

PORT ORFORD POST.

THURSDAY, - MAY 7, 1881.

FALLIBILITY OF JUDGES.

In the May number of the Californian, Hon. E. W. McGraw had an article (to which reference has heretofore been made in these columns) severely arraigning the jury system, and juries. To exemplify one of the weak points of the system (from his standpoint) the writer dwelt upon the fact that a jury might be and often was, split up into minorities as to the evidence, the law and the facts, and yet agree upon a unanimous verdict. This he regarded as not only absurd but incompatible with justice. Well, we now have to remind him that Courts, no less than juries, fall into the same error—if error it be—with surpassing facility. The Supreme Court of California lately rendered a decision involving the Constitutionality of the election laws of that State, about all the six Judges arriving at the same conclusion, but hardly any two of them for the same reason.

The Examiner reviews the decision at some length and concludes:

The only point decided in this case is that the Hartson Act does not take effect in this city and county this year, and therefore our former law must prevail. The Chief Justice does not tell us how he came to this conclusion, but he does say that he expresses no opinion upon the question as to whether this Act applies to this city and county. Justices McKinstry and Thornton confine their concurrence to the reason that the Act is unconstitutional. * * * Justices Ross and Sharpstein meet the question and solve it in different ways. Justice Ross bases his concurrence upon the reason given by Justices McKinstry and Thornton. * * * Justice Sharpstein holds that the Act does not apply to this city and county: First—Because this is a municipality, and statutes of a general nature cannot repeal by implication its charter and special Acts. Second—Because the title of the Act is not comprehensive enough to admit of an amendment in repeal of anything but those sections of the political Code mentioned therein. Third—Because the provisions of Sections 5, 6 and 7 of Article XI of the Constitution are prospective, and refer to cities and towns to be organized.

Justices Myrick and McKee dissent from the judgment of the Court and hold that the Legislature has authority to enact laws for San Francisco as well as for the other counties.

We thus have six opinions, and no single one fully agreeing with another.

Were it not for the clause in our Constitution prohibiting the conferring of "titles," our national debt could be wiped out in one year from this traffic alone, notwithstanding the fact that the American people as a mass despise titles. There is, however, a snobbish element in every great center in the country who would invest liberally in this commodity.

The Rev. Edward Everett Hale says that the revision of the New Testament "will end forever the idolatry of a book which has been a dead weight on Protestantism for three centuries." But what of the revision which is to succeed this one?

"THE HOUSEWIFE OF THE FUTURE."

Some time since a selected article appeared in the New Northwest under the above caption, enumerating many things that "The housewife of the future" will do when her full rights are recognized, and among other things it was claimed that:

"Not only the physical but the mental training of her children will be under her watchful care".

In this connection THE POST ventured to submit the question in the words following, viz:

"What time will the 'housewife of the future' have, owing to her multiplied and manifold cares incident to voting, office-seeking, office-holding, jury-duty, etc., etc., to give to the world 'children'?"

Now again comes the New Northwest, and, in true Yankee style, answers our question by asking this:

What time does the merchant have, owing to his multiplied and manifold cares incident to voting, office-seeking, office-holding, jury duty, etc., etc., to give to business?

It would seem hardly necessary to say that the above is no answer to our interrogatory, since the questions are by no means analogous. The merchant may substitute another to act for him and in his stead in the management of his business, etc., etc., but until the holy fiat of God Almighty Himself is annulled, it will be impossible to give to the world children; only as He ordered in the beginning. Child-bearing by proxy can never be, and the original office of mother-hood cannot, in the nature of things, be performed by an agent. Thus it will be seen, that, while the merchant may, and often does, drive a successful business through the medium of a substitute, no wife can respond to the Decree from on High to multiply and replenish the the earth by any such means.

We will cite, for the benefit of the editress of the New Northwest an example with which she is abundantly familiar—that of Hon. H. W. Corbett. That gentleman was largely engaged in mercantile pursuits, yet he served six years in the United States Senate, while his business went on as usual. Now, suppose a wife had been elected to that high office instead of Mr. Corbett, how many children had it probably been convenient for her to give to the world during that long period of six years? What manner of figure would she have cut singing a lullaby to the last born, in her seat in the Senate of the nation? And where would she keep the bottle of soothing syrup and other paraphernalia necessary to a well regulated baby tucked away? Now don't cite the example of Queen Victoria to confound us, for it won't be in point. She was and is, simply a figure head, who succeeded to her station by the accident of birth and then of a death, her whole function being to propagate a numerous "royal progeny." Her duties if she have any, may be performed by another, while no legislative function can be exercised by proxy.

MRS. SAWTELLE AND ROSCOE CONKLING.

Mrs. C. M. Sawtelle, whom we included in our enumeration of "Pacific Coast Women in the Professions," some weeks since, is editress of the "Medico-Literary Journal," San Francisco. She takes advantage of Conkling's present complications to recount a grievance, as follows:

"During Grant's first term, and just after we had graduated in medicine, with honors, as the New York papers stated, our magnificent heart being stirred by some great national question, and backed by Wm. H. Vantierbilt and Horace Greeley, accompanied by the handsomest little imp of a six-year old daughter that ever climbed the Capitol steps, having a mind quite free from any previous political etiquette, we soon caught the idea that there were little Senatorial courtesies due visitors from their State, naturally we lit on the distinguished Senator from New York with a tenacity only equalled by his own. We were desirous of securing the great man's name on our card to secure us an interview with the President. Conkling was carrying to a successful issue a strong debate in favor of giving 'homesteads' to maimed soldiers. We were in sympathy with his side of the question, but we wanted to see Grant; so card after card was sent by the polite page, who kindly informed us that it was no use, that Senator Conkling's attention could not be secured. We had waited a long two hours, had seen our fourth and last card flutter from his desk to the floor, brushed away by his unconscious coat sleeve when lo, the lion of the hour darted to the door where we were waiting, and with an eagle glance from his keen blue eyes, said, 'Madam, I will vote for your measure when it comes up. Don't you see me conducting this debate?' 'Yes Senator, we replied timidly, 'twas not that we wanted; we wished you to put your name on our card to insure an interview with the President.' He gave us a withering glance, and said, 'Go to Grant and get a card to me; the President isn't half so big a man as I am.'"

It has been said that "A woman never knows when to stop," and we are forcibly reminded of the truth of the aphorism by reading the one line and a half of the last sentence above. If the writer had stopped at "Go to Grant and get a card to me," it were well; but the assertion of the remainder of Conkling's alleged reply, may well shake one's faith in the whole entire fabric; it looks so improbable.

Assemblyman Bradley, the accuser of Sessions in the New York Legislature, admitted on cross examination that he had been an inmate of an inebriate asylum, but had himself footed the bill afterward. He had, by his own resolution, entirely overcome any inclination to indulge in strong drink, and had not so indulged for more than ten years. Meanwhile he had been twice elected to the Legislature, was a member of the Board of Supervisors of Chautauqua county and was, at present, President of a Railroad Company. So the point that he had been a drunkard recoiled upon his enemies. "He that overcometh himself is greater than he who taketh a city."

RARE DEVELOPMENTS.

It will be remembered that, during the Tilden-Hays embroglio over the Presidency during the Winter of 1876-7, Conkling's status was, for a time, deemed quite uncertain. It was an open secret that he had said Tilden was entitled to the office. Now that Conkling himself is in trouble, his sayings and doings during the Presidential muddle, crop out. Hon. Louis Lawrence, of Utica, gives the following to the world for the first time:

One night I was with him in his room, silently smoking, while Conkling walked up and down like a raging lion. At last he broke out: "Lawrence, I can't keep company with this riff-raff any longer. They are rotten with corruption, and after having taken everything else they could, they are bound to steal the Presidency. Sherman reeks with plunder. Wheeler is a virtuous log-roller. Snanley Matthews would sell his soul for office. As for Hayes he is simply a pious sneak, ready to give money to be President, and to drop on his knees in tears if caught at it. I have a great mind to get up in the Senate and denounce the whole thing to-morrow, and call on honest Republicans to give the election to Tilden, to whom you, as well as I, know it belongs". I told him it would drive him into the Democratic party, and he said, "Let it drive; there are more gentlemen and fewer hogs there than with us."

It is a common saying in Australia that the English trade, the Scotch farm, and the Irish hold the offices.—Boston Post.

Exactly. The intelligent division of the industries of a country is always desirable. In the division indicated above, the Scotch occupy the post of honor; and we are not sure but that of profit also—in the long run.

Mahone and repudiation will probably go down together in Virginia this Fall.

Our politics are degraded into a struggle over the spoils of patronage.

Josh Billings's Philosophy.

I never knu a second wife, but who was boss of the situashun. After a man gets to be thirty-eight years old he kant form any new habits mitch; the best he can do is to steer his old ones.

Enny man who kan swap horses or ketch fish and not lie about it iz just az puz as a man ever gits to be in this world.

The sassiest man I ever saw was a henpeck husband away from home.

Those people who are trieing to get to heaven on their kreed will find out at last that they didn't hav a thru ticket.

I doant rekollect doing ennything that I was just a little ashamed ov but what somebody remembered it and was sure to put me in mind of it once in a while.

Young man, learn to wait; if you undertake to set a hen before she is ready you will lose your temper and confuse the hen besides.

Nature seldom makes a phool; she furnishes the raw material and lets the fellow finish the job to suit himself.

"If a doctor has the luck to find out a new malady," said Oliver Wendell Homes the other day, "it is tied to his name like a tin kettle to a dog's tail, and he goes clattering down the highway of fame to posterity with his attachment following at his heels."

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160 Acres, 135 acres up land and 25 acres bottom; 1 1/2 miles from Port Orford. U. S. title; terms, cash.

160 Acres on Sixes river, six miles north of Port Orford, 5 acres suitable for cultivation; 12 head of cattle—cows, steers and heifers. U. S. title—Terms reasonable.

RANCH of 160 acres, on Elk river, 6 miles from Port Orford; 30 acres fit for cultivation; 16 acres bottom land; 10 under fence. Good garden, together with hogs and cattle. Terms cash.

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