

## REHEARING

### In the Kincaid Warrant Suits.

Attorneys Knight and Woodcock File a Motion.

Council for H. R. Kincaid, secretary of state, respondent in the case of E. D. Shattuck appellant, have filed a petition for rehearing in the case decided adversely to them by the Oregon supreme court, August 9.

They have waited until the last day to complete an elaborate argument for rehearing. In opening their argument counsel says:

"We beg to submit some reason why the majority of the court should reconsider its decision in this case, overthrowing the whole financial system of the state inaugurated under the constitution at its birth and continued and maintained by the people down to the present time, except the years 1868-1869." After tracing the history of legislation and of court decisions in an exhaustive manner, the argument grows quite pointed and concludes as follows:

#### THE CONCLUSION.

"Under this decision the secretary is required to designate in his warrant to pay the claim out of the general fund, and in the same breath the court says the treasurer cannot pay it because the legislature has not appropriated the money to pay it. Will not that law endanger the safe passage of our Teutonic treasurer to heaven in his indorsements on the thousands of warrants that the secretary of state will issue under this decision. 'Not paid for want of funds,' when he has millions in the general fund to pay the current expenses of the government?"

"The decision gives to the secretary of state absolute power over all the revenues of the state. In the hands of the present secretary of state it will not be abused, for he has resisted every blandishment and inducement of the political scoundrels who held up the last legislature, to rob the people, by issuing interest-bearing obligations of the state without authority of law. But it is an appalling power to put into the hands of an administrative officer of the state. An ambitious and corrupt secretary of state, under this decision, could pack every primary from Harney to Portland and make himself senator or governor.

"Now it may be said that we are talking outside of the record but, as lawyers and officers of this court, we, as a profession, are always to be found on the side of law and order. What-ever may be said about lawyers the fact is they have governed the world from Moses down to the present day, and will continue to do so to the end of time.

"This anomalous condition of affairs in this state was brought about by the failure of the legislature and executive department of the government to perform their duty under the constitution; the consequence is we are practically without any government. We have no legislature and no governor. This lawless state of affairs could not exist for one day but for the support of a great newspaper. We all know the cause of that support. But it is childish, and we will be pardoned, as lawyers, if we say in the cause of good government to the great editor of that journal what Junius said to George the Third about Wilkes: 'Discard those little personal resentments which have too long directed your public conduct. Pardon this man the remainder of his punishment and, if resentment still prevails, make it what it should have been long since, an act, not of mercy, but contempt. He will soon fall back into his natural station, a silent senator and hardly supporting the weakly eloquence of a newspaper. The gentle breath of peace would leave him on the surface, neglected and unremedyed. It is only the tempest that lifts him from his place.'

"Now we know in the expression of an honest opinion we will be abused by all the little whelps in the profession who are employed in this conspiracy to rob the people. But we know we are doing our duty as officers of this court, and in conclusion we beg the court to reviewing its decisions to not forget the memorable words of Cicero (translated) in a great cause: 'When the judiciary abandons the cause of the people the republic is lost.'

The distance from Albany to Newport by bicycle is 73 miles, as shown by several cyclometers. On a straight line it is 46 miles. By rail it is 84 miles.

## JOURNAL "X-RAYS."

These are hard times when a state official on a good salary has to send his wife out to solicit insurance.

A great many Salemites are going to get some prosperity in a practical way—they are picking it from the hop vine.

Hon. and Mrs. H. R. Kincaid and son Webster, will leave Sunday for Yellowstone Park where they will remain several weeks.

It would be a good thing for Oregon if we had some more state officials who drank the same kind of liquor Governor Lords drinks.

"Am I or am I not" is the question that confronts Gen. H. B. Compton of the railroad commission, since his successor has been appointed.

Prosperity has not got so good yet but what the recording of chattel mortgages and bills of sale is the principal industry at the county clerk's office.

Why should the Neal-Myers case have been given a trial, anyway? The winning coupon held by Neal contained these words: "Good for one chance on a bicycle to be given away July 4, 1897." No lottery about that.

No wonder the mourning contemporary wishes Marion county's expenses reduced. The 1896 delinquent tax roll will soon be ready for publication and the "organ" wishes to have another "grab" at the county's finances.

Our prophet says that Phil Metochan will never receive another state office.—Newberg Independent.

How could he live out of a state office? Why he'd have to go back to Grant county and open up a little old bunch-grass sausage shop. That would be an outrage. Once on the state pay rolls, always on, is the rule.

Here is another act of the People's Union party in Washington that makes our hair stand on end: The Northern Pacific is paying its disputed back taxes in various counties. This good move results from the "pernicious Populistic legislation" of last winter.

The Oregon congressional delegation, which has been holding sessions in Portland, has adjourned, but rumor says they agreed to no appointments. A lack of harmony is said to exist.—Exchange.

There ought to be harmony among a lot of peanut politicians, each of whom is trying to feather his own nest and grab all he can for his own family.

Oregon politics is as high flavored as the celebrated Tillamook cream cheese. Poor Geer, for fear of offending Yorlan, the great-Oregon congressional delegation hesitate to favor him for Collector at Portland. In the meantime, a job is to be fixed up to turn the job over to Hon. I. L. Patterson, chief manager of the conspiracy that made McBride senator, while both were supporting Dolph.

The newspapers of Oregon are really very impertinent, remarks the Roseburg Reylew. Some of them are even insisting that State Treasurer Metochan make a statement of the amount of money in his keeping, and what, if anything is being done with it. Just as if this money belonged to the taxpayers instead of the state treasury ring!

The Salem Statesman charges Governor Lord with being a chronic drunkard and a panderer to base politicians.—Eugene Guard, Dem.

Of course, if the Statesman were drawing four salaries and getting an occasional \$50 writeup, Governor Lord would be a saint. Thank God, Oregon has a Governor who is not a hypocrite.

Salem insurance men complain at Major Frank Hodgkin, assistant state treasurer, putting a solicitor in the field to canvass this city for his insurance agency, which he runs at the state house. But why shouldn't he? He only gets \$2000 a year, with a lot of asides, and a chance to use the state treasury as a leverage to get business people to take policies. Besides it may be his last pull at the public teat.

William Simmons has sold his half interest in the Boston roller flouring mills, at Shedd's, to Martin Thompson, who is now sole owner. Mr. Thompson and professor Swackhamer intend to start in the spring for Klondike, with 200 goats.

## REUNION

### Of Waldo Hills Pioneers

In Honor of a School Teacher of Half a Century Ago.

There was a notable pioneer's reunion held in the grove back of McAlpin's school house, August 25, when about one hundred young and old from the Clymer and Macleay neighborhoods were assembled to meet a former fellow citizen, Hon. Orange Jacobs, now judge of the superior court at Seattle.

It is nearly fifty years since the now distinguished guest was here a country schoolmaster, teaching in a little schoolhouse that stood on the site of this picnic ground. He was introduced after a hearty picnic dinner, spread under the direction of Mrs. J. B. Waldo and Miss Genevieve Griffith, by Hon. T. T. Geer, who toasted "Our Guest" in a ten minute speech. Judge Jacobs responded in a twenty-five minute discourse, full of feeling, reminiscence and anecdote. He called the roll of ninety old names of pupils who had attended his school in this neighborhood. Of those he had taught as boys and girls thirty reported still living and fifteen responded "present."

The character of the teacher and the sterling quality of the people is well indicated by his remark at closing, that so far as he knew not one had made a failure of life and that there was not one black sheep among them.

#### THE PIONEERS PRESENT

who went to school to Judge Jacobs, in those early days were as follows: Fenton R. Hibbard, King L. Hibbard, Mrs. Julia Griffith, L. C. Griffith, Mrs. Susan Savage Griffith, H. H. Savage, Mrs. Lucinda Davenport Jacobs, Ben Davenport, John B. Waldo, Mrs. Kate McAlpin Wolfard, Mrs. Addie McAlpin Thompson, John Hunt, Mrs. Frank Colby Forward.

Mrs. R. A. Miller, of Oregon City, read a paper on "The Pioneers." T. W. Davenport read a sketch entitled "Our School-days and Schoolmates." Toast-Mistress Genevieve Griffith read a very appropriately worded adoption of Oliver Wendell Holmes's "The Boys," and Mrs. Waldo made a speech on the reunion custom. Mrs. Hibbard and Matt Small related pioneer incidents and Rev. Thos. H. Small who has married, baptised and preached funerals for nearly every family in the Waldo hills gave a characteristic talk in his 87th year.

Miss Lois Peebles sang "Ben Bolt" very sweetly and K. L. Hibbard read the "Pioneer Annals," a paper full of facts, fun and reminiscence. After which all united in singing "Auld Lang Syne." The program closed at 4 o'clock with another picnic lunch for all who wanted it.

#### THE OLD SCHOOLMASTER

and his pupils indulged in visiting and recalling old times on this occasion and the reunion was one of the most enjoyable ever held in a neighborhood which has kept alive the community spirit to a remarkable degree. Judge Jacobs is a most interesting pioneer character and while advanced in years and afflicted with partial paralysis, has an intellect that is clear and strong, and he is possessed of a fine vocabulary, which he employs in an effective and impressive manner. He was chosen superior judge of King county on the Silver Fusion ticket, receiving 1400 majority in a county that gives 2000 to 2500 Republican majority. In 1865 he was candidate for representative in Marion county on the Prohibition and Reform ticket. His opponents managed to secure confusion in the result by having his name printed on the tickets in a great variety of ways, many of which were thrown out. He received a large vote and his friends claimed he was counted out. But the legislature was so overwhelming Democratic that he did not deem it best to make a contest.

Judge Jacobs, Mrs. Jacobs, and their daughter Miss Jessie are the guests of friends in the Hills, but will come to Salem next Wednesday to be the guests of Mr. and Mrs. Y. L. Davenport.

#### Scarcity of Hop Pickers.

SANTA ROSA, Cal., Aug. 23.—There is a general complaint of the lack of help, and from many quarters come appeals for laborers. The price for picking has advanced from 75 cents per 100 pounds to \$1, and even at that figure pickers cannot be had to supply the demand.

## THE G. A. R. ENCAMPMENT.

Officers Elected and Reports Read on the Last Day.

BUFALO, Aug. 23.—The Grand Army has elected its officers for the ensuing year, and the encampment of 1897 has adjourned to meet in Cincinnati next year.

Friday's session lasted from 9:45 a. m. until 3:45 p. m. without intermission. Opening under the order of business, the encampment took up the election of the senior vice-commander-in-chief, Alfred Lyth, of Biddell-Wilson post, of this city was nominated and was elected unanimously, there being no other nominations.

The election of junior vice commander-in-chief was not accomplished until afternoon, there being four candidates and several interruptions to the proceedings of the encampment by speeches, and the admission of a commission from the Woman's Relief Corps. On the first ballot, B. F. Allen, of Connecticut, candidate of the naval veterans, led, and he was elected on the second ballot.

Dr. David Mackay, of Dallas, Tex., was elected surgeon-general unopposedly, and Rev. Frank C. Bruner, of the First Methodist church of Chicago, was in like manner elected chaplain-in-chief.

Post Commander-in-Chief Waler, of Indiana, was presented with a silver service by the encampment.

Among the reports receiving favorable consideration from the session of the encampment was that of the pension committee. It recommended a readjustment of widows' pensions, and presented a form of proof and application in pension claims. The report also recommended that congress pass a service pension law to apply to all veterans who have reached the age of 62 years.

The report of the committee having in charge the memorialization of congress to purchase several of the most important battle-fields about Fredricksburg, Va., and connect them by government roads, was adopted.

Another committee reported favorably the proposition to establish national parks at the battle-fields of Vicksburg, Stone river and Appomattox.

The report of the committee on text-books used in the public schools was adopted. The reports dealt severely with some of the histories used in the South, charging that they misstate facts as to the cause of the rebellion, and take them from a Southern point of view.

The Woman's Relief Corps elected Mrs. Sarah J. Martin, of Missouri, president, and Mrs. K. F. Atkins, of Buffalo, senior vice-president. Miss Kate Jones, of Vermont, was chosen junior vice-president, Mrs. Belle T. Bagley was re-elected treasurer.

#### No Fears of Lynching.

COLUSA, Cal., Aug. 23.—No talk of lynching Pedro Vandy, who committed a murderous assault on Miss Poirer three days ago, has been heard since the militiamen arrived for duty at the jail last evening. The town is quiet tonight and there is no apparent indication of trouble.

Two companies of the National Guard, B, of Colusa, and D, of Marysville, are at the jail under the orders of the sheriff. Company D will probably return to Marysville tomorrow, but the sheriff says he will keep company B on hand until he is satisfied all danger of a mob attack on the jail has passed.

Miss Poirer is now resting easily, and the attempts at lynching her assailant will not likely be renewed unless the girl takes a decided turn for the worse.

Meanwhile, Vandy is gradually growing weaker. It is unlikely that he will live long enough to receive legal punishment for his crime.

Vitus Bros. inform the Eugene Guard that at present prices for wheat they will clear \$10,000 this year. This same family came to Oregon a few years ago without a cent, and is now worth \$50,000 to \$60,000.

## The Great Strike.

PITTSBURG, Aug. 23.—The miners' leaders are encouraged over the prospects of the early settlement of the strike. Efforts are now being directed to the Pennsylvania railroad and the central field of Pennsylvania.

District President Dolan addressed a meeting at Claridge, W-mooreland county, and the men decided to quit work. President Dolan says six mines have been closed in the Central district and that work will be suspended in that region within a short time.

Sheriff Lowry went to Bunolo, accompanied by several deputies, and ordered the strikers off the public roads. The first attempt at starting the mines was made at the Champion mines, near McDonald. Two carloads of foreigners were sent to the mines about daylight and put to work loading slack into the cars.

About 500 women marched against the miners, attacked them with stones and clubs and drove them from the cars. The foreigners fled to Nobles-town. The women then dumped the slack from the cars. They were met by 1000 strikers and marched a short distance from the mine where they are now encamped.

Slabtown, the plague spot at Unity, where the negro railroad laborers have been holding high carnival, will go up in smoke before the day is over.

Twenty deputies have been detailed to assist Constable Kersten in applying the torch.

#### Caught an Iowa Murderer.

PORT TOWNSEND, Aug. 23.—The steamer Portland, due from St. Michaels, has on board a murderer who was chased by detectives half way around the world. He is in irons and under constant watch of two Pinkerton detectives. The prisoner, William Smith, was pursued over to the continent, to Dyea, and across Chilkoot pass, over the lakes and down the rivers to the goldfields of Klondike, where he was taken into custody.

Smith was a storekeeper in a town near Cedar Rapids, Ia., up to several months ago. One night the store was burned and in the ruin was found the charred body of a man. Smith's relatives claimed that he was burned to death in the fire. His life was insured for \$25,000, and a demand was made for the money.

An investigation led to the belief that the body was not that of Smith, but of a watchman. The theory was at once advanced that Smith had committed a murder and burned his store in hope that the body would be roasted beyond recognition, and his relatives obtain the insurance money after he had disappeared.

Pinkerton men were put on the trail, and after one of the longest chases on record, arrested Smith at Dawson City on July 12. He was taken to St. Michaels to await the sailing of the Portland.

CEDAR RAPIDS, Ia., Aug. 23.—Smith, the prisoner on the steamer Portland, is apparently Frank Noyak, storekeeper at Watford. The man murdered by him was Edward Murray. Noyak's relatives claimed the body was Noyak's.

#### Letter Carriers Meet.

SAN FRANCISCO, Aug. 23.—On the eve of the arrival of the delegates to the National Association of Letter Carriers, a dispatch has been received from Chicago, which announces that the national committee has abandoned its plans, on account of its failure to secure reduced rates from the railroads, and that the convention will be held in Chicago.

#### Farmers' Gains.

WASHINGTON, Aug. 23.—Assistant Secretary Brigham, of the agricultural department, expressed the opinion that the American farmers this year would receive in the aggregate from \$100,000,000 to \$500,000,000 in excess of the amount received last year for their wheat.

O. B. Jacobson has established a place for salting salmon on the Unquaga river six miles above Gardiner, where he will smoke, salt and pack salmon during the fishing season.

## Strikes by Tenderfoot.

PORT TOWNSEND, August 23.—(Special.)—The Fred E. Sander brings news of a big find made at Skookum, a tributary of Bonanza creek, by two young-fellows entirely inexperienced in mining, whose names are Dawson and Goldsmith. Skookum creek was visited and the second day's work brought them nuggets galore. These they took out and when the supply seemed diminishing, selected another spot and dug there with like success. Something like \$1,000 was taken when the pair received an offer of \$25,000 for claim, and they accepted at once, thinking the purchaser crazy. So little experience had the young tenderfoot in mining that they looked for nothing but gold nuggets.

The purchasers saw a fortune at the bottom of each place the young fellows had worked. Since the purchase they have taken out the price paid twice over and Dawson and Goldsmith have another claim on which they do not devote their efforts exclusively to shining nuggets, but save the gold dust as well.

The Sander's passengers say the crowds going into the Klondike country will have a demoralizing effect on the rate of wages of \$15 per day paid last season. The rich diggings are all located now and many who go in expecting to strike it rich will have to work. The labor market will be overdone, with the effect of running the wage rate very low.

Disappointment is in store for many who anticipate the arrival of millions on the steamship Portland, now due. The passengers arriving on both the schooner Colman and schooner Sander say the Excelsior and Portland brought most of the gold which will come out this year. Rich strikes are unusual now and a majority of those who are making a big thing are investing money in neighboring claims and outfitting prospecting parties. It is said with the apparent assent of all returning today that the Portland will not bring over \$500,000.

#### To Dredge the Klondike.

Miss Nina Chaney, who came from Alaska on the last Topeka, was at the Grand Central last night. She said:

"There has been a scarcity of laborers in the mines at Berner's bay, and at the Treadwell mines, but I believe the delayed Klondikers will furnish all the help needed at both places until next spring. Three hundred men are employed at Berner's bay, when a complement is at work. I am recently from Sumdum, and have not been at Skaguay.

"The miners now in Klondike propose to lay the river on the bank this winter, by taking out the frozen stream and then removing the gold bearing earth at the bottom. They also, I have heard, contemplate a newer and more novel scheme for that district. It is to dredge the gold bearing streams in the summer. I do not know who is interested in the affair. I advise no one to start for Klondike before spring."

#### Arrested.

PORTLAND, Aug. 23.—S. L. Richmond was arrested here by the United States marshal, for passing counterfeit money. The arrest grows out of the arrest of F. T. Clark some time ago, for a similar offense. Clark passed a counterfeit \$100 bill on a saloon keeper. He claimed to have found the bill while in the employ of F. A. E. Starr, and thought it genuine. He now says the bill was given him by Richmond, who is the father-in-law of Starr.

#### Donation.

PENELTON, Or., Aug. 23.—Rev. H. H. Manier, of Cheney, Wash., who is attending the Columbia river conference in this city has donated his private library to the theological department of Portland University, with the hope of stimulating other ministers and literary people to join him in building up a large library especially for the benefit of this department of the school.

## FINANCIAL

### General Business Prospects.

Dunn & Broadstreet Report—Hrg Market Booming.

#### Broadstreet and Dunn's Report.

NEW YORK, Aug. 23.—Broadstreet says today:

The general trade situation continues to improve and, aside from unnecessary prolonging of the strike of the soft coal miners, there is little in sight to cloud the outlook. The feature of the week is the advance in almost all of the leading staples.

Broadstreet points out that the statistical position of wheat is the strongest known since the United States became an exporter, and that its price, as well as that for bread, is to materially exceed the present week's advance. Wheat exports are large, aggregating (wheat, and flour as wheat,) 5,410,653 bushels for the week, as against 5,312,903 bushels last week.

NEW YORK, Aug. 23.—R. G. Dunn & Co., says today:

Speculative markets have their turns of reaction, but business has had none this season, gaining with a steadiness which is most gratifying. Crop reports are contradictory, as is usual at such a time, but it is noteworthy that none of them indicate anything less than an ample supply of great staples.

#### Salmon Canning.

SAN FRANCISCO, Aug. 23.—The salmon-canning industry on the Sacramento river is at a standstill at present. In previous seasons the packers paid a regular price for all fish delivered to them, large and small alike. This year the packers proposed to pay so much a pound for the fish instead of the old system.

This, in addition to a cut of from 11 to 12 cents a pound, was received with disfavor by the fishermen, who declined to supply any more fish unless the old system were continued and an increase be made in the price. This proposition the Sacramento River Packers' Association declined, and thus the matter stands, and will so stand for this season, as the close season commences on Saturday. The companies will can no salmon until next season.

#### Hog Market.

KANSAS CITY, Aug. 23.—There is a boom under way in the local hog market. Today's prices were the highest reached within nearly two years, going up 10 to 15 cents a hundred, on top of a similar advance yesterday. Prices have advanced 40 cents since last Friday: 70 cents since August 1, and they are now \$1 higher than in the middle of July. The advance in prices is due to the increased demand for meats, rather than a scarcity of hogs.

#### Silver Up.

NEW YORK, Aug. 23.—Bar silver in this market was quoted at 51 1/2 cents.

#### Gold on Exhibition.

PORTLAND, Or., Aug. 23.—A jeweler's window was the object of considerable interest. In it were a number of gold bricks and nuggets, worth all the way from \$50,000 to \$75,000. The gold was from the Sterling mine in Douglas county, and was the result of a recent cleanup.

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