

BY AUTHORITY.

AN ACT for the Establishment of a Pilotage on the Bar of the Columbia River, and from thence to the limit of navigation on the Columbia and Willamette Rivers, Oregon Territory.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the Governor, with the advice and consent of four commissioners, to be by him selected and appointed, may examine candidates for the pilotage, and appoint one or more suitable persons to be pilots on the bar of the Columbia river, and to the head of navigation on that and the Willamette rivers, giving each of the said pilots a branch or warrant, for the execution of his office, with authority to appoint deputies in the cases, to be specified in such branch or warrants; provided each pilot shall report his said deputies for the approbation of the Governor.

§ 2. Every such pilot and deputy, shall, before entering upon his office, give bond with sufficient surety, to the Governor of the Territory, in the sum of two thousand dollars, for the faithful performance of the duties of his office.

§ 3. Every such branch pilot, is authorized and directed, by himself or his deputy, to take charge of any vessels bound into the Columbia river, except vessels of less than one hundred tons burthen, engaged in the coasting trade, the said pilot first showing his branch or warrant to the master of any such vessel, if required; the authority to take charge having effect only from outside or on the bar, to Baker's Bay.

§ 4. The pilot or pilots appointed, shall always keep one decked boat in good repair, and one or more suitable row boats, as may be necessary.

§ 5. The Governor, with the advice of the commissioners, is authorized to determine the fees of pilotage of the pilot or pilots by him appointed, and to specify the same in their respective warrants.

§ 6. If any vessel, while under the charge of a branch or warrant pilot, or his deputy, shall be lost or run aground, or sustain any damage, through the negligence, or unskillfulness of such pilot or deputy, such pilot shall be liable, both for himself and his deputy, to pay all damages sustained by any person interested in such vessel or her cargo, and may moreover be removed from his office.

§ 7. Any master of a vessel, other than such as are excepted in the third section of this act, who may choose to pilot his own vessel from outside the Columbia bar to Baker's Bay, across said bar, shall be permitted to do so, but he shall notwithstanding, when bound into the river, pay to such pilot as shall first come on board his vessel, outside of the bar, one half the pilotage, according to the fees specified in his warrant; but in case no pilot shall come on board his vessel outside or on the bar, he shall be exempt from paying any fees for pilotage.

§ 8. It shall be optional with ship masters, to take pilots when outward bound, and no payment shall be demanded, unless a pilot shall have been employed.

§ 9. The Governor and commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by him, as aforesaid, and their deputies, and to suspend, or remove them, and appoint others in their place.

§ 10. Should any ship master omit, or refuse to pay the pilotage fees in any instance where, by this law he has become liable, then his consignees shall become liable for the same.

§ 11. The pilot who shall board and bring a vessel into port, shall have the preference to take said vessel out to sea upon her departure, provided the master of said vessel cannot prove misconduct or incompetency on his part.

§ 12. That all penalties, forfeitures, and complaints incurred under this act, shall be tried and determined in any court of record having cognizance of the same.

§ 13. It shall be the duty of the Secretary to publish a copy of this act in the Oregon Spectator as soon as practicable.

§ 14. This Act to take effect, and be in force from and after its passage.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

Oregon Spectator.

"Westward the Star of Empire takes its way."

Vol. I. Oregon City, (Oregon Ter.) Thursday, January 7, 1847. No. 25.

AN ACT to prevent Desertion, and for the recovery of deserting or absconding Seamen.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That when it shall be made to appear to any Justice of the Peace, by the affidavit of any person, that any person has deserted or absconded from the service of any master or captain of a vessel claiming the services of such deserting or absconding person, upon contract or agreement made and entered into, either in this or a foreign country, the said Justice of the Peace shall immediately issue his warrant for the apprehension of such deserting or absconding person, and cause the accused to be brought before him, or some other Justice of the Peace of the county in which the original writ issued.

§ 2. The officer having the warrant, or any other person who may be duly authorized to serve said warrant, may arrest said accused deserting or absconding person in any county in this Territory, and bring him forthwith before the Justice of the Peace who issued the warrant, or some other Justice of the Peace of the same county.

§ 3. Upon the trial of the case, if it shall appear that the master or captain of said vessel is entitled to the further services of said deserting or absconding person, it shall be the duty of the Justice of the Peace, or the court trying the same, to cause said deserting or absconding person to be delivered up to the master or captain of said vessel, and all costs shall be adjudged against said deserting or absconding person, and a certificate of the same shall be delivered to the said master or captain, who shall thereupon pay the same.

§ 4. Any person who shall entice a seaman to leave his ship, or who shall knowingly harbor, secrete, employ, or in anywise assist a deserting or absconding seaman, shall, upon conviction thereof, be fined any sum not exceeding five hundred, nor less than twenty-five dollars for each offence; and all fines collected under the provisions of this Act, shall be paid into the county treasury, and be recovered either by indictment or action of debt, in the name of the county.

§ 5. That every ship master or captain, on the desertion of any of his crew, shall be bound in the penal sum of fifty dollars, to give immediate information of the same to the proper authority.

§ 6. That if the mate or first officer under the captain or master, and a majority of the crew of any vessel or ship lying in any port of Oregon Territory, shall discover that said ship or vessel is too leaky, or otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed to sea, and shall require such unfitness to be inquired into, the master or captain shall, upon the request of the mate, (or other officer) and such majority, forthwith apply to the presiding Judge of the county court, either in term time or vacation, and thereupon, said Judge is hereby authorized and required to issue his precept, directed to three persons, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel or ship and to examine the same in respect to the defects or insufficiencies complained of, and to make report to the said Judge in writing under their hands, or the hands of two of them, whether in any, or in what respect, the said ship or vessel is unfit to proceed to sea, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary, and upon such report the said Judge shall adjudge and determine and endorse on the said report his judgment, whether the said ship or vessel is fit to proceed to sea or not, and the master or captain, and crew, shall in all things conform to the said judgment. If the complaint of the mate and majority of said crew, shall upon said report and judgment, be deemed just and well founded, the mas-

ter or captain of said ship or vessel shall pay all costs of such view report, and judgment, and be taxed and allowed on a fair copy thereof, certified by said Judge, but if the complaint of the said crew shall appear upon the said report and judgment to have been without foundation, then the said master, or captain, or the owner or consignee of such ship or vessel, shall deduct the cost and reasonable damages for the detention (to be ascertained by said Judge) out of the wages coming due to the said complaining mate and seamen or mariners.

§ 7. It shall be the duty of the Territorial Secretary to cause a copy of this Act to be published in the Oregon Spectator, and the Sandwich Island papers, as soon as practicable.

§ 8. This act to take effect and be in force from and after its passage.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

AN ACT to be entitled an Act to establish Circuit Courts and prescribe their powers and jurisdiction.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the several counties in Oregon Territory shall form one Circuit, and there shall be elected by the House of Representatives, one Circuit Judge, who shall be commissioned by the Governor, and shall take and subscribe the oath required by law, and hold his office for the term of two years, and receive as a full compensation for his salary, per annum, the sum of five hundred dollars, to be paid out of the Territorial treasury, quarterly, and each court held in the respective counties, shall be called and styled "Circuit Court," according to the name of the county in which it may be holden.

§ 2. Such Circuit Court, in the respective counties, shall have original jurisdiction of all civil suits, complaints, pleas and matters, real, personal, and mixed, and between party and party, which shall be legally brought before them; and of all actions for the recovery of money or other valuable things, where the amount shall exceed one hundred and fifty dollars, and shall have criminal jurisdiction of all criminal cases in the respective counties, to hear, try, and determine upon all indictments in the counties where they may be found; to have exercise and control over all matters of law and equity, that is now legally given to County Courts.

§ 3. The terms of the Circuit Court in each county in this Territory shall commence as follows:

In Polk County, on the first Monday of March, and September.

In the County of Champoug, on the second Monday of March, and September.

In Yamhill County, on the third Monday of March, and September.

In the County of Tuality, on the fourth Monday of March, and September.

In the County of Clackamas, on the first Monday of April, and October.

In the County of Vancouver, on the second Monday of April, and October.

In the County of Clatsop, on the third Monday of April, and October.

In the County of Lewis, on the first Monday of May, and November.

§ 4. That all suits, complaints, pleas, and matters now pending in the present established County Courts, which does not relate to county business, and all writs issued out of the County Court, shall be transferred, and be made returnable to the Circuit Court, and the said Court shall hear, try, and determine said causes, the same as if they had been originally brought or issued by said Circuit Court, and all laws and parts of laws, now in force, or hereafter to become in force, applicable or concerning County Courts, as now organized, with the exception of Coun-

ty business cases, shall be applicable to said Circuit Court, by this Act established. The records of the said County Courts shall be taken, and become the records of the Circuit Court, and the Clerk of the County Court, shall be Clerk of the Circuit Court, as is now provided by law. All suits, writs, complaints, and pleas, now made returnable to the County Court, at the next term thereof, shall be returnable on the first day of the succeeding term of the Circuit Court of their respective Counties, as by this Act established, the same as if they had been issued returnable thereto.

§ 5. This Act to take effect, and be in force from and after its passage.

Attest, A. L. LOVEJOY,
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

AN ACT to fix the salary of Circuit Judge and for other purposes.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That from and after the passage of this Act, the Circuit Judge shall receive a salary of eight hundred dollars per annum, to be paid out of the Territorial Treasury, quarterly; all laws and parts of laws contrary to the foregoing Act, be and the same are hereby repealed.

§ 2. That in all suits, complaints, pleas, and other matters pending in the Circuit Court when the said Circuit Judge shall be interested either by having been employed, or in any manner interested personally, it shall be the duty of the Governor to appoint some person skilled in the law, who shall not be interested in said suit, complaint, plea, or matter, and the person so appointed as said Circuit Judge, shall hear, try, and determine said suit, complaint, plea, or matter, at some of the regular terms of said Court to be appointed at least one term previously to the trying the same, and the said Judge so appointed, shall receive the same pay in proportion to the Circuit Judge, if he had not been interested.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

AN ACT Organizing Probate Courts.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the several Justices of the Peace, in their respective counties, shall, at their first session, elect one of their number as presiding Judge of the County Court, whose duty it shall be to preside at each term of the County Court, and do and perform all things that are required to be done, by the presiding Judge of the County Court.

§ 2. The said presiding Judge shall be Judge of Probate, and all laws and parts of laws now in force, and applicable to Oregon Territory, applying to, or in any manner relating to probate business, be and the same is hereby construed as applicable to the Probate Court by this Act established, and the jurisdiction given to the Probate Court as established and organized in this Territory by law, is given to the Probate Court by this Act established.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

AN ACT entitled an act to repeal the Act establishing a Criminal Court.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the Act establishing a Criminal Court in Oregon, be and the same is hereby repealed.

This Act to take effect, and be in force from and after its passage.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.

AN ACT entitled an Act to repeal the Act establishing a Post Office Department.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That all laws relative to the Post Office Department, be and the same are hereby repealed.

This Act to take effect, and be in force from and after the first day of January, eighteen hundred and forty-seven.

Attest, A. L. LOVEJOY, Speaker.
N. HUBER, Clerk.
APPROVED, Oregon City, 19th Dec. 1846.
GEO. ABERNETHY.