

Morning Daily Herald

DAILY AND WEEKLY TERMS OF SUBSCRIPTION.

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WEEKLY. (Published every Friday Morning.)

WHAT IS FORGERY.

The testing of the case of Henry Benson, in the courts of New York, for extradition to answer to the charge of forgery for selling spurious Patti tickets in Mexico, with the name of Abbey upon them, is raising a peculiar question as to what constitutes forgery.

His lawyer has raised the point that it was not forgery as the name was printed and not written.

But as the Chronicle very pertinently remarks: "It is possible that the definition of forgery may be so narrow as to exclude every imitation of a signature unless made in writing; but if so it is a great piece of folly and should be broadened. In these days of labor-saving and time-saving devices, such as lithographs and rubber stamps and stencils and a host of others, it would be utter nonsense for a statute to declare that the only way to commit forgery would be to imitate a signature in writing. Anything which a person may choose to adopt, from the rubrica which our Spanish predecessors in California were accustomed to use to the impression of the thumb or of a signet ring in wax, may be a signature, if the signer adopts it as such; and it is apparent that to hold that the imitation of such a signature, no matter how felonious the intent or what the result, is not forgery, would be to make the law absurd and the legislature which passed it a laughing stock."

However, the spirit and intent of the law passes for nothing. It is the construction that attaches to the jargon of syllables and words that rules the legal application, as rendered by the learned administrators of law and equity.

LAW PRACTICE.

The peculiarities of law practice crop out quite frequently. The Chronicle mentions one in San Francisco lately in saying that was a good point in the use of language which Attorney Mowry made when he argued that "female" does not always mean "woman." The district attorney had charged an alleged procuress with the offense of "importing a female," whereas the law says correctly, "importing a woman." This is simply a specimen of carelessness in drafting indictments which allows a large number of criminals to escape every year.

When the simple using of the term "female" instead of "woman" has been allowed now allowing hardened criminals to escape the penalty of their iniquitous proceedings, proof positive of which is apparent, the proceedings of the court become a travesty upon justice, and common sense, reason, and every dictate of decent humanity sapinely acquiesce in the behests of sin and criminal wrong doing. If the technical rendering of the words of a statute can rob the law of its plain and unequivocal meaning, then there is no safety or justice in courts or of law practice. Common sense should have one little niche in even the law proceedings of humanity.

A CHANGE seems to be coming over the state of affairs in Salt Lake, and many think with the Chronicle that the concessions given by the convention of liberal Mormons in Salt Lake City look very much like signs of the collapse of the once powerful and omnipotent political machine that has ruled Utah for a generation. The saints are not given to magnanimity to their enemies, and the voluntary gift of a portion of the public offices in Salt Lake has a deeper meaning than appears on the surface. The church has suffered severely during the past year and its control of the party machinery in Utah is sure to slip from its grasp unless it can make some kind of a compact with the gentiles. This is the scheme that has now been devised, but it is doubtful whether it will meet with any success.

The walking race mania has again broken out in New York, and men are putting forth all their muscular endurance in traveling over the sawdust rings. It must be dull in the great city when this antiquated and senseless practice attracts crowds enough to pay expenses.

EDITORIAL NOTES.

It is now rumored that President Cleveland contemplates the removal of Postmaster Pearson, of New York. The effect of such an action upon George William Curtis of Harper's Weekly, it is thought, will be fatal.

The right to run steam vessels upon the Desaguadero river, which connects lake Titicaca with lake Aullogas, in South America, has been granted to a citizen of the United States by the government of Bolivia. The object in navigating the stream is to reopen some of the ancient Peruvian mines.

The English girl, who refused to join the torv primrose league, because when the Tories were in power for fifty years the marriage rate declined, was correct in her actions. She did not propose to lessen her chances in that manner.

The numerous losses of life among the teachers and pupils of the public schools in the western Mississippi and Missouri states during the recent cold weather, suggests the thought that the prevailing custom of locating school houses in out of the way localities, to get as nearly as practicable in the center of the district, is a practice that contributed to a large extent to the sad results that brought anguish to so many hearts. The school house should be placed in proximity to dwelling houses, so as to be under surveillance of watchful eyes at all times.

When Women Asked for Husband. Chaste and modest as the ideal woman was, the social need of marriage was so great that no lady thought it a shame to demand a husband of her seignior. Hellis out, daughter of You de Gascoigne came to the court of Charlemagne saying: "My father has been dead these two months, and I demand from you a husband." Also La Belle Argentine, wife of Guy de Nantenil, came to the court to demand a husband. The Duchesse de Bourgoigne says in "Girars di Vinne": "My husband is just dead but to what good to mourne? Since the time of Moses some live and others die. Find me a powerful husband, for I have need of one to defend my land." The King gave to Gerard di Vinne, then looking at her and finding her great desecree, he keeps her himself. Charlemagne found husbands for all the widows of his barons who were killed in the Spanish war.

Ladies, misses and children's wool knit hoods, scarfs and jackets at cost at SAMUEL E. YOUNG'S.

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SUBMONS. In the circuit court of the State of Oregon for Linn county. Mrs. L. Gough, plaintiff, vs. C. J. Gough, defendant. To C. J. Gough, the above named defendant. In the name of the state of Oregon, you are hereby required to appear and answer the complaint of the above plaintiff in the above entitled court, now on file with the clerk of said court on or before the first day of the next regular term of said court which said court begins on the 12th day of March, 1888, at the court house in Albany, Linn county, Oregon. And if you fail to so answer said complaint, the plaintiff will apply to said court for the relief demanded in said complaint, which is that the marriage contract existing between plaintiff and defendant be dissolved, and that plaintiff have the care and custody of the minor child, Clement G. Gough, mentioned in the complaint, and her costs and disbursements in this suit, and such other relief as is meet to equity.

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