

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.

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

The Columbia Southern will extend its line from its present terminus at Shaniko to Bend, 100 miles southwest.

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.

Sumpter Valley Extension. The O. R. & N. map that is used by the officials shows projected lines in Eastern Oregon of which nothing has been heard.

The O. R. & N. will furnish us with freight-cars. We have our own motive power. The grade of the proposed extension is generally very slight.

What are your present arrangements with the O. R. & N. concerning rolling-stock? was asked.

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ANTHROPOMORPHIC. Washington, Dec. 9.—The eighth annual convention of the Anthropomorphic Society opened here this morning.

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.

Since the arrival of the Chinook from Mare Island a month ago many changes have been made. Much superfluous equipment has been removed and many tons of weight has been taken from her.

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.

On a warm day in August, 1902, Mrs. Rogers planned a private picnic party. All that attended were her young husband and Leon Perham, a wealthy man of this place.

Perham had been a school mate of the woman and secretly visited her after her marriage four years ago. Perham confessed to the crime, and also that Mrs. Rogers murdered her baby girl when it was nine months of age.

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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

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.

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FREIGHT WRECKED NEAR REDDING, CAL.

Redding, Cal., Dec. 9.—Six cars of the northbound freight No. 226 were wrecked a mile and a half above Redding early this morning.

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.



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.

The latest reports from the scene of the wreck of the Italian bark Cavour relate that the vessel is a total loss, and that the cargo of lumber has been washed to sea.

Captain Hoben, Lloyd's surveyor, had occasion to inspect the Cavour while she was here, and says that she was perfectly sound in every respect.

All wooden-hull vessels leak more or less, he explained. "The Cavour is only 23 years of age, and had she not met with this accident would have been good for a long period yet. She was built in Nova Scotia."

Peacock Spit is considered the most dangerous point at the mouth of the river. It is on the north side of the stream, just south of Cape Disappointment.

The Cavour received her cargo at the North Pacific mill. It consisted of 1,643,463 feet of lumber, valued at \$18,158.

Two big loads of sand were taken up from the river channel and carried over to the Washington side and dumped in deep water. The sand was scooped up at the rate of 40 tons a minute.

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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.

Chief Hunt explained the change in the fines by stating that the sum was less this time than during the second arraignment in November.

These figures show that in every case but that of J. Blaxier the fines were raised \$50.

That the sums have been reduced where they were raised last month is shown by the amounts endorsed on the bail warrants of those who were not on the court record this morning.

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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.

Mrs. Van Dine believes that her son will be rescued by friends from the outside before his trial takes place. She and Miss Dunn have had their pictures taken and the latter is selling them in a dime museum as a means to raise money for the murderer's defense.

Picture of Van Dine are also being sold, although the police have ordered that all likenesses of the cut-throat be destroyed.

When Miss Dunn and Mrs. Van Dine leave the museum they are followed by crowds of morbid men and women.

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



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 of the dredge Chinook in the lower harbor.

The accident occurred while he was leaving the ship to board the customs launch patrol. His foot was caught between the dredge and the launch, the action of the sea causing the dredge to lurch suddenly.

The injured man was brought to this city and taken to St. Mary's hospital where he will remain for several days.

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 Hoag to enforce the city and state laws against gambling.

The members of the association were instructed to appear before the court at that hour, and orders were issued for the defendants also to be on hand.

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, Atarian. They say Consul Davis objected and attempted to embark with Atarian. The police then arrested Atarian and were compelled to use force as Mr. Davis and the consuls from the consulates resisted.

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. The opinion is favorable and as follows:

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 18 of the bill of rights, Oregon constitution, provides that "Private property shall not be taken for public use without just compensation." 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 situate 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 is true, either the state of Oregon or the United States can alone condemn the right of way, and build the canal; but the state of Oregon, as to why they may not unite and jointly perform what either may do alone.

Question in Some States. It has been held in some of the states, notably Michigan, in Trembley vs. Humphrey, 23 Mich. 471, that a state cannot exercise the power of eminent domain for the United States. In that case the court says:

"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."

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. 392, 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 Randall vs. Bryan, 14 Md. 444; Hunt vs. Merchants' Insurance Company, 136 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 Trembley vs. Humphrey, 23 Mich. 471, the court held that a state may condemn land for the United States, using the following language:

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