

THE CANAL AT CELILO

(Continued from Page One.)

vs. Humphrey, 23 Mich. 471, a similar act of the legislature of Michigan was held invalid. The weight of authority, therefore, is greatly in favor of the existence of such a power in the states, and, without having given to the subject so full a consideration as we might have done had the eminent counsel for the plaintiff not tacitly conceded it, we are of the opinion that the power does exist in the states.

Also in the case of Lacey vs. King Co., 15 Wash. 3, it is held:

"That title to a public improvement when it is completed, is to be conveyed to the United States, will not prevent the state from exercising its power of eminent domain to acquire the necessary land upon which to construct it."

In Re League Island, 1 Brew. 524, it is held that the United States is not as to one of the states, a foreign corporation, and that a state may take land for a national public use, and give it to the general government. The Oregon constitution provides that the taking must be for a public use, and there must be just compensation to the owner. The constitutional requirement is complied with when it is shown to be a public use, and compensation provided. The proposed canal, although to be constructed by the United States, is not for its sole use and benefit, but for the use of everybody as a great public highway, and if controlled by the general government, such control is only to regulate the use of the public work, its essential character as a local public improvement for the people, or a great proportion of the people of the state of Oregon, directly connecting the two most thickly populated sections of the state by a continuous highway cannot be changed or taken away by the fact that the work may be of value to other states as a means of transportation and to the general government as an aid to interstate commerce. The objection urged in the Michigan case, that there is no necessity for the exercise of eminent domain, for the authority of the nation is ample for the supply of its own needs, is fully answered by the fact that the proposed improvement is necessary for the use of the people of Oregon, and eminent domain being founded on necessity, when the necessity exists, the right exists.

The Washington case announces the doctrine that the character of the work cannot be essentially altered by its ownership or control, and that it is immaterial whether the general government or the state prosecutes the enterprise, or whether they do so jointly, or whether the power of the state or the United States is invoked to condemn the right of way. It cannot be urged that if the control does not remain in the officers or agents of the state, the state cannot exercise the right of eminent domain, as it has always been conceded that where improvements are for a public use and benefit, the state can authorize the exercise of its eminent domain by private corporations, domestic, or foreign, and it has frequently done so in the construction of railroads, and other internal improvements, and it may delegate the right to other municipal corporations and private individuals, and there is no good reason suggested to my mind why it cannot delegate like authority to the general government, or its agents. The state has general power to condemn land to public use, and for this purpose may select her own agent.

U. S. Has Paid Expenses. In many of the cases where a state has enacted a law permitting an agent of the federal government to use the courts of the state for the purpose of acquiring land for the construction of works of public use, the United States government has paid the expenses, but in the present proposition, I understand the state must pay for the right of way whether it is secured by purchase or condemnation proceedings, and I am inclined to the opinion, that it is a matter for which the legislature can, if in its wisdom it seems proper, appropriate funds of the state, and levy taxes therefor.

In Daggett vs. Colgan, the supreme court of California held that the act of 1891, appropriating moneys of the state for the purpose of erecting and maintaining an exhibit of the products of the state, at the World's Fair Columbian exposition was not unconstitutional, and that the appropriation was for a public use.

New York's Decision. New York has held that a tax to pay the expenses of a state canal is not unconstitutional. Massachusetts, that the erection of a memorial hall for the use of soldiers and sailors, is a public purpose for which money may be raised under legislative authority by taxation. Michigan and Illinois, that money so raised may be expended for a public park. Wisconsin, that a breakwater to protect streets against a lake is a public use for which the legislature might appropriate money.

That the proposed canal, when built, will be of great commercial advantage to the people of the northeastern part of this state, cannot be questioned, and I find nothing in the constitution of the state of Oregon which prohibits the state from appropriating money for internal improvements, and in the light of all the authorities I have been able to examine in the brief time I have had to devote to this matter, it is my opinion, that the state can, by appropriate legislation, permit the United States, or its agents, to condemn the right of way for the canal in the state courts, and appropriate money to defray the expense of such condemnation proceedings, including judgments for land taken.

Respectfully yours, A. M. CRAWFORD, Attorney-General.

TO CURE A COULD IN ONE DAY. Take Laxative Home Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box.

BRYAN ANNOUNCES ROOSEVELT'S FALL



WILLIAM JENNINGS BRYAN.

Paris, Dec. 9.—William J. Bryan left Paris today for Bern, Switzerland. In an interview today he predicts Roosevelt's nomination and his defeat. He says before election matters of a serious financial nature will arise which will balk his candidate.

WOULD MAINTAIN ALL WATERWAYS

MAJOR W. C. LANGFITT, UNITED STATES ENGINEER CORPS, GIVES IDEA OF RIVER IMPROVEMENT WORK NOW UNDER CONTEMPLATION—HOW MONEY WILL BE USED.

Of the estimates which have been submitted to congress by Secretary Shaw, recommending that liberal appropriations be made for the improvement of the Columbia, Willamette and tributary rivers, Major W. C. Langfitt, of the United States engineer corps, says that the work under contemplation is as follows: For jetty extension and dredging at mouth of Columbia River, \$500,000. Dyke construction and dredging

along the Columbia and lower Willamette 500,000. Construction of The Dalles-Celilo canal 300,000. Gauging the waters of the Columbia river, Major Langfitt says, is for the purpose of establishing gauges at various places. At present there is only one maintained, and that is at the mouth of the river.

The contemplated improvement of the Coquille river is the extension of the north jetty.

To Complete Lower Lock. Improvement of the Columbia at the Cascades: Work on the lower lock which has never been completed.

Clatskanie river: Dredging and maintaining of the channel. Columbia below Vancouver: Maintenance of the dyke and repairs.

Upper Columbia and Snake: Removal of boulders, dyke construction and dredging. Coos bay: Repairs and extension of jetty.

Tillamook bay: Dredging, snagging and maintenance of the channel. Preferred Stock Canned Goods. Allen & Lewis' Best Brand.

WILL BE HIGHEST BRIDGE IN CITY

STEEL STRUCTURE SPANNING BALCH GULCH WILL BE 110 FEET IN AIR AND WILL COST \$35,000—EXPECTED TO BE VOTED AT NEXT COUNCIL MEETING.

At the next session of the city council an ordinance is expected to be passed which will provide for the construction of the new steel bridge spanning Balch gulch at Thurman street and costing in the neighborhood of \$35,000. The plans and specifications have been completed by City Engineer Elliott and while there is nothing particularly noticeable in an artistic way the blue print shows a structure that answers every requirement.

This bridge will be the highest elevated structure in the city, the distance from the top of the creek to the floor of the center span being 110 feet. Again, the engineers had to consider a gradual rise in grade between the bank approaches.

The abutments are of concrete and besides four single column supports there will be three steel supporting piers 20 feet in diameter. The center span is 160 feet in width and there is another 60-foot span, supported by smaller hanging trusses. The length over all is 400 feet, with 20-foot panels. Six-foot sidewalks at each side are laid down on a filler and will be guarded by a lattice-work railing. The roadway is 28 feet in width. Eighteen-foot centers are provided for a double line of street car tracks.

"Strength and vigor come of good food, duly digested. Force, a ready-to-serve wheat and barley food, adds no burden, but sustains, nourishes, invigorates."

OLYMPIC Pan-Cakes

Are Honestly Made of the Cleanest, Purest Material

Advertisement for 'Combination Book Case' by Henry Jennings & Sons. Features an illustration of a bookcase and text: 'Why Not Get a Combination Book Case? You Cannot Spend \$18 is the Price. On this special one, although it regularly sold for \$25.00, and it is a rare bargain at that. We received a few days ago a full carload of combination bookcases and there isn't a bad pattern among the lot, and at the prices we have marked them, they are decided bargains. Another handsome and useful gift would be one of those. ANTIQUE, MAHOAGNY or GOLDEN OAK ROCKERS. They are highly polished and sell for \$3.50. You'll like them, we know. JANUARY 1ST IS OUR STOCKTAKING TIME AND WE WANT TO REDUCE THE STOCKS AS MUCH AS POSSIBLE; HENCE THE BARGAINS. "GET IT AT JENNING'S" HENRY JENNING & SONS 172-174 FIRST STREET The Big Red Front Store, First and Yamhill Streets

AUCTION! AUCTION! AUCTION! MONEY! MONEY! MONEY!

That's what I am holding—an auction—from 3 to 7 p. m., until January 1, or until I sell sufficient of my stock of elegant Jewelry, Diamonds, Watches, Cut Glass, to raise the money needed badly by me. Not leaving city; have lease on building for three years.

James M. Devitt & Co. T. McDONALD, Auctioneer 305 1/2 Washington St.

Advertisement for 'Perfumes' by Jockey. Text: 'THIS LEADING STORE BOASTS OF THE BEST EQUIPPED PERFUME DEPARTMENT IN AMERICA. THE ENTIRE LINE OF ROGER & GALLET HOLIDAY PERFUMES ARE NOW DISPLAYED. The Magnificent Line of HOUBIGANT Parisian Perfumes are found here at popular Eastern prices. The ever popular Odor JICKEY Manufactured by Guerlain, of Paris, always to be found here in bulk or neatly put up in 2 1/2-ounce out glass bottles. NOWHERE is there displayed a more complete assortment of DOMESTIC PERFUMES Made by the leading American perfumers, such as Palmer Hudnut, Wright, Lundburg, Colgate, Ricksecker & Spiehler. TOILET WATERS FANCY SOAPS AND COLOGNES The greatest variety of both foreign and domestic makes. Ladies' Delightful and Fragrant SACHET POWDER All Odors. Flannel Sachet, the Eastern novelty, can be used in the daintiest linen—no stains, but everlasting fragrance. Crest Wave and Bohemian Ware WELL KNOWN AND BEAUTIFUL. \$2.50 Vases, special \$1.73. \$4.85 BON BONS, special \$3.33. \$7.50 FERN DISHES, special \$5.63. \$6.75 JEWEL BOXES, special \$3.95.

WOODARD, CLARKE & CO., Druggists and Dealers in Xmas Goods FROM EVERY COUNTRY

Advertisement for 'Presents for Gentlemen'. Text: 'Suggestions from the man SAFETY RAZORS, all styles, fully guaranteed, up from \$2.00 WATERMAN IDEAL FOUNTAIN PENS up from \$2.50 SMOKING SETS AND SHAVING SETS AT ALL PRICES. FANCY SHAVING-MUGS up from 15c CIGAR, LETTER AND CARD CASES, WALLETS, ETC., IN ALL KINDS OF LEATHERS.

Advertisement for 'Hammered BRASS'. Text: 'We are the only direct importers in this particular line. From expressed samples we make our selections. Beautiful assortment. Jardinieres, Loving Cups, Fern Dishes and many old relics. LEATHERWARE LETTERED IN GOLD FREE.

Advertisement for 'Toilet Sets'. Text: 'These Are Dear to Every Lady. Don't fail to inspect our line of these goods before buying elsewhere. It's the grandest ever seen on this coast, and the PRICES ARE SO LOW THAT WE FIGURE WE HAVE NO COMPETITORS. Roman Horn Brush and Comb Set, regular \$3.40, special \$2.63. Same with mirror, regular \$4.75, special at \$3.75. Military Brush Set and Comb, regular \$4, special at \$2.65. French Stag Brush and Comb Set, regular 2.25, special at \$1.59. OTHERS TOO NUMEROUS TO MENTION.

Advertisement for 'Japanese Netsuke'. Text: 'The Dressy and Popular Ladies' Purse. NETSUKE BAGS, imported direct from Japan, new designs, with card cases combined, in all shades and fancy leather, with ivory netsuke, ranging from \$2.90 to \$15.10. Netsuke Bag, hand embroidered in Oriental designs, chains of old silver with ivory knob, \$9.00 to \$45.00. Fancy silk embroidered, with dragon patterns in Oriental shades, with ivory netsuke, for \$9.00 to \$25.00.

Advertisement for 'Wrist and Hand Bags'. Text: 'ALL THE LATEST AND POPULAR STYLES. CHAIN BAGS—The new, popular Chain in all popular shades, with inside pocket leather lined for 60c to \$10.00. Our new and popular Chain Bag, in the new shades of red, blue and green, regular \$2.50—special at \$1.98. Hand Bags, with leather handles, in every conceivable leather shade and size, fitted complete with purse, card case and smelling salts bottle, silk or leather lined, for \$2 to \$15.00.

Advertisement for 'Japanese Curios'. Text: 'The Very Thing for Your Eastern Friends. Old Satsuma Kora, antique design \$13.75. Cloisonne on Copper Vase, iris design, very effective, only \$5.25. Cloisonne on Porcelain Vase, decorated with the Imperial dragon \$8.50. Red Imari Vase \$8.75. Beautiful Anata Vase, Wiseria design \$10.00. Brass Vase, decorated with the Japanese National flower, the chrysanthemum \$16.50. Bronze Kora Dog—Messenger of the God of Purity—placed at the entrance of every Shinto temple \$13.50. Bronze Kora, same style as is now used in the famous Buddhist temple, Higashi Honganji at Kyoto \$12.75. Brass Hibachi—Bamboo design, style used by the famous poet, Shifutsu \$24.00. Brass Candlestick, beautiful design of the stork and sacred turtle \$6.50.

Advertisement for 'Ebony Goods'. Text: 'Rich, Durable and Always Stylish. We have the grandest and most varied assortment of Hair, Cloth, Hat, Bonnet and Nail Brushes, Ebony Toilet Sets and Ebony Mirrors of all kinds. Full line of Manicure Goods. Every piece guaranteed REAL-EBONY, PURE BRISTLES, PERFECT FRENCH PLATE MIRRORS. FREE DELIVERY TO ALL PARTS OF THE CITY.

Advertisement for 'Letter and Bill Books'. Text: 'Every Style Shown FOR THE GENTLEMEN—NOTHING MORE ACCEPTABLE. A suitable gift for a man—a handsome letter or bill book, with or without memorandum, in all the new leathers—seal, monkey, morocco, lizard and pig, silk lined inside pockets, handsome shades, for 85c to \$9.00. Pocket Wallets to fit inside pocket, in black and colored seal, fancy pocket, special \$1.85. Bill books, extra large, suitable for carrying large documents, all shades and leathers, regular \$3.00, special at \$1.89. COIN PURSES—Here we have everything in a coin purse, with and without inside pocket, secret pocket for gold, nickel riveted frame. The New Hip Pocket Purse, a handy purse for a man, no frame to break \$85c.

Advertisement for 'Christmas Stationery'. Text: 'The largest and most select line of Fancy Stationery in a large assortment of pretty boxes, up from 35c. French Stag, Silver Mounted Paper Knives, Letter Seals, Desk-Pen Wipers, Blotters, Sponge Holders, etc.—special at \$3.00. French Stag Silver Mounted Inkstands, special \$1.33. We carry the best Fountain Pens in the world, up from \$1.00. Fancy Calendars up from 50c. Oregon Souvenirs, nicely mounted, up from 15c. Desk Blotters up from 75c. Fancy Metal Inkstands, special 23c. Big line of Letter and Magazine Racks at all prices.

Advertisement for 'Cut Glass'. Text: 'Selected pieces, whirlwind designs, beautiful and inexpensive. We claim the most exclusive patterns and cuts. Large Assortment Of Bowls, Nappies, Sugar and Creamers, Bon Bon Dishes, Plates, Vases, Trays, Celery Dishes, Water Jugs, Decanters, Carafes, etc. Special 5-INCH NAPPIES, special \$1.63. 9-INCH BOWLS, special \$3.79. These Are Bargains.

Advertisement for 'Sterling Silver'. Text: 'MATCH BOXES, special up 98c. NAPKIN RINGS, special up 33c. POMADE JARS, special up 9c. HAT BRUSHES, special up 49c. STERLING SILVER THIMBLES, special up 19c. Sterling Silver Hat Pins, special up 33c. SASH PINS, Pompeian copper and silver, special 19c.