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FRIDAY, DECEMBER 14, 1894.

AGENTS FOR THE ENTERPRISE.

Oswego,	G. W. Prosser
Canby,	Geo. Knight
Clackamas,	A. Mather
Milwaukie,	Gary & Wissinger
Union Mills,	G. J. Trullinger
Aims,	E. S. Bramhall
Meadow Brook,	Chas Holman
New Era,	W. S. Newberry
Wilsonville,	Henry Miley
Park Place,	Hamilton & Washburn
Barlow,	Mrs. G. A. Sheppard
Gladstone,	T. M. Cross
Stafford,	J. Q. Gage
Mulino,	C. T. Howard
Carus,	R. M. Cooper
Molalla,	Annie Stubbs
Marquam,	E. M. Hartman
Eutteville	B. Jennings
Aurora,	F. Giesy
Orville,	L. J. Perdue
Eagle Creek,	H. Wilbern
Sunnyside,	John Welsh
Damascus,	J. C. Elliott
Sandy,	F. Goetsch
Salmon,	Mrs. W. M. McIntyre
Currinsville,	Geo. J. Currin
Cherryville,	Mrs. M. J. Hammer
Marmot,	Adolph Aschoff

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A NEW LAW POINT.

By a recent decision the Connecticut supreme court has decided that a man may be tried twice for the same offense. Its main argument is the point that the old English common law was so cruel that judges then wisely held that an accused, after a jury acquittal, could not be put in jeopardy a second time for the same offense; but now that the old law has been relaxed, a criminal ought not to benefit by the former practice, and justice be thwarted by errors of judicial ruling. The court of five judges was unanimous in the opinion which was written by Judge Hamersley, of Hartford.

This theory that a man can only be tried once for the same offense is a relic of the middle ages and has no place in modern jurisprudence. By this pernicious practice many a criminal is enabled to escape a just punishment for his crimes owing to an insufficiency of evidence against him at the time of the trial; for it often occurs that after the accused has been released direct evidence is to be had strong enough to secure a conviction. Legal technicalities and bribed juries turn loose many men who otherwise would have to pay the penalty for their misdeeds could a second trial be had. An instance occurred during the last session of the circuit court in this county where a guilty man escaped on a technicality, he being charged with an assault with a dangerous weapon and the evidence against him was most positive; but an indictment for this offense must state that the accused is over the age of sixteen years. By an oversight this important fact was left out and the counsel for the defendant had the indictment thrown out and the man went free. With justice being constantly cheated it is little wonder that lynch law is resorted to that criminals may be given the punishment they deserve.

THE ROADS AGAIN.

The ENTERPRISE this week has four communications on the road question. All favor the new system of road work and oppose the old system. Several suggestions are made by them that are well worth considering. That of placing the roads of the entire county under the charge of an engineer and dispensing with the four supervisors has much to recommend its adoption. It would doubtless bring a saving to the county both in salary and in efficiency of work. Road building is a trade that cannot be picked up in a day, and it requires long practice and thorough training to construct a road that will fill every requirement in grade, drainage and location.

As to plank roads, the good qualities of which are commended in one of the communications, it is a question whether they are anything more than a make-shift to be used only until a macadamized covering can be put on. Doubtless in many parts of Clackamas county plank roads are all that can be had for some years to come. But in the end gravel or macadam will have to be used and are the only covering that fills all the demands of a practicable road surface. In order to get the views of the taxpayers of this county on this road question, the ENTERPRISE will publish all communications sent in.

THAT inexorable law of the survival of the fittest has lately been demonstrated at Seattle where the Telegraph has suspended publication, the plant and good will being taken up by the Post-Intelligencer of that city. With type-setting machines, a new perfecting press, and an enlarged paper, the Post-Intelligencer takes its place as one of the great dailies of the Coast and the leading daily of the Sound country.

DELEWARE is not a densely populated state, but were Texas as thickly peopled her population would be about 25,000,000. Were Texas as numerously peopled as Massachusetts her population would exceed by 10,000,000 the total population of the United States according to the census of 1890. More impressive still, if Texas were as densely peopled as Rhode Island her population would be more than 83,000,000.

AN impression seems prevalent regarding the school law, to the effect that once selected, a textbook must be used throughout the life of the six year contract, regardless of the price or adaptability of the book. This is altogether a wrong impression. Section 12 of the law provides against any possible trouble of this kind, in the following language: "Provided further, that nothing in this act shall prevent the state board of education ordering the superintendent of public instruction to issue special circulars to the county superintendents and state board of examiners to select as in the regular vote any new textbooks or series of of textbooks in use, when in the judgment of the state board of education any textbooks or series of textbooks in use is supplied at an unreasonable high price, or is found to be excelled by more recent publications in that branch, or for any good or sufficient cause; and it is hereby provided that the county superintendents and state board of examiners shall select a textbook or series of text books immediately as in answer to regular circulars of the superintendent of public instructions and report to him their choice, and such selections shall immediately thereafter be made known officially as in the regular selection; and such textbooks or series of textbooks so selected shall be introduced in all the common schools of the state within six months after such announcement."

SECRETARY CARLISLE'S plan of creating a national currency tends too much toward the old wildcat bank system of currency to be a safe scheme to take up. It would seem that the people of the United States had had all the experience they cared for in a currency issued and controlled by the banks exclusively. The secretary's explanation is that by the banks controlling the money of the country we would have an elastic currency which would expand and contract to meet the demands of business. This same bankers' currency of the '40's and '50's was so "elastic," as all our older people can remember, that a person could not teli whether he had five dollars or five cents. The stability of the business interests of this country demand that the government alone shall issue and control the entire circulating medium, whether it be gold, silver or paper.

THE ROAD SYSTEM.

TO THE EDITOR: I see in your excellent paper some valuable hints on the road question, and think that a word from a taxpayer would not come out of place on this all important subject.

The question uppermost just now seem to be what will the present county court do with our road system. During the past two years I have talked with a large number of taxpayers on the subject of roads and road work. Two years ago the present system was strongly condemned by a class of men whose entire tax would not exceed $15 per year. It was spoken of as being so very expensive, and as being taxed to death to build roads when they did not pay seventy-five cents towards the road fund; in fact most of the complaint came from that class of taxpayers, while I now fail to remember a single heavy taxpayer complaining of his portion of road tax. Of course they would not complain, for the man that pays the largest tax is the man that gives such subjects careful study, and they at once see that the present is by far the cheaper.

To illustrate, Farmer A of Beaver Creek, with his two sons, aged respectively twenty-one and twenty-three years, own jointly 160 acres assessed at $2000 under last year's assessment. A two mill road tax was levied making Farmer A's tax including that of his two sons $4 all told. Now for the old system: $2000 assessment meant two days work or $3. Then the father was but forty-seven years old and was subject to two days poll tax or $3, and each son two days or $3 each, making a total of $12 against $4 under the present. Well, say the "kickers" in one breath, why not go back to the old system? you would get more work done. Simply because from the fact that work under the old system was too much like volunteer or donated work "by the kickers" under the new system. They came late and quit early, and if the foreman asks them to get to the work earlier, and put in a good days work, they tell him (as one foreman told me today) "you can't get anything out of me any way, and I guess I'll do as I like about it." Not so under the present system: the foreman selects his men and they are given to know at once that they are expected to do as good work as if on a farm or in a shop, and they are required to be regular in their time; not so under the old. A supervisor warns out his men, the district is large and it takes two days to see all; one has just a little plowing to do, so he'll be on in a few days and so on. The time of each runs from two to six days. The supervisor begins his work, his plans are made for fifteen men, and behold there are but six on hand at noon, four more come and the next day nineteen men are on, and the superintendent has planned for but nine men, so the work is never planned just to agree with the number of men that come to work.

Under the "new" the foreman, if he is beginning his work in the spring, starts with, say ten men and soon finds that he can employ ten more. He knows every night just how many men to expect in the morning, so that when he comes on the road in the morning his plans are all laid for the day, and he knows just where to place each man. Under the "new" it is made possible to do more and better work, by being able to place more work on a given road, and if our supervisors do their duty, the worst roads will be fixed first. And in favor of the present road tax system, let me say there has been more good roads built in the last two years of its existence than in the forty years previous under the "old."

And still I have thought possibly, it would be better for our county court to drop the five supervisors and put it all into the hands of one man. Let him be an engineer and have some knowledge of roads and road work. Such a one could doubtless be had for $900 to $1000, and let him devote his entire time to road work. But, go back to the old system, never.

TAXPAYER.

OREGONIANS IN THE EAST.

ROCK ISLAND, Ill., Nov. 24, 1894.

TO THE EDITOR: Having a little time this morning I will write a letter for the ENTERPRISE so that a host of kind friends may know something of the whereabouts of J. A Chase and myself, and what we have seen in the great expanse of country between here and over home in the far-off Oregon.

If I was just paragraphing I would do my trip over by saying that with the exception of a little strip near Ogden, I would not like to pay the taxes on all the land I saw between the Cascade mountains and North Platte, Neb. To be sure I slept half the time on the trip and so did not see all the country; and I understand that the railroad engineers do not seek the most beautiful and fertile lands on which to lay the road bed, but one can judge by what he sees something of the fertility of the surrounding country, and the outlook is mighty bad for some of it.

One morning in Wyoming, as the train was standing at a station, a farmer offered five watermelons, each one as large as a half bushel measure, for ten cents apiece. He said he raised them seven miles out in the mountains, and I thought it was a mighty good country for a man to stay out of when one had to put out so much effort for so little. Twice a day he could get a chance to sell to the passengers on passing trains about half a dozen melons.

Green River, Wyoming, seemed to me to be the most desolate place I ever was in. I could not resist the temptation to take a "Kodak" shot at the wind-swept and sand-covered streets and cabins.

I had been feeling that I would like to see a little prairie again after a year and a half among the mountains and foot hills of Western Oregon; but long before I had reached the Missouri river I had seen enough. The monotony of the level prairie, stretching from 300 to 1000 miles, gets very tiresome. It is worse than the unchangable buttes and dunes of the Rockies, for there is some variety of shape in the buttes, and an occasional canyon or valley varies the monotony.

But poor, sun-scorched and blizzard-cursed Nebraska! Of all forlorn looking places the western half seemed the worst to eyes which for nearly two years had been used to being greeted on every hand and at all times with the ever verdant Willamette valley. The fact that there were here and there houses along the road, the windows and doors of which were nailed up and the places deserted, only added to the appearance of desolation. I saw many farmers cutting the dried-up corn and hauling it for fodder, and I thought if these unfortunate people who are saving these corn stalks had just the fruit which is being wasted in Oregon they would think they were well fixed. They have some irrigation ditches in Western Nebraska which are fed by the North Platte river. This year the North Platte was as dry as a floor, consequently there was no water in the ditches.

I crossed Iowa at night, so saw nothing of the country till near the Mississippi river. After that time all the country looked fine. There had been so much in the papers about the hot winds burning up the corn in this country I was not prepared too see as good stands of corn as is usual here. I crossed into Illinois at Burlington; went to Moline via Monmouth; from there to Chicago via Galesburg, and back via Mendota, and so far as I could see the corn was not seriously injured anywhere. Potatoes, however, were late ripening, and were not very good. Onions are only about the size of hen's eggs, and fall vegetables are not well developed, this showing the effect of the long summer's drouth.

Times are about as hard as they are at home. There will be much suffering this winter, for there will be many families who have been used to having plenty of fuel who will have a hard time getting it this winter.

The weather has been bad all the fall—fully as cloudy as it is in Oregon, and the rain is very cold and chilly. We have had several days already that were colder than any day in Oregon last winter.

The day I left Omaha a storm arose from a clear sky, and in less than five minutes the wind was blowing a perfect gale and the thermometer had fallen about 20 degrees. The papers the next morning told of one of those devastating cyclones having swept across Northern Iowa, wrecking towns and villages and killing people by the scores. If these people who have to live with one eye on their cyclone cellars knew what a comfort it is to feel secure from such things, and that Western Oregon was such a secure place, the Willamette valley would be overcrowded in a few years.

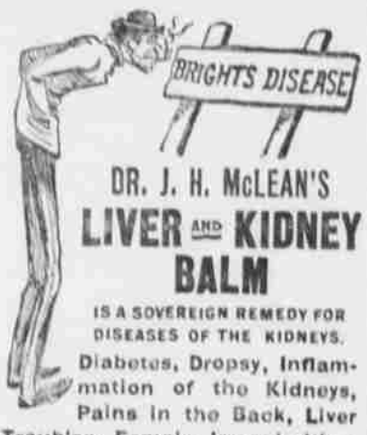
I traveled from Omaha to Moline via the Burlington route. It seemed like old times to board a Burlington train, for that used to be my favorite route to go any where I could reach on its trains, and that is pretty much everywhere in this country. I have a good many personal friends on this road; among them Mr. H. D. Mack, assistant general passenger agent of the St. Louis division who I have so esteemed for twenty years or more, and more recently Mr. A. C. Sheldon at Portland, Oregon. I am indebted to these gentlemen, and to Mr. W. H. Hurlburt of the O. R. & N. Co., for favors shown me and courtesies extended, and I can recommend them to persons who have railroad business.

I met Mr. Chase as per arrangement at Moline. The condition of busines here and what we have seen will have to be deferred till some future letter.

J. K. GROOM.

SPIRIT OF THE PRESS.

A movement is on foot to organize a new county from that portion of Douglas and Lane counties laying on the Coast. Of the dismemberment of Lane county, the Guard, published at Eugene, has the following to say: If the coast sections of Lane and Douglas counties ask for a new county we believe there will be no objections from the other portions of the counties. Florence is eighty miles from Eugene and persons at the county seat are compelled to make this long trip at considerable expense. In winter the roads are very bad and at times almost impassable, and at that season the trip is one not to be sought even by a person of strong constitution. Gardiner in Douglas county, twenty miles south of Florence, has a considerable number of residence, and is about 100 miles from Roseberg, the county seat. While the new county would have a limited population and small tax list, it could be conducted economically, besides the population is increasing steadily, and a convenient county seat would be a strong inducement to settlers. The political part of the county would cut no figure as the new county would be safely republican and the old counties would be left with republican majorities. It is entirely a question of finance. The coast part of Lane county has cost the county ten dollars for every dollar received in taxes, and if not cut off will continue to be a source of expense for several years to come.



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Sheriff's Notice of Sale on Foreclosure.

In the Circuit Court of the State of Oregon, for Clackamas County.

Hannah B. Buffington, Plaintiff, vs. Charles N. Wait, M. K. Shipley and S. E. Shipley his wife; J. H. Kruse, Mrs. Celinda E. Shipley, widow, and Celinda E. Shipley, Executrix of A. R. Shipley dec'd; Milton W. Smith, and the Ira F. Powers Mfg. Company, and H. H. Lone, Defendants.

State of Oregon, County of Clackamas, ss.

Notice is hereby given that under and by virtue of an Execution and Order of Sale to me directed and issued out of the Circuit Court of the State of Oregon, for Clackamas County, under the hand and seal of Geo. F. Horton, clerk of said court, bearing date the 1st day of December, 1894 upon a judgment and decree of said court, made and entered on the 23rd day of November, 1894, in the above entitled cause, wherein and whereby it was ordered and adjudged that the plaintiff, Hannah B. Buffington, recover of and from the defendant, Charles N. Wait, the sum of One Thousand Dollars, principal, with interest thereon from the 12th day of November, 1892, at the rate of eight per cent per annum, less the sum of Forty Dollars therefofore paid as interest, and the further sum of One Hundred and Twenty-five Dollars, attorneys fees, and the said plaintiff's costs and disbursements in said suit incurred, and wherein and whereby it was ordered, adjudged and decreed that the defendant H. H. Lone in this suit recover of and from the defendants M. K. Shipley and J. H. Kruse, the sum of Eight Thousand six Hundred and Twenty-five Dollars, with interest thereon at the rate of six per cent per annum from the 12th day of October, 1892, the further sum of Four Hundred Dollars as attorneys fees in favor of said defendant Lone and against said defendants M. K. Shipley and J. H. Kruse and the said defendant Lone's costs and disbursements as against said defendants M. K. Shipley and J. H. Kruse, and by which decree the hereinafter described property and all the right, title and interest of each and all of the defendants, excepting the defendant H. H. Lone and Milton W. Smith, therein, be sold upon execution, and the proceeds of such sale applied, first, towards the satisfaction of the amount due plaintiff, attorneys fees, and costs and disbursements; secondly, to the satisfaction of the amount due the defendant H. H. Lone from the defendants M. K. Shipley and J. H. Kruse, and said defendant Lone's costs and disbursements as against said Shipley and Kruse; thirdly, to the satisfaction of the amount due the defendant Milton W. Smith from defendants Shipley and Kruse, and said defendant Smith's costs and disbursements as against said defendants Shipley and Kruse, to-wit: The sum of Two Hundred Fifty seven Dollars and Ninety-five cents, with interest thereon from November 14th, 1893, and the sum of Nineteen Dollars and sixty cents, costs and disbursements; the remainder, if any there be, to be paid to said defendants M. K. Shipley and J. H. Kruse, which said real property directed by said Order of Sale and Execution to be sold, is described as follows, to-wit:

All the South half of the Donation Land Claim of James M. Moore and Maria M. Moore, his wife situated in Clackamas county, in the State of Oregon, in Sections twenty seven (27), twenty-eight (28), thirty-three (33) and thirty-four (34), in Township two (2) South, Range one (1) East, containing Two Hundred and Ninety seven and one-half (297½) acres of land, more or less; I have levied upon and will, on the 12th day of January, 1895, at the hour of 2 o'clock P. M. of said day, sell at public auction, to the highest and best bidder for cash, at the Court House door of the County Court House of Clackamas county in Oregon City in said county, all the said hereinbefore described real estate, and all the right, title and interest that said defendants Charles N. Wait, M. K. Shipley and S. E. Shipley, his wife; J. H. Kruse, Mrs. Celinda E. Shipley, widow, and Celinda E. Shipley, executrix of A. R. Shipley deceased, and The Ira F. Powers Mfg. Company, a Corporation, have or had therein on the 12th day of November, 1891.

Witness my hand this 11th day of December, 1894. E. C. MADDOCK,
Sheriff of Clackamas County, State of Oregon.
By N. M. Moody, Deputy. 12-14-1-11

Sheriff's Notice of Sale on Foreclosure.

In the Circuit Court of the State of Oregon, for the County of Clackamas.

Emma McDonald, Plaintiff, vs. Sarah M. McCown, Defendant.

State of Oregon, County of Clackamas, ss.

Notice is hereby given that by virtue of an execution and order of sale issued out of the circuit court of the State of Oregon for the County of Clackamas, bearing date the 13th day of December, 1894, in a suit wherein Emma McDonald was plaintiff, and Sarah M. McCown was defendant, commanding me, in the name of the State of Oregon, that out of the real estate hereinafter described, to realize a sum sufficient to satisfy the demands of said decree, to wit: $1000.00 and the further sum of $11.25 costs, and the further sum of $100.00 attorney's fee, together with interest on the same since January 25th, 1894, at 10 per cent per annum, and also the costs of and attending this sale.

Now, therefore, in obedience to such decree, I did duly levy upon, and will, on Saturday, the 12th day of January, 1895, at the hour of 11 o'clock A. M. of said day at the front door of the court house in said county, offer for sale at public auction, and sell to the highest and best bidder, for cash in hand, all of the right, title and interest the said defendant on the 25th of January, 1892, had in and to the following described real property, to-wit: The north one-half of Block 109 of Oregon City, according to the recorded plat of said city as laid out by Dr. John McLoughlin, said property being in Clackamas county, State of Oregon.

Dated this 12th day of December, A. D. 1894.
E. C. MADDOCK,
Sheriff of Clackamas county, State of Oregon.
By N. M. Moody, Deputy. 12-14-1-11

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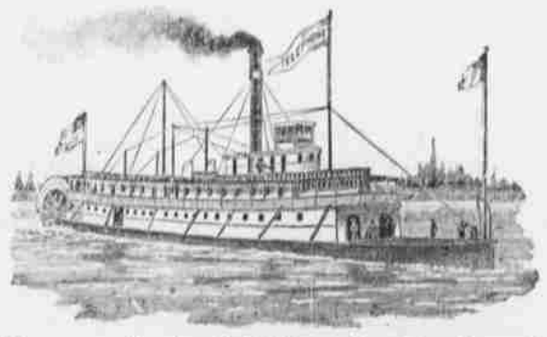
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