

WEEKLY OREGON STATE MAN.

FRIDAY, DECEMBER 1, 1876

THE POLITICAL SITUATION.

[An exchange figures up the law as follows, under the following head:]

THE POWERS OF THE GOVERNOR AND SECRETARY OF STATE IN COUNTING THE ELECTORAL VOTES.

So much has been said recently by the Democratic press and by some Democrats concerning the canvass of the votes for Presidential electors in this State, that it has come to be generally understood that some effort will be made to issue a certificate of election to the Democratic candidate having the highest vote, on account of the alleged disqualification of Dr. Watts. Just how this is to be done does not clearly appear, but the right of the board of canvassers to take such action has been widely discussed, and by some insisted upon. A matter of such vital importance deserves far more consideration than it seems to receive at Democratic hands.

That the position of elector is a State position can hardly be questioned, since it is filled by the State, in a manner regulated by the State law. It follows that the various questions arising in regard to the election are to be settled under some tribunal under the State government, unless the fact that the construction of a clause of the federal constitution is involved, gives jurisdiction to the federal courts. What is the proper tribunal to decide these questions, the Executive or the courts?

Section 60, page 575, of the general laws of Oregon, provides that—

The votes for electors shall be given, received, returned and canvassed as the same are given, returned and canvassed for members of Congress.

Section 57, page 573, referring to the election of members to Congress provides:

That it shall be the duty of the Secretary of State, in the presence of the Governor, to proceed, within thirty days after the election, and sooner if the returns be all received, to canvass the votes given for members of Congress (and other officers named therein); and the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person.

This is the whole of the law upon the subject, and under the Commission of the Secretary of State has any duties to perform or rights to exercise, except those conferred by the statutes above quoted. It seems clear to the average Democratic mind that this statute ought to be so construed as though it read, "the Governor shall not grant a certificate of election to the person having the greatest number of votes, except that person be a Democrat."

We apprehend that the whole duty of the Secretary of State is, to count the votes as they are returned to him by the several counties, and the whole duty of the Governor to grant the certificate of election in accordance with the count made by the Secretary. There is certainly not an intimation in the law that these officers of the State are invested with judicial powers to determine a contest between different persons claiming to be elected to the same office. Supposing it to be a fact that one of the persons receiving the highest number of votes is, for any reason disqualified; how, under the statute, is this fact to be made to appear to the board of canvassers? How are the proofs to be heard? By what rules are the proceedings to be regulated? There is but one way in which the board of canvassers can proceed to carry out the Democratic idea, and that is by direct violation of the law, and by a usurpation of powers which do not belong to them, but are vested in the courts of the State. It is, or ought to be, a matter of great satisfaction to any good citizen to know that the political officers of the State do not possess judicial powers to the extent claimed; because, however fair and honest they may be deemed, yet they are politicians, and partisans, elected on account of loyalty to their party, and expected by their friends to serve it whenever it is within the bounds of possibility to do so. The courts are differently constituted, are not political organizations, and we believe they will not be, as they ought not to be, influenced by partisan or other considerations except to administer the law and to do justice between parties appearing before them for a determination of their rights.

WILL HE DARE DO IT?

We Believe Not.

There is a strong pressure being brought to bear on the Governor to influence him to refuse a certificate to Dr. Watts, who has been elected by a large majority, as a Hayes and Wheeler Elector. While we cannot assure our readers of any great respect for the honesty of the Governor, we do not believe he will dare to perpetrate such a wrong. Wait and see.

LOUISIANA IN GOOD SHAPE.

Republicans Triumphant.

The following dispatch indicates the actual situation in Louisiana, and the final result will show the vote of the State is for Hayes and Wheeler. Read the following:

NEW YORK, Nov. 24.—The Times' Washington special says: Senator West has received a dispatch to-night from New Orleans which states that all indications thus far are favorable to the election of Hayes, and that the situation is favorable to the Republicans, who are confident of success.

STRANGE JOKING.

How Will it Result?

The sudden appearance of Senator Kelly, when he ought to be in Washington, looks like a serious joke on the intelligent voters of the State. If he is paid for his labor as Senator, is he compelled to obey the orders of a National Democratic Central Committee and neglect his duties as such Senator? If his duty is instructing the Governor, why don't he resign and allow some enterprising individual of sense to take his place?

EXTRA SESSION OF THE LEGISLATURE.

We clip the following plea for an extra session of the Legislature from the Portland Commercial Reporter of November 16th: "Previous to last week there was a very general expressed wish that Governor Grover should call an extra session of the Legislature immediately following the election. Now that that work is through with, we think the Governor will meet the views of the large majority of the taxpayers of this State by calling an extra session. Owing to the very short time—forty days—alotted to each session, the past Legislature could not act upon several bills of the most vital importance to the interests of the people at large. The salmon industry must be protected, or before the meeting of the next Legislature it will receive so fatal a blow that several years must elapse to recover its full power, and even then cost a very large sum of money. The State Capitol building should receive attention, or else damage may result to the building that will cause heavy loss. Of course the Marion county delegation were to blame because no appropriation was made for the building, but yet this is no reason why the tax-payers at large should be made to pay in the future for it. These are only two things, but there are two or three more things of equal importance which demand immediate attention, and we are firmly convinced, from inquiries instituted, that the Governor can in no other way better meet the wishes of his constituents than by calling an extra session of the Legislature. Besides the above facts we think that the last election demands that a registry law be passed, so as to protect honest voters against frauds. Tax-payers and no one else interested in an honest government are secure when frauds or colorizing at elections can be done."

RAPID TRANSIT.

One hundred years ago a vessel that made the trip from Liverpool to New York in six weeks was denominated "a clipper;" oftener it took two months to ten weeks to make the passage. Even as late as the war of 1812, the time consumed in crossing the Atlantic was scarcely diminished. The treaty of Ghent was signed December 24th, 1814, though the Battle of New Orleans was not fought until January 8th, 1815—fifteen days afterwards—and news of the treaty of peace was not received in America until February 11th. When the "City of Paris" made her trip from Queenstown to New York a year or two since, in the then unprecedented time of eight days and twenty-three hours, the feat was declared the greatest of ocean engineering. And yet, even this has been eclipsed in the recent passage of the White Star Line steamer "Britannia," in seven days, thirteen hours and seven minutes. This is by far the fastest trip on record. It appears from her log that on two days of the passage she averaged 450 miles a day, having made 402 miles November 1st, and 405 miles November 2d—an average speed of almost seventeen miles an hour. Had it not been for strong westerly winds reducing her speed to 275 miles on November 3d, she might have exceeded the remarkably quick time made. The total distance sailed was 2,795 miles, an average of 15 1/2 miles an hour for the entire passage. In the light of such feats of transit as at the present day are compared with those of but a century past, who can doubt that with skill and appliances of the still future, a train of cars that can travel from the Atlantic to the Pacific in eighty-four hours, and vessels that span the Atlantic in a week, will not put our best achievements to blush in the performance of feats of which the present age has no conception.

NOT BEATEN, BUT STANDING UP.

OUR



Still Crowing.

The latest dispatches received up to the time of going to press show the election of Hayes and Wheeler. Democratic frauds perpetrated in several States are being unearthed and will yet recoil on the actors. No party can afford a fraud and we believe that such "chickens" will come home to roost in a Democratic camp. The election of the Republican ticket by the people of the United States is distasteful to Democrats, but pleasing to loyal men.

ANOTHER PLATFORM.

BY THE YOUNG ARTIST.

Having read the "articles of faith"—as they may be called, in the Mercury of last night, of Rev. P. S. Knight, I desire to give you for "Sunday reading" the articles of faith under which I live, and upon which I act. I have no disposition to dispute with Mr. Knight but to place my "platform" alongside of the one he throws before the public.

1st. I believe that God is not "inscrutable," but distinctly visible in everything around us, even the swish bearing him in the wind and seeing him in clouds. His nature is clearly marked by his works and all who have faith cannot fail to see and understand him. As a Christian it is impossible to say that God is "inscrutable" and his ways past finding out when we see the results on every hand.

2. In Jesus Christ I recognize a great reformer, and really a son of God, but not a creator of a Universe, nor one able to save us from our sins and earthly troubles and vexations; not able to reward the righteous and punish the wicked—even to "coming down from the cross," when solicited by many bystanders. Just what idea Rev. Mr. Knight intends to convey by the word "thought," we do not understand. All earthly creatures of intelligence, descending to the "connecting link," and capable of thought as is shown in the conduct of the lowest orders of animal creation are "sons" or creations by the great Father of all. Not only are intelligences called into this account but the very rocks give testimony of a first great cause, by the evidences of changes, while the vegetable kingdom is prolific of reason for believing that it has been endowed by the Creator with the same intelligence as that communicated to man, but intended for different purposes. What Mr. Knight regards as "necessary" in the matter of religion, is only the opinion of one man, and we regard it with great allowance, while we have much respect for his style of oratory, and his apparent earnestness.

2d.—We do not believe the bible to be a "history of the works of Jesus," but a valuable book, which should be read and carefully studied by all who seek knowledge. Most of the work was written long before Jesus was born. I desire, with your permission to continue this review of the articles of faith of Rev. Mr. Knight.

TRADE MARKS AND THE LAW.

The last session of Congress passed a law referring to trade marks, which, on account of its universal bearings and the fact that ignorance of the statutes is no relief in transgression, should be well known. The law provides that any person who shall make, order, or in any way procure the fabrication of a counterfeit trade mark, or any colorable imitation of a trade mark, registered in accordance with the laws of the United States, shall be fined not more than two years, or both. It covers with this penalty all those who affix the fraudulent trade mark, or in any way handle or have it in possession, or fill the package with it on, or handle or have the dies or molds, brands, or fraudulent device of any kind in imitation of a trade mark, or who buy, sell, offer for sale, deal in, or have in possession and used, an empty box, envelop, wrapper, case, bottle or other package to which is affixed, so that the same may be obliterated without substantial injury to the package, any trade mark not obliterated so as to prevent its fraudulent use. Any abettor to the violation of the law is to be fined \$500 or imprisoned not exceeding a year or both. The statute being sweeping in its character, it will be seen that almost any form of infringement is included as a legal offense and extremely punishable.

A NEW PLATFORM.

During the last three months the undersigned has delivered a course of lectures touching on some points of the conflict between science and theology. He has taken the position that the conflict is a useless one, and would not exist if the parties understood each other, and that a large share of the difficulty arises from a disposition of theologians to claim as essential truths many things that are properly mere speculations and open to free inquiry. The following confession, embodying the main positions taken in the lectures, and briefly setting forth what are believed to be essential doctrines of the Christian religion, will be explained and defended at the Congregational Church, Sunday evening, November 28. An impartial hearing and friendly criticisms are invited:

I BELIEVE

- 1. That God, the creator of all things, is absolutely inscrutable, and that no human being can possibly comprehend His nature.
2. That God reveals in Jesus Christ His thought concerning humanity and that humanity should look to Him as to one who reveals all that is needful to be known or done in the line of religion.
3. That the Bible is a history of the work of Jesus, intended to help men in their efforts to find and follow Him; that it is a book produced under divine influences, and deserving to be loved and studied by all as an exponent of the work and will of Christ.
4. That true happiness in this world, and hope for the next, are found only in the path of righteousness, in which path it is the work of Jesus to lead every one.
5. That righteousness consists in following Jesus, obeying his law, copying his example, cultivating conscience, doing right though at our cost, striving to learn as well as to do the right, a constant and earnest effort to gain spiritual insight, to grow in grace, to cultivate the abiding presence of Christ and the fellowship of His spirit.
6. That the cardinal secret of a truly religious life is self-denial, a disposition to obey conscience rather than appetite, to serve rather than be served.
7. That the cardinal grace is charity which leads men not only to bear with but to help each other in the way of righteousness.
8. That the sacraments, baptism and the Lord's Supper are symbols—the first of purification, intended to impress the double truth that the work of Jesus cleanses from sin, and that all who follow Him must lead pure lives; the second, of Christ's sacrifice, intended also to enforce a double truth, that Jesus denied Himself for men and men must deny themselves for Him.
9. That the ministry of the word, the Christian rest day, stated times and places of worship, and the organized Church, are helps, instituted providentially and with divine approval, and deserving the regard and support of all who would follow Jesus.
10. That religion is an individual matter, pertaining to the heart life and to spiritual things, and not a matter to be interfered with by civil law, excepting that individuals and societies should be protected in the right to follow reason and conscience.
11. That human thought in the line of religion, as in every other line, is progressive, and any attempt to bind men to formulas and doctrinal expressions of past ages is absurd and fruitless of evil.
12. That the test of religion is experience, and its best teachers are those who, out of pure hearts and earnest lives, give to men "a reason for the hope that is in them."
13. That the gift of the Holy Spirit, as prompter, comforter and guide, is for all who, with earnest prayer, intelligent faith, and honest purpose, seek the ways of righteousness and truth through Christ Jesus.

P. F. KNIGHT.

THE EMPRESS OF INDIA.

It is officially given out by Lord Lytton, English Viceroy of India, that on the opening of the new year he will hold an imperial assemblage at Delhi, for the purpose of proclaiming to the people and various princes of that country that Queen Victoria has, by Act of Parliament, been created Empress of India. The Viceroy announces that invitations will be extended to all "those princes, chiefs and nobles, in whose persons the antiquity of the past is associated with the prosperity of the future, and to all the chief officers connected with the Executive in India." To an outsider this grand pageant would seem incomplete without the personal presence of the Empress herself, which is not hinted at. Meantime the English people don't take well to the new title of home and still insist that the Empress be only a Queen.

A NET FOR THE YOUNG ARTIST.

Animal Life the Product of Heat.

Your articles in the STATESMAN evince an earnest desire for truth in whatever shape you can find it, hence I send you these crude thoughts for your consideration, trusting you may find them sufficiently clear and well sustained.

DIFFERENCE BETWEEN ANIMAL LIFE AND HEAT.

In discussing this question we can only argue from authenticated observation and experience. It is not a mathematical problem, or a sentence requiring an analysis, but a question involving phenomena, which can only be compared. Animal life and heat cannot be analyzed, hence to draw a line between them, it becomes necessary to examine deductions from natural law. Animal life has its origin from a cell, and the same is true of vegetable animation. Whether the animal is minute or monstrous, mortal or immortal, its life principle comes from a cell. We can go back no further than this. What this life principle is, we cannot understand, and we can only examine the extraneous causes which develop the animal, and diffuse this mysterious something through its body. All the animation and functions of animal life are carried on and sustained by and in cells, and when animal or vegetable life has an existence, it is found to be in cells. This much we understand of animal life from a purely material view, resting upon observation. We know still less about heat.

These cells which contain the germ of all animal life are dependents upon extraneous causes in order to be developed into an animal body, such as heat, air and other excitants, whose natures are equally mysterious. This cell appropriates a limited space during its development, while the natural elements attending and actually causing development are unlimited in their diffusion. Heat occupies all bodies in an active or latent form, and there is no limit whatever to its diffusion. From this we may conclude that animal life is the product of heat when considered in its purely material relations. We would not say that life is nothing more than heat, but we would illustrate our meaning by remarking that animal life, in the purely material sense, bears the same relation to heat as the apple does to the tree which produces it. The apple is not the tree and the tree is not the apple, any more than heat is animal life, or animal life heat.

The heat which wood gives out while burning, is what has been stored up in the wood by the sun, and every particle of wood contains heat stored up from nature's great laboratory. There is no animal life without heat, and the existence of animal life depends upon foods which are composed of modified heat. The nutritive quality of grass and fruit is only the heat-rays of the sun modified for the use of animal life. An animal can not develop into a perfect shape when deprived of the necessary amount of heat. The mind of man is seriously affected when deprived of heat. In the dark and gloomy ravines of the Alps, there are more idiots than in any portion of the world, from the want of natural heat. So long as an animal body contains heat, life remains, but when heat leaves the body animation ceases, and the particles which compose the body fall asunder. From these facts we may thus draw our

SUMMARY AND CONCLUSION. Our knowledge of the life principle commences from a cell composed of fluid containing heat; that this cell depends upon heat in order to expand into an animal body. That all the foods, which the animal eats imparts heat, which they contain; that the want of heat seriously affects the mind of man as well as his body, and so long as heat remains in the animal body, life continues.

We conclude from this summary, that all animal life, in a purely material sense, is the product of heat. However, heat is not animal life, and animal life is not heat. The tree contains a century of heat which it accumulated for its development; the tree is not heat; heat is its product. So animal life is not heat, but its product. From this does not follow that animal life and vegetable life are the same, we merely used the tree as an illustration. We have not deemed proper to attempt to define heat, but have used the general term, as it would require too much space to introduce authorities.

WHAT FOR?

Senator Kelly Back Again. United States Senator, Kelly, of Oregon, is back in Salem, closeted with the Governor, and laboring to influence that officer to perpetrate what Republicans regard as a fraud—the refusal to give a certificate of election to Dr. Watts, who has been fairly elected by the people. Just how far the Senator can influence the Governor, remains to be seen.

TIMBER CONTRACT.

Al McKenzie has a large contract with the O. & C. Railroad Company for furnishing timber and ties, and leaves for his headquarters this morning. We wish him success in the undertaking.

PERSONAL.

Dr. J. W. Watts, duly elected Hayes and Wheeler elector called on us yesterday. He is not in Salem seeking a certificate of election, but is prepared to contest the matter, should Senator Kelly attempt to deprive the Governor and refuse him a certificate.

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H. CARPENTER, M. D., Treasurer, official residence, State street, opposite the Court House.

JOHN REYNOLDS, M. D., Secretary, office in Moore's brick, Commercial street.

E. Y. CHASE, M. D., office in Durbin's brick, Commercial street; residence at E. S. Cooke's former place.

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Election Notice.

NOTICE IS HEREBY GIVEN, THAT ON the 1st Monday, the 4th day of December, in the city of Salem, Marion county, Oregon, at the Mansion House in the first ward, at the old Court House in the second ward, at Ross's Opera House in the third ward, and at Ryan's Hotel in the fourth ward of said city, an election will be held for the following city officers: One Mayor, one Recorder, one Marshal, one Treasurer, one Alderman of the first ward, one Alderman of the second ward, one Alderman of the third ward, and one Alderman of the fourth ward, which election will be held at one o'clock in the morning, and will continue until four o'clock in the morning of the same day.