

The Northern Star.

Representing the Interests of Western Washington.

VOLUME II.

SNOHOMISH CITY, WASHINGTON TERR., SATURDAY, MAY 5, 1877.

WHOLE NO. 69.

LATEST BY TELEGRAPH.

EASTERN STATES.

COLUMBIA, April 30.—Hampton's message is regarded as the first step toward repudiating the bonded and floating debt of the state.

KNOXVILLE, Tenn., April 30.—Ex Senator W. G. Brownlow died here suddenly to-day.

WASHINGTON, April 30.—The following postmasters have been appointed: Walter Jeffries, San Marcos, San Luis Obispo county, Cal.; H. C. Raymond, Gaston, Washington county, Oregon.

The internal revenue receipts up to the 30th of April shows a gain of two million six hundred thousand dollars over ten months of last year.

NEW YORK, April 30.—The *Herold's* Vienna correspondent telegraphs that Prince Charles is preparing a manifesto declaring Roumania independent of Turkey. Roumania will be erected into a kingdom and will be under the protection of Russia.

General and Mrs. Grant, with their son Jesse, will sail for Liverpool from Philadelphia May 17th. President Hayes and Cabinet offered him passage on a government vessel, but the General preferred going as a private citizen.

NEW YORK, April 28.—The *World* says the Russian fleet will remain with us unless the authorities at Washington object. The Admiral told the interviewer that he had no orders to leave.

A Washington special says Attorney General Devens will not recommend the conviction of Joyce, convicted at St. Louis, of complicity in their distilling.

It is understood the President has declared that Joyce, the sole surviving prisoner of the whisky ring, must serve out his time.

The President has said to friends, relative to the story of the formation of a new party, that nothing is further from his thoughts than to desert the name and principles of the Republican party. It is his aim to maintain its perpetuity. He will especially aim to protect the colored people of the South.

WASHINGTON, April 28.—Judge John E. King has been appointed Collector of the port of New Orleans. Judge King was Judge of the Supreme Court of Louisiana under the Kellogg-Packard regime.

Gov. Axtell, of New Mexico, has pronounced the charges against him groundless, and has demanded the fullest investigation.

CHICAGO, April 28.—The *Times* Washington special says it is rumored here that Gen. Grant has been offered the command of the Turkish armies. Grant is in New York.

Pacific Coast.

SAN FRANCISCO, April 30.—Chas. Howard, president of the Spring Valley Water Co., came before the water commissioners in open session to-day with a proposition to sell the works of the company to the city, in conformity with arrangements of the commissioners to receiving proposals for supplying the city with suitable works. The price demanded was \$16,000,000, with rather an odd reservation that the company should have the privilege of asking less if they desired. On being asked for an explanation of this singular proviso, and requested to name the lowest sum for which the company would sell out, Mr. Howard declined to name the minimum rate, saying that 10,000 was considered a fair price, but intimating that possibly a less amount might be accepted. The commissioners did not commit themselves to any definite action on the proposition, but the general tenor of the discussion seemed to show that the proposal failed to meet with approval, and was in fact likely to create a feeling averse to the Spring Valley interests.

SAN FRANCISCO, April 30.—H. T. Jones and Pleasant Slaughter, Chicago incendiaries, went over to San Quentin

this morning after spending Sunday in the city prison.

The steamer *Belgie* arrived this morning from China and Japan, bringing an addition of about 600 to our Chinese population. She showed a clean health bill; and proceeded at once to the Mail dock to discharge.

EUROPEAN.

BUCHAREST, April 29.—The minister of foreign affairs communicated to the Chamber of Deputies the text of a convention with Russia, dated April 19, 1877, in which the Prince of Roumania assures the Russians the free passage through his country and the treatment due a friendly army, and the Czar binds himself to respect the rights of Roumania. The minister said the convention was to secure respect for Roumania's position as an individual state in accordance with the treaty of Paris. It imposed neither a change in Roumania's international relations nor in her duty of lending the co-operation of her army; Roumania adhering to the policy of attacking no one but defending her frontier as far as possible. A similar convention had not been concluded with the Porte, because it had transferred the seat of war to Roumanian territory, and has also persistently refused to recognize Roumania or settle questions that have been pending for years. According to an additional convention, the Russians are allowed to use Roumania's roads, railways, rivers and telegraphs. The resources of the country are placed at their disposal for the supply of the army. Roumanian authorities are to assist in erecting camps and in forwarding baggage. Russian military trains and telegrams are to have precedence of ordinary traffic. The Russians are empowered to complete unfinished railroads, and necessary ground for this purpose is given to them. The chief of Russian military traffic department is empowered, subject to the approval of Roumanian minister of works, to dismiss Roumanian railway officials. Russians are allowed to establish military stations and hospitals anywhere except at Bucharest. Roumania will, if required, provide material for the construction of boats, ships and bridges. Articles intended for the Russian army will be admitted free. Roumanian authorities will assist in the capture of Russian deserters; all expenses incurred through the passage of Russians to be paid in cash within two months. The explanatory report annexed to the convention says Russia is obliged to intervene in Turkey because of the Musselman fanaticism and weakness of the Christians.

BUCHAREST, April 29.—Persia has 20,000 men ready to join the Russians.

It is reported that about 40,000 Russians entered Roumanian territory yesterday. It is estimated that 72,000 have so far crossed the Pruth.

LONDON, April 30.—In the House of Commons this afternoon Sir Stafford Northcote, chancellor of the exchequer, said it was the intention of the government to issue a proclamation of neutrality, probably to-night.

It is officially announced that the government can send 50,000 men at a moment's notice to Egypt. Of this force 25,000 will go from England and 25,000 from India.

Business on the stock exchange is quiet, though the tone is generally better. Foreign securities generally firmer. Russians advanced at first but afterwards relapsed.

A Rutchuck dispatch says on Saturday over 1,000 Turkish women and children took the rail for Varna.

Greece is directing a number of her troops toward the Turkish frontier.

The British ironclads stationed at Malta have sailed for Corfu.

England has issued a proclamation of neutrality on the Eastern question.

The Turkish budget shows a deficit of four million five hundred thousand pounds.

The orders sent to Davenport dock yards are to hurry forward necessary work on commissioned ships with all possible speed, and direct sole attention to such necessary work. The officer in charge of the Channel has been ordered to inspect the boiler of each ship and where absolutely necessary reduce the pressure to a safe point.

VIENNA, April 30.—The main body of the Russian army is marching between Batoum and Kars; supposed to be advancing on Erstroum.

The authorities of Ibril have ordered the inhabitants to remove all portable property within three days as an attack from Turks is expected. 15,000 Russians are now quartered below the town to meet the anticipated assault.

The Turkish army on the Danube has been reinforced by forty battalions and 40,000 Circassians from Sofar.

Business on the stock exchange is generally better. Foreign securities generally firmer. Russians advanced at first, but afterwards relapsed.

Citizens' Meeting.

From the *Seattle Intelligence*.

A large number of our leading and influential citizens attended the adjourned citizens' meeting at Reinig's Hall last evening, to consider the matter of the restoration to the public domain, of the lands in this county held by the Northern Pacific Railroad Company. The meeting was called to order by the chairman, Mayor Weed, and L. B. Andrews was elected Secretary. After a few opening remarks by the chairman, the committee on resolutions submitted their report as follows:

WHEREAS, The people of Washington Territory have been long and patient sufferers, in consequence of the withdrawal from sale and from settlement by homestead and pre-emption claimants of every odd section of the public lands over nearly the entire area of said Territory, in favor of the Northern Pacific Railroad Company, thereby preventing compact settlement of neighborhoods, with the advantages of roads, schools and churches, and increasing the price to double the former minimum of the remaining public lands; and

WHEREAS, The said Northern Pacific Railroad Company have located their terminus on Puget Sound at Tacoma, in township No. 20 north, range 3 east, thereby forfeiting their right to all withdrawals on their main line north of that point; and

WHEREAS, The said company have abandoned their branch line of road over the Cascade Mountains via the Skagit Pass, and filed in the office of the Commissioner of the General Land Office a map of a route for said branch line over the Cascade mountains via the Natches Pass, which last named route they have never surveyed, have no legal right to adopt; and

WHEREAS, It is a notorious fact that said company do not propose to build a road over said Natches Pass; and

WHEREAS, Said company are now building a local coal road from Tacoma in a southeasterly direction, up the Puyallup river, for a distance of thirty-one miles, to certain coal mines, the said coal mines and the entire line of said coal road being within the limits of the earned lands of said company, on the main line of their road from Kalama to Tacoma; and

WHEREAS, It is the avowed purpose of said company to claim and if possible to obtain the full benefit of their land grant on this branch line via the Natches Pass, for the building of said thirty-one miles of coal road, of forty sections to the mile, or 793,600 acres for the thirty-one miles; and the right to make selection of the same north of the adjusted limits of their earned lands on their main line; and

WHEREAS, The legal title to all lands in the aforesaid withdrawal still rests in said company, and can only be divested by an act of Congress; now, therefore,

Resolved, That it an important duty on the part of the people of Washington Territory, in order to further their most vital interests, and secure the welfare and prosperity of the whole country, by just and lawful means, and in the most speedy manner, to prevent, if possible, the inappropriation of the public lands for the building of said coal road from

Tacoma up the Puyallup river, in violation of both the spirit and the letter of said land grant, and also to procure a restoration to the Government of all lands in said Territory north of the adjusted limits of the said entered lands of said company on the main line of said road, and all lands on the branch line or lines of said road, which have been heretofore withdrawn in favor of said company, to be dealt with as other public lands.

Resolved, Also that in order to accomplish this most laudable purpose the chairman of this meeting appoint a committee of five persons, whose duty it shall be to raise by subscription or otherwise, a sufficient amount of money in their judgment, to defray the expenses and cost of carrying out the object and purpose of these resolutions, and that the money so raised be deposited with the banking house of Dexter Horton & Co., subject to the order of, and to be disbursed by said committee, in procuring the necessary legislation, in such manner as in their judgment will accomplish the desired result, and

Resolved further, That said committee be and the same are hereby instructed to invite the co-operation and assistance of the people in all parts of the Territory in this undertaking.

JOHN J. MCGILVRA,
F. MATTHIAS,
JAMES M. COLMAN.

It was moved and seconded that these resolutions be adopted by the meeting, which was carried.

A committee of five was then appointed by the chairman for the purpose as presented in the resolutions, as follows: J. J. McGilvra, Bailey Gatzert, Dexter Horton, A. Mackintosh and M. V. Stacey.

WHERE I HAVE BEEN.

[The following beautiful poem, written by a gentleman by the name of Shafer, was presented to us for publication by Mrs. C. W. Lawton, of the Seattle nursery.—Ed.]

I have sailed the mighty ocean,
Traveled many miles by land,
From stern Alaska's ice-bound shore
To Peru's silvery strand;
From the rough and rugged Andes
Northward up the coast we go,
From South through Central America
Crossed the Gulf to Mexico,
I have visited the Islands,
North and South old Neptune's line,
And have seen the tropics' splendor
In their glory most divine,
I have seen its golden sunset,
In a sky of molten gold,
And have stood and gazed enraptured
As their beauties would unfold,
Oceans, houses, lakes on fire,
Flaming forms, to break the spell,
Of your beauties, Southern sunset,
No human tongue can tell,
I have hunted on Vancouver,
And the shores of Puget Sound,
And have shot the elk and panther
That in forests dark abound,
Through golden California,
Mid stern Nevada's hills,
Where we blasted out the silver,
Heard the clashing of her mills;
From thence to Arizona
Where the Gila slowly flows,
And where the dread Apache
Murdering, plundering, scalping,
O'er the hot and sandy desert goes;
With nothing to be seen
But sand and sky and alkali,
And sage-brush mixed between,
For many a mile you ride upon
That desert plain so bare,
Ere you can say, "Unsaddle, boys,
There's plenty water here."
To many such a trip like this
Would benefit their health;
But alas how many lose their life
In the dreadful search for wealth.
Such is life amid the mountains
Where ere you may go,
And many a miner's story
Will prove that it is so.
While he speaks he grows excited,
In his eyes a new light shines
When he tells of gold excitements
In the days of Forty-nine.
Arizona don't agree with me,
I couldn't make a stake,
So I saddled up my broncho
And I started to Salt Lake,
Well, who can like a Mormon?
With them I cannot stay,
And I soon got up and dusted
And Westward took my way.

Yet this world is not so weary
If we take its brightest side,
And no man can tell the value
Of a faith severely tried,
And when want will drive you to the wall
Beace up, stand firm, be true,
Never give up, you'll come out right,
Is my advice to you.

And so I'll keep a roaming
Over hill and over dale,
And pass through many dangers
That make the sternest pale
But I'm getting old and feeble,
And I can roam no more,
And my little boat lies anchored
Close by Seattle's shore,
So I hope you will accept it—
The description it is true—
And now, my friend, I dedicate
And write this song for you.

Latest Dispatches.

ST. PETERSBURG, April 30.—The *Gazette* announces that all war news must be submitted for the approval of a special committee at the central staff office before publication in Russian papers. It is announced that 97 battalions of Turkish infantry are near Debrindecha.

LONDON, April 30.—In the House of Commons this afternoon, Sir Stafford Northcote, chancellor of the exchequer, said it was the intention of the government to issue a proclamation of neutrality, probably to-night.

It is officially announced that the government can send 50,000 men at a moment's notice to Egypt. Of this force 22,000 will go from England and 25,000 from India.

A Rutchuck dispatch says, on Saturday over 1,000 Turkish women and children took the rail for Varna.

STAMBOUL, April 30.—The steamship from Galatz, has arrived with 800 fugitives on board.

LONDON, May 2.—The third message from Vienna gives the following account of the battle of Kars: The center of the Russian army, 40,000 strong, under Melnikoff, attacked Mukhtar, five miles from Kars, April 29th. The Turks fought desperately. The Russians, supported by powerful artillery, succeeded in dislodging them from their position. Mukhtar called out his reserves and attempted to recover on the 30th the lost ground with 60,000 men, but was defeated and driven back under the guns of Kars. Russian losses considerable; those of the Turks enormous.

BUCHAREST, May 2.—The Russian advance guard has reached Buzo, between Bucharest and Galatz. The Russians are retarded by floods and insufficient transports.

The Turks are persecuting the Christians near Ishmail and Galatz, and fugitives are arriving in the latter place.

Cossack patriots are being sent over the river. It is estimated that 60,000 Russians are in Roumania.

It is reported that the Russian forces have taken the fortress of Bayazida.

VIENNA, May 2.—Great excitement prevails here to-day over the prospect of a labor riot. J. B. Bodwell the man who organized the Co-operative mill and mining company, to practically reduce miners wages to three dollars per day by securing their employment and taking their notes for \$100, payable in installments of \$1 per day, was notified by the Miners' Union that he must desist, and on the written notice were the words, "A word to the wise is sufficient." He was stopped by a crowd of men in front of the postoffice, about 11 o'clock, this morning and asked to explain his conduct, when he ran through a tin shop and fled down a canyon, followed by several hundred men. Lynching and shooting was freely talked of and a party were still on his track. It is believed that he will never return alive. Miners hint ominously of a labor riot. Iron moulders are on a strike and will parade the streets to-night with a band. The miners who were discharged from the Bullion for the alleged salting of the diamond drill, have called a meeting at Judge Moses' court room at four o'clock to-morrow, and ask that the charges made against them be verified under oath.

NEW YORK, May 2.—The *Herold's* special says the Russians crossed the Pruth in an ordinary ferry boat, which occasioned a delay of three hours. Formidable earthworks have been thrown up at Vastouck, which command the situation. The whole army is in motion in the Caucasus. The army crossed the frontier at three different points. In all cases the Russians were successful in taking position without serious loss.

John T. Daley, a reputed millionaire and the proprietor of Windsor Hall, is missing, and it is feared he has committed suicide, owing to the depression in real estate and a determination of the Park Commissioners to obtain from him a large amount of money.

CHICAGO, May 2.—The *Tribune's* Washington special says: It seems that the life of the murdered Judge Chisolm of Mississippi, was threatened on last election day, and he was not allowed to vote. He was variously intimidated, and it is insisted by Mississippi Republicans that he was finally murdered for his politics.

WASHINGTON, May 2.—The Democratic Jackson Association anniversary passed resolutions commendatory to the President's policy. One speaker said the President did as much to harmonize the country and to promote its prosperity as could have been expected from a Democrat President.

The Northern Star.

IMPORTANT DECISION.

The Territorial Code of Civil Procedure Considered with Reference to Common Law and Chancery Jurisdiction. Equitable Defenses in Actions at Law—Both Legal and Equitable Defenses may be Pleaded in same Action.

Territory of Washington—Second Judicial District—In the District Court—Holding Terms at Olympia—Of the April Term, 1877.
Gallenton Hartsock, v. C. G. Tyler.

OPINION.

Two motions are filed by the plaintiff to the defendant's answer, and are argued and submitted together. In the first, on the theory that two supposed defenses are inconsistent, he moved that the defendant be compelled to elect on which defense he will stand, "whether on his legal title in fee or his alleged equitable defense." On the second, he moves, 1st, to strike out certain supposed equitable defense on the ground that it is irrelevant and redundant and improperly pleaded and cannot as such "be pleaded or adjudicated in this action," and, 2d, to strike out the last seven lines of paragraph two of the answer, "because the same does not state the nature of said contract, or the nature or duration of said license and is immaterial matter as pleaded."

This action is brought to recover from defendant the possession of certain real property. It is instituted under section 486 of the Civil Practice Act, which provides that "any person having a valid subsisting interest in real property and a right to the possession thereof, may recover the same," by such an action as the present. The complaint avers ownership in fee in plaintiff, of a tract of land in possession of defendant, described as "being the donation claim of Urban E. Hicks, to whom patent from the United States, issued on the 27th day of September, 1865," &c., and right to possession. The answer, in the first paragraph, denies the ownership of plaintiff and his right to possession; in the second, sets up a legal title and right of possession in defendant to half the premises, and a legal title in one Hubbard and, under contract of purchase and license from Hubbard, a right to the possession of the other half; in the third, it avers that plaintiff claims by virtue of a certain deed, at the time of the making and delivery whereof defendant was in "actual, and exclusive possession, occupation and use" thereof "claiming the same under title adverse to that of" plaintiff's alleged grantors; and in the fourth, it states a mass of facts which defendant claims show in him an equitable title and right to possession of the premises. The objections made to a part of the second paragraph of the answer is not well taken. An occupation by permission of the real owner is a good defense in an action of this character. The license once given, is presumed to continue in existence in the absence, aught to the contrary.

The objection made to the fourth paragraph of the answer is not well taken, if under the rules of pleading in this Territory an equitable defense can be interposed to a complaint setting up what is denominated a legal cause of action. The adjudication, then, whether it can or cannot, is necessary to a disposition of either of these motions. In regard to the first, if an equitable defense be no defense, no election exists to be enforced. In regard to the second, if an equitable defense be not a defense, no doubt the 4th paragraph of the answer should be stricken out. The two motions appear incongruous as emanating from the same party, but it is understood that the second is an after thought and is filed, argued and submitted by consent of the opposite party and leave of the Court, for the purpose of more fully presenting the very grave questions involved.

The plaintiff contends, in his argument against the equitable defense to the legal demand, that "the statutes now in force in this Territory do not authorize the mingling together and exercise of common law and chancery jurisdictions in the same proceeding—said jurisdictions must be exercised separately. Our statute authorizes but one form of action—that is, but one form of pleadings; but it does authorize one uniform course of proceeding in all cases." All distinctions between law and equity are not

abolished—the distinction between actions at law and suits in chancery is not abolished, but expressly preserved. Under our present statute the common law and chancery jurisdictions are distinct and must be exercised separately; the form of the pleadings in the two jurisdictions are the same, but the mode of proceeding to invoke those jurisdictions and the mode of exercising them is as different as the difference between a horse chestnut and a chestnut horse. If this be so, then in an action to recover possession of real estate, founded on legal title in the plaintiff, no equitable title can be pleaded or adjudicated." Such, squarely put, are the points made by plaintiff upon the main question.

The decision of these motions involves a consideration of what is sometimes termed the Code Procedure, and sometimes the Reformed Procedure. The practice in our courts is regulated by what is nominally a Code, and the great question, which is of necessity preliminary to the circumspet adjudication of the particular concrete points presented, is now fairly raised. Have we really a Code in all the length and breadth and height and depth of significance which that word in its common use, as applied to the new American civil practice implies? To determine this, four inquiries suggest themselves:

1st. What was the state of affairs, that prompted the adoption of the Codes?

2d. What was the end proposed to be effected by their adoption?

3d. Whether our Legislature had power by appropriate legislation to effect that end.

4th. Whether our Code, so called, is intended and adapted to effect it.

Time and the pressing business of the term, forbid any extended or detailed pursuit of these inquiries. A broad and comprehensive, and withal somewhat hasty treatment, is all that can be afforded in this opinion.

Before proceeding to discuss these questions severally, the mind naturally calls before it and passes in review the legislation, Federal and Territorial, bearing upon them. The general statutes of the United States seem to have no relevance. The pertinent ones are the Organic Act and the recent Declaratory Practice Act for the Territories. The former enacts, that "the Legislative power of the Territory, shall extend to all rightful subjects of legislation, not inconsistent with the constitution and laws of the United States," and that the judicial power "shall be vested in a Supreme Court, District Courts, Probate Courts and Justices of the Peace. * * * The jurisdiction of the several Courts herein provided for, both appellate and original, and that of the Probate Courts and Justices of the Peace shall be as limited as the law." * * * The said Supreme and District Courts respectively shall possess chancery as well as common law jurisdiction. * * * Writs of error, bills of exception and appeals shall be allowed in all cases from the final decisions of said District Court to the Supreme Court, under such regulations as may be prescribed by law, and "writs of error, and appeals from the final decision of said Supreme Court shall be allowed and may be taken to the Supreme Court of the United States." (Sec. 69) It is unnecessary to recite the declaratory Act at length. Suffice it to say, that it declares in the most unmis-takable language, that Territorial Legislatures have the power by appropriate legislation to merge and mingle in one jurisdiction and one form of procedure all that heretofore has been cognizable at law and in chancery.

The pertinent Territorial legislation consists of the various successive and related Civil Practice Acts of the Territory and their amendments. In these enactments, laid down by way of foundation of them, are the following leading and controlling provisions:

First, in the original Code of the Territory enacted in 1854, and revised and with amendments, re-enacted in 1860-63 and 1869, is this initial section: "All common law forms of action, and all distinction between law and equity are hereby abolished, and hereafter there shall be in this Territory but one form of action to establish and enforce private rights, which shall be called a civil

action." Sec. 1, 1854, Sec. 1, 1860, Sec. 2, 1863, Sec. 2, 1869.

This section is substantially identical with a first section in all the Codes, and in each form, as in our own it formed, a fitting prelude, a comprehensive announcement, of the harmonious body of rules associated with it.

Next, in the amendments of 1871, there was a section substituted for the one just noticed, it is as follows: "all common law forms of action are hereby abolished, but the distinction between actions at law and suits in chancery shall be preserved, and pleadings and proceedings in actions at law shall be as prescribed in this act; and pleadings and proceedings in suits in chancery shall be as prescribed by the laws of the United States and by the rules prescribed by the Supreme Court of the United States." Sec. 2, 1871. This section remitted all causes to be distributed into two separate jurisdictions, revoking in one main feature what the previous legislation had sought to accomplish.

Afterwards, in 1873, a new revised Code came into being, in which the section, corresponding to those already noted, reads thus: "There shall be in this Territory, hereafter, but one form of action for the enforcement and protection of private rights and the redress of private wrongs, which shall be called a civil action." Sec. 2, 1873. Different wording obtains in this section from that in those which had preceded it, and the difference attracts important attention. What separation, if any, is to be given to this difference, will fall within the scope of this opinion. There is, also, contained in the Code of 1873, the provision following: "When the relief sought is of an equitable nature, the complaint shall be addressed to the Judge of the district in which the action is brought." Sub. 4, Sec. 73, 1873. This provision is one of four directions, composing the seventy-third Section of the Statute, and enumerating what the complaint shall contain. Its existence suggests the query, whether its requirement be intended merely as a means of designating on the face of the complaint what from the first is evidently for trial without a jury, or, whether it be the outcropping of an intent to preserve the distinction between cases at law and in equity as revised in the Statute of 1871. In connection with this portion of Section seventy-three, the two hundred and sixth Section also possesses interest, it is as follows: "An issue of law shall be tried by Court, unless referred upon by consent as provided in this Act. An issue of fact shall be tried by a jury, unless a jury trial be waived, or a reference be ordered, as provided in this Act. The waiver of a jury, or agreement to refer, shall be by stipulation of the parties given in open Court and minutes in the records; provided, that nothing herein contained shall be so construed as to restrict the chancery powers of the Judges, or, to authorize the trial of any issue by a jury, when the complaint alleges an equitable claim, and seeks relief solely upon the ground of equities of the demand made by the pleadings in the action." I incline to regard these directions in Sections 73 and 206 as very nearly related, and as expressive of a single intent in the legislative mind. What that intent is, will be gathered from what I have yet to say.

The striking parts of the act of 1873, as touching the motions before the court, are not all presented, without the repealing clauses be brought into view. They are sections 70 and 699 and run in this wise: Sec. 70, "All the forms of pleadings heretofore existing in civil actions inconsistent with the provisions of this act are abolished, and hereafter the forms of pleading and the rule by which the sufficiency of the pleadings is to be determined shall be as herein prescribed;" Sec. 699, "All acts and parts of acts, heretofore enacted upon any subject matter contained in this act, be and the same are hereby repealed; provided, that rights acquired in actions now pending under existing laws shall not be affected by anything herein contained." To these repealing clauses reference will be hereinafter made.

Lastly, there were in the revised Code of 1869, two provisions respecting the

defendant's rights in defence of an action brought against him as follows: "The answer of the defendant shall contain * * * 2. A statement of any new matter constituting a defence or counter claim, in ordinary and concise language without repetition" (Sec. 80), and "The defendant may set forth by answer as many defences and counter-claims as he may have;" (Sec. 81.) These provisions were devised and intended solely to relieve a doubt, as to what latitude of defence might be allowed under the Code practice, and excel in explicitness and apparent liberality the corresponding portions of our previous Codes. (Sec. 44, 45, 1854; Sec. 36, 37, 1860; Sec. 58, 59, 1863.) They were both repealed by the amendments of 1871 (Sec. 2, 71), but were re-enacted in the new Code of 1873. (Sec. 79, 80.)

These are the leading and controlling provisions of Congressional legislation and of our Codes from 1854 to the present day, which especially need to be borne in mind as we enter upon the four inquiries above propounded.

The first of those inquiries is, what was the state of affairs that prompted the adoption of the Codes, in the various states adopting them?

Previous to the inauguration of the Code practice, two distinct sets of courts and two diverse systems of procedure—the common law and the equitable—prevailed, wherever prevailed the English law—the common law courts were impotent to receive anything as a good cause of action, unless it conformed to some one or another of a few perfectly rigid models, called the common law action.

The suitor was obliged to select the model proper for his cause. Sometimes it required nice discrimination to do this; but always, if he failed, he lost his suit, his time and his costs. Justice could not be done in an immense multitude of cases, some of them of severest hardship, simply because they could not be brought into conformity with any prescribed common law form. In another vast class of cases, adequate and complete relief could not be had, for the reason that only a very few kinds of relief could be given and in any one action only one kind of relief. Equity undertook to provide a perfect remedy wherever the law failed to give it. The jurisdiction of the two sets of courts were thus complimentary—the result was that oftentimes a cause was mistakenly brought in one jurisdiction, when it should have been brought in the other. The same delay, vexation and expense ensued as in the failure to make a proper election at law. Again, if a suitor made a good beginning at law, he was liable to be stopped midway in his suit, or have his judgement when obtained rendered unavailing or void, through the jurisdiction by his appointment of counter proceedings in equity. So that for the determination of one controversy he might be put to the trouble of two lawsuits. These things and other embarrassments following in their train served to render the attainment of justice uncertain, slow, tedious, costly, vexatious and oppressive. The mischief was deep-seated. It was radical. It inhered in the very existence of the two jurisdictions.

But it needed no harsh act of violence to cure it. The two jurisdictions were effete; they were odious and were tottering to the grave. Here was a patriarchal and antiquated pair, wedded for half a thousand years; the elder about eight hundred years old, hard and masculine; the younger aged five hundred years, a helpmeet, gentle and compliant, redressing in the household what her sterner mate refused to touch; on both the garb of baried centuries; to both, the ways and language of forgotten generations; in the former the scrupulosity, in the latter the tardiness, in both the mannerism and procrastination and painfulness of extreme decrepitude; between them, a divided authority, which, in so far as it departed from perfect unison of sentiment and action, was irreconcilably at war with the true welfare of the family; and against them both was that justice who brought them into being, and counter to the perfection of whose will they had from their first intelligent moments obdurately set themselves—by constitution, by inveteracy and by decline, they were demonstrated unequal to the work needing to be done. They were ripe for

exile on the tomb. They seemed to be dying. Many, who have faith in the reformed Procedure as a distinct and radically independent system, say that they did die, that they died a natural death, and that the new system has come in peacefully as their expectant and rightful successor—However that may be, I see in this supposed natural dissolution a sentence and an execution—if with great reverence I may draw a figure from the sublime facts of revelation. Justice the eternal, invisible and omnipotent, the author of these married organisms, has come in their persons as their Judge, and taking upon himself the doom he visits upon them is become Savior and sole Father of, and ever present Spirit in, what might otherwise have been called their progeny, "having abolished in his flesh the enmity, even the law of commandments contained in ordinances, for to make in himself of twain one new man, so making peace."

Now proceeding to our second inquiry, what was the end proposed to be effected by the adoption of the Codes?

It was not proposed by them, as a cure for the existing mischief, to substitute for the many rigid forms of law and the stiff and slow movement of aged equity, one new rigid form. That would have been to fly from service into servitude, rather the object was to escape from all that cramps justice and restrains its free expression and outflow. That was its aim and its end. And to this end, it provided what it calls "one form," which is not at all form in that sense of arbitrariness and tyranny in which the purified common law actions were forms.

This new form is one, which in all the particulars in which those ancient actions were felt to be punctilious and unyielding has absolutely no fixity at all. Infinite variety and elasticity and adaptation characterize it. Formality is reduced to the minimum. A course of action stated,—a defence stated,—and, if the defence contain new matter, a reply to that,—is all there is of form about it. Obviously, nothing at all of form inheres or adheres save that which necessarily pertains to logical and orderly expression.

The peaceful and wide revolution that thus has taken place in pleading finds its apt illustration in that which took place in astronomical science upon the displacement of the dogmatic theory of Hippocrates by the true system of Copernicus. Whereas under the old ideas, justice, which is the fountain of light and life in the ordering of society, was made to revolve in purely arbitrary formal lines around fact as its immovable and eternal center, now fact is seen and understood to be that which has the real orbit, a formal line, which is true instead of arbitrary, drawn around fixed justice by a determining power resident in justice itself—the pivotal point in the old cases was the cause of action. To accommodate the cause of action, justice was moved in a particular formal track.

Neither what should be a cause of action, nor what should be its course, was left for justice to determine; but the course of justice was determined by what had beforehand been despotically defined to be a cause of action. Since the reformation, however, all is changed. Justice decides henceforth, both what shall be deemed a cause of action and what course it shall pursue—as under the Copernican theory an orbit is defined to be "a conic curve," including within the definition endless diversity of elements; so, under the new practice, the course which a cause of action shall pursue in its progress through the Courts is defined to be "a civil action" with boundless range of possibilities of variation abundantly provided, as justice itself may for each cause suggest.

[To be Continued.]

—The West Point graduating class numbers 77, this year.

—France has openly avowed the policy of neutrality during the war with Russia and Turkey. England don't know what to do. We don't think she is quite ready to abandon her peace policy just yet.

—In nearly all the Eastern states there are very many more women than men. Can any one tell us why there are no professional tramps? Who'll vindicate the stronger sex?

The Northern Star.

Northern Pacific R. R. Lands.

We ask all readers of the STAR to very carefully peruse the letter on the Northern Pacific Railroad land withdrawal, which we publish below. The rapid increase of our population—persons coming among us from the East, from farming localities, by every steamer almost, and seeking farming lands for permanent homes—demands that these lands, now virtually locked up out of the reach of anybody, should be made available and become sources of wealth in our various settlements in this and adjoining counties. Our correspondent has hinted at the reason why these lands have not already reverted back to the Government, viz: the opposition of Judge Jacobs. There is a more subtle reason still. Judge Jacobs, Seattle, the Seattle and Walla Walla Railroad Company, and a majority of King county, opposed its being reverted back to the Government because they all wanted the same grant to be turned over to the tender mercies of the last named road.

Now, we would like to see the Seattle and Walla Walla Railroad built; but if it can not be built at present without robbing Snohomish, Island, Whatcom and Jefferson counties of one-half their landed heritage, one-half the finest agricultural region of Western Washington, and second to no other region in point of mineral wealth, then let it not be built at all. These railroad lands will revert back to the Government. There is no doubt about that. A portion of King county's lands are gone to the Northern Pacific Railroad, and no doubt Seattle would like to build her railroad across the mountains at the expense of the counties named above. The people here will have something to say about those chestnuts. They will not allow their paws to be burned for the benefit of Seattle and the Walla Walla Railroad if they can help it:

Dr. A. C. Folsom, Snohomish City.

DEAR SIR: August 13, 1870, the N. P. Railroad Company had a withdrawal of lands made, under the Act of May 31, 1870, from Portland to the north line of town 25 west. In February, 1872, this withdrawal was extended north to Bellingham Bay. After the Company had selected Tacoma as its terminus, the Company had a withdrawal made through the Skagit Pass for its branch road over the Cascade Mountains, as provided for in the original act of July 2, 1864. This withdrawal conformed to the one made in February, 1872, except that a few lands in Jefferson county included in that withdrawal were excluded from it. Sometime in May last the Company decided to change its route for its branch road over the mountains from the Skagit Pass to the Natchess Pass, and on November 24th filed its abandonment of the former route and its relinquishment of all claims to lands by reason of the withdrawal therefor, and asked of the Secretary of the Interior, in lieu thereof, a withdrawal of lands via the latter route. This I am informed, and believe the Secretary was ready and willing to do, and would have done, had not our Delegate in Congress, by an argument filed with him, protested. This change of withdrawal would have opened to pre-emption and homestead settlement all the odd sections north of about the north line of King county.

The railroad Company acting in good faith, as soon as it had determined that it would not build via the Skagit Pass, but instead, might do so through the Natchess Pass, was willing to waive, and did waive all its right, title and interest to lands held for its benefit, that the same might when desired be obtained from Government. As the Secretary is probably influenced to withhold his approval of the Natchess route, and a withdrawal therefor, on account of the opposition of our Delegate, the Company is compelled to build, and is building its railroad up the Puyallup river under the withdrawal via the Skagit Pass. This it can do for the first forty miles.

Our Delegate's opposition is based, as I understand, on his construction of the opinion of the Supreme Court of the United States in the case of Schulerberg vs. Harriman (21 Wallace), which in short says: That a grant to a railroad

company in usual language, "there be no is hereby granted," "is a present grant and passed the title to the odd sections designated to be afterwards located; when the route was fixed their location became certain, and the title, which was previously imperfect, acquired precision and became attached to the land."

This decision would be in point in its application to the Northern Pacific Railroad Company if the route via the Skagit Pass was a definite location, instead of a general route as proposed for in the 6th section of the Company charter of July 2, 1864. If it is within the construction of the Court a definite location, then our Delegate is correct in his position that the Company can not make the change desired without permission of Congress. The Acts of June 3, 1856, and May 5, 1864, granting lands to the State of Wisconsin for railroad purposes (the grants passed upon in Schulerberg vs. Harriman), provide for one map only, and that is a map of definite location; that is, as defined by Mr. Attorney General Cushing, a location by actual construction of road, or by survey and staking off on the face of the ground in such manner as to be notice to every one on inquiry, that such is the line of railroad.

The Northern Pacific Railroad Acts provide for two maps; one of general route under the sixth section, and one of definite location under the third section.

On this subject the Hon. W. H. Smith, Assistant Attorney General, in an opinion concurred in and adopted by Hon. C. Delano as the rule of the Interior Department, said: "The Northern Pacific, unlike the Union Pacific Company, received no pecuniary aid in bonds of the Government, and it is argued that this discrimination was intended to be affected by complete protection of the grant from outside appropriations until the line of the road could be definitely located. This view of the case is greatly strengthened by reference to the fact that no provision whatever is made in the Act for the withdrawal of the land by executive order. It is unreasonable to suppose that Congress in making this grant to aid the Company in building a railroad and telegraph line through an uninhabited and comparatively unknown country, intended to leave the lands granted open to adverse settlement until such time as the line should be definitely fixed on the face of the earth, while in the case of the Union Pacific (to which also pecuniary aid was given) and the case of almost every road ever aided by a land grant, the Secretary of the Interior was expressly directed to withdraw the lands granted upon designation of the general route. It is true that power to order a withdrawal to protect the rights of the road was in the Secretary, independent of any special authorization, and that withdrawals under this Act have actually been made. But suppose the Secretary had declined or omitted to make such withdrawal. Would there have been any protection whatever prior to definite location? Upon a careful consideration of the whole question, I am of the opinion that this section of the Act (6th) prohibits the sale, entry or pre-emption, either before or after survey, of all odd sections within the prescribed limits, as shown by the map of general route, from the date of the filing of said map and its acceptance by the Department, and that all entries or locations made within these limits subsequent to that date should be canceled, and the land held for the benefit of the road to await the filing of the map of definite location."

Even if the view, that the general route through or via the Skagit Pass was, within the meaning of the Supreme Court, a definite location, the Company could, over the signatures of its officers and under its seal, waive its rights thereunder. This it proposed to do. It needed no Act of Congress to permit it to do this. If the act of the Secretary in withdrawing lands for a route via the Natchess Pass be illegal, such act could not affect the status of the lands relieved from the claim of the Company by its own voluntary act in abandoning the Skagit route.

In any aspect of the case, legally, equitably or morally, I am unable to see the wisdom of opposing the change desired by the Company and applied for

November 24th last. The settlement of Snohomish, Whatcom and Jefferson counties is retarded and no one benefitted. King county being included in the withdrawal as it exists, would be included also in the withdrawal as proposed; and there, if anywhere, must be found the motive which prompts the opposition of our Delegate.

The intelligent sentiment of the Territory, without regard to locality, is in favor of the road; it appreciates the many advantages which will speedily follow the completion of a railroad East; it realizes that the franchises given the Company have cost the Territory nothing; that the Territory, isolated as at present, being at the end of a great trans-continental railway and controlling its terminus on the sea, must in time secure more benefits than will accrue to any other locality affected by the road; it believes the paramount interest of the whole Territory is to have the road constructed, and to that end will endorse, earnestly and urgently, the passage of the bill for the extension of time with franchises as granted originally by Government, unimpaired, and unobstructed.

I believe I have given you all the information asked for, relative to the present and prospective status of odd sections in your locality, together with the reasons why they have not been relieved of the claim of the Northern Pacific Railroad Company before this time.

Very truly, X.

L. P. SMITH & SON,

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E. C. Ferguson,

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Will be supplied with the best that can be obtained in this market

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The Northern Star.

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DR. A. C. FOLSOM. - - MRS. FANNIE MORSE.

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Henry Oliver, for Centreville,
Mal. G. O. Haller, Coupeville, Island Co.
G. M. Haller, Port Townsend,
A. B. Woodard, Olympia,
T. P. Woodard, Port Gamble.

SATURDAY MAY 5, 1877.

Needs of Port Townsend.

A half dozen years ago, the population and business of Port Townsend was as great as it is to-day. During all this time, men of wealth and culture have made it their home. Being the port of entry for the whole Sound, it necessarily has been the chief rendezvous for shipping, as well as the place where sailors largely got rid of their money.

Only a few years ago Seattle had less general business than Port Townsend, and not as good a situation to secure the support of the milling towns; but Seattle harbor was well situated to become the center of the light draft steam fleet, supplying the logging and agricultural regions of the Sound. J. R. Robbins, and other enterprising citizens made the most of these advantages. The coal trade developed rapidly just at the right time, so that now Seattle justly claims that she has fairly, yet permanently the position of the commercial metropolis of the Sound. While all this is accomplished now, yet it will not prevent other sections from doing a great deal to improve their own business, by making the most in developing the region of which they are each a center.

In this respect much that can easily be done, at a trifling expense, still remains to be accomplished by Port Townsend. Her harbor is not situated for the use of such a fleet of stern-wheelers as cluster around the wharves of Seattle, nor do her interests require this class of boats, but rather a class of small side wheel steamers or screw propellers that would run regularly to Dungeness, Discovery, and each one of the milling towns of Seabeck, Gamble and Ludlow, so as to draw their trade to Townsend as its natural center.

A few days since, the fine stern-wheeler, the Otter, began running daily between Seattle and Townsend; this, while it will benefit Townsend, would prevent it from putting on a daily boat to Seabeck, going there from Townsend every evening, stopping at Seabeck over night and returning early next morning for Townsend. This arrangement would be so conducted that people from all these sections could go to Townsend in the morning, and have several hours to do their trading there, and return home the same day. Under the present arrangement the chief benefit remains with Seattle. The Phantom is well adapted for part of this trade. She could supply the ferry to Ebey's Landing twice a day, early in the morning and late in the evening, as well as run once a day to Discovery Bay—in the middle of the day—while a new small side wheel steamer, costing some \$6,000, is needed to run to Dungeness, and the new settlements being made below there, at least twice a week, and if this left any time, perhaps, try an occasional trip east side of the Sound, with an efficient commander, each of these routes would be self sustaining from the start, as well as increase the business of that place largely. Dungeness, and the region below there, is capable of supporting at least a thousand new families. Every steamer brings large numbers of immigrants. A few thousand dollars, wisely invested by the merchants of Townsend, could settle up this region in a few years. Its settlement would enable these merchants to more than double their business. This would develop business there so there would be some real

inducement to establish mills and factories near the head of Port Townsend Bay.

As at present run, the Phantom is of no more benefit to Townsend than any of the other transient passing boats.

The ferry to the Island needs a steamboat rather than a Whitehall boat, yet Captain Johnson supplied the requirements of the route with his Whitehall boat better than it has been supplied by the steamer, because he could always be relied on at some certain time—the steamer never by parties at a distance.

While a wharf could be constructed at Ebey's Landing that would resist the surf that frequently beats so heavily on that beach, yet none will probably be built there until a regular route is established. Until this takes place it would cost only a trifle to construct a large raft of cedar logs securely joined together, so the surf would not break it. Fasten this to the buoy, where the surf boat takes freight and passengers from the steamer. A narrow way could be made on floating logs, so joined together that the connection between the raft and the shore could be easily broken when desired, yet in all ordinary weather freight and passengers could land on the raft and walk ashore without the aid of a surf-boat, as now used.

Some of these things are of self-evident benefit, yet others appear to be of too little importance to be noticed, yet oftentimes the whole prosperity of a community depends on the successful carrying out of such little details. Port Townsend, to-day, might have been a much larger place than it is now if every thing of this kind had been carefully attended to.

Whidby Island.

During the past two weeks much of our time has been spent on this Island. Have traveled over quite a large portion of it, so that we are able to present much information, concerning this, the largest island in the Puget Sound basin, this week that has not been submitted to our readers.

Besides the result of our own observations, we are under many obligations to R. C. Hill, Capt. Barrington and John M. Izett for valuable information furnished about that region.

This Island, with Camano Island forms Island county. Its Northern extremity is near Deception Pass, while its upper or Southern terminus is at Skagit Head, about twenty-five miles from Seattle.

Between False and true Skagit Heads is situated Bailey's Bay, which offers only partial protection as a harbor.

On the West side of the Island there are no good harbors. The nearest approach to anything of the kind being at Useless Bay, Mutiny Bay, and at Admiralty Bay, near the Lighthouse. Ebey's landing, opposite Port Townsend, is not even a bay, being little more than a roadstead.

The East side of the Island is indented with many fine, large bays and harbors. Dugwalla Bay being situated near its Northern extremity, not far from the entrance to the Swinomish. This bay is three miles deep; a number of fine ranches are situated around its head. Not far below this, on the Eastern side of the Island is Shaskill Bay. This is said to be quite a good harbor, it is some four miles North of Miller's point. The bay being about one-fourth of a mile in depth.

Miller's point forms the Eastern side of Crescent Harbor, and Maylor's point its Western side. It is some four miles across from point to point. The harbor being one mile deep. This is well protected from all, except the Southeast winds. Crescent harbor is only separated from Oak harbor by a narrow strip of land, forming Maylor's Point. Oak harbor being completely land-locked, a sand spit running out from Maylor's point, so that as soon as vessels are once behind it, they are in absolutely still water, at all seasons of the year, and all states of the wind and weather. Vessels drawing less than ten feet of water can come in at any stage of the tide, although when inside the sand-spit, there are flats extending out about one-fourth of a mile from shore, that would prevent a vessel from going clear up to the shore

when the tide was over half out; yet whenever a vessel can safely approach the Coupeville docks they can discharge their cargo at Oak harbor landings.

Oak Harbor is really the natural business centre for all that part of the Island, North and East of Penn's Cove. Mr. F. H. Marsh has fitted up the Grange warehouse for a store, so that we may expect steamers to frequent this beautiful harbor, frequently hereafter. It is about three miles from Maylor's point to Sewell's head, the two points forming the outer harbor; while from the line drawn between these points, to the settlement, the harbor is about one and a half miles deep. Penn's Cove is the next harbor. This is about three miles deep, by about one and a half miles in width, from Sewell's Head to Long Point.

Coupeville, the county seat of Island county, is the principal steamboat landing for the Islands. Here is located a Good Templar's Hall, Masonic Hall, three stores, hotel, &c.—Maj. G. O. Haller's is the largest and the first established. He does an extensive business, not only on the Island, but with settlers on the main land, in Snohomish and Whatcom counties.

Coveland is situated near the head of the cove, is now but little more than a steamboat landing, the business naturally going to Coupeville or Oak Harbor.

Holmes' Harbor is situated nearly West of the Southern end of Camano Island, and several miles South of Penn's Cove. It is about one and a half miles wide, at its entrance by some five miles deep. This harbor is so good that for a time, it was regarded as prospectively the terminus of the Northern Pacific Railroad.

There are a few farms there, but the principal business carried on there is logging.

The island is not far from fifty miles long, by from three to twelve miles wide. It contains upwards of twenty thousand acres of fertile, agricultural land easily fitted up for cultivation, of which about ten thousand acres are natural prairies. Most of the prairie land is situated near the centre of the Island, while the marsh land is easily reclaimed, most of it is North of Coupeville, large quantities being found in the Dugwalla, Oak and Crescent Harbor settlements. The best soil being here, and near the centre of the Island; while the Southern part of the island has but little fertile soil, few farms. There being in all upwards of 12,000 acres of land in cultivation, or pasture. More will be said from time to time of the respective portions of this Island, one of the first settled portions of the Territory.

Stillaguamish Items

In going over the Stillaguamish valley not long since, we gathered the following items:

Messers, Iverson, Donaldson and Laque the past winter have diked in some two hundred acres of land near Centreville.

T. S. Adams, operator, Port Susan telegraph office, has a very beautifully located ranch, part up land, part bench land just raised above the tide marsh, the rest tide marsh—He expects to dike in some forty acres of tide marsh this season.

Dr. Rhoades is constructing a market boat, to take produce from his place, that will be nearly twenty-three feet long, some seven feet breadth of beam, that will be intermediate in model between a Whitehall boat, and a flat bottom sail boat. It is cut from a single spruce log, will use a sail and centre-board, and be able to run her when not loaded on a very little depth of water. The dead rise each side of her keel being very slight, and her depth some four feet she will carry somewhere near four tons of freight at a single load. This is making a pretty good sized boat to be cut from a single log.

In going up to Mr. R.'s premises, master Louville Perkins acted as our pilot. He was a bright eyed, pleasant spoken, intelligent little fellow, who helped us intelligently.

The farmers through that valley have fully improved the extraordinary fine weather of this spring, consequently are far advanced with their work.

Mrs Merrick, in Scribner's Monthly, says of Charles Darwin: "The invectives hurled at his head by the 'Christian world,' are not arguments, and they have lost their power as anathemas." They look more like the passionate utterances of subtle unbelief, trying to prop up its wavering faith by the violence of its expressions, than the calm utterances of a truly Christian faith." Could there be a plainer, fairer statement of the real truth, Darwin's facts are mightier than faiths.

An exchange publishes what it calls, "Napoleon's opinion of Christ." Will some one tell us who was present and took down Napoleons words when he gave his opinion. Or in other words, who manufactured that bit of history? Those kind of frauds are too transparent. Like the nails of the true cross it is a pious fraud, and deceives nobody but those who love such kind of deception. Napoleon was a fatalist as every schoolboy knows.

Rev. Dr. Mullenburg author of the well known hymn, "I would not live away," recently died in New York, at the age of 82 years. So many have laid claim to the authorship of the hymn that the Dr. often expressed regret that he ever wrote it.

The New York Times and Tribune both send war correspondents to Europe. We shant send any until the bears commence to hug the turkeys. Then we shall dispatch a trusty man for hair and a feather bed.

PRESIDENT HAYES largely bases his policy toward the lately turbulent States on Southern honor. That commodity had "kinder gin out," from 60 to 65 and we were not aware of a "rite smart crap" being raised down there since.

That was a practical little woman who thought the men might amuse themselves just as well smoking hams as well as cigars. We concur.

Australia is suffering from drouth.

New Advertisements.

Installation of Officers



GRAND BALL!

THE GOOD TEMPLARS will give a Public Installation of Officers at the Riverside Hall, May 12th. The public are invited. To be followed by a Grand Ball. Installation ceremonies free. Ball tickets, including lunch and music, \$1 50.

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One Mile due East of Yesler's Wharf, on the stage road to Lake Washington.

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Mrs. W. E. Sanders, Dressmaker. Gentlemen's Shirts and Children's Clothes made to order. Commercial street, SEATTLE, W. T., Opposite new Hotel.

NOTICE!

The undersigned having been appointed by the Probate Judge of Snohomish county, Guardian of the estate of Willard Sly, deceased, hereby gives notice to all persons having claims against said estate to present the same for settlement within one year from the date of this notice, or they will be barred, as provided by the Statutes of Washington Territory; and all persons knowing themselves indebted to said estate are hereby required to make immediate payment to the undersigned, at his residence at Centreville, W. T. JAMES LONG, Guardian. Snohomish City, April 24, 1877.

To the Working Class.—We are now prepared to furnish all classes with constant employment at home, the whole of the time, or for their spare moments. Business new, light and profitable. Persons of either sex easily earn from 50 cents to \$5 per evening, and a proportional sum by devoting their whole time to the business. Boys and girls can nearly as much as men. That all who see this notice may send their address, and test the business we make this unparalled offer: To such as are not well satisfied we will send one dollar to pay for the trouble of writing. Full particulars, samples worth several dollars to commence work on, and a copy of Home and Fireside, one of the largest and best Illustrated Publications, all sent free by mail. Reader, if you want permanent profitable work, address, GEORGE SWINSON & Co., Portland, Maine.

DISSOLUTION OF PARTNERSHIP.

The partnership heretofore existing under the firm name of Johnson & Albee, is this day dissolved by mutual consent. All debts will be assumed by the said Johnson, and all accounts due the firm will be collected by him. JOSEPH JOHNSON, L. ALBEE. Snohomish County, W. T., April 20, 1877.

Go to A. B. Woodard's Gallery for the Finest Photographs. Corner of Main and Fourth streets, Olympia, W. T.

DR. T. C. MACKEY, LA CONNER, W. T.

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Law Books, Papers,

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Orders from all parts of the Lower Sound, left at this office, promptly attended to. Satisfaction guaranteed.

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Carriage and Wagon Maker,

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LOGGING TRUCKS A SPECIALTY.

Best of Eastern stock used. Down Sound Orders solicited, and satisfaction guaranteed.

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INTELLIGENCE OFFICE.

S. F. COMBS.

OFFICE OPPOSITE COLMAN'S MILL, SEATTLE.

The Northern Star.

SATURDAY.....MAY 3, 1877.

Local Items.

D. E. Leighton is improving his lot by the erection of a small house thereon.

Last Sabbath we were visited by gentle April showers and beautiful rainbows.

The Good Templar's lodge at this place now numbers sixty five members in good standing.

The Nellie has made her usual trips the past week, bringing freight and passengers every time.

Our friend J. D. Morgan has been under the weather for the last few days. He is convalescent.

The superintendent of the Athenium has an opportunity to exchange insects, bird's nests, &c. with eastern societies; will not all bring specimens.

Will not some friends of the Athenium who have not yet paid their subscriptions, come down with a few shingles? Fifty thousand will be needed.

Runaway.—A smart young man, crossed the river last Sunday and didn't hitch his buggy—the tide came in, it took flight, and ran up river. Tableau, tramp, wet grass and adjectives.

The Yakima came in early one morning last week, and left again before half the people were out of bed. Some who contemplated going across the sound on her have been looking crestfallen ever since. Hiram you shouldn't do so some more.

The Good Templars will have a public installation of officers, to be followed by a Grand Ball, at the Riverside Hall, Friday evening, May 12th. All Good Templars are requested to meet Sunday, May 7th at 2 o'clock, P. M. at the lodge room.

The Yakima, Capt. Olney, arrived last Thursday. She brought a full load of freight for parties below, and E. C. Ferguson and Packard & Jackson of this place. The Yakima is the largest and finest fitted up boat that runs here. Capt. Olney is a great favorite here and a popular steamboat man.

Wm. Romines has bought the unfinished wharf property, above the Riverside Hotel and immediately adjoining it. He will complete the wharf, so that a portion of it will be out of water when the river is at its highest stage. He will also erect a large warehouse, for the storage of farm produce, general merchandise, and loggers supplies.

Two families, besides several single gentlemen came last week direct from Iowa. They will settle permanently in this county. The accounts from that State are not very flattering. Farm hands can be had for \$15 per month. Wages for other occupations in proportion. Grasshopper eggs in some regions number thousands to the square foot.

Will the Portland Daily Bee and Standard please accept our thanks for the receipt of both papers. We do not publish a daily but we send in exchange the best we have. Some of our contemporaries are too nifty to send us even their weeklies. We can get along without them. Publishers of daily Sound papers will also accept acknowledgements.

The district school in this town never was in so flourishing a condition. Parents, don't take our word for it, but go, see and verify for yourselves. No one can spend an afternoon among the children there and come away without being in full sympathy with the little folks and their teacher. No parents do their duty without frequent visits to the school-room.

The Ball.—The sheet and pillow case party at the Riverside has been pronounced the "grandest affair of the season." The music gave complete satisfaction. The ladies tender their thanks to Mr. Shons for the free use of the hall; also to Mr. Flatau floor manager, Miss Low and Miss Woods, who alternately assisted at the organ. The receipts were very gratifying, so much so, that similar parties will be likely to follow before long.

We have taken some pains to make inquiries among those who have orchards on the river, and with few exceptions, find that the fruit crop is uninjured by the late frosts.

The County Commissioners meet next week. The county records have had a pretty thorough going over since last session, by experts, and we expect rather lively times. It is whispered abroad in the air, that somebody is likely to be, "weighed in the balance and found wanting."

FURNITURE.—We have said it many times before, and we intend to keep repeating it, until some one listens to us. There are good openings here for a manufacturer of furniture and a tinsmith. Persons of industrious habits, of either of those occupations, when once established, will do well.

CANNERY.—There is a good opening for a Salmon Cannery, near the mouth of this river, near Centreville and also in the neighborhood of Skagit City. We see no reason why canneries at these points will not do as well as at the mouth of the Columbia. Fish enough can be taken on this river to keep a first-class establishment running in the season.

NOTICE.—On the 21st of April I announced through the columns of the STAR that I was about to quit the practice of medicine. Those indebted to me must settle by the 1st of June, or settle with an attorney. A. C. Folsom.

All three of the Blackman brothers are to build fine cottage residences immediately. Mr. Webster, the gentleman who drew the plans and specification, being the lowest bidder, has secured the contracts, and will commence immediately. The contractor furnishes all the materials, builds the dwellings, and when completed hands the proprietor the key. Mr. W. is a splendid architect and builder of the lively, go ahead order. He means business. No slow coach there.

We had so many pleasant calls last Thursday from the ladies and gentlemen composing the excursion party from Seattle, that we cannot enumerate the half of them. They scattered in every direction as soon as they landed, some calling on friends, some seeking the shade, some rambling in field and wood and others, viewing our town with a critical eye. We hope they enjoyed themselves so well that other parties will follow. We will try and make such trips agreeable all round.

Mr. J. D. DALY, traveling correspondent for the San Francisco Bulletin and Call, has been in the county for the past week. Mr. D. is a correspondent not of the Nordhoff style. He takes time, visits every place of interest, sees with his own eyes what he describes, and takes no ones word for anything he writes about. The readers of the Bulletin and Call may be certain that whatever he writes of, is fact, drawn from data on the spot or gleaned from personal observation—hence reliable. One enterprising scribbler, wrote up this place, not long since, and never was within sixty miles of here. Although a Bohemian he is a perfect gentleman. He will go up river from here to the Falls, cross into Yakima, write up Eastern Washington and Oregon and then return to the Sound. We hope to see him again.

ATHENEUM.—To those who are harping upon the single string, that "your Athenium goes so slow," we would remind them of other institutions, which are wider known. The scientific school of Harvard, with a donation of \$75,000 to start with, was nine years before it was opened to students. It took fifteen years to open the Smithsonian Institute to the public, with its royal donation from its founder, and government patronage without stint. The California Academy of Sciences, with a half million from James Lick, has accomplished little as yet. Portland has an institution two years older than ours, but the value of its property is not half so great. The Athenium has accumulated \$8,000 worth of valuable property in less than three years, and that without a donation from any millionaire—it being the gifts of its friends and members. Scientific institutions always go slow. They always are growing, and never will be complete. Those who prate about its slow growth only show ignorance of such matters. No one posted expects such a building to be rushed to completion—like a business house in a bonanza camp.

Mr. J. ELWELL, JR., is now engaged log-driving on the Snoqualmie.

LESLIE JACKSON came up from Lowell on the Yakima, on Thursday.

Two gentlemen left here last week, for the Cassiar mines. We know of no others that talk of going.

A nice, warm rain, with South wind, commenced Thursday night. If it continues, we shall have our June rise in May.

A walk on the track out to the lake, or to the mill, are the fashionable promenades of the town. Some, however, prefer to cross the river and examine Esq. Turtlott's new well.

The little daughter of Mrs. M. A. Sinclair, is down with a mild attack of diphtheria. A great many adults are suffering from colds and slight bronchial and pulmonary complaints.

The mill companies of Washington Territory are fast draining the country of one great source of wealth. The mill property is mostly owned in San Francisco. The owners are nearly all rich, many of them millionaires, but they invest nearly all their capital away from the Territory. They contribute little in local improvements; do not encourage farming; build no churches, or school houses; in fact, care little for the general prosperity of the Territory.

We regret an accident to the team used on the railway of the Blackman Bros., last Thursday. As the car, heavily loaded, was descending the grade just this side of the lake, the rail having just received a fresh coating of coal tar, though all the wheels were locked by the brake, yet the car slid on the rail, soon accumulating such speed, that the wheel mules were overtaken and both of them crushed to death. A similar accident occurred near the same place last year.

Seattle Steamboat Directory.

- FOR VICTORIA.—Steamer North Pacific, Clancy master, leaves every Monday and Thursday at 5 A. M.
- FOR OLYMPIA.—Steamer Messenger, Parker master, leaves every Tuesday, Thursday and Saturday at 8 A. M.; Steamer Zephyr, Wright master, leaves every Monday, Wednesday and Friday, at 7 A. M.
- FOR WHATCOM AND WAY PORTS.—Steamer J. B. Libby, Britton, master, leaves every Monday and Friday, at 7 A. M.
- FOR SNOHOMISH CITY.—Steamer Nellie, D. Hill master, leaves every Monday, Wednesday, and Friday, at 8 A. M.
- FOR SKAGIT AND LA CONNER.—Steamer Fanny Lake, J. S. Hill master, leaves every Tuesday and Friday, at 7 A. M.
- FOR TOWNSEND, SAN JUAN, ORCAS ISLAND, LOPEZ, SEMIAHOOD AND WHATCOM.—St. Dispatch, Monroe master, leaves every Thursday, at 10 P. M.
- FOR FREEMONT AND BLAKELY.—Steamer Success, Nugent master, leaves every day, at 3 P. M.
- FOR TACOMA, EN ROUTE TO PORTLAND.—Str. Alida, Browner master, every day, after P. M.
- FROM SAN FRANCISCO.—Pacific Mail steamers leave San Francisco 10th, 20th and 30th of each month.

\$999 Can't be made by every agent every month in the business we furnish, but those willing to work can easily earn a dozen dollars a day right in their own localities. Have no room to explain here. Business pleasant and honorable. Women, and boys and girls do as well as men. We will furnish you a complete outfit free. The business pays better than anything else. We will bear expense of starting you. Particulars free. Write and see. Farmers and mechanics, their sons and daughters, and all classes in need of paying work at home, should write to us and learn about the work at once. Now is the time. Don't delay. Address TRUE & Co., Augusta, Maine. 69tf

Notice of Sheriff's Sale of Real Estate.

By virtue of an execution issued out of the District Court of the Third Judicial District of Washington Territory in the action of Henry L. Yesler vs. George F. Smith and Simon Elwell to recover the sum of twelve hundred and thirty-five 50-100 dollars (\$1235 50-100) judgement, with costs and increased costs, interest and increased interest. I have levied upon, seized and taken into execution the following described real property, to wit: lots numbered nine (9), ten (10) and eleven (11), situate in block number ten (10) in Snohomish City, western part.

Now therefore notice is hereby given that I will sell the above described real premises at public auction on the 5th day of June A. D. 1877 between the hours of 9 A. M. and 4 P. M. of said day, at the door of the Auditors office of Snohomish County, in Snohomish City Washington Territory, to the highest bidder for cash gold coin of the United States of America, to satisfy the judgements and costs of suit, and increased costs.

Dated at Snohomish City this 26th day of April A. D. 1877.
BENJ. STRETCH, Sheriff.
By Wm. WHITFIELD, Deputy
McNaught & Leary, Atty's for Plaintiffs.
68-4w

STILL AHEAD!
—THE—
Mason & Hamlin Organs.
Highest Award at Four Great World Expositions—
Paris, 1867; Vienna, 1873; Santiago, 1875; Philad. 1876.
WARRANTED FOR FIVE YEARS.
SOLD AT SAN FRANCISCO PRICES FOR CASH,
OR ON THE LIBERAL INSTALLMENT PLAN WITH EASY PAYMENTS.
Send for Illustrated Catalogue and Price List.
W. H. PUMPHREY, Agent,
Seattle, W. T.

Stetson & Post,
—PROPRIETORS OF—
SEATTLE PLANING MILLS
Manufacturers and Dealers in Doors, Windows, Blinds, Mouldings, Stair Rails, Brackets, Pine, Cedar and Spruce Lumber, etc., wholesale and retail.
COMMERCIAL STREET, SEATTLE, W. T.
(Adjoining S. and W. W. Railroad.)
SEND FOR PRICE LIST. Box 103. 63

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—IS THE ONLY FIRST CLASS—
SEWING MACHINE
In the Market.
Machines Delivered in any part of the Territory and Instructions Given Free of Charge. It costs you nothing to **TRY IT** And convince yourself of its **SUPERIORITY** over all others.
NEEDLES, Thread, Oil —AND— **ATTACHMENTS** —FOR— *All Machines* FOR SALE **At Lowest Rates**
E. L. HALL, Agent for Washington Terr.
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R. C. GRAVES,
— DEALER IN —
Furniture, Pictures, Picture Frames,
BRACKETS, WINDOW CORNICES, MOLDINGS, WINDOW SHADES, PERAMBULATORS, ETC.
Give me a call. Get my Prices before buying elsewhere, as I will not be undersold by any one.
Front Street, Seattle, W. T.

The Evening Telegram says, "The New Northwest and the Sunday Welcome would make a spanking team," and the Telegram gets a spanking from both for saying so.

Notice of Dissolution of Partnership.

The co-partnership in the hotel business heretofore existing under the firm name of Shone Bros., is this day, by mutual consent, dissolved. Edward Shone will continue the business at the Riverside Hotel in this city, and be responsible for all debts or liabilities contracted by the firm, and all persons indebted to the firm will pay the same to Edward Shone.

EDWARD SHONE,
KENRIC SHONE.

March 30, 1877.

**LATEST PATENT
SPRING BED BOTTOMS**

Two Styles, at Reduced Rates.

—ALSO—

wall Paper,

Always on hand at

John Pike's.

One Door East of E. C. Ferguson's Store,

vi:42. SNOHOMISH CITY, W. T.

SALOON.

T. F. MARKS, PROPRIETOR.

SNOHOMISH CITY, W. T.

The best of Wines, Liquors and Cigars
always on hand at the

OLD STAND.

NOTICE.

All persons indebted to me are expected to settle, by note or cash, immediately.
ISAAC CATHCART,
Proprietor Snohomish Exchange.

W. S. WIGGIN.

WM. FOX

Occidental Hotel,

SEATTLE.....WASH. TERR

This is the Largest Hotel North of San Francisco, and is

FIRST-CLASS IN EVERY RESPECT.

Free Coach to and from the House.

54 WIGGIN & FOX, Proprietors

**L. HANSON,
BLACKSMITH.**

SNOHOMISH CITY, WASH. TERR.

Is ready to do all kinds of Loggers' and Farmers' Blacksmith Work with

NEATNESS AND DISPATCH.

SHOP — IN THE UPPER TOWN.

Call and see my work.

For Sale.

Half-Bred Jersey bull and heifer calves from well selected milch cows. Price \$20, per head. Address

A. U. DAVIS,

Dungeness,

W. T.

FOR SALE OR RENT.

160 acres of good land lying near the mouth of the Skykomish River, with 15 acres cleared and 75 bearing fruit trees, for sale at a bargain. For further particulars enquire of

W. H. WALEY

vi:54



L. WILBUR,

SNOHOMISH CITY, W. T.

—DEALER IN—

DRUGS,

Medicine and Chemicals.

PURE WINES and LIQUORS

FOR MEDICINAL PURPOSES.

PERFUMERY,

Fancy Toilet Articles, Cigars, &c. &c.

Prescriptions carefully compounded at all hours.

ALL ARE INVITED TO CALL.

vi:11

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WHOLESALE DEALERS IN

STOVES & RANGES,

TIN, COPPER, & JAPANED WARE

SUCTION AND FORCE PUMPS,

Lead and Iron Pipe,

GAS & STEAM PIPE FITTINGS
BRASS GOODS.

All work pertaining to the business done at short notice and in a workmanlike manner.

Give us a call.

SEATTLE, W. T.

vi:n8

B. A. HILL & SON

MANUFACTURERS OF

G. V. B. Reeder's

WIRE-SUSPENSION, VIBRATING

SPRING BEDS.

Excel for Cheapness, Durability and Convenience. Made of the best spring wire. Are the softest, most elastic and strongest bed in use.

Warranted for Five Years.

First Premium

Awarded them at the Fair at Olympia, Oct. 1876, and at every other Fair where exhibited on this coast. County Rights for sale in Oregon and Washington Territory. Bedsteads on hand, to be sold cheap for cash.

YESLER'S WHARF,

SEATTLE, W. T.

JOHN PIKE, Agent for Snohomish.

481f

HAVING LOCATED A

BRICK YARD!

On the bank of the Snohomish river, two and one-half miles above Snohomish City, at a place which will hereafter be known as the SANDERSVILLE BRICK YARD. The weather admitting, I will have a kiln of sixty thousand burned and ready for sale within three weeks, and solicit a share of public patronage.

G. T. RICHARDSON.

n60, 2w.

STOVES

—AND—

TIN WARE.

S. P. ANDREWS & CO.

DEALERS IN

Cook Parlor and Box Stores

Pumps iron and Lead Pipe.

All job work pertaining to the business done in a workman-like manner.

ORDERS FROM ABROAD

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Store on Commercial Street,
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**Wm. H. WARD,
BLACKSMITH.**

One Door West of Snohomish Exchange.

SNOHOMISH CITY, W. T.

All orders received at this shop will be attended to with neatness and dispatch.

FARMERS WILL BEAR IN MIND THAT IN ORDER TO GET ONE OF THE

Improved horse Hay

Forks

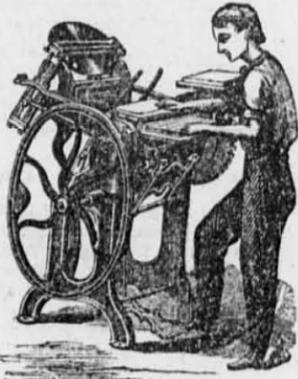
They must leave their orders in time

All tools used in Logging Camps made to order, and as cheap as can be got on the Sound.

vi:1

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JOB OFFICE,**

Snohomish City, W. T.



A GOOD ASSORTMENT

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All kinds of job work

IN THE

BEST STYLE AT REASONABLE

PRICES.

Ladies' Visiting Cards

A SPECIALTY.

**Chas. Naeher,
WATCHMAKER
AND JEWELER.**

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PROMPTLY

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ATTENDED!



**LARGEST & CHEAPEST STORE
IN THE TERRITORY.**

Watches and Jewelry Carefully Repaired and warranted.
SEATTLE, WASH. TERR.

63

S. BAXTER & CO.,

Importers & Commission Merchants,

—AND DEALERS IN—

FOREIGN AND DOMESTIC

Wines, Liquors,

AND CIGARS.

—AGENTS FOR—

J. H. CUTTER WHISKIES,

WHITE HOUSE WHISKIES,

UNIVERSAL WHISKY.

A full assortment of Wines, Liquors and Cordials always on hand and for sale at low rates. We call special attention to our

Extensive Stock of Cigars

FOR SALE AT SAN FRANCISCO PRICES.

THE HIGHEST PRICE PAID FOR FURS..

FRONT STREET SEATTLE, W. T.

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PACKARD & JACKSON,

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CLOTHING, HATS, & CAPS, CROCKERY

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We keep for sale the best Brand of Oregon Flour in the Market.

A NEW INVOICE OF

JEWELRY, WATCHES and CHAINS; WARRANTED PURE MATERIALS and as cheap as can be purchased anywhere in the Territory.

BUTTER, EGGS, HAY, HIDES,

SHINGLES, SHIP KNEES and LOGS

Taken in Exchange for Merchandise.

vi:1f

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IMPORTER AND DEALER IN
FURNITURE

—AND—
UPHOLSTERY GOODS.
COMMERCIAL ST., SEATTLE.

BUREAUS,
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CHAIRS,
Parlor & Chamber Sets
CURTAINS,
PICTURE FRAMES,
MOULDINGS, ETC.

PIONEER
Variety Store!
CORNER MILL & SECOND STS.,
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An Extensive Stock of
House Furnishing Goods!
CROCKERY, GLASSWARE, BED-
STANDS, BEDSTEADS,
HARDWARE,

Charter Oak
Cooking
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Tinware, Cutlery, Carpets and Mat-
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Ware.
Special attention paid to fitting
Keys to Locks. Dealer in all
kinds of new and second-
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Call For What You Want!
Even if You dont see it. No trouble
to show Goods.
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COMMISSION MERCHANTS
And Wholesale and Retail Dealers in

GENERAL PRODUCE
—AND—
Provisions!
YESLER'S WHARF, SEATTLE, W. T.

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and will give prompt attention to orders in our
line of trade from all parts of the Sound.
Goods delivered to all parts of the Sound.
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EDUCATES THOROUGHLY FOR BUSINESS.
Receives students any week-day of the year.
State of advancement not material.
Day and Evening Sessions
The year through.
Instruction Individual.
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Try It.

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FRUIT TREES AND SHRUBBERY
AT REDUCED RATES.

Apple, Pear, Plum, Peach, Cherry, Quince,
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Latest styles Boots and
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Also agent for the celebrated

NEW WEED
"Family Favorite"
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Why is it the Best?

IT IS THE MOST SIMPLE,
DURABLE, PERFECT.

It runs easy and quiet,
Has no cams for shuttle motion,
Has no springs to get out of order.
The needle is set correctly without screw-
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It can be cleaned or oiled without lifting
from the table; and the best thing of all,
It has Perfect Self Adjustable Tension.
Call and examine this Machine before
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Portland, Oregon,
INCORPORATED 1874,
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v1:n22 4m.

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Every Variety of

CEMETERY WORK,

HEAD STONES,

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Executed in marble and other stones, with
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All Orders Promptly Filled.

Also all kinds of

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All Orders Addressed To

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At the **DOLLY VARDEN**
WINES, LIQUORS, BEER AND CIGARS,

Of the BEST QUALITY, will always be served to our customers.

CUTTER'S OLD BOURBON WHISKEY

AND THE BEST CIGARS IN SEATTLE,
Are the specialties at this house.

SMITH & JEWETT.
Proprietors.

RIVER SIDE HOTEL!

SNOHOMISH CITY, WASHINGTON TERRITORY.

Edward Shone

Having recently leased this convenient and well known Hotel

Building, for a Term of Years and refitted it in good style, beg leave to inform th
community that they are now prepared to accommodate the
public. They propose keeping a strictly

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The Table will be supplied with the best the market affords.

FIRST QUALITY OF WINES, LIQUORS AND CIGARS ALWAYS
ON HAND

Every attention will be shown for
the convenience of the patrons of
This House.

HARDWARE!

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MECHANICS' TOOLS

OUR SPECIALTY.

FARMING

Implement,

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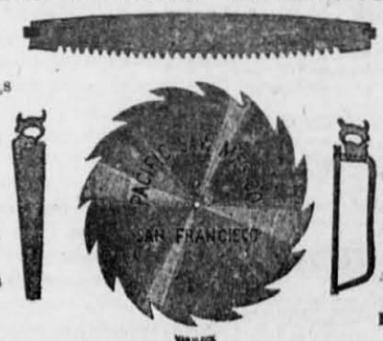
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OUR STOCK CONSISTS OF

Clothing, Boots, Shoes, Hats, Caps, & Under Clothing of all kinds.

We sell the best goods for the least money of any place on
the Sound.

Give us a Call.

PINKHAM & SAXE.

SNOHOMISH CITY MARKET REPORT.

STOCK.
 Cows, 40 lbs. \$25.00 @ 50.00
 Hogs, 40 lbs. \$15.00 @ 25.00
 Sheep, 40 lbs. \$10.00 @ 20.00
 Butter, 40 lbs. \$2.50 @ 5.00
 Eggs, 40 lbs. \$1.00 @ 2.00

GROCERIES, PROVISIONS &c.
 Bacon, 40 lbs. \$14.00 @ 15.00
 Pork, do. \$8.00 @ 9.00
 Chickens, 40 lbs. \$4.50 @ 5.50
 Eggs, do. \$1.00 @ 1.25
 Flour, 40 lbs. \$1.00 @ 1.25
 Wheat, 40 bush. \$1.00 @ 1.25
 Butter, 40 lbs. \$2.50 @ 3.00
 Hides, recd. 40 lbs. \$5.00 @ 6.00
 Potatoes, 40 bush. \$2.00 @ 2.50
 Oats, 40 bush. \$1.00 @ 1.25
 Ground Barley, 40 ton. \$12.00 @ 14.00
 Hay, 40 ton. \$12.00 @ 14.00
 Candles, 40 lbs. \$2.00 @ 2.50
 Beans, do. \$1.00 @ 1.25
 Sorgho, do. \$1.00 @ 1.25
 Syrup, 40 gal. \$5.00 @ 6.00
 Dried Apples, 40 lbs. \$1.00 @ 1.25
 Nails, 40 lbs. \$7.00 @ 8.00
 Coarse salt, 40 lbs. \$2.00 @ 2.50
 Tobacco, do. \$1.00 @ 1.25
 Coal Oil, 40 case. \$75 @ \$80.00
 Cabbage, 40 bush. \$1.00 @ 1.25
 Turnips, do. \$1.00 @ 1.25
 Apples, 40 bush. \$1.00 @ 1.25
 Wood, 40 cord, deliv'd. \$2.50 @ 3.00
 Stingles, 40 M. \$2.00 @ 2.50
 Ship Knees, 40 in. \$40 @ 50 cts
 Logs, 40 M ft. \$5.00 @ 5.50
 Hewed Timber, 40 lineal foot. \$10 cts.

**W. A. Jennings,
 Importer & Jobber,**

COMMERCIAL STREET, SEATTLE.
 —DEALER IN—
**GROCERIES, PROVISIONS, HARDWARE,
 FINE TEAS, Etc.**
**Imported and Foreign Wines and
 Liquors, Cigars and Tobacco.**

—SOLE AGENT FOR—
CYRUS NOBLE OLD BOURBON.
W. A. Jennings,
 Seattle, Wash. Terr.

Good Bottom Land.
 The undersigned will offer for sale for the next sixty days, if not sooner disposed of, eight ten-acre lots, creek bottoms, near Snohomish City, convenient to a saw-mill, to the Agricultural Fair grounds, and to the school in town; and if desired, two acres good level upland to each lot will be sold to accommodate those wishing a home. For terms and particulars, inquire of
E. MORSE, Esq.,
 101 N. J. N. LOW, Snohomish City.
 Snohomish City, April 5, 1877.
 J. N. LOW.

**KNOX STALLION,
 MAINE HERO.**
 This beautiful young Stallion will be four years old on the 10th of June; stands fifteen hands and two inches high; color, a rich, bright bay, with black mane and tail.
PEDIGREE:
 Sire, Emperor William; he by Gen. Knox; dam by Rysdyk's Hambletonian; combining in two best strains of blood in the world. Gen. Knox is the sire of Lady Maud (record, 2:18 1/2); Camors (2:19 1/2); Plato (record, 2:31); Gibeath Knox (record, 2:26 1/2); Messenger Knox (record, 2:32); Maine Sasher (record, 2:33), and many other very fast ones. Following is a record of the best time made by Messenger, another noted flyer of the same strain: 1874—2:23, 2:23, 2:20; 1875—2:22 1/2, 2:21 1/2, 2:22; 1876—2:17 1/2, 2:18, 2:17; 2:20, 2:16 1/2, 2:19 1/2, 2:17 1/2, 2:15 1/2, 2:18, 2:19 1/2, 2:15 1/2, 2:17, 2:16 1/2.
 Will be found at R. D. HILTON'S RANCH, Snohomish river. My farm is one and a half miles from Snohomish City, and can be reached from all parts of the Sound by the steamer Nellie, which makes regular trips up the Snohomish river.
TERMS \$50,
 By the season. Mares not proven with foal can be returned next season free of charge. Stabling or pasturing furnished at reasonable rates. Mares at risk of owners.
 63 tf R. D. HILTON, Proprietor

**PLUMB BAKERY,
 SNOHOMISH CITY, WASH. TERR'Y.**
Bread, Pies and Cakes,
 Constantly on hand. Balls and parties supplied, and all kinds of pastry cooking done to order on short notice.
**TEMPERANCE HOUSE,
 ORIENTAL HOTEL,
 SECOND STREET, SEATTLE, W. T.
 N. LOUIS, Proprietor.**
 Board and Lodging by the week. . . . \$6.00
 Board and Lodging by the day. . . . 1.00
 Single meal. 25
 Beds. From 25 to 50
 The house is newly built, hard finished throughout, has large and well furnished rooms, and first class Board, on the European plan. Baggage conveyed to and from the house free of charge. No Chinamen employed.
 63 tf

JOHN B. PILKINGTON, M. D.
 Late Professor of Diseases of the
Eye and Ear
 in the Medical Department of Willamette University.
**OFFICE IN DEKUM'S BLOCK,
 PORTLAND, --- OREGON.**
 All Surgical Diseases of the
EYE, EAR, NOSE AND THROAT
 Skillfully Performed.
Cataract Extracted,
 And Crooked Eyes straightened. Artificial Eyes a large assortment of the best French manufacture always on hand. **DEAFNESS**, and all discharges from the Ear, and Nasal Catarrh particularly treated.
Diseases of Women
 Nervous Complaints and Lung Disorders also my specialties. Any number of first-class references given.
 50tf

Notice of Sheriff's Sale.
FORECLOSURE OF MORTGAGE.
 Default has been made in the sum of \$4,830 Judgement and Attorney's fee, which is claimed to be due at the date of this notice, on a certain Mortgage bearing date of February 16th A. D. 1876 executed by Gardner Kellogg and Sarah A. Kellogg his wife, of Seattle, King County, Washington Territory, to James M. Coleman of same place, and recorded in book 2 of Mortgages at page 266 and 267 on the 28th day of February A. D. 1876.

Now, therefore, notice is hereby given that in pursuance of a decree of Foreclosure and Order of Sale issued out of the District Court of the third Judicial District, holding terms at Seattle in and for the counties of King and Kitsap, to me directed and delivered, of the Statutes in such cases made and provided, the premises covered and described in said Mortgage, to wit: lots No. three (3), four(4) and five(5) of section number six in township No. thirty-one North, range four East containing eighty six and thirty-one one hundredths acres (excepting two acres situate as follows: commencing at a point 200 feet west of the barn, running south to Hatt's slough, thence west, thence north, thence east to place of beginning to contain two acres and to be used as a landing) situate in Snohomish County Washington Territory, will be sold at public auction to the highest bidder for cash, gold coin of the United States, at the door of the Auditor's office in said county of Snohomish on the 13th day of April A. D. 1877 between the hours of 9 o'clock A. M. and 4 o'clock P. M.
 Dated at Snohomish City this 15th day of March A. D. 1877.
 The above sale postponed until the 5th day of June next.
 McNaught & Leary Attorneys for plaintiff.
BENJ. STRETCH
 Sheriff of Snohomish County
 By Wm. WHITFIELD Deputy

THE PACIFIC TRIBUNE!
DAILY AND WEEKLY.
Seattle, w. T.
 The Daily is the oldest, largest and best in the Territory.
 The Weekly, now in its sixteenth year of publication, contains more reading matter than any of its Territorial contemporaries. The contents of both will include the fullest home news, editorial matter, the latest telegrams from abroad, correspondence, interesting miscellany, &c.
TERMS:
 Daily per annum, \$10; Weekly, \$3.
 Advertising desired, and inserted on reasonable terms. Address
 THOS. W. PROSCH, Publisher.
 1

**H. C. VINING,
 Notary Public, Conveyancer, &c.,**
 MUKILTEO, W. T.
Full stock of Blanks on hand.
 Business done with accuracy and
 1:24 dispatch.

Notice of Sheriff's Sale.
FORECLOSURE OF MORTGAGE.
 Default has been made in the sum of \$4,806 10-100 Judgement and costs which is claimed to be due at the date of this notice on a certain Mortgage bearing date of February 16th, 1876, executed by David Kellogg and Anna L. Kellogg his wife, of the city of Seattle, King County, W. T. to James M. Coleman of the same place and recorded in Book No. 2 of Mortgages at page 264 and 265 on the 28th day of February A. D. 1876. Now, therefore, notice is hereby given, that in pursuance of a Decree of Foreclosure and Order of Sale issued out of the District Court of the third Judicial District holding terms at Seattle, in and for the Counties of King and Kitsap to me directed and delivered, and in the Statutes in such cases made and provided, the premises covered and described in said Mortgage, to wit: lots No. one(1) two (2) and three (3) of Section No. one, Township thirty-two North, Range three East containing 167 95-100 Acres, situate in Snohomish County, W. T. will be sold at public auction to the highest bidder for cash, gold coin of the United States; in Snohomish City at the door of the Auditor's office, in said county of Snohomish on the 13th day of April A. D. 1877, between the hours of 9 o'clock A. M. and 4 o'clock P. M.

Dated at Snohomish City this 15th day of March A. D. 1877
 The above sale postponed until the 5th day of June next.
 McNaught & Leary Attorneys for plaintiff.
BENJ. STRETCH
 Sheriff of Snohomish County
 By Wm. WHITFIELD, Deputy.

PROFESSIONAL CARDS.
ELDRIDGE MORSE,
Lawyer;
 SNOHOMISH.
 F. M. ELLSWORTH. C. H. HANFORD.
Ellsworth & Hanford,
ATTORNEYS-AT-LAW,
 OFFICE—IN FRAUENTHAL BUILDING,
 Commercial street, Seattle.
 Practice in all the Courts of the Territory.
 Special attention given to bankruptcy cases.
 63 tf

W. M. TIRTLOT,
Lawyer,
Notary Public and Conveyancer.
 Snohomish City, W. T.
 v:1:25
 C. E. LARRABEE. L. M. HALL. W. R. ANDREWS
Larrabee, Hall & Andrews,
COUNSELORS AND ATTORNEYS-
AT-LAW.
 SEATTLE WASH. TERR.

RUBBER PAINT

Prepared in any desired shade ready for use. It is TWENTY PER CENT cheaper than any other mixed paint, is the easiest spreading, best covering, and will last longer than any other paint. We except none.

No Acids, Lime or Alkalis Used.
 See that the Trade Mark is on each package. Dealers and Consumers supplied in quantities to suit, and at reasonable rates. I also keep a full stock of
 LEAD, ZINC, OILS, VARNISH, GLASS, PUTTY, WALL PAPER,
 And a general assortment of PAINTERS' TOOLS. Call and examine.
W. H. SHOUDY.
 STORE—REAR OF HORTON & DENNY'S BANK, SEATTLE.
 For sale by George Plumb, Snohomish City.

Seattle Stone Yard
John Keenan,
MANUFACTURER of MARBLE MONUMENTS
HEADSTONES & TOMBS.

Also furnishes Stone for Building Purposes. Cemetery Work of all kinds executed. All orders promptly filled and satisfaction guaranteed. Persons living at a distance by sending a description of what they wish, can have Designs, Prices, etc., sent to them to choose from.
 Shop on Crawford & Harrington's Wharf, Seattle, W. T.

Call and See Us!
 NEW ATTRACTIONS AT THE
ELEPHANT STORE
FRONT STREET, SEATTLE, W. T.
Millinery and Dress-Making

All kinds of Ladies' and Children's Ready-made Suits and Underware on hand or made to order at short notice, by MRS. S. J. MOSES. Mr. Marsh also has on hand a fine assortment of
DRESS GOODS, WOMEN AND CHILDREN'S BOOTS, SHOES, & SLIPPERS
 Gent's Underware, Ladies' and Gent's Hosiery, Gloves, and Notion Goods generally. For Sale cheap for cash.

E. Martin & Co.,
 IMPORTERS AND WHOLESALE
DEALERS IN WINES & LIQUORS.
 Proprietors of Miller's Extra Old Bourbon, Sole Agents for J. H. Cutter's and J. F. Cutter's OLD BOURBON & RYE WHISKIES.

Constantly on hand a full assortment of all the
Standard Brands of Whiskies & Brandies.
408 Front street, 98 Front street,
 SAN FRANCISCO. PORTLAND, OREGON.

Look at His Knees!
Breast Hooks,
AND
Stem Pieces!
 From 8 to 18 inches square, in sq. and out sq., constantly on hand. All orders will receive prompt attention. For sale by
S. A. WOODS,
 Park Place,
 W. T.
WM. H. WALE,
 DESIGNER &
 ARCHITECT,
 Carpenter, Contractor and
BOAT BUILDER.
 All work entrusted to his care will be done
 with NEATNESS and DISPATCH.
 CHARGES TO SUIT THE TIMES.
 Place of business at the old BLUE EAGLE BUILDING, Union Avenue, SNOHOMISH CITY.
 v:1:1