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MAINTAIN GOOD FAITH.

During the last few weeks several meetings have been held by the citizens of Albany, where officers of the Oregon Pacific Railroad company were present. The Albany papers in treating of the purpose and effect of the meetings for a time, spoke of them, in which they claimed that the Willamette Valley & Coast Railroad company had, through its officers, submitted a proposition to extend the Oregon Pacific Railroad from Corvallis toward Albany on the west side of the Willamette river and cross the river near Albany, making a wagon and railroad bridge at such crossing, and also to place suitable depots, round houses and machine shops of the company within the corporate limits of Albany, providing the citizens of Albany would arouse themselves to action and subscribe the sum of \$50,000, to assist in paying the extra expense of this route over others, and the extra expense of the bridge. Since the above appeared in the Albany papers, which was extensively copied by other papers throughout the state, the Albany papers again come to the front and announce that another meeting of the citizens of Albany was held, where officers of the railroad company were present and denied that the company had ever made such a proposition but claimed that by the conversation on that subject was meant by the officers of the company, that if the citizens of Albany would raise the \$50,000 for the purposes indicated that the company would consider the proposition before adopting the route for the extension of the road. Mr. Wallis Nash, Vice-President of the road, comes out in a long article which was published in the Albany papers and which has also been kindly furnished this office for our observation in which Mr. Nash claims that the latter construction is the proper one. The only material difference in the two propositions is a legal one; by the former the railroad company would be bound to perform provided the citizens of Albany performed the part asked of them in a reasonable time, and by the latter the railroad company would not be compelled to perform until the citizens of Albany had raised the money, and the company had afterwards accepted it. The distinction may be of some importance to the railroad company, but it is of little interest to the people at large, because so far as the people are concerned, it is riding the same horse in about the same way but different words are used for describing the situation of the rider. About ten years ago before the Oregon Pacific Railroad scheme was thought of, when the people of Benton county were straining every nerve to put the Willamette Valley & Coast Railroad upon its feet, so that railroad could be completed from Yaquina bay to Corvallis, the people of Corvallis and of Benton county, subscribed towards that work the sum of \$35,000, which money was afterwards invested in iron, cars, locomotive, engine etc.; which has since been used in the building of the road. By parties in the interests of the railroad company then endeavoring to raise that money, it was then talked of and proposed by them to our citizens, as an inducement to get them to subscribe and pay their money, "that the benefits arising from the round houses being built and the machine shops of the company also being built and put in operation at Corvallis, would be of such benefit to our citizens subscribing, that the subscribers would be repaid with a profit for their investment, by means of these improvements being made within our city." Mr. Nash and the officers of the road now employed at Corvallis in the interests of the railroad were not here at that time, and perhaps for that reason do not know of it, otherwise we certainly think that they would not have suggested to a citizens' meeting of Albany that a proposition

from the people of Albany would be considered by the company to take to Albany exactly what the people of Corvallis and vicinity paid their money for ten years ago, and supposed it was a settled question which could not again be raised in any event, so that the officers of the company should be the encouragers and promoters of it. Do the people of Albany want to take without the consent of the people of Corvallis and Benton county what the latter have bought and paid for ten years ago? We trust that this break on the part of the officers of the company, was done simply because of oversight as to what has transpired in the past, and that simply calling attention to the fact will be all that is necessary to put a stop to any further deception or misunderstanding in the matter.

UNITED STATES SENATOR.

The Albany Bulletin, a strictly independent paper on the subject of an extra session offers the following comment: "When an executive body acting for the people, make a great and serious blunder in the performance of their legislative duties, the responsibility rests upon the people of the state who chose them through the ballot to execute state legislation." "It may be urged in favor of a senatorial appointment that an appointed senator can wield the same influence as one regularly elected by the legislature, or the chances are that if he is admitted to his seat at all it will be after a long delay and great expense, exceeding the expense of an extra session. Meanwhile the state is without its proper representation and the interests of the country are bleeding for want of requisite subsidies to develop our waterways and accommodate the state's commercial demands. Furthermore a senator appointed by the governor would hardly get into his seat before his term of office would expire, and before another could become conversant with the methods to make his influence of material benefit to the state, months will have elapsed piling up a mountain of sacrifices fearful to contemplate." "Now as to the expense of an extra session will entail upon the state, as a great deal has been said through the press, pro and con, upon that phase of the subject. Oregon is greatly in need at the present time of a full and able representation in the United States senate, to enable the state to derive from the government liberal appropriations for the improvement of our harbors. The immediate necessity of large appropriations for the improvement of the locks at the Cascades, the improvement of Yaquina harbor and other harbors and rivers on the coast, is urgent in the extreme, and any delay in this matter is a sacrifice to the state of thousands of dollars. To place the expense of an extra session as an offset to the sacrifice incurred by the state for want of proper representation in the U. S. senate is the sheerest folly and shortsightedness. Comparisons are odious in this respect and cannot stand the test of scrutiny for a moment."

\$717,264,889 is the total clearing house returns of the leading clearance houses of the United States for the week ending Sept. 19th.

The Union Pacific managers say they think if the strikes and disturbances are persisted in like recently occurred at their Rock Spring mines that the belief is that the directors of the company will turn over the management to the United States government.

The delegates to the New York state republican convention have been arriving slowly and it is claimed that they are all conciling harmony and are not adopting any plan until the delegates all arrive so that they can all participate in the arrangements of the party. Such a feeling and disposition is an assurance of republican success.

St. John, the ex-governor of Kansas, called upon President Cleveland recently. He demanded of the president the removal of a lot of postmasters for "offensive partisanship." His demands were respected as they should be at the White house because St. John was a full partner in the democratic campaign with whisky which elected President Cleveland.

RAILROAD THROUGH STREETS.

The Oregon Pacific Railroad company, alias the Willamette Valley & Coast Railroad company, last week surveyed their line down to river street, and from thence down the street so as to be accessible to the warehouses on the river. In so doing the survey runs uncomfortably close to the property of some of our citizens. When nearing the foundry of Belknap Bro's & Kennedy Bro's, the line bears to the right until it runs clear up onto the sidewalk, occupying almost the whole of the side-

walk, on the north side of their foundry building, from thence it bears to the left until it runs so close to the fence, at the southeast corner of W. C. Crawford's handsome residence, that our friend Crawford dances around very excitedly in consequence of the nearness of railroad communication to his inclosures. The question therefore is being freely discussed by our citizens as to what rights against citizens a railroad company acquires where a city council grants authority to such company to lay down and use their railroad track in a public street; and also what rights if any a city council has to grant such rights to a railroad company. Justice John F. Dillon in his valuable work on Municipal Corporations says: § 575 In this section and the three following we sum up the conclusions to which our mind has arrived, after an examination of all of the reported cases upon the subject of railways in streets.

1 As respects ordinary railways, operated by steam, and street railways, operated by horses, legislative authority is necessary to warrant them to be placed in the streets or highways. The legislature may delegate to municipal or local bodies the right to grant or refuse such authority. The usual powers of a general nature in municipal corporations over streets are not sufficient to confer upon them the right to authorize the appropriation of streets by ordinary railroads, whose tracks are constructed in the usual manner and whose trains are propelled by steam. But it is otherwise as respects street railways; and the ordinary powers of municipal corporations are usually ample enough, in the absence of express legislation on the subject, to authorize them to permit or refuse to permit the use of streets within their limits for such purposes. But they can not, by an implied power, confer corporate franchise or authorize the taking of tolls. This must come from the legislature.

§ 576. 2. The weight of judiciary authority at present undoubtedly is, that where the public have only an easement in streets, and the fee is retained by the adjacent owner, the legislature can not, under the constitutional guarantee of private property, authorize a steam railroad to be constructed thereon against the will of the adjoining owner, without compensation to him. In other words, such a railway, as usually constructed and operated, is an additional servitude. The author, not disputing the justice of this view, or that it is the one best supported by the judgments of the courts, is of opinion that it will admit of fair debate, and deserves further consideration whether the power of the legislature over uses to which highways may be put is really subject to this supposed constitutional limitation. Although the decisions as to the right of the legislature in such case to authorize street railways without compensation to the adjoining freeholder, are conflicting, it is believed that such railways, as ordinarily constructed and used, do not create a new burden upon the land; and hence the legislature is not bound to, although it may, provide for compensation to the adjoining proprietor.

§ 577. 3. Where the fee of the street is in the municipality in trust for the public, or in the public, the control of the legislature is supreme, and it may authorize or delegate to municipal bodies the power to authorize either class of railways to occupy streets without providing for compensation either to the municipality or to the adjoining lot owners. But where grades are altered, or actual damage will be caused by such use, the legislature ought to provide that the abutters should be compensated for the injury they will sustain.

If the above is the law on the subject then several important questions would arise; 1st as to whether "the public have only an easement in the streets, and the fee is retained by the adjacent owner, or 2nd, whether "the fee of the street is in the municipality in trust for the public, or in the public." Whichever way the above questions were determined, the 3rd query would arise as to whether the legislature in the city charter has given the city council express authority to grant such privileges to railroad companies, because our courts hold substantially that a city council can not exercise implied power, except such as are necessary to carry into effect the powers and privileges expressly granted.

Our own supreme court says on that subject "Those powers which are not thus enumerated, and which are also, but necessary to the enjoyment of such enumerated powers, are to be taken to have been withheld." Again, "We think it the better rule, regarded upon principle as well as authority, that statutes creating municipal corporations should be strictly construed against such corporations. The people of a city, unlike those of a state, have no reserved rights as such, but all power and authority to maintain a municipal government within a city is delegated to it by the legislature, either by express authority or necessary implication."

After settling such law questions as might arise, if settled favorable to the property owner, then there will be a common sense question to be settled, by the man whose property or home has been so far encroached upon, that it is of no practical use to him, and that is "what can he do with a judgment for damages after he obtains it against a company whose dealings with other citizens of the county have been such, that after they had taken hundreds of thousands of dollars from citizens of our county under the disguise of obtaining credit, promising to repay such to our people every month and after having invested such in their scheme, such company has been able for a whole year to set their creditors at defiance and only pay simply what they pleased. Under such condition of affairs another legal question would arise as to whether the courts would consider such condition of insolvency a proper one upon which to grant an injunction to prevent further damage to property until the damage was forthcoming or made amply secure.

Since the above was put in type we learn that a temporary understanding was concluded upon, between the company and the city council, by which the company agree to run their track through the center of the street, east and west to the center of the street along the bank of the river, where the company will make a turn table with which to turn the cars at right angles, until the rights of the parties can be properly determined by adjudication. This if properly carried out, will probably be the most satisfactory way to all parties.

EXCURSIONS

Will be run over the Oregon Pacific R. R., Each Saturday, commencing September 19th, 1885, until this advertisement is discontinued. Fare between Corvallis and Yaquina, Round Trip, \$3.00. Children between 6 and 12 years, \$2.00. Tickets Good for 15 days, And 100 lbs. of camp outfit free with each ticket. Trains leave Corvallis at 10 a. m. WALLIS NASH, Vice Pres't O.P.R.R. CHAS. C. HOGUE, Comptroller.

R. MONTGOMERY.

Livery, Feed and Sale Stable. New barn, new buggies, carriages, and every thing else new and first-class in all respects. Special Attention Given Transient Stock. Good Saddle Horses. Prices Reasonable. (Second Street.) CORVALLIS, OREGON.

FREE SCHOLARSHIPS.

There are three vacancies in the State University to be filled from Benton county. Young men and women who can pass examination for a teacher's certificate, are eligible to appointment by the county court. Applications will be received until Monday, September 7th, 1885. E. A. MILNER, County Superintendent. Corvallis, Oregon, Aug. 5, '85.

Real Estate Agency!

CORVALLIS OREGON. WAGGONER & BUFORD. Real Estate Agents, will buy, sell, or lease farms or farm property on commission. Having made arrangements for co-operation with agents in Portland, and being fully acquainted with real property in Benton county, we feel assured of giving entire satisfaction to all who may favor us with their patronage. G. A. WAGGONER, T. J. BUFORD.

GREAT NORTHWESTERN REMEDY.

THE OREGON BLOOD PURIFIER. PFANDER'S KIDNEY & LIVER REGULATOR. Those who work early and late need a wholesome reliable medicine like Pfander's Oregon Blood Purifier. As a remedy and preventative of disease it can not be beat. It checks rheumatism and Malaria, relieves Constipation, Dyspepsia and Biliousness and puts fresh energy into the system by making NEW, RICH BLOOD. All Druggists and dealers keep it. \$1.00 bottles, 6 for \$5.00.

NEW TAILOR SHOP.

FRED. LAUCHLE, Proprietor. (One door south of Rose Bro.'s Cigar Factory.) CORVALLIS, OREGON. ALL ORDERS PROMPTLY FILLED. Cutting, Cleaning & Repairing Satisfaction Guaranteed. A SPECIALTY Leave Orders.

THE MUTUAL SELF-ENDOWMENT AND BENEVOLENT ASSOCIATION OF AMERICA.

Grand Central Office, Fort Worth, Texas. SAM CUNDIFF, President. E. M. MACY, Secretary. B. W. BROWN, Vice-President. A. W. MORRISON, Treas.

PACIFIC COAST DEPARTMENT.

OFFICE: No. 7 Powell St. Corner Market. San Francisco OFFICER: HON. SAMUEL G. HILBORN, President. A. W. KELSEY, of Sacramento, Vice-President. W. H. WARD, Secretary. J. N. RUSSELL, Sr., Superintendent. PROF. W. E. TAYLOR, M. D., Medical Director, PACIFIC BANK, Treasurer.

CAPT. J. N. LEONARD, State Supt., Portland, Or.

The object of this Association is to provide endowments for living members as well as benefits for families of deceased members, at the least cost consistent with perfect security, by issuing endowments as well as death benefit certificates. The plan embraces two forms, life and death. One pays at the death of a member and the other pays in five equal installments during life. The association is operated on the mutual plan. It has no stock-holders to absorb its earnings, and no trustees among whom to divide its surplus. The total membership of the association now amounts to nearly 14,000 with a steady increase each month. The association has disbursed to date, \$70,000,000 in benefits to the families of deceased members, and on maturing compounds. Is loaning from fifty to twenty thousand per month to living members.

REVIEW SINCE ORGANIZATION. Receipts since organization, \$570,239.06 Disbursements since organization, 570,038.02 Balance on hand, 201.06 Coupons paid, 80,650

Agents Wanted in every county of the Pacific Coast. F. M. JOHNSON, Resident Agent, Corvallis, Oregon.

City Stables Daily Stage Line

FROM ALBANY TO CORVALLIS. THOS. EGLIN, Proprietor. On the Corner West of the Engine House CORVALLIS, - - OREGON. Having secured the contract to carrying the United States Mail from Corvallis to Albany. For the ensuing four years will leave Corvallis each morning at 8 o'clock, arriving in Albany about 1 o'clock, and will start from Albany at 1 o'clock in the afternoon, returning to Corvallis about 3 o'clock. This line will be equipped with good teams and careful drivers and nice comfortable and EASY RIDING VEHICLES. For the accommodation of the TRAVELING PUBLIC.

Wheat and other Grain Stored on the best of Terms by T. J. BLAIR, CORVALLIS

SACKS FURNISHED TO PATRONS. Farmers will do well to call on me before making arrangements elsewhere. 15-27-81

THE BENTON COUNTY REAL ESTATE ASSOCIATION

Office:---Corvallis, Oregon. M. S. WOODCOCK, Manager.

THIS ASSOCIATION will buy and sell all classes of Real Estate on reasonable terms and will thoroughly advertise by describing each piece of property entrusted to it for sale. The following list of property will be sold on extraordinarily reasonable terms:

- SAW MILL-Undivided interest in a mill run by water, a good planer and seven acres of land used in connection with the mill. Power sufficient to run all of the year, situated handy to market and within about 7 miles of Corvallis with an excellent good road to and from it. Terms easy. STOCK FARM-250 acres, about 50 in cultivation water, a good planer and seven acres of land used in connection with the mill. Power sufficient to run all of the year, situated handy to market and within about 7 miles of Corvallis with an excellent good road to and from it. Terms easy. FARM-Farm all under fence only 2 1/2 miles from Corvallis of 150 acres, 30 acres now in cultivation. Because it can be cultivated about 20 of it now in wheat with a fair horse good barn and granary will be sold at a bargain. Terms easy. FARM-A farm of 120 acres of land situated 1/2 mile from Corvallis, in Linn County, Or. All under fence; 50 acres of rich bottom land in cultivation 50 acres of good fir, aspen and maple timber; 2 good houses, 2 good orchards and two good wells with pumps. Terms: \$20 per acre, half cash down and balance payable in one and two years, secured by mortgage upon the farm. LOTS-Two unimproved lots in Corvallis. One of the choicest building places in the city for sale reasonable. ALSO Four unimproved lots except fenced in Corvallis, Or. The choicest building place in the city for sale reasonable.

THOMAS GRAHAM, Druggist and Apothecary,

AND DEALER IN PAINTS, OILS, VARNISHES, BRUSHES, GLASS, PUTTY, TRUSSES, SHOULDER BRACES, TOILET ARTICLES & C. A full line of Books, Stationery and Wall Paper. Our drugs are fresh and well selected. Prescriptions compounded at all hours. 19-27y1

YAQUINA TOURISTS.

The New Steam Yacht "TRESSA MAY" Is at your disposal for the season of 1885. Being manned by careful and competent officers and crew who will exert themselves at all times to oblige visitors. Charters a Specialty. Rates reasonable. For terms apply to CAPT. F. E. DOIDGE, Manager. Newport, Oregon.

LUMBER FOR SALE!

Well seasoned and in the Warehouse, a fine lot of dressed FLOORING, RUSTIC, CASING ect. Any party purchasing 5,000 feet or over, may have the same at \$24.00 per M. Enquire of T. J. BLAIR.