Enterprise, Otenon

DEVOTED TO POLITICS, NEWS, LITERATURE, AND THE BEST INTERESTS OF ORECON.

VOL. 9.

OREGON CITY, OREGON, FRIDAY, JANUARY 29, 1875.

NO. 14.

A LOCAL DEMOCRATIC NEWSPAPER | Prospectus for 1875-Eighth Year Farmer, Business Man, & Pamily Circle.

MAUSD BYERY FRIDAY. A. NOLTNER, ADITOR AND PUBLISHER.

OFFICIAL PAPER FOR CLACKAMAS CO. OFFICE-In ENTERPRISE Building, one seor south of Masonic Building, Main St.

Terms of Subscription: Single Copr One Year, In Advance\$2.50 Six Months "

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SOCIETY NOTICES.

OREGON LOPGE NO. 3, I. I. O. F., Meets every Thursday evening at 7% o'clock, in the Odd Fellows' Hall, Main street. Members of the Or-der are invited to attend. By order

REBECCA DEGREE LODG & NO. day evenings each month, at 7's o'clock, in the Odd

are invited to attend.

By order of

MULTNOMAH LODGE NO. 1, A.F. A. M., Holds its regula, communications on the First and Taird Sate days in each month, at 7 o'clock from the 20th of Sep. tember to be 20th of March; and 7's o'clock from the 20th of March; to the a the 20th of March to th 20th of September. Brethren in 1000 standing are invited to attend.

FALLS ENCAMPMENT NO. 4, L.O. O. F., Meets at Old Fellows' 2 0 Hall on the First and Third Tuesin good stanling are invited to attend.

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'A Magnificent Conception, Wonderfully carried out."

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will be welcome in every nome. Everybody loves such a dog, and the portrait is executed so true to the life, that it seems the veritable presence of the animal itself. The Rev. 1. De Wit Talmate tells man his own New Foundland no, that are a Brooklyn) barks at it! and more a so her ural, no one who sees this premium curomo will have the alignment that of raid, litter Bosides the caro and every surgues s ember to The Addition of 187 a constitute

THE ALDICE ADJUNION. Adding class, then, the other par-eigs and carrevings, errors of ci-tributed among the members. To every series of 5,000 subscribers, 100 affered pieces, valu-ed at over \$2,500, are to ordescribered as soon as the series is 111,211 the awards each series as made, are in he published a the next succeeding is in a The Aldino his feature analies only to subscriber sho pay for one year a poyance. Unli-

TERM: ALDINE one year, the Chromo and the Art Union, \$6 per Annom, in Advance.

(No charge for postage.) Specimen copies of THE ALDINE, 50c. CANVASSERS WANTED. Any person wishing to act permanently as a local canvasser will receive full and

THE ALDINE COMPANY. 58 MAIDEN LANE, NEW YORZ.

I now off r this stock of Goo's at Prices far below Pay other Times are hard and money S I also keep a full assorancht

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Jewelry. Notions, Musical Instruments. Toys, Etc.,AT THE Lowest Prices

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Str. E. N. COOKE, Will leave OREGON CITY for PORTLAND every day [Except Sunday,] at 7% o'clock, A. M. Returning, will leave Portland for Oregon City at 2% o'clock, P. M.

Str. DAYTON.

WIII leave OREGON CITY for MCMINN-VILLE, LAFAYETTE and DAYTON, and all points between, every Monday, Wednesday and Friday of each week. Leaves the Basin at 8 o'clock, A. M., and connect with the train at Caneman at 9, A. M.

Str. ALBANY Leaves OREGON CITY for HARRISBURG and EUGENE and all intermediate points

Str. Fannie Patton, enves OREGON CITY for ALBANY and all intermediate points between twice every week.

J. D. BILES, Agent, Oregon City, February, 141. 874.

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The Oldest, Largest, and Most Perfect Manufactory in the United States.

No other Musical Instruments ever obtained the same Popularity.

Send for Price Lists.

Address

BUFFALO, N. Y. Important Decision.

THE STATE TREASURER'S CASE DECIDED.

In the Supreme Court of the State of Oregon, December term, 1874. J.
Simon, respondent, vs. A. H.
Brown, as State Treasurer, appellant; appeal from Marion county.
W. H. Effinger for appellant; E. C.
Bronaugh for respondent. McARTHUR, J.

The pitition alleges that on November 7, 1872, the Secretary drew a warrant on the State Treasurer in the following form:

STATE OF OREGON, SECRETARY DEPARTMENT, SALEM, NOV. 7, 1872.

State Treasurer will pay out of the General Fund to the order of A. J. Dufur, the sum of five hundred and four dollars. (Signed) S. F. CHADWICK, Secretary of State.

"Centennial Commission Substi-That on said date the same was presented for payment, and for want of funds was not paid, and the then Treasurer endorsed the same as fol-

of funds, Nov. 7, 1872. (Signed) L. Fosskener,

Treasurer." That, afterwards, Dofor endorsed the same for value, and the plaintiff is now the owner and holder thereof. That the Legislative Assembly, at its Eighth Biennial Session, passed an act entitled "An act to provide for the ordinary expenses of the

State Government, and other general and specific appropriations," by which the said Legislative Assembly did appropriate the sum of \$382,157 36, or so much thereof as might be necessary for the several objects in s. ic act mentioned for two years, commencing from September 14, 871, to be paid out of any money in the Treesury not otherwise a pro riated, besides the sum of \$7,250 appropriate out of specific funds for specific purposes.

That by Section 19 of said act it is provided that "No money shall be paid out under this act except upon warrants drawn by the Secretary of State upon the Treasurer. And all State apon the Teasurer shall be paid by said Treasurer in the order in which they have been presented endorsed: 'Presented and not paid have been issued before or after the passage of this act."

That by Section 20 of said act it is provided that "Owing to the necessity of maintaining the public credit, this act shall take effect and be-inthe Governor," and that it was approved October 24, 1874.

That there are outstanding war-State open said Treasurer and pre-sented prior to November 7, 1872, and endorsed: 'Presented and not paid for want of funds," to the amount and for the sum of twentytwo bundred dollars (\$2,200) and not to exceed that sum, and that dollars (\$7,000) in U. S. currency,

its endorsement by the Treasurer. That on Nov. 30, 1874, the plaintiff payment which was refused by the

Then follows a prayer for a writ of mandamus commanding the Treasurer to reduce said currency in the general fund to coin and to pay said warrant with the interest due thereon. The defendant answers and says:

1. That he refuses to pay said he has no authority to pay any warrants presented to him unless authorized by act of said Assembly and

2. That the entire amount of outdorsed "not paid for want of funds" 24, 1874 and therefore he refuses to pay the same.

3. That the warrants upon the said act and accruing since September 14, 1874 aggregate at this time tion 19, and that if he should be refollows a prayer for dismissal, etc.

mission." appropriate the sum of ance of Art. 9, Sec. 6 of the State having lived in it.

appropriated to be used for the purposes expressed in the title of the act during the years 1872 1876 inclusive of the Constitution and of Sec. 58, p.

The description of the Constitution and of Sec. 58, p.

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The dest section of the act to pro drawn thereon. second see or it is provided after the Centennial Commission act. the birls of the Commissioner are addited the Sec. elarv of State shall draw his was anis for the amounts L ASCY DE STATE OF OREaudied and that the 'r essure shall on the same from the fand to be set apart in vicine of the first section; "Provider. That the aggregate amount paid in any one year shall not exceed one inousand dollars,"

(Law 1872, p. 1.3.) Thas it shall be seen that the warrant in suit is to be paid out of the fund to be set apa.; by the Treasurer warrants drawn by the Secretary of from any moneys not othe wise apfor want of funds, whether the same the complaint and not denied in the the purchase money for the same, force from and after its approval by dollocs (\$4,800) in said general fund such real estate to such purchaser, which it coes not appear have been 'otherwise appropriated," and from anis drawn by said Secretary of of which the law anthorizes the Cen- the period of five years shall have may be prejudiced, gentlemen, but I tennial we cants to be prid.

We are of opinion that this cannot be legally paid out of any of the funds provided for by the act of any irregularities or informalities in Oct. 24, 1374. The very terms used in the first section of said act shows there is now in the General Fund that the Legislative Assembly specithe sum of seven thousand or more fically appropriated for the objects enumerated in subsequent sections which was received otherwise than certain definite sums of money to be for taxes, the requisite portion of paid on of any money not otherwise which is applicable to and should be paid out by the Treasurer towards the satisfaction of the warrants aforesaid with interest from the date of paid out under this act except upon warrants drawn by the Secretary of State upon the State Treasurer. caused the warrant aforesaid to be And all wa rants drawn by the Secduly presented and demand made for retary of State from the treasary shall be paid by the Treasurer in the present Treasurer, A. H. Brown, the defendant order in which they have been presented and endorsed 'Presented and not paid for want of funds,' whether the same have been issued before or after the passage of this act."

It is contended that this section should be so construed as to authorize the State Treasurer to pay warrants which have been issued long warrant because the same belongs to prior to the second Monday in Sept. and is a part of the deficient warrants | 1874, under the other acis of the drawn upon the State Treasury for Legislative Assembly and for other which no appropriation was made by purposes than those mentioned in the Legislative Assembly, and that the other sections of that act. The question therefore is, can such an enlarged construction be given to Section nineteen? If so, the entire that said warrant is a part of an in- character of the act is changed, and debtedness for which there has been from an act providing for the ordinary expenses of the State Government accruing during the two years succeeding the second Monday in standing warrants presented and en-standing warrants presented and en-September, 1874, and the other and 878,957 51 and that the same are into consideration, and it is the duty properly collectible from the Treas- of the Court to put a reasonable conhe would not have any funds what- all of its provisions may if possible into all kinds of business. ever wherewith to pay the current stand. Whenever the intention of expenses of the State Government or the makers of a statute can be dis-

four thousand dollars out of any Constitution, but on the contrary it money in the Treasury not otherwise | was passed in virtue of Art. 9, Sec. 3

upon which fund said warrant was section nineteen there is an apparant inconsistency between it and the other After trial the Court below adjudg-ed the writ properly issued and or-dered that said warrant be paid by the Treasurer. From the findings of appears, and the said section may, the Court it is apparent that the with much reason be taken to mean effect of the order was to cause pay- that no money shall be paid out unment to be made out of the seven der the act except upon warrants thousand dollars the general fund drawn by the Secretary of State upon mentioned in the plaintiff's complaint. the State Treasurer and all warrants There is no question made here upon drawn by the Secretary upon the ruling of the Court below on the demurer to the defendant's answer and | be paid by said Treasurer in the orwe pass that matter as unimportant. der in which they have been present-It will be observed that the said ed and indorsed: "Presented and answer nowhere puts in issue the fol- not paid for want of funds," whether lowing allegations of the complaint: the same have been issued before or (1) That there are outstanding war- after the passage of the act. It must rants drawn by the Secretary of State | be borne in mind that this act was upon the Treasurer and presented approved Oct 24, 1874. Also that prior to November 7, 1872, and ensections five and nine provide, among dorsed: "Presented and not paid for other things, for the pryment of cerwant of funds," to the amount of tain deficiencies in the Mute School twenty-two hundred dollars (\$2,200) and and Penitentiary fund. Thereand not to exceed that amount. And, fore the words "whether the same (2) That there are now in the Gen- bave been issued before the passage eral Fand of the Treasury of the of this act" are intended to embrace "Presented and not paid for want | State the sum of seven thousand dol- such warrants as represent the defilars (\$7,000) or more in currency of ciencies in the fund just mentioned. the United States which was receiv- There is no reference whatever in the ed by the Treasurer otherwise than act to the Centennial Commission fo taxes from which fund warrant | fund, and hence the act and no sec-No. 393 and accomplated interest is- tion thereof can properly be held to govern the payment of the warrants

vide for the payment of the Centen- We therefore are of opinion that strangers with his greatness, Bel- whenever he thought of dandling a ial Commission decla es that "there | the warrant for the recovery of which | knap is a clever enough devil, and is | little darkey baby for his own, as if sual be and is he eby set apart from this proceeding was instituted should rather a general favorite out in soci- he had swallowed an emette the any noney in the State Treasury not be paid out of the fund first alluded ety. But this bady business has wrong way. The friends promised otherwise a propriated, the sam of to (\$7,000), and the Treasurer should upset him completely. He was for Belknap solemnly not to say a word ion diors and doilars (\$1,000) to be set apart the fund in accordance with hanging out all the flags at the De- about it, but each told his intimate used it deflaying the expenses of the provisions of the act approved partment, and firing a salute, but a friend the moment he got down town and the Commissioner," e.e., and in the October 24, 1872, commonly called friend told him that would not and the story was one of the leading occ. ment affirmed.

GON.

An Act for the relief of purchasers of real estate at sales made by administors or executors.

Le it exacted by the Legislative Assemby of the State of Oregon:

Sectio. 1. When any real estate has been heretofore, or shall be hereafter sold by virtue of any license, his fierce red moustache. propriated. Assuming that there or order of any County Court, in save dollars and odd collars belong- been approved by said County Court, as to the general food as alleged in and the purchaser shall have paid answer, and assaming to ther that and said sale shall have been made he ease warrants upon the general in good faith in order to provide for lood registered prio: to this one ag- payment of claims against said estate 5 egaing in amount twenty-two and the Executor or Administrator Belknap my most sincere congratuandree Collars i. follows that there shall have failed or neglected to lations most be some forty-eight bandred make or execute any deed canveying or if from mistake or omission in knap is not now in a condition to resaid deed, or defect in its execution, ceive you, but before you go away which the fand may be created out the same shall be inoperative, and elapsed after the making of such do think the baby sale, then, in such case, all such the proceedings prior to said sale. And when such facts shall be made to appear in any suit in equity brought to quiet the title to such real property against the heirs or their assigns of the deceased person whose property shall have been thus sold, in the proper Court for such suits, that such Court shall make its lecree quieting such title, and compelling and ordering conveyances of he same to be made to such purchaser, his heirs or assigns, as if a valid contract to convey said real property had been made by such deceased person in his life-time, and no action shall be maintained by such of perhaps twelve years of age, was dispossess any such purchaser, his a baby stretched across her lap. heirs or assigns, after the expiration | This youthful monstrosity (the baby) of five years from any such sale.

Sec. 2. And inasmuch as there are were wide open. It was apparnumber of bona fide purchasers of ently meditating upon real estate at Administrators' or Ex- usefulness of beginning anyecutors' sales, in the State of Oregon whose titles are icregular and informal, therefore this Act shall take effect and be in force from and after its approval by the Governor.

Approved Cciobec 26th, 1874. Attesi: S. F. CHADWICK, See eta voi State. ---true West is Repoly.

The West is ready, remarks the Chicago Tribune, to act with the South in demanding a revenue tariff aggregates about \$287,459 17, and general and specific appropriations which shall relieve the people of the Str. ALICE.

Str. ALICE.

Will leave OREGON CITY for CORVALLIS every Monday and Thursday of each week.

Str. DA VIDON.

Str. DA VIDON. vided by the act. In construing manding a sound, stable, and couthis act it is the daty of the Court to vertible currency in sufficient quanascertain if possible the intention of lity for the legitimate needs of the various funds appropriated to by the the Legislature, and in so doing the country, so as to remove the damage preamble and the general pu view which is now occasioned to business or body of the act are to be taken by the fluctuations in value and the recessity imposed upon the merchants and manufacturers of specuurer under and by virtue of said sec- struction upon all its sections and lating upon values before they can clauses, in order to accomplish its make contracts, thus introducing a quired to pay the deficient warrants obvious purposes and in order that dangerous element or uncertainty

WHAT'S THE USE? -- What's the use any general or special expenses dur- covered, it ought to be followed with of bending every faculty to moneying the two years succeeding. Then reason and discretion in the con- getting, thinking of nothing elsestruction of the statute, although when you can't carry a single dollar A demurer was interposed and sus- such construction seems contrary to with you, and have already more tained to the 2d and 3d portions of the letter of the statute. "A thing than enough to supply every reasonwhich is within the letter of a statute able want, though you should live Thereupon the plaintiff filed his is not within the statute unless it be to be a hundred years old! There is reply denying the first allegation in within the intention of the makers." no note-shaving, or mortgages, or the answer and averring that the Griswold vs. National Insurance Co. stock-boards, or interest-bearing Legislative Assembly did by an act 3 Cowen 96. The obvious purpose coupons where you are going. The approved Oct. 24, 1872 entitled "An of the act under consideration is to current coin of that realm is supposact to provide for paying the expen- provide the necessary funds to de- ed to consist of manly attributes of ses of the Commissioner and Com- fray the expenses of the State Gov- character, nobility of soul, the missioner substitute for the State of ernment for two years succeeding thoughts and inclinations that cul-Oregon in attending the sittings of September 14, 1874, for it does not minate in good on earth and make the United States Centennial Commission," appropriate the sum of ance of Art. 9, Sec. 6 of the State

A SUDDEN SOUND

it," was the reply, "and your mother of a suppressed chuckle broke the er's monkey will be a cherub in tea

Belknap's Baby.

The U. S. Secretary of War as a Fath-er and Nurse. The United States War Departwife of the Secretary has been blessed in this manner. Proverbial Phiosopher Tupper, says something in

that effect.'

the Pittsburg Daily Ledger gives the Here's your baby. Poor little darfollowing account of a rather ludi- lin', and so its own father didn't crous scene which occurred upon know it. Ah! chucksy, nuckthe occasion of the first public exhi- sy, honey chile." bition of the infant "Son of Mars:" The War Department had a baby the other night—that is to say, the handsome Secretary of War became a father. The birth was attended with the usual anxieties upon the

part of near friends, but it turned out all right, and Belknap is the happiest father not to say the proudest. It is hard to see what makes the newly-made father proud; in general he is the proud one, while the mother who has had all the sufferings, contents herself finally with becoming THE LOVING AND HAPPY ONE.

Belknap is a large, powerful-lookng man of the clear blonde type. Curling sandy hair and red, flaming whiskers adorn the son of Mars. He answer now, since the election.

THE OTHER NIGHT Senator Sherman, of Ohio, went up in company with several distinguished politicians to Belknap's house to make a little call of congratulation.

were shown into the parlor by a visitors were kept waiting but a moment when in came Secretary Belknap with his hands outstretched

"I am glad to see you, gentleman," said he. "How is Mrs. Belknap?" said Sen-

ater Sherman. "Oh, she is doing beautifully, and the baby, and it is a bouncer.' "I am glad to hear that all is coming on so finely. Please give Mrs.

"I shall be pleased to do so. I am sorry, gentlemen, that Mrs. Belyou must surely see the baby.

A MOST REMARKABLE ONE. In fact, gentlemen, I am proud of the baby, and I must take you up in the nursery to see it. If you do not object we will go up at once, as we will be more apt to find the precious little one awake, as it is near feeding | ferred. time, and I want you to get the full expression of the baby's face when it s awake.

"By all means." exclaimed al present. The Secretary whirled about at this, and, joking and laughing, the parties went up stairs to the nursery. Entering the brightly lighted and

cheerfully furnished room now given up to the War Department's baby, A YOUNG COLORED GILL heirs, or their heirs or assigns, to discovered in a low, easy chair, with of the leading citizens to-night adopted resolutions condemning the recent part played by the militia in had black, bright eyes, and they New Orleans.

> thing so monotonous as existence. Belknap swooped down upon the baby and bore its limp form aloft. and then bending his head over the putty-faced bit of humanity, began to gurgle and coo: "Oh, you baisy, waisy, pretty little sweetsy, weetsy, tweetsy," etc. Then he called his friends around him.

SENATOR JOHN SHEEMAN put on his glasses and pronounced it a very fine wholesome-looking baby.

Secretary, it has decidedly a brunette He was the first prominent Democrat

the color of raw beef until they get sitions with "Liberal Republicans" their first skin. Then you will see to help "pull through." Governor that this baby will have a complex-Allen placed himself upon square

the young man politely. gathered the baby close to him, and with political tricksters and policy then he said impressively: "Gentle-men, you are all heads of families. mongers; and he won handsomely, without placing himself in a position You can sympathize with me. No of indebtedness to any political Hes-

WITHOUT A THRILL OF PRIDE. As I gaze, gentlemen, upon this darling little waif, this good gift of allmerciful God, I must confess that I could shed tears of gratitude. Here then followed a painful si-

lence, during which the Secretary

gazed fondly at the baby in his arms through eyes half blinded with tears. His lips moved in silent prayer, invoking blessings upon the head of the innocent little one.

the old colored nurse coming toward

baby, whose complexion was the rose ment has had a baby, or rather the tint sometimes found inside a sea-THE OLD COLORED NURSE was laughing immoderately. "Law that maudlin series of popular say. Massa Belknap, you has hold of the ings that "A baby in a house is a wrong chile this time, suah! That well-spring of joy" or "words to baby belongs to my darter, Sally, who left it here to-day when she The Washington correspondent of went off for a visit to the country.

them carrying in her arms a mass of lace and ribbons out of which was to

be seen a pink-faced, bald-headed

AN AWFUL YELL was the only reply to this. The baby that the Secretary had been holding rolled from his relaxed arms, and it one of the visitors had not caught it as it fell it would probably have been killed by the fall. As it was, it received a severe blow upon the head, and it set up a howl to match. The Belknap baby then set up a shriek out of sympathy, in a moment that nursery was transformed into a regular pandemonium. It is needless to say that the baby inspection was not of long duration after this.

Belknap looked awfully chop-fallen. Each visitor was so

is the perfect picture of health and that he could hardly keep it tucked good looks. Saving his pompousness | back out of sight. The War Secreand a general desire to impress tary looked for a long while after, jokes in political circles last evening.

CONGRESSIONAL NEWS.

Washington, Jan. 14 .- A bill was introduced to-day in the Senate by Sergent, and in the House by Page to prevent naturalization. It prostately colored man in livery. The poses merely to restore the naturalization laws as they existed prior to the late codification, in which the implied discrimination against Chinamen were inadvertantly omitted. and a great smile of welcome under All the Pacific Coast Senators, Representatives and Delegates now in Washington have united in a letter to the Chairman of the sub-committee, before whom is a somewhat similar bill now pending, earnestly urg ing its passage. It has been thought more advisable to effect the purpose, however, by means of the present new measure, which will simply restore the former law without expressly meaning Chinamen.

Washington, Jan. 14.-In the Senate, Sprague, of Rhode Island. from the Committee on Public Land. reported favorably on the bill granting the Willamette Coast Railroad Company the right of way through public lands for a narrow-guage rail-

Kelly and Mitchell, of Oregon, presented resolutions from the Legislative Assembly of the State of Oregon relating to the protection of salmon in the Columbia River; re-

Mitchell, from the Senate Committee on Claims, reported back the bill for the relief of J. W. Drew, of Oregon, late Paymaster, with recommendation that it pass. Washington, Jan. 15 .- In the

Senate, Kelly called up the Senate bill for the construction of the Portland, Dalles and Salt Lake Railroad and telegraph, and proceeded to address the Senate in favor of the bill. At the expiration of the morning hour it was laid over. CINCINNATI, Jan. 16 .- A meeting

Straws.

The St. Louis Dispatch predicts that William Allen of Ohio will be nominated for President by the Democratic National Convention in 1876

by acclamation.—Exchange. There are many reasons why Governor Allen should be elected the standard-bearer of the National Democracy in 1876. The Day Book, on the news of his election as Governor last year, predicted his nomi-"It's nose is your's Belknap," said he meditatively. "Decidedly, he has your eyes," also said another. He broke the backbone of the Re-He broke the backbone of the Republican party, and rendered all subsequent victories an easy matter. of character and unsullied reputa-The Secretary bonneed at this. tion that dared to go into an election All babies are that color," said he, upon a Democratic issue, eschewing at the start; they are bound to be all policy dodges or cuddling propo-Jeffersonian doctrines, inferentially "As Mrs. Delknap herself," said declaring that he would rather be beaten, planted upon such a stand-"Yes," said the Secretary, as he point, than win by honey-fugling father can look upon a newly-born baby of his

WITHOUT A THRILL OF PRIDE.

Sians for the victory. To-day Gov. Allen is, by large odds, the most probable Presidential nominee of the Jeffersonian party in 1876. There are other equally able men in the party, but no one who has shown so great a degree of patriotic courage amid the clouds and darkness which have eveloped us for the past decade. N. Y. Day Book.

> Young America is very forward. 'I'll put a head on you," said a little gamin to a companion. "You try

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