

Supreme Court Ruling.

On the 10th, in the Supreme court of Oregon, now in session at Salem, the court decided a motion in the case of the state of Oregon vs. John D. Whitney, which will be of interest to the profession in the state. The decision is substantially as follows, opinion by Judge Boise: "This is a motion by the state for a rule on the clerk of the court below, requiring him to send up to this court as a part of the transcript herein, a certified copy of the written charge of the court to the jury in this cause in said court. The bill of exceptions contains detached parts of the charge, and the defendant, Whitney, seeks to reverse the judgment of the court below on alleged errors in said charge. The state through its counsel claims the charge should be taken and construed as a whole and not in parts, as set forth in the bill of exceptions and ask that inasmuch as the charge is on file in the clerk's office, it should be certified up as a part of the record. Counsel for defendant claims that it is not a part of the judgment roll and therefore should not be sent up as a part of the transcript. But we think that inasmuch as it is in writing and on file, and the bill of exceptions contains only a portion of the charge might have a tendency to explain or modify the parts cited in the bill of exceptions, that the whole charge may be considered a part of the bill of exceptions and brought before this court for examination." The motion will be allowed. J. J. Whitney and W. M. Ramsey, for the state, and J. A. Stratton for the defense.

Incidents of the Snow Storm.

A dispatch from Oswego, New York, gives an idea of the severity of the great snow storms which recently prevailed in that state. The papers are filled with accounts of the suffering it caused, but the following extract will illustrate the whole:

The streets of this city and all the villages in the county are blocked with snow, and business and travel are almost entirely stopped. It is with the greatest difficulty that a team can make its way through the streets, and pedestrianism, except on the main streets, is very difficult. The board of supervisors finished its annual session on Thursday, but the members are unable to reach their homes, and remain at one of the hotels here. A theatrical troupe which left here Thursday morning is snowed up and out of money, at Richmond station, on the Rome railroad. The snow is from ten to fifteen feet deep generally throughout the county, while the drifts are frequently up to the second-story windows. Even if the storm should abate, it will be several days before the railroads will be opened. It is still snowing hard this evening. In some villages in the county, provisions are running short, and extraordinary efforts have to be made to procure the necessities of life. At Sandy creek only two mails have been received in two weeks. The attendance at the public schools is very small, owing to the storm. Some of the schools were closed yesterday. The delay of mails, freight, and express matter causes serious annoyance and loss to our merchants. The Syracuse, Northern, and Southern Central railroads, connecting with the roads leaving here, are also blocked, and a number of passengers are snowed in at several stations. The railroads were left in such a condition by the storm of last month that it will be hard work to

clear them when the present storm subsides. The snow in many places is banked up on each side of the roads to a height of from ten to twenty-five feet. Consequently, the snow which has now filled in the cuts will have to be shoveled out, and some of it carried a long distance on flat cars. The oldest inhabitants remember no more severe storm than the present one.

Yakima Indian Affairs.

A special correspondent at Yakima city, has interviewed Chief Moses and sends the following: Moses gives a very circumstantial account of all his actions, and denies that he ever entertained any hostile feelings towards the whites. He says that when Enas brought him the first message, he was told that agent Wilbur had received a big paper from General Howard concerning the new reservation, and he was to hurry up to the reservation, as the paper could not be opened until he arrived. When he came to see Wilbur nothing was said about this, and he thought he had been deceived.

Enas had arranged to meet him at a certain place, but instead of doing so, he, Enas, has taken the whites twelve miles below. Moses confesses to have acted foolishly in allowing so many of his men to come down to the river where the volunteers were, but disclaims all intention of being otherwise than friendly. He wanted to show the people his strength, and the occasion being more than ordinary, all his men wanted to see the party off. To his knowledge, not a gun was pointed at the whites. After leaving the party, and the whites refusing to go up the river to cross, he and his men returned to his camp. The next day he sent nine of his men across the river with the intention of joining the whites and assisting them in the capture of the murderers. One of his men came to him and expressed a fear that they would not be received in a friendly manner by the whites, and, fearing this, Moses accompanied the party, traveling until late at night. They made a dry camp in the mountains, and it was at this place that they were captured, their arms taken away from them, and they themselves brought to Yakima and placed in jail and ironed.

Such is the substance of Moses' story. As to his actions, he earnestly desires that the people should know that he entertains no hard feelings toward them. He says that he was in irons by reason of the lies of a few men, but his heart is still warm, and, whether he is to remain a prisoner the rest of his life, or is to be released tomorrow, Moses will never fight the whites. They, as a people have never injured him. He still will be a friend to them. Moses, though a prisoner, enjoys sufficient freedom to show him that it is not the intention of Father Wilbur to make him feel himself a captive. He has offered Moses a strong inducement to remain upon the reservation, and it is more than probable that he and his entire people will shortly be on the reservation. Already nearly all of Smohalla's band and a number of Moses' Indians have come in, and signify their willingness to remain. Moses still holds out, in the belief that the government will give him the reservation he has asked for; but when once he understands that this is impossible, he will choose the only other alternative left him to secure his peace, and that is, make his future home within the borders of the reservation. Father Wilbur has strong hopes of bringing about this result, and the indications are that he will be entirely successful. Moses will, at all events, be detained at the reservation until the question of his future residence shall be definitely settled.

THE OTHER SIDE.

Mr. D. P. Ballard, of Yakima city gives us an inkling of the opposite side in an open letter to Father Wilbur, published in The Dalles Mountaineer, from which we quote: In view of recent events I desire to do you justice by saying that your untiring zeal in the capture of Moses and the Perkins murderers entitles you to great credit at the hands of our entire people. And now we wish to know if Moses is to be again turned loose, or (which is the same thing) given the

liberty of the reservation, or is he to be sent to the Indian territory?

If the latter, then we feel that our Indian troubles on the Yakima are at an end. But if he is either permitted again to return to his Wenassee home, or given a residence in your kingdom, he will quietly and secretly gather about him the restless spirits and go upon the war path. I hope we will be mistaken in our predictions, but we prophecy this: In less than ninety days Chief Moses will be at large again, defying the United States government. We judge the future by the past; and so judging, we believe Moses will get away as did Peter last summer. Your foolish confidence in Indian promises (a confidence bordering on monomania), has been, and is, your greatest fault as an Indian agent, save and except that fault of advocating the present Quaker peace policy as the best means of managing the aborigines. Perhaps the treachery of Moses will keep you on your guard, as we hope it may, and thus work a change in your treatment of the Indian as a reliable truth-teller.

And now I desire to ask you if the murderers of Perkins and wife are not your own Indians! and belong on the reservation! and if they are not a fair sample of 70 per cent. of your Indians! You have only seventy-seven (not four hundred) houses on the reservation owned and occupied by Indians. Of these, sixty-three live in wigwams just outside of the houses. Of the immense number converted, only nineteen or twenty-one keep up the forms of worship as taught by you and your employes, leaving nearly all your Indians still clothed with breech-clout and blanket, and still as wild and untutored as they were twenty-five years ago. Hence the immense success that you claim has no foundation in fact. It's a farce, which, so far as the whites are concerned, too often, alas! proves to be a terrible tragedy. Do you not think it would be better both for the Indians and whites to abandon reservations, or, if kept up, let the army control them? Or do you still wish the army retained east of the Rocky Mountains—still claim you can control the Indian? Were you joking when you loudly called for troops after Joe Stewir returned from White Bluffs?

Father Wilbur, do join with us in telling the government that the present policy is a fraud from top to bottom—a political ring kept up by the ins in order to keep the outs out—and that the pretensions of the church are false, as is illustrated by the following page of history given me by Rev. J. A. Flint, who resides on the Yakima river, in this county, who is thoroughly reliable, and who consents that I may use his name in this connection, pro bono publico!

In 1844-6, General Fremont, on his return to the states from his exploration of this coast, was met by Mr. Flint on board a steamer from St. Joe, Mo., to St. Louis. The general had with him an Indian, Peter, who was raised on Dog river. Just before Mr. Flint met Fremont the organ of the Dalles Mission had published a letter from one of the missionaries at The Dalles, in which the writer stated that one thousand Indians had there been converted since the mission had been established. Mr. Flint asked Peter about this, when Peter, laughing, named and counted all the converts, to-wit: Six. Only a mistake of nine hundred and ninety-four—not so large as that made by Bro. Beecher.

Query: Are these the means made use of to induce mission societies to raise money? Are these the means brought to bear upon Uncle Sam that he may be kept blinded to the real facts. Now, Father Wilbur, I am really in earnest, not joking at all. I do want you to take one step further in our behalf by honestly telling Mr. Schurz that the present Indian policy is a fraud, a lie, a ring for political purposes, a humbug, a snare, a cheat, a murder of babes and mothers, and a retarder of the growth of our frontier.

Unfortunately your word at Washington is more potent than the delegation in congress from California, Oregon, and Washington territory combined. And if you would speak in our behalf your name would become a household word with us all. You know, Father Wilbur, so long as your Indians are not controlled by fear, by power, they will put the knife to our throats. They have done so; they will do so again.

I therefore ask you, in the name of the sleeping dead of Oregon and Washington, who have fallen victims to mistaken policy; in the name of the living, who dread the coming spring; in the name of humanity all over the wide west, help us save our country from these annual Indian wars. You tell us that you are engaged in saving souls, and that one soul is worth all the world besides. Well, is not the greatest good to the greatest number the maxim in church, as well as political economy. You answer, yes. Now, let us put it in this shape: Not more than three hundred Indian souls have been saved by the present policy, while one thousand unprepared whites have been sent into eternity as a result of the Indian policy. Hence is not your duty plain? Which is to go and labor among the whites and save them, putting the Indians beyond the power of sending unprepared souls

into hell. You said a few days ago: "I wish Mr. Ballard had a better heart." I wish Father Wilbur would prove his goodness of heart by coming to the relief of the whites against Carl Schurz' great big humbug Indian bureau.

I am, Father Wilbur, your humble servant and fellow-citizen. D. P. BALLARD.

BORN.

In Astoria, January 18, 1879, to the wife of Prof. W. L. Worthington, a son.

NEW ADVERTISEMENTS.

FOR TILLAMOOK.

The A. I. New Schooner HONORA, THORNSEN, Master. Is now loading, and will have quick dispatch for Tillamook bay direct. For freight or passage apply to E. S. LARSEN, Agent, Astoria, Oregon.

G. W. Hume's Packet Line.

The A. I. SCHOONER HERA, MONSON, MASTER. Is now loading at San Francisco for Astoria direct, and will sail on SATURDAY, JAN. 25, 1879.

Telegraphic orders for freight promptly attended to by address: Master, G. W. HUME, 318 Front st., San Francisco, Cal.

EXECUTORS NOTICE.—The County court of Clatsop county, Oregon, having appointed the undersigned executor of the last will and testament of J. S. Chambers, deceased, all persons having claims against said estate are requested to present the same with the proper vouchers at my office at the Occident hotel, in Astoria, within six months from this date, to-wit: C. S. WRIGHT, Executor.

MAIL NOTICE.

SEALED PROPOSALS for carrying the United States mails between the Post-office at Astoria, Clatsop county, Oregon, and the landing of the U. S. Co., one time a week each way, will be received by the Postmaster until January 27, 1879. No contract is required to be executed; but persons bidding must be honest and capable, not less than sixteen years old, and the accepted bidder will be expected to serve at the compensation proposed until otherwise ordered by the Postmaster General; he will also be required to take the oath prescribed by law. No more can be allowed than a fair and reasonable compensation for the service, to be determined by the department. Postmasters and assistants cannot draw pay for such service. THOS. J. BRADY, Second Ass't Postmaster General, Wm. Chance, P. M., Astoria, Oregon.

LOST COW.

STRAYED AWAY FROM Astoria about one year since, a good milking cow; color, red with white spots; long and slender horns; answers to the name of Rosa. Information which will lead to her recovery will be paid for by F. LEIGHTON, Astoria.

Fish Commissioners Notice.

NOTICE IS HEREBY GIVEN THAT the undersigned, having been duly appointed deputy for Clatsop county, by C. Lieneweber, Fish Commissioner, under the laws of the State of Oregon, will be in readiness from and after this date, to issue licenses, at his office up stairs, corner of Cass and Squemochie streets, Astoria, Oregon. H. B. FERGUSON, Deputy Fish Commissioner. January, 14, 1879.

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BOILED CIDER; PLUM PUDDING, IN CANS; CODFISH BALLS, IN CANS; PORK AND BEANS, IN CANS; EASTERN CRANBERRIES; ZANTE CURRANTS; FRESH CITRON; ORANGES AND LIMES, the finest ever brought in the market; CRYSTAL DRIPS, GALLON CANS; NEW ORLEANS MOLASSES. PICKLED HERRING IN KEGS. JUMBLES, ETC., ETC. MUSCATED RAISINS, 2-1/2 PACKAGES, VERY FINE; PIGS FEET, 1-1/2 AND 2-1/2 TINS; CHICKENS AND TURKEYS, IN TINS; EASTERN AND OREGON HAMS, best quality. Also, a fine assortment of BREAKFAST BACON AND OTHER MEATS, AT J. W. GEARHART'S.

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Net Cash received for Fire Premiums in 1877.....\$355,511 04

Assets, Jan. 1, 1878.....\$578,062 86

Liabilities—Losses unpaid.....\$3,638 37

Dividends ".....1,907 00 5,505 37

Surplus for Property Holders.....\$572,470 47

Losses paid in Oregon in six years.....\$114,516 72

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