

CORRESPONDENCE WAY OF DOING BUSINESS IS GENERAL AT CAPITAL

"Write Me a Letter About It,"
Stereotyped Bureaucratic
Reply to Appeals.

DIRECT ACTION UNUSUAL

Representative Blank Soon Finds That
Direct Appeal to Department Sub-
Committees Is Not Good Form.

Washington, April 7.—(WASHINGTON BUREAU OF THE JOURNAL)—Washington is the great center for teaching business by the correspondence method. Members of congress and their secretaries, soon find that out, if they do not know it on arrival. They begin to learn as soon as they start trying to find out things at the department.

Congressman Blank, for instance, receives a letter from a constituent. The facts have to be "developed" or the letter referred. The congressman may go, or send his secretary, the department having charge of the matter, but if he is wise he will not. For if he does, he will be referred to clerk A, in bureau C, who will perhaps find that he should have gone to director B in bureau D, and on arrival at the latter destination, after waiting for director B to dispose of other visitors, there is no telling where he will be told to go.

"Write Me a Letter." Then, after reaching the particular human mite that is to be entrusted with the matter, he probably will be told that in order to have the thing properly considered he should send in a letter setting forth the facts desired. If the telephone is used about the same process will be gone through. If the telephone works smoothly, the way, the pursuer of truth will in time find the right person and be told to write a letter about it. Chances are the telephone will not work smoothly, for unerring service is not a distinguishing feature of the Washington phone system. Take the ordinary phone system of any live western town, multiply its troubles X times, and the product will be the Washington system.

"Taking It Up." So Washington develops a great corps of letter writers. Congressmen are continually telling the home folks that they have "taken up" their matters. That means, nine to one, they have written somebody a letter about it. A letter, being a meek thing, can be referred around for a day or two without hurting its feelings, and sometime or other it will find the fellow who holds the job for "taking it up."

The departments have an adept corps of letter writers, too. They seem especially skilled in making roundabout answers to direct questions. Such, at least, is the experience of many who "take up" business with them.

The newly arrived statesman, who has an idea that he can rush across the street to some government department and have someone give quick attention to his request, just as he might do in his home town, is soon tamed. He finds that things are not done that way.

"Machine Moves Slowly." At the very outset, it should be explained, the offices of the congressmen are at least a mile away from all of the departments, except two, and these are half a mile distant. If a statesman at the capitol needs to confer with a cabinet officer or the head of a bureau he must make his appointment a day or two in advance and then spend about half a day going to and from.

All of this is so different from the home environment of most of the members that they are impatient of such delays. Their impatience does not confer with a cabinet officer or the head of a bureau he must make his appointment a day or two in advance and then spend about half a day going to and from.

By Way of Protest. A woman who lives in a large city not far from Washington came to the postoffice department the other day to enter a protest against the way her mail is handled in her town. Having reached the proper official, her complaint was voluble and earnest.

The mail carrier on her street, she explained, listened in on her conversation and learned her private business; letters sent to her had been lost and never found; the clerks at the delivery window had snickered at her, and when she made complaint to the superintendent of the station he told her she was crazy and he did not want to be bothered.

"I know I am not crazy," she added, with a decided gesture, "because not less than 50 experts have pronounced me sane."

She was assured that her complaint

would be run down and the guilty persons brought to justice.

Capitol Guides Voluble.

Capitol guides, who show visitors the wonders of the big building on the hill, are trained in a certain formula, or rignarole, which they recite as they lead their parties about. The humor of these guides is usually factory made but sometimes there is a native flash of wit.

One of the species halted his party in front of Gilbert Stuart's portrait of Washington in the senate corridor and explained that the vignettes of Washington on paper currency are taken from this picture.

"You will find a copy of this picture on the one dollar silver certificate," he said, "and I have heard that it is also to be found on the \$20 gold certificates."

Jitney Reappears. A streetcar strike has brought the jitney back to Washington. It was practically an extinct specimen up to the time when more than half the streetcar system became affected by the strike. Now ancient Fords have been dragged forth for service and passengers ride in heaps.

Those who ride are either strike sympathizers or use the jitney as a diversion. While the number of streetcars on the line of the strike has diminished, there is an abundance of room in them and probably few are deterred from riding by any fear of violence. The jitney has come back, and it is a relief, because it fits with the strike situation. Except on the sections affected by the strike there are no jitneys, and they are destined to disappear as soon as the strike is settled.

Traction Strike in Progress. The strike has been in progress for several weeks. An unusual feature is that only one of the two car systems on the line of the strike has been diminished. There is an abundance of room in them and probably few are deterred from riding by any fear of violence. The jitney has come back, and it is a relief, because it fits with the strike situation. Except on the sections affected by the strike there are no jitneys, and they are destined to disappear as soon as the strike is settled.

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RIGHT TO FORESHORE RESTS WITH PUBLIC; CAN'T BE ABROGATED

Such Is View of California
Courts Not Yet Recognized
in Full in Pacific Northwest

LIBERAL VIEW PREVAILING

Practice of Leaving Tidelands in Wilderness Houses Public to Assert What It Regards as Inalienable Rights.

By Fred Lockley.

Vancouver, Wash., April 7.—The courts in recent decisions are placing a more liberal construction upon the riparian rights of the public. In the California tide lands decision it was held that the title to the foreshore was in the public and that the title to the people to it was "a sovereign right which the state cannot abrogate." Oregon and Washington courts have not caught up with the California courts in this matter as yet.

One of the reasons why the courts are placing a more liberal construction upon the rights of the people to these lands is on account of the increasing restlessness of the people who have to pay extortionate prices for tide lands held by private individuals or corporations holding these lands for speculative purposes only.

A Case in Point. Navigable streams and harbors are public highways of commerce and have always been so held both by Anglo-Saxon and continental law. While this is so in theory in practice it does not work out in this way. As an example there is constant wrangling in the courts and at every legislative session the question comes up over the ownership of the ocean front at the mouth of the Rogue river and the harbor and the shore lands of the Rogue river.

When the Macleay estate purchased this estate from the heirs of Mr. Hume they enforced their right of ownership compelling boats to unload their freight by lighters and prosecuting those who trespassed on their holdings. The object of course was to preserve their fishing monopoly. The keeping of this marginal area from the public has endangered much bad blood, and has of course retarded the development of the rich country lying adjacent to the mouth of the Rogue river.

The days of levying tribute are about over in the United States and the people are, when awakened to their rights, asserting themselves.

What Foreshore Includes. The foreshore is that part of the shore which lies between high and low water mark at ordinary tides. In Great Britain it is vested in the crown, except where by ancient grant it has been specifically vested in a subject, or where it has been vested by charter from the crown or by prescription.

In 1854 the territorial legislature of Washington granted certain rights to the owners of the uplands to assert ownership of the foreshore, but it was later held that this act authorizing the owners of the uplands to build wharves in front of their property was merely a license and until availed of was revocable at will. The constitution and subsequent laws abrogated the act. It was also held in Washington that the right of a riparian owner to accretions to his land was absolute but the courts have since held that this is not a vested right, as there can be no vested right in that which may never have an existence.

Washington has been more alert in the protection of its rights and in asserting its claims to its shore lands than was Oregon, hence Oregon squandered and lost its most valuable foreshore lands.

The Law in Washington. Article 17 of the constitution of the state of Washington reads as follows: "The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide in waters where the ebbs and flows and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes. Provided that this section shall not be construed so as to deprive any person from asserting his claim to vested rights in the courts of the state. The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands patented by the United States, provided the same is not in precept for fraud."

Among the early acts of the state legislature of the state of Washington was the passage of acts regulating the sale of its foreshore lands. In the session laws for 1889-90 an act was passed for appraising and disposing of all tide and shore lands. It reads in part as follows:

"Section 1. The tide and shore lands in the state of Washington shall be appraised and the same shall be disposed of by the committee of public lands."

"Section 2. A board of equalization shall be created, composed of five members, consisting of the secretary of state, the state auditor and three residents of counties of the state in which no tide lands exist."

"Section 3. In each county where tide or shore lands exist the governor shall appoint three disinterested freeholders as a board of appraisers to examine and appraise all tide lands."

"Section 4. For purposes of survey and appraisal all tide lands shall be divided into three classes. The first class shall embrace all tidelands situated within or in front of the corporate limits of any city or within two miles of the city. The second class shall include all tide lands situated at a greater distance than two miles from a city upon which are located valuable improvements and the third class shall include all other tide lands."

Sale of Foreshore Provided. Further provisions of the act called for the survey and appraisal of all first class tide or shore lands as nearly as practicable and provided that full records of all transactions be kept and that a plat and record be filed with the county auditor. Following the final appraisal of the land the owner of the land fronting upon the water was to be given the first chance to purchase the foreshore at its appraised price. If after 60 days the upland owner failed to exercise his right of purchase then the shore lands or foreshore were open to sale

to anyone else. Sealed bids were received for the foreshore and the highest bidder secured it, providing his bid equalled the appraised price and payment was made in ten annual installments.

The right of the legislature to sell these tide lands has been frequently questioned, but it is a case of locking the stable door after the horse is stolen, for tide lands purchased by speculators have been sold back to the public at one hundred times the price paid for them, as for example, at Seattle, where the port commission were compelled to pay at the rate of \$50,000 an acre for tide lands upon which to erect docks.

In speaking of the holdup of the public by the water front speculator, Robert Bridges, president of the port commissioners at Seattle, said: "We need laws similar to those aiding the water-borne commerce in the states of California and Louisiana; and also by the proper presentation to and review by our courts of the power of the legislature to grant, bargain and sell the tidelands of the state of Washington to individuals and corporations."

In the case of the Washougal and LeCamas Transportation Co. vs. The Dalles, Portland and Astoria Navigation Co., in which the Washougal firm

of the attorneys representing corporations and individuals at the time they secured the legislation. The tidelands of the state are the property of the people through their sovereignty and cannot therefore be alienated by legislative enactment or otherwise. We need a policy looking toward the serving, not of this generation alone, but of all future time."

Vancouver's Experience. Here at Vancouver, as the city had the preference right to the foreshore, the Northern Pacific railroad offered to buy it in the name of the city if the city would grant an exclusive lease to the railroad of the use of the foreshore. This was done, and the lease expired last fall.

Here in Vancouver, the short donation land claim on which the city is partly built, runs to ordinary high tide only, as do all other claims on the Washington side of the Columbia while on the Oregon side not only opposite Vancouver, but clear to the mouth of the Willamette, the land is patented to the owners to low water mark. This was done during the incumbency of a secretary of the interior, who had no knowledge of the laws governing the matter, and as a consequence Oregon has lost many of its rights between high and low water line.

In the case of the Washougal and LeCamas Transportation Co. vs. The Dalles, Portland and Astoria Navigation Co., in which the Washougal firm

claimed title to a strip of water front 3200 feet in length by virtue of a deed from the state of Washington giving it all the shore land of the second class situated in front of, adjacent to or abutting upon the U. S. meander line, the court ruled that "The title to all tide and shore lands passed to the state at the time of its admission into the Union. From henceforth the state had the sole and absolute right and power of disposition over such lands, and it could either in its fundamental law or by statutory enactment provide for their disposition. The upland boundary of tide and shore lands is the line of ordinary high water mark. Above that line the state's title does not extend, no matter where the United States government meander line may have been run, and the state cannot, by deed or otherwise, convey any title or interest in such land by reason of its ownership of the tide and shore lands bordering thereon."

View of Supreme Court.

An Oregon case taken to the supreme court of the United States brought the question of the ownership of the foreshore up on its own merits, and the supreme court, in a lengthy and learned review of the whole question, spoke as follows, and if this decision were enforced many an Oregon owner of land between high and low water mark would have to surrender his illegally held land to the public to whom it rightfully be-

longed. Here is one paragraph from the decision of the U. S. supreme court.

"Grants by congress of portions of the public lands within a territory to settlers thereon, though bordering on or bounded by navigable waters, convey of their own force, no title or right below high water mark and do not impair the title or dominion of the future state when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each state, subject only to the rights vested by the constitution in the United States. A donation land claim bounded by the Columbia river, included no title or right in the land below high water mark, and the statutes of Oregon providing for the sale of such lands to private parties and giving the riparian proprietors the first right to purchase, are a constitutional and legal exercise by the state of Oregon of its dominion over the land under navigable waters."

Sub-Committee to Investigate.

Washington, April 7.—(U. P.)—A subcommittee for preliminary investigation and report on the election fraud charges made by ex-Senator Chilton against Senator Howard Sutherland of West Virginia, was authorized by the senate committee on privileges and elections today. Senator Pomerene will appoint the committee, which will report in ten days.

Brass, Aluminum Boards Are Named

Washington, April 7.—(U. P.)—Special commissions on brass and aluminum products for the army and navy were appointed today by the council of national defense, to act under the direction of Bernard M. Baruch, who recently procured for the government an offer of 45,000,000 pounds of copper at less than half the present market price. Mr. Baruch said that organization is under way of committees in other industries, whose products are vitally necessary to the prosecution of the war.

The committees appointed today were the following:

Brass—Charles F. Brooker, president of the American Brass company, Waterbury, Conn.; C. D. Goss, president of the Scoville Manufacturing company, Waterbury, Conn.; Lewis H. Jones, president of the Detroit Copper & Brass Co., Detroit; Barton Hasleton, general manager of the Rome Brass company, Rome, N. Y., and F. J. Kingsbury, president of the Bridgeport Brass company, Bridgeport, Conn.

Aluminum—Arthur F. Davis, president of the Aluminum Company of America, New York; E. E. Allyn, president of the Aluminum Casting company, Cleveland, and Joseph A. Janney, of Janney, Steinmetz & Co., Philadelphia.

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