

Daily Democrat.

THE "DEMOCRAT" SUSTAINED.

The Supreme Court of the state, on Wednesday, decided that the law passed by the legislature at its session in 1889 appropriating funds from the state treasury to build a wagon road in Tillamook county is in conflict with subdivision 7, Section 23, Article 4 of the constitution. This bill was one of the well known wagon road bills that drew from the treasury about \$130,000 all of which sums have been expended and can not be recovered by the state. The following is an extract from the decision:

SYLLABUS—The act entitled "an act to appropriate \$100,000 to aid Tillamook county in the construction of a wagon road from the Nehalem river in the north end of said county to the Fuqua toll road in the south end of the county and to use one thousand dollars of said appropriation in a branch road from South prairie to Netarts bay and to create a board of commissioners to construct said road," approved Feb. 18, 1889. It is in conflict with art. 4, sec. 23, subdivision 7, of the constitution, which declares that the legislative assembly shall not pass special or local laws in any of the following enumerated cases; that is to say: * * * for laying, opening, and working on highways, and for the election or appointment of supervisors." The said act is not a general law, but a special and local law within the meaning of that clause of the constitution.

Judge Lord's opinion: In this opinion, which is of considerable length, Judge Lord says this is an action to recover from the defendant, Tillamook county, the sum of \$895 for services alleged to have been rendered as superintendent of construction of a public wagon road from Nehalem to the Fuqua toll road in said county, with a branch from South prairie to Netarts bay. The complaint alleges, in substance, that by virtue of the provisions of an act (mentioned in the syllabus) the commissioners named in the act duly employed the plaintiff as superintendent to superintend the work on said road at an agreed compensation of \$5 per day; that under said employment and under the direction of said commissioners the plaintiff rendered services as superintendent upon and about the construction of said road for a period of 170 days; that the commissioners so reported to the county commissioners and that thereby the said county became indebted to the plaintiff in the sum aforesaid; that the court examined the account and ordered a warrant drawn on the treasurer in the sum of \$300.

The opinion of Judge Lord goes on to say that the main question to be determined is to the validity of the act under which the services were rendered. The contention is that the act is special and local and as such is in contravention of the constitution, which provides that the legislative assembly shall not pass special or local laws, etc., (as quoted in the syllabus.)

The opinion says: "It will be admitted, if this act is a special or local law, that then it comes directly within the prohibition of the clause of the constitution cited, and never had any validity whatever, for the legislature had no power to enact it. But to determine whether an act is special or local it is necessary to ascertain the meaning to be given to the words 'special or local' as used in the constitution. * * * The inhibition is directed against both, and as laws may be special and not local, or they may be local and not special, it is necessary that each word receive its distinct and peculiar signification. It is not easy to define with precision the distinction between a general law and one that is special or local. In general language a local statute may be said to be one that is operative only within a portion of the state, and a special statute is one that is applicable to particular individuals or things. Statutes are sometimes distinguished as general or local, according to whether they are intended to operate throughout the entire jurisdiction, or only within a single county, or other division, or place. A law which applies only to a limited part of the state and the inhabitants of that place, is local. * * *

"There can be no other than 'general' law enacted. Hence, if the act in question is local or special-obnoxious to either objection—the legislature was without power to enact it, and the act is without any validity. * * * The act in question applies and operates exclusively in Tillamook county. * * * It confers on that county special benefits, at the expense of the general public not conferred upon the other counties of the state. * * *

"The purpose of the constitutional restriction upon the legislative power, in the cases enumerated, was obviously to require that these specified subjects should be regulated by general laws of uniform operation throughout the state. In the execution of this purpose, it was intended by this restriction to prevent unjust distinction from the operation of local laws between different localities, and to prevent like distinctions from the application of special laws to particular individuals, counties, or things. This act violates that principle of this constitutional restriction, and embodies the mischief it was intended to prevent, and cannot be upheld. This is the ground upon which we declare this act to be unconstitutional.

"While it is true, that every court approach, as with gravity the question of declaring a law to be unconstitutional and never exerts its power so to do while doubt exists, yet considerations of gravity stand for naught when its

incompatibility with the constitution is shown and nothing remains for the court but to discharge its duty by declaring the law to be unconstitutional. It may be that in this county, as in some other localities of the state, where the population is sparse, and the funds of the county are limited, that such roads, built at the public expense, would be of general service to the people of those localities, and tend to the development of their interests and prosperity. If this is so, and a change is desirable, the remedy lies with the people, and not with the court. There was no error, and the judgment of dismissal must be affirmed."

Judge Lord's able opinion, declaring the wagon road bill unconstitutional, shows that that gentleman adheres to the old time notion that constitutions are made to be obeyed. It is a sign full of hope that the time is returning to us when the constitution will be regarded as the measure of power to be exercised by the legislature. This decision is an additional and strong reason why Judge Lord should be appointed to the circuit judgeship lately created by congress. Unfortunately for the best interests of the people that place had been farmed out even before the bill had passed.

In the estimation of the *Oregonian*, the fact that this state received a good rich slice of the immense appropriations made by the Billion Dollar congress, is sufficient reason why the people of this commonwealth should endorse the course of one of the most corrupt and disolute legislative bodies that ever had an existence. We suppose we must accept as that paper's standard of public and party morals, but this standard is not creditable to that paper's claim of public honesty nor to the political sagacity of its editor.

NEW ADVERTISEMENTS.

DISSOLUTION NOTICE—The partnership heretofore existing between F. Engols and W. H. Heedley, in the painting and paper hanging business, has this day been dissolved by mutual consent. F. Engols retiring. The business will be carried on by W. H. Heedley, who will pay all debts owing by the firm and collect all outstanding accounts due the firm. W. H. HEEDLEY, F. ENGOLS.

Dated April 13th, 1891.

DISSOLUTION NOTICE—The partnership heretofore existing between A. Straney and G. Nagley, in the livery business in Albany, Oregon, is this day dissolved by mutual consent. A. Straney will continue the business at the old stand and assume all debts owing by the firm and collect all accounts due the firm. April 1, 1891. A. STRANEY, G. NAGLEY.

MONEY TO LOAN—In small and large amounts, from six months to five years, on good Albany and Linn county real estate. Call on or address W. E. McPherson, First St., Albany, Or.

FOR RENT—Either for offices or residence, the building of L. Verick, near corner of Broadway and Third streets.

STOCKHOLDERS MEETING.

NOTICE IS HEREBY GIVEN THAT the annual meeting of the stockholders of the Albany Farmers Co., will be held at the office of said company, in Albany, Oregon, on May 19th, 1891, at 1 o'clock, p. m. of said day, for the purpose of electing seven (7) directors, to serve the ensuing year and the transaction of such other business as may properly come before said meeting. Done by order of the board of directors.

M. H. WILDS, President.
[Attest:] P. B. MARSHALL, Secretary.

STOCKHOLDER'S MEETING.

NOTICE IS HEREBY GIVEN THAT there will be an annual meeting of the stockholders of the Albany Woolen Mills Company, held at their office in Albany, Oregon, on Tuesday, the 12th day of May, 1891, at the hour of 1 o'clock p. m. of said day, for the purpose of electing four directors to serve for one year, and the transaction of such other business as may legally come before such meeting. J. P. GALBRAITH, Secretary.

ASSIGNEE'S NOTICE.

ON THE 28TH DAY OF MARCH, 1891, E. Becker, of Shedd, Linn Co., Oregon, made an assignment for the benefit of his creditors. The undersigned is the duly appointed and qualified assignee of said Becker's estate. All persons having claims against the said Becker are hereby notified to present them to the undersigned, verified as required by law, within three months from the date hereof at Shedd, Linn county, Oregon. Dated April 2, 1891.

H. C. WATSON, Assignee.
JOHN W. PUGH, (43)

CUSTOM - CHOPPING.

We have on hand at all times hay, oats, and clover, and will sell in quantities to suit. Also wheat bought and sold.

Farmers, bring us your wheat, oats and hay. Highest cash price paid.

Morris & Blount,
Corner First and Baker streets.

FOSHAY & MASON,

—WHOLESALE AND RETAIL—

Druggists and Booksellers.

Agents for John B. Alden's publications, which we sell at publisher's prices with a liberal discount.

ALBANY, OREGON.

MEMORY

Mind wandering cured. Books learned in one reading. Testimonials from all parts of the globe. Prospective buyers, send an application to Prof. A. Leconte, 227 Fifth Ave., New York.

ALBANY, OR.
WRITSMAN & HULBERT BROS.,

Real Estate Agents

Farms and Ranches for sale.
Also city property in Albany and Corvallis.

L. E. BLAIN'S COLUMN.

We are now ready for Spring trade with the largest and best selected stock of Clothing that will be shown in the county this season.

All varieties of styles and patterns to please the most fastidious.

We have many fine makes including



Then we have the full line of mens', youths' and boys' clothing in the Albany Woolen Mills goods, that we specially recommend to the public for trial.

The largest stock of Mens' Shoes in the city, including many celebrated makes,

Hats, from Stetson's best down to a two bit straw.

Cannot enumerate Furnishing Goods—every department full.

Have used cash this year during tight times past and can offer genuine bargains in all my departments.

L. E. BLAIN.

PARK - ADDITION TO THE Town of Lebanon.

This Beautiful Addition to the Town Lebanon is Now, for the First Time Placed on the Market, at

Prices to Suit the Times, and Terms to Suit the People.

We would much prefer that all who wish to purchase lots in this addition, would come and personally inspect the grounds and learn for themselves the many and varied advantages this addition presents to the public. By a personal inspection you will discover the following facts:

Lebanon has a population of 1500. One hundred and twenty-five new substantial houses were built here during the year. The Lebanon and Santiam Canal Company has been incorporated, and work will begin thereon as soon as the necessary preliminaries can be arranged.

This canal will give steady work to hundreds, and will furnish mill-sites for many manufactures, and the town—this and other advantages—will be a city of 5000 inhabitants. It has nearly doubled its population in the last year. A \$150,000 paper mill is now completed and work will be begun therein this July 1st.

NOW FOR THE PARK - ADDITION.

It lies along the route of the Lebanon and Santiam Canal. It is platted with wide level avenues; planted with most beautiful young shade trees; each lot fully large enough for a comfortable residence, and each has a natural drainage. We sell no lots that are unsuitable for building purposes, and give a clear title to each lot. This addition joins the beautiful Isabella Park—from which it derives its name—and which will afford to residents in the addition beautiful recreation grounds. All lots are 66 feet front and from 232 to 185 feet deep.

LET THIS FACT BE REMEMBERED:

The price of all these lots will be advanced 25 per cent. after May 15th.

This property will be shown to parties desiring to purchase by

J. R. & H. Y. Kirkpatrick,

Or by Peterson & Garland, Lebanon, Or.

HOW DO YOU DO? G. W. SIMPSON is in it.

There is no doubt that

Will & Stark's

—NEW—

Stock of SILVERWARE, consisting of spoons, knives, forks, fruit dishes, etc., gold and silver watches, jewel vases, etc., is the largest and best in the city, and by far the best ever brought to ALBANY.

PRICES the Most Reasonable. Call and See the GOODS.

You'd Better

Call on the Albany Furniture Co., Baltimore block, for

FURNITURE

of kinds.

The stock is large and complete. They also have fine lines of baby carriages, car-pets, wall paper, and many novelties, all for sale at bedrock prices.

TWO MEN AND ONE BOY

FOUND DEAD!!



While trying to Crowd their

WAY INTO

BEVOE & FROMAN BROS

Store, where they always have on hand the largest stock south of Portland, of the latest Improved Rifles and Shot Guns; an immense stock of Fishing Tackle of every description; Tents, Hammocks, Camp Chairs and thousands of other things too numerous to mention

Repair Shop

in connection with the Store, and one of the best workmen in the State to do any and all kinds of work.

Come on, Come on! No trouble to show goods. "Small profit and quick sales" is our motto.

Wilcox PHOTOGRAPHER,

Cor Second and Ferry St., Albany, Or. SUPERIOR work, guaranteed in every branch of the art. Retouching and all kinds a specialty.

Poultry Wanted.

All kinds of poultry, alive or dressed at the Williams Pickling Company's store, Albany, Oregon.

He has received a large and choice stock of spring Dress Goods, new styles and shades. Wash fabrics, consisting of gingham, seersuckers, satens and chambré. A complete assortment of white goods, flouncings, hosiery, corsets, gloves, ladies and children's shoes. Clothing for the spring trade. A large and complete assortment for men and youth's. Boots, shoes, hats, caps and furnishing goods, and if you want the best bargains you will have to call on him.

We are the People

Who carry the most complete line of Hardware, Stoves, Ranges, etc., in the market.

MATTHEWS & WASHBURN.

ALLEN BROTHERS,

WHOLESALE & RETAIL GROCERS,

CIGARS, TOBACCO, AND CHOICE FRUITS OF ALL KINDS, IN LARGE OR SMALL QUANTITIES, IN THEIR SEASON.

Flinn Block, ALBANY, OREGON

---: F. L. KENTON, :---

—Dealer in—

GROCERIES.

Near the Post Office, Albany, Oregon

THE LADIES BAZAAR.

—Is the Leading—

Millinery and Fancy Goods Store of Albany,

They carry all the latest Styles and Novelties in the Millinery line, and a complete stock of Ladies and Children's Furnishing goods, and ready-made garments. Goods the best, and prices the lowest. Call and be convinced. FIRST STREET, FROMAN BLOCK.