

DECLARES STATE HAS FORESHORE TITLE IN TRUST

Upholding of Claims of Private Parties Said to Be Contrary to Real Law Covering Dispute.

By J. B. Ziegler. Statements have been out as to what the express law of this state upon which the court's decision in the public dock suit is based at utter variance with the facts.

It is said that the acts of 1874 and 1875, as granting title to upland owner down to low water mark have never been disputed and therefore claims under the act having existed without question by the state, now operate to disbar the state from any title or right in the foreshore above low water.

So far from this being true, to the contrary, in the next consecutive session of the legislature, 1878, the acts of 1874 and 1875 were repealed in toto by specific designation.

Since that time every case from the Willamette river has upheld the state's title to ordinary high water mark, a number of them referring to these acts as being inoperative in the first place.

Justice Lord in the Andrus case, Justice Thayer in the Johnson case, saying that "it is unreasonable to suppose that the legislature meant to convey away the banks of the river, that they could no more do that than they could grant away the entire bed of the river."

Steps at High Water Mark. In Montgomery vs. Shaver, Justice Wolverson, referring to the pleadings that upland owners title extends to low water, says: "The law to the contrary in this jurisdiction, that it steps at ordinary high water mark, is well established that it is only necessary to refer to the citations."

Justice Eakin who concurs in the present decision, says essentially the same thing in the Portland General Electric case. So, the court reverses itself.

And instead of the validity of this act as to the shore of the Willamette never having been questioned, it has not only never been recognized but at numerous times has been expressly denied.

The courts having denied its validity and the legislature having repealed it at the first opportunity, how can this court now revive the private claim, as against the common law, the Federal law, the judicial construction of the statute and its repeal—that is in the absence of any law to sustain the claim.

Outside of all that is the question of public policy. At a time when modern commerce is on public terminals—see the reports of Calvin Tompkins, commissioner of docks for the harbor of New York—and the failure of private water terminals is painfully evident; that a riparian license on public foreshore should be construed as perpetually and totally excluding the public, is not only a reversal of established law as to the public title but a reaction against the reformation of the doctrine of franchises, which has come to regard the old discredited claims of absolute possession and perpetual franchise.

Public Wants Possession. What the public is interested in is not technical definitions and formal recognition of title, but actual possession and use. The word title without that means nothing, and the real title follows actual right to use.

The state's title is one merely "in trust for the people." That is the common law doctrine firmly established, and the legislature has never been empowered to grant it away.

When the court at this time construes an unused license of the vintage of 1862 against all former law, to interpose between the public and its use of this foreshore for port improvement to develop our commerce, it goes beyond its reasonable rights, and the public should stand upon its rights to unimpeded commercial highways to defeat the attempted destruction of a law so fundamental of such tremendous importance and so vitally necessary to our commercial needs.

A license of the date of 1862 conferring a right to construct a wharf over the state's foreshore, and not yet used, is of about as much intrinsic merit now as would be a bottle of beer uncorked on the same date.

INDUSTRIAL COMMITTEE AND EMPLOYERS MEET

The Industrial Welfare commission called the larger employers of women and minors into conference this morning for a proposition to have all women and minors released from employment at 6 o'clock Saturday evenings. This would practically amount to Saturday evening closing regulations, especially for the department stores that employ principally women.

The commission may make an agreement with the employers or issue a ruling which would become effective within 60 days regardless of protest. It desires the agreement rather than a legal determination.

A prominent feature of this morning's session was the filing of a new paper representing the ground that things might be said by employers which they would not like the public to know. The ruling was made at the suggestion of A. M. Smith, a member of the commission, who is of the opinion that the commission should not be a party to such a proceeding.

At the meeting of the commission, the commission's office at 610 Commercial block.

REVIVE HOSE RACING IN PENDLETON ON FOURTH

(Special to The Journal.) Pendleton, Or., June 27.—Hose team racing is to be revived in Pendleton at the Fourth of July celebration this year. The city council has authorized the city to practice with their carts during the evening in preparation for the contest. Back in the '90s, Pendleton had a hose team hard to beat, and this is the first time since that rainy day that there has been an attempt to revive the sport.

The celebration planned this year is to be a two-day one and plenty of entertainment is to be provided. Though the Pendleton team will be absent from the city on those days, there will be plenty of baseball and teams representing a half dozen towns will be here. Another big feature of the celebration is to be a concert by the combined bands of Pendleton, Pilot Rock, Umatilla, Athens and Weston.

Two boxing bouts are to be staged by Dudley Evans, one on the Fourth between Jockey Bennett and Billy Garney and one on the 5th between Ike Cohen and Jack Duran, both well known Portland middleweights.

The finance committee yesterday closed its campaign, having raised \$205.50 from the business men of the city.

ALBANY DOG ORDINANCE ATTRACTS ATTENTION

(Special to The Journal.) Albany, Or., June 27.—Because he was arrested for violation of the provisions of an ordinance recently passed by the city council, making it an offense for dog owners to permit their dogs to run at large within the city limits, a Goldblatt sought to make a test case out of the charge against him and employed Attorney Dan Johnston to attack the sufficiency of the ordinance. When the case came up in the municipal court yesterday it was dismissed on the ground that the defendant promised to dispose of the dog and that he would hereafter obey the ordinance.

The case attracted much attention because the framers of the ordinance have been subjected to much criticism and ridicule because of its alleged stringency and by the fact that it is claimed it works a hardship on dog owners, who have threatened to referendum it. On the other hand, the provisions of the ordinance have a large number of supporters.

BAND TO PLAY TONIGHT AT WASHINGTON PARK

This evening at 8 o'clock the Portland park band, W. E. McElroy, director, will play at Washington park, at the head of Washington street. An exceedingly attractive program has been prepared, as follows: March, "Triumphal"; "Brooke Overture"; "Festiva"; "The Waltz"; "Espana"; "Waldteufel Baritone solo"; "L'Ebre"; "Apolloni"; "The Grand Chiff"; Medley, "Bits of Remick's Hits"; Lampe Intermission.

Comic opera, "Mlle. Modiste"; Herbert Paris; "Rican d'Amour"; "Miguel Grand selection"; "Il Trovatore"; Verdi incidental solos by Mesars. Lehr and March.

"The Whip"; Hotzaman Last night's concert at South Park way attracted an immense crowd that enthusiastically enjoyed every number. Sunday afternoon at 2:30 the band will play at Peninsula park, and on Sunday evening at 8 o'clock a concert will be given at Washington park.

Sent to Rockpile.

Thirty days on the rockpile was the sentence given Cash Weir, 63 Belmont street, 32 years old, a steamboat man, this morning in the municipal court for throwing a rock at W. H. Moser, 551 East Taylor street, last evening the rock striking the windshield of Moser's auto. Weir offered no reason for his act, further than to say that he was drinking and did not know what he was doing. Special Patrolman C. J. Andrews saw Weir pick up the rock and throw it. It happened at East Morrison and Water streets. The frame of the windshield was badly smashed. Moser had his family in the auto with him.

82 GRADUATED AT LINCOLN HIGH

Address to Class Delivered by Attorney W. W. Cotton; Glee Club Sings.

With W. W. Cotton as the speaker of the evening, a class of 82 was graduated from the new Lincoln high school last night. It was the largest west side graduating class since the days of the old wooden building in Morrison street when there was but the one high school for the entire city.

In his address Mr. Cotton compared life to a cone, wide and roomy at the bottom, but narrow with room for one only at the top.

"Aim high at the cone of life," he said. The crowd at the bottom is a little dense and you will find trouble getting through it at first, but as you go up the side it will soon become less."

The exercises took place in the auditorium of the high school building. Girls of the class were all dressed in white, with bouquets of red flowers, their class color.

Miss Caroline Lowengart sang two solos, accompanied by Francis Richter. The boys' and girls' glee club sang also.

J. V. Beach, of the school board, presented the diploma. Here are the names of the graduates: English course—Laura Lillian Akin, Agnes G. Heron, Laura Bachmann, Charles Newel Huggins, Frank T. Beach, Hazel B. Jackson, Bernard B. Breeding, Ruth Mildred Johnson, Marjorie Brunson, Crystal Keck, John B. Carr, William Lewis, Russell J. Case, Emily L. Marshall, Lillian Ina Compton, Grace May, Elvin Charles Condit, Pauline Minna, Arvilla Cook, Sarah May Parr, William Cook, Delvin LeRoy Peterson, William W. Crittenden, Dana C. Poulson, Dorothy Margaret Diamond, Alfred Echlin, Glenn G. Dudley, C. E. Stephenson, Grace Caroline Elliott, Mabel L. Tower, Henry T. Heigesson, C. Edlopp Wingard, Clarence J. Young and Earl K. Goodwin.

German course—Isatta Barde, Edyth V. Minnow, Shirley Virginia Pike, Margie Parker, Irene Goldsmith, Eleanor Prager, Leon Goldsmith, Rita Jean Prager, Katharine Douglas Hancock, Freeman Serranus, Roland W. Jolly, John G. Steiner, Ruby Ethel McKay, Lois Dorothy Wright.

College preparatory course—A. Roland Beacov, Charles E. How, Dora M. Broetje, Ruth E. Leonard, X. D. Clerin, Myrtle Ina Miller, Eilan A. E. Domingue, Claude P. Resina, Frances E. Golden, Lillian M. Stevenson, Marguerite Gross and Grace Catherine Townsend.

Teaching course—Opal E. Bretz, Win S. Osborn, Katherine L. Erdner, Elva T. Ross, Marie E. Jensen, Edith Beatrice Stevens, Esther Louise Johnson, Ruth Yamsahl, Mildred E. Markkilla and Rose Amelia Wright.

Commercial course—Margaret Beal, J. V. Beach, Merle Rousselle, Pauline A. Helms, Steve Huvensky, Marlin Holden, Philip R. Sessions and Joseph Steel.

Latin course—Ambrose Brownell, Ralph Alma Efton, Ruth Estelle Graham, Susie May Thomas, Lawrence Rosenthal and Benj. May Wagner.

Domestic art course—Bertha Moy Ling. Scientific course—Laurence E. Gage. Those who received honorary mention are: Laura Bachmann, Grace May, Frank L. Beach, Ruby Ethel McKay, A. Roland Beacov; Win S. Osborn, Opal E. Bretz, Dana C. Poulson, Ambrose Brownell, Elva T. Ross, Russell J. Case, Joseph Steel, Ellen A. E. Domingue, Edith Beatrice Stevenson, Marguerite Gross, Susie May Thomas, Esther Louise Johnson, Grace Catherine Townsend, Ruth Mildred Johnson, C. Edson Wingard, Ruth E. Leonard, Lois Dorothy Wright, Bertha May Ling, Clarence J. Young and Mildred E. Markkilla.

Skull Found in Box. Pendleton, Or., June 27.—The discovery of a human skull with a bone evidently from the forearm in a box in the O. W. R. & N. yards of this city yesterday affords the local police matter for investigation, and at present the only solution offered is the suggestion that the bones were from a physician's laboratory, as they showed evidences of having been sawed. A small boy made the discovery and reported the matter to the police. Both the skull and the bone were brown with age.

Journal Want Ads bring results.

POSTMASTER GUEST OF OFFICE EMPLOYEES

One hundred and twenty officials and employees of the Portland postoffice gathered last night at the Oregon hotel to welcome Frank S. Myers, the new postmaster. The banquet was given by Branch 41, United National Association of Postoffice Clerks, but there were a number of invited guests present. The banquet was held in the crystal dining room. Before the banquet an informal reception was held in one of the parlors.

In Mr. Myers' brief address he said that he wanted his office to be so efficient that people would declare openly that its employees were underpaid.

K. J. ("Paddy") Ryan, of the main office, was toastmaster. Assistant Postmaster W. G. Shallenbarger, was introduced and spoke cheerily for 10 minutes, in which he characterized the new eight hour service law as a law made with honest intentions by congress, but which, in his estimation, was not a very good statute.

Mrs. J. L. Wheeler, an employee of the postoffice for more than 10 years, spoke of her early experiences. When she started to work for Uncle Sam at Astoria in 1880 she was the only clerk besides the postmaster. At Seattle at the same time there were only two clerks in the service. Mrs. Wheeler, who is timekeeper here, represented the women clerks in her remarks.

Ray Landon, of the financial department, and president of the clerks' association, spoke of the eight hour service law.

E. C. Clement, veteran postoffice inspector, told an interesting story of an early experience in the service. Harry J. Durand, the other inspector, who works out of Portland, was introduced as one "who had just recovered from a long illness," and this so interested him that he forgot the speech that he had been thinking about all day, and he was forced to deliver himself of a brief extemporaneous eulogium on the department.

W. J. Dailon, of the mailing division, told of the time when clerks were under no wage system and were promoted only according to the "pull" they had with the United States senator. Other speakers were D. S. Duff, of the stamp division, and H. S. Westbrook, a Portland attorney, who was formerly in the postal service.

Musical numbers were furnished by Miss Hilda Granstrom, pianist, and E. Clinton, C. H. Ackerson, W. L. Walker and I. A. Quigley, vocalists. All air postoffice employees and all were compelled to respond to scores.

NEWS OF COUNTY BOARD

On recommendation of Superintendent of Bridges and Ferries, Murnane the county commissioners yesterday sent a letter to the Portland Railway, Light & Power company requesting the removal of poles and wires from the east side of the Burnside bridge that the approach may be rebuilt without delay and inconvenience.

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"Lowest in the City Prices" Sale

All Goods Purchased Saturday Will Be Charged on Your August 1st Bill. Lipman Wolfe & Co. Merchandise of Merit Only. Newest French Books: "La Maison," Henry B. Bordeaux. "Les Anges Gardiens," Marcel Prevost. "The New Philosophy of Henri Bergson," by Le Roy. —Book Shop, Basement

Children's Imported Dresses From Paris, Berlin and Vienna. In a Most Important Unprecedented Sale. Sizes for Girls From 2 to 12 Years. Selling Regularly at \$75.00, \$43.50, \$38.50, \$26.50, \$20.00 to \$5.50. Clearance \$19.50, \$16.50, \$15.00, \$10.50, \$10.00 to \$3.98. —Exclusive styles and models, no two alike, reflecting the most attractive youthful fashions. Of fine serges, voiles, batiste, broadcloth challies, Panama cloth and plaids. —Plain gored and artistically draped skirts—box pleated skirts and skirts with small clusters of plaids. Some of these dresses have yokes of Paris nets, others with collars of lace or net and others again finished with pretty Persian trimmings and fancy bandings. —Fashioned on the long straight lines and French waisted effect. —In such popular colors as cadet, navy and light blue, rose, red, white, champagne and gray. —Fourth Floor

Dainty Neckwear With Parisian Chic. Newest Smart Vesties 65c. —Made of moire-finished pique. This material looks like moire and launders like pique. Smart flat collar and tailored vest, trimmed with tiny rhinestone buttons. Epaulette-Shaped Collar 95c. —Made of colored metailine silk, with four-inch hand tie of same material. There is a pretty touch of white piping. China Silk Collar 75c. —Flat collar, with accordion pleated side frills of same material. Laundered perfectly. Elizabethan Ruff 65c. —A dignified and graceful ruff made of accordion pleated maline in white, black, lavender and blue. —First Floor

Boys' \$1.50 and \$1.75 Wash Suits Clearance 96c. Sizes From 2 1/2 to 7 Years. —Boys' Russian suits of linen, poplin, percale and Indian Head. In plain colors or fancy stripes. Made with square necks and short sleeves, or Russian style, with sailor collar. Some have pipings or lace insertion and others with scalloped edges. Boys' Wool Suits Selling Regularly at \$6.50 to \$8.50 Clearance \$5.00. Sizes 6 to 18 Years. —Suits with one and two pairs of pants, of all wool materials, in light and dark mixtures, diagonals, stripes, checks and plain colors. Double-breasted and Norfolk styles and sack suits. Serge or mohair linings. In brown, tan, gray, blue and purple mixtures. The pants are full lined, and they represent the best tailoring.

Boys' \$9.50 to \$16.50 Wool Suits Clearance \$7.95. Sizes From 6 to 18 Years. —Our entire line of Spring models, in all-wool suits, exclusive styles, in mixtures only, such as black and white checks, fancy tan, brown or gray mixtures, herringbones, plaids and diagonals, in tweeds and worsteds. Regulation and fancy Norfolk styles, also double and single breasted. Best quality of linings throughout. —Fourth Floor

75c Child's Bloomer Dresses, Clearance 59c. —Mothers will certainly appreciate the perfection and unusually low prices of these practical play dresses, with bloomers to match. Made of plain pink and blue chambray, checked and striped gingham and percale, in two pretty models. They are veritable "mothers' helpers." In square and round neck, kimono sleeves, with bandings and pipings and in belted style. The bloomers are full cut and made with band and button holes. Sizes 2 to 6 years.

For the Kiddies \$2.50 Japanese Kimonos Clearance \$1.75. —Up to 3 years of age we are showing the most fascinating little kimonos, made of white Japanese silk poplin, with flying storks embroidered by hand; prettily finished with white wash ribbon all around. BATH TUB FLOATERS. —Family of swans on sponge, 55c; single swans, 25c and 55c; fishes, 35c. NURSERY ACCESSORIES. —Hand-painted toilet articles in designs of dainty wreaths and bowknots. Talcum Powder, box \$1. Comb and Brush Sets at 95c to \$7.50. Satin Hangers 75c-\$1.50. Creeping Beads 35c. 85c SWEATERS 59c. —Sizes 1 to 3 years. In red and oxford. \$1.25 SWEATERS 79c. —In belted style. White and red, with contrasting belt. Sizes 1 to 3 years. —Fourth Floor.

\$1.15 Child's Bloomer Dresses 89c. —In four different models; white pique, with light blue bandings; blue and white checked gingham, with trimmings of plain blue chambray and plain blue and tan chambray, with fancy striped bandings. Made square-neck style, with kimono sleeves, buttoning on shoulder with four pearl buttons. Bloomers, full cut, to match. Sizes 2 to 6 years. —Fourth Floor.

Bathing Suits for All Ages Conforming to the Latest Caprice of Fashion Without Sacrifice of Good Taste. WOMEN'S BATHING SUITS AT \$3.50, \$4 TO \$17.50. —In a variety of styles and materials of silk and satin, trimmed with vivid Cubist colorings and fancy buttons. The regulation bathing suits, in many new styles in mohair and cotton serges, plain or trimmed with striped or dotted bandings or braids in different color combinations. CHILDREN'S BATHING SUITS 85c TO \$1.75. —Of flannels and brillantines, in the bloomer style, having sailor collars. Some plain and others braided trimmed. Sizes from 2 to 8 years. GIRLS' BATHING SUITS \$2.25 TO \$3.50. —For girls from 10 to 18 years, in many attractive styles. Many of navy blue, trimmed with red braid. Some with fancy button, side closing; others buttoning down the front. Bloomers of same materials. BATHING CAPS SELLING FROM 25c, 35c TO \$1.75. —All the different shapes and styles in plain rubber caps, in all the new colorings; also the pretty Billie Burke style and the new hood caps. In many dainty colorings. Some Dresden patterns, with plain bands. Some have perky bows or fluffy rosettes in very bewitching designs. 4th Floor.

A Great Sale of Boys' Blouses At Clearance Prices That Are Unsurpassed. —Into this sale go all our boys' blouses, and mothers will do well to take this opportunity of stocking up for the vacation period, now at hand. —Blouses of madras, percales, French flannel, soisette, fancy cords, chambray, saten and khaki, in plain colors, as well as fancy stripes, and in light or dark colors. Made in the latest fashion, laundered or in soft styles. Laundered blouses without collars, in plain or pleated style—the soft blouses with turndown or golf collars. In sizes 5 to 14 years and at reductions such as 50c Blouses 39c \$1.50-\$1.75 Blouses \$1.19 \$1.00 Blouses 79c \$2.00-\$2.50 Blouses \$1.39 —Fourth Floor

Radical Clearing Reductions on All Boys' Straw Hats For Boys From 1 to 14 Years. —Fine Milan straws in black, white, navy blue, burnt and fancy combinations. Hats in the very newest 1913 shapes—the regulation sailors, the Tolean and the Rah Rah, with high of medium and low crowns, medium and wide brims, some with bound edges; others plain, with silk bands, in white, black or navy blue. —This sale also includes imported straw hats in the latest English middy-shapes, in black and white, as well as Panama. 65c Hats, clearance . . . 39c \$2.50 Hats, clearance \$1.79 \$1.00 Hats, clearance . . . 69c \$3.50 Hats, clearance \$1.98 \$1.35 Hats, clearance . . . 98c \$4.00 Hats, clearance \$2.35 \$1.75 Hats, clearance \$1.29 \$5.00 Hats, clearance \$3.19 \$2.25 Hats, clearance \$1.48 \$7.00 Hats, clearance \$4.95 —Fourth Floor

FRUIT PICKERS' CASE TAKEN UP BY BRYAN

Washington, June 27.—After a conference with President Wilson today, Secretary Bryan announced that the exclusion of Japanese fruit pickers from the ranchers yesterday at Hemet, Cal., would be investigated by the state department. Bryan declared the Japanese embassy made no representations on the matter, but indicated that he wished to have the facts at hand in case the matter should develop into an international incident. Secretary Bryan said the president also discussed diplomatic appointments.

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