

THE TELEPHONE-REGISTER.

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WE INVITE YOU TO COMPAKE THE TELEPHONE-REGISTER with any other paper published in Yamhill county.

All subscribers who do not receive their paper regularly will confer a favor by immediately reporting the same to this office.

Thursday, April 14, 1892.

Harrison has stated that it would have given him great joy to have vetoed the silver bill.

The house has at last passed the free wool bill by a vote of 194 to 99. This action is tardy, but comes better than never. Had it been passed months ago the election in Rhode Island would have been a democratic triumph.

The democratic house should go to work energetically on the tariff and do all that is possible to relieve the people of the burden of a high protective tariff. They were elected on that issue and should do their duty. They have commenced in a proper manner.

The republican campaign has commenced in Michigan. Some 150 laborers were discharged by their bosses for voting the democratic ticket. They had heretofore been herded to the polls and voted. The secret vote allowed them to do as they pleased, with the above result.

The republican party in convention assembled did a very great thing when the nomination for judge in this district was given to Geo. H. Burnett, and Judge Boise, who has served as judge for thirty years or more, was slaughtered. If a boy in law, obsolete as a mule, without judgment, is preferred to experience and knowledge of the law, the sooner the republican party is ousted from control in county and state affairs the sooner justice will be given to the supporters of the commonwealth.

More stories of manageable balloons coming from Germany and hovering over the Russian army posts and fortresses in Poland are in circulation. The people of Warsaw were amazed last week by a bright light which fell upon the city from the sky. Great alarm was caused, but after a time the light was moved and the outlines of a balloon were visible. Other balloons have appeared, which advance and retire, ascend and descend, remain stationary or move about in small circles under perfect control. Russian military authorities are greatly disturbed, for if Germany possesses the secret of successful balloon navigation the kaiser is undoubtedly the military master of Europe.

THE CARTOON.

The cartoon on the first page of this issue very fittingly illustrates the condition of the people who are benefitted by protection and those who are not. The monopolists are supported with all the good things of life and labor is crying for the necessities. The inhuman part of the protective tariff is in making the people already hungry still continue to support the ones full to sickness.

It might be well to remark in connection that the secretary of the treasury, in preparing his annual report of 1886, applied to Worthington C. Ford, chief of the bureau of statistics of the state department, E. B. Elliott, the United States government actuary, and Prof. Simon Newcomb, superintendent of the nautical almanac navy department, severally, for an estimate of the number of persons in the United States engaged in gainful occupations, classified as those who cannot be subjected to foreign competition and those who can, in part, be subjected to foreign competition.

Each of the statistical experts made a report. Mr. Ford stated that the total number of persons engaged in gainful occupations in the United States according to the census of 1880, was 17,392,000, divided as follows: Agriculture, 7,670,493; manufacturers, mechanics and mining, 3,837,112; professional and personal, 4,074,239; trade and transportation, 1,810,256. Setting aside the last two classes as not being subject to foreign competition, Mr. Ford arrived at the following results:

Population of the United States in gainful occupations not subject to foreign competition, 16,564,914.

Population of the United States in gainful occupations subject to foreign competition, 827,184.

The percentage being 4.7 per cent. Mr. Elliott, by a different process, reached the conclusion that the number of persons who were directly subjected in part to foreign competition was 825,000, or about 4 1/2 per cent.

Prof. Newcomb reported that his estimate of the number of persons subject to foreign competition was 905,585, or 5 1/2 per cent of the industrial population, concluding with the observation: "If trade were entirely free, the fraction of our present industrial population injuriously subject to foreign competition would not exceed 7 per cent."

In other words, 93 per cent of the people are taxed to protect and enrich 7 per cent.

THE OTHER SIDE.

Ramsey & Fenton Furnish an Opinion for the County Court.

The road tax matter has been the subject of considerable talk since the publication of the opinion furnished the city by McCain & Magers. Following is the opinion of Ramsey & Fenton, of this city, which has been obtained by the county court. Both opinions have been published in this paper and the people now have the chance of reading both sides of the question.

Hons. Wm. Galloway, D. B. Kingery, and Thos. W. Perry, Members of the County Court of Yamhill County.

Gentlemen—You having consulted us as to the constitutionality of sec. 4 of the act of the legislative assembly of this state providing for the levy of a road tax of two mills on the dollar, and a road poll tax, approved Feb. 25, 1889, and we having considered said question with some degree of fullness, have reduced our conclusions and our reasons therefor to writing.

The constitutionality of this act is attacked on the supposed ground that it is a special or a local law, and, hence, repugnant to subdivisions 7 and 10 of sec. 23 of Art. IV of our state constitution, which prohibits the passage of special or local laws for laying out, opening or working on highways, or for the assessment and collection of taxes for road purposes.

Subdivision 4 of the act referred to contains the following provision, which it is claimed, is special and local, within the constitutional prohibition cited to-wit: "Providing that in counties containing ten thousand inhabitants, or over, the county court of such county in the state at the time of levying taxes for county purposes, may levy a tax upon all the taxable property in the county, not to exceed two mills upon the dollar," etc., etc.

We have cited only such parts of the act of 1889 as bear on the point attempted to be made against the validity of said act.

The question for solution may be stated thus: Is that portion of the act quoted as special or local "law" within the constitutional prohibition quoted supra?

The term "special" used in the constitution is synonymous with "private" as used in the common law classification of laws. In the case of Allen vs. Hirsch, 8 O. R. 422, our supreme court says: "So, also, special statutes are, according to the common law definition, synonymous with private statutes."

Blackstone says: "Statutes are either general or special, public or private. A general or public act is a universal rule that regards the whole community and of the courts of law are bound to take notice judicially and ex-officio. Special or private acts are rather exceptions than rules, being those which only operate upon particular persons and private concerns." (1 B. Com. 55).

It cannot be reasonably contended that the act of 1889 is a special or private "law." It does not concern particular persons or private concerns only. It does not pertain either to private concerns or particular persons. Hence, there is no ground whatever for the contention that it is a special or private act.

Is it a local act? In his Law Dictionary Bouvier speaks thus of general and local statutes: "They are either general or local—that is, have operation throughout the state at large, or within a particular locality. It is not easy to say what degree of limitation will render an act local. Thus, it has been held that a public act relating to one county only is not local within the meaning of a constitutional provision which forbids enactment of local bills embracing more than one subject." (Dic., vol. II, 663).

The act of 1889 is not limited in its operation to any number of particular counties. It applies to all the counties in the state having ten thousand inhabitants. If it applied to several counties by name and not to the other counties, cases could be found holding principles antagonistic to its constitutionality. But it applies to a class of counties having a stated population, and, by future growth, others will be qualified to avail themselves of its provisions. If it had been confined in its operation to those counties only, which had at the time of its passage the required population, its validity would be doubtful; but it is not thus limited. As counties come to have the required number of inhabitants, they become entitled to its privileges.

The legislature of New York passed an act giving to the board of supervisors of counties containing an incorporated city of one 100,000 inhabitants and territory beyond its limits mapped into streets and avenues, certain powers. This act was assailed on the ground that it was supposed to be a local act and hence repugnant to the constitution of that state. It was asserted that but a single county in that state had a city with the requisite population and possessing the other qualifications specified in the act. But the court of appeals held that it was not a local act, and that it was constitutional. In the opinion of the court it is said: "We are satisfied that the law under which the present application was made is constitutional."

It is not a local, as contradistinguished from a general act, and so is not prohibited by the fundamental law. A law relating to particular persons or things as a class was said (in another case referred to in 70 N. Y. 328) to be general; while one relating to particular persons or things of a class was deemed local and private. The act of 1889 relates to a class and applies to all as such and not to the selected or particular element of which it is composed. The class consists of every county in the state having within its boundaries a city of one hundred thousand and inhabitants and territory beyond the city limits mapped into streets and avenues. How many such counties there are now or may be in the future, we do not know, and it is not material that we should. Whether many or few the law operates on them all alike, and reaches them, not by separate selection of one or more, but through the general class of which they are individual elements. It is said there is but one such county and so it was said (in the case in the 70 N. Y., before referred to) there was but one elevated railroad. Neither fact at all narrows the terms of the law. Those terms in each case were broad enough to cover every county in the state if it had the required city and mapped territory on the one hand, or the elevated railroad on the other. (In the matter of the application of Church, 92 N. Y., 1).

In the case of West C. P. Com. vs. McMullen et al., decided by the supreme court of Illinois, in 1880 involving a similar question, the court says: "An act in general terms, which permits all cities in the state having parks under the control of park commissioners to surrender the control of streets to such commissioners for park purposes, is not unconstitutional as being special legislation, although by reason of the option given the city authorities it may not be adopted by all cities having parks under the control of park commissioners. Nor is it unconstitutional although it may be applicable to the conditions existing in only a single city in the state." (10 L. R. A. 215).

The legislature of Missouri passed an act giving the state in capital cases eight peremptory challenges generally, but providing that in all cities having a population of one hundred thousand inhabitants the state should have fifteen peremptory challenges.

It was claimed that that portion of said act increasing the number of challenges in cities of one hundred thousand and inhabitants was local and special and therefore in violation of that clause of the constitution of that state prohibiting the enactment of local or special laws regulating the practice in judicial proceedings. On this point the supreme court of that state says: "It (the act referred to) is not a special law, because it applies to all cities having a population of over one hundred thousand inhabitants; it applies as well to the future as to the present and is plainly distinguishable from the notary act discussed in state vs. Hermann, 7 Mo. 340." (State vs. Hayes, 4 West rep., 666).

In the state vs. Hawkins the supreme court of Ohio held: "That a law applying to a certain class of cities, fixed by previous legislation, into which other municipal corporations may enter and from which they may pass into other classes, by increase of population, is not special, but general, since the grade of any particular city is not designated by the act, but may, by such growth, pass from one grade to another." (3 West rep., 125).

In the case of the people vs. Hoffman the supreme court of Illinois stated the rule thus: "This election law is not local or special because of the limited number of cities, towns and villages, which may have adopted it. It may rather be said of it that it is general because of the possibility that all cities, towns and villages may adopt it," etc. The cases cited are sufficient to show that the act under consideration is neither special or local, and is therefore constitutional. It applies to a class as such and not to one or more counties by name, and the provisions of the act are such, that the counties of the state as fast as they obtain the requisite population may avail themselves of its privileges.

There is no case in the Oregon reports antagonistic to the position here taken. The act of the legislature held to be unconstitutional in the case of Maxwell vs. Tillamook county, 20 O. R. 495, has no bearing upon this question, because the point there decided is different. The legislature had passed an act providing for the building of a road situated wholly in the county of Tillamook, and the court held that it was both special and local. In passing on the Tillamook act, the court says: "We are relieved of the difficulty which often arises in distinguishing whether an act is general or special when it concerns many particular persons or things for the act here concerns the interests of one county only, and that designated by name." We think there cannot be any reasonable doubt of the validity of this act. Village oracles may be found who would deny the constitutionality of the decalogue or of Magna charter, but acts which have received the approval of two of the co-ordinate branches of the state government are not set aside because of such denials. In his work on constitutional limitations, Cooley says: "They (the courts) are bound so to construe the statute, if practicable, as to give it force and validity, rather than to avoid it, or render it nugatory." (219) Courts never declare an act of legislature unconstitutional unless its repugnance to the fundamental law is so obvious as to leave no reasonable doubt of its invalidity. (20 O. R., 367).

We believe the act valid, and so advise you. As to the effect of this act within the limits of the city of McMinnville, owing to the peculiar provisions of the charter of that town, we have advised you orally, and need not repeat it here.

Respectfully Submitted,

RAMSEY & FENTON.

THE PROHIBITION.

A Full County Ticket Placed in the Field. Great Enthusiasm.

Last Saturday some 125 prohibitionists from all parts of Yamhill county assembled at the courthouse and proceeded to place before the people a ticket composed of men holding the prohibition belief. C. E. Hoskins of Newberg was elected chairman.

A new method in making the ticket was used. A committee was appointed and it produced the ticket. The men who will go before the election in this county in June are:

Joint Representative—G. W. MITCHELL.

Representatives—B. F. HARTMAN, C. E. HOSKINS.

Commissioner—WM. HENSTOCK.

Clerk—G. D. FLESHER.

Sheriff—E. J. ESSON.

Recorder—O. C. EMBRY.

Treasurer—J. W. ROGERS.

Assessor—F. HARTMAN.

School Superintendent—N. G. HARTLEY.

Croner—W. T. PILLMAN.

Surveyor—A. C. CHANDLER.

Great was the enthusiasm and something over \$100 was raised on the spot for campaign expenses. It is confidently expected that at least 300 prohibition votes will be polled in the county this year.

ADVERTISED LETTER LIST.

This List is Published Exclusively in this Paper Every Two Weeks.

Following are the letters remaining for two weeks in the postoffice at McMinnville, Oregon, April 13, 1892:

Byers, C. W. Reiche, J. S.
Calvert, D. L. Reiche, A. L.
Callison & South. Robinson, W. W.
Earle, Mrs. Cora Salling, Al.
Moon, Thos. Turner, Maud
Morall, Miss Wright, Daisy
Payne, Maitland. Wages, Mrs. A.
Vocum, Miss Ada

Parties calling for the above letters will please say "Advertised." If not called for in two weeks they will be sent to the dead letter office as "unclaimed." J. C. COOPER, P. M.

Died.

WEED—Daisy Irene, aged 14 years, 7 days, April 7, 1892.

She died as she had lived, sweetly and peacefully, bearing the suffering of her last days with marked patience. The funeral services, conducted by Rev. R. McKillop, were held at her late home. There were many present to sympathize with the family in their deep bereavement.

Bad Blood.

Impure or vitiated blood is the cause of ten out of ten cases of some form of constipation or indigestion that does up the system, when the blood naturally becomes impregnated with their vile matter. The old sarsaparilla moderns. It goes to the seat of the trouble. It cures the liver, kidneys and bowels to healthy action, and invigorates the circulation, and the impurities are quickly carried off through the natural channels.

Try it and note its delightful effects. Chas. Lee, at Bouvard's Third and Market Streets, S. F., writes: "I took it for vitiated blood and while on the first bottle became convinced of its merits, for I could feel it was working a change. It cleansed, purified and braced me up generally, and everything is now working full and regular."

Vegetable Joy's Sarsaparilla
SOLD BY ROGERS BROS.

Administrator's Notice.

Notice is hereby given that the undersigned has been by the county court of Yamhill county, Oregon, duly appointed administrator of the estate of Joseph H. Hodge, deceased. All persons, therefore, having any claims against said estate are hereby notified to present them to me duly verified at the office of McCain & Magers, at McMinnville, Oregon, on or before six months from this 14th day of April, 1892.

McCaig & Magers, Attorneys.

Assignee's Notice.

Notice is hereby given that I have been duly appointed assignee of the estate of B. C. Cameron & Co., insolvent debtors. All persons, therefore, having any claims against the same, are hereby notified to present the same to me, duly verified, at the office of McCain & Magers, at McMinnville, Oregon, within three months from this 14th day of April, 1892.

JOHN H. WALKER, Assignee.

McCain & Magers, Attorneys.

Opposition Boot and Shoe Store.

Your attention is called to our Magnificent Stock of
BOOTS & SHOES!

Of the Latest Styles and Best Quality at Lower Prices than ever offered in this market.

We Deal on the Square.

E. DIELSCHNEIDER.

FARM SALE.

ON SATURDAY MAY 7, 1892, AT 10 A. M.

At the EVENDEEN FARM, north of Happy valley, (the old Dick Longacre farm) seven miles northwest of McMinnville.

15 Head of Cattle,
1 Sow,
3 Dozen Chickens,
1 Wagon,
Eolding Sawing Machine,
Tools and other implements used on a farm.

1 Hayrake,
1 Feed Cutter,
1 Set Harness,
Plow, Harrow,
Planet Jr. Drill,

TERMS OF SALE.—Sums under \$10, cash; over \$10, six months credit with approved security at 10 per cent. interest, or five per cent. discount for sums over \$10.

JAS. FLETCHER, Auctioneer.

OUR NEW SPRING AND SUMMER GOODS ARE NOW IN

AND
OUR STOCK IS FULL AND COMPLETE

Our Line of **Men's Boys' and Children's Clothing** Is Very Large!

It contains some of the Finest Goods ever brought to this city. We have both Round and Square Cut Sack and Frock Suits, and a Very Large Assortment of Summer Goods and our Prices are Positively Lower than the same goods are sold for in Portland. We have clothing to fit the Large or Small, the Short or Tall.

MEN'S ALL WOOL SUITS AT \$8.00 AND UPWARDS

OUR LINE OF HATS IS COMPOSED OF ALL THE LATEST NOVELTIES

In Soft or Stiff Hats and all Prices.

WE HAVE A VERY FINE SELECTION OF STRAW GOODS.

Just Received direct from Boston and Chicago a VERY LARGE AND FINE LINE OF MEN'S SHOES and have a Larger Assortment than any other store in the County. Don't fail to get our prices on this line of goods before buying.

We have an Immense Line of MEN'S FURNISHING-GOODS and are Headquarters for NOVELTIES IN FINE SHIRTS, TIES, COLLARS, CUFFS, ETC.

We have the only MERCHANT TAILOR SHOP IN THE COUNTY, and we carry a LARGE LINE OF PIECE GOODS to select from, and First Class Union Tailors to make them up. We guarantee a fit and our prices are reasonable. Give us a trial in this department. Don't forget the place. **WE ARE NOW IN OUR NEW STORE, UNION BLOCK.**

KAY & TODD.

REDUCTION SALE!

Usually Merchants conduct Clearance Sales at the end of each season when their Stocks are broken and incomplete with only remnants to select from. We are going to offer

A COMPLETE STOCK AT SALE PRICES!

As we have concluded to make a change in our business on or about Sept. 1, 1892, In order to accomplish our object we must reduce our present stock, consisting of

\$20,000 WORTH OF GENERAL MERCHANDISE

To \$5000 or less if possible, if prices will be any inducement. So in order to do so we have decided to make sweeping

REDUCTIONS IN EVERY LINE FOR CASH.

Our stock is no cheap auction trash, of which the country is full, but are good honest values. Below we quote you a few of our prices:

15 yards Cabot W sheeting	\$1.00	15 " Challie, formerly 10c yd	1.00	Arbuckles coffee per lb	.22 1/2
14 " " A	1.00	14 " Standard blue prints	1.00	Green " " "	.22 1/2
12 " bleached Hope muslin	1.00	19 pounds granulated sugar	1.00	Ladies pebble goat shoes	1.15
11 " Lonsdale	1.00	20 " Extra C	1.00	" Dongola kid "	1.50
12 " Apron gingham	1.00	5 gallon keg sugar syrup	1.35	Men's all wool suits heavy wt	9.00
20 " Standard prints	1.00	Pratt's Astral coal oil per case	2.45		

And other lines in proportion. These prices are strictly for cash. Produce taken at cash value. Prices subject to market changes.

M. E. HENDRICK & CO.

A. J. APPERSON

Having leased and fitted up the Masonic Building, has

THE FINEST STORE AND LARGEST STOCK IN THE COUNTY.

Spring and Summer Goods

Just Opened up and ready for the Trade.

Our Spring stock is, we think, exceptionally fine. An examination will satisfy all that in quantity, quality and prices we lead all competitors.

A. J. APPERSON.

R. M. WADE & CO.,

DEALERS IN

Farm Machinery, Stoves and Tinware, Shelf and Heavy Hardware, Iron, Steel and Coal.

A Full Line of Blacksmiths' Supplies Always on Hand.

PACIFIC WAGON

We call particular attention to this Celebrated Farm Wagon and invite you to compare them with any other in the Market. They are warranted against all defects and guaranteed better than any other.

Racine Hacks, Carriages, Buggies and Carts, Plows, Cultivators, Disc and Spring Tooth Harrows, McCormick Binders and Mowers, Baker and Glidden barb Wire, Planet Jr. Garden Tools.

MAKE IT A POINT TO SEE OUR GOODS BEFORE BUYING.

