THURSDAY, MAY 28, 1891.

The Jury Was Hung.

It was two o'clock in the morning The town was wrapped in profound slumber. The wind swept across the land at a fearful gale and moaned and rattled at the windows. Darkness was thick and terrible, and ever and anon came driving rain against the panes to increase the dreariness of the scene. What more awful night for such a deed as the one we are about to relate. The jury had hanged itself!

There lay twelve men in that upper room, and "hangin' was too good for 'em." They didn't like it. They demurred, but were overruled. They protested, but it was all in vain. They moved to strike out, but the bailiff had the key.

Now the reason they assigned for this state of affairs at such an hour was that they were sent up there to agree, which they never could do; it was a hopeless task. For twelve hours they had balloted, and questioned, and and argued, and demonstrated, and weighed testimony-what they could remember of it-and at the end of such a struggle they deliberately hanged themselves, lying carelessly about the jury room on benches, tables or the floor, all, save one, fast asleep. It was the sleep of the just, for every one had stood fast to his convictions. It was a scene we cannot describe nor portray. You remember that the urchin told the artist "Good sir, you can't paint sound." Neither can we. Had Nast been there he could have produced a picture more striking than Mark Twain's Modern Jury; but he wasn't there, and it is past. Now had we said "The jury be hanged," the meaning would be different; but we did not, for we were among them and, as dead men tell no tales, that would have been against us in the future. We therefore, for the time being, forgot the present situation and rambled

back over the paths that led up to it. The case had been in court before There had been hitches and confusion, delays, disputes and debates, with a layover to the present court. Several fellow citizens had figured before the court to testify, and there the jury stood, as a lamb before its shearer, and opened not its mouth, but once. We listened acutely to everything, followed the witnesses along their broken and unbroken chain of evidence (except when counsel would object or move to strike out) and the attorneys to the end of their thread of argument, and it was all like the limb that knocked the fellow simple. It was too long. It hit the whole jury. There had been whiskey firing and cross firing, and strange and far-fetched interrogatories. The attorneys had disagreed, which was not new or uncommon. The judge had ruled and weighed the law and the evidence, and done all that could be done to decide the cause, except not to decide it, for this he wanted to leave to the jury-twelve honest jurymen, the plaintiff's peers-who were to take the evidence as it came, distorted, crude and ill-shaped, having been torn to tatters and picked into fragments by the attorneys, and hedged about with instructions, and render a fair and impartial verdict. The learned judge said: "You are the sole judges of the credibility of the witnesses and the weight of their testimony; the appearance of the witness upon the stand; his apparent candor or lack of it; his means of knowledge of the things testified; his interest in the result of the cause being tried; the reasonableness of his story; of these and all the facts and circumstances as related to the testimony you are to judge, applying thereto your common sense and general knowledge of men and things."

This was the task before us, and we twelve were to go away and weigh these various matters and return a unanimous verdict for plaintiff or for defendant, with one juryman a brotherin-law to defendant. We had been selected because we knew nothing about the cause and no questions asked or probabilites weighed as to whether we ever would know anything about it. We heard the evidence as delivered by the witnesses, yet made no minute that could guide us in our deliberations. The court and counsel had this before them in full, yet the jury must take up and divide between the parties, bring order out of chaos, justice out of flat contradictions and numerous absurd and unreasonable statements, and we must be unanimous and harmonious in our decision; we must try first immpressions, and if they were all alike the work was done; else we must examine instructions, recall the testimony, discuss the proceedings and then agree upon a ver-

dict, or else we must be hanged in a dreary room where there are none of the comforts of life, only a few hard chairs or benches.

If men have candor and sense, and cannot agree when reason is weary and patience exhausted, why then be hanged because they are men if a decision is reached by sheer endurance. If men yield rather than freeze out, or submit because they are bored to death, who would give a penny for their verdict? Often we think a man stubborn because he stands out for the right as he sees it. So long as the jury system remains as it is, there had as well be none. As well try a case before five or seven men as twelve, and a majority of them had just as well decide, for nine cases out of ten it is a compromise, where a part of the jury surrender to get free of torture and annoyance. True it is, that this is an ancient and sacred institution, but this does not make up for all the shortcomings belonging thereto. Twenty-three men on regular pay, besides many bystanders or special jurymen for several days of the time, and many of the jurors, no matter how competent or ready they may be to perform the duty to which they are sworn, challenged off by the attorneys who figure to make up a jury for their case. To challenge a juror for cause is proper, but to make up a jury the complexion of which will fit their case is base. Then the testimony as it is should go to the jury so that they can weigh it intelligently and decide fairly. All of these things, and more too, we thought of in that dreary situation.

J. W. MINNICK.

Cain's Wife.

"Where did Cain get his wife?" was asked in my hearing not long since. and when sitting at my writing table, on which I always keep a Bible, I thought to read more particularly of the record concerning Cain. I commenced at the beginning of Genesis to read, and in the first chapter, 26th, 27th and 28th verses, I found that God created man in his own image, male and female created he them; and commanded them to multiply and replenish the earth. The 31st verse of the same chapter reads: "And God saw everything that he had made, and behold, it was very good." In the second chapter, 5th verse, the last clause reads: "And there was not a man in the garden to dress it and keep it, and then follows the command concerning the fruits of the garden. In verse 18 the Lord God said: "It is not good for man to be alone. I will make an Lelpmeet for him." Verses 21 and 22 tell that God took a rib from the man and made a woman of it, and brought her to the man who accepted her to be his wife. Then the record says that of the woman was born a son whom they called Cain; and again she bore a second son and they called his name Abel. In chapter four, 3d, 4th, and 5th verses, the record says: "In the process of time Cain and Abel each brought an offering to the Lord, of the fruits and the firstlings. And the Lord had respect to Abel's offering, but not to Cain's." Now after a time Cain slew his brother Abel, for which the Lord cursed him from the face of the earth, and verse 16 says: "Cain went out from the presence of the Lord, and dwelt in the land of

Nod, on the east of Edon." Now I shall presume that in the land of Nod, or in some of its environs, did dwell the first pair that God created in his own image and likeness, and that Cain becoming enamored of one of their fair daughters took her to wife; and I shall further assume, in the absence of evidence to the contrary, that this first pair were the progenitors of the sons of God (read the 1st and 2nd verses of the sixth chapter) that took to themselves wives of the fair daughters of men. If any one can give a more plausible solution of the question they will confer a favor on all by giving the same to the pub-H. C. EMERY.

### Teachers' Examination.

Notice is hereby given that for the pur pose of making an examination of all per-sons who may offer themselves as candidates for teachers of the schools of this county, the county school superintendent thereof the county school superintendent thereo will hold a public examination at LaGrande commencing at noon, Wednesday, May 27, 1891. Dated this May 11, 1891. H. E. STRANGE.

County School Superintendent, Union County, Oregon.

SEALED PROPOSALS.

Sealed preposals will be received at the county clerk's office at Union, Oregon, up to noon (12 M.) June 3, 1891, for building additional jury and office rooms and repairing the county court house, according to the plans and specifications now on file in the clerk's office.

The county court reserves the right to eject any and all bids.

By order of the court.
TURNER OLIVER,

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man to till the ground." In the 7th verse is recorded that "the Lord God that "the Lord G

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SHERIFF'S SALE.

NOTICE IS HEREBY GIVEN THAT by virtue of an execution issued out of the Honorable Circuit Court of the State of Oregon for Union county, bearing date the 25th day of April, 1891, to me directed and delivered, upon a judgment entered and docketed therein on the 27th day of February, 1891, upon a mandate from the Supreme Court of the State of Oregon upon supreme Court of the State of Oregon upon a judgment entered therein on the 8th day of December, 1890, wherein A. J. Curtis, plaintiff and appellant, recovered judgment against the La Grande Hydraulic Water Company for the sum of One Hundred and Fifty-six and 69-100 dollars, and Two and 67-100 dollars accruing costs in said Circuit Court wherein I am company for the sum of the Court wherein I am company and the court wherein I am company and the said of the court wherein I am company and the said of the said of the court wherein I am company and the said of the sa Court, wherein I am commanded to make the sum One Hundred and Ffty-six and 60-100 dollars now due on said judgment, with interest at the rate of 8 per cent per annum from the 8th day of December, 1890, and the further sum of Two and 67-100 dollars costs, of and upon this writ, out of the personal property of said defendadt, and if sufficient personal property cannot be found, then out of the real estate of said defendant in my county on or after February 27 1891 and and being the said the said that the said the said that the said the sai 37, 1891, and not being able to find any per-sonal property out of which to make such judgment. I have levied upon and seized all the right, title and interest that the defendant herein, the La Grande Hydraulic Water Company, had on the 27th day of February, 1891, or has since acquired in and to the following described real estate. to wit: Commencing ten chains south of the NE corner of the NE% of the NW% of Sec 18, Tp. 38, R 38 E W M, thence South ten chains, thence West ten chains, thence North by 45 degs. East to place of beginning, containing 5 acres, (the above lines are intended to follow the government survey) also all the water rights, ditches and water pipes belonging to the said La Grande Hydraulic Water Company, also all the right, title, interest and claim that the said La Grande Hpdraulic Water Company had on the 8th day of December, 1890, or has since acquired in and to 10 acres in a square from out of the SE corner of the NW 14 of the NE14 of, Sec. 18. Tp. S. R. 38 E. W. M. all of the above described property being situated in Union county, Oregon, and by virtue of said execution and levy 1 will sell at public auction at the court house door in Union. Union county, Oregon, on Friday the 26th day of June, 1891, at 2 o'clock s. m. of said day, all the right, title, claim and interest that the defendant had on the 27th day of February, 1891, or has since acquired therein, or sufficient thereof to satisfy said judgment, interest, costs, disbursements and accraining costs. North by 45 degs, East to place of begin to satisfy said judgment, interest, costs,

disbursements and accruing costs. Terms of sale: Cash in gold coin to me Dated at Union this the 26th day of May,

Sheriff of Union County, Oregon. By W. R. Usher, Deputy. 5-28.

SHERIFF'S SALE.

NOTICE IS HEREBY GIVEN THAT by virtue of an execution issued out of the Honorable Circuit Court of the State of the Honorable Circuit Court of the State
of Oregon, for Union county, bearing date
the 3d day of April, 1891, to me directed
and delivered upon a judgment entered
therein on the 14th day of February, 1891,
wherein J. L. Caviness is plaintiff and R.
W. Deal is defendant for the sum of one
hundred and sixty and forty-two one hun
dred the dellars (\$160.42) row does not dredths dollars (\$160.42) now due on said judgment, and the further sum of forty-one and thirty-eight one-hundredths dollars (\$41.38) costs, I have levied upon the lars (\$41.38) costs, I have levied upon the following described real estate, situated in Union county, Oregon, to-wit: The NE's of NW's Sec. 7, Tp. 3 S. R. 38 E. W. M. and by virtue of said execution and levy I will sell at public auction at the court house door in Union, Union county, Oregon, on the 22d day of May, 1801 at 2 o clock p. m. of said day, all the right, title, claim and interest in the above described premises that the defendant R. W. Deal had on the 21st day of February, 1891 or has since acquired therein, or sufficient thereof since acquired therein, or sufficient thereof to satisfy said judgment, interest, costs,

SHERIFF'S SALE.

NOTICE IS HEREBY GIVEN THAT of the Honorable Circuit Court of the Honorable Circuit Court of the state of Oregon for the county of Baker, bearing date the 18th day of April, to me directed and delivered upon a judgment rendered on the 9th day of February, 1891, in the justices court of the state of Oregon, for the county of Baker in Baker precinct, wherein McKennon & Co plaintiffs recovered judgment against H. E. Opdyke and Emma Opdyke, detendants for the sum of eighty one dollars, damages and costs, taxed at twenty-two and seventy one-hundredths dollars, and a certified transcript thereof was filed with the county clerk of Baker county. Oregon which judgment was enrolled and docketed in the clerk's office of the circuit court of the state of Oregon, for Baker county, on the 9th day of February, A. D. 1891, and the sum of eighty-one dollars and interest thereon at the rate of 8 per cent. per an-num, from the 9th day of February, 1891. being now actually due on said judgment, also twenty-two and seventy one-hundreths dollars costs, I have levied upon the following described real estate, to-wit: The SE's Sec. 27, Township 3 North, Range 39
East, W. M., in Union county, Oregon, and
by virtue of said execution and levy. I will
sell at public auction, at the court house
door in Union, Union county, state of Oregon, on Monday, the 1st day of June, 1891,
at 1 o'clock p. m. of said day, all the right,
the and interest of in and to the above title and interest, of in and to the above described premises that the said defendants H. E Opdyke and Emma Opdyke or either of them had therein on the 9th day of Feb ruary, 1891, or have since acquired thereto or sufficient thereof to satisfy said judg ment, attorneys' fees, interest, costs, dis bursements and accruing costs herein. Terms of sale, cash to me in hand in U s. gold coin.
Dated at Union this the 24th day of

J. T. BOLLES, Sheriff, By W. R. USHER, Deputy. 4-30.

MINING NOTICE.

Union County, Oregon, April 10, 1891. To William H. Fowler, or to his heirs ex-YOU ARE HEREBY NOTIFIED THAT we have expended \$200.00 and improvement upon the Forest Queen Lode, situated in Granite Mining District, Union county, Oregon, in order to hold said premises under the provisions of sec-States, being the amount required to hold the same for the years ending December 31st 1889, and December 31st, 1890, to-wit: the of sum \$100. during each of said years, and if, within ninety days after the first publication of this notice, you or your personal representatives fail or refuse to contribute your proportion of such expenditure as a co-owner, your interest in said claim will be come the property of the subscribers under said section 2324.

J. T. FYFER.
JNO. HARLEY,
GEO. W. PERKINS.
As Executor of Estate of Rufus Perkins. J. H. McDONOUGH

Presbyterian Church.

Preaching every Sabbath at 11 a. m. and 7 p. m; Sabbath school at 10 a. m; Christian Endeavor Society, Tuesday at 7 p. m. All are cordially invited to attend. We urge parents to bring their children to church that they may be nurtured in morality and piety.

W. J. Hughes,
Pastor.

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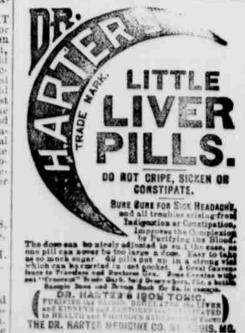
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