

BY AUTHORITY.

AN ACT entitled an Act to regulate the Manufacture and Sale of Wine and Distilled Spiritous Liquors.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That any person or persons hereafter wishing to establish or carry on a distillery for the manufacture and sale of spiritous liquors in any quantity, not less than five gallons, shall first make application to the presiding Judge of the County Court, of the county in which such distillery is to be carried on, either in vacation or in term time, for a license so to do, the said Judge as aforesaid shall be, and he is hereby authorized, on the said applicants producing to said presiding Judge the certificate of the Territorial treasurer, that such applicant has paid into the Territorial treasury, the sum of three hundred dollars, to proceed to grant a license so to do, for the term of twelve months, and the said Judge shall be entitled to receive three dollars for every license so granted, to be paid by such applicant.

§ 2. That any person or persons desirous of selling wine or distilled spiritous liquors, in any quantity not less than five gallons, and shall produce the receipt of the Treasurer of the Territory, for two hundred dollars, shall receive a license so to do, for the term of twelve months, in the manner and form as provided in the first section of this act.

§ 3. That any person or persons, desirous of selling wine or distilled spiritous liquors in a less quantity than five gallons, shall produce the County Treasurer's receipt for one hundred dollars, in the manner and form as provided in the first section of this act, shall receive a license to keep a dram shop for the term of six months, but such license shall not authorize such person or persons to keep a dram shop at more than one place at the same time, nor shall such license be assignable or transferable.

§ 4. That if any person or persons licensed to keep a dram shop, shall directly or indirectly, suffer any of the acts or things specified in this section, to be done in or about his dram shop, or the premises thereto belonging, such person shall be considered as keeping a disorderly house, within the intent and meaning of this Act, and the condition of such person's bond, shall be considered as broken, and he and his securities liable to the penalty thereof. First, if such person shall suffer any kind of gambling device of whatever name or description to be used for the purpose of gaming, to bet, win or lose money or property on any game played, or with any gambling device, or shall suffer any person to play at any game of chance for any money or other property in the shop, or on the premises thereto belonging, and be thereof convicted, such person shall be considered as keeping a disorderly house. Second, if such person shall, on the first day of the week commonly called Sunday, either directly or indirectly, sell or barter any wine or distilled spiritous liquors, to any person except for medicinal purposes, and be convicted thereof, such person shall be considered as keeping a disorderly house. Third, if such person shall suffer a tumultuous noise in his dram shop, to the disturbance, or annoyance of any person or persons living contiguous thereto, and be convicted thereof, such person shall be considered as keeping a disorderly house.

§ 5. That any person applying for a license to keep a dram shop, shall, before such license is delivered to him, enter into a bond with security, to be approved by the presiding Judge of the County Courts, in the proper county, payable to the Territory of Oregon, in the penal sum of 1,000 dollars, conditioned that such person will keep an orderly house, and not suffer any act, or thing to be done in or about such dram shop, which is prohibited by this Act; which bond shall be filed in the office of the clerk of the County Court.

§ 6. That any person not duly licensed so to do, who shall either directly or indirectly, sell, barter or give away, with intent to evade this Act, any wine or distilled spiritous liquor to any person within this Territory, shall, upon conviction thereof, forfeit and pay for the use of Oregon Territory, a sum not more than one hundred and fifty dollars, nor less than twenty-five dollars, for each and every offence.

§ 7. That if any person shall sell, barter or give, either directly or indirectly, any wine or distilled spiritous liquor, to any Indian

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within this Territory, every person so offending, shall, upon conviction thereof, be fined in any sum not more than 300 dollars, nor less than 5 dollars.

§ 8. That all forfeitures, penalties and fines incurred by violation of this Act, may be recovered either by indictment in the County Court, or by an action of debt instituted in the name of Oregon Territory, before any court having cognizance thereof, and any person is hereby authorized to institute said suit.

§ 9. That all fines, penalties and forfeitures, incurred by the violation of any of the provisions of this Act, shall be paid into the county treasury of the county where such indictment is found, or offence committed, for the use of said county.

§ 10. That whenever the condition of the bond provided for in the fifth section of this Act, shall be broken, it shall be the duty of the clerk of the County Court of the county in which such bond shall be filed, to institute suit thereon.

§ 11. That it shall be the duty of the presiding Judge of the County Court, at each regular term thereof, to give this Act in charge to the grand jury.

§ 12. That the Act entitled an Act to prevent the manufacture, introduction, and sale of ardent spirits, passed 24th June, 1844, be and the same is hereby repealed.

Attest, A. L. LOVEJOY, Speaker.  
N. HUBER, Clerk.  
Passed by a majority of two thirds,  
Dec. 18th, 1846.

AN ACT to regulate Weights and Measures, &c.

§ 1. Be it enacted by the House of Representatives of the Territory of Oregon, That the Secretary of the Territory aforesaid, be and he is hereby authorized and required to procure for the Territory, and at the expense thereof, a set of the following weights and measures for the use of said Territory, to wit: One measure of one foot or twelve inches in length, English measure so called: also, one measure of three feet or thirty six inches in length, as aforesaid: also, one half bushel measure for dry measure, which shall contain one thousand seventy-five and one fifth solid inches: also, one gallon measure which shall contain two hundred and thirty-one solid inches, which measures are to be of wood, or any metal the Secretary may think best to procure. Also, one set of weights, avoirdupois weight, and sealed with the name or initials of Oregon Territory, inscribed thereon, which measures and weights shall be kept by the Secretary of the Territory, for the purpose of trying and sealing the weights and measures used in said Territory.

§ 2. So soon as the Secretary shall have furnished the weights and measures aforesaid, he shall cause notice thereof to be given by advertising the same one month in the Oregon Spectator, and any person or persons who shall thereafter buy or sell any commodity whatsoever, by measure or weight, that shall not correspond with the aforesaid measures and weights, shall for every such offense, being legally convicted thereof, forfeit and pay the sum of twenty-five dollars, for the use and benefit of the Territory, also the cost accruing thereon.

§ 3. Every person desirous of having their weights and measures tried by the Territorial standard, shall apply to the Secretary aforesaid, and if he find it to correspond with the Territorial standard, he shall seal the same with the seal provided for that purpose, and said Secretary shall be allowed to charge and receive for his services, fifty cents for each measure or weight he shall seal with said seal.

§ 4. In the payment of debts due the Territory, or individuals or companies, or other arrangements, unless a special contract to the contrary, sixty pounds shall be received as one bushel, any thing in the second section to the contrary notwithstanding.

§ 5. It shall be the duty of the grand juries of the several counties to take notice of all violations of this act, and if the fact be proved, they shall find a true bill.

§ 6. That the sum of one hundred dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury, to carry this act into effect.

§ 7. That this act take effect, and be in force from and after its passage.

Attest, A. L. LOVEJOY, Speaker.  
N. HUBER, Clerk.  
APPROVED, Oregon City, 12th Dec. 1846.  
GEO. ABERNETHY.

AN ACT providing for the Election of County Judges.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the county Judges and other county officers, shall hereafter be elected by the free voters of their respective counties, who shall hold their office during the term of two years, and until their successors are elected and duly qualified; and in case of vacancy by death or otherwise, it shall be the duty of the Governor, upon the petition of any one of the Judges of the county court, where such vacancy shall occur, to order an election to be held, to fill such vacancy: ten days notice shall be given, by putting up notice in three of the most public places within said county. This act to take effect, and be in force from and after its passage. All acts and parts of acts conflicting with this act, shall be, and the same are hereby repealed.

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

AN ACT establishing the office of Auditor of public accounts, and defining the duties of said office, and for other purposes.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That there shall be an Auditor of public accounts, elected by the House of Representatives, and commissioned by the Governor, who shall continue in office for the term of two years, and until his successor shall be duly elected and qualified. And before entering upon the duties of his office, shall take the oath prescribed by the Organic Law, and enter into bond to be approved by the Governor, with at least two sureties, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties as required by law.

§ 2. Should a vacancy happen in the office of Auditor of public accounts, or in any other office, which it becomes the duty of the House of Representatives to elect, it shall be the duty of the Governor to fill said vacancy, until the next session of the house of representatives after said vacancy shall occur.

§ 3. It shall be the duty of the said Auditor of public accounts to keep his office at Oregon City, and audit all accounts that may be presented against the Territory, before the same shall be paid by the Treasurer. It shall be the duty of the Auditor to report annually to the House of Representatives, the amount of claims so audited by him, and in whose favor the same was audited, together with a full abstract of the state of the Territorial Treasury.

§ 4. It shall be the duty of the several clerks of the County Courts, immediately after making out the tax book for their respective counties, to forward a duplicate abstract of the aggregate amount of the Territorial revenue, due in their said counties, one to the treasurer and the other to the Auditor of public accounts, and the said Auditor shall enter the same in a book to be kept for that purpose. And it shall be the duty of the several collectors of Territorial revenue when they shall have their liability audited, to pay the same into the treasury, and forthwith file their receipts with the Auditor of public accounts, whose duty it shall be to enter

the same to the credit of the said collector.

§ 5. The said Auditor of public accounts shall do and transact all duties required by law to be done by the Auditor of public accounts, the same as if they were specially set forth in this act, and the said Auditor of public accounts shall receive as a full compensation for his services, two per cent, on all monies, claims and demands by him audited.

§ 6. It shall be the duty of all officers who may collect any fine, forfeiture, or penalty for the use of the Territory, to file with the Auditor of public accounts, forthwith the amount of said fine, forfeiture or penalty, and the said Auditor of public accounts shall enter the same in a book to be kept for that purpose: and it shall be the duty of the said Auditor of public accounts to keep his books in such a manner as to show the assets and liabilities of the Territory, by reference to said books.

§ 7. The Territorial treasurer shall forthwith furnish said Auditor, with the now state of Territorial accounts, as by him kept as ex officio auditor of public accounts of this Territory.

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

AN ACT to be entitled an act to amend an act, organizing County Courts.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the justices of the peace of the several counties in this Territory, or any two of them, shall constitute a Board of County Commissioners, to do and transact all county business in their respective counties, and all statutes and laws now in force, and applicable to county business in Oregon, shall be in force and applicable to the county courts, by this act established. And the county courts by this act established, shall not have any original or appellate jurisdiction in any civil or criminal case between parties, but only to do and transact all business as prescribed by law to be done for their respective counties. That all acts and parts of acts coming within the purview of this act, are 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, 17th Dec. 1847.  
GEO. ABERNETHY.

AN ACT to appoint Inspectors and prescribe their duties.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the Governor be, and he is hereby authorized and required to appoint some suitable person as Inspector in Oregon City, and such other places as he may think proper, whose duty it shall be to inspect Wheat when called upon, and determine the quality thereof. The said Inspector shall receive the sum of one cent for every bushel of wheat by him inspected, to be paid by the person applying.

§ 2. Every person appointed as Inspector, before entering upon the duties of his office, shall take an oath to faithfully discharge the duties of said office, without favor or affection.

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 regulate the salary of the Prosecuting Attorney.

§ 1. Be it enacted by the House of Representatives of Oregon Territory, That the Prosecuting Attorney of Oregon Territory shall receive for his services, the sum of three hundred dollars per annum, to be paid quarterly.

§ 2. This act to take effect, and be in force from and after its passage. All acts and parts of acts conflicting with this act shall be, and the same are hereby repealed.

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

MAN.—Man is an odd creature—made up of all kinds of materials. He is today and gay to-morrow; in the same dependency this morning, and the next day on the car of hope. The gambler's ruin, a child's laughing face, a man's life made his fortune, and the next day next. Is not man a queer compound?