

Altona and Ramona

STEAMERS... Altona and Ramona... Portland, 6:45 a. m. ...

Sousa's Concert Band

The Finest in the World.

WHAT EVERYBODY SAYS MUST BE SO.

"I consider Sousa today the greatest bandmaster living..."

Extracts from the Great Papers

New York Herald: It is a new sensation to hear such music from a military band.

SOCIETY CHRONICLE

Local News of Social and Fraternal Events.

Miss Rose Woodruff went to Portland this morning.

Mrs. M. L. Lane was a passenger to Portland on the steamer Ruth, this morning.

Miss Minnie Sauvain, of Salem, Or., who has been a guest of her sister, Mrs. E. A. Lynds, East Nineteenth and Elsworth streets, left last Sunday morning for home.

BIRTHDAY PARTY. Miss Lenora Ehlen, daughter of Mr. and Mrs. L. V. Ehlen, celebrated her 15th birthday on Friday last.

BIRTHDAY SURPRISE. Saturday night a pleasant surprise party was given C. T. Doty at his home on 20th and Marion streets.

THE BRANCH ASYLUM

Supreme Court Sends It to Eastern Oregon.

JUDGE HEWITT REVERSED

Question of Construing the Constitution Again Avoided.

THE ASYLUM DECISION. This is a suit to enjoin W. P. Lord, H. R. Kincaid and Phil Metschan, as a state board, from carrying into effect certain legislative acts for construction of a branch asylum in Eastern Oregon.

The complaint recites that relator and other citizens are taxpayers, that the board are bound to expend large sums under this act, which expenditures plaintiff alleges are unlawful and repugnant to the constitution.

Plaintiff argues that it would cost more than \$100,000 more than if suitable provision for the same purpose were made at the capital, and that the annual cost would be \$50,000 more than at the capital.

Therefore plaintiff prays for an injunction to restrain defendants from using money of plaintiffs for this purpose.

Defendants demurred to the complaint, but demurrer was overruled, and defendants answered. A trial was had upon the issues joined resulting in a decree in accordance with prayer of Plaintiff Taylor from which defendant appealed to the supreme court, which decree is now reversed and injunction dissolved, opinion by Wolverton.

Wolverton, J., says when this case was in the court before, the court held that a private individual could not have public officers enjoined from using public funds unless it could be shown that some civil or property rights were being invaded, or in other words that the individual was going to get hurt by the transaction.

It is contended that relator will be damaged by the location at Union under the rule but we cannot concur with this view. The theory of relator is that if this injunction is granted the insane will be provided for at the Cottage farm without new buildings etc.

But it is now contended for the first time that this is a suit by the state in the right of prerogative incident to sovereignty; that it was instituted by the law officer of the state in the interest of the whole people and being so instituted, the high prerogative powers of government are set in motion, etc., etc., and authorities cited.

There is then a long discussion of relator and mandamus at common law proceedings in this country and England. An extended argument follows to show that the act was deliberately passed by the legislature, approved by the governor, and that now the judicial department called upon to prevent its execution.

SALEM SCHOOL DISTRICT. The grand total of assessable property in school district No. 24, is now computed at \$2,963,611.

government and is not subject in any manner to their direct supervision or control.

Moreover it is not fit that these great powers pertaining to sovereignty which affect the whole people alike, and none less nor more than the rest, should be invoked by a class or classes, or body corporate, or an aggregation thereof less than the whole state.

The separation of the co-ordinate branches of government is argued at length and then it is contended by the court that this suit is a mere bill in equity by a private citizen, A. C. Taylor as relator, and not of a district attorney or attorney general as the law requires.

The decree of the court below is therefore reversed and the complaint dismissed. "This leaves the constitutional question still undisposed of, and the fact that we would probably not declare the acts to be unconstitutional cannot affect or change our duty in the premises.

The decision is 32 pages long of type written matter.

GOVERNOR LORD

appeared in the case and took the position that he was interested as executive, and appeared as a friend of the court to prevent any undue encroachment of the judicial department upon the executive.

Governor Lord's argument undoubtedly had great weight with the court, and the decision is for that reason very important and significant from a public standpoint.

SUPREME COURT DECISIONS. State of Oregon, ex rel A. C. Taylor, respondent vs. W. P. Lord, et al., appellant; appeal from Marion county; judgment reversed and complaint dismissed. Opinion by Wolverton, J.

W. T. Hume, district attorney, appellant vs. Penumbra Kelley, et al., respondents; appeal from Multnomah county; judgment affirmed. Opinion by Wolverton, J.

Willis Bros., appellant vs. O. H. Lance, respondent; appeal from Multnomah county; judgment affirmed. Opinion by M. re, J.

John W. Brigham, respondent vs. Geo. L. Hibbard, appellant; appeal from Multnomah county; judgment affirmed. Opinion by Bean, C. J.

State of Oregon, ex rel The German Saving and Loan Society, appellant vs. Geo. C. Sears, sheriff of Multnomah county; judgment affirmed. Opinion by Bean, C. J.

Severio F. J. respondent vs. Wm. Ladd, et al., appellants; ordered on stipulation that appellant's time for serving and filing their reply brief herein be extended to February 15, 1906.

Pearl of Savoy.

The Chase Stock Co. announced Saturday evening that they would put in one more week in Salem, and tonight will play "The Pearl of Savoy."

It is a high grade play, and will be rendered in their usual good style. Tonight one lady will be admitted free with each 20-cent ticket presented, and many fine presents will be given away.

THE REDS.—Meet tonight at 7:45 o'clock sharp. Important business.

THE MARKETS. Chicago, Jan. 27.—Wheat, cash 61 1/2 c. May 64 1/2.

SAN FRANCISCO MARKET. San Francisco, Jan. 27.—Wheat, 1.12 1/2. Wool, Oregon, choice, @16; inferior 7 @8c, valley, 9 @11c.

WE ARE MOVING

Watch this space for further announcements.

S. M. & E. H. STOCK

267 Commercial street.

OPERA HOUSE. Third and last Week of. OPERA HOUSE.

Chase Stock Company

Monday, Jan. 27. To-Night, Ladies' Free Night.

"The Pearl of Savoy"

The same pleasing price of admission. 10c, 20 and 30c.

Ten Beautiful Presents Given Away Every Night This Week and Twenty on Saturday Night.

\$1.20 Fresh Arrivals. \$1.20

The Union Bargain Store has just opened some great bargains in Shoes

Ladies' Fine Shoes, Worth \$1.50 for \$1.20.

This is a fine dress shoe, and is sold by some dealers as high as \$1.65. You cannot afford to buy shoes without seeing us.

\$1.20. M. J. Matson. \$1.20.

The Salem Woolen Mills Store.

The clothing business in Salem during the past year has, in a general way, had its rough sailing. But the Woolen Mills Store has stood like Gibraltar and sold the most and best goods.

WANTED---FOR CASH! 1,000 Dozen Chickens.

C.T. DOTY & COMPANY

What price will they pay? The highest price ever paid in Salem. Don't be afraid of bringing too much, as all can be taken care of. Poultry must be delivered on Feb. 3 or 4. Call and see us.

Our Patent Poultry Car will Leave Salem February 5 Must have poultry by that time.

Apples, 40c. Poultry, Hen, 5c; roasters, 7 1/2c per doz and not wanted; ducks, 2 1/2 @ \$3.00 per doz. turkeys, live 7c; eggs 12 1/2 cents cash.

NEW ADVERTISEMENTS.

LADIES—I make big wages doing pleasant home work, and will gladly send full particulars to all sending 2c stamp. Miss M. A. Stebbins, Lawrence, Mich. 25 311

A WOMAN—With baby three months old wants a position to do general housework. Enquire at C. W. Scriber's, South Salem. 241f

WANTED—A bell—a farm bell. Drop information in Lock Box 368, Salem. 1 23-31

FOR SALE.—Calligraph typewriter, in good repair. Does excellent work. For sale cheap. Bigger's law office, Bush bank block. 22 31*

WANTED—Man and wife to take charge of a comfortable home and fruit farm at Sunnyside for a term of three months or longer and board proprietor. Address X, this office. 20

WANTED.—Two wood choppers to cut small fir at 6 cents a cord, for cash. April 15, Milton Brown, Sidney, Or. 1-1 w

P.O. NEWS STAND.—Headquarters for the leading daily newspapers of the coast. Subscriptions taken for the Weekly Examiner. Free stock of cigars and confectionery. F. W. Miller, Prop. 1 14 1m*

WE DO NOT WANT—Boys or loafers but men of ability. \$500 to \$500 a month to hustlers. State and general agents. Salary and commission. Racine Fire Engine Co., Racine, Wis. e o s 4t

PUBLIC MEN, POLITICIANS AND BUSINESS houses can obtain all newspaper information from the press of the state, coast and country from the Press Clipping Bureau, (Allen's) Union Block, Portland. 12 201f

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

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

INSURANCE.—J. N. Ferguson, agent for Western Assurance of Toronto, Phoenix of London, New Zealand Insurance company and the Aetna Life and Accident, has moved his office in with the Globe Real Estate office, up stairs in post office building. 1-2 1m*

COMBINATION OIL CURE CO., for cancer and all malignant diseases. We cure cancer, old sores, piles, tumors, fistula sciatic rheumatism, catarrh and minor disease. We have a combination oil which is working wonder. Address, H. HUCKMAN, Box 169, Traveling Agent, Eugene, Or.

STRAYED OR STOLEN.—A dark bay horse, weighing about 1,150, white star in forehead, branded on left shoulder 1 2. Also a bay mare weighing about 1,200; brand not known. Liberal reward will be paid for the horse or information about them. Address Adam Snyder, Salem, Or. 1-16 61t

Patton's Book Store

PERSONAL.

N. H. Burley went to Harrisburg today.

R. P. Taby went to Roseburg this morning.

C. B. Whitteaker went to Cottage Grove this morning.

M. Klifger, the Salem brewer, was a Portland visitor today.

R. A. Shepard, of Brooks, was at the court house Saturday, on public business.

Alderman Hiram Smith went South this morning and will visit Albany and Lebanon.

Mrs. R. A. Miller returned to Oregon City this morning after a visit with Salem friends.

F. W. Settlemeir, the Woodburn nurseryman, was a Salem visitor Sunday, returning home this morning.

J. E. Baker, local manager of the Goodale Lumber office in this city, transacted business in Woodburn today.

James McIntyre, of Oregon City, spent Sunday with Salem friends, returning home on the Salem local this morning.

S. A. Robbins, a typo of the Silver-ton Appeal, is assisting his uncle, E. C. Hansen, the liveryman. He says the Appeal under Mr. Warnick, is doing well.

The Ideal Panacea.

James L. Francis, Alderman, Chicago, says: "I regard Dr. King's New Discovery as an Ideal Panacea for Coughs, Colds and Lung Complaints, having used it in my family for the last five years, to the exclusion of physicians' prescriptions or other preparations."

Rev. John Burgess, Keokuk, Iowa, writes: "I have been a Minister of the Methodist Episcopal Church for fifty years or more, and have never found anything so beneficial, or that gave me such speedy relief as Dr. King's New Discovery." Try this Ideal Cough Remedy now. Trial Bottles free at Fred A. Legg's Drug Store.

NOTES

From Live Dry Goods People.

We start out on the year 1896 to furnish the people of Salem and vicinity with a better store to trade in than ever before. Our aim, first of all, is to give satisfaction to our patrons, believing that a well-satisfied customer is our best advertisement. We keep no shoddy or worn out goods, but clean, reliable merchandise; such goods as recognized themselves. This year we will carry a better stock than ever, and expect to do a larger business than in 1895. We do a cash business, on close margins of profit. If you buy from us, you don't have to pay high prices to cover other people's bad debts. Our new spring stock of dress goods, clothing, hats and furnishing goods has begun to arrive. Call in and see them.

WILLIS BROS. & CO. Court and Liberty street. The Cash Dry Goods, Clothing and Shoe House.

Awarded Highest Honors—World's Fair Medal, Midwinter Fair. DR. PRICE'S CREAM BAKING POWDER (Most Perfect Made. 40 Years the Standard.)

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. W. F. R. SMITH & CO. (Successors to Smith & Schindler.) General Blacksmiths. Horseshoeing a specialty. New shop full set, \$1.50. Only the best work done. Job work a specialty. Prices the lowest. J. H. HAAS. WATCHMAKER AND JEWELER. Makes a specialty of fine repair work. See Thomas clocks, etc., 215 Commercial Street.