Oregon Sentinel.

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THE SENTINEL.

PUBLISHED SATURDAY MORNINGS

—BY—

B. F. DOWELL,

Cor. Third and C Streets. Jacksonville, Oregon.

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DOWELL & KELLY,

ATTORNEYS-AT-LAW,

Jacksonville, Oregon.

ADDISON C. GIBBS,

COUNSELOR AT LAW, AND U. S. DIST. ATTORNEY.

PORTLAND OREGON.

Will practice in all Courts of Record in the State, and pay particular attention to business in the United States Courts. [oct26.72ly

C. W. KAHLER. E. B. WATSON.

KAHLER & WATSON,

Attorneys-at-Law,

Jacksonville, Oregon.

OFFICE: Opposite the Court House.

WILL practice in all Courts of this State; obtain Patents for all classes of public landsbegh mineral and agricultural; attend promptly to collections, and attend to all County and Probate business.

Jacksonville, June 17, 1871.

G. H. AIKEN, M. D.,

Physician and Surgeon,

Jacksonville, Oregon.

OFFICE in the old Overbeck Hospital.

DR. L. DANFORTH

HAS LOCATED IN JACKSONVILLE AND offers his professional services to the public. Office in Caton's new building, adjoining Ryan's brick or at residence on Third street, opposite and west of the Methodist Church.

December 28, 1872tf.

J. N. BELL, M. D.,

Jacksonville - - - - - Oregon.

Will practice in the several branches of his profession. OFFICE on corner of block just north of the Court House.

Jacksonville, Feb. 17 1872

DENTISTRY.

DR. W. JACKSON DENTIST,

JACKSONVILLE.

All styles of Plate Work made, such as Gold, Silver, Platina, Aluminum and Rubber. Special attention given to Children's Teeth. Nitrous Oxide (Laughing Gas) used for painless extraction of Teeth. ☞ Will visit Ashland annually on the 1st of March; also, Kerbyville on the fourth Monday in October.

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OFFICE—Corner of California and Fifth Streets. Residence opposite the Court House. nov30 '72y1.

W. G. LANGFORD,

(Formerly of Walla Walla, W. T.)

Attorney-at-Law,

WILL PRACTICE IN ALL OF THE Courts and Departments of the United States, and Courts of the District.

OFFICE—323 Four-and-a-Half Street, Washington, D. C. 11tf.

A. W. GAMBLE, M. D.,

GRADUATE OF THE COLLEGE OF PHYSICIANS and Surgeons, New York, and Member of the Royal College of Surgeons of Canada, begs to inform the inhabitants of Jacksonville and surrounding country that he has settled and expects to remain permanently at Jacksonville.

OFFICE—On Oregon St., one block south of the Franco-American Hotel.

Jacksonville, July 16th, 1873. v18no24.

Teachers' Institute.

The amended school law of Oregon requires that a Teachers' Institute be organized in each Judicial District. It was thought best to not only organize but to perform as much work as possible. I have, therefore, with the aid of other teachers, completed the following programme for our Institute, to be held on August 29th and 30th, 1873, in Jacksonville:

FIRST DAY—FORENOON.

1. Prayer.
2. Music—vocal.
3. "Instruction in Geography," by Miss Ettie Braden.
4. Discussion upon "Instruction in Geography."
5. Essay by Miss Martha Nail.
6. "Object Teaching," by Mrs. O. A. Davis.
7. Recess.
8. Music—instrumental.
9. "Instruction in Grammar," by Prof. Robb.
10. Discussion upon "Instruction in Grammar."
11. Discussion of question, *Resolved*, That it is the right and duty of the State of Oregon to provide for the levying of a State tax sufficient to maintain free schools in every county for nine months in each year." Affirmative, C. B. Watson, T. B. Kent; negative, H. C. Fleming, W. T. Leeke.
12. Music—instrumental.

AFTERNOON.

1. Music—vocal.
2. Essay by Miss Ida Beach.
3. "Instructions in Arithmetic," by J. B. Farley.
4. Discussion upon "Instruction in Arithmetic."
5. "School Discipline," by J. D. Fountain.
6. Discussion upon "School Discipline."
7. Recess.
8. Short lecture, by Wm. Fiddler.
9. Music—vocal.
10. "Instruction in Elocution and Reading," by W. J. Stanley.
11. Discussion upon "Instruction in Elocution and Reading."
12. Music—instrumental.
13. Essay by Miss Alice Wrisley.
14. "Music in our Common Schools," by Prof. Brooks.
15. Address by Prof. Skidmore, at 8 o'clock P. M.

SECOND DAY—FORENOON.

1. Prayer.
2. Music—vocal.
3. "Instruction in Moral Training," by Prof. Skidmore.
4. Essay by Miss Ella Chitwood.
5. "Instruction in Penmanship," by W. T. Leeke.
6. Discussion upon "Instruction in Penmanship."
7. Recess.
8. "Instruction in Algebra," by H. C. Fleming.
9. Discussion upon "Instruction in Algebra.
10. "English Literature, and its Place in Popular Education," by Mrs. O. A. Davis.
11. Music—instrumental.

AFTERNOON.

1. Music—vocal.
2. "Corporal Punishment," by R. Gray.
3. Discussion upon "Corporal Punishment."
4. "Physical Training," by Prof. W. T. Leeke.
5. Discussion upon "Physical Training."
6. Essay by Miss Susan Harrison
7. Music—instrumental.
8. Recess
9. Music—vocal.
10. Essay by Miss Howell.
11. Discussion of question, "*Resolved*, That the State should provide a System of compulsory Education." Affirmative, J. D. Fountain, J. H. Clayton; negative, F. W. Ewing, J. N. Hall.
12. Address by Syl. C. Simpson, Superintendent of Public Instruction, at 8 o'clock P. M.

Not only teachers, but all friends of education are respectfully solicited to meet with us. W. J. STANLEY,

Co. School Sup't.

A GIRL, fashionable in her tastes but poor in her pocket, declares she never realized her necessities till she got a husband.

Extradition.

THE CARL VOGT CASE—OPINION OF ATTORNEY GENERAL WILLIAMS.

The following is the full text of the opinion of Attorney General Williams in the Vogt case:

DEPARTMENT OF JUSTICE.
WASHINGTON, *July* 21, 1873.

Hon. J. C. B. Davis, Acting Secretary of State.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant, in which you submit for my official opinion the following question:

"Carl Vogt, a Prussian, charged with the commission of the crimes of murder, arson, and robbery, committed in Brussels, in the kingdom of Belgium, is found a fugitive in the United States; can the German Government, under the provisions of the treaty for the extradition of criminals, concluded between the United States and Prussia and other States June 16, 1852, rightfully demand the surrender by this Government of the fugitive Vogt, in order that he may be tried and punished in Prussia for the offence which he is charged to have committed in Belgium?"

Those parts of the preamble and treaty, applicable to this question are as follows:

PREAMBLE. "Whereas it is found expedient for the better administration of justice and the better prevention of crime within *the territories and jurisdiction* of the parties, respectively, that persons so committing certain heinous crimes, being fugitives from justice, should under certain circumstances, be reciprocally delivered up, and also to enumerate such crimes explicitly; and whereas the laws and constitution of Prussia and other German States, parties to this convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention *strictly reciprocal*, shall be held equally free from any obligation to surrender citizens of the United States."

ARTICLE 1. "It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in, or which may hereafter accede to this convention, shall, upon mutual requisitions by them or their ministers, officers, or authorities respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, *committed within the jurisdiction of either party*, shall seek an asylum or be found, within the territories of the other."

You state that the surrender of Vogt is claimed by the German Government on the ground that he is a Prussian and a subject of the Emperor of Germany; that by the law of Prussia at the conclusion of the extradition treaty between the United States and Prussia and other German States, 16th of June, 1852, a Prussian subject who committed certain crimes (among those with which Vogt is charged is included) within the territory of another nation, and beyond the territories of Prussia, was nevertheless subject to be tried and punished in Prussia. This is also now the law of the German empire.

The following seems to be the only point in controversy: Whether or not, according to the true intent and meaning of said treaty, the crimes committed by Vogt in the kingdom of Belgium were committed within the jurisdiction of Germany.

To affirm the jurisdiction of Germany, by virtue of its own laws, for the punishment of crimes extends over the territory of Belgium, is necessarily to hold that the same jurisdiction extends to France, Great Britain, and the United States, and indeed to every nation and country of the world. Manifestly, the words "committed within the jurisdiction" imply that the crimes named in the treaty may be committed without the jurisdiction of the parties thereto. But if the crimes committed in Belgium were committed within the jurisdiction of Germany, then it follows—as Belgium is as independent of Germany as any other nation—that it is impossible for crimes to be committed outside of the jurisdiction of the German empire. I think, too, that the treaty clearly contemplates that the fugitive claimed must be a person escaping from the jurisdiction of the party making the claim to the jurisdiction of the other party, recognizing two distinct and independent jurisdictions. But if the claim of Germany is correct in this case, Vogt is as much within her jurisdiction now as he was when the crimes charged to him were committed, for the laws under which she claims have as much force within the United States as they have in Belgium.

The laws of Germany which provide for the punishment there of crimes committed elsewhere by her subjects, imply *ex necessitate*, as a condition for the exercise of that power, that such guilty subjects must come, or be conveyed from a foreign place or jurisdiction where the crimes are committed to some place where they can be taken or received and held by German authorities. Germany has an unquestioned right to punish her subjects if she chooses for crimes committed in Belgium or the United States, but it would not be proper, therefore, to say that Belgium and the United States are within her jurisdiction, but it would be proper to say that she has made provisions to punish her subjects for crimes committed without as well as within her jurisdiction.

I am quite clear that the words committed within her jurisdiction, as used in the treaty, do not refer to the personal liabilities of the criminal, but to locality. The *locus delicti*—the place where the crime is committed—must be within the jurisdiction of the party demanding the fugitive.

Stress is put upon the supposed difference in the meaning of the words "territory" and "jurisdiction," and it is argued that the latter is more comprehensive than the former term. This is not necessarily, but probably so; but it does not follow that Belgium is within the jurisdiction of Germany. All nations have jurisdiction beyond their physical boundaries. Vessels upon the high seas and ships of war everywhere are within the jurisdiction of the nations to which they belong. Limited jurisdiction by one nation upon the territory of another is sometimes ceded by treaty, as appears from the treaties between the United States, Turkey, China, Siam, and other powers. Constructive jurisdiction may possibly exist in special cases arising in barbarous countries or uninhabited places, so that effect can be given to the word "jurisdiction" as meaning more than territory, without holding that Germany has jurisdiction over crimes committed in Paris, London, or Washington. Local claims or definitions cannot be allowed to govern this case. When nations discuss and treat of their respective jurisdictions, they do not refer to those duties and responsibilities which a government imposes upon its own citizens, but they contemplate those portions of the earth and places upon its surface where they have respectively sovereign power, or, in other words, the right of government. To recognize the claim of Germany in this case would establish a precedent that might lead to serious international complications. We have no extradition treaty with Belgium, but we have with Great Britain, like that under consideration. Suppose Vogt had committed the crimes with which he is charged in England instead of Belgium, and the British authorities cotemporaneously with Germany had demanded his extradition on that account, could the United States deny that the crimes were committed "within the jurisdiction" of Great Britain, and not "within the jurisdiction" of Germany? Could not Great Britain justly complain if after the murder of her citizens and the destruction of her property by the fugitive, her claim to him for the purposes of justice should be denied by the United States, and he should be turned over for trial to Germany, where there are no evidences of his guilt, and where his friends and sympathizers, if he has any, may be supposed to be? Law-writers generally define the jurisdiction of a court to be the power to hear and determine a cause, and it is argued that as by the laws of Germany her courts have power to hear and determine the case of Vogt, therefore his crimes were committed within her jurisdiction. One conclusive answer to this view is that the word "jurisdiction" in the treaty is not used with reference to governmental power over the subjects of judicial procedure, but with reference to the territory and places within which that power may be exercised.

Again, the courts of Germany have never had the power to hear and determine the case of Vogt. Jurisdiction over a subject is one thing that is confined by law; jurisdiction over the person is another; that is a fact which has never existed in this case. Whether the courts of Germany will or will not hereafter acquire jurisdiction in Vogt's case depends upon the fact hereafter to arise. Germany and the United States intended that the convention in question should be "strictly reciprocal," but if Germany can rightfully demand the delivery up by the United States of her citizens or subjects for crimes committed in Belgium, the convention is not reciprocal, for the United States cannot demand of Germany the delivery up of their citizens for crimes committed in Belgium. There is not a single crime enumerated in the treaty for the commission of which, outside of this country, the United States can claim one of their citizens from Germany, and there is not only no probability that Congress will ever pass an act to that end, but its constitutional power to do so is doubted. Reference has been made to the act of Congress of August 18, 1856, which declares that perjury committed before a secretary of legislation or consular officer of the United States in a foreign country may be prosecuted in this country as though committed here, and this, it is said, shows that the United States, as well as Germany, claim an extra territorial jurisdiction. There seems to be no point in this reference. According to international law the domicile of an ambassador, minister extraordinary, or consul is a part of the territory he represents for many purposes; but independent of this, the question is not whether a sovereign country may not punish persons coming into its hands for crimes committed in another sovereignty, but the question here is whether a crime committed upon the admitted territory and within the exclusive government of an independent nation is committed within the jurisdiction of another nation. To facilitate the punishment of crime is desirable, but the United States cannot with dignity and safety admit that any foreign power can acquire jurisdiction of any kind within their territory by virtue of its local enactments. Objection is made to this construction of the treaty on the ground that it will make the United States an asylum for European criminals. But the objection is not matter of law, nor is it true as matter of fact; and if it was, the United States, as an act of courtesy, may deliver up a fugitive from justice, or the subject may be regulated by an extradition treaty as comprehensive as the parties thereto see proper to make it; or, if it should appear necessary, Congress might possibly interfere by legislation. To recognize the claim of jurisdiction accompanying the requisition in this case may open the door to confusion and controversy as to claims of jurisdiction in other respects made under their local laws by foreign governments. The plain and practical rule upon the subject seems to be that the jurisdiction of a nation is commensurate with and confined to its actual or constructive territory, changes made by agreement, and to this effect are the authorities. Three of the judges of the Queen's Bench in Tionan's case, (5 Best and Smith, p. 643.) upon application by the United States for Tionan, charged with the crime of piracy, committed upon an American ship on the high seas, and a fugitive from justice in England, made under our extradition treaty of 1842 with Great Britain, held that the words "within the jurisdiction" in said treaty meant within the exclusive jurisdiction of the United States, and did not apply to cases of piracy on the high seas, as the person charged therewith was justiceable in any country in which he was found. Chief Justice Cockburn, in his dissenting opinion, thought the term "jurisdiction" meant the *area, whether by land or water*, over which the law of a country prevails, and said that it is admitted that a ship is a part of the territory of the State, or at all events that this ship, referring to the one on which the piracy was committed, was within the jurisdiction of the United States, so as to come within the statute.

Thomas Allsop, a British subject, was charged as an accessory before the fact to the murder of a Frenchman in Paris in 1858, and escaped to the United States, and as he was punishable therefor by the laws of Great Britain, the question as to whether he could be demanded by Great Britain of the American Government under the extradition treaty of 1842 was submitted to Mr. J. D. Harding, Queen's advocate, the Attorney and Solicitor General, Sir Fitzroy Kelley, since Chief Baron of the Exchequer, and Sir Hugh McCairns, since Lord Chancellor, and they recorded their judgement as follows: "We are of the opinion that Allsop is not a person charged with the crime of murder committed within the jurisdiction of the British crown, within the meaning of the treaty of 1842, and that this extradition cannot properly be demanded of the United States under that treaty." (Forsyth's Cases, p. 368.)

This is a decision exactly in point, and of high authority. Phillimore, in his work on international law, (vol. 1, p. 432,) says: "There are two circumstances to be observed which occur in these and in all cases of extradition:

"First. That the country demanding the criminal must be the country in which the crime is committed.

"Second. That the act done on account of which his extradition is demanded must be considered as a crime to both States."

Wharton, in his work on the conflict of laws, (section 957,) says: "The only admissible restriction of the term 'jurisdiction' is to treat it as convertible with 'country,' and to hold that no requisition lies for an offence not committed within the country of the requiring State. And this view is not without support in those expressions of the treaties which speak of the persons claimed as fugitives, and as 'seeking an asylum' in the State on whom the requisition is made, implying, as it were, a change of country."

David Dudley Field, Esq., in his own lines of an international code, speaking of an article proposed on extradition, says: "The article in its present form defines the right of extradition as it is now recognized extending only to crimes committed within the jurisdiction of the demanding nation. It may be thought desirable to extend the rule to crimes committed beyond its jurisdiction, which it would have power to punish if the offender comes within its jurisdiction."

Attorney General Lee, in construing the 27th article of the treaty of 1794 with Great Britain, says that it was confined expressly to persons who are charged with murder or forgery committed within the jurisdiction of either nation, and who took refuge in the other, meaning then *territorial jurisdiction*.—(Opinions, 83.)

Our extradition treaty of 1843 with France provides for the delivery up of persons charged with certain crimes "committed within the jurisdiction of the requiring party," and Attorney General Cushing held that a requisition by the French Government upon the United States for a fugitive under this treaty must show that the crime was committed by the fugitive while actually in France.—(8 Opinions, 218.)

Courts in this country have held that under section 2, article 4, of the Constitution, providing for the reclamation by one State upon another for fugitives from justice, that the requisition must show that the crime was committed within the territory of the requiring State.—(3 McLean, 133; Sanford, 701.)

I have carefully read the elaborate opinion of Judge Blatchford upholding the jurisdiction in this case, transmitted in your letter, but with diffidence and regret I am compelled to dissent from his views. They do not appear to me to be sound in principle or sustained by authority. Able writers have contended that there was a reciprocal obligation upon nations to surrender fugitives from justice, though now it seems to be agreed that it is altogether a matter of comity. But this is to be presumed where there are treaties upon the subject: That fugitives are to be surrendered only in cases and upon the terms specified in such treaties.

Conformably to what is above stated, I make the negative answer to your question.

I have the honor to be, very respectfully, your obedient servant,

GEORGE H. WILLIAMS,
Attorney General.

THIS is from Arthur Help's new work: "In tropical climates an overladen mule falls down upon the sandy plain never to rise again. Forthwith, in the dim distance, a black speck is seen to arise. It is the vulture, which is coming to a feast. There are the same phenomena to be observed with boys as with vultures. I met with a cab accident the other day. The axle broke, the wheels came in on both sides of the cab, and we were at once a pitiable wreck. Thereupon twenty or thirty boys, appearing to rise out of the ground, surrounded us. It is my firm belief that misfortune breeds boys."

BROWN, it is alleged, has a very bald head, and he used to permit the children to amuse themselves, while he took his afternoon nap, by playing tit-tat-to on his scalp with pieces of charcoal. One day the little ones grew tired of that game, and started to play "mumbly peg" with a jack-knife, and at the first blow drove the blade a half inch into Brown's skull. Nobody ever ascertained who would have won, for the game stopped suddenly, and Brown took a hand at another game in which he chased each child around him with a slipper. He sleeps with his hat on now.

GRACE GREENWOOD relates, as an instance of the extravagance of New England humor, that when a young farmer's wife made her first boy's pants precisely as ample before as behind, the father exclaimed, "My goodness! he won't know whether he is going to school or coming home!"

THE Montgomery (Ala.) *Advertiser* makes itself superfluously ridiculous by remarking that "in less than four years the probabilities are that Ulysses S. Grant will either walk to a scaffold or mount a throne!"

SAID a tipsy husband to his wife, "You need—needn't bl—lame me! 'Twas woman that first tempted man to eat forbidden things." Said his wife, "but he took to drinking of his own accord."

GENERAL BUTLER's opponents fear he will carry certain wards in Boston and get the nomination for Governor.

THERE is a law firm in Boston called Steele and Gamble.

CHEMISTS say no matter is ever lost. Printers deny it.

SUBSCRIBE for the SENTINEL.