

I. O. Q. T.

DIRECTORY.

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District Deputy G. W. C. T's. W. T. Hines, Turner. J. S. Cockroft, Roseburg. Hon. James Henderson, Union.

Table with columns: No., Name, Lodge Deputy, Address. Lists various lodges and their members across the region.

The Directory of the I. O. G. T. was unavoidably crowded out of last week's issue of the FARMER.

Which Pays Best.

ED. FARMER: Some of our farmers are in the habit of always leading their stock on the ground in the barn yard, spending two or three hours every morning carrying out hay to their stock.

I always carried out at least a third more hay per head than what I fed in the stable. Those outside would eat a little of the hay, and the rest they tramped under foot.

One of the out door feeders said to me the other day why, it takes you all the time to clean out your stables. I told him that while he was carrying out his hay, I had got my cattle fed and by the time he had got through feeding I had got through cleaning out my stables.

Now just try the two ways of feeding. Weigh your hay, if you want to be thoroughly convinced as regard the merits of the two ways: Weigh your cattle when you commence feeding and when you get through, and see which pays best.

Get a hay press and bale the hay you save by feeding in stables, and what the extra hay will bring you will build your stables, and more too, and then you will live ten years longer, and be more sure of being a Christian, and you won't shock the ears of all the people in your neighborhood shouting and swearing at wild cattle.

WILLAGA.

From Sheridan. SHERIDAN, OR., January 20, 77. ED. FARMER: I have time to drop you a few lines so that your readers may have the benefit of my experience. I live hard by the town of Sheridan, on what is known as the red hills. We have a view of all the surrounding country, and can count from here the dwellings of two or three hundred people.

As to the best mode of farming and how to keep our work horses clear of those ticks? The best way to raise large crops of wheat and oats is to plow deep and harrow well. Be sure to do your deep plowing in the Fall of the year, for deep plowing late in the Spring will prove a failure.

Now comes the hard question: How to kill ticks? Many farmers have been put to their wits end to keep clear of those ticks that feast on the life-blood of our horses. Now, I will say the best, and surest and safest way is to get a bow brass comb, file the rear end of the same perfectly sharp then apply it vigorously once a day. This must be faithfully followed up for some time, but you will be pleased the second time you go to curry, you will find that the ticks have lost their grip.

Now, I shall close by asking some one how is the best and cheapest way to fit ground for the plow where timber is scarce, and how to kill fern. D. M. CAVE.

More about Ticks.

SHARON, CHEHALIS CO., W. T. ED. FARMER: I have noticed in your paper of January 12, some person enquiring about ticks on colts or horses. Ticks come from oak gnats; as I have had some experience about my own horses and colts, and the reason I give that they are not among fire, is that there is two much oil or turpentine about fire. They do a great deal of injury on horses, for a horse that has ticks on it can't be put in good condition until they are removed; and as I have had some experience about removing them, I will give to you for publication for the benefit of the public as well as the colt or horse that suffers from them.

AN OPPORTUNITY FOR THE AFFECTED.

Two or more of the surgeons of the National Surgical Institute will visit Portland, Oregon, rooms at Cosmopolitan Hotel, February the 14th to 21st, inclusive, where they will be pleased to see their many old patients in Oregon and Washington Territory, and as many new ones as may feel it to their interests to avail themselves of this opportunity to be cured at home.

30 Cards with any name neatly printed thereon sent to any address upon receipt of 25 Cents, and a 5 cent stamp. Address: W. J. CLARK, Salem, Oregon.

IMPORTANT DECISION.

The Gambling Act of the Last Legislature sustained.

The respondent was indicted in the Circuit Court of Multnomah county for the offense of dealing, playing and carrying on, as proprietor, a game of Faro; the charging part of the indictment reads as follows:

"The said Alfred Carr on the 30th day of October, 1876, in the county of Multnomah and State of Oregon, and at divers times between that and the finding of this indictment, in the county of Multnomah and State aforesaid, did wilfully and unlawfully deal, play and carry on, as proprietor thereof, a game of Faro; a banking game, played with cards for money and check as representative of money and value."

The defendant appeared and demurred to the indictment, and argued as cause of demur the following: 1st. The indictment does not state fact sufficient to constitute a crime. 2nd. Said indictment charges more than one crime against defendant. The Court below sustained this demurrer, and the State appeals to this Court.

In considering the questions presented by the demurrer, we will dispose of them in this manner:

The Code provides, page 35, section 74. "The indictment must charge but one crime," and in one form only, except that where the crime may be committed by the use of different means, the indictment may allege the means in the alternative. When the Statutes makes it a crime to do this and that mentioning several things, disjunctively, the indictment may "as a general rule," embrace the whole in a single count, but it must use the conjunctive, and where, as occurs in the Statutes, else it will be defective for uncertainty; 1st Bishop, Grim. Proc. Sec. 386; 14th Cal., 566; 15th Mass. 273; 15 Pick. 275; 6th Black. Ind. 107; there the offense is committed by dealing or playing. But we apprehend that dealing and playing and carrying on a game of Faro, all at the same time, and at one setting, and between the same parties, would constitute but one offense, and such an indictment may be supported by showing that the defendant had done one of these things. We think therefore, the indictment is not defective in this respect. In support of the second objection in the demurrer, that the indictment does not state fact sufficient, it is claimed by the respondent that the act of 1876, under which this indictment is returned, is uncertain and void. The language of the Statute, on which this indictment is framed is, "each and every person who shall deal, play or carry on any game of Faro, etc." It is contended that the word Faro is of too general a meaning to describe a crime; that the Statute should have described how the game of Faro was played. We think the designation of the game sufficient. 1st Bishop, Grim. Proc. Sec. 386.

It is also contended that if the Statute is not sufficiently explicit, that the indictment should set out the fact which constitute the game, that the Court may judge whether the fact constitute the game of Faro. We think the indictment being as explicit in describing the offense as the Statute which creates it, is sufficient in cases like this. In Commonwealth vs. Walsh, 5th Gray, 324, Judge Metcalf states the rule as follows: "A charge in an indictment may be made in the words of the Statute without a particular statement of fact and circumstances."

In this case the Statute states what act shall constitute the offense; and the statement of those acts in the indictment, shows to the Court that the offense has been committed. The indictment must state the act necessary to be proven. In this case a witness may be called in and if he swear that respondent dealt, played and carried on a game of Faro, then the crime is proven as alleged, and these are all the acts necessary to constitute the crime.

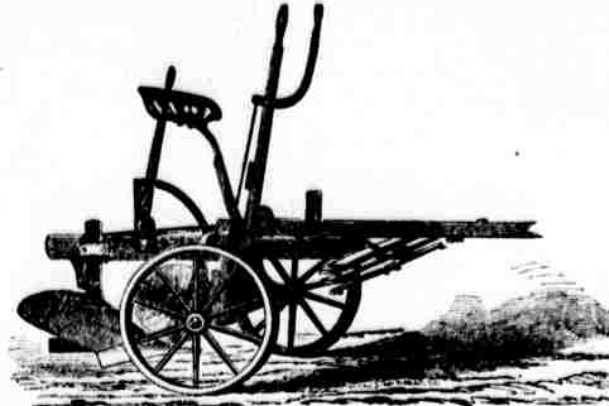
There is another objection urged, and that is, that the penalty provided for, in the act of 1876, must be recovered by an action as provided in Sec. 11 of the said act. In construing an act of the Legislature, it is a rule to consider all its premises, and to construe each section as to give effect to the whole, if this can be done. It is a rule also, that an act shall be so construed as to accomplish the object for which it was enacted. A law should not be so construed as to defeat its intent. Smith on construction of Statutes, page 671, Sec. 527.

Held: This act was passed to prevent gambling. The first section defines the offense, and then says that the person committing the offense shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, and shall be imprisoned in the County Jail until such fine and cost shall be paid. This section provides a mode of enforcing the penalty, which is by indictment and conviction under the Code of Criminal Procedure, and the remedy is completed by virtue of this section unless the same is qualified by Sec. 11 of same act, as follows: "All fines and forfeiture provisions of this act shall be recovered by an action at law, to be brought in the name of the State of Oregon. We think the counsel may have misapprehended the meaning of this section, and thought that the words "action at law" meant "civil action at law;" but such is not the necessary signification of these words. A proceeding, by indictment, is an action at law; See Code, page 349; sec. 67.

Section 68 provides that the first pleadings in such an action, on the part of the State, shall be the indictment. By the Code, all criminal actions are in the name of the State, as plaintiff; Code, page 349, sec. 69-70. And the provisions of Section 11, of the act of 1876, are not conflicting with the Code or Section 1, of said act, and this view not only makes the act consistent with itself, but, also with the Code of Criminal Procedure; and Sec. 11 simply provides what shall be done with the fines and forfeitures that shall be recovered. This disposes of the various questions in this case, and from the view above expressed, we think there is error in the judgment in the Court below, and that the same should be reversed, and the case remanded to the Court below for future proceeding. Opinion, Judge R. P. BOISE.

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