

Tillamook Headlight.
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THE HEADLIGHT, TILLAMOOK, ORE.

TILLAMOOK, ORE., DEC. 22, 1892.

Several members of congress have just found out that no new projects for river and harbor improvements can be commenced for at least four years, so far as the Pacific coast is concerned. The project at The Dalles will be excepted as it does not come within the term of new projects. Where surveys were made this year and found worthy of improvement, it will be found necessary to provide for a plan of improvement under the next river and harbor bill, and an appropriation two years later. It is learned that this arrangement was designed with the full knowledge of the effect it would have upon the improvements, and that it would relieve the river and harbor committee from the pressure that is always brought to bear upon it to provide for new projects, not reported favorably by the engineer.

The following clipping is taken from the Salem Capital Journal and will prove of interest to those suffering from liquor, opium, morphine, cigarette or tobacco habits: "Cliff Nash has returned from the Keesley Institute, at Forest Grove, where he has taken a five week's treatment for morphine, whisky and cigarette habits. He is thoroughly cured and invites anyone interested to come and see him for reference as to the completeness of the cure. He was using twenty-four grains a day of morphine, two pints of liquor and smoked incessantly, and regards his cure as almost a miracle. He is a sound, healthy and happy man today. He says the institute of which Mr. Frank Davey, formerly of Salem, is secretary and business manager, occupies a brick block, and it is doing a grand work for men who have fallen a victim to the evils which they treat. A branch institute has been established in Portland in the Cambridge block."

THE TIDELAND QUESTION.

ED. HEADLIGHT.—In your paper of this date you notice editorially the decision of the U. S. Supreme Court in the "Chicago Lake Front Case" and concluded your remarks by saying that this decision seems to indicate that the titles to tide lands in Tillamook bay, held by private individuals, are worth nothing at all.

How you can distort the plain language of the Court so as to place any such construction upon this decision is more than I am able to understand.

In the first place the decision touches but one point which has any bearing on the title of tide lands on this bay, or any other place, and that is with reference to the question of riparian rights of shore owners. The claim has been unsuccessfully made in this county and on Coos Bay, that the shore owner had a right to occupy or pass over the tide lands lying in front of him, to which another may hold a state deed. The Illinois Central R. R. in this case set up the claim of the company to the lands and piers made by it in front of land abutting on the Lake of which it was the owner, to its rights of way across the public lands, and to the portion of the bed of the lake in question, in part upon the ground of its rights as riparian owner. The Court decided

that it had no such right, although it was the owner of the shore abutting.

Aside from this point there was no question involved in the Chicago case which presents any analogy to questions affecting title to tide lands on this bay.

In the first place there is not a foot of what the law recognizes as tide lands on Lake Michigan. The courts have universally held that tide lands is such land as is daily covered and uncovered by the ebb and flow of the ordinary tides; or that which lies between ordinary high and low water marks. The lands which the Illinois Central R. R. claimed title to under the special act of the Illinois legislature of 1869, were lands lying under navigable waters. Hence the Court says:

"The state's title to the lands under the navigable waters of Lake Michigan is a little different in character from that which the state holds in lands intended for sale, (i. e. tide and other lands). It is a title held in trust for the people of the state that they may enjoy the navigation of the waters."

Unless therefore it can be shown that the tide lands, or the lands lying between the ordinary high and low water lines on Tillamook bay, are navigable waters the decision of the Supreme Court, except as touching the rights of riparian owners, does not effect in the most remote degree the title thereto, conveyed by the state.

The absurd proposition that this tide land lies under navigable waters has been time and again "brushed aside" by the courts as untenable, and no well informed lawyer will hazard his reputation in defense of any such doctrine.

I have been amazed at the inconsistency, as a legal proposition, of those who claim that the state has no right to sell her tide lands, because they are under navigable waters, and yet who insist that they have a right to occupy these lands without hindrance for docks, buildings, etc., thus placing a permanent obstruction to free navigation of the waters thus occupied. The decision of our Circuit Court last August is in exact line with the decisions of the Supreme Court of this state and that of the state of Washington in the case of Eisenbach et al vs. E. H. Hatfield on appeal from Pierce county, and until the U. S. Supreme Court passes adversely upon the same questions the doctrine laid down by our own courts will stand as good law.

Respectfully
J. H. BRIDGEMAN.
December 15, 1892.

DON'T GET PERSONAL.

The following startling statement was clipped from an article in Zion's Watchman, a religious paper:

"Why, just to give you an idea: I saw this experiment tried, among others, at an establishment where they treat patients for the cure of tobacco habit. A man just brought in was washed as clean as soap and water could make him, and then some flies were allowed to light on him. In five minutes by the watch they were dead. There was poison enough in the perspiration that came out of a man washed as clean as possible to kill them."

Young ladies, be careful whom you kiss, for you are liable to bring a terrible fate upon yourself.

TWO ELK KILLED

Thursday Thos. Fryer of Carlton discovered a large bull elk in the pasture of A. J. Edson feeding with a number of mules. He returned to Carlton and several accompanied him to help do the killing. Several shots were fired at him and he was finally brought down by Fryer and Kelsey. On Monday a number of hunters at Wapato, among them Theo. Hauswirth of North Yamhill, killed another large bull, having six prongs on one horn and seven on the other. The strange thing in it is that the elk should be down in the valley at this season of the year. The settlements on the Trask is said by some to be the cause of it as elk will not stay within hearing of human habitation. They were probably on the way to the Cascades.—Telephone R gister.

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