

RIVER FRONT SUIT IS ARGUED BEFORE SUPREME COURT

Chief Justice McBride and Justices Eakin, Bean and Burnett Hear Arguments of Opposing Counsel.

By J. B. Ziegler.

The waterfront title suit was heard before the supreme court at Salem yesterday.

The title of the suit is the Pacific Milling & Elevator company vs. the City of Portland and the Public Dock commission. It was entered in the Multnomah county circuit court to enjoin the dock commission from driving piles upon or in front of or interfering in any way with the foreshore bought by that company from Franklin Pierce Mays and known as the Mays tract.

The public municipalities were enjoined by Judge Morrow of the lower court, and the hearing yesterday was on appeal to the supreme court.

Chief Justice McBride, Justices Eakin, Bean and Burnett were on the bench, Justice Moore being absent.

Attorney L. E. Latourette opened for the state, followed by Fred W. Mulkey of the dock commission. George W. Fulton, then spoke for the defendant, followed by Mr. Kerr of Carey & Kerr, and Mr. Seabrook for outside parties. City Attorney Fred C. Grant then closed for the public. Mr. Latourette made an extensive review of the evidence, showing that all the tract and a part of front street were submerged at the time that territory was admitted into the city and became subject to the wharf right act of 1862 for incorporated towns. He cited many decisions sustaining the state's title up to ordinary high water line, or where upland vegetation ceases.

Decisions Are Cited.

Senator Mulkey reviewed the evidence showing that a 14 foot stage covered all the tract as late as 1888, and that such questionable elevations as existed were made by an overflow from the fills made by the Port of Portland on the Martin's dock property and on front street. Natural accretions legally belong to abutting upland, but Senator Mulkey held such accretions as occurred here accrued to the public as a part of front street. Decisions were cited in support.

The senator disputed the findings of the lower court that the upland extends to about 100 feet east of front street and reviewed the evidence. The senator rebuffed claims that the tract was tide-land and subject to sale or ever had been legally sold or granted as tide-lands, and cited Oregon decisions in point.

Senator Fulton declared he would not discuss where the high water mark was years ago, as it is immaterial, but would content himself with the findings of the lower court, which decided that there was some upland, and that plaintiffs

claim to wharf line was appurtenant thereto.

Denies City's Claim.

Such wharf right, he declared to be a permanent vested right excluding the state or city to take the land without condemnation.

(The writer has viewed recently this tract at a 15 foot stage, and found it all submerged.)

Mr. Seabrook claimed that the city or dock commission had never been vested with authority to administer the state's title, and therefore could not benefit by that title.

Mr. Grant confined his 10 minutes discussion to the right of the city to exercise the public right under the "home rule charter," and the dock act. He claimed the title up to ordinary high water line subject to their administration for the purpose to which the title is devoted, namely commerce and navigation, and denied the right of the state to alienate it away from that purpose. Mr. Grant confined his argument to the question of the public policy.

BENTON COUNTY PRUNES WILL BE HALF A CROP

(Special to The Journal.)

Corvallis, Or., May 29.—The prune crop in Benton county has suffered some damage, and there will be but about half a crop. Some trees will bear a full crop, while other trees in the same orchards will bear but few. Prune growers are at a loss to know why some of their trees are well filled and others have no prunes. The trees having no prunes are scattered throughout the orchards, and do not appear to be diseased.

Junket to Mill Forty Autos.

(Special to The Journal.)

Corvallis, Or., May 29.—Corvallis citizens will take an automobile sight seeing trip Tuesday of next week through western Linn and northern Benton counties. About 40 auto loads are expected to make the trip. The itinerary of the tour includes stops at Oakville, Peoria, Shedd, Tangent, Albany, Fairmount Grange, Walsdale, Mountain View and the State Game farm. The autoists will leave Corvallis at 8 o'clock in the morning and reach Albany via Linn county towns at noon. At Albany the tourists will be joined by Albany Commercial club members and their wives in a dinner at the Hammett and St. Francis hotels. From Albany the junketing party will cross back into Benton county and journey westward to Wells. At the State Game farm the tourists will have an opportunity to see thousands of native, Reeves, China, Mongolian, Golden and other pheasants the state is raising.

Six Leave Harney County High.

(Special to The Journal.)

Burns, Or., May 29.—Six students of the Harney County High school were graduated and given their diplomas Friday evening (May 23). They are William Edgar Williams, Burt Le Roy Oliver, Ruby Gladys Dalton, Jessie Amelia Bordwell, Viola Louise Richardson and Ella Pearl Johnson.

Have Your Own Chickens

cow, garden, at Metzger, 8 miles from Portland, on the Oregon Electric. Large lots \$200 and up. Special excursion leaves Jefferson street station Sunday, 10 a. m. Round trip fare and lunch 25c. Tickets and information at 722 Yeon building.

LIBERTY OF FINNS PLACED IN PERIL

Bill Before Duma Would Make Russian Court Try Finnish Offenders.

(United Press Leased Wire.)

Heisingfors, Finland, May 29.—The most formidable blow of the many aimed at Finnish autonomy in the past few years is the verdict of all classes today regarding the bill now pending in the duma at St. Petersburg requiring all Finns who resist Russian made laws to be tried by a Russian court.

Introduced by the ministry of justice, the measure is designed to affect all

offenses in which bureaucratic ingenuity can discover the slightest semblance of political motive, and includes murder, any attack on the police or military, damage to railways, mails, telegraphs or telephones, the manufacture or sale of bombs, and even any attempt to prevent the application of Russian laws to Finland. The purpose admitted is to sweep as many Finns as possible into the wide net of Russian law and Russian court procedure.

An explanatory statement filed by the ministry with the bill is alleged to be full of gross misrepresentations, among the most flagrant being the assertion that the opposition to Russianization comes from only a small section of the Finnish people. This is made in the face of the fact that the Finnish diet, which is one of the most representative parliaments in the world, is continually and emphatically protesting against various forms of Russian aggression.

Describing the bill today, the Denj, a leading liberal organ, says:

It means the stealing of Finland's political freedom. What remains, for

instance, of the freedom of the press, under regulations which can regard any free word as criminal? The ministry of justice evidently desires to level Finland with Russia in the matter of lawlessness, step by step.

The fate of the measure lies with the Octoberists, who hold the balance of power in the duma, but how they will vote is as yet problematical.

BIG RALLY TO CLOSE RUSHLIGHT CAMPAIGN

With a great rally and mass meeting in the Bungalow theatre, Twelfth and Morrison streets, the campaign in behalf of Mayor Rushlight for mayor under the commission charter will be brought to a close Saturday night.

Arrangements for the mass meeting were completed today by prominent cit-

izens who are supporting Mr. Rushlight. There will be a number of speakers. Prominent among them will be the Rev. W. G. McLaren of the Portland Commons, who will tell from his own experience how much moral conditions have been bettered in Portland since Mr. Rushlight took office two years ago.

Other speakers will include D. Solis Cohen, C. N. McArthur, Conrad P. Olson, W. H. Fitzgerald and Dr. Ben L. Norden. There will be music. The rally is expected to be the big event of the campaign.

State's Witnesses Disappear.

(United Press Leased Wire.)

Denver, Colo., May 29.—The work of securing a jury for the second trial of Frank Harold Henwood for the murder of George Copeland in the Brown Palace hotel was resumed here today. It was reported that three of the state's most important witnesses, who were expected to testify of Mrs. John V. Springer's alleged relations with Henwood, have disappeared.



Ernest House.

Vote For Ernest House

FOR COMMISSIONER

No. 50 on the Ballot

Mr. House is not a politician, but has been a successful Portland man in the restaurant business for 30 years.

Is broad-minded, efficient and honest in all his dealings.

Will not stand for special privileges. (Paid Adv.)

PLATES ONLY

"This One Thing We Do"

We are specialists on Artificial Teeth (Plates) and our practice is limited to this one branch of dentistry.

As a result of our special study and training on False Teeth, we are in a position to give you entire satisfaction, no matter how many disappointments you may have had.

A booklet describing various plates will be mailed free upon request.

Artificial Teeth Repaired

Drs. Kelsey & Sturdevant

245 1/2 MORRISON ST.

Corner Second, Portland, Ore.

Marshall 2146

VOTERS:

When you buy a dollar's worth of goods, you want your money's worth—not 50 cents' worth.

If a deed to a lot in Skamokawa was placed beside another deed for a lot on Broadway and Washington streets, and you were given your choice at the same price, which one would you take?

Why not exercise the same quality of judgment in selecting your candidates for Commissioners?

There are about 60 Skamokawa quality candidates running for the office of Commissioner.

There are a dozen high-class, successful men running for the same office.

Why not select the best?

The best will cost you exactly the same price NOW as the poorest.

But after four years of service the best men will cost you thousands of dollars less than the poorer quality.

A vote gets you either quality.

Why not have the best?

Here are 12 men, well known, tried and true.

They know how to do the work of the city.

They are really representative.

When you need a manager you shouldn't select a janitor for the job.

Vote for four of these:

T. N. STOPPENBACH, Business Man.

ROBERT G. DIECK, Civil Engineer.

GEO. B. CELLARS, Business Man.

W. H. McMONIES, Business Man.

MARSHALL N. DANA, Business Man.

WILL H. DALY, Business Man.

JOHN DRISCOLL, Business Man.

FRANK E. WATKINS, Business Man.

C. C. CRAIG, Business Man.

C. A. BIGELOW, Business Man.

LOUIS GERLINGER, Business Man.

WILLIAM L. BREWSTER, Lawyer.

People's Progressive League

PHILIP S. BATES, Secretary.

TO THE PEOPLE'S RIGHTS LEAGUE (P. R. L. & P. CO.) and the KNOCKERS, the remnant remaining of the SEVENTH STREET ASSOCIATION, GREETING

The Realty Board, consisting of several hundred members, at its last meeting unanimously indorsed and pledged hearty support toward the passage of the HEUSNER FRANCHISE measure. Firstly, because competition in the Street Railway business has been an urgent demand from practically all of the people for several years past, and we welcomed it when it was offered without any blare of trumpets, beating of tom toms, or soliciting of bonuses, as is the usual custom.

Secondly, we all know George Heusner as a man of action and one who has always made good, as witness his handiwork at Kenton, the beehive of industry on the Peninsula, employing today nearly three thousand hands, where five years ago nothing but a wilderness and waste existed.

What this city needed and still needs is pay rolls and more industries, and if Heusner, in his quiet forceful way, is the man to carry on this character of work he should be offered every assistance and laudation and above all things not KNOCKED by a subsidized press. To such as don't know George Heusner, we submit the following, clipped from the Portland Spectator, one of our most prominent papers, of date January 15, 1910, under the caption "A USEFUL CITIZEN."

"A USEFUL CITIZEN."
"A few years ago George F. Heusner purchased a large tract on the Peninsula, reaching from the high land to Columbia Slough. It was waste area and never had been of sufficient use to employ the time continuously of one family. He immediately looked about to see what could be done with the property, and, instead of holding it for a higher price, he induced Swift & Co. to agree to come to Portland and establish a large packing plant there, and sold to the Swifts an interest in the property."

"Since that time Mr. Heusner has devoted his dynamic energies to the development and upbuilding of that section of our city, and the success he has met with sounds like a tale from the Arabian Nights."

"In addition to laying out and developing the Kenton townsite, establishing a bank, and making it a business center, Mr. Heusner has built an elevated roadway two miles long from the mainland at Kenton to Columbia Slough, constructed thereon a strictly modern electric railway, equipped it and put it in operation."

"Now as to the industries that have been located in the district: First and foremost, the plant of Swift & Co., which has made Portland the packing-house center of the Pacific Coast, and which employs at the opening 600 men. "This was immediately followed by the organization of the Union Stock Yards, now in operation, and employing 125 men, which has made Portland the livestock center of the Coast."

"Then the Monarch Lumber Company was induced to purchase a site in the same tract, and it is building the largest sawmill and woodworking plant in the city, and when fully in operation it will employ 175 men."

"Next, the National Wood Pipe Company was persuaded to purchase ground for its mammoth plant, which is in course of construction, and when completed it will employ 400 men."

"And the Pacific Tank Company listened to an invitation to join the colony of Portland builders, and when its factory has been erected it will employ 100 men."

"The Pacific Steel Pipe Company has been induced to build a plant, and will employ 100 men."

"And another, the Ajax Auto Traction Company, looking for a location, was taken into the happy family, and will employ 175 men."

"The Pacific Coast Safe and Vault Works was also invited to a seat in the band wagon, which it promptly accepted, and is building a splendid plant, and will employ 200 men."

"The Pacific Glazed Sewer Pipe Company, not wishing to be left behind, has also secured a site there, and will employ 100 men."

"These industries are all new; they have not been moved from another part of the city; they will employ at the start 2400 men, and in a few years many times that number. They will add directly and indirectly 25,000 to 30,000 to the population of Portland."

Thus the marvelous upbuilding of the Kenton section has fallen upon the shoulders of Mr. Heusner. How well he has handled the situation the record

attests. And I am reliably informed that several additional factories are considering this location, and if Mr. Heusner does not induce them to locate and operate there, I miss my guess.

"Many people have worked faithfully and effectively for the upbuilding of our city, but if anyone has beaten the 'Bismarck of Kenton' his history has not been written."

"To be sure, Heusner has profited handsomely by all this; yet who begrudges him his prosperity? In the race for 500,000 population for Portland he has done well his part."

Portland Realty Board

Portland, Oregon, May 26, 1913.

The following resolution was passed at the last regular meeting of the Portland Realty Board, held May 23, 1913:

WHEREAS, there is a measure on the ballot at the coming election for a franchise for a competitive system of street railways in the City of Portland, known as the Heusner Franchise; and,

WHEREAS, competition in the street railway business is desired, and further that the expenditure at this time of several millions of dollars is not only desired, but on account of the employment it will furnish immediately for a small army of men, it is quite essential, from a commercial standpoint, that our association lend hearty support toward the passage of this measure; therefore be it unanimously

RESOLVED, That this association pledge its support for the passage of the Heusner Franchise.

DEAN VINCENT, President.
F. L. PURSE, Secretary.

"France has her Legion of Honor, Great Britain her Victoria Cross, the United States her Congressional Medal of Honor; Portland, having no established token to present, the Spectator takes pleasure in placing a laurel wreath on the brow of George F. Heusner, conferring upon him the title of 'A Useful Citizen.'"

To the industries above named can now be added the United States Cashier company, Pacific Coast Cabinet and Fixture company, Holm Milling company, Kenton Tin & Sheet-Metal Works, Durable Roofing company, Pacific Coast Westrumite company, Coast Culvert & Flume Manufacturing company, Multnomah Trunk & Box Factory, Nicolai Door Manufacturing company, and others. In short, there are now at Kenton twenty-two industries, which are filling the dinner pails of nearly three thousand (3000) employees. George Heusner has lived among us for 31 years, is a quiet unobtrusive man, is the president of the Bank of Kenton, owner of the three and one-half miles of street railway running from Kenton northward and westward and supplying all of the people employed in these industries with their only means of transportation, and which line he desires to connect up with his general franchise and make it a part of the new system.

He is president and owner of Pacific Coast Safe and Vault Works. President of Kenton Building and Contract company, vice president and

general manager of Kenwood Land company (owners of Kenton), vice president and general manager American Trust and Investment company and director in a number of other industries, is an honest, earnest and absolutely self-made man, and we most strongly condemn the vituperous attack which the press, allied with the Portland Railway, Light and Power company and in collusion with a handful of mossbacks, is making on his proposed franchise.

Who are, or rather who is, the People's Rights League? The only member we have been able to discover is T. A. Linthicum, who signs himself secretary and backed by the Portland Railway, Light and Power company, who use this method of attack instead of the one they used against the Northwest Electric company, wherein they were beaten 16 to 1. We have advised Mr. Heusner to pay no attention to nor answer any of these covert, scurrilous and untruthful advertisements, and reading notices, as we firmly believe the voters all understand where it emanates from.

We have carefully gone over the proposed franchise, as have also several of the best attorneys in town, and can find nothing contained therein but what carefully safeguards the city and public interest, and in the matter of compensation to the city we find Mr. Heusner will be paying considerably more than the Portland Railway, Light and Power company will pay on their latest general blanket franchise, passed by the council 90 days ago, which is two hundred dollars (\$200.00) per mile per year. The Heusner franchise is about four and one-half (4 1/2) miles in length, and the voters are asked to judge for themselves.

The above being a license fee only. In addition, Mr. Heusner will have to pay the regular city, county, state and other taxes on the physical property and equipment, car barns, etc.

In the matter of the Broadway bridge toll of three cents (3c) per car, that is a legislative act and charter provision, and no railway can escape it, and Mr. Heusner's detractors well know it.

As to the right of the council to regulate all public utilities as they may see fit, viz: length of cars, time of service, etc., etc., the above also applies.

The proposed franchise in addition also prohibits freight cars, all of which those who would impugn Mr. Heusner also know, and the public will also know, as we have asked him to publish the proposed franchise in full in a daily paper. At the Real Estate Agents' Jinks, held Saturday night at the Commercial Club, with over 350 present they buried the hammer, and if this handful of knockers who are fighting progress can be located we will bury them with the hammer.

We again add our more than hearty indorsement and support to this Heusner measure and order this published in the prominent dailies at our own expense and trust that in this way a worthy measure will get a square deal.

WE FAVOR A PROJECT THAT WILL EMPLOY LABOR AND BRING NEW CAPITAL TO PORTLAND.

In a measure of this kind wherein the interests of all the people are concerned, all should boost, and not knock.

Let us show a semblance of the "Seattle Spirit."

Vote 102 X YES.

CALLAN & KASER.
E. S. JACKSON.
CHAS. S. RIELY.
D. B. MACKIE.
KNAPP & MACKAY.
And hundreds of others.

We Favor a Project That Will Employ Labor and Bring New Capital to Portland

(Paid Advertisement.)