State and Territorial.

MARD

ICED

ANN

Detroit

NOT

ot of Walla Walla is \$16,300. is said to be doing well in Lake

ins have raised the streams in South-Chester

Pathe has been paying off the troops s seares and stock is not in good con

& Col Miller, of Junction, has been adjudged

gan struck good paying quartz in the fellow lodge, Jackson county. & C. Stage Company are restocking between Reading and Roseburg.

hundred and twenty blue ribbons, of perance league, now flutter at Eugene. Roork is to be relieved immediately Nickerson, as Indian agent at Klam-

acted meetings at Phoenix, Jackson have caused 30 accessions to churches

B. Collver, on Coos river, raised 250 fruit which has mostly been dried by r's ferry boat, at the mouth of Evans'

across Rogue river, broke loose and ty; loss \$150. ladies voted at school meeting at

Walla, but destroyed their influence by whe anow now lies on the mountains be-Here Waldo, Crescent City and Happy camp

oago.

1 & 00., as ever before known.

ply Hos. a negro, the Republican says, has chicaged for shooting without provocation, at

Dramatic Times says Mrs. J. M. Mc-

BRIDE ad the misfortune to break her arm wrist by a fall on the frozen ground. Mostrated Walla Walla Union says there is a , and engineers will immediately sur-

wife of Elder Martin Peterson, of GAZ onville, had the misfortune to be se-bucket of hot water.

Dayton News says that Magill, charged arson has been liberated after preliminamination. No proof against him and all rejoicing at his charge.

Year proportion of the wheat in Colum-Manually, W. T., above Walla Walla is still ads of producers, who wait for rise in and hence times are hard and money

George, of Dayton, W. T., cooled off but other persons bave not, whom he der of a belligerent Siwash, who wanted uch money for wood sawing, by snapping at him. The gun didn't go off but the Ben Holliday et al, respondent, vs S.

S. Higgins, of Coos river, raises turniposeigh 25 pounds. siness men at Seattle are talking of

ey were skating last Saturday on the near the Dalles. ODE the Dalles, for \$4,000.

ree steamers, the Coos Bay News says etween the bay and San Francisco. Mountaineer learns that 100 new buildwill be put up at the Dalles the coming

pes Flynn, a respected citizen of Wasco house, and is in the asylum. arlatina is preyalent at Snohomish.

lfax, W. T., has had two narrow escapes

se LaGrande Gazette says 10 elk were el near that town. he Idaho Statesman advertises apples for cheap, \$2 to \$4 per box.

r. Wm. H. Goddard, aged 41, died lately larke county, W. T., of consumption. t Four Lake City, Palouse, the Winter and to be hard on stock and on emigrants. he Vancouver Independent says the city neil has granted leave for the building of

new reservoirs there. he Puyallup Tobacco Company has incor-ated to test the practicability of raising manufacturing tobacco. ELoggers on the Payallup reservation are at ness.

tgerheads with the Indian agent, but they se all the Indians on their side. ariet fever at Lebanon. Three Saltmarsh

ames H. Kennedy writes the Palouse ette that two companies of militia are en-double harness some of these days. She

t Indians. Villiam Miller, at work in Round's mill at outation, but will be partially crippled in

General Jackson's Death-bed.

OD Mrs. Wilcox was present at the Genal's death, one bright and beautiful bbath morning in the June of 1845, ad she describes it as a scene never to heard something rip.

forgotten. He bade them all adieu My stars slive; wasn't I pickled! the tenderest terms, and enjoined em, old and young, white and black, meet him in heaven. All were in ars, and when he had breathed his at the outburst of grief was irrepressi-The congregation at the little resbyterian church on the plantation, hich the General had bullt to gratify is deceased wife, the morning service ver, came flocking to the mansion as is eyes were closing, and added their ewailment to the general sorrow. hortly after this event Mrs. Wilcox ncountered an old servant in the itchen, who was sobbing as though for heart would break. "Ole missus Her heart would break. gone," she brokenly said to the child; and now ole massa's gone; dey's all one, and dey was our best frens. An' massa, not satisfied teachin' us how o live, has now teached us how to die." he poor, unlettered creature did not tnow that she was paraphasing one of he most beautiful passages in Tickell's legy upon the "Death of Addison:"

'He taught us how to live, and (ob, too high the price for knowledge!) taught us how die." Mr. Grant's house in Washington hich cost \$25,000, has been sold by his gent for \$18,000 to an Ohio lady, who now occupies it. The house has been ong unoccupied.

Supreme Court.

V. EDNESDAY, Feb. 5. Dean & Co., appellants, vs D. Law han, respondent; opinion of the court by

Kelly, Chief Justice. Held that where two contracts of same date between the same parties refer to each other and relate to the same subject matter they should be construed together as forming one transaction.

That where one is employed to cut and deliver logs at a mill he is in the rightful possession of the logs until delivered and can deliver the same to workmen employed by him to assist in cutting said logs and that such workmen can hold the logs having a lien on them for their work.

Judgment of the court below af firmed.

Boise dissented with the following opinion :

Where two contracts are made on the same day for the sale of all the standing timber on a tract of land for the con sideration of fifty cents per thousand feet, to be measured when the vendee shall bring the logs to the mill. The timber to be cut and removed to the mill by the vendee is an executed sale so far as to rest the title to the timber in the vendee, and such contract is not modified by a a contract entered into the same day between the vendee and vendor, by which the vendor agrees to cut the timber and deliver at the plaintiff's mili for \$4 50 per thousand, the vendee having the same right to employ the vendee as any other person to cut the

Where two contrates are made at the same time between the same parties they will not be construed together as parts of one transaction unless such was the evident intention of the parties. Where two papers are made by the same parties it is presumed that each was executed for some purpose; if a purpose is apparent from the construction of each. Where the owner of personal property employs another to preform labor on such property to improve or repair it, the person so employed has a lien on such property for such labor or repairs, but other persons bave not, whom he

Ben Holliday et al, respondent, vs S. G. Elliot appellant; motion to dismiss appeal. Taken under advisement.

Court adjourned till to-morrow at 9

Thursday, Feb. 6. Ladd & Bush appellants, vs C. M Cartwright, respondent; appeal from Marion county; argued and submitted. Court adjourned till 9 o'clock A. M.

Sut. Lovegood at a Candy-Pulling.

I had a heap of trouble last Christ mas, and I'll tell you how it happened Dekin Jones gave a candy pullen, and I got a stool, as they say in North Caro-

lins, and over we goes.

Sister Poli and I went together, and when we got to Jones's the house was chuck full.

Dog my cats if there was room to turn

There was Susie Harkin-she's as big as a skinned horse-and six other Harkins and Simmonses, and Peddigrews, and the schoolmaster and his gal, besides the old Dekin and Dekiness, and enough little Dekinses to set up half a dozen young folks in the family busi-

Well, bimeby the pot began to bile, plates ready, and put flour on our hands dren have died. General E. L. Applegate to keep the candy from sticken, and then

o remove his family to Albany.

C. Jacobs, of Palouse City, says the sette, was struck by a falling tree and de insensible. Injuries not considered I made a candy bird for Em. Similar and cuttin up in all my born days.

I made a candy bird for Em. Similar and cuttin up in all my born days. mons. Her and me expect to trot in

made a candy goose for me. Then we got to throwing candy balls and caught in the machinery, and it was from one side of the house to tother, and running from one side of the house to tother, and rully crushed, and has hopes of avoiding out into the kitchen, till everything on out into the kitchen, till everything on the place was gummed over with emdy.

I got a pine bench and Em. Simmons sot close to me. Suze Harkin-confound her picture

-throwed a candy ball sock into one of

I made a bulge to run after her and looked around and there was the gable end of my bran new britches sticking to

that pine bench. I backed up agin the wall sorter craw fish-like and grinned. "Sut," sez sister Poll, "what's the mat

"Shut up !" sez I.

"Sut," sez Em, come away from that wall; you'll get all over grease "Let her grease!" sez I, and I sot down on a washboard that was lying across a tub, feelin' worse than an old

maid at a wedding. Purty soon I felt somethin' hurt, and purty soon it hurt again.

Ice-whis-I jumped ten feet hi, and kicked over the tub; out hopped old Jones' Christmas turkey, and you ought to see me git. I cut for tall timber, now, and jumped

stake-and-rider fences and mashed do vn brush like a runaway herrikan till I got home and went to bed and staid there two days. Ef old Jones' barn burns down nex Winter, and I'm arrest for it, and it

anybody 'pears as witness agin me, I'll but his doggoned head! Them's my inroads from abroad more to be dreaded sentiments. Repentance is the heart's sorrow, and's clear life ensuing. than influx of the heathen Chinese, this matter would be more seasonable for the

THE HEAVIEST CHARGE IN THE

The patriotism of the American peostruggie, was by Abrahams Bros., of Roseburg, general dealers, or else they are belied by one J. N. Barker, who then bore the enigmatical title of "Q. supplies, he says, of Abrahams Bros., though that brotherhood do affect to deny that they ever sold "a medicine chest" for the Modoc war. As the "chest" is less consequence than the medicines let us see how he sold drugs and fixtures.

Not being experts in this line, we called on the heaviest drug house north of San Francisco for information, and from them we have figures to show what those drugs ought to have cost the State Portland. We give below the price the charged for them to the State, as published in the Statesman:

same and and expenses the		
	WORTH.	COST.
Liquorice root	33	\$3.00
Oxalle seld	25	5 00
Palent lint	\$2.00	8 00
Carb, magnesia	25	7.70
Tannie seld	344	1 12
Icerand mosa	2507	9.00
Cloves	1.0016	6 00
Cupeba	757.56	12 00
Ernica flowers.	40	2.75
Prescription scales	5.00	25 00
Stetterscope	75	36 CO
Electric battery	9 09	60 00
Tooth forceps	2.5	49.00
Smail morter		6.00
8-oz graduate	7.0	3.50
Adhesive plaster	1 25	7 50
Tartaric acid	65	5 00
Salph, Hub	40	8 75
Carb. Iron	3734	2 50
Prepared chalk	40	4 12
Bromide potassia	75	8 75
Bi-carb potass	40	4 00
White wax		4 75
Ginger		2.75
Genilan	20	5 00
F. E. Princes pune	60	3 00
F. E. hops	30	5 00
Juniper berries	40	19 00
F. K. Rhie	1 00	12 00
Golden Seal	60	10 00
Yellow dock	60	10.00
Men. tinet iron	20	10 00
Catharue pills	50	5 00
Same and breaking and annual	100	4.00

We take these specimen bricks from the structure of Modoc war patriotism for the benefit of the dear people who are under bonds (at least, the State is) for the payment of this charge, that rivals the charge of Balaklava in destruction and stupendous folly. Abrahams Bros., if they sold this bill, rushed to the assistance of the State with a vengeance. It looks very much as if they had unsaleable drugs on hand, and took this way to reduce stock.

Now as to the sum total of cost and value of the drugs and materials. Their cost is verified by Abrahams Bro's, bill on file, and the certificate of J. N. Barker, was \$632. That was a transaction which cents did not count, (nor sense). The actual value of the goods, if they had been purchased at wholesale or jobbing rates, was \$88 46 and the State was charged over seven times actual wholesale rates for the goods. Let us suppose the wholesale merchant, looking at probability of deferred payment, had hen the State could have bought of him at one-firth this amount, and would have saved about \$500 on a bill of \$632.

Time and space do not enable us to do the subject justice, and we leave it for the taxpayers to think of at their eisure. - Portland Bee.

BROWN.

There should be no rush criticism of the action of the Governor of Oregon in the matter of granting a reprieve to the condemned men, Brown and Johnson. He must answer to his own conscience in deciding their fate, and no morbid sentimentality, or unwise leniency should be manifested, nor should they fail to receive the fairest consideration of their claims for commutation of sentence. The best element of society here and elsewhere, while it shudders at their fate, recognizes that they had fair trial; that time had elapsed for the public mind to be calm and reasonable; that the verdict was just. People who know the condition of affairs and understand that our State is being made the Ultima Thule of villainy, and overrun by desperadoes from California, recognize that some decided action is needed to turn back this highway robbery so constant in this city, and which has invaded the country.

The safety of the community is in the keeping of the law, and the Executive, as the last arbiter of its judgements, owes much more to society, to law, order and progress, than to mere consideration of sympathy for the transgressor. If rence was to be expected; if vice did not flaunt itself in our faces and threaten

ple shines out in war time. All the it ventures hither. The immense ex- that is notable and immortal of its hispatriotism in Oregon comes to the sur- pense of our criminal courts and police tory, its literature, its constitutional face then and rushes to the charge. The organizations is a grievous tax upon the liberty and its imperishable fame, will Modoc war was one of the tragic epi- people. Shall this expense be wasted survive and be perfected in the United sodes of our history. Then our brave and the protection of law become a farce! volunteers were on hand to do their If these men are to be executed it is no der no aid in the accomplishment of this duty, and no doubt did it well, but the kindness to them to prolong a fate that heaviest charge made in that memorable can only grow more miserable when anticipation and hope are strengthened and the hold on life made dearer.

It is supposed that all are amenable to law, and that justice is impartial; but M. Gen'l O. S. M.," and as such bought there are indications that we save justice, without stint, for Chinamen, Indians and half-breeds, and deal mercifully with the greater criminal of our raised for the classes we have named. Why do not some of those tender-hearted petitioners remember them !

One thing is certain: The best element of this community deprecates mistaken elemency and the worst element if ordered from a wholesale house in clamors for commutation of sentence, Granting that many good people depregoods were worth, and the amount cate their fate, we challenge contradiction of the statement that they were the very ones who would have visited summary vengeance on the offenders if it could have been executed at the time. They are generally excitable and sympathetic in temperament, while those who now stand by the law and recognize that stern justice should be meted to these wretched men, are the ones who would posed, and gave but little trouble to the have remonstrated against popular venemigrants, occasionally stealing a few geance and have demanded that law should take its course and the miscreants have fair trial. At this time of so much excitement, the Governor should be de. cided in his action and either commute the sentence of these murderers or appoint the day for its execution. Hesitation and doubt are not what the people expect of him. - Portland Bee.

HALF THE HUMAN RACE NOT WANTED.

When Townsend championed the cause of the Chinese in the House, in opposition to the Restriction Bill, he declared that the effect of the measure would be to close our ports against one-half of the human race. The natural sequence of his remarks is that we should welcome the whole human race to our shores, and possessed of a continent peopled from the earliest annals of time. It was there that the human family was born and cradled, and when we view them after we see that they have achieved? The continent of Asia represents the enlightened heathenism of the world; enlightened by education that has made no progress in two thousand years; possessing added fifty per cent to his rates, even bigotry and superstition; neither available as citizens or desirable here as workemigration cease! The hives of Asia pose to say that the new route could swarm our continent and outnum. ber and perhaps overpower us, without under the leadership of Capt. Owenby THE PAGE OF JOHNSON AND diminishing to any perceptible extent and Meek as pilot, started to cross the they could fill up all the land and leave no place for our children, much less for This route followed up the Malheur river could fade into nothingness before the practices of heathenism, and the followers of Christianity b; few in comparison. If we are to accept the theory of Mr. Townsend we have a right to carry it to first two or three days the way present soned it must be evident that the presence of such a foreign population is not desirable, but would blight and curse the of the Orient.

We, of the Occident, are a different race, with different sympathies and Near the head of the Malheur river, higher and purer aspirations. The nathey were forced to leave the stream, tions of Europe are of similar race and feeling, and assimilate with us naturally high up in the mountains. This stream and easily. We are generous to open our doors as wide as we do to them, but no stretch of courtesy or sense of broth- has caused trouble and discomfiture to erhood can place the Asiatic upon similar many prospectors since that day. An footing. The limits of our nation are incident that happened at this camp tide of transgression and prevent the footing. The limits of our nation are not so wile that we need hasten to fill them up to overflowing with the refuse ef races. We are nearly fifty millions to-day, and a century ago we were but a after camp was made here, and picked the Old Emigrant Trail to Umatilla had handful, scattered along the Atlantic up a piece of shining metal on the rocky arrived at the Dalles three weeks in adseaboard. Another century will see our descendants jostle each other in the race for life, and a century is but a drop in the ocean of time. We are of the dominant race that controls the destinies of this was an isolated case and no recur- humanity. Our influence must in time spread over all the earth, but what will America be if we welcome the Asiatic occupancy instead of claiming the Amercan Continent as the birthright of the

Self preservation is a primary law.

exercise of ciemency. Vice pauses on We should preserve this Continent for the threshold, waiting to know what ing that if the power and grandeur of mercy is shown its avant coutiers, before the British empire shall ever wane, all States. The "half of the human race" that lies to the westward of us can rengreat future.

The Emigration of 1845.

Meek's Cut Off First Discovery of

Mr. W. J. Herren, of Salem, who was in the emigration of 1845, furnishes the following facts from the recollections of his own family, and derived from other sources, to be used in connection with own race, and whom opportunities make H. H. Bancroft's forthcoming history of the worst sinner. We hear no voice the Pacific States. That emigration was an event of great importance to Oregon. The sufferings in Meck's lost route and the fact gold was discovered on the head waters of the Malheur rivor, render it valuable as history:

A large emigration crossed the plains to Oregon in the year of 1845. The exact number of persons in that emigrais unknown. It is estimated by persons that had a good opportunity to know, that not less than six hundred wagon loads were driven across the plains that year. Assuming that the number of persons to the wagon, including children, was five, it would make the whole number of persons three thousand, which is probably not far from the correct estimate.

STEPHEN MEEK'S PRPOSITION. The Indians on the line of the road at

that time were generally peaceably dis-

horse or cattle which were in the most

instances recovered from them. This emigration was divided into companies of from 20 to 60 wagons each, most of these companies had in addition to their ox teams, a number of loose cattle which were driven along after the wagons, and often made a train of a mile or more in length. When they came to rivers or streams. impromptu rafts were generally constructed of logs, and the wagons and persons ferried over. Everything went well and nothing unusual happened until Fort Boise was reached. At this place many stories were told to the emigrants by the occupants of the Fort of the hostile and warlike disposition of the Walla Walla Indians, which made quite a sensation among the emigrants. At this place an old mountaineer, by the name of Stephen Meek, made his appearance among the forward companies, and proposed for a moneyed considerthe question naturally arises: What ation to pilot the entire emigration shall we gain by it? The Asiatics are direct into the Willamette valley, on a much nearer and (as he represented) better route than the old trail by way of Walla Walls. At the Malheur river, twelve miles on this side of Fort Boise, a council was called to consider the propthousands of years of possession what do osition of this man Meek, who presented maps and plats of the old trail by way of Walla Walla, and also of the pro-pose new route. After considerable discussion, Meek's proposition was accept ed. It would not be altogether charitable or fair to suppose that men that no government that recognizes the rights of the people; from east to west the abode time would now be influenced in their of idolatry or Mahomedanism, of caste, decision by any fear of violence from the ing for water, which they found in in-Walla Walla Indians, and we will only say that several persons in speaking in ers if their presence here is to displace route said that this route would avoid favor of Meek's proposition and the new white labor. If the presence of the them. It matters not what influenced hordes of Asia is desirable, where thell these people, it is sufficient for our puradopted; all the preliminaries were immediately arranged, and the company, the home population. If unrestricted Blue mountains and to make their way into the Willamette valley by a new our children's children. Our civilization in a northwesterly direction. This company was fo'lowed by Capt. Riggs' company, and several other companies. is supposed that at least one half of the emigration of 1845 took this new route, or cut-off, as it was then called. The its ultimate conclusion, and when so readed no serious obstructions, and good progress was made. After that the river passed through a canyon, and roads had to be made over difficult points of bluffs, but the experienced drivers and well-American continent as it has the lands broken teams of the train were equal to the difficulties opposed to them. GOLD DISCOVERED ON THE MALHEUR.

and crossed a bold ridge to a small creek ran southwest and was supposed to be a branch of the Malheur, a mistake that possesses especial interest. Daniel Herren, a cousin of Mr. W. J. Herren of Salem, was hunting stray cattle the morning bed of the creek, carrying it back to camp as a curiosity. Many remarks were made and all wondered what the heavy little nugget could be, not a single one dreaming that they were the first ing him. When he saw how bitter they discoverers of gold on the Pacific Const, were, he and his family took hasty and and that the time would come when this very stream would be washed out to search for the hidden treasure. Another nugget was found at that or some other camp, and brought to Mr. Martin's it is certain that he became demoralized wagon, and they tested its quality, and lost his presence of mind.

Mrs. Martin says, by hammering it on the wagon tire. The nugget found by Herren was thrown into a tool chest and ultimately lost. Among the speculations indulged in was one supposing that some of Fremont's company had lost these bits of metal when he camped on the same spot one year before, as they found his old camping spot and used the half burned brands to kindle their fire. Years after this, when Oregon prospec tors returned from the gold fields of California, they knew what these nuggets meant, and repeated expeditions were fitted out to search the head waters of John Day river, when they should have visited the waters of the Malheur, that have recently furnished the richest mines discovered in Baker county. No history of gold discovery on this coast should be written without detailing this early episode, when the weary emigrants in these mountain picked up treasure that would have driven them wild if they had understood its value. If Meek's cut off had opened the era of gold discovery, it would be more famous in history than it unfortunately is. MEEK PROVES A PAILURE.

Meek showed singular inefficiency as

pilot of this expedition, and his conduct was inconsistent with his reputation as a mountaineer. Mr. Herren has secured for us the diary of James Fields, a member of Capt. Rigg's company, now owned by R. A. Riggs of Salem, which gives particulars of the whole journey, and indicates that Meek acted less on his own good judgment than on the wishes of the company, and yielding to them be-cause involved in trouble. They passed on through the mountains, over a very rough road, detained while repairing their wagons and recruiting jaded stock. They made a camp on the marshy borders of a big lake, which Porter McKay thinks, from description, was Salvi's in sight, across a plain due east, and the Cascade range appeared across the interval, forty or fifty miles distant. Here the cattle could not get water without miring and some of them strayed back, and were found by the company follow-ing. A consultation was held here and as Meek could not describe camps that were ahead and had utterly failed in his reckoning, they had lost confidence in him, so concluded to abandon his project for crossing the Cascades direct to the Willamette, and strike direct for the Dalles. Meek acquiesced and said he knew the route thither, thought they would take too many chances in crossing the mountains late in the Fall. At this time bread was scarce and provisions low with most of the wagons. Day by day one and another would shake the flour out of the last sack. It was necessary to reach some depot of supplies. THEY CHANGE THE ROUTE.

So they turned north, over a dry sage plain, described in Fields diary (which is well kept, well-expressed and written in a delicate and plain hand) as wormwood. It is interesting to sit down by a good winter fire and read the "travel's history" of those brave emigrants who came to Oregon in 1845, when it was to all intents a new and untrodden wilderness. They followed a ridge northward, and of course found no vater, though the Cascades rose to the west and the Blue mouctains in the east, all pouring down living streams. They were on the the dry ridge between the DesChutes and John Day rivers, and followed it day by day, people and stock all famishsufficient quantity. The stock wan-dered back on the trail. Mr. Herren was then a young man, and then as now always an active one and possessed of excellent judgment. He had gone back to drive up stock, and when he reached the miserable camp, where the whole emigration af about 1,500 persons had now caught up, he found old men and children weeping in despair, stout-hearted men worn out; and the bravest souls left in the women, who always come to the front in times of self denial and emergency. To make the matter worse, the alkali water had caused bowel complaints, and the dysentery prevailed in camp. One child died, and the teams drove over the new-made grave to oblit-erate it from the eyes of the Indians. They ought to have kept along the edge of the mountains, where water and grass were good and abundant. After some suffering Wm. Herren and "Pack Horse Smith" found water thirty miles distant, on a branch of Crooked river, near the Blue mountains.

TROUBLES ARE OVER.

They then found their way to the Columbia without serious trouble. They lived on poor beef, no game to be had but an occasional antelope. There were few Indians to be seen, though they found camp on Crooked river, and at Ochoco, that gave them the information that they were 150 miles from the Dalles. Men were sent forward to the Dalles, where they obtained provisions of the missionaries, Waller and Brown, and returned to meet the weary and hungry

MEEK TAKES FRENCH LEAVE

The half of the emigration that took vance of those led by Meck. That worthy might have fared badly at the hands of the excited emigrants if he had waited their threatened action of lynchunannounced leave and went on in advance to the settlement. It is not to be supposed that Stephen Meek intended to