

# The Oregon Statesman.

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## The Oregon Statesman.

ASAH EL RUSH, Proprietor and Editor.  
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In this paper are published the Laws, Resolutions and Treaties of the United States, and the Laws and Resolutions of the Territory of Oregon, by authority.

### Governor's Message. Gentlemen of the Council, and House of Representatives:

The unqualified and distinct separation of our Executive and Legislative Departments is a peculiar feature of the act of Congress organizing the Government of our Territory. I have no disposition to find fault with this original principle of withholding from the Executive authority coordinate with the law-making power, but, on the contrary, I commend it as most wise and salutary in a system of government so imperfect and satisfactory as that to which the people of the Territories have been constrained to submit. This characteristic of our fundamental law, it is presumed, has been the cause of the non-observance of the custom, usual elsewhere, of an elaborate and digested expression from the Executive to the Legislative Department of the Government, at the commencement of each session, as to the condition and wants of the country; at least, since I have held the position. I now hold, whilst I have been ready, at all times, to co-operate with the Legislative Assembly, in every legitimate way, it has always influenced me to an earnest carefulness against any act that might be construed into an improper interference of one department with the duties of another. However, the courteous action which you have been pleased to take, which has been communicated to me through your authorized delegation, would seem to invite me to the gratification I now take in exercising the privilege of thus addressing you, hastily and without the accustomed preparation.

The calamitous events which had befallen the Territory, and the serious and threatening posture of affairs, which existed at the period of the commencement of the last session, had occasioned a most gloomy and profound anxiety and despondent gloom, in the minds of all our energies were employed in repelling the attacks of hostile Indians—in a desperate warfare with a treacherous and faithless race, who had devastated most flourishing sections of our country—carried desolation and sorrow to the homes and spirits of our settlers, in the destruction of their fortunes, and the wanton butchery of their helpless families.

It is a matter of the sincerest congratulations that the aspect of things has so much changed. A more cheerful feeling, assuaging the anguish and suffering of the past, and the Territory is gradually recovering from the ruinous effects of a calamity so great. To the courage, gallantry, and indomitable spirit of our citizen soldiers, is Oregon chiefly indebted for that protection and defense which the General Government did not afford. During a winter campaign they endured incredible hardships and privations. Poorly clad, and for weeks subsisting upon the flesh of their own horses, unflinchingly and courageously they maintained their position—fought the enemy's country, the North and mid the snow-capped mountains in the South—with a fidelity worthy the highest encomiums. A resolution of thanks, in the name of the Territory, is due them for their meritorious and arduous services.

The memory of those who perished in the cause of their country, during the war, may be preserved in the pages of its history, but it would seem proper, by the erection of a monumental column, at the seat of government, or by some other appropriate mode, to testify the public appreciation of the services, and to perpetuate the memory of the heroes of the war in Oregon. The inactive and imbecile policy pursued by the officer commanding the United States troops, upon the Pacific coast, at a very critical juncture, and his more reprehensible conduct in the vindictive efforts he has made, through the press, and by his letters and reports at Washington, to asperse and malign the people of the Territory, may have had a tendency to prejudice them against the army.

This valuable arm of the public service, which is designed for the protection of the country, and to assure the lives and property of those who deem it a duty to support it, has always enjoyed a high reputation for efficiency and gallantry, and I have no doubt under the command of other than superannuated officers, will continue to maintain its brilliant character. I have heretofore acknowledged its valuable aid, before its operations were controlled by a commanding officer whose head quarters were in an adjoining State, remote from the theatre of war.

Oppressed by the deepest anxiety, on account of the grave accusations, so unwarrantably and against the people of the Territory, in which I was charged with the grossest violation of right, I deemed it my duty to visit the seat of our national government, and confuting those accusations and charges, to know wherein we did wrong in defending ourselves from Indian aggression and barbarity.

It is enough for me to say, that in the great capital of the nation, I found no respectability or influence to do us injury. While abroad, I found the name of Oregon, a name commanding respect, and receiving distinguished consideration. The great and worthy of the land appreciate and hold in high estimation, the brave, industrious and enterprising character of her people. The delegate of the Territory was at his post, faithful and watchful; and it affords me pleasure to be able to bear personal testimony to his worth, ability and efficiency. His unshaken zeal, and indefatigable industry, procured us Congressional legislation in reference to the expenses of the war, when there seemed no hope of such a consummation. That legislation gave authority to the Secretary of War to appoint three commissioners to adjust those expenses, which duty he has performed.

ized, and are ready to proceed to the discharge of the trust assigned them, so soon as the chiefs of the departments of the Territory are prepared to furnish their reports. The commission is composed of able, upright, and high-minded gentlemen, and is entitled to the respect of the whole community.

The Quartermaster, Commissary and Adjutant Generals, under my orders, have been, and are, assiduously engaged in making up the complete and final reports of the entire transactions of their respective departments, to be presented to the Commissioners who are to adjust the expenses of the war. I have learned, unofficially, of the passage of a resolution by one House of the Assembly calling upon the Quartermaster and Commissary Generals for detailed reports of their operations. The great press of business that engrosses the unremitting attention of these important branches of the public service, will, I am apprehensive, prevent an early and full compliance with the requirements of these resolutions. I am sure it would be a matter of general regret, were so large an interest concerned as in the present case—that of the whole Territory—should the final reports of these departments be delayed in reaching the speediest action of the Commission, upon whose adjudication the accounts of the numerous claimants will ultimately be paid.

These officers are controlled by my orders, and under my own immediate direction and observation, in behalf of the Territory, for the United States, and while I am aware that efforts have been made, to prejudice them in a false estimation, I hesitate not to say, that I believe them capable, honest and faithful, and I cannot withhold from them my confidence.

I beg to assure you that I shall cause all the important information to be derived from these reports, when prepared, which it is presumed will be about the 10th of next month, to be laid before you. While in the City of New York, I expended five hundred dollars in the purchase of books for the Territorial Library, being the amount of an appropriation made by the last Congress for such purpose. As soon as the books shall have been received, (and they are expected by every steamer) I will cause them to be placed in the possession of the Territorial Librarian, with a catalogue and other papers pertaining to the purchase.

The Commissioners for the construction of a Penitentiary, elected at the last session of the Assembly, failed to qualify, with one exception. The vacancies were filled by appointment, and I am happy to say that the Commissioners have displayed superior ability, and discharged their duties with energy and fidelity. What they have accomplished I make no doubt will be to your entire satisfaction. As the Board in accordance with the law, do not report to the Executive, but directly to the Assembly, I respectfully refer you to the document forwarded to me, in detail, as to the progress and condition of this public work.

I have the honor to transmit, herewith, as the law requires, a statement of the condition of the fund for the erection of Capitol Buildings; also a communication from the First Comptroller of the Treasury, in reference to the decision of that office in regard to balances due for services performed, and damages claimed by contractors on that work, and allowed at the session of the Assembly of 1854 and '55. Seventeen thousand dollars, of the moneys appropriated by Congress to complete the Capitol Building, remain still in the Treasury of the United States.

I have likewise the honor to submit herewith, a copy of correspondence with the Secretary of War in relation to Indian Affairs. At the risk of a violation of propriety, I take the liberty to observe that, in my judgment, any legislation whatever, at your present session, with a view to a relocation of the seat of government, under the existing circumstances, as the subject is regarded by the authorities at Washington, in a light so favorable to the application of the fund, on any new point, would be injudicious and unproductive of any benefit to your constituents. The subject has been one that has, more or less, engaged the time and attention of every session of the Assembly. It is one too, upon which there has been a great diversity of opinion, and which has already caused too much unkind and bitter feeling. It is a matter, possibly, that can be satisfactorily adjusted only by the creation of a State government. In view of the probability of a speedy consummation of such a measure, it would appear the part of wisdom to defer its further agitation until that event shall have transpired.

The organization of a State Government for Oregon, with the experience obtained in Washington, in reference to the position and treatment of Territorial interests, I deem a subject of the first consequence. There are so many disadvantages and positive grievances entailed by the territorial form of government, that, in the acquisition of new territory, by the United States, the consideration of Congress must inevitably be given to the remodeling and improvement of the whole system. The noble principles enunciated in the Kansas-Nebraska act is a step in the advance, and may be regarded as an evidence of the encouragement that is in the future in this respect. The Indian difficulties upon our frontiers have, and will, for a time, deter an increase of our population by the ordinary means of overland immigration, which has been the usual source of important yearly accessions, chiefly to the agricultural class of our inhabitants. Hundreds of industrious and enterprising people would have started from the States, in the ensuing spring, by the overland route, to make their homes in Oregon, but for the unprotected condition of the route. Military posts at Fort Boise and Fort Hall are unprofitably required to insure safe and unobstructed travel in the Indian country, and as links to connect the chain of such establishments on either side of the mountains.

An independent sovereignty will be certain to induce, by the only other means of access, a character of population differing in interest, but quite as requisite to the permanent prosperity of the country. Capital, with her keen vision, would seek investments here. Our natural resources, as yet comparatively untouched, would be put in process of development. In the train of capital will follow labor. There is no section of the whole Union where the attainment of wealth is easier, or more certain, or the means of its accumulation more various, than in Oregon. Our wants are manifold. In the Halls of our National Legislature a State demands and receives, while a Territory beseeches, and is disappointed.

A State organization, based upon the principles of economy—guarding against extravagant expenses, high salaries, and excessive legislation—I am confident would be satisfactory, successful and prosperous. It is not for me to advise as to the manner in which you shall submit this subject to the people, and yet I would suggest the mode that will secure the speediest determination as the best.

The election for President of the United States has just transpired, with more excitement than is usually incident to this quadrennial occurrence. For the first time in the history of the nation the candidate of a purely sectional party, powerful in numbers, has been sought to be elevated to power. The consequence of this was to have been foreseen. The whole nation was convulsed, and the Union threatened with dismemberment in the event of the success of that party. But, fortunately for the country, the candidate of the Democratic party has been elected. This party, the party of progress, from the triumph of its principles in the successful achievement and application of its measures for the public good, has become pre-eminently the party of the Union and the Constitution—the preserver of the Republic.

In conclusion, I assure you that it will afford me pleasure to co-operate with you, as may be desirable, in the advancement of the public good. May "He who ruleth all things well" have you in his holy keeping, bless your deliberations with harmony, and make them promotive of the interests and welfare of the Territory.

GEO. L. CURRY,  
Territory of Oregon, Executive Office,  
Salem, Dec. 10th, 1856.

## OREGON LEGISLATURE.

FRIDAY, December 12, 1856.

COUNCIL.—Bill to incorporate the "Des Chutes Bridge Company" finally passed. Bill to change the name of Clara Hay ordered to a third reading to-morrow.

On leave, Mr. Smith introduced a bill to incorporate the "Eugene City Lodge." Passed to be engrossed.

Mr. Smith gave notice of a bill to amend the estray law. Adjourned.

ATTEST.—Council met and adjourned to to-morrow morning.

FRIDAY, December 12, 1856.

HOUSE.—The committee on the Military, to which was referred the petition of the church of Dunkards, of Linn county, reported a bill amending the militia law so as to allow the members of that church to labor on the roads instead of doing military service.

The committee on corporations reported the bill for incorporating the Willamette Free Ferry Company, amended so as to allow the bill to be read a second time.

Mr. Smith, of Linn, offered a resolution that when the House adjourns—Council concurring—on Friday, Dec. 19th, it adjourn to the 5th day of January—adopted.

Mr. Conser offered a resolution approving the memorial, numerously signed by citizens of Willamette valley, praying for an appropriation by Congress to construct a road from the Grand Ronde to Tillamook Bay.

Bill to incorporate Masonic Lodge at Albany, and bill to extend the limits of county seat of Polk county, read a third time and passed.

Bill for taking the sense of the people on the formation of a State government referred to committee of the whole.

House resolved itself into committee of the whole, and took up the State government bill. Mr. Smith, of Linn, said he had lent his influence for three years in favor of the formation of a State government. It had three times been voted down by the people of Oregon. Various reasons have been assigned for this opposition. In consequence of this opposition the measure was lost. Now he had thought that he would never again originate a measure to submit this matter to the people. He had become tired of this opposition—had always been satisfied of the expediency of forming a State government, and still think so. We needed a State organization, it would increase immigration. We wanted immigration. We want our war debt paid. We wanted more population to develop our resources. We have sources of wealth all around us. There is wealth in the bowels of the earth—wealth in the soil of our broad valleys, and in our forests. We want more influence at Washington. We want such influence as California has. But having voted twice in the Legislature, and three times at the ballot-box, had concluded not to appear to be trying to thrust it on the people. Had told the friends of the measure that they ought not to submit it again unless they were unanimous in opinion on the subject. Was rejoiced to see the position the gentleman from Washington and Multnomah has taken.—Would strike hands with him on this subject. The gentleman had said that he wanted to see freedom once more, and not a vassal. This is what he, himself, had said two years ago. United with the gentleman in the desire to let the subject be divested of all party feeling or prejudice. There is one issue that will come before the people with this measure which is of much interest—the question of Slavery. He was glad to hear the gentleman say that he was willing that the people should settle this question. This was the Democratic doctrine, and he was glad to get this endorsement of it by the gentleman. As to this question, he had his opinion on the matter. He believed that slavery would never be introduced into the Territory—believed that five-sixths of the voters would vote against it. It was not adapted to the country. Even those who were brought up under that institution would by a large majority vote against the introduction. This was the great issue—the only issue in the late Presidential canvass, and the Democratic party met it, and the result shows that the people of the U. S. sustain the principles of the party; that it is right and just that the citizens of every State and Territory should settle such questions in their own way. It is constantly charged that the Democratic party is a pro-slavery party, and it is thrown in the faces of its members that they wish to spread this insti-

tion and extend it. He has been accused of being a slavery propagandist. These charges are not true. The Democratic party only ask that the people who form their own government should be allowed to settle this subject. But there is a faction here which desires to open this question to divide and distract the Democratic party and make capital out of it. They are willing to stir up strife and contention among our citizens to gain this end. Now, if there is any one thing that shall cause this to become a slave State, it will be the efforts of this class of persons. I am not a pro-slavery man. If I lived where it existed, I might own slaves, but I do not propose to introduce it into Oregon. If I should ever favor its introduction, it would be owing to the course of these fanatics. These abolitionists say to Southern men "You do want slavery here, and you will try to establish it, but you shall not have it; we will get let you." They reply, "we have not wanted it, but we can have it and we will have it," and they show them that they can have it. It has been thrown in my face—I have heard it from the pulpit, that we wished to form the State government for the purpose of getting place. I hope all such accusations will cease, and that we shall go into the election with unanimity, and with the single purpose of the public good.

After consideration the committee rose and reported to the House. Report adopted. Bill to change judicial districts was laid on the table. Adjourned.

AFTERNOON.—The committee on corporations reported on the bill to incorporate the Willamette Woolen Manufacturing Co. Mr. Lovejoy moved a suspension of the rules that the bill for a State government might be put upon its final passage. A call of the House was ordered. Messrs. Dryer, Smith, of Linn, and Avery favored its passage. Passed unanimously—ages 29.

A message was received from the Governor. Read by the clerk, and ordered to be printed. Adjourned.

DECEMBER 13, 1856.

COUNCIL.—Bills passed incorporating Masonic lodges at Albany and Corvallis; also to change the name of Clara Hay; little business was transacted to-day of public importance, and none at all in the afternoon.

HOUSE.—Mr. Shuck, member from Yamhill, was qualified and took his seat. Mr. Rogers presented a petition for setting off Cammas Prairie from Coos county and attaching it to Douglas county. Referred to committee on counties.

Mr. Welch presented the petition of E. Williams to amend an act giving relief to J. Elder and others, so as to direct that the claim of Mr. Scott be paid to E. Williams. Referred to committee on claims.

Mr. Avery, from committee on claims reported adversely to the claim of N. H. Lane. Mr. Smith, of Linn, opposed the adoption of the report. Thought the claim should be paid. He consented to amend the act of the seat of government to Corvallis a most unwarrantable thing. He thought it most unavailing to remove it from a place having rooms, to a place not having them. But the Legislature removed the capital. It was necessary to procure rooms. Mr. Lane rented the rooms to the Territory government, and now comes forward for the amount of the rent. The Secretary gave him notice, at first, that he had no instructions to pay it, and he should not assume the responsibility personally. It was necessary that Congress or the Legislature should pay it. Congress had refused to do it. The demand was a legitimate and honest one. He has looked to the general government and it would not pay, and now he must get his pay of the Legislature or lose it. It was by no act of his that the capital was removed. Whether the removal was right or not, it was right that he should have his pay. The gentleman who made out this report is not a friend of the petitioner. I am aware, but justice demands that the debt should be paid. I do not wish to cast any imputations on the gentleman moving in this matter, but cannot see sufficient reasons for their conclusions. The act was done, and I do not wish any man to suffer for it.

Mr. Lovejoy. I am in favor of the report of the committee. Like the gentleman from Linn, I would pay all just debts, but I believe that Congress should pay this demand. As to the act removing the capital, it might have been right, and might not have been right. There are many acts of the Legislature that are not exactly right. There is an analogy between the removal of Corvallis and the removal from Oregon City to Salem. I believe one was as legal and valid as the other. I do not believe in paying laws merely to subvert personal ends. I do not support laws to carry out my own ends. Look at the organic act. I contend that the Legislature has the power and the right to remove the capital whenever and wherever it desires, or the public good requires. The general government may refuse to pay our demands—may hold us in "vassalage," but we have the power to relocate our capital. Is there anything plainer than that the Legislature has the right to change the seat of government? I take it for granted that the organic act is still the law of the land. I take the broad grounds that the capital should be located where the convenience of the greatest number requires.—The center of the densest population of the Territory is south of Oregon City, and I sustain the ground that the seat of government should be removed to the center. I believe the general government should pay this debt. I know the Treasurer receives his instructions from the department. If Whittlesby is to divide up the land, then we are truly dependant.—He is not a vassal. I do not believe it to be the Treasurer's business to decide the law, but I believe it his duty to pay the debt. As to the removal; I voted for it. I have taken the responsibility of it. If my constituents were opposed to it—if they do not sustain my votes—they have sent me here this session. It may not suit all. It may not suit all the gentlemen's convenience. Some contend that the resolutions passed by Congress fixes the location permanently at Salem. If they wanted to remove it now, I contend that they have a right to remove it; as much right as they had to remove it from Oregon City. I believe the capital was at Corvallis when the seat of government was removed there. The votes of the Linn, Eugene and Corvallis, at the election, show that the people did not

capital fixed at Salem. I did not come here to talk on the seat of government, but to represent my constituents. I would pay all these debts—in one case as well as the other. If it is just in one case, it is in the other. The act was passed in conformity to the highest law. It was recognized by Congress, signed by the President, with all the dignities and authorities of law. Why did Congress give us a law allowing us to change the seat of the capital? Why give us such a law? It was a liberal one. When it was passed, Washington and Oregon were one Territory, and it was known that the center of population would change. I ask if the center of population was not at Corvallis? The representation shows it was. I voted for removal, and I believe I voted right. I voted understandingly and not in the dark. The Legislature passed a law to submit it to the people. The people said Corvallis was right. Gentlemen say that it is not democratic to take it from Salem. That it was whig to take it to Corvallis. This is because it does not suit the convenience of the gentlemen. The southern part of the Territory has a right to speak in this matter. They would crack down a fellow-skin man alive—scald him here without hot water. I am the last to repudiate this debt. If the Treasurer would not pay it, I would try Congress. I did not come here to agitate this subject. I do not wish to agitate the people. What I have said I have said in self-defense, and not with a desire to create any excitement, prejudice or animosities on so delicate a topic.

Mr. Dryer supported the report. The question was up last session, and was voted down. From the complexion of that Legislature should think it would settle the matter to the satisfaction of the gentleman from Linn. If we pay this claim we shall have claims to a large amount presented.—The gentleman says the acts of Congress prove the act lawful and valid. I tell the gentlemen that Congress did not do it. Congress merely recognized it. The act changing the capital from Oregon City to Salem was not in accordance with the organic act. That act says that only one object shall be embodied in the same bill, and that shall be expressed in the title. This bill embodies many objects. It has clauses locating the Penitentiary and University.—Every man who wished the capital moved south was accused of opposition to this place. I am not so partial to this place as to oppose the removal if the public good demands it. I shall vote for the report. The fact that the gentleman from Linn has the bill does not make it right. Mr. Smith, of Linn, said that the subject was distasteful to him. The facts are all before the people. It might be more proper to discuss the matter at another stage of the bill. He would leave the discussion of it to those who had more taste for it. It was strange that gentlemen who voted for the removal would not stand by the consequences of the act. The gentleman has still pursued this course to verify my predictions in the matter. This is not so. I do it because I think the demand is legitimate, and he should not lose it. Mr. Smith moved the report be laid on the table. Motion adopted.

The joint committee to memorialize Congress on the late judiciary acts, presented a memorial. Read and adopted.

Bill to incorporate the Willamette Woolen Manufacturing Company was referred to committee on counties.

Bill to define the boundary of Multnomah and Wasco counties was referred to the committee on counties.

Bill to amend the militia law so as to exempt persons conscientiously opposed to war from military service, and allowing them to labor on roads instead, was referred to the judiciary committee.

Bill to relocate the Territorial road from Albany to Drift creek, was recommitted.—Adjourned.

AFTERNOON.—On motion, the bill changing the judicial districts, was made the special order for Tuesday next.

On motion, the bills to incorporate the Masonic Lodge at Eugene City, and to amend the militia act exempting certain citizens from service.

Bill to incorporate the DesChutes Bridge Company, was read first time.

The select committee to whom was referred the bill relating to the employment of the convicts on the public road, submitted the bill with amendments.

Mr. Smith, of Linn, had no objection to the working of the convicts on the roads, but the services of these unfortunate persons belong to the people of the whole Territory, and they should be employed in a certain locality without the prospect of some remuneration, he did not see. The convicts have forfeited their liberty and service to the people of the Territory at large.—They are at the expense of keeping them, and why should the citizens of one quarter be benefitted by their services without compensating other portions? Ohio has built a commodious penitentiary, and the State avails itself of the benefit of their services; but it appears unprecedented to farm out our convicts, or for the Legislature to pass an act for them to labor out of the penitentiary without remuneration. If one hundred convicts labor on the highway, some locality receives a pecuniary benefit, and should pay for it. It was in no factious spirit that he made these remarks, but he wished to get some explanation on the matter.

Mr. Dryer said the bill directed that they should labor near Portland because the Penitentiary was there. If there was anything injurious to the people of the Territory in it, he would not urge the measure. The convicts were shut up in small cells now, and they needed exercise and air. If put in the penitentiary they escape—even cripples get away. In relation to roads, he would state two facts: one is, that there is more travel over their roads than any other roads in the Territory; another is, that they are in a bad condition. Good roads are a public benefit, and he could see no injustice in working the convicts there, as they could not be taken to a distance from the penitentiary.

On motion, the bill was laid on the table. Bill to relocate the road from the town of Dallas to John Day's river, passed to second reading.

Bill declaring Santiam river navigable, introduced by Mr. Conser.

Mr. Smith, of Linn, said he thought this matter was of little importance. Could endorse much that had been said by the gentleman who had spoken on the subject. Could endorse much that had been said by the gentleman from Washington and Multnomah. All that had been said concerning the importance of common schools met his approbation; but he could not see that the interests of the people would be promoted by diverting this fund as proposed. The same subject had been introduced two years ago and voted down. Voted down, not because of opposition from any source, but because the business was pending. Years ago the Legislature had located a University; but where is it now? We are no nearer having one now than we were before. Found an Industrial College, and you will have half a dozen towns striving to secure its location, thus stirring up strife, jealousies and rivalry. He was opposed to diverting this fund as proposed, which would give rise to strife and animosity, and end in no useful results.

requesting the Librarian to sit up and furnish a room for the library, in conformity to the recommendation of his report. Adjourned.

COUNCIL.—Nothing of public interest transpired in the Council to-day.

HOUSE.—Bill to relocate the Territorial road from Albany to Drift creek, read first time.

Mr. Lovejoy offered a resolution requesting our delegate to use his influence with the authorities at Washington to instruct the Treasurer of the Territory to answer all demands incurred by the removal of the capital from Salem to Corvallis—adopted.

Mr. Collard offered a resolution to memorialize Congress—Council concurring—to divert the University fund to the support of common schools. Mr. Shuck moved to lay on the table. Lost, ages 13, yeas 14.

Mr. Allen said he should vote against the resolution. A bill was before the House, directing the sale of the University lands, and to establish an Industrial Institute, and he would wait and see what would be done.

Mr. Lovejoy.—I am not anxious to pass this resolution, although I am in favor of such application of that fund. I am not opposed to the establishment of a University, although I do not think it is calculated to benefit the people at large, as is the system of common schools. Common schools benefit the poor people. This is what we want to put means of instruction in the reach of all the children of the Territory. There are plenty of Universities in the Eastern States. We can send our youth there and get an education cheaper than they could possibly be educated here if we had an institution. A sum of \$100,000 would not establish and properly endow an institution of the kind. Where are the funds to come from? I am strongly in favor of common schools. They are the fountains of knowledge for the children of all classes. It is from them that the people get the enlightenment which lies at the very foundation of our government.

The source of our nation's greatness. If a University was founded, who would be benefited? Not the whole people, but a few who possessed the means for a liberal education. Thus there will be two classes growing up among us. Now, I hold it to be poor policy to make distinctions in society, among the rising generation. In some places in the Territory schools are only kept open six weeks in the year. They should be kept all the year. Intelligence is what the common people want. With these views I am in favor of devoting all the revenue possible to the purposes of common schools. Oregon now has higher institutions—academies and seminaries—beyond the times, if I am informed on the subject. If the funds are put into a University the common people will not be benefitted by it; but devote it to common schools and the means for the acquisition of knowledge will be multiplied. The gentleman has still pursued this course to verify my predictions in the matter. This is not so. I do it because I think the demand is legitimate, and he should not lose it. Mr. Smith moved the report be laid on the table. Motion adopted.

Mr. Smith, of Linn, said that the subject was distasteful to him. The facts are all before the people. It might be more proper to discuss the matter at another stage of the bill. He would leave the discussion of it to those who had more taste for it. It was strange that gentlemen who voted for the removal would not stand by the consequences of the act. The gentleman has still pursued this course to verify my predictions in the matter. This is not so. I do it because I think the demand is legitimate, and he should not lose it. Mr. Smith moved the report be laid on the table. Motion adopted.

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Bill to incorporate the DesChutes Bridge Company, was read first time.

The select committee to whom was referred the bill relating to the employment of the convicts on the public road, submitted the bill with amendments.

Mr. Smith, of Linn, had no objection to the working of the convicts on the roads, but the services of these unfortunate persons belong to the people of the whole Territory, and they should be employed in a certain locality without the prospect of some remuneration, he did not see. The convicts have forfeited their liberty and service to the people of the Territory at large.—They are at the expense of keeping them, and why should the citizens of one quarter be benefitted by their services without compensating other portions? Ohio has built a commodious penitentiary, and the State avails itself of the benefit of their services; but it appears unprecedented to farm out our convicts, or for the Legislature to pass an act for them to labor out of the penitentiary without remuneration. If one hundred convicts labor on the highway, some locality receives a pecuniary benefit, and should pay for it. It was in no factious spirit that he made these remarks, but he wished to get some explanation on the matter.

Mr. Dryer said the bill directed that they should labor near Portland because the Penitentiary was there. If there was anything injurious to the people of the Territory in it, he would not urge the measure. The convicts were shut up in small cells now, and they needed exercise and air. If put in the penitentiary they escape—even cripples get away. In relation to roads, he would state two facts: one is, that there is more travel over their roads than any other roads in the Territory; another is, that they are in a bad condition. Good roads are a public benefit, and he could see no injustice in working the convicts there, as they could not be taken to a distance from the penitentiary.

Pass the resolution and what will it amount to? The memorial could not reach Congress in time for action this session. Our delegate has a memorial now in his possession, and Congress knows our wishes in the matter. We should memorialize Congress only on important matters if we wish notice to be taken of them. Some twenty are sent every year, and not ten are ever considered. The fewer we send, the more likely we shall be to have the important ones attended to. This is one reason why I think it will amount to nothing. Another reason why I would not memorialize Congress is, that we shall soon become a State, probably, and then we shall have more men in Congress to attend to our wishes. Where is the University fund? In claims at Oregon City. Oregon has not secured a title of what she will secure, or ought to secure, for purposes of education. The last Legislature tied up the funds. They located the institution at Jacksonville, and tied up the fund so that it could not be squandered. He believed six-sixths of the people wished the fund diverted to common schools. The settlements are sparse now in the Territory. Out of this locality a school of twenty scholars is considered a large school, and it is very expensive educating our children. It had been well said that common schools were the hope and bulwark of our Government.—Support these and the higher institutions will follow. As far as the higher schools are concerned, in academies and seminaries Oregon was far ahead of the other Territories and younger States. Had no hesitation in saying that the higher seminaries were up to and beyond the common schools in Oregon. He would not oppose the resolution if he thought the memorial would do any good. It was now before Congress. A law taking the sense of the people on the formation of a State Government was now before them. Was in favor of diverting the funds as proposed, but thought it would not promote the success of the measure by applying again to Congress.

Mr. Welch thought that the gentleman was mistaken in respect to the memorial of last session. That memorial was not satisfactory. It did not go far enough. Believed four-fifths of the people were in favor of this diversion of the fund, and desired it. Wished the resolution to be referred to a committee, and the matter considered. Resolution lost, ages 12, yeas 15.

Bill to incorporate the "DesChutes Bridge Company," was referred to committee of the whole.

Bill to incorporate "Willamette Free Ferry Company" came up.

Mr. Dryer opposed the bill on the ground that it was not to be a free ferry, as the title of the bill declared. That it would do injustice to persons having privileges by law of the legislature, and that it would injure property holders and would not pay the owners.

Mr. Lovejoy said that the bill was a free ferry, as it would save them a quarter once in a while, but as near as he could learn, the establishment of a free ferry would injure the one now in operation, which was a responsible and accommodating concern. If this should be the result, he did not think it would be for the interest of his constituents. Therefore he should oppose the bill. Adjourned.

AFTERNOON.—House resumed the consideration of the Willamette Free Ferry bill. After some discussion, the bill was indefinitely postponed.

Mr. Dryer, on leave, introduced a bill to amend the Ferry law so as to empower the county commissioners to fix the toll in their respective counties.

Report of the Penitentiary commissioners was presented. Two hundred copies ordered to be printed.

Bill to tax foreign miners was read first time.

House went into committee of the whole.—Smith, of Linn, in the chair. Took up bill to incorporate the DesChutes Bridge Company. After some debate on the several amendments, committee rose. Adjourned.

DECEMBER 16, 1856.

COUNCIL.—Mr. Smith presented the petition of B. Powers and others for a change of the road from Oregon City to Pleasant Hill, in Linn county. Referred to committee on roads and highways.

Mr. Peebles, on leave, introduced a bill to prevent Negroes and Mulattoes moving to, or residing in Oregon. Passed to second reading.

Adjourned to ten o'clock to-morrow.