

suit in equity; that properly speaking, it was only open to them to bring an action of ejectment. The post commander proposed to remove all dependents of the church and to tear down and remove all their buildings so promptly that the church could not have got an injunction. In that case they could only have brought an ejectment at law and a suit for damages. Such cases would have gone to a jury for trial and the plaintiff would have had the burden of proof; but the department commander overruled this proposal.

The court next decided that the matter was purely a judicial question and in no way dependent on the decisions of the ministerial officers, such as surveyors general, commissioners of the land office or secretaries of the interior. As to the interpretation of the words of the statute, "Occupied by a religious society as a mission station among the Indian tribes," the court held that "occupied" meant possession, domain, absolute control. The court held that the Hudson's Bay company held such occupancy and domain, and not the church; that the present claimant claimed as the representative of the bishop of Quebec and that the bishop of Quebec was not the original grantee; that the American missionary societies were incorporated companies; that the Catholic church was not as a church a legally incorporated body under our laws at the time of the grant; that the law was passed to reward and encourage American pioneers and missionaries; that the United States then, by purchase, extinguished the rights of the Hudson's Bay company and all other British subjects (for £1,200,000) and concluded by affirming the decree of the lower court. A motion for a rehearing was granted, but before the case was reargued Washington was admitted as a state. The included territory became a judicial district, and in July, 1890, the case was presented and argued *de novo* before District Judge Hanford, on the part of the church by Mr. Bronaugh, of the Portland bar, and for the government by P. H. Winston, district attorney, and W. H. White, former district attorney, who was thoroughly conversant with the case.

On the third of November, the decision was announced in favor of the defendants. The distinct features of Judge Hanford's opinion may be seen in the following extracts: "I am convinced, however, that the purpose of this act was not to make a gift nor to reward meritorious efforts in the missionary service, but rather to recognize the just claims of a few people, who had incidentally, in connection with missionary labors, by their toil

created property, whereby the material interests of the nation were effected and greatly benefited, and to protect their natural rights to the property so created by confirming to them the legal title thereto. * * * The missionaries were mostly loyal citizens

of the United States; they were the pioneers of immigration; they aided in establishing the provisional government of Oregon, and they were helpers in securing this country for this nation. Failure on the part of the government to make good the title of the first American inhabitants of the country to the land made valuable by their labor, would have been base ingratitude. * * * The form of conveying the title by confirming instead of granting the same harmonizes with the idea of a pre-acting and equitable right and already acquired possession; the word 'occupied,' a synonym for possessed, covered or filled, is an appropriate word to use for the purpose of identifying land in actual possession and use. The entire framing of the act clearly indicates that congress intended to grant specific lands to certain well known institutions. * * * Another view that may be taken of the case is this: If the act is not to be regarded as a grant of specific land, capable of being identified by the description given in the act, then it must be a floating grant, and a grantee under it could acquire no vested right to any particular tract, until a selection had been made and the boundaries of the granted premises ascertained and established. No steps tending toward this end were taken until after the land now claimed had been appropriated and duly set apart for government use; it was then too late; the claim of the United States to this land as a reservation is prior in time, and for that reason, if no other, superior in equity, to that of the plaintiff. Findings may be prepared in accordance with this opinion, and a decree will be entered in favor of the defendants."

In recalling the incidents of this long contest, the palisades of the old Hudson's Bay fort seem to take shape again on the banks of the Columbia; the triangular pennon of the company, with its rampant beaver and serrated edges, floats again from the bastions; the thin mists again take form and a grand prophetic monastery arises, and we hear the glad strains of the *Salve Regina* floating on the air. But this vision also vanishes, "like the baseless fabric of a dream," and looking again we see a real fort and living soldiers, and floating over all, the banner that has come to stay.

THOMAS M. ANDERSON.

HOTEL PERKINS.

Prominent among the many handsome and substantial buildings recently erected in Portland is the new Hotel Perkins, the large six-story structure on the northeast corner of Washington and Fifth streets. The building is built of brick on a massive stone foundation, the fronts of the lower story being iron and glass. It is 100x100 feet square and has 100 rooms, aside from the first floor, where are located the office, barroom, barber shop, restaurant and store rooms. Electricity will be used for lighting purposes, though gas has also been provided. The rooms are sumptuously furnished and body Brussels carpets are used throughout. Light and ventilating wells are introduced in the center of the building in such a manner as to admit plenty of light and fresh air to all the rooms. Steam heat is provided for every room, and electric call bells connect all parts of the house with the office. Fire escapes have been provided on the west and south sides which can be conveniently reached from each floor. Mr. Justus Krumbin, of this city, is the architect, and has introduced many new features in the construction of the building, the most noticeable of which is the exact duplication of arrangement of the rooms on each floor.

CITY HALL.

To-day the corner stone of the Portland city hall will be laid with appropriate ceremonies. The structure will be a magnificent one, costing \$500,000 and occupying an entire block. Its external appearance is well shown in the accompanying engraving. This is but one of half a dozen large, ornamental and costly buildings now in course of erection in the city.



NEW CITY HALL BUILDING, PORTLAND, OREGON.