

A 100-MILE EXTENSION

Columbia Southern is to Build From Shaniko to Bend.

HARRIMAN ARRANGES IT

President Lytle Gives Details of the New Line for Which \$1,500,000 of Bonds Will Be Issued—To Use O. R. & N. Cars.

E. H. Harriman announced last night at a dinner at the Arlington club that the Columbia Southern railroad would be extended into Central Oregon.

"I had a conference with President Harriman yesterday afternoon," concluded Mr. Lytle, "and it was definitely arranged that the extension is to be built. The O. R. & N. Co. is not connected with the project, but Mr. Harriman will float the necessary bonds and the Harriman resources will be behind the extension."

The O. R. & N. map that is used by the officials shows projected lines in Eastern Oregon of which nothing has been heard, and one of the projects for which surveys have been made and plans drawn is an extension from the present terminus of the Sumpter Valley road at Sumpter into the John Day country.

La Grande, Or., Dec. 9.—A man giving his name as B. A. Kugent took black opium here this morning with suicidal intent. He arrived here last evening from Michigan in search of a lost sister, and finding her in the red-light district he attempted his life. The doctors think he will recover.

DREDGER CHINOOK READY FOR WORK

Immense Capacity of Machine Will Soon Be Demonstrated on Columbia Bar—Weather Prohibits Trial Yesterday.

Astoria, Or., Dec. 9.—The government dredger Chinook is at last in readiness for its important work of removing the bar at the mouth of the Columbia.

MURDERED HUSBAND

Young Wife On Trial for Dastardly Crime of Killing Consort.

SHE TIED HIS HANDS

A Private Picnic Party Formed When the Unsuspecting Man Was Put to Death by Wife and a Guilty Villain

Bennington, Vt., Dec. 9.—Not in the history of the New England states has more interest been taken in a murder trial than that began this morning when young and pretty Mrs. Mary Rogers was placed on trial for having killed her husband in August, 1902.

Owing to technicalities the trial has been put off until today. Mrs. Rogers has been in jail since the commission of the crime. It is doubtful if the woman will escape the gallows.

Perham held the husband until his death was assured. Then his body was taken and thrown into the river. When the crime was finished the guilty couple ran away and were captured 20 miles away on route to Boston.

DEWEY'S TRIAL FOR MURDER CONTINUED

Topeka, Dec. 9.—The trial of Dewey and the cowboys for murdering the Berry family was continued at St. Francis today until the next term of court.

TOOK BLACK OPIUM TO END HIS LIFE

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CAVOUR ASHORE AT PEACOCK SPIT

ITALIAN BARK POUNDING TO PINES AT COLUMBIA'S MOUTH—ALL HANDS RESCUED BY LIFE BOATS—CAPTAIN'S ANKLE SPRAINED—NO OTHERS HURT.

Astoria, Or., Dec. 9.—The Italian bark Cavour struck Peacock Spit last evening about 8:45 o'clock and the indications are that she will soon be a total wreck.

GAMBLERS' FINES ONLY \$50 HIGHER

Increase of Last Month Indicating a \$100 Monthly Raise Not Maintained—A Comparison of Contributions From the "Kitty."

The increase of the semi-monthly fines of five of the "clubs" belonging to the gambling trust is only \$25 net \$50 as was expected.

This fact became public property today when the Portland club, Erickson's and Blaxier's first street house forfeited their fortnightly bail by non-appearance in the police court.

Under present conditions Chief Hunt can either increase or lower the amount of bail to be deposited by any gambling house as he wishes.

Freight Wrecked Near Redding, Cal. Six cars of the northbound freight No. 226 were wrecked a mile and a half above Redding early this morning.

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Dowieites Rejoice Over Restoration. Chicago, Dec. 9.—The Dowieites congregated on the street corners of Zion City this morning, unmindful of the snow storm, and rejoiced over the restoration of the city to Dowie, who was today placed in practical possession again until the next court proceeding this week, when Dowie is expected to file a petition of solvency before the court.



WAS INJURED IN HIS LINE OF DUTY

Astoria, Or., Dec. 9.—George M. Trowbridge, a Portland newspaper man, suffered a severe injury to his left foot yesterday afternoon while attending the manning-up of the dredge Chinook in the lower harbor.

It was held in some of the states, notably Michigan, in Trombly vs. Humphrey, 23 Mich. 471, that a state cannot exercise the power of eminent domain for the United States.

In the exercise of its sovereignty, and as a part of its provision for the regulation, control and protection of commerce, the United States erects lighthouses, and may, without question, seize the property of individuals for the purpose of observing the constitutional requirement of making due compensation therefor.

GAMBLING TEST NEXT FRIDAY. Residing Judge Cleland of the state circuit court, today set for 3 o'clock Friday afternoon the hearing of the application of the Municipal association for an alternative writ of mandamus to compel Mayor Williams, the executive board, Chief of Police Hunt and Municipal Judge Hogue to enforce the city and state laws against gambling.

TURKISH POLICE GIVE THEIR SIDE OF STORY. Constantinople, Dec. 9.—Official reports of the Alexandria incident sent by the Turkish police is that they wanted only a photograph of an American naturalized citizen-Attarian. They say Consul Davis objected and attempted to embark with Attarian. The police then arrested Attarian and were compelled to use force as Mr. Davis and the consuls from the consulates resisted.

GRAFTING OFFICIALS. Kansas City, Mo., Dec. 9.—The grand jury today began its investigation of grafting charges, involving prominent city and county officials.

WILL MARRY BANDIT ON THE SCAFFOLD

Chicago, Dec. 9.—Mamie Dunn, the sweetheart of the ear-burn bandit, Harvey Van Dine, announced today that she will marry the young outlaw on the scaffold in case he is executed.

The upper and lower left hand half-tones are those of Mamie Dunn. The other is that of the bandit's mother.

THE CANAL AT CELILO

Attorney General Crawford Replies to Chamber of Commerce.

A GRATIFYING REPORT

Reviews Subject in All Its Phases and Quotes Opinions From Courts of Other States On Similar Matters.

Salem, Dec. 9.—Attorney-General A. M. Crawford has rendered an opinion in response to a question propounded by the Portland chamber of commerce regarding the state's right to grant a right of way to the United States government for a canal at Celilo.

Chamber of Commerce, Portland, Or.—Gentlemen: Relative to the question propounded by letter of your secretary of the 4th inst., as to "Whether the state can condemn lands for the benefit of the federal government," and stating that the question sought to be brought out is, "Whether the state of Oregon can legally grant a right of way to the federal government for the use of the Celilo canal," permit me to say that if the state was the owner in fee of the title to the lands through which the proposed canal is to be dug, I would not hesitate to answer in the affirmative, but as I understand the situation, the title is all, or nearly all, in private individuals.

Section 13 of the bill of rights, Oregon constitution, provides that "Private property shall not be taken for public use without just compensation first assessed and tendered." From the fact that the canal would connect the waters of the upper and lower Columbia river in such a way as to open up a highway for the transportation of the products of at least a portion of Oregon, Washington, Idaho and Montana we will assume that the same is for a public use within the meaning of the constitution, and under the foregoing provision thereof, there can be no doubt that the state has power by appropriate legislation to condemn the right of way, and build the canal.

It is situated wholly within the boundaries of the state, and the fact that it would be a benefit to the inhabitants of other states would not prevent our state in the exercise of the right of eminent domain, when the particular property is taken for a public use, benefiting the people of this state.

The right of eminent domain is an attribute of sovereignty, and may be exercised by the United States government, within the territory of any particular state, in matters pertaining to the welfare of the people of the United States, such as postoffices, post roads, forts, etc. The building of this canal is, in my opinion, an interstate matter, and would be of such general public use, although wholly within the state of Oregon, as to warrant the United States in invoking the power of eminent domain to secure the right of way to construct the same.

It was held in some of the states, notably Michigan, in Trombly vs. Humphrey, 23 Mich. 471, that a state cannot exercise the power of eminent domain for the United States.

In the exercise of its sovereignty, and as a part of its provision for the regulation, control and protection of commerce, the United States erects lighthouses, and may, without question, seize the property of individuals for the purpose of observing the constitutional requirement of making due compensation therefor.

To the same effect is Darlington vs. United States, 82 Pa. St. 337. However, the opposite view has been almost universally taken by the other states. In Orr vs. Quimby, 54 N. H. 892, the court held that a state may condemn land for the United States, using the following language:

"In the argument of this case, the power of a state to condemn property within its limits for the use of the United States was not disputed. Only four reported cases in which that question has ever arisen have fallen under our observation. In Reddell vs. Bryan, 14 Md. 444; Hunt vs. Merchants' Insurance Company, 126 Mass. 236, acts of the legislature of Maryland, California and Massachusetts, providing for the appropriation of lands for the army use of the general government, were severally sustained. In Trombly vs. Humphrey, 23 Mich. 471, the court held that a state may condemn land for the United States, using the following language:

"In the exercise of its sovereignty, and as a part of its provision for the regulation, control and protection of commerce, the United States erects lighthouses, and may, without question, seize the property of individuals for the purpose of observing the constitutional requirement of making due compensation therefor. To do this would be but an ordinary exercise of the right of eminent domain. But when the state undertakes to do the same, not for any purpose of its own, but in order to turn the property over to the United States, the difficulties appear to us insurmountable. In the first place, there can be no necessity for the exercise of this right by the states for this purpose. For the authority of the nation is ample for the supply of its own needs in this regard under all circumstances. In the second place, the eminent domain in any sovereignty exists only for its own purposes; and to furnish machinery to the general government, under and by means of which it is to appropriate lands for national objects, is not among the ends contemplated in the creation of the state government."

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