. Montague said that section 15g prohibited such interest.

It was then stated that Mr. Lombard, according to records at the city hall, had been elected a member of the city council in 1905. The following year, 1910, he organized and became president of the Oregon Surety & Casualty company, which company during his term of office and since has written bonds for city work and employees, in their form a direct contract with the city, amounting to more than \$1,200,000. Mr. Montague, who had examined the form of the bond, gave it as his opinion as a lawyer that the bonds referred to were contracts with the city.

"Mr. Lombard could not be mayor of Portland under commission government so long as he had these interests," said Mr. Montague.

The speaker was asked by one of the women present if he could trace any connection between Mr. Lombard's announcement just three weeks before the vote on the charter that he was opposed to it, and the fact that his private interests and contracts with the city would make it impossible for him to be mayor. Mr. Montague answered humorously that the women of the club were as capable of drawing the inference as he.

The Women's Political Science club has been investigating the records of candidates for city offices and the facts about Mr. Lombard were secured as a result of the general investigation. "I have heard Mr. Lombard speak three times; twice he spoke in favor of the charter and once against it. I wanted to know why he had changed so suddenly," said Mrs. Sayer, secretary of the club.

TAKES SEWER BURDEN OFF OWNERS OF LOTS

The proposal to divide the cost of sewer construction between the property owner and the general public has been filed with the council by W. C. Benbow, chairman of a committee from the official charter revision committee. The proposal is in the form of a charter amendment which the council is asked at its meeting tomorrow to order submitted to the people at the general election June 2.

It provides that no lot of 5000 square feet shall be assessed more than \$70 for sewer construction, and that if more than this amount has been paid during the last five years the difference between the amount paid and \$70 shall be repaid to the property owners. It has been found that the assessments against 50 by 100 lots run \$100 to \$105 each.

To meet the cost of sewers over the amount which property owners would pay a bond issue of not to exceed one-tenth of one per cent is proposed, these bonds to run 20 years and not to pay more than 4 1/2 per cent interest. To reimburse property owners who have during the past five years paid out more than \$70 for a lot of 5000 square feet another bond issue is proposed of not more than one-fifth of one per cent of the taxable property in the city. No refundment is to be paid except on verified application that the applicant is the owner of the property and paid out the money.

If the commission charter carries the act will be an amendment of the improvement code 245a. If it fails to carry, the act will be an amendment of section 389 of the present city charter.

with power serves to corrupt them, until they see the relation, through their inverted glasses, reversed; themselves the sovereign, and the function of the people only to yield emoluments to the elect of power. To them, powerful men has much meaning, good and powerful government, none.

The task of the people is to discipline these great men. They gaily give away the people's property. They have no misgivings then. But ask them to save it, and they are full of misgivings. Their feet become as lead and the earth an entanglement of obstruction. In the first place they could see no law in the way; in the latter, the whole horizon bristles with opposing laws.

TO START CHAPTER OF RED CROSS SOCIETY

With the object of securing the necessary data and authority to start a chapter of the National Red Cross in Portland, R. D. Carpenter, assistant manager of the Meier & Frank department store has written the headquarters of the organization at Washington, D. C.

Prior to coming to this city, Mr. Carpenter was a member of the San Francisco chapter. He applied for a transfer to the "Portland chapter" and was surprised to find that none existed.

"A city the size of Portland should have a chapter of the Red Cross," said Mr. Carpenter today, "and if it possibly interest people in it I purpose to start one."

The Red Cross is thoroughly organized to carry on its wonderful work of relief in times of stress and disaster, and I am sure there are many people in the city who would join a chapter if one were started here. As soon as I receive a reply to my letter from the national officers I shall inaugurate a movement toward this end, and will seek the cooperation of others interested in such a movement.

Around the World
Around the world for \$29.10 is the rate made for the special cruise of the Canadian Pacific new liner Empress of Asia, sailing from Liverpool June 11. For full particulars address Frank R. Johnson, G. A. B. P., Portland, Or.

REQUEST AID FOR ROSEBUD PARADE

Chairman Bigelow Makes a Special Appeal to All Parents to Assist.

C. A. Bigelow, chairman of the Rosebud parade committee of the East Side Business Men's club, today issued an appeal for greater interest on the part of parents in what is conceded to be the most charming feature of the Rose Festival.

"The teachers and principals are enlisted and are more interested in the parade plan this year than ever before," said Mr. Bigelow.

"The plan of simple costumes, flower and flag decorations, prompt car service and continuous attendance has won unqualified approval. "The children are more interested than they ever have been before."

Many Children to Enter.
"We can have more children in the parade than in any preceding year so far as the principals, teachers and children are concerned. "But we have evidence of lack of interest on the part of some of the parents. There is an influence which can destroy the success of the Rosebud parade, and in so doing destroy a large part of the success of the Rose Festival, 1910. Some of them, without examining the plan at all, have expressed unwillingness for their children to have part in the parade. This despite the statement of Professor Krohn, who will direct the parade, that no child will be subjected to strain or be endangered in the slightest particular."

Appeals to Parents.
"It seems to me that the argument is all on our side. We have all influences with us save some of the parents, and I will be frank to say that the few objecting parents are handicapping preparations for the Rosebud parade feature of the Rose Festival. "Parents are citizens. They ought to be patriotic enough to desire success for the festival because of its great advantage to Portland and because it is one of the most distinctive events of festivity in the world. The Rosebud parade is perhaps the most distinctive feature of the festival. Hence, it seems to me that parents out of public spirit, if for no other reason, ought to help us in our work to make the Rosebud parade a success."

Thieves Indulge in Silks.
Canby, Or., April 24.—Late Monday afternoon it was discovered that the Carlton & Rosenkrans company store had been visited by thieves between closing time Saturday night and opening Monday morning, their loot consisting entirely of silks. The silks were kept in special compartments under the counters, and the loss was not discovered until a clerk had occasion to make a sale from them, finding they had been removed entirely, every piece being taken. The burglars entered the front door by picking the lock, helped themselves, cleaning up carefully after they had finished and thoughtfully locking the door when they departed. The loss is estimated at around \$500.

Recipes for Wrinkles and Bad Complexions

(From Art and Nature.)
Of all the beauty recipes in my scrap book, here are two that have always given complete satisfaction: Wrinkle Remover—One ounce powdered salolite, dissolved in 1/2 pint witch hazel. Use as a wash lotion. It brings instantaneous results.

Face Powder—Pure macerated wax, applied at night like cold cream, only not rubbed in; wash off in the morning. It causes the worn-out scarf skin to come off in tiny, almost invisible flakes, a little each day, until the fresh, young under-skin is wholly in evidence. The beautiful rose-tinted complexion thus obtained is not to be compared with one made over with cosmetics. If the old skin is marred with freckles, pimples, or other blemishes, these defects are, of course, discarded with the skin itself. An ounce of the wax is sufficient in any case.

The ingredients named are inexpensive, and can be found in any drug store. Louise LeBlanc. (Adv.)

CANADA MAKES NEW RATE ON NEWSPAPERS

If you have friends in Canada who want to subscribe to The Journal, advise them that it will be cheaper in the long run for them to take the paper every day in the week instead of the weekly number only, which is issued Sunday, because of a new ruling of the Canadian postal authorities. Heretofore Sunday papers from the states have been sent into the Dominion at a rate of 4 cents in addition to the regular postage has been allowed. The new ruling is that if the Canadian newspaper receives the Sunday paper every day in the week the Sunday edition will be regarded as a daily and will no longer at the regular rate without the additional charge. If they continue to take only the Sunday paper, however, it will still cost them the same as a magazine at the rate of 1 cent for every 4 ounces.

The New BROADWAY BRIDGE

—brings GLENEYRIE within 15 minutes of Portland's "Great White Way"—the heart of the theatre, shopping and hotel district. Officials say now that Broadway cars will be running from GLENEYRIE, over the new Broadway Bridge, and up Broadway (formerly 7th) within 80 to 90 days.

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