

Recent Decisions.

Probate of a will, granted under state authority by a tribunal of another country in which the estate was located, is held in *Newcomb vs. Newcomb* (Ky.), 51 L. R. A. 419, to be binding upon the courts of the country in which the testator resided.

A common carrier after acceptance of freight for shipment from a place within the state to a place without is held in *Baldwin vs. Great Northern R. Co.* (Minn.), 51 L. R. A. 610, to be entitled to transport the property without interference by garnishment in a suit by a third person against the owner of the goods.

Usury in the loan of money by an agent is held in *Clark vs. Hayard* (Ga.), 51 L. R. A. 499, to be shown where the agent exacted from the borrower a commission which added to the interest, amounted to more than the law allowed for interest, and the lender, who paid the agent nothing for his service, must have known that he would get compensation from the borrower.

A merchant who gives to a designated class of customers an opportunity to secure by lot or chance, any article of value additional to that for which such customers have paid is held in *Mayers vs. State* (Ga.), 51 L. R. A. 496, to violate a penal statute against lotteries or other schemes or devices for hazardizing money or any valuable thing.

The common-law right of a servant of a municipal corporation to a reasonably safe place to work is held in *Rhobidas vs Concord* (N. H.), 51 L. R. A. 381, to give him a right of action for injuries caused by negligence of the municipal authorities in failing to furnish him a reasonably safe place to work while engaged on waterworks since the duty of the municipality to him does not affect the whole community, or depend in any way upon the performance or non-performance of a public duty.

The death of a child who strayed on a railroad right of way where the fence had been burned by a fire set to burn stumps and rubbish on such right of way is held in *Erickson vs Great Northern R. Co.* (Minn.), 51 L. R. A. 645, to give no right of action against the railroad Co., since it was not bound to so guard the fire that children intruding thereon could not come in dangerous contact with it, though induced to do so by its attractiveness.

The possession of a person as mere agent is held in *Mitchell vs Georgia & A. R. Co.* (Ga.), 51 L. R. A. 622, to give no right to maintain replevin for interference with such possession, unless the agent has either a general or a special property in the article.

Found \$30,000.

The following strange story comes from Savannah, Ga.

W. W. Brannen is a prosperous farmer of the Laston district. He recently lived in Savannah. For some time he has felt it in his bones that he would one day be a rich man.

He chanced to drop into a fortuneteller's place in Savannah, and this sage of the occult told him that on his place in Bulloch county, at one end of a certain old mill dam, was buried a large amount of money. Brannen did not give the matter much thought at first, but could not help dreaming about it now and then, he says. So he moved back to a old home. Soon after doing so he went to digging around his old mill site seeking the hidden treasure.

In the meantime a young woman living near Brannen found that she possessed the power of mesmerism. She happened one day to get one of Brannen's little girls under her influence. While in that state of mind the little girl said that there was on her father's place, at a certain spot, a large amount of gold buried. Brannen says this caused him to renew his efforts, and he made an excavation large enough to receive the foundation of a great building. He was laughed at by his neighbors. Then two other little girls told the gold story.

Brannen continued his digging, and finally he struck a pot of ante-bellum mould that contained \$30,000 in gold coin. When or by whom this treasure was laid away nobody knows nor does Mr. Brannen care, now that he has the laugh on his neighbors. The community is wild over the find, and now that the prospects for crops are so poor, the people will spend the rainy days while they can't plough, in digging for values, hidden, probably in the early sixties, to keep the Union soldiers from getting them.

Again there are indications of some gold in the Santiam mines. It is to be hoped that some day this prospect strikes with the gold back of it into a great reality:

With prospects of a big crop of everything in this part of the world Albany should wake up and get a live move on. Let us have the reputation of being the fastest business town in the valley. C. M.

The democrats of Oregon have forced R. S. Sheridan out of the position of chairman of the democratic state central committee during the last Bryan campaign.—*Albany Herald*.

The Herald is one of the most rabid and blindly partisan republican organs in the state, but unless it wants to establish a reputation for being the biggest liar, also, it will retract the above. The democrats of Oregon would gladly have retained Mr. Sheridan at the head of their organization, but as he is now engaged in business in Boise, Idaho, he voluntarily called the state committee together and resigned, just as any honorable gentleman like he is, would do. The talk about his being forced out is maliciously false.—*Roseburg Review*.

If all men were honest and honorable in their dealings with their fellow men there wouldn't be much trouble in running this government in an equitable manner so that all men would have their rights, but the trouble is that men are not, and whenever a party gets into power it seems as if the rascals shake on top hold of the offices. Just now the republicans have charge and they are little the deepest in the hands of corruption of any party that has ever been in power. It looks very much as if the party had gone over body and soul to the money power, that is to the trusts. All legislation in recent years has been in the interest of the law, whereas, the policy of government should be to help the most possible. Nothing could be done at the present time that would have a more important effect than way than some good wholesome laws preventing large monopolies, and their enforcement.

Educational Qualification.

Washington, July 9.—The Census office is soon expected to complete its work of ascertaining the number of negro illiterates in the south who are over twenty-one, this being taken to represent with tolerable accuracy the number of negro voters who have been disfranchised by recent constitutional amendments adopted in the Southern States. When this is known, there may be an attempt to cut down the representation of these States—will certainly be, if certain Republicans have their way. There is some doubt, however, as to their success, as the language of the fourteenth Amendment applies to all male inhabitants. It would affect Illinois, for instance, for that state has a law requiring residence for a certain period before one can vote. Probably there are 30,000 males over twenty-one years of age in Chicago who are unable to vote because of this law. Massachusetts has an educational qualification, and Rhode Island has a poll tax. Other states of the North also have suffrage qualifications which would bring them within the scope of the constitutional amendment. Even the inmates of the insane asylums and similar institutions would have to be counted in reckoning the restriction of suffrage. So there is likely to be strong opposition to anything definite being accomplished.

By the time the next Congress meets Alabama and Virginia will have amended their state constitutions to disfranchise a portion of the negro vote. The attention of the public will undoubtedly be directed in an increasing measure to this subject, especially as there is prospect that Georgia will soon follow the example set by other of her sister states of the South.

A review of the subject shows that Mississippi led the way in the southern disfranchisement movement, adopting in 1892 a constitution containing the qualification that every elector, in addition to other requirements, should be "able to read any section of the constitution of this state *** to understand the same when read to him or give a reasonable interpretation thereof." This provision was carried to the State courts and ultimately to the Supreme Court of the United States. In the latter it was upheld and this language was used:

"The provisions in section 244 of the constitution of Mississippi making the ability to read any section of the constitution or to understand it when read as a necessary qualification to a legal voter do not amount to a denial of the equal protection of the law secured by the fourteenth amendment to the Constitution, and it has not been shown that their administration was evil, but only that evil was possible under them."

South Carolina next came into line, providing that each voter must be able to read and write any section of the constitution or show that he owns and has paid taxes on \$300 worth of property.

Louisiana in 1898 adopted an educational test involving the writing out an application for registration and a property option similar to South Carolina's. It also added the "grandfather" clause, permitting those to vote who were descendants of voters before the civil war.

North Carolina then followed with a similar law.

In Maryland the white and colored literates were put practically upon the same basis, but as it worked out in the last election, the negroes really had the advantage, because, acknowledging their ignorance, they were willing to be taught and learned the simple formulas necessary to mark their ballots, while the white men, scorning to admit their illiteracy, resorted to efforts to prepare them to exercise the franchise. C. M.

The Coming Battle.

Washington, July 12.—Even though Congress will not be in session for months to come the minority is already making ready for the coming battle royal that will take place next winter in regard to the status of our island possessions. As Representative Richardson said the other day, the Supreme Court's decision was not an ending but a beginning; it decided what we could do, but not what we ought to do; and over this question the battle will be desperate. How desperate, is shown by two recent conferences.

In the Senate, ten or a dozen democratic Senators have entered into a compact not to ask favors in the way of appointments, etc., of the present Administration and to discourage the practice among the minority members of the Senate. It is probable that there will be a caucus declaration by the minority of each house that the asking of favors from the administration is looked upon with disfavor and is hurtful to the party. There is said to be no doubt that President McKinley has practically bought one or two so-called democratic Senators by way of conceding to them all they ask in way of patronage, and is quite certain that others have been embarrassed in their opposition to Administration policies by the obligations they were under to the President.

In the House there is a movement on foot to supersede Representative Richardson as leader of the democratic party; not for any personal ambition nor from any question as to his great ability, but simply because he is not enough of a fighter. By temperament Mr. Richardson is disinclined to enter upon a harassing fight, and more energetic men were impatient of his quiet and tactful, rather than vigorous, course during the last Congress. The opinion was expressed by those who do not approve of his methods that he lost ground, especially during the closing session, by reason of lack of spirit in opposition to republican measures. It is with the idea of giving more vitality to the minority and making the opposition more emphatic and more constantly in evidence that the effort to bring about a change of leadership is proposed.

Those who are dissatisfied with his course are urging Representative De Armond of Missouri, to take the field against him for the minority nomination for speaker, which carries with it recognition of leadership of the party on the floor. On Mr. De Armond's return from the Philippines he will confer with some of his friends, and if it is still deemed advisable from a party point of view for him to make the contest he will declare himself a candidate for the honor.

The task before the democrats may be rendered somewhat easier than is now expected if the prevailing report that a ring is seeking to syndicate the government patronage shall prove to be true. This ring, it is said, consists of Mr. Hanna as chief, with Elkins, Manley, Kershaw, and two or three other members of the old guard as Lieutenants. Recognizing the futility of the talk of McKinley and a third term, these men wish to compel the selection as candidate of a man whom they can control. O. M.

Salem Independent: Governor Geer delivered the 4th of July oration at Baker City. It is not reported that he talked politics in his address. He is sure of one thing: He is opposed to a third term in the Presidency. But if his party should declare for McKinley for a third term, where would Mr. Geer then? Wouldn't all the shining lights in the party swallow their repugnance and say: "Me too?"

San Francisco Call: A young wife in New York is suing for divorce because her husband took a most pronounced dislike to her ancestors and turned her mother's picture to the wall. The determination of this suit should settle once and for all the great and splendid problem involved in the mother-in-law.

Portland may be asleep in some things but when it comes to base ball this year she is strictly and completely awake.

From the Republic.

Owing to the prevailing drought nearly every town in the Union now is a dry town.

Kansas farmers are feeding stock with wheat. Of course, the stock will be well bread.

Well, anyway, if this drought means a short corn crop it also means higher prices for the short crop.

Kansas has had its irrigation law upheld, which means that the short-grass country will soon be a thing of the past.

Cascades will be a feature of the World's Fair. That will lower the temperature five degrees over the entire grounds.

Andrew Carnegie has given \$100,000 for library purposes to Leadville, Colo. Let's see—that leaves \$279,000 to be distributed.

It begins to look as if Rough Rider Roosevelt will have to do some skillful balancing to keep in the saddle in New York politics.

Saturday Night Thoughts.

There continues to be a great deal of talk about the hot weather of the east, the ruined crops etc., somewhat relieved at the end of the week by reports of a welcome rain. Perhaps it is very satisfactory to contemplate our own excellent weather in comparison with that of the east and somewhat rejoices, and yet we should not forget that those suffering in the east may be brothers and sisters of ours, and certainly in a general sense. Poor crops elsewhere might be better prices here, but we cannot feel like rejoicing over that fact. In fact in all these things we should be willing to have the great waves of prosperity roll evenly.

Now the crowds are rushing off to the seashore and mountains for their summer vacations. Sometimes it looks as if nearly everybody had gone away, but sit down and figure it up and you will find that it is only a small part of the whole population of the city. In fact most people remain at home, or if they go away only for a short time. An outing, though, is a fine thing, and it is well if everybody who can gets one of a couple of weeks that they may be refreshed and in a measure rejuvenated. At the same time those who have to remain at home can get considerable of an outing in different ways right at home. In fact one should live so as to take a reasonable amount of recreation during the entire year, not saving it all for a single week. Let the sunshine of life be distributed along as we go from day to day.

A less number of divorce cases than usual on the circuit court docket might lead one to believe that the divorce business was decreasing. It is probably only temporary though and the chances are that at the next term there will be enough to make up for it. With our lax laws we can hardly see anything else in sight. Most anything goes nowadays. Down in San Francisco a woman wanted a divorce on the grounds that she had to work to assist in making the living for the family. The court held that this was not sufficient grounds. Up here though it is rare that a suit for divorce fails. Men and women should think twice before marriage and then go into the new relationship determined to bear and forbear, else they had better remain single.

Back east there is being considerable of a discussion of bynes. One man declares that they are mere doggerel. Well some are and some are not. There certainly is very little poetry or religion in quite a number of hymns and the churches might well do some live weeding in their hymnals so that there will be more good sense as well as religion in all of them, and all should not be condemned because of a few poor ones. But it is time the poor ones were buried.

Dr. John Mitchell in Harpers Bazaar, Learn to keep still when you rest; when you move, move with the part of the body needed; do not waste your force by walking with your arms and face as well as with your legs. If circumstances force an unusual and fatiguing amount of exertion upon you, break it now and then by periods of absolute rest. No matter how brief they are, they will be useful if you make them complete and perfect in the way described. This is true of mental as well as bodily exertion. A minute or two minutes of quiet with closed eyes if possible, with your tension relaxed and the gearing of the machinery thrown off for the moment, will help and refresh you greatly. Here again, more may be gained if the ability to relax mentally can be secured, in a fashion similar to the withdrawing of muscular tension. Learn to empty your mind when not u

The Eastern Oregon papers, particularly republican papers, are endeavoring to make capital against Governor Geer on account of the \$1000 paid to him before election by a man named Plummer. It is claimed this was in payment of an office Plummer was to have, and this is Plummer's version of the matter. A Salem man who professes to know says that while it is true that Governor Geer received \$1000 from Mr. Plummer it was only as a loan, when running for office he being in close circumstances and needing the money, that there was no promise connected with it at all, and that the facts will come out at the proper time. What the public will wish to know is the truth and not statements for political effect, which if not true are back-acting. There are enough other things against Governor Geer without bringing in anything that cannot be substantiated. If the charges are true the public should know them, if untrue as a great many believe, it is as much the business of a democratic paper as a republican paper to assist in making the facts known and if they ever come out the DEMOCRAT will endeavor to give its opinion fairly in reference to the matter.

A Salem lady with several marriageable daughters was a few evenings ago talking to another Salem lady with several of the same kind of daughters. The first lady suggested that they should follow the prevailing style among church people and charitable organizations, and hold a rummage sale. "Any old thing will go," she added.—Statesman.

An Eastern paper published in a very hot place relieves itself as follows: Too hot for thinking, Too hot to write, Too hot to quarrel, Too hot to fight, Too hot for talkin' For ridin' or walkin' But the world's out o' sight—out o' sight!

Those people where the drought has been worse will be looking for a new place of abode. It might be well for the Linn County committee preparing a pamphlet to get a move on and get some of these into Kansas and Nebraska.

MISFITS

Boston owes \$105 per capita, Albany about \$25. Who would live in Boston

The 1 cent letter postage is on its way. Let it come. It will be a twentieth century convenience.

The A. O. U. W. of Oregon the coming year will have a first-class man at its head, an Albany man.

It cost Salem \$184.34 to receive the colors from the battleship Oregon. So much for being the state capital.

A saloon keeper at Walla Walla has been tried and actually convicted of keeping his saloon open on Sunday. And he was fined \$99.

Not content with the hot weather, a severe rain and hail storm visited western Ohio and ruined some of the crops. People there were praying for the rain but not for the hail.

"250,000 Epworth Leaguers Flooding San Francisco," is the heading in a valley exchange. 25,000 would be nearer, and flooding would be more appropriate to the Baptists.

Senator Booth is being mentioned for governor on the republican ticket. This ought to insure J. H. Gates a pardon from the penitentiary.

The DEMOCRAT has heard a great many compliments for Oregon climate since the depressing and killing hot weather of the east.

A large number of "old bachelors" are having a pleasant outing at home while their wives rest at the seashore and in the mountains.

The Booth-Kelly Lumber Co., of Eugene, yesterday began an attachment suit for \$2000 against R. T. Denham, the contractor who was building the addition to the state fair grounds pavilion

An Oregon editor used the words "suspicious circumstances surrounding the wedding," and the groom immediately subscribed for the paper and thanked the editor.

The Salem Independent gets off the following at Albany's expense: "An Albany man came up to Salem the other day to get drunk. He said it was so lonesome in Albany that he hated to get full there."

To observe the Epworth Leaguers going through the city for San Francisco one might be lead to think that the society was made up of old maids, but we know better than that. The Epworth League is made up of young people as a rule. The older people run the conventions.

An immense hay crop. Heaps of oats. A big crop of wheat. Prunes and other fruits galore. Hops looking well. Stock increasing and doing well. This is the report that is an encouragement to everybody.

Frank Kent and family left Tuesday for Bohemia, Frank having an appointment, this season, as forest ranger. Frank went by team, Mrs. Kent and children taking the train to Cottage Grove. We wish them a very pleasant outing is good, and about the size of it.

The DEMOCRAT has received a couple of copies of the Alaska Traveler's Guide published at Skagway. A couple of heads explain matters: "No Flag But Ours Shall Float Over Old Skag Town."

"The Daily Papers and the Weak-Kneed Americans Should Swallow Themselves."

And "Applauds Geo. M. Miller. Needs Savant Five Thousand More Like Him. Makes Our Local Canadian Sympathizers Sick at the Stomach."

A certain young dry goods clerk of this city has formed the habit of saying, "Yes, I've often noticed that," in agreeing with what people say to him. The other day a gentleman was in the store buying some hose for his wife, and remarked that she always wore black hose. "Yes, I've often noticed that," said the clerk from force of habit, but he has been industriously trying to break off the habit ever since.—Roseburg Plaindealer

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Too hot for dreamin'
By day or by night;