

## SERIES OF QUERIES ARE SUBMITTED ON FORESHORE PROBLEM

Objections Considered in  
Reference to Proposed  
Wharf Legislation.

### RIGHTS OF PUBLIC ISSUE

Effect Measure Would Have on Taxes,  
Private Property Claims, Etc., Dis-  
cussed—Decisions Cited.

By J. R. Ziegler.

Foreshore claimants, their attorneys, and retainers having now probably stated all the objections which they can devise to the pending wharf acts, I want to give them an opportunity to summarize, by asking the following questions on all those of any importance which they have made:

First objection: Unsettled titles. Judge Wolverton, in *Montgomery vs. Shaver*, 49 Or., 244, held that the boundaries of the litigants' properties stopped at ordinary high water line, did not extend to low water line, as Shaver claimed, but that from ordinary high water line to deep water was wharf right, and the lines ran at right angles to the thread of the stream, as the law holds wharf boundaries run. This was in 1901, after the passage of the alleged granting act of 1874, and its repeal in 1878.

#### Opinion Is Quoted.

Judge Wolverton said: "It has been suggested that the shore owner takes to low water, instead of ordinary high water mark, but the rule to the contrary has been so firmly established in this jurisdiction that it is unnecessary to treat the question further than to cite the cases in which it is involved."

Then follows numerous citations, including *Johnson vs. Knott*, an 1886 case, in which the court said of the act of 1874: "It is unreasonable to suppose the legislature intended to grant away the banks of the river; they could no more do that than they could grant away the whole river."

These decisions were followed in all Willamette cases down to the public dock suit in 1913, when the public itself asked recognition of its rights in the wharf area, when the established law was overruled.

**Meaning of Decision.**  
Objectors have stated I am incapable of understanding a court decision. If I understand the Wolverton decision requires one to understand that the phrasing therein used means low water when it says high, I must plead guilty.

A more luminous explanation, however, is that of their pet philosopher, Nietzsche, who says: "There is no reason that a falsehood should not be used instead of a truth if it is more useful."

The Oregon enabling act pledged Oregon to the policy of federal government and American common law to maintain as free highways all of the navigable waters of the state. How is it necessary now to reverse these established things to prevent litigation?

**Increase of Taxes.**  
Second objection: Increase of taxes by taking property off tax roll.

Third objection: Compel waterfront owners to pay a lease rental.  
These two objections must be taken together, as they attempt to frighten those who don't own waterfront by the exemptions made on that waterfront; and those that do own waterfront, by asserting the public charges will be greater.

How does the change in technical form of the public revenue from tax to lease affect anything but the tenure of title?

Is it possible to improve the shores for public commerce satisfactorily except under public title?

Fourth objection: Takes what belongs to all the state and confers it upon a locality.  
That remark so obviously applies to placing a part of a public waterway in the possession of private individuals, that question is unnecessary.

**Would Benefit Public.**  
Public improvement of Portland harbor will be a great benefit to all parts

of the state. Will cheapen transportation, increase its commerce, stop the diversion of its trade routes to Seattle and San Francisco, increase the taxable wealth of the state, and encourage intra-state development.

Fifth objection: Takes away from shore owners outside municipalities their riparian rights.

There is nothing in either of the bills interfering with such owners except within five miles of incorporated towns. The constitutional amendment, however, reasserts the public right already asserted in the federal constitution that the public right on navigable waters is inalienable and that legislation may be heretofore provided for leasing the foreshore. Such legislation when passed should give abutting owner first right. Until such legislation is provided, rural shore owners' status remains as it is.

Sixth objection: State can't take back what once it gives away.  
How can the state give away any of the harbor area in face of its trust to hold it as a commercial highway?

How can the public be required to fill for private claimants, and to issue bonds to buy sites for public docks at the same time?

The act of 1874 only gave such title as the state could legally grant—that is in subjection to the public right—good against a third party for private use, but not against the state for public use. The public right is always paramount (U. S. supreme court, in *Chandler Dunbar* case of this year; *Garrison vs. Greenleaf Johnson* (Vir.).

**Why Deny Appeal?**  
The Oregon supreme court said in the Public Dock case the legislature could have repealed the grant of 1874. It did in 1878. Why did the court not mention that repeal? Why do attorneys deny the repeal? Why are sound acts protecting public rights ignored, and only unsound acts, denying them, recognized by our astute opponents?

Seventh objection: Drive away investors.  
Is an efficient harbor, with ample area and public improvements, less attractive to investors than a narrow and insufficient one, mutilated by all manner of private claims, fills and obstructions?

Does the judicious farmer permit the big pig to lie down in the trough and waste the swill and keep the other pigs

out? Is such a trough more inviting to the herd?  
Do investors prefer Portland now to Puget sound and San Francisco? Both Washington and California have reasserted the public right in the foreshore in their constitutions, and are improving public wharf areas without purchase. Why do they deny this? Is not Oregon entitled to the same benefit?

Why is knowledge of the laws protecting the rights of the people of Oregon denied to them by these keepers of the public conscience?  
Eighth objection: Would set up public claim to overflow, because of the definition "bankfull stage."  
The reason the term "bankfull stage" was used was to limit the public claim to use of channel within its banks, and to distinguish it from area occupied by its waters when they overflow, or an overflow stage.

Again I must appear to these objectors as one of the stupid lads, unable to appreciate fine judicial processes by which high water line is shown to

## Poor Mother Sick; Two Tots Need Care

Yesterday a mother came to the Associated Charities office with two little children, Bobbie and Johnnie, aged respectively 4 years and 20 months, clinging to her skirts. She was desperately ill and after a physician had been consulted hospital arrangements were made by the Visiting Nurse association; but what was to become of the little ones whose father has gone away? Two women volunteered to shelter them until other arrangements could be made.

Today the Associated Charities is appealing to the warm-hearted citizens for homes where the tots can be cared for until the mother recovers sufficiently to gather them in her arms once more.

Anyone who can help please call Miss Anna Murphy at the Associated Charities, Main 717, A-1517.

**Tunnel Bid Accepted.**  
San Francisco, Oct. 30.—City Engi-

neer O'Shaughnessy recommended to the board of public works today that it accept the bid of Robert C. Storrie & Co. of San Francisco of \$2,372,909 for building the Twin Peaks tunnel.

This assumes that the taxes on wharf rights is greater than half of lease rentals would be under proposed law. San Francisco's experience is to the contrary. And there is no evidence that present assessments of waterfront property adds anything for the wharf right.

Tenth objection: Lease clause only provides for wharves, piers, etc. Does not provide for sawmills, canneries, etc.

Under the law as it is it is only for wharves, piers, etc., that the shore owner can enter the area of navigable waters. Much of the sawmill and cannery use is a proper wharf use, but the state should have the right to confine the mills to the upland if the water area is needed for a more public use.

**Schwartz Is Dead.**  
Centralia, Wash., Oct. 30.—William Schwartz, familiarly known as "Shorty," night desk sergeant at the Centralia police station until he was forced to go to California for his health last February, succumbed to tuberculosis in a Los Angeles hospital, according to a message received in Centralia yesterday. A subscription was recently circulated among local business men and a sum forwarded to California to help Schwartz out.

**Berlin Calls Report "Lie."**  
Berlin, by wireless via Sayville, Oct. 30.—An official denial of the Lisbon report that German troops had invaded the Portuguese African possession of Angola was issued here today. This report it was stated "is a flat lie, forged in order to justify Por-

tugal's participation in the war as an aid to the British in coping with the South African rebellion.

"It is certain that the revolt led by Generals Beyers and De Wet is assuming formidable proportions."

It is certain that the revolt led by Generals Beyers and De Wet is assuming formidable proportions."

VOTE  
316 X YES

Paid advertisement by Leon Cohen, Pendleton, Or.

# That Bogus "Challenge" and "Competent" Dentist Are Explained for Benefit of the Public

Through the news columns of the Portland papers Dr. E. R. Parker (Painless Parker) announced that he had "posted a challenge to the Oregon State Board of Dental Examiners," asking for public proof that he had failed to pass the State examination and offering the sum of \$10,000 for the use of the unemployed of Portland if such proof were given before election day, November 3.

THE SO-CALLED "CHALLENGE" WAS NEVER "POSTED" AND HAS NOT BEEN RECEIVED BY THE OREGON STATE BOARD OF DENTAL EXAMINERS.

Knowing THAT DR. PARKER'S ADVERTISEMENTS ABOUT the DENTISTRY BILL WERE DELIBERATELY FALSE, and that his charges against the State Dental Board, the Oregon State Dental Association and other organizations and individuals have been PURPOSELY UNTRUTHFUL, the Oregon State Board of Dental Examiners replied that if he would make a bona fide challenge and would back it by a certified check for \$10,000, sent to the Governor of the State, the challenge would be accepted.

THE MERE UNSUPPORTED WORD OF DR. PARKER WOULD NOT BE ACCEPTED AS RELIABLE.

DR. PARKER HAS AGAIN DODGED. He is unwilling to meet the conditions of a bona fide challenge. Neither the Oregon State Board of Dental Examiners nor the Oregon State Dental Association desires to wrest from Dr. Parker the sum he pretended to offer for the unemployed of Portland, but it would get the truth from him, if that were possible.

In the case of E. R. Parker versus Clyde Mount and others (members of the Oregon State Board of Dental Examiners) to require the Oregon State Board of Dental Examiners to give him a license, Dr. Parker has made it impossible for the case to come to trial.

IF DR. PARKER WANTED THE CASE TO COME TO TRIAL BEFORE ELECTION DAY, NOVEMBER 3, WHY DID HE NOT SERVE PAPERS UPON ALL MEMBERS OF THE OREGON STATE BOARD OF DENTAL EXAMINERS, AS NECESSARY?

Papers have been served upon one member of the Board only, and Dr. Parker knows that papers must be served upon every member of the Board before the case can come to trial.

Balked in their desire to show by evidence in court that Dr. E. R. Parker is not qualified to receive a license in the State of Oregon, and thus unable to prove by court trial before November 3 that Dr. Parker did not pass the State examination, and that his examination papers did not justify giving him a license to practice in Oregon, the Oregon State Board of Dental Examiners will otherwise answer the following question asked by Dr. Parker in his advertisement of October 9:

"Will the Trust explain to the voters of Oregon why I am incompetent in this state, and have been declared competent to practice dentistry in New York, Maine, Pennsylvania, Illinois, California and Canada?"

## Dr. Parker Has Not Passed One Board Examination in the United States

### Here Is Dr. Parker's License Record:

Have no knowledge, official or otherwise, registration of party. May have gotten in under old law.  
H. J. BURKHART,  
Secretary N. Y. State Dental Board.

E. R. Parker never licensed in Maine.  
I. E. PENDLETON,  
Secretary Board of Examiners, Maine.

E. R. Parker was not examined in 1892; simply had diploma from college recorded.  
A. H. REYNOLDS,  
Sec. State Dental Board, Pennsylvania.

Records show Parker received license on diploma in 1897.  
O. H. SEIFERT,  
Sec. State Board Dental Examiners, Illinois.

License issued January 30, 1897, on diploma from Philadelphia Dental College issued May 18, 1892.  
C. A. HERRICK, California.

Parker registered 1893. No examination required at that time.  
H. F. MINOGUE,  
Registrar Dental Board, Vancouver, B. C.

Parker took examination when I was member of Washington Board and did not obtain license.  
WM. B. POWER, Seattle.

The Dentistry Bill is a personal grievance measure, proposed for the sole purpose of gaining a license for a man who has not passed a State examination in any state in the United States, and who failed to pass the Oregon examination.

Do you want to give Oregon the lowest and looest dental law in the United States for the special privilege of one man?

# Defeat the Dentistry Bill

Vote 341 X No

## Choose your Westover lot Sunday

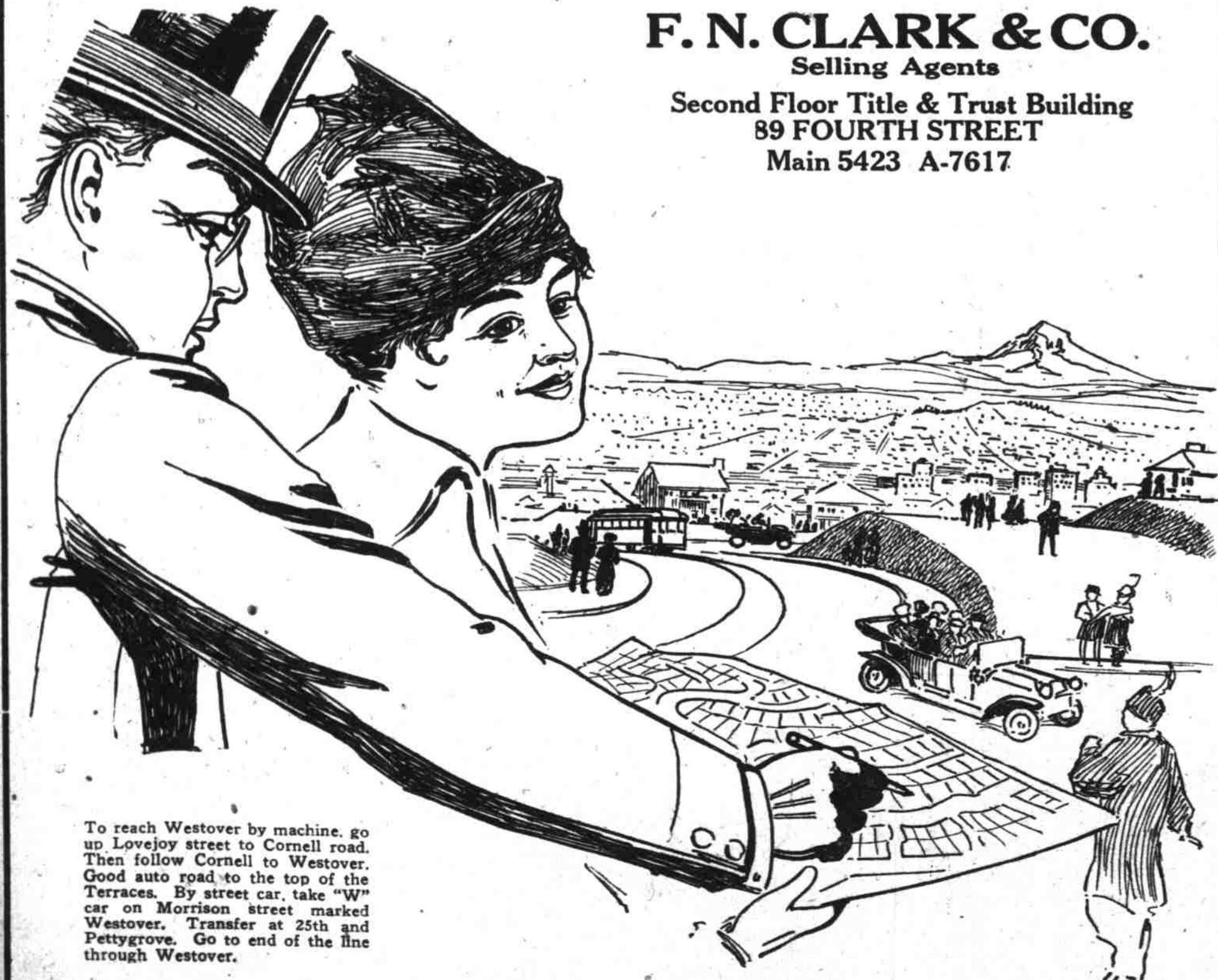
Get a plat of the property from our offices tomorrow, if you haven't one already. Come up with your wife to Westover Sunday and make a selection—you will never again have the chance to choose any view lot on Westover Terraces for \$3000.

## The end of this sensational Westover sale is in sight!

A halt is bound to be called before many more days, at the rate Westover lots have been selling this week. There is a limit to the number of lots which will be sold at \$3000. And when that limit is reached the necessity which forced this sale will be wiped out.

There will be no salesmen on the property Sunday, but Mr. E. A. Clark may be found at the office on Westover road from 2 to 5 o'clock Sunday to give out maps and other information. All the lots are plainly marked with white stakes so that they may be easily located.

**F. N. CLARK & CO.**  
Selling Agents  
Second Floor Title & Trust Building  
89 FOURTH STREET  
Main 5423 A-7617



To reach Westover by machine, go up Lovejoy street to Cornell road. Then follow Cornell to Westover. Good auto road to the top of the Terraces. By street car, take "W" car on Morrison street marked Westover. Transfer at 25th and Pettygrove. Go to end of the line through Westover.