



SUIT INVOLVES STATE STATUTES

Initiative and Referendum Questioned.

MANY LAWS IN JEOPARDY

United States Supreme Court Decision Will Affect Legislative Acts of 1903 and '05.

It was learned today that the suit now pending in the courts for the purpose of testing the validity of the initiative and referendum amendment to the constitution involves the validity not only of all the proceedings under that amendment, but all acts of the Legislature of 1903 and 1905, as well.

One purpose of the suit is to have the initiative and referendum declared void because it is alleged to be in violation of that section of the United States Constitution which guarantees every state a representative form of government. It has been generally assumed that if it should be declared void such a decision would carry with it only those laws and amendments which have been proposed by initiative. But if the initiative and referendum amendment is void not a single act of the Legislatures of 1903 and 1905 is valid, because not one has an enacting clause, in accordance with the constitutional requirements.

Before the initiative amendment was adopted the constitution required that the style of all bills shall be, "Be it enacted by the Legislative Assembly, of the State of Oregon." The Supreme Court has held that, an act is void without that enacting clause. The initiative amendment provided that the style of every bill shall be, "Be it enacted by the people of the State of Oregon."

In order to be on the safe side, the Legislature of 1901 put both enacting clauses on every bill.

The Legislatures of 1903 and 1905 used only the enacting clause provided by the initiative amendment, but if the amendment is void there is no authority for the use of such an enacting clause, and the old requirement is still in force. Since the acts do not contain the old enacting clause it is asserted that they would be void if the initiative and referendum amendment is void.

The State Supreme Court has already declared the amendment valid but the case now pending, that of the State vs. the Pacific States Telephone & Telegraph Company, was framed for the purpose of presenting the United States Supreme Court the question of validity of the Oregon scheme of direct legislation and the case will be taken to that tribunal. Many lawyers think it probable that the United States Supreme Court will put its disapproval upon this variation from representative government. It is possible, of course, that the United States Supreme Court might declare all of the initiative and referendum amendments valid except the single sentence which prescribes the form of enacting clause, but as this is part of the provision for legislation by the people, doubt is expressed whether this one sentence would stand and all the other provisions fall.

NOVEMBER WEDDING

Celebrated at High Noon Yesterday.

An interesting wedding was celebrated yesterday at high noon at the home of Mr. and Mrs. Emery Allen on South 3rd street, when their daughter, Miss Edna, and Charles Shenefield were united in marriage.

The rooms were handsomely decorated for the occasion, Rev. Evan P. Hughes, of the Congregational church being the officiating clergyman.

The bride was handsomely attired in robe of white, with veil, and the groom wore the conventional black. The young couple entered the room, unattended, the wedding march being played by Miss McBee.

The punch bowl was attended by Mrs. Berchtold, which was followed by a delicious wedding dinner.

Many invited guests were present from this city, and the following were guests from other places: Miss Mina Smith and Miss Blege, Miss Johnson, A. W. Allen and wife, Eldridge Kuisenga and wife and W. N. Shenefield, and Miss Rena Berry all of Portland; Mrs. Hammel and daughter, Blanche, of Albany, H. M. Brunk of Salem and Mr. A. H. Allen, of Charlottesville, Michigan.

Many beautiful and costly presents were plainly visible thus showing they had been kindly remembered by their host of friends. The happy couple took the evening train for Portland.

The bride is one of Corvallis' best known girls, having spent her entire life in this city, and is one of her sweetest singers. She has made many friends who will wish her all of the joys and pleasures of wedded life.

We have watched the growth and development of Charley Shenefield and although surrounded by adverse circumstances, yet by his indomitable grit and will power he won his way in the business world. With the same determination he has pursued the object of his affection crushing under foot many a tender blade of grass at the Allen homestead during the past three or four years. Many a moonlight night has been spent on Mary's River Bridge yet during all this time cupid was playing sweet music on his heart-strings and at last the victory is won. May the sweet-winged messenger of peace and happiness hover over their wedded life.

To Withdraw Tract of Land.

The General Land Office has decided to withdraw on January 20, 1909, 91,500 acres from the Umpqua Forest Reserve. This embraces some of the finest dairying, fruit and timber lands in Oregon, being located in Coos and Western Lane and Douglas counties.

The dairying and fruit lands will be subject to the Homestead Act only, but the timber lands will be taken up under the timber and stone law.

One of the peculiar features of this opening is that squatters rights will be recognized. After December 21st, persons may settle on the land and prepare to make it their home. The rights of such squatters will be recognized as prior to those who file on January 20th.

It is expected that there will be a great rush for these lands, owing to the fact that similar land in that section is held at from \$50 to \$300 per acre. The proposed railroad from Drain to Marshfield runs directly through the center of this tract which will be thrown open.

WILLAMETTE RIVER PUBLIC NAVIGABLE STREAM

TITLE TO BANKS VESTED IN THE STATE

State Has Right to Improve This Highway For The Purpose of Navigation. Important Court Decision.

Holding that the Willamette River is a public, navigable stream, a public highway, the title to the bed and banks of which is in the state for the benefit of the public, the Supreme Court, in an opinion written by Justice Eakin Tuesday morning, denied the petition of the Portland General Electric Company for a rehearing of the case in which it lost to the state in its appeal to the Appellate Court, which had reversed the decree of the Circuit Court for Multnomah county, authorized the collection of the state's 10 per cent portion of the net tolls collected upon traffic through the Oregon City locks by virtue of the act of Legislature of 1870.

The company, in its petition for a rehearing, raised the question that the court was not justified in holding that the act of 1870 authorized the construction of the locks and gave authority to operate them and collect tolls thereon, and that the first company did not have these powers

and rights by virtue of its articles of incorporation.

"The state has the right to improve this highway," says the court, in passing upon the point, "for the purpose of navigation. It may do this itself, or it may delegate to another the authority to do so, but without this delegated authority from the state no company can acquire the right by filing articles of incorporation, either to improve it or to collect tolls, even when such a purpose is specified in the articles."

The opinion of the court authorized the collection of 10 per cent of the receipts from tolls of the Oregon City Locks, dating back from a period of six years from 1906, and amounting to several thousand dollars. The records have not been produced in court. The case goes back for retrial upon the action of the trial court in sustaining the defendant company's demurrer to the complaint.

OAC. FIGHT FOR BIG GAME.

Corvallis Will Send a Large Delegation. Hard Game.

Everything seems to be progressing in fine shape at the OAC athletic field. Coach Norcross will spare no pains to make the contest exceedingly interesting for the U. of O., and in order to satisfy himself as to the perfect condition of his great football machine the boys will pass a final grand review under the criticism of Steckle, Smithson, Pilkington and Dow Walker. The boys realize that U. of O. will make a desperate effort to regain lost laurels and hence are wisely guarding every possible emergency. The people of Eugene will back their team as never before and express great faith in the outcome of the contest.

It is said forty cars have been secured to carry the crowd and that two thousand Corvallis citizens will witness the game. The cars will be profusely decorated with bunting and pennants. Plans for a big parade from the train to the athletic field are being promulgated and the boys will perform many interesting little stunts to make things lively.

The big game of football on the Multnomah field will draw the largest crowd that ever assembled to witness athletic sport and the game be the most interesting from various standpoints. Great pride is manifested in the success of OAC by the citizens of Corvallis and the trains on Saturday will present a gorgeous display of black and orange the black, perhaps, being indicative of the drubbing in store for U. of O. on this occasion. Rooters galore will lend enchantment to the scene and the citizen of Corvallis who stays at home on that day will certainly be a mighty lonesome duck. If the Philo math burglars should make a raid on that day they could clean every business house in the town without any trouble.

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NORTH CHANNEL IS LINE

Sand Island Is Given to Oregon After Long Contest.

Sand Island, with its surrounding fishing grounds at the mouth of the Columbia River, lies in Oregon and the Oregon-Washington boundary remains in the old north channel, where it was established when Oregon was admitted to the Union. This is the decision of the United States Supreme Court, handed down by Justice Brewer today, and affirms the contention of Oregon, as presented by Senator Fulton. In his opinion Justice Brewer says:

"The northern boundary of the state of Oregon was established prior to that of Washington and it is not within the power of the National Government to change that boundary without the consent of Oregon. The same description of the boundary is found in the act admitting Oregon and in the constitution of Washington, under which that state was admitted. In that description the middle of the North Channel was named. There was at that time two channels, and the northerly one ran north of Sand Island. That the channel north of Sand Island was the one intended as the boundary between Oregon and the territory north of it is made more clear by that fact.

On October 21, 1864, Oregon passed an act 'granting to the United States all right and interest of the State of Oregon in and to the land in front of Fort Stevens and Point Adams in this state, and also to Sand Island, situated in the mouth of the Columbia River in this state.' This act passed shortly after the admission of Oregon, indicates an understanding between Oregon and the United States that the boundary was through the channel north of Sand Island. It is a recognition of Oregon's title to that island, and acceptance by the United States of the grant from that state. The courts have no power to change the boundary as prescribed in the act admitting Oregon, and establish it at the middle of some other channel.

"That remains the boundary, although some other channel may in course of time become so far superior as to be practically the only channel for vessels going in or out of the river. The middle of the north ship channel may vary through process of accretion; it may narrow, may become more shallow, and yet the middle of that channel will remain the boundary. When in a great river like the Columbia there are two substantial channels, and the proper authorities have named the center of one channel as the boundary between the states, the boundary thus prescribed remains the boundary, subject to changes in it, which come by accretion, and it is not moved to the other channel, although the latter in the course of years becomes the most important and is properly called the main channel. Our conclusion, therefore, is in favor of Oregon, and the boundary remains the center of the north channel."

LETTER LIST

The following letters remain uncalled for in the Corvallis postoffice for the week ending Nov. 14, '08:

Miss G Doodle, Mrs. Mellett, Huston Mulkey, Miss Mabel McClary.

B. W. JOHNSON, P M

The big game between OAC and U. of O. to be played on the Multnomah field at Portland tomorrow, will be reported by the Independent Telephone Co. just as it is played on the field.

MANY LARGE APPROPRIATIONS

Big Sums Required for State Purposes.

O. A. C. TO BE ENLARGED

Reports Will Recommend over \$3,000,000 to meet Expenses of State for Next two Years

It seems altogether probable that the appropriations for state purposes for the biennial period 1909-10 will pass the \$3,000,000 mark. Though only a few of the state institutions and departments have made their reports recommending appropriations for the ensuing two years it is apparent that the increase in population of the state and the consequent increase in business at state departments makes a general increase necessary in almost every item of expense.

The crowded condition of the State Insane Asylum and the proportions that institution has attained, makes it necessary that a separate institution be provided and it is generally believed that an appropriation will be made for a branch asylum somewhere in Eastern Oregon. The rapid increase in attendance at the Agricultural College and the certainty of a further increase in the future requires larger appropriations for that institution, and as much will probably be needed as is now appropriated for the State University. The new laws requiring circulation of pamphlets in pursuance of the corrupt practices act, entails a heavy expense.

At the State Capitol the departments are now crowded for room and when this Legislature meets, it will be difficult to provide committee rooms. The only solution for this difficulty seems to be the purchase of a small tract adjoining the Capitol grounds where a separate heating station can be erected, with room therein for the state printing office. This would give room for some slight additional offices in the Capitol.

There is a strong demand for the creation of an insurance department, a State Board of Control and for the enactment of a comprehensive water code with a provision for state administration. The state will be asked to help build a home for the Oregon Historical Society.

These items alone, in addition to the fixed current expenses of the state, will carry the total past the \$3,000,000 mark. There is, also, a demand from Eastern Oregon that scalp bounties be restored. Agitation has been strong for some time in favor of state aid for public roadbuilding. The bill for erection of armories by the state will probably be renewed in another form, though defeated by the people last June. In some quarters there is an argument in favor of an appropriation for purchase of the Oregon City locks by the state without waiting for government aid. There will be renewal of the demand for a bureau of mines. Out of all these projects some appropriations are quite likely to be granted, the amount of which cannot even be estimated.

For the benefit of those who will not be able to attend, the direct returns of the big game between OAC and Oregon will be given by the Independent Telephone Co. Saturday.