

DISCUSS WATER RIGHTS

Committee on Irrigation Consider the Code.

Efforts to Bring Laws in this State Up to Standard of Other States.

The joint committees on irrigation met at the state library to consider the proposed irrigation code. About fifty irrigationists were present.

Hon. H. V. Gates, of Hillsboro, read the bill and explained its provisions. It provides an elaborate statute for the control, regulation and disposition of public waters for irrigation. The bill states that "all unappropriated waters within the state from all sources of water supply belong to the public and are subject to appropriation for beneficial use."

It provides for a state engineer, to be appointed by the Governor and confirmed by the senate, at \$2400 a year. A state water board is created composed of the Governor, attorney-general and state engineer. The state is divided into water districts, with a commissioner for each at \$5 per day while employed.

The state is divided into three districts, one of Lake and Klamath counties and Western Oregon, one of Eastern Oregon north of the Stren mountains, and one of the county South.

Section 24 provides that any city may file on water rights for municipal uses, thus protecting any Western Oregon city.

This feature is of great importance to Western Oregon cities that may now or hereafter seek to bring water from the mountains, and there is now no other general law giving this right to municipalities. Mr. Gates was asked about this and fully and satisfactorily explained its provisions.

Based on the principle that the beneficial use of water is a public use, any person, association or corporation may exercise the right of eminent domain under this act to secure right of way or reservoir sites. Owners of riparian lands are fully protected in their water rights.

The bill appropriates \$12,500 per annum for the enforcement of the provisions of the irrigation code.

Mr. Hammond spoke on some of the legal phases of the proposed bill. He said none of the Coast states had an irrigation code. This code was more applicable to Eastern Oregon than to Western. This act repealed a great deal of past legislation and decisions of courts, laws and common law, that had been slowly developed out of the necessities of the people and should not be overturned by this bill. The present laws fully protect public and private ownership. Any city now had a full right to condemn and appropriate water and establish water rights. The proposed bill repealed all laws on the subject of water rights and did not supply proper sections in place thereof. The bill was very inadequate in many respects.

It abolished all rights of riparian owners, a right as old as the right to own property itself, that water should forever flow past his land "undiminished in quantity." All there is in the bill that is good is the law of Oregon already. He showed that the committee would have to incur great expense to copy all records of water rights and forward them to the state engineer. It would take two men six months to copy the water rights of Josephine county. Where a water district was established the attorney-general was required to bring a suit to establish the title to every water right in the district proposed. He grew funny over this provision as calculated to make business for the lawyers, and especially the attorney-general. The rights of a municipality were better established and protected under present laws than in the proposed bill. The Baley law had been adjudged constitutional. Under the proposed code all water rights were subject to the absolute control of the state engineer. Under present law

a person could not file on more inches of water than he could use or actually appropriate. He considered section 26 of the bill as revolutionary. Under it any private person could condemn any other private person's water right—a private application of eminent domain on a large scale. He ridiculed the phrase "any beneficial use is a public use," as contained in this bill. It meant confiscation by means of a jury. This right of eminent domain could be exercised now to condemn private property, but only for "a public use." Under this bill anyone could go into court, assess the damages, and put up the money and get the other man's property. It proposed a doctrine that would not stand in the courts a minute.

Under this proposed bill only three-fourths of a miner's inch per acre was allowed to any land. That limit would not make a hay crop in Lake and Klamath counties. This feature of the bill would cause endless litigation in his opinion.

Nearly everything that was undertaken to be done under this bill led to penalty and punishment. The fees due the state engineer became a lien on the land prior to all other claims except taxes. He closed by saying that this was a subject of infinite importance and should not be affected by hasty or vicious legislation.

Mr. Ross, of the United States reclamation service, spoke of the need of a general act by the state to make easier the attempt of the federal government to carry on its work. As an engineer of the reclamation service he had no criticism of the proposed bill. Mr. Hammond's criticism was the same as was used in Idaho two years ago.

In Idaho when there was suit over water rights all the parties interested were compelled to come into court. The courts appointed a water master who enforced its decrees and out of that was developed the doctrine of state control. Without a state survey the constant result was over allotment, several times more than the stream carried. Before the court allotted water a survey was made and irrigations litigation was diminished. Litigation settled nothing unless there was a prior official survey to determine rights. Courts asked for evidence as to beneficial use. Idaho had a more elaborate irrigation code than this and had 700,000 acres of land under project, costing over \$12,000,000.

The committee heard arguments until 11:15 p. m. and then adjourned without having reached conclusions on the main subject—whether to report the bill or not. The serious objections to the bill will not be easily overcome and the chances are that it will never be reported at this session.

For Sick and Nervous People.

We have a cure for nervous and unsteady people, weak, fleshless people, and pimply, pale or sallow people; people who are troubled with loss of ambition, failing memory, depression of spirits, lack of confidence, nervous headache and wakefulness, all these symptoms are produced by weakened nerves, brought on by the watery condition of the blood. Make strong, rich, red blood and furnish food for the nerves is the way to stop the source of disease, and the cure then is only a question of days. The best flesh and blood builder is Dr. Gunn's Blood and Nerve Tonic, in tablet form to take at meal time. Sells at 75c a box, or 3 boxes for \$2.00, at all druggists. People gain from 1 to 3 pounds of solid, healthy flesh per week, by the use of this medicine. This is an indication of its doing good. For sale by Dr. S. C. Stone, druggist.

In Memory of Senator Hoar.

Washington, D. C., Jan. 28.—In the senate today exercises were held in memory of Senator Hoar of Massachusetts. Addresses eulogizing the character and public services of the great Massachusetts statesman were delivered by Senator Lodge and other of his associates. As a further mark of respect to his memory the senate adjourned for the day at the close of the memorial exercises.

Buna Cure for Piles.

Itching piles produce moisture and cause itching, this form, as well as Bleeding or Protruding Piles are cured by Dr. Bo-sank's Pile Remedy Stops itching and bleeding. Absorbs tumors. 50c a jar at druggist, or sent by mail. Treaties free. Write me about your case. Dr. Bo-sank, Phila., Pa. For sale by Dr. S. C. Stone, druggist.

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Successor to Barr & Petzel
TINNER --
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Hot Air, Hot Water and Steam Heating a Specialty.
SALEM OREGON

JOHN SHOLUND,
Merchant Tailor
Experienced cutter and fitter. Will guarantee all work. Also cleaning, pressing and repairing.
Opera House Block. Court Street

Impaired Digestion

May not be all that is meant by dyspepsia now, but it will be if neglected. The uneasiness after eating, fits of nervous headache, sourness of the stomach, and disagreeable belching may not be very bad now, but they will be if the stomach is suffered to grow weaker.

Dyspepsia is such a miserable disease that the tendency to it should be given early attention. This is completely overcome by

Hood's Sarsaparilla

which strengthens the whole digestive system

THE VALUE OF CHARCOAL.

Few People Know How Useful It Is in Preserving Health and Beauty.

Nearly everybody knows that charcoal is the safest and most efficient disinfectant and purifier in nature, but few realize its value when taken into the human system for the same cleansing purpose.

Charcoal is a remedy that the more you take of it the better; it is not a drug at all, but simply absorbs the gases and impurities always present in the stomach and intestines and carries them out of the system.

Charcoal sweetens the breath after smoking, drinking or after eating onions and other odorous vegetables.

Charcoal effectually clears and improves the complexion, it whitens the teeth and further acts as a natural and eminently safe cathartic.

It absorbs the injurious gases which collect in the stomach and bowels; it disinfects the mouth and throat from the poison of catarrh.

All druggists sell charcoal in one form or another, but probably the best charcoal and the most for the money is in Stuart's Charcoal Lozenges; they are composed of the finest powdered Willow charcoal, and other harmless antiseptics in tablet form or rather in the form of large, pleasant tasting lozenges, the charcoal being mixed with honey.

The daily use of these lozenges will soon tell in a much improved condition of the general health, better complexion, sweeter breath and purer blood, and the beauty of it is, that no possible harm can result from their continued use, but on the contrary, great benefit.

A Buffalo physician in speaking of the benefits of charcoal, says: "I advise Stuart's Charcoal Lozenges to all patients suffering from gas in stomach and bowels, and to clear the complexion and purify the breath, mouth and throat; I also believe the liver is greatly benefited by the daily use of them; they cost but twenty-five cents a box at drug stores, and although in some sense a patent preparation, yet I believe I get more and better charcoal in Stuart's Charcoal Lozenges than in any of the ordinary charcoal tablets."

SUNDAY SERVICES

Mrs. Lucia Faxton Addison will speak at the Evangelical church, corner of 17th and Chemeketa streets, Sunday night at the usual hour.

W. C. T. U.

Mrs. Halligsworth, of the Salvation Army, will preach in the W. C. T. U. hall Sunday, January 29, at 4 o'clock.

Central Congregational.

Nineteenth and Ferry streets, P. S. Knight in charge. Sunday school 10 a. m. Junion Endeavor 4 p. m. Senior 6:30 p. m. Preaching services 11 a. m. and 7:30 p. m.

Unitarian Church.

Frank A. Powell, pastor. Sunday school at 10 a. m. Mr. Powell will speak at 11 a. m. on "The Royalty of Service," and at 7:30 on "Anshus Augustine." Starr King fraternity meets at 6:30 p. m., subject "Longfellow."

Christian Science.

First Church of Christ, Scientist. Services: Lesson sermon and children's classes at 11 a. m. Subject of lesson sermon, "Spirits." Wednesday evening meeting at 7:30 p. m. Reading room open daily except Sunday. Christian Science hall, corner of Court and Liberty streets.

Christian Science.

Second Church of Christ, Scientist, 140 Chemeketa street. Services Sunday at 10:30 a. m. and 7:30 p. m. Subject of lesson sermon, "Spi. II." Sunday school at 11:45 a. m. Wednesday evening. Testimonial meeting at 7:30 o'clock. Reading room in the church open each afternoon except Sunday. All are cordially invited.

First Christian.

Corner of High and Center streets. Preaching by the pastor, D. Barrett, at 10:30 a. m. and 7:30 p. m. Respective themes: "Soul Saving the Business of the Church," and "Where Art Thou?" Bible school at 12 m. Dr. H. C. Epley, superintendent. Pastor C. R. at 3 p. m. Senior C. E. at 6:30 p. m.

The Clatsop County Teachers' association is in session at Oregon City this week, and is a very interesting session. A large number of teachers are in attendance and a good program is being rendered each day.

GOOD ROADS CAMPAIGN

\$2800 to Be Distributed in Prizes

Plan by Which County and City and Farmers Are to Co-operate

County Judge Scott and Commissioners Needham and Miley have been working hard on a plan at this time of court to secure co-operation between the citizens of Salem, the farmers of the surrounding country and the county court for an extensive good roads campaign. On this plan there will be at least six or eight of the main roads leading out of the capital city permanently improved this coming year. The preliminary arrangements are all completed and the work will be pushed to a conclusion.

This improvement plan was originated by a delegation of farmers and fruit growers from Liberty and Rosedale calling on Judge Scott and asking him to adopt some plan by which the city and county would meet the farmers half way. The property owners on the Garden road and Silverton road took it up with a great deal of enterprise and offered to put up 300 days' work. It is expected that other roads will follow suit when the people awaken to the full opportunity of the situation.

The present plan of Judge Scott is to have the citizens of Salem raise a fund of \$2800 to encourage road building. To this sum the county court is to add 40 per cent, or \$800.

This fund will be divided into at least seven prizes, as follows:
First prize \$ 700
Second prize 600
Third prize 500
Fourth prize 400
Fifth prize 300
Sixth prize 200
Seventh prize 100

Total \$2800

These sums will be paid out for the improvement of the roads running out of Salem, beginning at the city limits and running toward, or extending outward on a road already improved, in proportion to the amount of volunteer work subscribed and offered to be done. In no event of this competition will the cash prize be awarded to the amount of more than 40 per cent of the total amount subscribed. The largest subscription for improvement of any road to receive the largest prize, and all the prizes to be awarded on same plan.

The roads are to be improved under the direction of the county court, and constructed of broken rock or screened gravel. The county already has a rock crusher and heavy steam roller, and proposes to buy a gravel screen and engine to cost about \$1200. The roads leading south are to be built of broken rock. Who is there living at Salem who would not give \$50 to \$100 to have all roads leading out of Salem permanently improved in this manner with crushed rock or screened gravel? The gravel on roads leading into this city is traveling heavier each year, and the ordinary tax will neither construct them nor keep them in repair. The \$2800 to be offered for prizes will not result in an expenditure of at least \$10,000 for good roads this coming year on the above plan. To raise the \$2800 to be expended on these prizes will not take a long, and a committee of business men will make the canvass in connection with the county court. The money will be paid to the county court and disbursed through the court, and the whole work done under its direction. This plan of raising a lump sum will obviate a great many different persons going about the city with subscription papers seeing what they can raise. Dividing the money into prizes will bring out the largest enterprise of each section interested in good roads.

Forced to Starve

B. F. Leck, of Concord, Ky., says: "For 20 years I suffered agonies with a sore on my upper lip so painful sometimes that I could not eat. After vainly trying everything else I cured it with Bucklen's Arnica Salve." It's great for burns, cuts and wounds. At J. C. Perry's drug store; only 25c.

Gold Dust Flour

Made by THE SIDNEY POWELL COMPANY, Slaney, Oregon. Made for family use. Ask your grocer for it. Bran and shorts always on hand.

P. B. Wallace AGENT

O. C. T. CO.'S PASSENGER STEAMERS

POMONA
And Altosa leave for Portland daily, except Sunday, at 10 a. m. Per Albany, daily, except Sunday, at about 6 p. m. Per Corvallis, Monday Wednesday and Saturday at 6 p. m. Dock: Foot of Trade Street, M. P. BALDWIN, Agt.

Often The Kidneys Are Weakened by Over-Work.

Unhealthy Kidneys Make Impure Blood.

It used to be considered that only urinary and bladder troubles were to be traced to the kidneys, but now modern science proves that nearly all diseases have their beginning in the disorder of these most important organs. The kidneys filter and purify the blood—that is their work.

Therefore, when your kidneys are weak or out of order, you can understand how quickly your entire body is affected and how every organ seems to fail to do its duty.

If you are sick or "feel badly," begin taking the great Kidney remedy, Dr. Kilmer's Swamp-Root, because as soon as your kidneys are well they will help all the other organs to health. A trial will convince anyone.

If you are sick you can make no mistake by first doctoring your kidneys. The mild and the extraordinary effect of Dr. Kilmer's Swamp-Root, the great kidney remedy, is soon realized. It stands the highest for its wonderful cures of the most distressing cases, and is sold on its merits by all druggists in fifty-cent and one-dollar size bottles. You may have a sample bottle Home of Swamp-Root by mail free, also a pamphlet telling you how to find out if you have kidney or bladder trouble. Mention this paper when writing to Dr. Kilmer & Co., Binghamton, N. Y. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

Sale of Building.

Notice is hereby given that the undersigned will receive sealed bids for the purchase of the building now on lot 7, in block 3, in Salem, Oregon, and known as the "Dugan Lot," until Saturday, January 28, 1905, at 7:30 p. m., when said bid will be opened at the police court room, at the city hall, the building to be paid for upon acceptance of bid and to be removed within 20 days after the sale

W. H. BYRD,
A. A. LEE,
A. O. CONDIT,
Committee.

It Proved to Be A Lucky Day



when she bought Wild Rose Flour. The uniform excellence of the bread she baked from it, her continued success in pie and cake making, convinced her of the wisdom of always ordering Wild Rose Flour.

Salem Flouring Mills

ALL KINDS OF FRUIT TRAYS AND ORCHARD BOXES at the shop of

G. F. Tolson

Miller street. PHONE 21.



A Scotch Highball

made from our fine old Scotch whiskey is invigorating and bracing in cold weather. Our fine stock of whiskies are pure and the finest distillation, and is a treat to the epicure or the connoisseur to test the velvety smoothness and fine flavor of it

E. Eckerlen
258 Commercial Street

Fine Property at a Bargain

Choice piece residence property on principal street within three blocks business part of city. Nice large, modern home, about one acre of ground near school and car line, all kinds of fruit, beautiful shrubbery, etc. All modern conveniences.

These are both extra choice buys for homes or investments.
DERBY & WILSON,
244 Commercial St. Salem, Oregon

Winter

Is Not Over

We will probably have some cold weather yet and you will need a heating stove. We have cut prices on every heating stove in the house. Call and examine them.

R. M. Wade & Co.

Their Bank

The relations existing between this bank and its customers are close and cordial. We esteem it a compliment to have people lay claim to the institution as being THEIR bank. Is it also yours? We make an earnest effort to accommodate all callers. Our aim is to make this in every respect the Peoples' Bank; a bank where all may feel at home; a place where those of moderate means may expect the same treatment as those more favorably situated.

Salem State Bank

Salem, Oregon

Wall Paper

Latest designs in stock, and good work guaranteed. We have the small store and small prices

E. L. Lemmon
299 Liberty St. Phone 2475

MADAME DEAN'S FRENCH FEMALE PILLS.

A SAFE, CERTAIN RELIEF FOR SUPPRESSED MENSTRUATION. NEVER KNOWN TO FAIL. Pains! Stomach! Head! Blood! Bile! Nerve! Irritation! or Many Endured. Best prepared for \$1.00 per box. Will send them on trial, to be paid for when returned. Samples free. If your druggist does not have them send your order to the UNITED MEDICAL CO., BOX 74, LANCASTER, PA.

Sold In Salem by S. C. Stone.