Secretary of State Kincaid Takes a Stand

Will Issue no Warrants Without Law.

TAKES A FIRM POSITION.

Is in Line With His Former Attitude.

WILL NOT BECOME A PARTY

To Further Speculations of Warrant Brokers.

THE LEGISLATURE MUST ACT.

No Revenue for Any State Public Institutions.

Secretary of State Kincaid will refuse to accept the responsibilities imposed upon him through failure of the present legislature to pass the appropriation bill. He will sanction no expenditure of the state's money not specially authorized by law. He will issue no warrants, except for the militia and state university, which are controlled by special laws; and—which is quite as important—he will issue no certificates of indebtedness. This proposed action of the secretary of state is of the highest importance, and makes it necessary that the legislature organize soon; else the state and its various institutions will be in a most awkward predicament. They can get no money from the state, and it is difficult to see how they can get credit from private parties. The whole situation is set forth in the following statement, prepared in the office of the secretary of state:

"The present legislature has appropriated no money to pay the current expenses of running the state government for the biennial term, commencing January 1, 1897, and ending December 31, 1898. The secretary of state, H. R. Kincaid, has decided that he can issue no warrants on the state treasurer for the payment of the claims of any of the members of the legislature for their salary and mileage, for the claims of other employes of the legislature for services rendered; for the claims of merchants and other persons for supplies furnished for the legislature; for the claims of officers and employes of the different state institutions for saleries; for the claims of merchants and others for supplies furnished to such institutions, nor for any person or institution, except where there is a statute making annual or biennial appropriation for the particular purpose covered by the claim. In his decision the secretary of state follows the decision of the supreme court of Oregon, in the case of Brown vs. Fleishner, decided in 1871, wherein the secretary of state, Samuel E. May, had issued warrants on the state treasury to pay claims for which no appropriation had been made by the legislature. In this case Justice Thayer said:

"'The secretary of state, like every other officer of the state government, possesses no substantive powers, except such as are enumerated in the constitution, and statutes. His authority to audit accounts and draw warrants upon the treasury depends upon the condition that an appropriation has been made by the legislative assembly for their payment.

The court, after citing the law defining the powers and duties of the state treasurer and secretary of state adds: 'These guards and checks upon the transactions of public officers were wisely made, and each officer should be required to keep within the scope of his authority, not only in order to secure the interests of the public, but also to protect the rights of the individual citizens. As there were no appropriations made for the payment of the warrants in question, the secretary of state, had no right to draw the same, and the state treasurer violated no offical duty in refusing to pay them.'

"The secretary of state is also of the opinion that section 4, article 9, of the constitution of this state, by implication, would sustain him in the decison he has made not to draw warrants on the state treasurer only where specific appropriations have been made.

This section says that 'no money shall be drawn from the treasury but pursuance of appropriations made by law.' That there have no approbriations by law for the current and other expenses of the biennial period, commencing January 1, 1897, and ending December 31, 1898, no one will attempt to deny.

"The secretary is further sustained in his decision by subdivision 7, of section 2208, of Hill's code, which provides, among other duties of the secretary of state, that, he shall examine and determine the claims of all persons against the state, in cases where provision for the payment thereof have been made by law, and to indorse upon the same the amount due and allowed thereon and from what fund the same is to be paid, and draw a warrant upon the treasury for the same.' This statute contemplates the payment of such claims only as those which have been appropriated for and provided for by law. That the secretary of state has the authority and it is his duty to decide upon which claims shall be audited and allowed, and for which he shall draw warrants, is evident from section 2, of article 6, of the secretary of state shall be by virtue of his office, auditor of public accounts, and shall perform such other duties as shall be assigned him by law.

"It will be seen by the foregoing quotations from the constitution, the statutes and the opinion of the supreme court, that the secretary of state is not authorized to issue warrants until after money has been appropriated for their payment. When an appropriation has been made he is required to issue warrants to pay legal accounts whether there be any money in the treasury or not, and it is the duty of the treasurer to stamp the warrants, 'not paid for want of funds,' if there be no money in the treasury to pay them. There is nothing in the constitution, in the laws, or in the decisions of the courts, requiring the secretary of state to issue certificates for claims against the state when money has not been appropriated to pay them. Neither is there any statute or decision against issuing them. It is discretionary with him whether he issue them or not. They have been issued to a limited extent as a matter of convenience and accomodation to persons who present legal and proper claims to be audited by the secretary of state, when the appropriation made for that particular service has been exhausted, and there is a deficiency, or when the secretary of state is required by law to purchase and furnish in all the counties election supplies, or to purchase and furnish supplies for the legislative assembly before the appropriations for these purposes have been made, etc. The law requires that these expenses must be incurred before the legislature that is to provide for their payment has convened, and the indebtedness is therefore legal and unavoidable, and there can be no good reason for refusing to give the claimant a certificate or momorandum showing that the claim is on file.

"In 1868, when the members of the legislature got into a wrangle and went home without making any appropriations, the secretary of state issued warrants for all the expenses of the state until the next meeting of the legislature. They were stamped by the treasurer, 'not paid for want of funds, and the legislature afterward appropriated money to pay them in full, with legal interest. But this was before the decision of the supreme court above referred to, and according to that decision warrants cannot now be issued until an appropriation has been made for their payment. The precedent established in 1868 of issuing warrants cannot now be followed, and the precedent established since the decision of the supreme court in 1871, of issuing certificates to cover deficincies in specific appropriations or supplies required by law to be bought in advance of the meeting of the legislature, would not be properly applicable to the present situation when the legislature has met and refused or failed to make any appropriation whatever for paying any part of the expenses of carrying on the state government.

"It becomes a very serious question whether the secretary of state should issue certificates for claims filed for supplies furnished or services rendered after the legislative assembly has met and refused or failed to make provision for their payment. Should such certificates be issued they might be negotiated and discounted, and he might be subject to the unjust criticism of recognized claims against the state in the interest of brokers and bankers in excess of the amounts which the legislature would have appropriated, had it provided for paying the expenses of the state. Should there be no certificates issued, it will be difficult, if not impossible, to carry on the state institutions. This places great responsibility on the secretary of state, which properly should be borne by the legislative assembly. Under these circumstances, Secretary of State Kincaid will receive and file, according to law, all valid accounts against the state, to await the action of the legislative assembly, but will not issue certificates for the amounts claimed.

"A permanent statute appropriates $30,000 a year for current expenses and support of the university of Oregon at Eugene, and $30,000 a year for the state militia. Warrants can be drawn for these purposes. These are the only objects in the state for which any money can be drawn from the treasury until appropriations are made by the legislative assembly. No warrants can be issued and no certificates will be issued for the state normal school at Monmouth, the state normal school at Weston, for the various homes at Portland, Salem, Albany and Beaverton, for the state insane asylum, for the judiciary, for the penitentiary, for the reform school, for the deaf mute school, for the school for the blind, for the public printing, for the expenses of the legislative assembly, for the transportation of convicts and insane, for the various state commissions, for the arrest and return of fugitives, for the support of the nonresident poor, for the soldiers' home, for the agricultural college, for expenses incidental to the management of the common school fund, the management of the university, state and swamp lands, for new buildings absolutely necessary to prevent turning the insane out on the public, for various repairs and improvements indispensable to carrying on the state government, for fuel lights, postage and numerous incidental and other expenses too numerous to mention."

STATE NEWS.

China mustard is getting to be one of the worst pests the farmers of Sherman county have to contend with says the Moro Observer.

The delinqnent tax list of Clackamas county, for 1895, is ready for the printer and at the next meeting of the county court it will be ordered printed.

Sheriff Bradford calls attention to the taxpayers of Washington county that the taxes for the year 1896 will be due and payable on and after March 5.

The McMinnville broom factory is running at full blast and turning out brooms of Oregon broom corn. There is no reason why Oregon broom straw will not sweep as clean as eastern straw.

Five of Woodburn's young business men were arrested last week on charge of gambling, the complaining witness was Wm. Yarrow, of Mt. Angel, the latter was arrested later for carrying concealed weapons.

There is some excitement in Astoria, the Astorian says, over the reported discovery by A. J. Coultrie of gold in the black sand of the Cannon beach on the Bell ranch. Mr. Coultrie has enough "dust" to make a showing.

John Andrews, an Indian and merchant of the Dalles, who owns nearly all of the sturgeon lines used by Indians in the vicinity of the Dalles, was arrested Thursday for catching salmon,

E. J. Seeley of the Albany creamery, and Richmond Wheeler have begun arrangements for the building of a creamery at Plainview, with a 300 cow capacity. A car load of lumber is already on the ground and the work will be pushed at once.

Who Said So?

The man who said that the hardest part of an eastern trip came after leaving the Mississippi river, never journeyed between Minneapolis or St. Paul to Milwaukee or Chicago over the lines of the Wisconsin Central, for the accommodations over this route are unsurpassed, the connections are close, thus doing away with vexatious delays. The dinning car service is the remark of all travellers who go this way; a good square meal at reasonable prices. For particulars address Geo. S. Batty, General Agent, 246 Stark street, Portland, Oregon, or Jas. C. Pond, General Passenger Agent, Milwaukee, Wisconsin, or apply to your nearest ticket agent.

Westacott & Irwin lead as caterers because their meals and service are the best at Strong's restaurant. tf

Hearthurn cured by Dawson's Bitters,

"How can *Schilling's Best* tea cost so little and be so good?"

Easy. It is roasted every day in San Francisco—like fresh coffee and peanuts.

Other tea is roasted once a year in Japan, etc—like stale coffee and stale peanuts.

A Schilling & Company San Francisco 414

LEGISLATIVE SUBSCRIBERS.

THE JOURNAL has had a larger list of subscribers for the legislative session than any newspaper ever printed in Salem.

The most interesting part of the session has just begun and may last a month or sixty days.

All will want to know the whole history of this remarkable legislative assembly, of which they have only had the first chapter.

Renew your subscriptions and get the latest reports and X-Rays on the members from your county.

JOURNAL "X" RAYS.

Directed Upon the Oregon Legislature and Lobby.

Secretary Kincaid was loaded.

* * *

Death to unprincipled straddlebugs!

* * *

I made a mistake when I swapped Bourne for Brownell.—J. H. Mitchell.

* * *

McKinley's first official act will be to review the troops. Next he will review the office-seekers.

* * *

W. R. Hearst is fighting Spain alone and single-handed with his Journal on the Atlantic and his Examiner on the Pacific.

* * *

Farmer Buford, of the reform school, was at Scotts Mills last week. Can it be that some aborigines exist over there who need looking after?

* * *

With ample police protection, the Yale college students kindly allowed Bryan to lecture in New Haven. Who says ours is not a free country?

* * *

Senator Wolcott preferred to go across the water for an English estimate of the impracticability of bimetallism. He could have got it nearer home.

* * *

Mr. Mitchell is understood to have remarked that it was "the most corrupt legislature he ever saw, and it would give no honest man a square deal."

* * *

It is to be regretted that Mitchell was defeated when it is remembered what a vast amount of prosperity will be lost to the country by his push not getting the postoffices.

* * *

The Torrens system to make land transfers easier should be accompanied by some system that will make land transfers possible otherwise than under the sheriff's hammer.

* * *

Hard up—when McKinley had to send a commissioner to ascertain that England will not let us have bimetallism. There is one satisfaction about the refusal—its English you know.

* * *

John H. Mitchell would have succeeded in being returned to the senate had he never encountered the new man in politics—one who has convictions and principles not for sale.

* * *

Oregonian: "Oregon, after thirty years of unexampled corruption, through methods which have debauched her political and moral life, including the final acts and duplicity and misrepresentation on the greatest questions of the time, is to be done with J. H. Mitchell."

* * *

The Indian farmer at Chemawa raised 3000 bushels of spuds last year and showed the largest Murphies at the state fair. At the reform school they hire a barber for state farmer who don't raise anything. Why this affliction?

* * *

The United States should accept the position of Mediator between Spain and Cuba—find a way to stop the war without starting a new one or riveting the shackles on Cubans forever.

* * *

The Arkansas legislature adopted a resolution providing that "each member of the Arkansas legislature shall hereafter receive 75 cents per diem, board and washing for his services as representative."

Thirty-two applicants for teachers certificates in Washington county passed the necessary examination and received certificates.

The bidding for printing assessor's blanks last Tuesday was quite close and spirited, says the Toleda Leader. The stipulation called for 2,000 sixteen page blanks. The lowest bid was that of the Leader, it being $19.75. The highest bid was that of the Newport News, being $100.

C. W. Hendrix, who owns and runs the sawmill near Blooming, in Washington county, since getting up steam in his mill two years ago has not lost a single day by idleness. His men have worked every day, either in the mill or in the forest. Last year the busy time was late in appearing but the fall trade was the best he has had.

CUBA.

General Weyler May Resign

Pardon of Sanguilly Was Against His Advice.

MADRID, March 1.—The Official Gazette publishes the text of the pardon granted to Sanguilly. The decree is signed by the Minister of Colonies. The pardon has caused a bad effect, and without exception, all the papers denounce it, accusing the government of showing too much compliance with the request of the United States.

The Duke of Tetuan says that despite the attitude of General Lee the incident will not affect the good relations of Spain and the United States, since the Washington executive is desirous of clearing up the circumstance of the death of Ruiz and the Spanish government has agreed to do all in its power to assist. With respect to the attitude of a certain American senator, the Duke of Tetuan said, this had no significance, since sober-minded people deprecated their language, besides he has assurances that McKinley would influence the senate against supporting and discussing the proposition of a nature to annoy Spain.

I learn the pardon of Sanguilly has greatly annoyed Weyler, and it is said he even contemplates resigning his post as Governor-General of Cuba.

In an interview this evening, Sagasta, the Liberal leader, told me the Government thought that by yielding in everything it would allay the anger of the United Stytes, but failed to remember that the latter would seek and demand more and more every day. The present Government, Sagasta said, was a great disgrace and was carrying on a political war, instead of a real war. It tried to involve some impossible reforms and produced discredited results nullifying them from the very first.

ATTENTION—UNEMPLOYED.

Important Information for Unemployed Men and Women.

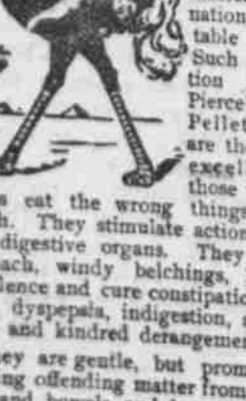
There are deserving and intelligent men and women in every town out of employment. Will you not hand this to some such person who wants to earn a little money?

We want men or women out of employment to introduce best selling and cheapest newspaper in the world. Can make 50 cents to $2 a day spot cash. No capital required. Send your address to CAPITAL JOURNAL, Salem, Ore., for full instructions and equipment and go to work at once. 2-6-td

EGYPT.—Hon. D. P. Thompson, at university chapel, Friday, March 5, Under auspices of Y. W. C. A. Admission 15c. Two for 25.

You should try Dawson's Bitters.

The Indiana senate, Republican, has voted down a bill to forbid the acceptance of rail-road passes by public officers.



What an ordinary man eats and the way he eats it would be enough to give dyspepsia to an ostrich—unless the ostrich were wise enough to assist his digestion from time to time with an efficient combination of vegetable extracts. Such a preparation is Doctor Pierce's Pleasant Pellets. They are the pills par excellence for those who sometimes eat the wrong things and too much. They stimulate action in all of the digestive organs. They stop sour stomach, windy belchings, heartburn, flatulence and cure constipation, biliousness, dyspepsia, indigestion, sick headache and kindred derangements.

They are gentle, but prompt in removing offending matter from the stomach and bowels, and have none of the unpleasant features of other pills. They do not gripe and cause no violent shock to the system.

One little "Pellet" is a laxative. Two are mildly cathartic. One taken after dinner insures perfect digestion, sound sleep and an absence of foul breath in the morning.

They are unlike ordinary pills, because you do not become a slave to their use. They not only afford temporary relief, but effect a *permanent cure*.

Once used they are always in favor.

Your name and address on a postal card will bring a free sample package of 4 to 7 doses. World's Dispensary Medical Association, Buffalo, N. Y.

CAUTION.—Dr. Pierce's Pleasant Pellets—it's an easy name to remember. Don't let some designing dealer persuade you to take some pills represented as "just as good." He makes more profit on the "just as good" kind. That's why he prefers to sell them. That's the reason why you better not take them.

Bank

President Isaac Lewis of Sabina, Ohio, is highly respected all through that section. He has lived in Clinton Co. 75 years, and has been president of the Sabina Bank 20 years. He gladly testifies to the merit of Hood's Sarsaparilla, and what he says is worthy attention. All brain workers find Hood's Sarsaparilla peculiarly adapted to their needs. It makes pure, rich, red blood, and from this comes nerve, mental, bodily and digestive strength.

"I am glad to say that Hood's Sarsaparilla is a very good medicine, especially as a blood purifier. It has done me good many times. For several years I suffered greatly with pains of

Neuralgia

in one eye and about my temples, especially at night when I had been having a hard day of physical and mental labor. I took many remedies, but found help only in Hood's Sarsaparilla which cured me of rheumatism, neuralgia and headache. Hood's Sarsaparilla has proved itself a true friend. I also take Hood's Pills to keep my bowels regular, and like the pills very much." ISAAC LEWIS, Sabina, Ohio.

Hood's Sarsaparilla

Is the One True Blood Purifier. All druggists. $1. Prepared only by C. I. Hood & Co., Lowell, Mass.

Hood's Pills are prompt, efficient and easy in effect. 25 cents.

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.

NEW ADVERTISEMENTS.

LOST—A gold Masonic pin. Finder will please leave at this office. 27 4tt

SEED CORN.—Earliest white dent. Fine for roasting ears or meal. J. Ruef, Garden Road, Salem. 2-22 tf

WANTED—The people of Salem to know that I have charge of the Dearborn printing office and am doing good work of all kinds, at satisfactory rates. Frank Conover. 2-19 1m

WANTED.—A little girl between the age of 12 and 16 to take care of baby. Good home and can go to school, Call or address 294 High street.

FOR SALE.—A good team with harness and a 2¾ spring wagon with top. A great bargain. Call at the Labor Exchange office, North Salem. Terms very easy. Geo. B. Jacob 2-16-1m

FOR RENT.—One fine suite of rooms cheap, Breyman Bush block. For terms inquire of Boise & Barker, Breyman Bros. 2-16-1m

CAUTION.—My son, Noah Wenger having left my home, I hereby give notice that I will not be responsible for his bills. C. C. Wenger, Switzerland, Or. 2-15 2w

FURNITURE FOR SALE.—A complete set of furniture for five rooms is for sale, cheap, at the San Francisco Second Hand store, 99 State street. Carpets for sale separate. Its a bargain. 2-15 1m

RENTER WANTED.—Three years lease to right party, of 13 acres, good house and barn, three miles north of Salem, half in cultivation, two acres timber, young orchard and plenty of small fruit. Good terms Inquire of H. St.Helens, at Brewster & White's feed store, 91 Court street. 1-25-1m

MRS. N. B. SCOTT.—Stenographer and typewriter, room 12, over Ladd & Bush's bank. Prompt attention to all classes of work. 1

FOR RENT.—Eleven acres adjoining the Indian school, at Chemawa, five acres of garden land, good house, barn and well water. By month or year for low cash rent Address Box 145, or apply at G.W.Pearmine, two miles north of town on river road. 11-2

TO TRADE.—A first-class farm of 71 acres. Two miles from Turner, Well fenced good house and barn and plenty of other out buildings. Will swap for any good real estate in counties of Josephine, Douglas, or Jackson. Parties wishing to swap pease address Joseph Bilyeu, Turner, Or. 1-12 2t

WANTED.—Middle aged or elderly woman to help with house work in small family. Good position for right party. For particulars call at my home two and a half miles south of town or address Mrs. James Scott, Salem, Or. 3-24 3t

BLOOD POISON

A SPECIALTY Primary, Secondary or Tertiary BLOOD POISON permanently cured in 15 to 35 days. You can be treated at home for same price under same guaranty. If you prefer to come here we will contract to pay railroad fare and hotel bills, and no charge, if we fail to cure. If you have taken mercury, iodide potash, and still have aches and pains, Mucous Patches in mouth, Sore Throat, Pimples, Copper Colored Spots, Ulcers on any part of the body, Hair or Eyebrows falling out, it is this Secondary BLOOD POISON we guarantee to cure. We solicit the most obstinate cases and challenge the world for a case we cannot cure. This disease has always baffled the skill of the most eminent physicians. $500,000 capital behind our unconditional guaranty. Absolute proofs sent sealed on application. Address COOK REMEDY CO., 307 Masonic Temple, CHICAGO, ILL.

MADE ME A MAN

AJAX TABLETS POSITIVELY CURE ALL Nervous Diseases—Failing Memory, Impotency, Sleeplessness, etc., caused by Abuse and other Excesses and Indiscretions. They quickly and surely restore Lost Vitality in old or young, and fit a man for study, business or marriage. Prevent Insanity and Consumption if taken in time. Their use shows immediate improvement and effects a CURE where all others fail. Insist upon having the genuine Ajax Tablets. They have cured thousands and will cure you. We give a positive written guarantee to effect a cure in each case or refund the money. Price 50 cents per package, or six packages (full treatment) for $2.50 by mail, in plain wrapper, upon receipt of price. Circular free.

AJAX REMEDY CO., 79 Dearborn St., Chicago, Ill.

For sale at Salem, Oregon, by D. J. FRY

Ladies Who Value

A refined complexion must use Pozzoni's Powder. It produces a soft and beautiful skin.

C. H. MACK.

-DENTIST.-

Successor to Dr. J. M. Keene, old White Corner, Salem, Or. Parties desiring superior operations at moderate fees in any branch are in especial request.

MORTGAGE LOANS

On inside property at 7 per cent. On farm land security at 8 per cent. Safe loans made for investors. Insurance effected in reliable companies. JOHN MOIR, Broker, room No. 2, Bush bank building

WOLZ'S MARKET

WOLZ & MIESCKE Props.

Dealers in all kinds of fresh and salt meats Lard in bulk, 7c a lb. Cheapest meat in the town. Try them. 171 Commercial st.

SALEM WATER CO.

Office: Willamette Hotel Building.

For water service apply at office. Bills payable monthly in advance. Make all complaints at the office.

C. H. LANE,

MERCHANT TAILOR

211 Commercial st., Salem Or
Suits $15 upwards. Pants$ upwards.

CORN CHOP AND CORN

at the old reliable feed store of

BREWSTER & WHITE,

91 COURT ST, - SALEM.

TWIN MEAT MARKETS

Best Meats in the city. Prompt delivery, Cottle Block Shop, Court Street Shop. GEO. FENDRICH, Prop.

-REMOVED.-

D. S. Bentley, successor to Salem Improvement Co., is nicely housed at the corner Chemeketa and Front streets, and west of the First National Bank. Thanking the public for past favors, we would gladly have them call and see us at our new office, Having the telephone moved, when you desire anything ring up No. 30. All business attended to promptly, A full stock of supplies on hand, especially of all kinds of wood. 1-5 1m

DEPOT EXPRESS.

Meets all masl and passenger trains. Baggage and express to all parts of the city. Prompt service. Telephone No. 70. JAMES RADER.

J. H. HAAS,

WATCHMAKER AND JEWELER,

Makes a specialty of fine repair work, Seth Thomas clocks, etc., 215 Commercial Street

NECKERMAN & ROGERS

Dealers in Groceries.

Liquors, tobaccos, cigars, confectionery A full line of high-grade bottled goods of all kinds. 218 Commercial st., Salem.

R. J. HERSCHBACH;

Blacksmith and Wagon Maker.

R. J. Herschbach, blacksmith and wagonmaker, horseshoeing a specialty, setting shoes new $1.25, resetting shoes 75 cents. All other work in proportion. Satisfaction guaranteed. 100 Chemeketa street.

The Pohle shop, on corner of State and Front is now prepared to do first-class

-HORSESHOEING-

AND GENERAL JOBBING.

Satisfaction guaranteed. Give us a call.

1 12 1m POHLE & BISHOP.

A PURE JERSEY BULL.

For service for the season. Call at Brown's meat market, corner Center and Thirteenth street. Finest milk stock in Oregon. 12-11 tf

J. S. FREEBURGER

NEW MARKET.

State street, near railroad. Freshest and best meats. My patrons say I keep the best meats in town. 2 5

Salem Steam Laundry

Please notice the cut in prices on the following:

Shirts, plain.......10 cents
Under drawers.......5 to 10 cents
Under shirts.......5 to 10 cents
Socks, per pair.......3 cents
Handkerchiefs.......1 cent
Silk handkerchiefs.......3 cents

Sheets and pillow slips 24 cents per dozen, and other work in proportion.

Flannels and other work intelligently washed by hand.

Col. J. Olmsted Prop.