THE CAPITAL JOURNAL.
(DAILY AND WEEKLY.)

BY HOFER BROTHERS.

MONDAY, JAN. 7, 1895.

FOURTH

ANNUAL

Clearance Sale!

Dolls, Albums, Stationery, Blank Books, Miscellaneous Books, Japanese Goods At Cost.

Dearborn's

BOOK STORE.

PERSONALS.

Jeff Myers came down from Scio on the afternoon local.

Ex-Governor Moody was a northbound passenger this afternoon.

Squire H. A. Johnson, Sr., is about the streets today, after a severe attack of asthma.

Max Buren, of the firm of Buren & Hamilton, furniture dealers, was a passenger for Portland this afternoon.

Miss Lena Knight returned Saturday evening from her holiday visit at Portland, and resumed her kindergarten work today.

Mrs. W. H. Byrd and child have returned from Forest Grove, where the holidays were spent under the parental roof of A. I. McCrum.

Mr. and Mrs. F. Levy have gone to Los Angeles, to visit their daughter, Mrs. Wolfe, and will spend several months in Southern California.

Capt. John O'Brien, editor of the Portland Sun, is at Hotel Willamette and will be in the city several days. He expects to be at Salem more or less during the legislative session. He is an old-time practical printer and as editor of the new daily has given that young enterprise a splendid standing with people of all classes in this state.

Hon. Geo. W. McBride returned Saturday evening from his protracted stay in New York. On his way home he spent a few days at Washington where he met all of the Oregon delegation. At Chicago he was met by his brother Thomas McBride of Oregon City who escorted him to his home over the Northern Pacific to Portland. Oregon's secretary of state spoke in the highest terms of the excellent train service and superior dining cars on that line. Mr. McBride is very much improved in health and is meeting hundreds of old friends daily who are as glad as he is over his return.

A HEAVY LOSS.—The excellent farm residence of Dr. J. M. Keene, of this city, located on his ranch, near Fairfield, burned Saturday evening. It was a 14-room house, worth about $2000, and as only $750 insurance was carried, the loss is severe. Clarence Keene had been in the house, and went to Fairfield, leaving a fire in an open fireplace, from which it is supposed to have caught. With the hired help an effort was made to save the building, but without avail.

CORRECTION.—On the editorial page is a quotation from an editorial in the Astoria Herald where its editor is made to say that the Oregonian endeavors to belittle members of the legislature "who intend to vote for Dolph from principle." By an error of compositor the sense is exactly reversed, as Mr. Curtis spoke of members who would vote "from principle for the election of a United States senator," of course, meaning that such would not vote for Dolph.

WE HAVE IT.—What? Beef, pork, veal, etc., in any quantity and at lowest prices. McClaw & Hunsaker.

Dr. Price's Cream Baking Powder World's Fair Highest Medal and Diploma.

SALEM'S ONE HUNDRED.

A Meeting of the Committee Discusses Legislature.

Saturday afternoon the regular meeting of the committee of one hundred was held at Grange hall, with the following present:

John Minto, Squire Farrar W. H. Odell, Hiram Smith, J. P. Frizzell, Adam Ohmart, John Q. Wilson, S. T. Northcutt, Werner Breyman, S. A. Riggs, S. C. Adams, Charles Watt, E. M. Croisan, George G. Bingham, John P. Robertson, T. L. Davidson, J. B. Stump, Wm. Manning, W. T. Rigdon, A. Bush and W. T. Bell.

A general discussion of the report of the committe on legislation was had, and the part concerning educational institutions brought out the following resolutions:

"Whereas, It is the judgment of this committee that it is not the province of the state government to tax the many for the benefit of the few, in the matter of providing educational facilities beyond what is termed a common school education; that a common school education is all that is needful in laying the foundation for enlightened citizenship, and

Whereas, The provisions already made in the form of permanent endowment by the sale of university and agricultural land, private donations and government aid are ample to maintain these state institutions wisely and economically administered, with the addition of proper and reasonable charges for tuition; therefore be it,

Resolved, First that further appropriations from the general fund should not be made to any educational institution; second that all laws not providing for the levying of taxes for the support of the university of Oregon should be repealed; that it is just and proper to charge reasonable tuition to all students in attendance upon state institutions and the law should be amended so as to do away with all free tuition or favoritism in scholarships."

The adjournment was for one week.

A SLIPPERY FRENCHMAN.

Skips Without Paying at the Matteson House.

A French peddler was working Salem suburbs Sunday and claims to be on his way to the Portland exposition where he has an exhibit. He was seen by a JOURNAL writer in Salem today and says he made a thousand dollars at the world's fair, but lost $800 at the midwinter fair and had lost all he put in at the Portland exposition. The same man is described by a Turner constable as follows:

A slippery Frenchman calling himself ——Werkling, small man, middle age, dark complexion, short beard, rather spare, intelligent, pleasant address, speaks English poorly—claims to speak German, well dressed, round black cap, dark gray sleveless overcoat, dark clothes, carries umbrella and claims to be from Paris to Columbian fair, San Francisco fair, Portland Industrial Exhibit, and to have a wife in Portland named Anna, he carries a large brown canvas grip and peddles moonstone jewelry, embroidered silk handkerchief, and other notions. He claims to be on his way from Albany to Salem and on to Portland. Staid over at the Matterson house two nights on account of storm, and Sunday morning skipped out early and forgot to pay his bill. Is probably an expert beat.

He Was in Salem.

Representative Moorhead of the Junction Times was in town and says:

"We were in Salem Wednesday. The principal topic of conversation is the coming session of the legislature and the election of a United States senator. "Rooms to let," and "private board" are very prominent citizens but the charges this year are more in keeping with the gold basis times than formerly. Candidates are numerous and full of fun. We have not had a single application for a clerkship from a lady and the discrimination is unexplainable. We found Secretary-elect Kincaid at home and learning the rounds of his office. He looked smiling and happy. He hasn't tried on the governor's chair yet, though we have no doubt but what the fit will be perfect.

We stepped into the representatives hall and hollowed a hello to see how our voice would sound. The echo flew back and knocked down the janitor."

EAST SALEM MEETINGS.—Rev. I. B. Fisher is continuing the services at the East Salem church of the Evangelical denomination. His meetings have grown so that they will be continued this week. The electric wire that lights the church was broken by the storm, but will be connected again this evening. The light of the gospel beams brightly in that pulpit, and Brother Fisher is adding daily to large and happy congregations.

Y. M. C. A. AUXILIARY.—The annual meeting of the Ladies' Auxiliary of the Y. M. C. A., will be held Tuesday afternoon, at 3 o'clock. The election of officers takes place at this meeting, and the literary program will be directed to the study of Hannah More. All ladies are invited.

It seems hardly possible, but nevertheless it is true, that on an average every fifty-fifth person you meet wears W. L. Douglas shoes. Did you ever realize what an immense undertaking it is to supply one article of wearing apparel to over one million people.

THE ASYLUM LAW CASE

Was the Mandate According to Decree?

THE COURT HEARS ARGUMENT.

Will the State Board Be Put in Contempt?

Argument of counsel was heard today before the Oregon supreme court on the Eastern Oregon asylum case, Chief Justice Bean presiding over a full bench.

The purpose of the motion argued today is to inquire into the kind of mandate which should be handed down upon the entry of the following decision in the case:

"The demurrer should be sustained, and it is so ordered, and that the cause be remanded to the court below for further proceedings not inconsistent with this opinion."

THE MANDATE

as handed down it is claimed by counsel for respondent A. C. Taylor, of Polk county, does not conform to the above, but goes much farther and dissolves the injunction, when under ordinary rules of pleading the respondent would have a right to amend their complaint and go ahead to trial of the matter on its merit.

THE MOTION

filed by Messrs. Holmes and Bigger is as follows:

"Comes now the respondent and moves for an order recalling the mandate heretofore issued herein, and upon its return to this court that the same be reformed, and amended so as to conform to the opinion heretofore handed down for the following reasons:

I. That if the mandate is allowed to remain as it now stands, the respondent will be deprived of his right to amend his complaint in the court below.

II. That the opinion as handed down by your honorable court, and filed therein, does not dissolve the injunction issued in the cause by the court below.

III. That the mandate as issued by this court does not correctly state the order as made there in the opinion filed.

WHAT WILL RESULT.

If the court sustains the form of mandate handed down by its clerk the suit to enjoin the proceedings in the Eastern Oregon asylum case is knocked out. Should the court not sustain its clerk, the officials who went forward on the strength of the mandate and purchased the site at Union, Oregon, will be in contempt.

The supreme court met at 12 o'clock today to hear argument of counsel on this subject.

THE ARGUMENTS.

Mr. Bigger said the opinion did not dissolve the injunction in the court below and that they would have asked leave to amend their complaint to conform with the supreme court opinion. The mandate cut the ground out from under the feet of respondent and acting upon it on December 11 the commissioners had gone ahead and bought the land for $25,000. They asked leave to recall the mandate and amend their complaint.

Judge Moreland argued that the judgment dissolved the injunction if the opinion did not. Council had not taken their ten days to file a motion for rehearing. November 5 these counsel asked recall of the mandate when it was too late for the court to reconsider it.

Sustaining the demurrer October 16 killed the injunction. The order of this court is from the record of court. The state board in perfect good faith had bought the lands, the money was paid, the deeds recorded, and it was too late to recall. Counsel had slept on their rights.

Mr. Holmes, who had been clerk of the supreme court, said it was a question whether the mandate correctly recited the decree of the appellate court. Cases were usually remanded without prejudice to either party. The statute did not contemplate original judgments or decrees from the supreme court. It simply remanded to the inferior courts for further proceedings according to its direction. See 550 code. A direction to dissolve an injunction here was premature. The opinion left the question of equities open.

The mandate closed it. Did the court intend to stop this litigation promptly or did it wish counsel to go ahead and make up a case as it had suggested might be made up in its decision. Counsel had rested upon its rights to go forward and make its pleadings conform.

Attorney General Chamberlain was present and was asked to speak. He said to the Soldiers' home he had argued for the constitutionality of the law and could not appear for the state in this case. He had only acted for the board in perfecting the title. He thought the opinion of the court dissolved the injunction. The court took the matter under consideration.

RIVER NEWS.

Altona will resume her regular trips tomorrow leaving Portland at 8 a. m.

Steamer Modoc came down from Harrisburg last evening and after lying at her dock over night proceeded on to Canema at 7 a. m. where she will remain until the locks open when she will proceed on to Portland. She leaves Portland on her regular trip up the river tomorrow evening.

The Willamette river is rapidly falling, having fallen .7 feet from 7 o'clock last evening till 8 a. m. this morning. At 9 o'clock this morning the gauge registered 14.6 feet above low water mark and the river was falling at the rate of 1 inch an hour. Agent G. M. Powers, of the O. R. & N. Co., received a message from Portland this morning saying the locks at Oregon City would probably be opened tonight.

The government snag boat, Corvallis, says the Eugene Register of the 5th inst., was brought up to this city last evening by Captain Hatch. The water has now attained such a height that work can now be done which could not be reached when the boat was here before, and this morning the boat will be taken to the Sladden riffle to remove a big snag in the channel there, and will then go on down the river. Capt. Hatch informs us that he is now working near the mouth of the McKenzie river.

A CHALK TALK.—At the social to be given at Central Chapel Tuesday evening, Rev. P. S. Knight will give a talk on the origin of alphabets, and will illustrate with chalk and blackboard. The first of these lectures was very interesting, and many persons will attend especially to hear a learned talk on an every day subject.

LUNCH SOCIAL.—The ladies of East Salem will give a 10 cent social at Central Chapel Tuesday, evening, January 8. All are invited, a good time promised and a generous bite in the bargain.

Born.

EGAN.—To Mr. and Mrs. W. H. Egan, near Brooks, Friday, January 4, 1895, a son.

RIGDON.—Sunday, January 6th, 1895, to Mr. and Mrs. W. T. Rigdon, in East Salem, a daughter.

The regular meeting of the W. C. T. U. will be held in their hall on Tuesday, January 8th, at 2:30 p. m. All ladies are invited.

TWO MEN SHOT.

Oklahoma Outlaws Dealt With By Severe Methods

SOUTH ENID, O. T., Jan. 7.—Chief of Police Williams shot and killed James Brown and mortally wounded James Smith, who resisted arrest for creating a disturbance last night. Excitement runs high and more killing is feared.

Ejecting Officers.

SAN FRANCISCO, Jan. 7.—County Clerk Haley refused to surrender his office today to C. F. Curry, claiming his election was fraudulent. The matter will be taken to the courts. City Surveyor Fitzhugh also refused to give up his office to the newly elected surveyor, Tilton. Tilton took forcible possession.

The Wyoming Senatorship.

CHEYENNE, Jan. 7.—J. C. Davis and Jay L. Torrey, prominent candidates for the Wyoming senatorship, withdrew from the contest today, making the election of ex-Senator F. E. Warren and ex-congressman C. D. Clark almost assured.

New York Officials.

SAN FRANCISCO, Jan. 7.—The change in the personnel of the municipal officials occurred here this morning, all office holders from Mayor down giving place to their successors elected in November.

Ransom Chosen.

WASHINGTON, Jan. 7.—In the absence from the city of the vice president and president pro tem Harris, Ransom was chosen president pro tem for today.

Ponsonby Paralyzed.

LONDON, Jan. 7.—Sir Henry Ponsonby, Queen Victoria's private secretary, was stricken with paralysis today.

France Will Not Oppose.

BRUSSELS, Jan. 7.—The Gazette de Charlie states that France has informed Belgium that she will not oppose the annexation by the Belgian government of the Congo Free State.

Dr. Price's Cream Baking Powder World's Fair Highest Award.

An Old Hand At It.

PORTLAND, Jan. 7.—Deputy United States Marshal George Humbrey arrived here at 1 o'clock yesterday morning on the delayed California express with "Doc" Davenport, charged with counterfeiting, who was arrested near Lebanon and brought to Portland. Joseph Smith and D. D. Shaw of Lebanon were deputized and went after Davenport. After searching his house they secured a lot of counterfeit dollars, plaster moulds, solder, scraps of lead and pieces of a bell, and some brass; also a ladle used for melting the mixture for the coins. They then marched Davenport back into Lebanon, and turned him over to Mr. Humphrey. The only coins Davenport has been making are dollars, of which a dozen or so were secured. They are rather poor imitations of the genuine coin.

Mr. Humphrey and Davenport are old acquaintances. Some ten years since, when Mr. Humphrey was sheriff of Linn county, he arrested Davenport for making counterfeit dollars, and he was sentenced to ten years in the penitentiary. After he had served out his term, he came back to Linn county, and Mr. Humphrey, as justice of the peace, married him to Mrs. Mills, a widow, who owned a farm. He says Davenport bears him no grudge on this account, but he is not certain how Mrs. Davenport feels about it, and it may be that this is why he sent Smith and Shaw out to arrest her husband.

Davenport is a man of some education. He served a term in the army, and was assistant surgeon at Fort Klamath during the Modoc war. After marrying Mrs. Mills he started a drug store at Tangent, but did not make a financial success of the business. Lately he has been living on his wife's farm which is a very good one, but somewhat incumbered. Just why he again went into the counterfeiting business is not known, but perhaps he had an idea that he could make money to pay off the mortgage.

Heavy Rain Fall.

PARKSBURG, W. Va., Jan. 7.—Rain has fallen here steadily for 40 hours and the river is rising rapidly. At Grantsville, up the Kanawana river the water is 24 feet and still rising. Timbermen predict immense damage. The steamer Oneida, a river packet, was sunk here at midnight.

Held up in Seattle.

SEATTLE, Jan. 7.—Colson, the bookkeeper held up by highway robbers at Front and Cedar streets this morning, had fifteen dollars taken from him, no arrests.

Budd Must Be Sworn In.

SACRAMENTO, Jan. 7.—Attorney General Hart has given the opinion that there can be no guternatorial contest before the present legislature and and says that Budd must be sworn in as governor.

Pettegrew All Right.

PIERRE, S. D., Jan. 7.—In the Republican caucus today Senator Pettigrew was unanimously selected to succeed himself as United States senator.

Duties Raised.

STOCKHOLM, Jan. 7.—The government has decided to raise the duties on corn and flour. The new tariff will take effect tomorrow.

Fatally Shot.

RENO, Nev., Jan. 7.—Eli Maynard was fatally shot by accident at Verdi by his father while goose hunting.

Peace Commissioners.

SHANGHAI, Jan. 7.—Peace commissioners Chang Yin Huan left Pekin today for this city.

WEEKLY JOURNAL $1 per year.

Awarded
Highest Honors—World's Fair.
DR.
PRICE'S
CREAM
BAKING
POWDER
MOST PERFECT MADE.
A pure Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant.
40 YEARS THE STANDARD.

Salvation Army's Drums.

SAN FRANCISCO, Jan. 7.—The supreme court has decided that the Salvation Army may not beat drums indiscriminately. The celebrated case of John H. Flaherty, the Salvation Army drummer, who some time ago came in contact with the authorities of Redlands for violating an ordinance prohibiting the beating of drums, was yesterday determined in favor of the city by the supreme court. There was a dissenting opinion by Judge Harrison, De Haven and Fitzgerald. Flaherty was convicted of beating his drum on the traveled streets without a permit, which had been refused him.

The contention of Flaherty's attorneys was that the ordinances was unconstitutional. The decision orders the dismissal of the writ of habeas corpus and the return of Flaherty to the custody of the town marshal.

The Explorers Traced.

LONDON, Jan. 7.—The Central News Agency's correspondent in Shanghai says that the French explorers, Grenard and Phins, who have been missing some two months, have been traced. Phins was murdered by the Chinese afrer leaving Li Hassa, the capital of Thibet. Grenard was arrested by a rebel officer, and was started for Pelling, December 10 he passed through Tai Yuen, a province of Shan See.

Harris Renominated.

ASHERVILLE, N. C., Jan. 7.—Democratic caucus today renominated United States Senator Harris.

UMBRELLA HOSPITAL.—John J. Maurer, M. D. New ribs, new covers, new handles. With C. M. Lockwood 288 Commercial street. 11 27 tf

Remember, the best place to get your money's worth is at Strong's Bakery. Three loaves for 5 cents.

Willamette University.

The opening exercises of the Willamette University gymnasium will occur Wednesday, January 23, 1895, at 8 p. m. An interesting program will be prepared. Gen. O. O. Howard will preside. It is expected that Bishop Goodsell will deliver the opening address. Other eminent speakers will be present, and participate. Further information can be had by addressing

J. H. ROOKE, Agent.

Salem, Or. 1 4 tf

"UMBRELLAS."

why that's our business, we make new and repair old. Call or drop us a card, and we will attend to your wants. Covers all prices. No. 187 Commercial street, near postoffice. J. L. Kapling.

New Advertisements

HAY FOR SALE—Hay $6.50 at barn in Salem. Leave orders with Barrett & Lawrence, postoffice store. 5-31

WANTED—To purchase within 3 miles of city about 5 acres of good land, with small house and a few fruit trees. Must be on good road and price reasonable. Address H. Z., Journal. 2-5*

GIRL WANTED—To do housework for family of two. Must be a good cook. Inquire at 177 Com. st. 2-5*

RARE BUSINESS OPPORTUNITY. for business men and others to organize a joint stock company for a paying and well known Oregon patent right. Address "Patent," care JOURNAL, Salem. 12 28 1m*

HELP WANTED.—Wanted, active, honest gentleman or lady to travel representing established, reliable house. Salary $65 monthly and traveling expenses, with increase, if suited. Enclose reference and self addressed stamped envelope. The Dominion, 317 Omaha Building Chicago.

AT HALF PRICE.—Last chance to get choice thoroughbred chickens at half price. Young pigs of a hundred; must be sold. E. Hofer, Salem.

L. F. FISHER, Newspaper Advertising Agent, 21 Merchants' Exchange, San Francisco, is our authorized agent. This paper is kept on file in his office.

CHRISTIAN SCIENCE—Literature of all kinds on sale at 326 Liberty street. 4-5-1y

CARPET PAPER—Large lot of heavy brown wrapping paper for sale cheap. Just the thing for putting under carpets. Call at Journal office. tf

TO EXCHANGE.—Good acre and platted property on Puget Sound for property in Western Oregon. Address Journal office. 2-20*

PAPERS.—Portland, Sacramento, Seattle, Tacoma and San Francisco papers on sale at Bennett's Postoffice block.

THE most perfect fitting truss made. Will hold a rupture where all others have failed. For sale by J. L. Parrish, 351 Commercial street. 10-17

H. J. BURGESS, Attorney at law, Salem, Oregon. Office over Hoyt's hack.

STELLA SHERMAN.—Typewriting and number 10 stenography. Office room 17, over City N. B. The best of work done at reasonable rate. 12-20

W. L. DOUGLAS $3 SHOE IS THE BEST. IT FITS EVERY FOOT.

W. L. Douglas $3 & $4 Shoes
All our shoes are equally satisfactory

"How Well You Look"

Friends Surprised at the Great Improvement.

C. I. Hood & Co., Lowell, Mass.:

"I take pleasure in writing the good I have received from Hood's Sarsaparilla. Every spring and summer for six years my health has been so poor from heart trouble and general debility that at times life was a burden. I was so emaciated and

Weak and Pale

that my friends thought I would not live long. I could do scarcely any work at all and had to lie down every few minutes. I began getting worse in January, losing my flesh and feeling so tired. I thought I would try Hood's Sarsaparilla and I am happy to say I am in better health than for

Hood's Sarsaparilla Cures

a number of years. My friends remark to me: 'Why how well you look.' I tell them it is Hood's Sarsaparilla that has done the work. I would have all suffering humanity try this medicine and be convinced. This statement is true to the letter." MRS. JENNIE DECKER, Watseka, Ill.

Hood's Pills cure liver ills, constipation biliousness, sick headache, indigestion.

JOHN HUGHES.

Dealer in Groceries, Paints, Oils, Window Glass, Varnishes and the most complete stock of Brushes of all Kinds in the State. Artists' Materials, Lime, Hair, Cement and Shingles and finest quality of GRASS SEEDS

$1,500 REWARD OFFERED.

The undersigned offers $1500 reward for the conviction of the party or parties who burned his barn and horses on the night of December 12, 1892. He will also pay $200 for each accessory to the crime. I own two good ranches and am able to pay this reward.

JOSEPH G. ANDERSON,
10-13-d&w6m Mehama, Or.

Cooper Shop.

CYRUS STEWART

has opened up a shop north of 'Mize's' mill, in South Salem, where he is prepared to make and repair all kinds of cooperage, such as pails, tubs, kegs, barrels and churns. Only the best seasoned stock used. Prices reasonable. 7 13-d&w

NOTICE.

The regular annual meeting of the shareholders of the Capital National bank, of Salem, for the election of directors, will be held at its banking house on Tuesday, the 8th day of January, A. D., 1895, at 3 o'clock p. m.

J. H. ALBERT,
Cashier.

SALEM, Dec. 8, 1894. 11td

CLUB STABLES.

W. H. DOWNING.

Full supply of horses, buggies and hacks. Best of care given to transient stock and boarding. Corner Ferry and Liberty streets. Make specialty of taking parties to coast or mountains. 7-7

THE ANTI-MONOPOLY

Strictly Cash Market

I am doing all my own slaughtering and sausage-making. Sell all fresh meats—no refrigerator products. Free delivery in city; shop opposite brewery.

8-1-tf CHAS. WOLZ & CO., Proprietors

Wanted in Exchange.

Oats, Cheat or Hay

FOR

FRUIT TREES

STAR NURSERY CO.

CONSERVATORY OF MUSIC

Willamette University