The Weekly Enterprise.

TOWN AND COUNTY.

NEW AND BEAUTIFUL STYLES OF TYPE ARE BEING CONSTANTLY ADDED TO THE MATERIALS OF THIS office; And we would have the friends of our paper lend us their support. Job Printing, in its various branches, Neatly, Quickly and Cheaply executed

—Hon. D. P. Thompson, and his party of surveyors, left this city on Tuesday last for Eastern Oregon.

—The contract made between this city and Captain Pease, respecting the water supply, provides that the city shall keep the hydrants in good order.

—Mr. A. Wessels has been appointed to fill the office of Justice of the Peace, in Union Precinct, vice S. J. Oakley, whose residence disqualifies him.

—Messrs. J. M. Bacon, A. J. Apperson, E. B. Collard, and John Schram, have been elected Representatives of Oregon Lodge No. 3, I. O. O. F., to attend the Grand Lodge session at Salem next month.

—One of the finest rotary pumps we have ever seen, has lately been erected in this city by Capt. Geo. A. Pease, for the purpose of filling the reservoir on the bluff with water, from the river.

—The tract of land to be sold by Sheriff Myers on the 3d of May is finely located within two miles of this city, near the railroad, and is elegantly situated for suburban residences, both for this city and Portland business men.

—Mr. J. B. Sprenger, as will be seen by advertisement, has purchased the interest of Mr. Cook, in the "Cosmopolitan," at Portland. Mr. Sewall retains his interest. Messrs. Sewall & Sprenger are both popularly known, and there is no doubt but that the Cosmopolitan, under their management, will be *the* Hotel of that city.

—We are in favor of State legislation, aiding to the amount of $200.000, similar to the aid rendered the Wallamet Falls Canal and Lock Company, projects to improve the mouth of the Yamhill and the mouth of the Tualatin Rivers. Here is a chance for some live corporation to distinguish itself.

—Any person having knowledge of the whereabouts of Asa Stoddard, who came to Oregon 12 or 15 years ago, will confer a favor upon his family by communicating the same to Anthony Stoddard, at West Point, Leo county, Iowa; or to J. R. Ralston, Esq., of this city.

—Mr. Jas. A. Smith of this city, is organizing classes in penmanship for both Ladies and Gentlemen. As Mr. Smith is an excellent penman, a competent teacher, and as his terms are moderate, we would recommend our young friends of both sexes, to take advantage of this opportunity to improve this important branch of their education.

—Hon. I. R. Moores, President of the O. C. R. R. Co., Hon. Anderson Cox, of Walla Walla; T. R. Cox Esq., of Salem; Major M. P. Berry, Superintendent of the Penitentiary at Salem; and other gentlemen who came from up river on Monday, called upon us. We were decidedly pleased to see Major Berry around again. The last time we were at the Capital he was very ill, and his friends were fearful that he would not recover.

—Messrs McIntyre & Harritt, who have purchased the right to teach the Wallace system of horse training, in this part of Oregon, will give an exhibition in this city on Tuesday next, the 27th inst. Our readers are already familiar with the fact that this system is based upon gentleness to the animal, and as we endorse anything which tends to ameliorate unkind treatment of beasts as well as human beings, we recommend the public to attend this exhibition. They will next exhibit at East Portland.

—Look Here, Brother Roseburg *Ensign;* Don t you believe every confounding report you hear. Take what we say for facts, and be not alarmed. You of Douglas county are not "victims of misplaced confidence;" and we assure you that the road through the Umpqua valley has not been indefinitely postponed. No grant has been made for the Pengra sage brush route—nor will there be. And there is no co-operation of interests between that and the O. C. R. R. Co., of Salem. You need not be astonished to see the Union Pacific Railway Company extend its line into this valley, and the Northern Pacific come thundering down the Columbia soon. The Oregon Central will be built through your valley. Never do you fear that.

☞ Some say that it is no use for them to advertise, that they have been in the place in business all their lives, and everybody knows them. Such people seem to forget to take in consideration that our country is increasing in population nearly 40 per cent. every ten years, and no matter how old the place may be, there are constant changes taking place; some move to other parts, and strangers fill their places. In this age of the world, unless the name of a business firm is kept constantly before the public, some new firms may start up, and, by liberally advertising, in a very short time take the place of the older ones, and the latter rust out, as it were, and be forgotton. No man ever lost money by judicious advertising.

—We have been favored by S. J. McCormick, of the Franklin Book Store, Portland, with "*Joaquin, et. al.,*" a book of original poems by C. H. Miller; Himes & Daly printers. It is a beautiful edition; handsomely printed; and there is an intrinsic pleasure in reading it. We have carried it in our pocket; held it idly in our hand, and dreamed over it in our walk, just as we recollect having done in our younger, less busy days, with something rich from Longfellow, Whitter, Lowell, or Bryant. Mr. Miller does not, in all probability, rank himself with these; and the world may not yet be prepared to put him in that list, because he lives in Oregon, and has perhaps never made the necessary *pretensions*, but his sensibilities are about as exquisite; his pencillings nearly or quite as interesting. This book will be a gratifying surprise to Oregonians who have a pride in beleiving that we can produce literary gems, as well as other gems. The style is here and there infelicitous, but in the main is forceful and unerring, not lacking richness or versatility; and abounding in spirit, pathos and earnestness.

THE P. T. Co., AND THE COUNCIL.

The People's Transportation Company pretend, or represent, that they want certain public streets of this city for the purposes of constructing a steamboat canal. To this there can be no objection, provided that the company proceed according to law to obtain the right of way. But when they attempt to make a "cat's paw" of the Common Council for such purpose, serious objections may be interposed.

Acting upon a petition presented to the Board signed by property owners and legal voters, asking that this right of way be granted, a committee was appointed with instructions to procure legal advice respecting the matter. On Tuesday evening last the committee reported the following—

LEGAL OPINION BY HON. W. C. JOHNSON.

Oregon City, April 19th, 1869.

N. W. Randall, J. W. Chase, Wm. Broughton, Committee.

Gentlemen—Your communication of the 12th inst., in which my opinion is asked upon certain points under investigation in the City Council, is received, and I have given the matters referred to such attention and investigation as I have been able.

Your first question is: What privileges are vested in the City Council of Oregon City to grant a right of way along and across any streets or alleys, to any individual or corporate company, which right of way would necessarily occupy the whole, or greater portion of a street, so far as the right of way shall be granted?

The dedication of streets in a town or city is to the public, and for the use of the public. The rights of the public in streets are: 1st, Of locomotion; they are avenues of travel. 2d, Of trade and commerce of all kinds. 3d, Such other rights as are incident and necessary to the convenient and safe enjoyment, and profitable use of the other two named.

The corporation may permit a person, for instance, to use the streets to lay down water pipes and sell water, as a private enterprise, because water is necessary to the cleanliness, and health and comfort of the inhabitants of the town.

It may permit the laying down of the usual and necessary pipe for gas, because it may be necessary or convenient for lighting houses.

Upon the same principle, the City Council may allow the streets to be used for conducting water to mills and manufacturing establishments, because these enterprises and occupations are for the public good, and secure general prosperity.

These last three must, however, be so arranged and used as not to permanently destroy or materially abridge the right of the public to travel over and trade upon every portion of the street.

The City Council would not have any right to grant to any person or corporation, a right of way in any street of the city, when the right of way would necessarily occupy the whole or greater portion of the street, so as to prevent travel over such street, and would not for any purpose which would even slightly inconvenience the public, unless for something which was for the immediate, not remote, good of the people of the city or town.

The rule as I understand it, is substantially this: Anything the corporation could itself do for the public good, in the streets, it may do by agents; or by licensing private persons to do the same; but if it could not exercise the right itself it could not license another corporate company, or an individual, to do so. This is the general law on the subject—but under our statute law there is an exception. The City Council has a right to permit any company, formed for the construction of any railroad, McAdamized road, plank road or clay road, to use the public street, and under certain circumstances, to regulate the tolls which may be charged upon the portions occupying such streets. See Sections 23, 24, 25, 26, 27, and 28, of the General Incorporation Law—pages 665 and 666 of Deady's Code.

Whether a canal is included in the things which may be licensed in a street, is not so clear. The word is used in the first three sections named, but in the last three sections named the word "canal" is studiously omitted, and these are the only sections which give the City Council any control over the matter of license or permit. It may therefore be well doubted whether the city can grant the right of way for a canal. The safer way, I think, upon mature consideration, would be to leave the corporate company desiring such street for a canal, if there should be one such, to proceed by law to condemn and appropriate such street. This would bring up all these questions to be finally settled in the Courts.

Your next question is: "If the Council should vacate any portion of a street or alley, in whom would the right be vested?"

This question is fully answered by Section 7 of Chapter 56, of the General Laws of Oregon, found on page 927 of Deady's Code, from which it will be seen that the vacated street or alley would become the property of the owners of lots or parts of lots abutting or bordering upon such street or alley. I call the attention of the Council to the whole chapter of which I have spoken, which points out the steps to be taken, in order to vacate a street or alley; Sec. 8 deserves careful attention.

Your third question is: "Is the city responsible to adjacent property holders for damages, in case it should grant such right of way, or vacate a portion of a street or alley?"

Section 8 of the Act above referred to, shows that the city cannot vacate such street or alley without the consent, in writing and duly acknowledged, of the property holders adjoining. It will be seen at once that such property holders could not recover damages for the vacation of the street or alley, when they consent to such vacation; and this is rendered the more certain, because the property vacated would vest in the adjacent lot holders, and they could protect the same as any other that belongs to them.

But I am of the opinion that the city would be liable to damages to property holders, if the Council should grant the right of way over or in a street for anything which could not be carried on and used, reasonably, in connection with the right of the public to travel over, and trade upon the same. It was long a question whether cities could grant the right of way for railroads and street cars upon the streets, but the Courts finally decided that it was only affording another and new mode of travel, and could be exercised in common with the modes which had previously been in use, and that such might be licensed, or the right of way for the same be properly given.

But where a street had been given or dedicated to the public in a city, the city would not be authorized to grant a right of way for a canal which is for the benefit of one or more persons or corporations, which would prevent other modes of travel. Streets are intended to afford access to adjacent property by all the usual modes of travel which can be used in common; but a canal of such a character would destroy the value of the street to adjacent property holders.

Two members of your committee have asked me verbally, whether a conditional vacation could be made of a street. I am of the opinion that it could not. The only mode of vacation is pointed out in the statute.

The only way to accomplish the end in view, that I see, would be to take a bond in advance of the vacation of the street, with a penalty sufficient in liquidated damages, to secure the performance of any promise made by any person or corporation praying for such vacation. But when the order for vacation is once legally made, it is and must be, in its nature absolute and unconditional.

I have not referred to the authorities generally upon which I base these opinions, because you would not have the books at hand, and such reference, hence, would be useless. But I would say that my examination has been careful and somewhat extended.

I am also permitted to say that I have shown the principal portions of this to my partner, Capt. McCown, and he agrees with the conclusions arrived at.

Very Respectfully, Your ob't serv't,
W. CAREY JOHNSON, Lawyer.

After adopting the report of the committee, the P. T. Co. presented a petition, asking the vacation, and the Council ordered that legal notice be given, (which appears in another column) for the hearing of the application.

We recommend a careful reading of the opinion of Mr. Johnson, and would attract particular attention to the suggestion that a bond should be taken "in advance of the vacation, with a penalty sufficient in liquidated damages, *to secure the performance of any promise made,*" etc., which may be applied to individual owners, as well as to the city.

—On Monday last Michael Reese, Esq., one of the wealthy men of San Francisco, in company with Mr. B. Goldsmith of Portland, paid our city a flying visit. We were pleased to make the acquaintance of Mr. Reese, and learn from him his disappointment at finding so much more than he expected of Oregon. He intends to return here again soon, and we feel flattered to know that from what he seen he seems determined to invest largely, and become identified with the growth and prosperity of this State.

TO THE POINT.

The *Oregonian* of the 20th contained a long effusion signed "*West Side,*" appended to which was the "remonstrance" of S. G. Reed, Esq., presented to Senators when the amendment introduced by Senator Williams was pending. This article was no doubt the "dying wail" of the "*West Side,*" but it has been appropriately answered by "EAST SIDE," from which we extract one paragraph only. "EAST SIDE" says:

Notwithstanding the experience of the past, the article is characteristic of the source from whence it emanates. Although *misrepresentations* may have for a time succeeded, and have enabled Gaston & Co. to humbug the people, and to enter into improvident and illegal contracts with certain municipal corporations, and to gobble up houses and lots and farms belonging to certain enthusiastic and gullable individuals, still after they have been so thoroughly found out; after the State Legislature has repealed the act of 1866, guaranteeing interest on their bonds; after another company has been designated to receive the Congressional land grant; after both the old and new Secretaries of the Interior have refused to recognize them as being designated to receive such grant; after Congress has passed an act extending the time for the East Side Company to file its assent to the act of Congress of July 25, 1866; after the city of Portland has been enjoined by the court from signing the coupons of the West Side bonds and from collecting any tax for the purpose of paying the same; after the authorities of Yamhill and Wasnington counties have *found out* Gaston & Co., and the one refuses to execute or deliver its bonds provided for in its contract with the company, and the other refuses to pay the interest upon the bonds; when Sedlack and Johns and others, victims of misplaced confidence, who hold the worthless stock of the company in exchange for valuable property, denounce the West Side as an unmitigated humbug; when, in short, to use a very expressive phrase entirely applicable to the case, Gaston & Co. have "run the whole thing into the ground," and discharged their hands and stopped word, one would naturally suppose that that enterprising firm would not be foolhardy enough to still persist in trying to humbug the public, or to suppose that any one could be found to place confidence in anything they might say. The article in question is a gross misrepresentation of facts from beginning to end.

"EAST SIDE" follows with a long recount of *facts* in the case, and clinches his argument with an answer to Reed's remonstrance, which is signed by Hon. Geo. L. Woods, Hon. E. N. Cooke, Hon. J. H. Douthit, Hon. I. R. Moores, Hon. T. McF. Patton, Hon. John H. Moores, Jacob Consor, A. L. Lovejoy, F. A. Chenoweth, S. Ellsworth, S. F. Chadwick, John E. Ross Esq., Hon. J. H. D. Henderson, Gen. J. F. Miller, Capt. A. F. Hedges, S. B. Parrish Esq., and Green B. Smith Esq.

OREGON CITY SEMINARY.

EDITOR WEEKLY ENTERPRISE:

Please allow me, through the medium of your paper, to inform the public more generally than has been done, of the advantages and the perfection of our school. I am glad to be able to state that the Oregon City Seminary is a first class institution of learning, which may be seen by an examination of all the branches of a thorough English education taught. Prof. S. D. Pope, an Honor graduate of the University of Queen's College, has secured a reputation as a teacher, second to none in the State. He may be rigid in his discipline, but his kind administration of the laws necessary for government, has perfected the grade system of our school.

The school is conducted entirely on the free principle—free to all pupils residing within the limits of the City Corporation. The City Council has lately passed an Ordinance making the school a graduating institution. This is what I have been striving to make it for many years.

I rejoice that I can safely say, that no school can be in a more prosperous condition than the City Seminary at present. At the last quarterly examination of written questions in the higher branches of studies, the average answers were from 75 to 99 per cent. The daily attendance of pupils is over 200, divided into four separate Departments. Indeed the parents of this city ought assuredly to congratulate themselves on having an institution of graduating powers in their midst, and yet a free school. No city in Oregon can boast of greater educational advantages than Oregon City,—costing less.

April 22, 1869.

FORBES BARCLAY,
City School Superintendent.

☞ People that advertise only once in three months forget that most folks cannot remember anything longer than about seven days.

THIRTEEN AND A HALF CENTURIES AGO.—A curious discovery, kept secret for fourteen years, has just come to light at Ravana. The workmen engaged in digging a canal near the present railroad station, in 1824, found a skeleton with a breastplate of fine gold buried face downward. The precious piece of armor, which weighed six pounds, was broken up and the pieces sold to jewelers. Two large pieces, which appear to have been the shoulder bands, are covered with chasing and enamel, have been given up by a jeweler in Faenza, but the remainder are probably lost. It is known that Theodoric buried the body of Odoacer, after his murder at Ravana, face downward; and the Italian antiquarians suppose that this golden harness is really that belonging to the first King of Italy. The conquest of Italy by Theodoric, the Goth, took place about the year 500.

—Ex-President Johnson is again able to make his speech. It is presumed that the dispatch, reporting his death was incomplete. Probably he was only *dead drunk.*

—The editor of the *Advocate* was surprised, upon calling in at the car shops at East Portland, to find two large monitor style cars, 10 by 60 feet, with sky lights, and every modern convenience, nearly completed. In an adjoining building was a machine shop for the manufacture of all the iron machinery, that can be needed about a railroad.

VALUABLE LAND FOR SALE CHEAP—We know of 480 acres of good lands for sale in this county, being the land claim of J. L. Stout, in what is known as the Ringold Settlement. It will be sold in lots to suit purchasers, on very fair terms. This land is only 12 miles from Oregon City. For further information apply to N. W. Randall, of this city, or of J. L. Stout, Unity, Baker's Bay, W. T., or of Andrew Stout, in the above mentioned settlement. 13:1y

SADDLERY.—J. H. Schram, of this City, is now manufacturing the best Saddlery and Harness in the State. He will have at least 50 sets of all grades, from fine to common, finished and ready for sale next month, and more than that number of Saddles. He is bound to make a trade with any man who wishes to buy of him. He uses both Oregon and California leather in his establishment, and his work bears a most excellent reputation abroad. We hope that citizens of our own county will think of this, when they want any articles in his line.

RAILROAD ITEM.—While some men are trucks to bear the burdens of the earth, or furnace grates to bear the fires and to be consumed in obscurity, others are driving wheels which give life and motion to all with whom they are connected. Kohn & Fishel, the leading dry goods merchants of Portland are the driving wheels of trade in that city. They conceived and carried on to completion a work nobler than the Pyramids, grander than the gardens of Nineveh, or the walls of Babylon; for their work is not a monument for the dead, neither the gratification of a luxuriant fancy, but it is a new pathway for purchasers, a link to bind the chain of families and the hearts of men.

☞ The cheapest and best soap in the market. Throw away your Patent Washing Machines, &c, &c. In order to more generally introduce their Soap, the imperial Soap Co. will sell their Concentrated Soap from this date until the first of May next, at seven cents per pound. Clothes washed with this Soap, require no rubbing, thus saving a great amount of labor, wear and tear. Washing can be done in one-half the time required by any other process. Warranted to not injure the most delicate fabric. Renders the clothes a pure *white*, and is equal, if not superior, to Castile soap for the hands. Parties wishing to examine or test the Soap, are invited to call at the Manufactory, two doors above the Furniture Rooms of Burgren & Shindler, First street, Portland, Oregon. The Trade supplied at liberal rates. Imperial Sorp Co., Portland, Oregon.

"IN TIME OF PEACE PREPARE FOR WAR."—So get a bottle of Dr. Cooper's Magnetic Balm, an unequaled preparation for Dysentery, Diarrhœa and Cramp. The instantaneous relief of Burns, Bruises and Sprains.

ELECTRO SILICON.—This curious and valuable substance is confidently claimed to be the best article ever discovered for cleaning and polishing Gold, Silver and Plated Ware, and all smooth metallic surfaces, of whatever description, including kitchen utensils of tin, copper, brass, steel, etc.

NOT A SUBJECT OF DOUBT.—That Newell's Plumonary Syrup is the most effective and never failing remedy for affections of the throat and lungs.

JUSTICES' BLANKS, of every description, for sale at the ENTERPRISE office