

KINCAID

Replies to State Claimants

Shows Why He Cannot Attempt to Discriminate.

Secretary of State H. R. Kincaid has received numerous requests recently to audit and allow claims before money has been appropriated to pay them. To a lengthy letter received today he sent the following response:

SALEM, March 30, 1907.

MY DEAR SIR:—Yours of March 29, concerning the auditing of claims before the legislature has appropriated money for their payment, has been received. The opinion of the supreme court in 1871 that claims cannot be audited in advance of an appropriation was rendered by four Democrats, P. P. Prim, L. L. McArthur, B. F. Brigham, and A. J. Thayer. W. W. Upton, the only Republican, dissented upon, among other things, said:

"It is said this doctrine would invest the secretary with the legislative power to control the disbursements of the public funds, and pledges the public credit. The auditing of a public account neither controls the disbursement or pledges the credit or faith of the state. An account cannot be paid simply because it is audited, and the secretary cannot audit an account unless the credit of the state is already pledged by some provision of law previously made, pledging the faith of the state that the claimant shall be paid. The secretary's function is to decide whether the faith of the state has been so pledged by previous legislation. It has been pledged, to ascertain and certify to what extent. The claim certified by him is not to be paid solely because of his certificate or warrants, nor until the legislature shall, in addition to such previous pledges, pass an act of appropriation in fulfillment of the pledge. If the secretary commits a fraud or exceeds his jurisdiction his action is open to investigation before the judicial tribunals of the state, as are those of a minor officer. He pledges nothing; he simply decides matters within his jurisdiction and the lawmaking power that pledges the faith of the state."

"I am therefore compelled to dissent from so much of what I understand to be the opinion of the majority of the court, as holds that the secretary can audit public accounts only when there is an unexpended appropriation applicable to the payment of the particular claim presented. I am of the opinion that it is the duty of the secretary of state to audit public accounts in every case where the law has clearly provided that the claimants shall be paid by the state; and if the claim is allowed, to draw his warrant for the amount due."

You will perceive that if we take this dissenting opinion as the true interpretation of the constitution and laws, as against the opinion of four other judges, and should have it adopted by the supreme court now or a similar opinion rendered, there would be no authority to audit claims in advance of any appropriation other than those specifically authorized by law, which would not include one-fourth of the claims which will be filed for services that are absolutely necessary and for which duplicate vouchers or certificates, not audited, will be issued. There would then be three classes of claims, one class such as fixed salaries and other specific services provided by law, which could be audited—and another class—not fixed by law, but necessary to carry on business for which appropriations have been made in the past and no doubt will be made in the future, which could not be audited. And a third class, such as expenses of conveying convicts, etc., for which nothing is to be issued but which are to be held up for such action as the legislature may take—making three sets of books necessary. This would make confusion and would lead to endless strife and dissatisfaction. To audit the claims and draw the line between what is necessary and honestly due after appropriations have been made

is far less difficult than to draw the line in advance between what is authorized by existing law and what is not authorized by existing law but depend upon the way laws are construed and the action of the superintendents and boards and upon public necessity for which legislatures appropriate money and in the bills making said appropriations authorize and direct the secretary of state to audit claims and draw warrants. The lawyers and judges would no doubt differ widely when it came to drawing the line between the claims that could be audited in advance of appropriation under Upton's opinion or a similar opinion to be delivered now by the supreme court, and no man on earth could draw the line so it would give anything like general satisfaction. All who could not get their claims audited, which would include the most needy, would feel that they were being discriminated against, and would have a grievance. To audit all that were just and for necessary services or supplies, would include a vast amount not authorized by any law other than the appropriation bill which has not yet passed, and would make the secretary liable, under Upton's opinion, for exceeding his authority. If the secretary of state could have the opinion of the court that in the absence of any appropriations he would be justified in auditing all claims for necessary expenses as are generally provided for in appropriation bills but many of which do not depend upon any specific law authorizing the expenses other than the appropriation bill itself, I would consent very reluctantly to assume the responsibility until such reasonable time as the legislative assembly could be convened in special session. But to undertake to draw the line between claims which are authorized by statute and audit them, in accordance with Upton's opinion or any similar opinion which the court might render, and claims which are for necessary services or supplies not authorized by statute but required to carry on the business of the state and for which appropriations have heretofore been made and probably will be made, but could not be audited under Upton's opinion in advance of appropriations, would be assuming a very grave responsibility. However, if the friends to whom you refer or any other person desires to get the opinion of the court, I will endeavor to comply with its mandate, whatever it may be, to the best of my ability.

Yours truly,

H. R. KINCAID,
Secretary of State.

"Sweet Bunch of Daisies."

It happened on Sunday evening. The sermon had been delivered, the benediction had been pronounced and the audience was wending its way homeward pondering over the mighty truths they had just heard presented. A young couple, consisting of one of Salem's bright young women and a handsome young gentleman, was slowly walking home so busily engaged in discussing the sermon they had listened to, that they did not observe three young schoolmates of the young lady pass up the opposite side of the street and come to a halt, unintentionally of course, in a conveniently dark spot about a half block distant from the young lady's home. Presently the young couple reached the front gate. After a few moments of quiet which attracted the attention of the three young fellows who were awaiting further developments with a great deal of anxiety, the young lady, who, by the way, sings very nicely, began the chorus of that popular selection "Sweet Bunch of Daisies." The chorus reads as follows, "Sweet bunch of daisies, brought from the dell: kiss me once darling: daisies won't tell—" but she got no further for the practical young lover promptly kissed her. However the young lady has learned, much to her embarrassment, that there were "daisies" about on Sunday evening that were unable to keep such a good thing.

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Your grocer will sell you a package of Schilling's Best, and return you your money if you don't like it.

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HOPS.

Prospects Good But Work Progressing Slowly.

The present backward weather is rather depressing to the hop men and makes the prospects more gloomy. W. H. Spangh of Harrisburg writes that he has begun work on his 27 acre hop-yard and reports that the wet weather has put nearly all hopmen far behind in their work, and should it continue much longer it will greatly interfere with the general good prospects for hopmen. However it is claimed by good hop-growers that the cold weather has been good for hops as when they are too forward a late freeze weakens the plants.

About all the hops that are being contracted are by hopmen who want just enough for picking money and other expenses, but few are contracting the whole crop.

John Simpkins, of Spring Valley, says hopplants have wintered fine and the late cold wet spell has been a benefit but has put the farmers back very much and will make them work harder. Every hopman is preparing to do better work than ever before. I have been offered 10 cents on contract. Those in my neighborhood who are able to do the picking will not contract.

Gideon Welty who has leased one of David Craig's hopyards, was in town Tuesday. The hopyards about Macleay are not worked much. They have been cleaned up but no plowing is done yet to speak of. Hops are beginning to sprout.

FROM CLACKAMAS.

A Correspondent from Clackamas, county says: hop-growers are bestirring themselves to encourage their vines to give a good yield of hops this season. No hop yards are being plowed up. With hops and wheat active the farmers expect to make prosperity for themselves this year, if the weather will permit, without waiting for financial legislation.

The Utica Herald, published in one of the hop districts in New York, says that hop-growers are more inclined to sell now, at 5¢/7 per lb. than they were two months ago, when offered 10¢ and 12¢. One lot sold on Monday at Bridgewater for 5¢, could have sold for 12¢, soon after harvesting. Another lot on which 13¢ was bid can now be had for 7¢ or less. Still, some farmers intend to increase their acreage this spring.

EASTERN QUOTATIONS.

The following reflects the condition of the hop market on the Atlantic side, as furnished under late date by a New York review:

The movement of stock into home consumptive channels is exceedingly light. Brewers seem to be reducing their holdings of old hops more slowly than was expected, and are totally indifferent as to the course of the market. It is stated on the best authority that there has been a material falling off in the consumption of beer this winter, due in large part to the poor condition of business generally. Dealers complain severely of the long dull period, and do not apparently see much prospect of improvement for awhile, they are, therefore, unwilling to purchase further lots even though lower prices are named. Exporters are forwarding a moderate quantity of stock to England, and are making some additional purchases in the interior of the State at 10¢/10¢ for best quality. It is difficult to give very reliable quotations. So far strictly choice Pacific coast hops remain in first hands that dealers ask 12¢/13¢ for them, but the finest State would not bring over 11¢/11¢, and most of the stock is suffering for loss.

FROM MINTO.

When the people of this little town woke up yesterday morning they beheld thickly falling man-flashes as large as "daddy dollars." The surrounding mountains were already covered with the "beautiful," and this morning it covers mother earth about 8 inches and is still gently falling. The mines seem to have shut down until spring. Mill City mill is running on ties and bridge timbers for the Oregon Central and Eastern. They pay \$1.25 per day for labor, charging 35¢ per week board.

Two hogs were purchased from the Oregon Soldier's Home by Geo. Kohlman, of Roseburg Saturday. They were only six months old when butchered, and weighed 578 pounds dressed.

STATE NEWS.

The Columbia river is rising fast.

Captain Johnson who was returned from the asylum to Astoria has again become deranged and will be returned to Salem.

W. W. Coffin, of Dayton, died on Sunday afternoon at the home of his brother. He was born in Portland in 1855.

N. Ricker of Portland fell from second story of the Marquam house while washing windows, sustaining probably fatal injuries.

Engineers commenced operations at The Dalles on the Columbia and Southern railroad, beginning work at Gilmore four miles south of Briggs.

The following new star mail service has been adopted in Oregon:—Lebanon to Lacombe—Leave Lebanon daily, except Sunday at 1 p. m.; arriving at Lacombe by 4 p. m.; leave Lacombe daily, except Sunday at 9 a. m., arriving at Lebanon by 12 m. Myrtle Point to Eckley—Leave Myrtle Point Tuesday, Thursday and Saturday at 7 a. m., arriving at Eckley by 5 p. m.; leave Eckley, Monday, Wednesday and Friday at 7 a. m., arriving at Myrtle Point by 5 p. m. Lakeview to Plush—Leave Lakeview Tuesday and Saturday at 6 a. m., arriving at Plush by 9 p. m.; leave Plush Monday and Friday at 6 a. m., arriving at Lakeview by 9 p. m.

ITEMS OF INTEREST.

Oakland Cal., has already commenced to make preparations for the Fourth of July.

During the present revolution in Cuba Spain has sent to the island 198, 047 troops and forty Generals.

Greece wants to buy 2,000 American horses for military purposes, and she will probably have no trouble in getting them.

CASTORIA.

"Perfection" Dyes are superior to all.

Dawson's Bitters for indigestion.

A Brief Ceremony.

Marriage ceremonies are of various lengths and some enter with detail much more than others but it is thought the following is about as brief and complete as any yet arranged:

Miss Nettie A. Olds, a well known secularist of the Pacific coast, was united in marriage at McMinville, on Monday, to W. E. Haight, of Iowa. The ceremony was a quiet one, and strikingly characteristic of the religious convictions of the contracting parties. Justice of the Peace A. W. McPhillips, of that city, pronounced the simple ceremony, which was after this fashion: "Miss Olds and Mr. Haight, will you take each other for man and wife?" The answer coming in concert, "We will." They were pronounced husband and wife by all legal authority. There were no particular preparations. The bride was dressed apparently in her everyday gown, and the groom was in his second best. The ceremony was meant to convey the impression that all useless form was to be forgotten, the event being celebrated in a common-sense, common-place manner. Miss Olds will retain her own name in conjunction with that of her husband, and will henceforth be known as Mrs. Nettie Old-Haight.

"I look out at the world with clear and healthy eyes cannot feel great gratification at the thought that his children and his children's children have inherited from him no weakness or tendency to disease. The healthy old man is the man who has throughout his life kept his digestion good and his blood pure. Once in a while you find such a man who has never taken any medicine. That man has lived a perfectly natural life. Not one in a thousand does do it. Sometimes very slight indiscretions or carelessness pay the way for serious sickness. The germ theory of disease is well authenticated, and germs are everywhere. This need make no difference to the perfectly healthy man. Germs are everywhere. They are hurried along rapidly and thrown off before they have time to develop or increase. Let them once find lodgment, and let them develop, they will develop by the million and the blood will be full of them. Instead of rich, life-giving properties, the blood will be a sluggish, putrid tide of impurity. Instead of giving strength to the tissues, it will force upon them unwholesome and nutritious matter, and the man will lose flesh. The more flesh he loses and the weaker he becomes, the more susceptible he is to disease. His trouble will become complicated and serious consequences will follow. Dr. Pierce's Golden Medical Discovery is the only medicine that cures all the germs of disease, and infallibly cures all blood diseases, and almost all diseases are blood diseases. It isn't a medicine for some one particular so-called disease. It is a medicine for the whole body. It forces out all the germs of disease, replaces impurities with rich, red blood, feeds the tissues and makes strong, healthy flesh."

Properly used, "Perfection Dyes are superior. Insist on having "Perfection" Dyes.

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WM. McLEAN, Prop.

M. G. FRASER, Mgt.

29-31

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 dining car service is the remark of all travelers 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.

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Prices are reasonable and the service is as good as it can be.

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Portland, O.

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Signature of **Charles H. Fletcher**

NEW YORK.

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Please notice the cut in prices on the following:

Shirts, plain	10 cents
Under drawers	10 to 15 cents
Under shirts	10 to 15 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.

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