



Oregon City, Oregon,

Saturday : August 27, 1870.

The Dr. Smith Case.

Last Tuesday morning in the United States District Court, at Portland, Judge Deady presiding, the Dr. Smith case, which had been tried twice before the Court, was finally disposed of by a rendition of the sentence, which was the imposition of a fine of one thousand dollars and an incarceration in the county jail for twenty-four hours. It will be remembered that Dr. Smith was arraigned before the United States District Court at the instance of the internal revenue officers, on the charge of perjury in giving in his income return for the year 1868. On this charge he was tried before the Court one year ago, and although the officers of the Federal Court had made sure to have none but Radicals on the jury, it failed to bring in a verdict, having stood six for acquittal and six for conviction. The case therefore came up again for trial at the last term of Court, when a more carefully selected jury of extreme Radicals—every man of them—was secured, by which the verdict of conviction was at last secured. Perhaps no man living in Free America has ever before witnessed such a disgraceful proceeding in the courts of justice. Never before within our recollection have the Court officers exercised such extraordinary care and corruption as to secure in the jury box for two consecutive trials a jury composed entirely of the strong political opponents of the man to be tried for his character and his liberty. It is idle to say that this Radical jury in the first instance, and a like jury on the second trial, was the result of blind chance on an impartial panel. No man in Oregon is silly enough to believe such an impossible thing. In this State the Democratic party is largely in the majority, and comprises the greater portion of the men of honesty, respectability and talent, and under these circumstances a fairly empaneled jury would have contained at least a moiety of men of Democratic predilections. At this time we shall say nothing as to the probable guilt or innocence of the party convicted, for the reason that nothing need be said. If Dr. Smith had been a man of doubtful honesty, if the proofs of his perjury were clear, there would not have been the necessity of such extreme care in selecting a jury. He has been a resident of this State for a period of sixteen years, during which time he has won and sustained a character for truthfulness, probity and uprightness in business affairs, the possession of which by his accusers—the internal revenue officers of the State—would give to our people who pay their money into their hands a greater sense of security than they now enjoy. In fact, we may suggest to the Honorable Court itself which in the rendition of its sentence deplored "the lax state of morals in this and other American communities," that Dr. Smith has always possessed sufficient business integrity and uprightness of character to prevent him from paying an honest gold debt in greenbacks, even though the laws of the United States would have sanctioned him in such a swindling process. We wish simply at this time to call public attention to the fact that the Federal Court for Oregon has become supplanted by its officers as to secure juries for the sole purpose of conviction. There can be no reasonable doubt in the mind of any unprejudiced person that the Marshal and Attorney of Oregon were in collusion to secure by fair means or foul this result. In fact it was absolutely necessary that conviction should ensue, in order to relieve the United States Assessor from the charge of extorting wrongfully from Mr. Smith some thousands of dollars in the shape of taxes and penalty. And to secure this conviction the Marshal, acting no doubt in collusion with the Prosecuting Attorney, secured on both trials a jury of partisans whose prejudices it was calculated would sway the fine points of law in favor of the prosecution, and thus secure the coveted conviction. To substantiate this supposition, the undeniable fact leaked out of the jury room on the first trial that while the jurors were discussing the merits of the case, one of them—a Radical, of course, for no Democrat was allowed to sit on either trial—was reproached by a fellow juror with the taunt, "Why you must be a Democrat," for simply expressing the belief that the accused was not guilty of the charge. And on the last jury which secured his conviction, sat a man who took his seat as an impartial juror, who had previously expressed his opinion to a gentleman of Portland that Dr. Smith was guilty. This fact elicited was one of the points argued for another trial and overruled. If the Prosecuting Attorney was thus assured of the bias of the whole panel, who can doubt his confidence of winning at least one case by his extraordinary ability of selecting if not of convincing jurors. And while we do not wish to do injustice to the Federal Court, must submit that the repeated packing of "isan juries can but reflect upon its honor and integrity. When the counsel defense upon the first trial of the jury had been secured, it might have deemed, if

innocent of collusion, that it was the result of chance, but, if there in open Court it had addressed itself in substance as follows: "Look you, Mr. Marshal, at this jury, and take good care that such a chance can never be repeated again, lest the good fame of this Court be made to suffer," how much would public sentiment in regard to that Court have been changed, and how, too, by such an appeal would the scandalous reputation of such an outrage have been prevented. But this protest was not made, the Marshal summoned a second partisan jury, and the court by its silence must suffer in public estimation as much as the Marshal by his direct manipulation. When such picked juries as these are summoned to try cases in the Federal Court, can it be any wonder why the whole people of this State have entirely lost confidence in it? Can it be any wonder why it has been termed the "slaughter house Court of Oregon?" We sincerely regret this state of affairs. We regret it deeply for the reputation of the Court itself, for in this case the Federal Court of Oregon has been at trial before the bar of public opinion, and it has at the hands of the people universally, irrespective of party, been adjudged guilty of a most heinous crime against liberty. In this trial the Court rather than the prisoner has suffered a stigma which it must wear so long as memory serves the mind of every lover of impartial jury trial. And in the spirit both of friendly counsel and of warning, we demand of the Federal Court of Oregon that this summoning of partisan juries must from this date forever cease if it wishes to retain the least respect or suffer the slightest forbearance at the hands of the free people of Oregon.

The Senatorial Question.

As the time for the convening of the Legislature approaches, the public mind of the Democratic party is more and more directed to the aspect of the Senatorial question. The question in the ranks of the opposition is completely an obsolete one, the men of sense and judgement of that party having conceded that all hopes of electing a man of their political stripe were swept away by the Democratic gain that passed over Oregon on the first Monday of last June. To be sure there are a few very almost entirely demoralized persons of the opposition who still live in hopes that through some extraordinary manipulation of their great Mogul—Ben. Holladay—the voice of the people is to be silenced, their wishes disobeyed, and that either the venerable Flaxbrake or "other man" whom Holladay will trot out in case Williams don't reach the quarter pole in good style, will be chosen Senator. But these men, happily for the reputation of the Radical party, are "Like angels visits, few and far between," and of that silly and credulous class of human beings that would instantly place implicit faith, if Ben. would but assert it now, in the dogma that he used to avow in old Pike, namely, that the earth is as flat as a pancake, and that the moon is made of green cheese. And in the Democratic ranks, while public attention is closely directed towards the issue, it is not because of any great diversity of opinion among them, but solely for the reason that each and every member of the party wishes to catch the first symptom of defection or disorganization, if there be any, for the double purpose of circumventing its purpose and punishing its perpetrator. On the other hand, rather, there is unusual unanimity of purpose and sentiment among the rank and file of the party. The Democracy demands that the implied faith and honor of the organization shall be strictly observed and completely fulfilled. It demands that the man who shall be the recipient of Senatorial honors shall be one who is true in the faith and of good works. It demands that there shall be no secret combination to produce by intrigue and corruption the elevation of any man upon whom the general acquiescence of the party has not settled. It demands that no man is entitled to any consideration upon whom even the taint of the monied corruptionist is either justly or unjustly fastened. It demands that every member of the Democratic organization shall be true to the well observed rules and sacred traditions of the party, and go into and abide by the fair expression of the party as expressed in a caucus governed by honorable and long established rules. And the party has implicit faith in its representatives to believe that these demands will be fairly acceded to and fully obeyed. The party has no doubt whatever as to the result. But there are those of the opposition in whose hearts "The wish is father to the thought," who think that a portion of the Democratic members will refuse to obey the established rules of the organization and work in collusion with the enemy to defeat its plainly expressed will. But never did men hug a more empty delusion. There is no Democrat in either of the Legislative chambers to whom such a proposition could be broached with safety to the person who breathed it. Good faith and honor is to be observed in the election of United States Senator, and if Mr. Holladay or his paid blowers and strikers attempt to infuse the Legislative chambers for the purpose of corrupting its members, we are of the opinion that they will feel more like going home on shatters than on railroad cars. He and his paid emissaries will possess the same influence that Dr. Loryea possessed during the last session, and like him they will return after the election of United States Senator with more humble opinions of themselves and more exalted opinions of the honor and incorruptibility of the Democratic party.

Judge Shattuck vs. Judge Upton.

We publish on our first page to-day a decision rendered by Judge Shattuck, in Multnomah county, in which the same questions were at issue which were presented in the case of Warner vs. Myers. It will be observed that Judge Shattuck decided (and his decision was sustained by the Supreme Court) that when an officer was in contest, mandamus was not the proper mode of procedure. While credit had been given us for reversing Judge Upton's decision, we find the precedent in the opinion of Judge Shattuck, which we regard fully as good authority as Judge Upton, or his organs. The following paragraph in Judge Shattuck's opinion covers the entire ground, and that the case should have been determined by an immediate trial as to who was entitled to the office, there is no room for question. The Judge says: "Now if I shall award a peremptory mandamus requiring the defendant to do what is prayed for, it will be necessary to determine in this proceeding and before making such award, the title of the petitioner to be decided is this: Can the Court considering the pending contest, by any statute, determine such a question in a proceeding by mandamus? I think it clear that mandamus is not the proper mode of reaching the question." The granting of the mandamus in the case of Warner vs. Myers has been appealed, and as two of the old Judges have already decided in favor of the decision rendered by Judge Shattuck, it is safe to presume that Upton's decision in the matter will be reversed, and the forcible taking of possession of the jail by Mr. Warner may be yet some trouble to him. Judge Upton has also rendered his decision against hearing of the case prior to the next regular term. The ground taken in this decision is, that he has no power to hear the case at a time prior to that specified in the notice. We will simply state that on this question there is a difference of opinion, and that equally as good lawyers as Judge Upton take the ground that he can. But had the notice specified any particular time, prior to that of the regular term, and the Judge could not have heard it, he would have decided that this notice was null and void, and consequently the case would have gone by default. It was absolutely necessary to specify some particular time, and as the Judge had informed the counsel for Mr. Myers that he would set the time whenever he received the notice that the case was on the docket, and also expressing his willingness to hear it as soon as the jury cases were disposed of in Multnomah county, it was taken for granted that there would be no question as to the time of the trial, and that it would be heard without delay. The Judge himself said that it was not "material as to the time mentioned in the notice," that he would "fix it as soon as he received evidence that the case had been docketed." There is no question but what the Judge has acted the demagogue in the matter, and deceived the counsel in behalf of Mr. Myers in this matter. If he knew, and he certainly ought to have known, that he could not hear the case prior to the time specified in the notice, why did he not so tell the counsel for Mr. Myers, and set the time when he was asked to? The fact of the matter is, that the main question depends on the legality of the votes cast for Mr. Warner by the railroad hands, and by gaining a delay these men would most be gone to parts unknown, and consequently it would be almost impossible to prove the illegality of these voters. It was useless to delay the matter on this account, as over one hundred of these voters had left the county within a week of the election, and many of them left the same day. There is another object in this delay. It is well known that the Democratic candidates for the Legislature are contesting the seats of their Radical opponents, and that this trial would likely bring out the evidence of fraud on the part of the Radicals in this county, and hence it was thought by these managers that the trial had better be postponed until after the session of the Legislature. This is probably the main reason why it has been so arranged that a hearing could not be had prior to the session. Justice is often tardy and hard to obtain, especially when in the hands of men who have a higher regard for their partisans than for their duty. But we feel assured that this case will yet result in a complete and overwhelming defeat of all the Radical managers engaged in this disgraceful and dishonest proceeding. The Democracy feel satisfied that they carried this county by the legal votes, and they will not be satisfied until they obtain that which honestly and fairly belongs to them.

A Smart Trick.

We learn that there is quite an excitement among certain parties about who shall get the printing of the reports of the retiring officers. This same thing was done four years ago. The Governor and Adjutant General, wishing to give the retiring State Printer another and last pull on the Treasurer, procured the message and report printed by him, and the Legislature were foolish enough to pay for them. The same thing, we learn, is again being played—this time all the reports and messages—are to be printed by the retiring printer. We do not believe that there is any law requiring these reports printed until the Legislature makes an order to that effect, and in our opinion, all such printing must be ordered by that body. Had Governor Whiteaker procured the printing of his message when he retired from office, he would have been compelled to pay for it out of his own pocket. It is a matter left entirely with the Legislature whether these reports are to be printed or not, and if that body should see fit to print the message (and it would be simply paying them back for what was done in 1862) the State would not pay for it. We can find no authority for the printing of these reports before they are submitted to the Legislature, and are satisfied that any debt so contracted by the retiring officers will have to be paid by themselves, as the Legislature will not become a party to the little game of paying for work to the old printer which belongs to the incoming one. We believe that up to 1866 it was the custom of all the State officers to submit their reports to the Legislature in manuscript form, and then if that body saw fit to have them printed, it was done. It is to be hoped that the next Legislature will not allow two or three hundred dollars for printing such a worthless piece of nonsense as the Adjutant General's report, which was done in 1866, and it is also to be hoped that the salary now paid to that useless official may be applied to some place where the necessary services are so poorly compensated.

Telegraphic Clippings.

EUROPEAN WAR NEWS. SEN FRANCISCO, Aug. 23.—Prussia seems to provoke a war upon the two nations, but one which will be given out by the preservation forces itself on the weaker party. We have been compelled as a measure of safety, to expel all suspicious Germans at a risk of injuring some innocent persons. In Alsace and Lorraine the necessities of the Prussians and the exorbitant demand of commissaries exasperated the unhappy people, who being plundered, abused and harassed, have inaugurated a guerilla war against the invaders. Moreover, King William has launched a proclamation declaring that every individual not belonging to the French army, or taken in open hostility to the Prussians, shall be shot. A rising of the people en masse will bring a day of justice for all these insults and injuries. NEW YORK, Aug. 23.—A private despatch from London, Aug. 23d, 12 m., says: Special Paris despatches say the armies of King William and Steinmetz are reported as being too severely crippled to assume the offensive, and it is given out on high authority that Bazaine was reinforced from Chalons, on Sunday, for the purpose of giving battle to the enemy near Metz. He is confident of victory, when he will march on the army of the Crown Prince and recapture Paris. The appalling Prussian losses have sent a thrill of horror throughout Germany, and recruits are only to be had from among all country people and working men, and only by the grossest compulsion. Bazaine professes to be master of the situation. ANTWERP, Aug. 23.—The war has paralyzed business here. No failures have been announced, nor any anticipated. The resumption of commercial activity is based upon a speedy triumph of the Prussians. It is almost certain an interposition of the Great powers of Europe in the Franco-Prussian question will take place within a few days. PARIS, Aug. 23.—Journals continue to urge a levy, en masse, to exterminate the invaders. The Opinion Nationale, under the caption of "Keep Cool," predicts the defeat of the Prussians. The prize promised by the Prussian Government for the capture of the first French gun has been awarded to a sergeant of the 6th Rifles. A letter from Metz, says French peasants are so fanatical as to poison wells in Alsace. LONDON, Aug. 22.—Advices from the seat of war show that the Germans are trying to surround Bazaine, and prevent reinforcements from Paris from joining him. The Daily News copies with approval the Economist's article concerning the Queen's perpetual absence from the seat of Government, even in a crisis like the present. News further argues that Premier Gladstone, instead of losing valuable time vibrating at the Queen's pleasure, between the extremities of the island, be made at once regent, with power to perform the duties which she so pertinaciously deserts though so enormously paid to perform. CHICAGO, Aug. 22.—The Evening Chronicle's New York special says the despatch purporting to have been received here by a French agent, stating that King William with his staff, and Gen. Sheridan were captured in a canal, gotten up for speculative purposes. No confidence is felt in the report by any one. NEW YORK, Aug. 22.—A cable special from London, Aug. 22, says a despatch from France announces that M. Ollivier has been attacked with brain fever and his life is despaired of. A cable special to the Herald, dated London, August 22, says despatches from Paris, received here, state that only great good fortune can stop his advance much short of Paris. PARIS, Aug. 22.—La Liberté reports that the Prussians are commencing the railroad from Messers to Monteduy and procured all the provisions. LONDON, Aug. 22.—A World's cable special says the Crown Prince is believed to be marching on Paris direct, and it is believed that the Prussians are commencing moving upon the road taken by him. His army is estimated at 200,000. The French Marshals are supposed to have an equal number of troops on the line. It is thought that the Prussian good fortune can stop his advance much short of Paris. We have from good authority the following information: The series of battles which were concluded on Thursday, only resulted in giving the Prussians command of the roads at Verdun, which diverge at Gravelotte. Communication by the north with Thionville remains open. A special to the Times says St. Menchould is thirty miles north of Vitry le Francois, and twenty-five miles north of Chalons, the three places form a triangle, of which Chalons is the apex. At St. Menchould a great battle will probably be fought. It is thought that McMahon is now on his way to join Bazaine at this point. The French position covers all the railroad lines, and secures retreat to Paris in case of defeat. CHICAGO, Aug. 23.—The Times has the following from New York: Private dispatches received here from Paris say: McMahon, with the French army lately at Chalons, has completely turned the tables on the Crown Prince. The Prussian army would then be between the French armies, which would be crushed in detail. The French changed front, from the line of the Moselle to that of Metz and Verdun. This was a serious blow to the Prussian programme. To carry it out and get on Bazaine's flank, the Crown Prince is now compelled to make a long and perilous detour, while his own communications with the King are laid open. This is the key to the continued assaults of Bazaine. McMahon has with 130,000 veterans thrown himself between the army of the Crown Prince and that of the King, and effected a junction at Verdun with Bazaine's left wing. The position of the Prussians is perilous. Their army is cut into wings by the united French army between them. Unless the Crown Prince cuts his way through soon he is perhaps lost; but if press telegrams are true that he is marching on Paris, he is safe. NEW YORK, Aug. 23.—A special to the Courier and Enquirer, dated Paris, Aug. 22, says: The preparations for a combat along the lines by general consent, will decide the issue of the campaign under our walls. LONDON, Aug. 23.—A Paris correspondent telegraphs that Bazaine has succeeded in cutting the enemy's line, and is retreating upon Montmeduy by way of Antenn and Lognon. It is reported that the Crown Prince of Prussia has withdrawn his army from the advance on Paris, and gone to support the Prussian army west of Metz, whose position is seriously threatened with a formidable attack from Bazaine, who is said to have been reinforced by McMahon. PARIS, Aug. 23.—Journals to-day say a despatch is received here from Bazaine, in which he declares his intention of remain-

JOHN FLEMING,

DEALER IN BOOKS AND STATIONERY, IN MYERS' FIRE-PROOF BRICK, MAIN STREET, OREGON CITY, OREGON. New Oro Fino Theater! (Formerly the Wigwag) SALEM, OREGON. THE ABOVE PLACE OF AMUSEMENT will be fitted up in a most thorough manner, both for the Comfort and Convenience of patrons, and the artistic representation of the Legitimate and Sensational Drama! The Stage will have all the Modern Improvements, Properties, and a Company of UNEXCELLED ABILITY! Composed of all the Ladies and Gentlemen of last season, and a strong acquisition from San Francisco. Among the Favorites will appear Mrs. F. M. BATES, Miss Annie Pixley, Miss Minnie Pixley, Mrs. E. F. Keach, Miss Lizzie Ingles, Messrs. F. M. Bates, J. H. Winslow, E. C. Metcalf, R. Chilton, W. H. Smith, H. Carroll, J. F. Kearney, and others. The season at Salem will open about the middle of September, and Continue until after the Fair, DURING WHICH TIME WILL BE PRODUCED THE Legitimate and Sensational Drama, Comedy, Extravaganza, Burlesque and Farce. THE ORO FINO THEATER, PORTLAND, will open with the above company about the middle of October, for the regular Fall and Winter Season of twenty-six weeks. F. M. BATES, Manager. THE "SINGER" NEW FAMILY SEWING MACHINE, With Attachments for all kinds of Work, and last improved in the household, as shown by the sales of last year, amounting to eighty-six thousand seven hundred and eighty-one Machines, which far exceed those of any other Company. This new FAMILY MACHINE is capable of a range and variety of work such as a was thought impossible, a short time ago, to perform by machinery. It is simple and easy to use, and those whom it may concern, that it is the cheapest, most beautiful, delicately arranged, nicely adjusted, easily operated, and smoothly running of all the family Sewing Machines. It is remarkable, not only for the range and variety of its sewing, but also for the variety and different kinds of texture which it will sew with equal facility and perfection, such as Silk Twist, Linen or Cotton Thread, fine or coarse, making the INTERLOCKED ELASTIC STITCH, on both sides of the fabric worn. This heavier cloth, or leather may be sewn with great strength and uniformity of stitch, and in a moment this uniformity of operation, uniformity of PRICE and variety of work, fine or coarse, leaving all rivals behind it. The Folding Cases. The New Family Machine may be had in a variety of folding covers and cases. Some show in picture, workface only the grain and tint of the wood, while others are finished in all the elaboration of art. The Attachments For Hemming, Felling, Ruffing, Braiding, Binding, Cording, Gathering, Tucking, Brooding, &c., are not only numerous, but now brought to great perfection. Most of them can be attached or detached by a simple move of the hand. The quality of the work can only be fully appreciated on observation and examination. Machine Twist. LINEN THREAD, SPOOL COTTON, OIL, &c. We have and shall keep in stock at our Central Office, and Agencies, (on spools of) all sizes and colors, of the best quality of Sewing Machine Thread, and all other articles necessary in the use of our machines. We wish it understood that we manufacture the Twist used by us; that we obtain it to have it excel in quality and exceed in quantity, for a given price, that of other manufacturers, and that the Twist made by us is our own and extensive mills, supplied as they are with the most improved machinery and skilled labor can be relied on for the desirable qualities of uniformity of size, evenness, length of thread as marked on each spool, strength, excellence of color, and beauty of finish. The Singer Manufacturing Co., No. 438 Broadway, New York. San Francisco Office, 119 Montgomery St. Aug 25:3m Selling Out at Cost. FURNITURE AT REDUCED PRICES. THE UNDERSIGNED, DESIRING TO close his business, offers on hand a stock of Furniture, Bedding, &c., at very low prices, until September 24, when the remaining stock on hand will be offered at Public Auction. Terms of sale—All sums under twenty dollars, cash; over that amount, 30 days credit, with approved security. All persons indebted to me are requested to call and make immediate payment. Persons having claims against me will please to present them for settlement. M. WERTHEIMER. Oregon City, Aug. 18, 1870. JUSTICES' BLANKS, of every description, printed at the ENTERPRISE OFFICE

Advertisement for JOHN FLEMING, DEALER IN BOOKS AND STATIONERY, and JOHN FLEMING, DEALER IN BOOKS AND STATIONERY, IN MYERS' FIRE-PROOF BRICK, MAIN STREET, OREGON CITY, OREGON. Includes text for 'New Oro Fino Theater!', 'THE "SINGER" NEW FAMILY SEWING MACHINE', and 'Selling Out at Cost. FURNITURE AT REDUCED PRICES.' Also includes a small illustration of a sewing machine.