

The Oregon Republican.
COUNTY OFFICIAL PAPER.

DALLAS, SATURDAY, OCT. 1.

The School Fund Again.

The question as to what shall be done with the proceeds arising from the sale of the 500,000 acres of land originally donated to the State, for internal improvements, seems to absorb all other questions pending in the Legislature. This fund was, by the Constitution of Oregon, set apart as an irreducible school fund, the interest of which should only be used for the purpose of common schools. The people of the State have always supposed that the money arising from the sale of those lands was to be used for that purpose; but now, after the State has been in operation for ten years, a new light suddenly breaks in upon the minds of some of the gentlemen who now represent the people of Oregon in a legislative capacity.

The true state of the case is this, in 1841, Congress donated to States then existing, and to those that should afterward come into the Union, 500,000 acres of the public lands in each State, to be selected by the officers of the State; and if the selections should be approved by the Government, then the lands could be disposed of by the State and the proceeds applied to internal improvements. On the coming in to the Union of some of the Western States, the people feeling a greater anxiety to educate the youth of the land than for the accomplishment of anything else in the State, agreed to use this fund for school purposes, provided Congress would consent. Oregon and Iowa were found among the States who decided thus to appropriate this fund, and provided in the Constitution of the State this: "All the proceeds of the 500,000 acres of land to which the State is entitled by the provisions of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights, approved the 4th of Sept., 1841, and also the five per centum of the net proceeds of the sales of the public lands to which this State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate and irreducible school fund, to be called the common school fund." Now, let it be understood that the two grants mentioned above were both donated to the State for the special purpose of internal improvement. Our Constitution, of which the above provision formed a part, was presented to Congress, and Oregon was admitted into the Union under and with that Constitution. Now, in the act of Congress admitting the State into the Union, they say: "Whereas, the people of Oregon have framed, ratified, and adopted a Constitution of State government, which is Republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States, therefore he it enacted, that Oregon be, and she is hereby received into the Union." We hold that if Congress had stopped right here, and said no more upon the subject, their consent would have been complete; but we are not left here to cavil. Congress expressed their assent in other terms, too strong to be misunderstood, for in the act of admission, section four, they ask the people of Oregon to consent by a resolution irrevocable, that the five per centum above referred to, and which is made by the act of Congress a part of the internal improvement fund, shall be diverted from the purpose to which it has been applied by the Constitution of Oregon, (and assented to by Congress in the act of admission), back to the purpose for which it originally applied by the said act of Congress, or, in the language of the act itself, "for the purpose of making public roads and internal improvements, as the Legislature may direct." And the act further provides that the State of Oregon shall not consent that the five per centum be appropriated to public roads and internal improvements, except upon the express condition that the State of Oregon shall never interfere with the primary disposal of the said tax the property of non-residents

higher than that of residents, or tax the lands or property of the United States within said State.

We hold that Congress has, in the act of admission, expressly consented, and that there is no power in the Legislature of Oregon to divert this common school fund and use it for any other purpose; and we have too much faith in the ability of Governor Grover as a lawyer to believe that he would entertain the proposition, for one moment, now to divert this fund to internal improvements; and we are also satisfied that if such a bill should pass, and be signed by the Executive, the Supreme Court of Oregon would not hesitate to declare it unconstitutional, and in so doing they would only declare the law. But it is said, by Hon. gentlemen, that we have no evidence that the proceeds of the 500,000 acres of land has ever been recognized as belonging to the school fund of Oregon. How strange the idea? It is a sufficient answer to say that it has never been recognized by the people of Oregon as belonging to any other fund, and here is the evidence: The Governor of the State has gone on, by the authority vested in him for that purpose, and selected the said lands. For what purpose, internal improvements? No; but for school purposes alone. He has sent on those selections to the Property Department or the General Government for acceptance, and they have been accepted as selections for school purposes only; they have been so designated upon the plats and so returned to the local Land Offices in the State of Oregon, where they have been recognized as school lands only, and designated upon the plats there as such, and a portion of them has absolutely been sold as school land by the proper authority, and the money applied for that purpose; and yet the gentlemen have no evidence before their eyes that these lands have been recognized as school lands. What a remarkable age of progress is this? If the original act appropriating the 500,000 acres and the five per centum stands unrepelled, as is contended by certain gentlemen, then what was the necessity for Congress to ask the people of Oregon to consent that the five per centum might be applied to the making of public roads and internal improvements? But the fever is on, and the money must be gobbled up. And how is it to be done? Two hundred thousand for locks on the west side of the river at Oregon City; and who gets the benefit? A company formed for that purpose? We refrain from giving names. And then one hundred and twenty-five thousand to the P. T. Company, to build locks on the east side of the river, at the same place. And who is to be benefited by this? We answer, the company only. True they promise in the bill that they will not charge, for the first ten years, more than twenty cents per ton (measurement) for freight passing through the locks. What a benign promise that is to the people of Oregon? But the bill binds the State to pay to the company fifty per centum of the amount expended each year by the company. And how is that fact to be ascertained? By the appointment of persons for that purpose on the part of the State? And they can only ascertain, of course, by an examination of the books of the company, and, of course, it is not to be presumed that those books will ever show one dollar more than has actually been expended by the company; then these men report to the Governor, and he orders the money drawn from the Treasury of the State for the benefit of this company, and if there is no money on hand to reimburse this company for erecting their own works, then, by the provisions of the bill, warrants must be drawn instant upon the Treasurer for the amount, and those warrants are to draw ten per cent. interest in gold coin until the money shall be in the Treasury, and the people are to pay this interest for the benefit of this company, whose necessities demand it. Then there is seventy-nine thousand dollars to be appropriated to pay somebody their expenses while rusticiating in the Cascade Mountains during the summer seasons. As to what disposition is to be made of the balance of the school money, as yet, has not been thrown to the surface; but we hear whisperings intimating that it will probably become necessary to donate the balance of

about one and a half millions to Holladay and Loryea. But we had almost forgotten, in justice to the P. T. Company, to say that the bill which asks a donation to them has another very benign provision, which is that, at the expiration of twenty years from the completion of the locks, the State may take them as their own property by paying to the company the actual value thereof. How liberal! Let the people of Oregon look well to their school fund, and say to their servants by petition or otherwise, you shall not divert it to any other use.

An Important Decision.

We call the attention of our readers, and of the legal profession especially, to the late decision of the Supreme Court of Michigan on the taxing power. It will be found on page 487 of the Law Register, in the August number of the present year.

The Legislature of the State of Michigan, in 1864, passed an act authorizing certain townships to pledge their credit to aid in the construction of certain railroads. The electors of the townships were authorized to hold meetings to determine what amount should be raised for this purpose, and the form, mode of issuing, and other particulars relating to the securities by which the credit was to be given.

Under this act, the township of Salem voted aid to the Detroit and Howell Railroad Company, to the extent of five per centum of its assessed valuation. But the Township Board refused to issue the securities, claiming that the act of 1864 was in excess of legislative authority, and therefore unconstitutional and void, and that the township vote was, in consequence, a nullity. The cause finally went into the Supreme Court, on a motion for a writ of mandamus, to compel the delivery of the securities.

The decision of the Court was rendered by Judge Booy, in one of the ablest opinions we have ever read on that subject, sustaining the decision of the Township Board and denying the writ. This decision is particularly interesting to us at this time, on account of the exertions that have been and are being made by monopolists to evade the prohibitory clause in the Constitution of Oregon, and secure the passage of a similar act by our own Legislature.

On this subject the Oregonian of Sept. 26th, under the head of "West Side Railroad Again," says: "The Constitution provides explicitly that no aid shall be granted by any county or municipality to any company or corporation, for any purpose whatever. Now it seems to us that the case might be reached in this way: The Legislature has power to authorize the city to increase its indebtedness. This being done, measures may be taken to obviate the constitutional impediment by granting directly to Mr. Holladay the aid afforded, on condition that he will cause the road to be built wholly on this side of the river, with its terminus in Portland. In this way the objection against the granting of aid to a company or corporation might, we think, be avoided."

That is, according to the Oregonian, by evading an "explicit" provision of the Constitution the tax payers of Portland can be robbed out of a few hundred thousand dollars for the benefit of Mr. Holladay.

Such an act, outside of any prohibitory clause in the Constitution, says the Supreme Court of Michigan, "is in excess of legislative authority, and therefore void." And we entertain no fears but that, should a case arise, the courts of Oregon, like those of Michigan, will have the courage to make a correct decision, though it be apparently unpopular.

If the people of Portland desire a road, with the terminus there, let those who are able and feel an interest in the matter, subscribe liberally for the benefit of the road. We are as much in favor of a West Side Railroad as the Oregonian, but we are not in favor of levying a tax on the people, without authority of law, for the benefit of a railroad monopolist.

There is a bird in the island of the Indian Ocean which has upon its head a beautiful tuft of feathers shaped like a spoon. It is called the queen's pigeon.

A Life Nailed.

When you hear a man say that a newspaper cannot be run without money, you can, without fear of successful contradiction, pronounce him an unmitigated falsifier. We know whereof we speak, for we have tried it. We have run a newspaper for several months, and—with pardonable pride—we may say a very good one, without receiving anything of consequence from our subscribers. We have tried the experiment of running a newspaper without money with sufficient success to satisfy us that the thing can be done; and if any one else is not satisfied with the result of our experiment, let him try it, and our word for it, he will be satisfied in one-half the time it has taken us to demonstrate it.

We once read of a man who spent several weeks in learning his horse to do without food, but when his care and labor was about to be crowned with success, the horse, from some unaccountable cause, lay down and died. We have always had an idea that the man carried his experiment a little too far. Now that is not the case with our paper, and we do not intend that it shall be. We don't intend to carry the thing quite that far. Therefore we want money. Mind we do not say that we cannot run a newspaper without money, for we have just demonstrated the fact that we can. But we are not going to, because it does not pay; and then, we think we can make a great deal better paper with money than without it. And while we are experimenting would like to give it a trial. Pay your subscription and we will give you a good paper.

NEW ADVERTISEMENTS.

Administrator's Notice.

NOTICE IS HEREBY GIVEN THAT the undersigned has been duly appointed by County Court of Polk county, Oregon, Administrator of the estate of Jas. B. Riggs, deceased, late of said county. All persons having claims against said estate are hereby notified to present them, with proper vouchers, within six months from the date of this notice to the said Administrator, at his residence in Salem, Oregon, or to J. L. Collins, his Attorney, at Dallas.

Dallas, Sept. 24, 1870.

NOTICE.

IN THE MATTER OF THE ESTATE of Jesse Walling, deceased, in the County Court of Polk county, Oregon: And now, on this day, comes Eliza A. Walling, Administratrix, and files her petition for leave to convey to J. E. Witten a certain piece of land, therein described, to wit: Being a part of the donation land claim of A. J. Doak and wife, in Polk county, Oregon, beginning 1 chain S. 7° E. of the S. W. corner of block No. 5, in the town of Lincoln, on S. line of Mill St.; thence S. 7° E. 6.10-100 chs. to a fir tree 6 inches in diameter; thence E. 6 chs. to the west bank of the Willamette river to low water mark; thence N. down said river 6.50 100 chs. to a point on the west bank of said river; thence S. 83° W. 6.20 100 chs. to the place of beginning, containing 3 and 95-100 acres; and likewise another piece of land, being an undivided 3 of 1st No. 8, in Block 5, in said town of Lincoln, as per contract existing between the said Jesse D. Walling, at his decease, and the said Witten. It is therefore ordered that the heirs and all persons interested in said estate be notified by publication in the Oregon Republican 4 successive weeks, to appear on Tuesday the 4th day of October, 1870, and show cause, if any they have, why said leave should not be granted. By order of J. H. MYER, County Judge.

NOTICE! NOTICE!!

THE UNDERSIGNED, HAVING purchased the interest of W. C. Brown in the late business of W. C. BROWN & CO., is now receiving a fresh supply of goods both from San Francisco and Portland, which I will sell at very cheap rates, for CASH or

Country Produce.

My stock consists of every variety of Ladies' Dress Goods, Men's Clothing, Boots & Shoes, Queensware, Hardware, And groceries of all kinds, and will exchange for

WHEAT, OATS, BACON, EGGS, BUTTER, BEANS, ONIONS, BARLEY, and very CLEAN COTTON RAGS.

Or any kind of produce that can be converted into money.

Come and examine my stock before purchasing, as it is quite a trouble to show goods whether you buy or not. We mean business, therefore earnestly invite you to call and see us.

JNO. C. BELL.

Dallas, Ogn., Sept. 30, 1870.

NOTICE!

NOTICE IS HEREBY GIVEN THAT the law firm of Vineyard & Butler is this day dissolved by mutual consent.

L. VINEYARD, N. L. BUTLER.

QUEENSWARE IN ABUNDANCE At J. H. LAWPE.

NEW ADVERTISEMENTS.

ANDERSON & BROWN.

[SUCCESSORS TO B. STRANG.] IMPORTERS AND DEALERS IN

STOVES

OF ALL KINDS,

Tin Plate, Sheet Iron, Copper, Zinc, Brass & Block Tin,

Force and Lift Pumps,

CAST TIN AND ENAMELED

Hollow-Ware.

MANUFACTURERS OF

Tin, Sheet-Iron & Copper-Ware.

Great Variety of Gem Pans.

Gas Fixtures.

Iron and Lead Pipe, of all sizes, for Gas, Water and Steam.

ELBOWS, BUSHINGS, T. NIPPLES, RETURN BENDS, RUBBER HOSE, STOP COCKS, HOSE PIPES, PLUGS, BATH TUBS.

Repairing

In all its branches done to order, at the stand of B. Strang,

Union Block Commercial St., Salem.

1870. Gilbert Bros. 1870.

MANUFACTURERS,

SALEM - - - - - OREGON.

Men's Tap Sole Sewed Boots.....\$14 00

Men's Double Sole, Sewed Boot..... 13 00

Men's Single Sole, Sewed Boots..... 12 00

Men's Tap Sole, Pegged Boots..... 11 00

Men's Single Sole, Pegged Boots..... 10 00

Men's French Kip Boots..... 9 00

Men's Kip Boots, Oregon or California leather..... 7 00

Men's Best French Calf Sewed Oxford Ties..... 7 00

Men's Best French Calf Pegged Oxford Ties..... 6 00

THE BEST BRANDS OF FRENCH Calf used in all our boots, and every pair warranted to give satisfaction. We also have the largest and best selected stock of Eastern and California made Boots and Shoes which we offer at wholesale or retail at prices which defy competition.

OAK SOLE LEATHER, FRENCH Calf, KIP AND UPPER SHOE FINDINGS, Shoe Machinery and everything generally found in a Leather and Finding Store. Gold coin paid for HIDE and FURS. GILBERT BROS. Salem, Ogn., March 10, 1870. 2-6m

YEATON & BOON,

Wholesale and Retail dealers in

BOOKS, STATIONERY, MUSICAL INSTRUMENTS, AND YANKEE NOTIONS.

WE TAKE THIS OPPORTUNITY OF informing the public that we have just received a large invoice of

Wall Paper,

Of all styles, direct from the manufacturers in the East. Our stock is the

Largest ever offered in this Market.

Which we will sell at wholesale and retail

CHAP as any other house in the State.

YEATON & BOON, Salem, Ogn., March 10th, 1870. 2-1f

The Cheapest Store in

POLK COUNTY,

THE ELLENDALE STORE,

2 1-2 Miles West of Dallas,

HAS BEEN FILLED WITH THE largest and best stock of goods ever brought into Polk County.

Which we propose to sell LOWER than any other store in the county, for CASH or

PRODUCE, for which we will pay the highest market price.

Our stock consists of every description of goods generally kept in first class country stores.

Also constantly on hand a large assortment of

Flannels, Tweeds, Cassimeres and

Hard-Times,

Made in the Ellendale Mills, which we will sell very cheap.

Ellendale, July 9, 1870. 19-1f

A Rare Chance for a Bargain.

AS I AM GOING EXCLUSIVELY INTO the Horse Collar business, I will sell, on REASONABLE TERMS, or trade for good town property, my FINE TEAM and Harness.

G. W. HOBART. Dallas, July 30, 1870. 22-1m

NEW ADVERTISEMENTS.

Mothers, I've Found It!

FOR YEARS I HAVE SEARCHED FOR a remedy that will CURE your children by removing the CAUSE, and at last I can say "Eureka!" TRY IT.

CARMINITIVE CORDIAL.

This is a pleasant antacid, and in large doses laxative; in small doses, an astringent medicine; exceedingly useful in all bowel affections, especially of children. It is a safe, certain and effectual remedy for Cholera, Diarrhoea, Cholera Morbus, Summer Complaint, Griping Pain, Sour Stomach, Costiveness, Wind on the Stomach, Crying and Fretting of Children. In Teething, there is nothing that equals it. It softens the Gums, and renders Teething easy. It is no humbug medicine, got up to sell, but a really valuable preparation, having been in use for several years it recommends itself. Do not give your children the "soothing syrups," for they stupify without doing any permanent good. Prepared by

Dr. W. WATERHOUSE,

MONMOUTH, OREGON.

For Sale by Druggists. The trade supplied on reasonable terms. Hundreds of Testimonials can be given if necessary.

13-1f DR. W. WATERHOUSE.



This celebrated medicine has won a deservedly high reputation as an alleviator of pain and a preserver of health. It has become a household remedy, from the fact that it gives immediate and permanent relief. It is a purely vegetable preparation, made from the best and purest materials, safe to keep and to use in every family. It is recommended by physicians and persons of all classes, and, today, after a public trial of thirty years—the average life of man—it stands unrivalled and unexcelled, spreading its usefulness over the wide world. Its large and increasing sale affords positive evidence of its enduring fame. We do not deem it necessary to say much in its favor as one small bottle will do more to convince you of its efficacy than all the advertisements in the world. Give it one fair trial and you would not be without it for ten times its cost. Directions accompany each bottle.

Sold by all Druggists.

Price 25 cts, 50 cts, and \$1 per bottle. 29

C. M. PARMENTER. J. A. BABCOCK.

PARMENTER & BABCOCK,

Manufacturers, and Wholesale and Retail Dealers in

Furniture,

Commercial Street, Salem, Oregon,

HAVE ON HAND THE LARGEST

Stock of

Furniture,

Bedding,

Window-Shades,

Hollands, and

PAPER-HANGINGS

To be found in Marion County.

All kinds of Picture Frames, Coffins and

Caskets made to order on short notice and at

reasonable rates.

PARMENTER & BABCOCK. 4-1f

Salem, March 23, 1870.

New Gro Fino Theater!

Formerly the "Wigwam."

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 the Sensational Drama. The Stage will have all the modern improvements, with ample room, which is so essential to the production of scenic, spectacular, and the Burlesque Drama. New Scenery, 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. I. Beach,

Miss Lizzie Ingles,

Mr. F. M. Bates,

E. H. Vinsin,

E. C. Melville,

R. Clinton,

W. H. Smith,

H. Carroll,

P. F. Karney, and others.

The season at Salem will open on or about the middle of Sept., and continue on until the State Fair, during which time will be produced the legitimate and Sensational Drama Comedy, Extravaganza, Burlesque and Farce.

The Gro Fino Theater, Portland, will open with the above company about the middle of October, for the regular season of Twenty-Six weeks.

It is the purpose of the Manager to play, during the coming season, one week in five at Salem, and often should Stars require it.

F. M. BATES Manager, Portland.

25-4w

THE OCCIDENTAL,

Formerly "WESTERN HOTEL."

Corner of First and Morrison Streets, PORTLAND, OREGON.

Messrs. SMITH & COOK

HAVE TAKEN THIS WELL KNOWN

House and Refitted and Refurnished it

thoroughly, making it by far the BEST HOTEL IN PORTLAND.

N. B.—Hot and Cold Baths attached to the House for the benefit of Guests.

SMITH & COOK, Proprietors.

Portland, April 14, 1870. 7-1f

WOOL WANTED.

THE ELLENDALE MILL COMPANY will give the highest market price for wool, delivered at their factory in Polk Co.

Their Store is also open, with a general assortment of Dry Goods, Groceries, Hardware, &c.

3-1f