The Weekly Enterprise.

OFFICIAL PAPER OF CLACKAMAS COUNTY.

OREGON CITY, OREGON, JAN. 10, 1873.

Unjust Persecutions.

Like all other communities, ours is cursed with a few men who cannot desist in persecuting all who come or are in our midst who attempt to advance the interest and augment the wealth of our county. They would rather that our town and county should be wiped off the plat of existence than to allow any one to come here unless *their* pecuniary interests are advanced. They have had a regular organized system of persecution, and have succeeded heretofore in driving their objects of assault either from the county or to the grave. They commenced on Dr. McLaughlin and never ceased until that much abused noble hearted man was in his grave. They next started in on Mr. Daniel Harvey, and never ceased on him until his head was cold in death. This same crowd drove from among us the business office of the P. T. Co., simply because the company was continually annoyed by law suits trumped up for personal gain and black-mail. We now have a similar attempt made on the Lock Company. Ever since that Company commenced its work in this county, one individual has been continually harrassing and annoying them with petty claims and assumed rights. They have been ready to pay liberally for all his legal or assumed rights in all cases, but still he is not satisfied. On the plea that the public are being imposed upon, he has given the Company any amount of trouble and expense, and even now, after they have completed a work which has added more wealth to our county than all the benefit this individual has been his long and execrated life, and which will pay into our county treasury more tax in one year than he has in thirty, he attempts to throw all the obstacles possible in their way, which he prosecutes at the expense of the county and people who have no interest in his personal affairs. He has gained the unenviable reputation that he is a standing defendant or plaintiff in every term of our Courts, and as such has cost the county more money than almost the entire population.

The Lock Company have just completed a most important work, not only to this county, but to the State. They have spent thousands of dollars in our midst during the past two years, and all our merchants, mechanics and business men have been benefitted by this. They are in a position to do much good for our county in the future, being men of large capital, and having important interests at stake, the willy necessarily have to bring into use their valuable water power, and prove of great benefit to our city and county. Yet we cannot expect them or any other corporation to do anything or invest their money here if our people will countenance these malicious and uncalled-for persecutions. Because they are a rich corporation, that does not warrant a single person in harrassing and annoying them to the detriment of the whole community and to the best interest of the county. We are not an advocate of the interests of the Lock Company, but we advocate and defend that which we believe will advance our county and city, and ever condemn the course persued by certain Ishmaelites in retarding and hindering public improvements and the developments of our great natural wealth.

This cursed disposition has done much to retard the growth and advancement of our place, and we ask all good citizens who desire to see our city prosper, to look upon all such efforts for personal gain, at the expense of the masses, with disfavor. Let us rather encourage people who have capital to come and settle among us, and not attempt to drive them from our midst by unjust persecutions. We need men of capital. This party and his aiders have been here long enough to give us a just idea of their enterprise and ability to put our town on the road of prosperity. They have been a source of annoyance to it instead of a benefit, and we hope a stop will be put to this thing. Let us work together to advance the interest of the whole people, and we shall all get our just portion by the result which will be attained. Black-mailing and personal persecutions may benefit a single individual for a time, but the masses of the people are the sufferers in the end. We need capital, and let us encourage it rather than drive it from us. The Company now under consideration have never interferred with the rights of others, and they have dealt fairly and honorably with all, as far as we have been able to learn, since they commenced their works, and to-day, not a dollar stands against them as unpaid, and no one has had cause for a complaint against them. This in itself is positive evidence of the integrity of the men who compose the Company, and we ask only that justice be done to them, and that personal persecutions and peculations be discountenanced by our people. The one course will result to the interest of our county and city. The other to our detriment. We ask which course is it best to pursue?

A Falsehood Nailed.

The interested parties have been very industrious in circulating a report, in fact one of the attorneys for the ferry usurpers, stated before "Chief Justice W. P. Burns," the other day, that the city had not received a "dime for ferry license," and that it never would. In order to quiet the assertions of these individuals, we publish below the contract between the city and the party who has and now runs said ferry. And we hear state most emphatically that the sum of $50 in coin has been paid into the city treasury, in accordance with the lease. And we further state, that had there been no cloud or prospect of a suit for the city's right in this matter, we could have obtained the sum of $300 per annum instead of $100 as provided by this lease. The County Court which granted the illegal and consequently void license to Jas. M. Moore, the ferry usurper, fixed it at $10 per year, and granted it to him for a term of three years. The Court was Radical, and Jas. M. Moore is Radical. He does any amount of dirty work for his party during election, and we apprehend that this had a little to do with giving him one of the most valuable ferries, at higher rates of toll than allowed at any point on the Willamette river. This clique, of which the venerable and highly respected J. M. M. is the head, has controlled matters in this county heretofore to suit their own interest, and now when an effort is being made to protect the rights of the people, resort to all means in their power to defeat them. What do the tax-payers of Clackamas county think of a Court that will give a man a license on the river at this place, at rates double what they are at Salem, Albany or even Eugene City, and that at a time when the work on the locks was just being commenced, and when it was known that a larger revenue would be derived from it than on any ferry outside of Portland for the following two years? Did the Radical County Judge and Commissioners do their duty in the matter? We apprehend the people will answer most emphatically no. But we are diverging from the main question, and here produce the contract between the city and Mr. Diller, which shows very plainly that the County Court could have received a much greater sum for license and that they did not consult the interests of the people, but those of J. M. Moore & Co.:

This agreement made and entered into by and between L. Diller, party of the first part, and the Mayor and Street Committee of Oregon City on behalf of the City Council of Oregon City of the second part, witnesseth:

That for and in consideration of the sum of one hundred dollars in the gold coin of the government of the United States, payable every six month in advance, the party of the second part doth hereby lease unto the party of the first part, the right to establish and run a ferry-boat from the foot of Seventh street in Oregon City, across the Willamette river to the opposite shore of said river. This lease to expire one year from the date hereof; or whenever either party fails to comply with the covenants herein contained. And the party of the first part further agrees to put a good, safe and substantial boat upon said route; keep the same in repair, and in all respects secure safe and speedy passage to all applying therefor. And the party of the first part further agreeth to take this lease from the city with the understanding that he, the party of the first part, is to defend the city's right to lease said franchise at his own expense, should it ever be drawn into litigation. And the party of the first part further agreeth to observe and comply with the laws regulating ferries now in force in this State or that may hereafter be enacted.

In testimony whereof we have hereunto set our hands and seals in Oregon City, Oregon, this 14th day of September, A. D., 1872.

L. DILLER. (Seal.)
Party of the first part.

A. NOLTNER, Mayor. (Seal.)
S. W. MOSS. (Seal.) } Street
JAMES ATHEY. (Seal.) } Committee.
Party of the second part.

{ Corporate Seal. } [Stamps.]

The Corvallis *Democrat* of the 4th says: "A gentleman informs us that the Harrisburg bridge has settled in such a manner that the draw cannot be opened without great difficulty."

The Ferry Question.

Considerable excitement has been created on a question in which the city is interested on the one side, and Jas. M. Moore on the other. On the 14th of last September, the Street Committee of this city, in conjunction with the Mayor, by authority of an ordinance and power from the City Council, leased to Mr. L. Diller the ferry across the river from this city to the west-side bank. The school law, passed in 1854, gives the city "the exclusive right, privilege and franchise of maintaining and keeping a ferry from any point on the Oregon City claim to any point on the west bank of the Willamette river." Under this law the City Council deemed it their duty to establish the ferry, and see whether the rights of the city to this franchise were good. The law which the Council acted under, is as follows:

SEC. 4. The exclusive right, privilege, or franchise of maintaining and keeping a ferry from any point on the Oregon City claim, to any point on the west bank of the Willamette river, is hereby conferred upon the said city council until otherwise provided by law; and the said city council are hereby authorized to lease said ferry right, privilege, or franchise to such person or persons, and for such length of time, not exceeding one year, as they deem proper, which said lease, may, from time to time, be renewed at the expiration thereof; and all tolls, or in case of a lease the proceeds arising therefrom shall be paid into the city treasury for the support of said Schools. The rates of toll, or ferriage for such ferry, shall be fixed by the board of county commissioners of Clackamas county, as in other cases of ferries; *provided*, that whenever a school district shall be organized in Linn City, and a proportionable amount of taxation made and paid in for the support of the school or schools, the children of said district shall enjoy all the benefits and privileges of said school, and shall be allowed to cross and re-cross said ferry free of charge, for the purpose of attending said school, the same as though they belonged to the same district.

Deeming this an exclusive franchise, and one which the city had been defrauded of for a number of years, the Council took steps to secure it, and the ferry was leased to Mr. Diller, and said Diller made application to the County Court to regulate "the tolls for such ferry;" but they held that the rates had already been established, and that he was fully warranted in acting under any rates heretofore established on the Oregon City claim. Mr. Diller, acting under this interpretation, put his ferry in operation. On last Thursday a complaint was made before "Chief Justice W. P. Burns," and the trial had as to the guilt of the party. The defendant in the case filed an affidavit, praying for a change of venue, stating that the Justice was so prejudiced that he could not get a fair and impartial trial. This application was overruled, and the case came to a trial. The defendant did not deny the charge that he had ferried a man across the river and taken pay for the same, and that was enough to make up the case, as the learned and honorable Justice ruled out whatever evidence was produced on the part of the defence, or allowing him the least opportunity of offering either the law or lease, as evidence, under which he was acting. We had supposed that at least a decent regard for justice would be observed, but we failed to see it during the entire trial. The Prosecuting Attorney had only to object to anything offered by the defendant, and it was speedily ruled out. It was desired that this would bring a case before a competent and fair-minded Justice who would try the case on its merits, and that the city's right to this important franchise might fairly be tested. The right claimed by Jas. M. Moore, in the opinion of the best legal minds in our State is simply absurd, and by all it is regarded that the city's claim is good and valid. Mr. Diller acted upon what he, and as good legal minds as "Chief Justice Burns" regard as a good and valid title, and that being the case, there remained the question only to be decided as to the right of the city to grant said lease. The rulings of the high legal functionary were such as to prevent the case from coming before the jury, and the only redress for the defendant is a writ of review. We are informed that this writ, the last resort for the defendant, has been vertually denied, as the record are so made up by the "Chief Justice" as to exclude the principal points in the case.

We have no desire to take from Mr. Moore or any other man what does justly and rightfully belong to him. But this is a matter of importance to the city. The franchise granted is perpetual, and if the city's right to it can be maintained, may be of considerable benefit to our school. The amount to be paid this year is $100, and had there been no question as to the city's rights in the matter, or had the city authorities agreed to defend the lease, the ferry could have been rented for $300. But it was thought by the writer of this, that it was better for the interest of our school and the city, that others should pay the expense and test the point, and hence the $100 was accepted on condition stipulated in the lease, (which is published elsewhere) to defend the city's right. The time is not far distant when there will be a great deal of travel between this side and the other of the river, and as the country advances, the value of this franchise advances. We only ask that this matter have a fair trial. The contest is between the city, really, and Mr. Jas. M. Moore, and the simple question we wish decided is, whether the franchise granted by the Legislature of 1854 and re-granted in 1859 is valid? We are of the opinion that the city's right is good, and believing that it will in the future be of great value to our city, we shall do all in our power to gain the case and test it before a final tribunal.

Willamette Canal And Locks.

REPORT OF THE COMMISSIONERS TO EXAMINE AND ACCEPT THE WORKS, ON BEHALF OF THE STATE.

PORTLAND, OREGON,
Jan. 1, A. D. 1873.

To His Excellency, L. F. Grover, Governor of Oregon:

Sir: The undersigned, the Commissioners by you appointed to examine the works and report as to the completion of the Canal and Locks constructed at the falls of the Willamette river on the west side of said river at Oregon City, have the honor to make the following report:

The Commissioners in pursuance of their said appointment met at Oregon City on said Willamette river, on the 28th day of December 1872 and organized as a board, John Whiteaker being chosen chairman of the board and Geo R. Helm, Secretary thereof; after which, the undersigned Commissioners proceeded in person to view, inspect and examine the works composing the Canal and Locks so constructed as aforesaid on the west side of the said Willamette river opposite Oregon City; and, after giving the works aforesaid a full examination in all their parts, that is to say—the excavations, fillings, stone work, wood work, together with any and all other material used in the construction of said Canal and Locks, so far as was then visible, were of the opinion that the said works were built and constructed of the best material obtainable and the workmanship thereon bestowed of a most excellent character.

The Commissioners so appointed as aforesaid, measured the length and breadth of said locks and found them to be constructed, built and completed, in all things, in accordance with the terms, provisions and requirements of the law providing for the construction of the same, entitled "An Act to appropriate funds for the construction of a steamboat canal at the Willamette Falls," and approved Oct. 21, 1870.

The Commissioners, however, not being willing to accept and fully approve said Works without first seeing them put to a practical test, required of the Company who constructed the same that they should pass a boat through the said locks and canal, which requisition was readily and cheerfully acceded to by the Company; and the 1st day of January, 1873, was fixed as the time for such purpose, whereupon the Commissioners adjourned to meet at the city of Portland on the 1st day of January, 1873.

PORTLAND, Jan. 1st, A. D. 1873.

The Commissioners above referred to, met at the city of Portland, and from thence proceeded to the Falls of the Willamette, in the steamer Maria Wilkins; and said Commissioners remaining on board of said steamboat, witnessed the passage of said steamer through the said Locks and Canal, and then returned through the same. In the opinion of the Commissioners the machinery with which the said Locks are operated is of the best and is of the latest improvement.

In view of all the foregoing and believing the said Locks and Canal at the Falls of the Willamette river are completed in all respects as required by law and in many respects on a more extensive plan than that required by the act referred to, we do hereby approve and accept the said Canal and Locks for and on the part of the State of Oregon.

All of which is respectfully submitted.

JOHN WHITEAKER,
L. BROOKE,
GEO. R. HELM,
Commissioners.

Let There Be Light.

The *Bulletin* (Radical) has this to say: The Credit Mobilier investigation at Washington is producing great commotion. But why does the committee sit with closed doors? The people are always suspicious of this secret investigation business. It is a great mistake. The truth is, more thieves, murderers, and promiscuous rascals have escaped justice through that propensity the police have for conducting their search for criminals in secrecy, than from all other causes combined. And it is the same with all kinds of investigations. Secret investigations in this country do not have the confidence of the people. Let the world know what is going on and ten times in twelve the cause of justice will be subserved by such publicity.

The Yamhill *Reporter* states that a man named Bruce, who had been working for a farmer named Torrance, in North Yamhill, became enraged at his employer and tried to poison him. A few days since Bruce was noticed to step into the pantry a moment or two, but as he was an inmate of the house, no thought of any consequence was given to the matter. Subsequently Mr. Torrance went to the pantry, took a piece of beef and commenced eating it; but his first taste convinced him that something was wrong, and he remarked that he could not eat it, at the same time giving it to the dog. The dog ate the beef and died in a very short time. On investigation is was found where Bruce had bought his poison; ostensibly for the purpose of poisoning wolves. He was arrested, tried before the Justice at North Yamhill and bound over to appear at the Circuit Court, and now lies in jail for want of bail.

The Eugene *Guard* contains this: "Last Saturday the boat at Cloverdale ferry broke loose and after going down the stream some distance lodged against a pile of drift wood. Four men, John Moore, two Allen brothers and another, whose name we did not learn, started in a skiff to recover it. The skiff, however, ran on to a sunken log and upset. The younger Allen and the one last above mentioned succeeded in securing a hold on the log, but William Allen and Moore were both drowned. The body of Moore was found the same day, partly out on the bank, and that of Allen two or three days later."

State News.

The Supreme Court met at Salem last Monday.

J. B. Underwood, Esq., has been reappointed Postal Agent.

The citizens of Salem are taking steps to build a city wharf.

A. S. Patterson has been reappointed Postmaster at Eugene City.

Wm. Bennett, of East Portland was sent to the Insane Asylum, Saturday.

For wheat delivered on the cars at Albany 78 cents has been paid this week.

John F. Naylor, a resident of Yamhill county since 1847, died on Monday. His age was 78.

Yamhill county has a jail full of prisoners, and wants a special term of Court to clear them.

The Portland Business College is in full operation again. It was burned out at the late fire.

The Corvallis *Gazette* reports considerable stir in the wheat market under advancing prices.

The Jacksonville *Times* has entered its third volume. It is a good paper and we wish it success.

The late special term of the Circuit Court for Yamhill yielded, from fines and trial fees, $765.85.

J. K. Buff, a Marion county school teacher, offers to march his school against any other in the county in spelling.

From July 1st, 1872, to Jan. 1st 1873, thirty marriage licenses were issued in Yamhill county by the County Clerk.

The report that Mr. A. M. Smith, of Buena Vista, who was injured by the railroad accident had died, is contradicted.

Jack Alpin, of Albany, has quit the saloon business after 15 years' experience in it, and says he has had enough of that sort of thing.

A gold watch worth $300, was presented to Mr. A. A. Williams, retiring Chief Engineer of the Portland Fire Department, New Years Eve.

St. David's Protestant Episcopal Church, East Portland, was dedicated to the service of God with appropriate services on New Year's day, by Bishop Morris.

James Love, convicted of larceny and sentenced to the Penitentiary for three years, from Umatilla county, has been discharged, his term having expired.

The Board of Directors of the Union University Association of Eugene City have secured a site for the State University on land owned by a Mr. Christian.

Messrs. M. Luper, D. Foreman, S. Montgomery, J. Z. Crouse, N. Price, Jason Wheeler and C. P. Burkhart, were elected Jan. 2d, directors of the Linn County Agricultural Association.

William S. Clark, of Ochoco Valley wants to know where is James Claver, who left that valley last July and intended to return. He is a tall man, dark complexion, and 22 years old.

B. R. Holt Esq., of Harrisburg, received a Christmas present of a fifty pound box full of chestnuts, hickory nuts and walnuts all the way from the "old home" at Greenville, East Tennessee.

Governor Grover has commissioned Notaries Public as follows: Jos R. Wiley of Portland, for Multnomah county—reappointed; and Wm. S. Elkins, Lebanon, for Linn county, reappointed.

About noon on New Year Day a young man by the name of Alexander Dunbar, a hostler for the Oregon and California Stage Company at Oak Grove station, 15 miles south of Roseburg, was drowned.

The *Statesman* learns from a gentleman just down from Sitka, that Geo. A. Elec, Revenue Collector for that district, has resigned, and will probably return to his home in Salem in the course of the next month.

The Odd Fellows of Baker City contemplate the erection of a large two story fire-proof building of cut stone. The upper story is to be used as a hall and the lower story to be rented for mercantile purposes.

The Code Commission, consisting of M. P. Deady, and Sylvester C. Simpson, Esq., appointed at the last session of the Legislature to revise and codify the statutes of the State, commenced their labors Thursday, Jan. 2.

S. L. Gaines, of Wheatland, Yamhill county, met with a very serious accident a few days ago. He was riding home in the evening, when his horse stumbled in the darkness fell and rolled over his rider, breaking both collar bones.

A correspondent of the *Democrat* writing from Ochoco says: "The winter has been mild and pleasant. There have been three light snows, but they did not last long, and a few small rain showers, but not enough to raise the creeks so as to start the saw mills yet."

A number of the wool growers of Umatilla county were heavy losers by the Boston fire, as it seems they had shipped their last year's wool to that city, where it was stored and destroyed by the fire. Among the heaviest losers are Adams, La Dow, Furnipon and Swaggart.

The firemen of Portland had a regular old fashioned reunion, New Years afternoon. Among other things, resolutions were adopted thanking the firemen of Salem, Albany, Oregon City and Vancouver, for their promptness in answering Portland's call for help, on the day of the great fire.

It is reported, says the *Mercury*, that the Merchant and Farmer's Navigation Company have sold their steamer Enterprise in the Umpqua river to the Willamette river Navigation Company. It is also reported that twenty sawmills will be built the ensuing season on the lower river and a steam tug for use upon the bar.

The Commercial Mills on the Yamhill, near McMinnville, have been compelled to suspend operations for more than a week past on account of the drift in the river which prevents them from shipping their flour and feed. The drift is lodged against the bridge built at St. Joe. The "draw" in the draw bridge won't draw.

The Salem *Statesman* says: "The prices for good white wheat has advanced to 80 cents per bushel. Large quantities are being sold at that figure. Mr. R. C. Kinney informed us yesterday that he purchased 10,000 bushels at the above rate, and the farmers are rapidly disposing of their last year's crop, being satisfied with the prices offered.

At the annual meeting of the Washington county Agricultural Society, held at Hillsboro, January 3d, 1873, the following persons were elected to act as a Board of Directors for the present year: A. Lewelling, James Imbrie, J. F. Rybee, W. R. Jackson, G. M. Raymond, L. Patterson, R. Imbrie, W. G. Scoggin and Ben Cornelius. The time for holding the next County Fair was fixed for September 29, 1873.

The Oregonian says: By private letter just received in this city by Mr. E. W. Perrine from Mr. Garfielde, dated December 19th, we learn that C. M. Lockwood, a prominent citizen of Oregon for many years an extensive mail contractor in different parts of the country, was at that time lying at the point of death in Detroit. Mr. Lockwood had lately been on an extended tour to Texas on business connected with some of his stage lines.

Telegraphic News.

NEW YORK, Jan. 2.—A *Times'* Washington special says: "Advices are received here from New Orleans that appear to leave no doubt that a serious condition of affairs will exist on Monday next, from the determination of the Conservatives to proceed with the inauguration of McEwery, the Democratic candidate for Governor. The Kellogg Pinchback Government declares that such a proceeding will be construed as revolution and rebellion and will be put down at the point of the bayonet by the State militia, aided, if necessary, by the United States troops. Some of the Conservatives send word here that an appeal will be made to Congress to guarantee Louisiana a republican form of Government by reconstructing the State again."

CHICAGO, Jan. 4.—A Washington special says that information received here indicates that the British Government has conceived the idea that the Government of the United States will avail itself of the present condition of affairs in the Sandwich Islands to seize and annex them. What foundation England has for this theory is not known, but it is supposed to have come from this country. While the British Government would not object to the voluntary annexation of the Hawaiians it is understood it would protect the people of the islands, if called upon, against any filibustering attempt to seize them. However absurd the idea may appear it is believed in England that some such move is contemplated in this country. This may be the explanation of the sailing of a couple of English war-vessels for Honolulu. So far as the Administration is concerned it may be stated that there is no foundation for the opinion which appears to prevail in Great Britain on this subject.

The Post-master-General has decided that families, firms or companies cannot combine to rent post office boxes concertedly, but that one box rent must be collected for each firm, family or company enjoying such facilities.

NEW YORK, Jan. 4.—Stokes' trial, after extensive argument in which the character of Fisk and the witnesses for the prosecution were severely excoriated by Tremaine, closed at ten o'clock. There was great applause from the audience upon the conclusion of his address, which was suppressed by the Judge. After recess Beach commenced his reply for the prosecution, and spoke several hours. He reviewed at length the testimony of the principal witnesses, calling upon the jury to judge whether from the story of Stokes himself, the case was not one of murder. Stokes' early career and the circumstances of the murder were commented upon with severity. On the question of premeditation Beach submitted to the jury, on broad principles, whether at the moment of firing the fatal shot the prisoner intended to kill. When Beach had concluded the Judge at once proceeded to deliver his charge. After complimenting the jury and the counsel, and the press for abstaining from criticism on the case, he charged that all questions were to be discarded which have upon the character, habits or social surroundings of either deceased or prisoner. The killing practically conceded, the question was whether the killing was a crime. It was agreed by both sides that the killing was either murder in the first degree, or manslaughter in third degree, or justifiable homicide. To determine this point as it said it was important to consider whether there were two pistols found, and whether the prisoner was acting in self-defense. He then explained the theory of the prosecution that there was but one pistol, and of the defense there were two. He intimated that the jury might consider another theory, viz: That the pistol found by the ladies was dropped by the prisoner, though this theory was inreconcilable with the testimony. No one testifies to seeing a pistol in Fisk's hands except the prisoner. The silence of the prisoner when arrested did not necessarily involve his guilt. If the jury believed the prisoner fired from premeditated design to kill without fear of danger, they should find a verdict of murder in the first degree, and on the latter point they were to consider if there was a conflict, and whether the character of Fisk was such as from menaces to lead to apprehensions of danger. On that point only—viz: whether deceased was personally violent and a dangerous man or not were they to consider his character. It was the duty of the prisoner to satisfy them that the killing was not murder. The Judge then explained the kind of doubt to which the prisoner would be entitled, and in conclusion said it would be a great misfortune if the jury should disagree.

The jury in the Stokes case after a few hours' absence, entered about eleven o'clock, and rendered a verdict of murder in the first degree. Judge Boardman deferred sentence until Monday. The anticipation that the verdict would be given some time to-night created much interest in many places throughout the city. It was hardly expected, however, that the verdict would be rendered so soon. During the latter days of the trial some apprehension was awakened among friends of the prisoner at the pertinacity and skill shown by attorneys for the prosecution; still the feeling existed among many that the conviction of murder in the first degree would not be found; that if there was no disagreement among the jury, the verdict would be either justifiable homicide or manslaughter in the third degree. The prisoner's counsel will doubtless now apply for a new trial, as they took many exceptions in the progress of the trial.

The jury came into Court at twelve minutes past eleven. The prisoner turned ashy pale; his sister wept aloud; Assistant District Attorney Fellows moved that sentence of law be postponed, but at the suggestion of Tremaine, the Judge deferred passing sentence until Monday. It has transpired that the jury on retiring stood ten for murder in the first degree, and two for manslaughter in the third degree. From information derived in an interview with some of the lawyers of Stokes, it is thought no exceptions to the verdict will be taken.

WASHINGTON, Jan. 4.—Governor Booth telegraphs that it is his belief that if the Modocs are allowed 3,000 acres properly located on Lost river instead of being forced on the proposed reservation, a treaty is practicable which should satisfactorily protect *bona fide* settlers. Cole laid the subject before the War Department yesterday. There was no decision in consequence of engagements of the Acting Secretary of the Interior. Probably the policy will be unchanged unless a new report on the subject is obtained from officials in California, as the Modocs were ordered to the new reservation only after a careful consideration upon the recomendation of the Indian Agent.

NEW ORLEANS, Jan. 5.—General Emery has instructions to hold troops in readiness to preserve the peace.

Attorney-General Ogden telegraphs Attorney-General Williams, as follows: "The members of the Legislature returned as elected by the State Board and recognized by Governor Warmoth before the assemblage of that body at Graham's Institute are compelled to meet to-morrow under our statutes in order to preserve their seats. Their assemblage will be peaceable, without arms, and with no purpose of aggression, but simply to organize. The organization presided over by Pinchback has threatened violent interference, from which serious troubles may arise. That organization derives its authority from the attitude of the Federal Executive, and will be controlled by the President. We trust he will discountenance any interference with an assemblage which has order for its object and is rendered necessary by the situation."

NEW ORLEANS, Jan. 6.—The city is quiet this morning, and fears of a conflict are subsiding. Very little business doing. Some 3,000 persons are already assembled about the City Hall and Lafayette square. The meeting there will undoubtedly be large. This morning a battalion of infantry and company of cavalry rode up from the bar acks to their temporary quarters on the corner of Magazine and Julia streets. The Conservative Legislature is caucussing. Sixty-eight members of the House are present. It is understood that they will not meet at the Lyceum, but elsewhere.

LATER.—The assemblage increased to 5,000 or 6,000. A large United States flag has been displayed from the balcony of the Odd Fellows' Hall on Canal street, indicating that the Conservative Legislature will meet there. The crowd is rapidly assembling on that side of Lafayette square. The assemblage is very quiet. The meeting has been called to order and the crowd is momentarily increasing. The stores are generally closed. Canal street looks deserted, and not a lady is to be seen on the great thoroughfare.

NEW ORLEANS, Jan. 6.—An immense crowd of citizens, estimated at 20,000, gathered in Lafayette square and other streets in the neighborhood of the Odd Fellows' Hall. Where, at noon to day, the Warmoth Legislature met. The crowd was remarkably quiet. No quorum was present in either House, and both adjourned until noon to morrow.

The Kellogg Legislature met as usual, but adjourned early.

CHICAGO, Jan. 6.—Minnie Myrtle Miller delivered her lecture on Joaquin Miller to an audience of about 100 at Union Park church on Saturday night, the press comments were complimentary.

CHICAGO, Jan. 6.—The *Journal's* Washington special says: "As a result of the Cabinet consultation yesterday in reference to affairs in Louisiana, the President has advised General Emery, commanding the United States forces at New Orleans, that the Warmoth Legislature cannot be interfered with for peaceably assembling to-day, so long as they do not interfere with the existing government.

NEW YORK, Jan. 7.—Stokes, when sent back to the Tombs yesterday, was assigned to the murderer's cell. He stated to a reporter last night that money secured the verdict; that the boys, Redmond and Hart, were bribed, and their testimony convicted him. He had expected an entire acquittal. He declares that he was a victim of excited public sentiment; that the jury had their minds made up to convict him before the testimony was given; that on their selection the jurors all stated they had had formed opinions. He was confident, however, that this counsel would obtain a stay of proceedings.

NEW YORK, Jan. 6.—Stokes was in Oyer and Terminer this morning to receive sentence. Tremaine, his counsel, made an address in relation to a bill of exceptions to the Judge's rulings, which he proposed to offer. The prisoner was then asked what he had to say why sentence of death should not be passed. Stokes thereupon said that he had not violated the law intentionally, that the testimony upon which he was convicted was manufactured and perjured. Judge Boardman then, in a very feeling address, in which he alluded to the prisoner's youth and social surroundings, sentenced the prisoner to be hanged on Friday, the 28th of February, being the shortest time that could be legally allowed a convicted man. Stokes' counsel were in consultation last evening. They were greatly surprised at the verdict, and expressed their purpose of applying at once for a stay of proceedings, and ultimately, if possible, to secure another trial.

Completion of The Locks.

It is well known to our readers that the present editor of the *Bulletin*, Mr. Scott, was a bitter opponent to the Lock Company. Here is what he now says of the works in the issue of the *Bulletin* of the 31 inst.

Although it is well known that we, with many others, opposed the appropriation made by the State for the construction of The Canal and Locks, holding that the funds so appropriated should have been reserved for schools, yet the fact of this opposition cannot prevent us from putting on record a testimonial to the completeness and excellence of the works as now finished, or from giving credit to the Company for the energy and enterprise they have exhibited. No one has ever questioned the great utility of such a work to the country. Boats can now pass the falls without other impediment than payment of the tolls allowed by law. Much has been expected and claimed for the country as a result of this work. It makes opposition on the Willamette river possible, and if the two lines run against each other the result of their competition will be to the country's advantage.

To construct these works has undoubtedly required a large expenditure of money in excess of the appropriation by the State. It requires good pluck and faith in the future of the country for men to make a venture like this. The people will be glad to see the venture a successful one. In the long run it will work good to the State. In the nature of things it will necessarily do much to equalize the cost of transportation.

The great drawback is the insufficiency of water in the upper river, for a considerable part of the year. Above the Yamhill the Willamette is rapid and abounds in shoals, and navigation is difficult, expensive and slow. Boats wear out rapidly. Undoubtedly, however, the navigation of the upper river can be much improved. Aid should be secured from the General Government for this purpose. A small annual outlay will suffice to render navigation much easier and better, and all persons owning steamboats would greatly profit thereby while the public would profit more.

Our State, the western portion of it, may congratulate itself on the improved facilities for travel and transportation which have been provided during the last two years. These enterprises are somewhat in advance of the general growth of the country, but they aid this growth, and in a few years will justify the foresight which has expended such large sums of money. Meanwhile the people will reap the advantage. Let all men whose efforts contribute to build up the State, whether by constructing railroads, establishing such enterprises as the one just completed at Willamette Falls, starting manufactures, or in any other way enlarging the basis of public prosperity, be received cordially and properly encouraged.

Many former citizens of Linn county have settled on Willow Creek, Wasco county. The greatest need of that country is mills, especially saw mills. Timber is abundant and convenient. The mills would of necessity be run by steam, as there is not a sufficient flow of water in that country to run a sash saw. The prices of "franches range" from $1,000 to $5,000, with scarcely any sellers. Last harvest the grain averaged from 45 to 50 bushels per acre—one man realizing 1,500 bushels of grain from 26 acres. Vegetables are superabundant, and of the most superior varieties.

EXPENSIVE.—We learn that the most expensive institution the citizens of Clackamas county have to maintain is "Chief Justice Burns'" Court. That institution always has a list of cost suits at each term of the County Court.

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