THE OREGON SENTINEL

84 PER ANNUM, IN ADVANCE.

JACKSONVILLE, SATURDAY, DECEMBER 2, 1865.

requires, if not a "multitude of counsel-

and declare with still greater pleasure, the

opinion that no council of government ever

existed in a revolutionary period in any na-

tion which was either more harmonious, or

more loyal to each other, to their chief and

to their country. [Applause.] Had this

council been at any time less harmonious or

less loval, I should then have feared the

downfall of the Republic. Happily, I need

not enter the field to assign honors to our

VOL. X .- NO. 7

Odd Fellows' Hall. in good standing are invited of GEORGE P. FUNK, N. G.

Hennax Helas, R. Sec'y. Trustees, J. M. Sutton., Wm. Ray and g J. Dav.

Warren Lodes No. 10 A. F. & A. M. HOLD their regular communi cations the Wednesday Evenings on or preceding the full moon, in Jack-JOHN E. ROSS, W. M.

C. W. SAVAGE, Sec'y. ORANGE JACOBS.

ATTORNEY AND COUNSELOR SOLICITOR IN CHANCERY JACKSONVILLE, OREGON,

Office opposite the Court House. All business committed to my care will be promptly attended to. July 29, '62,

B. F. DOWELL, AT LAW. JACKSONVILLE, ORKGON

Will practice in all the Courts of the Third Judicial District, the Supreme Court of Oregan, and in Yreka, Cal. War Scrip promptly collected.

T. T. CABANISS, M. D.

Medicine and Surgery

JOSEPHINE & ADJOINING COS. Jacksonville, June 10th.

TAKE NOTICE:

THE STEAMSHIP DEL NORTE cent City on the

5th & 20th OF EACH MONTH. Fie freight or passage imquire of Jesse Heliaday, Agent, corner of Front and Jack

DUGAN & WALL. Agents. Crescent City May 23d, 765. join

J. S. HOWARD, SURVEYOR & CIVIL ENGINEER, JACKSONVILLE OREGON,

Residence near the South end of Oregon January, 2, 1864

Office at his residence on Oregon street DR. L. S. THOMPSON

PHYSICIAN AND SURGEON, JACKSONVILLE, OREGON, Can be found either at the City Drug Store.

or his residence, one door below the Ex-press Office, prepared to give prompt atention to those requiring his services.

Jacksonville, Sept. 31st. dec dec23tf

PETER BRITT. PHOTOGRAPHIC ARTIST O PREPARED

TO TAKE PROTURES IN EVERY STYLE

OF THE ART.

WITH ALL THE LATE IMPROVEMENTS, and good will to mankind. I hope I have

If Pictures do not give entistaction, no charges will be made. Call at his new Gal ery, on the hill, examine his pictures, and -- the heads of the Executive Departments.

DR. A. B. OVERBECK.

Dr. Overbeck would annuance to the citizens of Jackson county and vacinity, that behas returned to Jacksonville and resumed the practice of medicine. He will always found at his old stand, the Overleet lispital, unless absent profession a business. He would respectfully solicit a renewal of former patronage.

JAG. D. MIX S. B. FARGO. MIX & FARGO, ATTORNEYS AND COUNSELLORS WALLA WALLA, WASHINGTON TERRITORY,

OFFICE over Bank Exchange, Main Street, will practice in all the Courts preme Court. Collections promptly atterded to. All business entrusted to our care will receive prompt attention. julif.

S. B. FARGO, NOTARY PUBLIC, WALLA WALLA, W. T.,

Will take neknewledgments of deeds-Pro lest Notes and deeds made out at short he lice and acknowledged. jue3if

Dissolution Notice.

PHE undersigned has this day with drawn from the firm of Thompson & Davis, and will continue the practice Medicine. Surgery and Obstetries, in Jacksonville and vicinity, and solicits a stare of the patronage. Office at his resi-Jacksonville and V.
share of the patronage. Office assigned of the patronage. Office assigned deace at the old Murry Hosmstead.
T. L. DAVIS.
decl

REGULAR DISPATCH LINE SAN FRANCISCO and UMPQUA.

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(TO TO THE CITY BOOK STORE and see how very cheap they sell books.

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**E-Legal Tembers received at current rates.

SEWARD'S SPEECH.

HE VINDICATES THE POLICY OF THE . ADMINISTRATION.

CONTINUED PROP LAST WEEK ! That noble act did not allow, but, on

the other hand, it forbade collusion by the friends of the Union with opponents of the policies of the war and of reconciliation which the Government has found it neceseary to pursue. Daty requires absolute and uncompromising fidelity to the supporters of those policies, whosoever, and of whatsoever party, they may be, [Applause.] Andrew Johnson has practiced that fidelity against the violence of ene-

mies, to the succifice of his fortune, the hazard of his liberty, and even the peril of his life. [Enthusiastic cheering.] The same fidelity is still identified with the success of those policies, and, of course, is necessary to the achievement of their magnificent ends. [Loud applause] Why should be now abandon those policies, and desert time-honored and favored supporters, merely because the dawning success of our efforts has compelled former opponents to approve and accept them ? [Renewed appliance.] Patriotism and loyalty equally however require that fidelity in this case shall be mutual. Be ye faithful, therefore, on your part, and although the security I offer is unnecessary and superfluous, yet I will guarantee fidelity on his part. | Applause.] Those who hitherto opposed the President, but now profess to support him either are sincere or insincere. Time must prove which is the fact. If they are sin cere, who that has a loyal heart must not delayed conversion? If they are insincere are we either less sugacious, or have we less ability now than heretofore to counternet treachery to the national cause? Perhaps you fear the integrity of the man'

I confess, with a full sense of my accounta-

bility, that among all the public men

whom I have met or with whom I have

been associated or concerned, in this or any

other country, no one has seemed to me

selfish ambition than Andrew Johnson;

moved in public action by love of country

said enough of the President. Shall I now

speak of his associates in Administration-

as they are called. I do it cheerfully, be-

cause now, for the first time, I am free to

them. Heretofore I could not do so with-

debate : moreover, I could not do so with-

out seeming to desire for myself some ex-

emption from censure, some exercise of

elemency, which self-respect forbade me

personally to invoke. For the time I said

of myself: HMy name is hot; By treasur's tooth herogeneen and canker-bif, Yet I am noble as the adversory

I come to espe." The present and the last Administration either completely done or its end is near at without lojury to the national safety and lieve that the fiscal system under which the nation has been conducted through jected and efficiently organized by Chase. existing circumstances, could have been successful. [Applause.] There has been relaxation in pursuing it, by either his immediate successor. Fessenden, or by Mc-Culloch, the present incumbent. | Renew ed applause.] Intricate financial questions must continue to present themselves from outgoing tide of debt and began to exper, rience the incoming flow of surplus revenue. For myself, I can safely leave them to the nevertheless temperate, thoughtful and wise care of the Secretary of the Treasury. in the confact of administration. [Applause.] We have had two Secretaries of War, Cameron and Stanton. The witness that he was in all things honest, have always agreed from the first in deciding also spoken of by the opposition. Ex-Gov.

1.0.0. F. -Jacksonville Lodge
No. 10, holds its regular meetings on every
Saturday evening at the
Cold Following 11.0.0. Service Eveny Saturday Monning.

THE OREGON SENTINEL. began smid the hours of deep and overwhelming solicitude which filled what may one counselor. Our republican system and justly be called an interreguum which occurred between the election of Abraham ors," at least an aggregation and diverse-Lincoln to the Presidency, in November | ness of counselors. But this I do maintain 1860, and inauguration, amid the dangers and confidently proclaim, that every imporof revolution, siege and assassination in tant decision of the Administrations has March, 1861, and while Edwin M. Stanton been wise. I maintain with equal firmness, was an acting member of the waning Administration of James Buchanau. From that time, through all the period which clapsed until April, 1865, when the seige of the Capital was raised, and the fearful tragedy of the country was closed with the assassination of the Chief Magistrate who had saved it, I hourly saw and closely observed, by night and by day, the Secretary of War. I saw him organize and conduct military and naval chiefs. Their achievea war of pure repression, greater than any ments, while they have excited the admirawar which munkind had before experienced. In all that time I saw no great or serious error committed. I saw, as you have all seen, the greatest military results achieved -results which the whole world regarded as impossible. There is not one of those results that is not more or less directly due to the fertile invention, sagacious preparation and indomitable perseverance and energy of the Secretary of War. | Applace.] I have never known him to exto our country which was not divine. tionary States out from anarchy into a condition of internal peace and co operation with the Government may be safely trusted to him. I am equally satisfied with the naval administration of Wells; and yet I am bound to acknowledge that durng the whole period of his service the mavy has practically enjoyed the Administration of two sagacious and effective chiefe The Secretary of the Navy will himself, I am sure, approve and thank me for this tribute to his assistant, Captain Pox. The divide between them. I apprehend neither now nor in any near future, any danger of martime collision or conflict, but I think the maintainance of naval prepara rejoice in their late though not too long tion equally advantageous both at home and abroad, with regard to questions which without that precaution, might possibly arise . I am content to leave the respon sibility of this case with Wells: Applane.] We have had three Secretaries of the Interior, or home Departmentmults of war and the terror inspired by foreign conspiracies, the operations of the more wholly free from personal caprice and none to be more purely and exclusively five thousand years hence, men will inquire speak of them as I truly regard and esteem out inviting what might prove injurious ter Generals. No more prudent or efficient one than Montgomery Blair has ever presided in that department. (Applause.] In his successor Dennison, we find a practiced statesman, who, under the improved [Applause,] That time has passed away- giving us special and peculiar cause for sat- restoration of peace, barmony and union of the First Judicial District, also the Su are inseparably allied. Their work is now transportation of mails throughout the late frain from what would be a pleasant task hand. The heads of Departments in these an eminent part in the reconciliation of the the country, the normal increase of popula and Fisher. allied Administrations are now separable American people. Watchful of the inter tion by birth and immigration, and its diffumerit, and each must be content to hear and direct postal line with Brazil, and thus border of Mexico, to the Pacific Ocean. 1 ters for truth and veracity was bad, and valued introduced us to more intimate intercourse. welfare. Each is entitled to his proper merce, he has brought into action a new three Secretaries of the Treasury. I believe that the fiscal system under which year hence, we shall see him extending fore Cone. Extend channels of internal time the herses in dispute were purchased greater difficulties than any other country tion to the islands of the Pacific and the rai, foreign and national resources requires, are and sale by the Sheriff. ever encountered was not only wisely pro- great Continents that he beyond it. Re- improve your harbors, consolidate the Union but was the only one which, under the then understand Speed, the Attorney General, ally centralizing the Government, and given to the Jury, and the Court disallowed be more admired for varied and accurate since no departure from that plan, nor any learning or for what seems to be an intuitive faculty of moral philosophy. Only the delicate nervous system, which we all enjoy, but so seldom appreciate, seems to me to furnish a parallel for his quick sen-

These are they who were or are the coun-

tion and won the affectionate gratitude of all our countrymen, have already become a grand theme of universal history. I omit to speak of foreign nations and of the proceedings of the Government in regard to them for two reasons; first, because the discussion of such questions is for a season necessarily conducted without immediate publicity; the other is a reason I need not assign. Nevertheless, I may say in general terms this; We have claims upon foreign nations for injuries to the United States and press or even belray a thought in regard her citizens, and other nations have present ed claims against this Government for al-What remains to be done, by exhibiting leged injuries to them or their subjects military force, in bringing the insurree- Although these claims are chiefly of a personal or pecuniary nature, yet the discussion of them involves principles essential to the independence of States and harmony among the nations. I believe that the President will conduct this part of our affairs in such manner as to yield and recover indomniies justly due, without any compromise of the antiqual dignity and honor. With whatever jealogsy we may adhere to our inherited principle of avoiding entangling alliances with foreign nations, the United States must confinue to exergise, as always before our civil war they did exercise, a just and Department has achieved glory enough to beneficent influence in the international conduct of foreign States, particularly those which are near to us on this continent, and which are especially endeared to us by their adoption of republican institutions. [Applaned.] The just influence of ours quaired, as ought to have been appreended by the American people when they the return of peace it is coming back to us again, in greater strength than ever. I am sure that this important interest has not been lost sight of by the President of the Smith, Usher and Harlan. Amid the tu- United States for a single moment, and I expect that we shall see republican institutions, wherever they have been heretofore Home Department have been carried on established throughout the American conwithout arcesting attention or even ob- finent, speedity vindicated, renewed and in taining observation. It might be sufficient vigorated. [Applause.] When I shall see praise to say of its chiefs that now, when this problem successfully worked out on the American continent, I shall then look for served operations are found to have been the signs of its successful working throughfaultless. But this is not all. A thousand or out the other continents. [Applause.] It tus Rekof, one sorrel and one roan to P. J. Abraham Lincoln and Andrew Johnson may when and by whom was projected and in- he assumed as an epoch at which humanity stituted the steam overland connection will resume with new spirit and courage the which, during all the intervening period, career which, however slow, is nevertheless the distant coasts of the Pacific to the of every form of human slavery, and the shores of the Atlantic ocean. The answer political equality of all men. [Enthusiaswill be, it was projected and instituted by the and prolonged applause.] And now, my the Secretaries of the interior during the dear friends and neighbors, after this pleas-Administration of Abraham Lincoln ant interview we part once mere-you to [Applause.] We have had two Postmas- | continue, I hope with unabated success and pleasure, your accustenced domestic and social pursuits; I to return to the Capital, there to watch and wait and work on a little longer. But we shall meet again. We came together to-day to celebrate the end of civil war. We will come together again circumstances of our national condition, is under next October's son to rejoice in the isfaction. He is promptly restoring the throughout the land. Until that time I retheater of war, and in that way performing the forecasting of the material progress of ests of external as well as of internal com- sion over the now obliterated line of Mason and Dixon, to the Gulf of Mexico, and over commercial, political and friendly connect commerce as the development of agricultu- by the plaintiff, and at the time of the seiznewed applause. I wish you all could now while you can, without unconstitutions ries of written instructions which he desired as I do. I do not know whether he is to henceforth you will enjoy, as a tribute of a portion and gave the following : respect and confidence, that accurity at | So far as the partnership is concerned the bome and that consideration abroad which burden of proof is upon the defendant. the maritime Powers of the world have of [Applause.] May our Heavenly Father dish Page. bless you and your families and friends and sibilities in the discovery and appreciation have you all in His holy keeping until the time to time, until we shall have turned the of truth. [Applause.] Firmer than most rolling months shall bring around that hapmen in his convictions, and braves in his py meeting in 1866; and so, for the preshopes of the progress of humanity, he is ent, farewell. [Loud applause.] THERE are about one hundred and fifty

aspirants for the Governorship of the "State selors and agents of the President of the of Colorado." Captain Edwin Scudder is period of the first was short, that of the United States during the eventful period out in an announcement on the " Sand last has been long. Of Cameron I bear through which we have passed. That they Creek " platform. Gen John P. Slough is carnest, zealous and patriotic. Of Stanton the momentum questions with which they Gilpin is out on the "Republican Conven-I am to speak in even more exalted praise- were engaged is not asserted. A Cabinet tion " ticket, and Captain William Craig on [Applause.] My acquaintance with him which should agree at once on every such the "Democratic."

Circuit Court.

The Circuit Court of this county discharge ed the Jury on Saturday last and adjourned until the 4th of January, 1866. Refore the adjournment, the case of Jededish Page against Wm. A. Owen, Sheriff of this county, which is of interest to the public, was decided. This case involved the rights of partners and the powers of a Sheriff to seize and sell partnership property for the payment of a separate debt of one of the

The plaintiff, Jededish Page, claimed of the Sheriff \$1,200 damages in the form of transfers, for seizing and selling four horses as the preperty of Simcon Page, a brother of the plaintiff. The first part of the anover admits the taking of the horses, but denies that Jedediah Page was the sole owner thereof, and the second part of the answer nstifies the taking as sheriff.

This part of the answer contains a state ment of the principal facts, and it is in these words :

"And the defendant for further answer says, that on the 25th day of September, 1865. James T. Glenn commenced an action at law before U. S. Hayden, a Justice of the Peace at Jacksonville, Jackson county in the State of Oregon, against Simeon Page; and that afterwards, on the day and year last aforesaid, an attachment was duly issued thereon by the said Justice of the Peace in favor of James T. Gleno, against the property, goods and chattels of the said imeon Page, which attachment, on the ome day it was issued, came, to the bands of the defendant as Sheriff of said county and he, then and there, duly levied the said attachment on the said horses as the proprty of the said Simeon Page.

The defendant avers be was Sheriff of said county from the day and year last aforesaid up to the present time, and that on the 4th day of October, 1865, the raid James T. Glenn in the said action received a judgment against the said Simeon Page for the sum of forty dollars debts, and the costs, disbursements, and accraing costs and disbursements of the action; and that af terwards, on to wit; the 8th day of Octo ber, 1865, an execution thereon was duly issued by the said Justice of the Peace, in favor of the said James T. Glenn against the property, goods and chattels of the said Simeon Page, for the sum of \$40 debts and \$24.25 costs and for accruing costs and disbursements, which execution came to the ands of the defendant as Sheriff of said county on the 5th day of October, 1865. and on the same day the defendant levied the said execution on the said horses; and the defendant after giving notice according to law, on the 21st day of October, 1865. Detween the hours of 9 o'clock A. M. and t o'clock P. M.j. as Sheriff of said county sold, at Jucksonville, in said county, all the right, title, claim and interest of the said Simoen Page to the said horses, to the following persons, to wit; One tay horse to James Flood, one brown or black to Augus-

Page had an interest in all of the said horses and was a partner with the said Jededish Page in the said property at the Ume will be seen to have indissolubly bound constantly directed toward the destruction of the key of the said attachment, and at the time of the levy of said execution, and competent authority, whatever may be the fendant is ready to verify; and he demands issued. Code, s. 991; 19 Burbour's R. 283. judgment against the plaintiff for cost, disbursements, and accruing cost and disbursements of of this action.

FAY & DOWELL, Attorneys for Defendant."

The replication denies the partnership, and denies that Simeon Page had any interest whatever in the horses, and denies the attachment and execution of James T. Glenn against Simeon Page was duly issued.

The plaintiff proved by himself and broth er that he was the sole owner of the horses, and by other witnesses that the plaintiff purchased the horses of Harriett, Colwell

The defendant proved by various witnesses that the plaintiff and his brother, Someon Page, had acted as general partners for five. If you find for the defendant, say so in

The plaintiff's attorney submitted a

The partnership must be proved before late, when their candor was specially need- the acte, declarations, ombotons and comed, only rejuctantly and partially conceded. missions of Simeon Page could bind Jede-The facts and circumstances given in evi-

dence by the defendant do not, in law, es- they have done the balance of the country. tablish a partnership if they are clearly susceptible of a different interpretation .- Story any barbarism over yielded to the march of on Part. s. 30 ; 2 Greenled on Ec s. 482. civilization. Oregonian.

In order to constitute a partnership there must at least be among the persons sought to be charged as partners a communion or enjoyment of profits, if there are any profits. If the Jury are convinced from all the evidence that Simeon Page received from ought not to find a partnership.

ship is not admissible to establish the part nership .- 2 Granlay, a. 483.

The signature of a joint note by two per ons is no evidence of partnership,

. The Jury should disregard all evidence of the notes or other writings whose contents or signatures were detailed by the witnesses, and which were not produced or their absence accounted for.

If the Jury are convinced that Jedediah Page did purchase these horses from War. Harriett, Colwell and Fisher, they are to presume that the ownership thus acquired continued until it is conclusively proved that he sold to some one else.

The Judge then gave to the Jury in substance the following practicable instruc-

Gentlemen of the Jury. If you find from the evidence that the property described in the complaint, or any part of it, was owned solely and individually by the plaintiff at the time of the seigure thereof by the defendant, and that defendant as Sheriff select and detained it from the postession of plaintiff under and by virtue of an attachment and return duly issued against the property of Simeon Page at the suit of James T, Glenn, for the individual debt of Simeon Page, your verdict should be for the plain-

But if you find from the evidence that the property described in the complaint was owned jointly by plaintiff and his brother Simeon Page, as partners, at the time of the seizure thereof by defendant, and that defendant as Sheriff seized and detained it from the possession of plaintiff under and by virtue of an attachment and execution duly and properly issued against the property of Simeon Page at the suit of James T. Glenn, for the individual debt of imeen Page, your verdict should be for the defendant,

Under an attachment or execution against ac partner the Sheriff may seize the entire partnership effects so far as may be necesary to satisfy the suit, and he must sell the partner's share against whom the execution s issued, and deliver the whole property to the vendee, who then becomes a tenant in common with the other partners.

A partnership is a contract of two or more persons to place their money, effects, labor or skill in lawful commerce or business and to divide the profits and bear the loss in certain proportions; and a partnership may be proved by a stranger against the partnership by evidence that they have acted as partners and by other babits and course of dealings, conduct and declaraions, they have induced these with whom thay have dealt to consider them as partners; that evidence that in many instances these two persons have traded jointly is admissible to prove a partnership, and if the instances of joint dealings ontweigh the instances of separate dealings it throws the burden on the plaintiff of proving that there is no partnership.

The attachment and execution of James T. Glenn against Simcon Page, on which defendant seized the property, are regular them, was a Justice of the Peace and had authority to muse them, and a Sheriff is justified in executing process regular on its tace and appearing to have been issued by at the time of the said sale, and this the de- defect in the proceedings in which it was If you find by the evidence that the

horses bought by the plaintiff from Colwell, Harriett and Fisher were the same horses seized by the defendant, and you also find from the evidence that this purchase was made by the plaintiff for himself and his brother Simcon Page as partners and paid for by their joint means, and that they thus jointly owned the horses at the time of the seizure by the defendant, your verdict should be for the defendant.

If you flad for the plaintiff, you will as sees his damages at the value of the property seized at the time of the seizure as shows by the evidence, with the value of the use of the horses detained according to the evidence.

The Jury returned a verdict in favor of the defendant.

Pay Maxong retires from the management of the Ocean Reporter. He publishes his words of parting " in the Issue of Nov. 11th. Pat is going to Boise City to establish a paper there. He calls his latest born the Idaho Argus. Since the Union victory in New Jersey Idaho has become what Mr. Nusby calls the "Saint's Rest." Unsubjugated " Democrats " will all go to that happy Territory. The people are pushing them thither over the verge of civilization from both extremes of the continent. And after a suitable time shall have clapsed, the dread, ful Puritans and hated Abelitionists will go and take possession of that Territory as "Democracy" is giving way as rapidly as

A RICHMOND correspondent of the New York Horald writes that there is a man in Virginia who indulges in the wild speculation of buying negroes emancipated by the caving in of the robel Government, at \$10 per head, in the hope that the United States his brother wages instead of profits, they Government will ultimately pay the full ought not to find a partnership.

Evidence of general reputation or common report of the existence of the partnership.

Evidence of general reputation or common report of the existence of the partnership.

By it is stated, made some purchases.