[illegible] CLOCK.

[illegible]

There is a little mystic clock,
[illegible]
That beateth on, and beateth on,
[illegible]

[illegible] is hushed in sleep,
[illegible]
[illegible] the livelong night,
[illegible]

O [illegible] work of art
[illegible]
[illegible] conceived,
[illegible]

Not set in gold, nor decked with gems,
By wealth and pride [illegible];
[illegible] high or low,
Each bears it in his breast.

When life's deep stream 'mid beds of flowers,
All still and softly glides,
Like the wavelet's step, with a gentle beat,
It warns of passing tides.

When threatening darkness gathers o'er,
And hope's bright visions flee,
Like the sullen stroke of the muffled oar,
It beateth heavily.

When passion nerves the warrior's arm
For deeds of hate and wrong,
Though heeded not the fearful sound,
The knell is deep and strong.

When eyes to eyes are gazing soft,
And tender words are spoken,
Then fast and wild it rattles on,
As if with love 'twere broken.

Such is the clock that measures life,
Of flesh and spirit blended;
And thus 'twill run within the breast,
Till that strange life is ended.

TULIPS AND ROSES.

My Mary, from the lattic'd grove,
Brought me a sweet bouquet of posies,
And then, as round my neck she clung,
[illegible] I preferred to name?
"I cannot tell, sweet wife," I sighed,
"[illegible] ere I see the posies,"
She said—"Oh! I prefer," I cried,
"Thy two lips to a dozen roses."

(Mr. Gray's statement concluded.)

While the liquor was running out, Mr. Geer with an oath said "some of you will have that liquor to pay for." The party who had Geer and McGunnigale in charge, immediately took their departure for the plains of Clatsop all well satisfied with the proceedings of the day and most of all glad that no blood had been shed.

We must leave Geer and his party to pursue their way to the Justice's office, and go from Sharksville with another party who received a warrant to proceed to Catlamette Island opposite H. H. Hunt's saw mill to arrest Henry C. Fellows, for trading liquor to *Indians* and Whites *without a license*. This party was conducted by B. Wood and S. Hall, as deputy Sheriffs. They proceeded up the river with a fine breeze and flood tide and arrived at Mr. Hunt's early in the evening, next morning took such assistance as was deemed necessary and crossed on to the Island, found Mr. Fellows preparing his salmon, boats, &c. for his departure for Oregon City; he was arrested and his salmon secured to await the result of a trial on the subject. All hands prepared for their return to Clatsop, where they arrived on the evening of the 24th, having encountered a severe gale of wind and rain in crossing Young's Bay.

Here we return to the trial of Geer and McGunnigale, who appeared before W. H. Gray and took a change of venue, which brought them before Esq. Tibbets, who called D. Ingalls Esq. to assist him. A jury was called, empanneled, and sworn. I was requested to conduct the trial on the part of the Territory. H. Hall volunteered his services to act as counsel for Geer.

To make the proceedings as short as possible, I will number the questions that were put to the different witnesses, giving only the number of the question, with the answer opposite the number. The first witness sworn was requested to state what he knew in the case. Wm. Golden, testifies that Geer [illegible] liquor to his house in a keg and gave [illegible] he knew it was liquor, for he tried it. [illegible] Do you know of Geer's selling or [illegible] to Indians out of that keg? [illegible] not exactly out of that keg, but [illegible] the stern of his boat with a par[illegible], and there were some of them [illegible] next day, Washing for one was [illegible] plumb. It is my opinion that [illegible] that liquor to Indians, because it was liquor he gave to me, and there were Indians intoxicated about that time.

Richard Hobson sworn.

1st Q. Do you know of Geer's selling or giving liquor to any person?

A. He gave some to me; I was over to Ft. George, Mr. Geer gave some liquor to me and the Indians were drunk, but I cannot tell where or from whom they got their liquor.

2d Q. Do you know of an Indian carrying an order to Geer for liquor from any one?

Yes, an Indian carried an order from Lewis Taylor.

Did the Indian have any liquor after carrying the order?

Yes, he had liquor, he brought it over to Clatsop in the canoe with me.

Cross examined—Do you know the Indian got the liquor with that order?

Mr. Geer told me he had received the order; he said he did not want any one to see him sell the liquor.

Did you see the order and read it?

Yes, I wrote the order myself.

S. Gardner sworn.—States he was at Ft. George in the latter part of April or first of May, saw Indians come on board of Geer's launch and got some liquor which Geer drew out of a keg of which he had tasted of liquor before this—he saw some money pass between them, he saw the money in the boat; He came down with Mr. Geer, he gave him liquor. Mr. Riley was on board and got liquor.

Jno. Champ sworn.

To 1st question answered—Yes, I went to Mr. Geer with a bottle for liquor, and told him I wanted some for a lady that was sick, he said he had none to sell, I told him I must have it; he let me have it, I have not paid him for it yet.

Have you seen the Indians drink liquor about Ft. George?

Yes, I saw an Indian woman drink liquor some four days since—did not see her get it—did not ask her where she got it—think there was two of them.

Col. Taylor sworn.

Have you seen any liquor belonging to Mr. Geer?

I saw some poured out at Fort George which Mr. Geer said belonged to him, I tasted of the liquor, it was in front of Mr. Geer's residence.

Mr. McGunnigale sworn.

To 1st question.—Yes, have seen him have liquor in Oregon, about three or four days since.

What did he do with his liquor?

He set it upon a shelf.

Has Geer ever given or sold any to you?

He has given me a dram, two or three times.

Do you know of Mr Geer ever giving or selling any liquor to any other white person?

I do not.

To Indians?

I do not—that is, I never saw him give or sell liquor to Indians.

Did you ever hear Mr. Geer say he would sell or give liquor to Indians?

I never did hear him say he would sell to Indians or Whites.

Did you ever hear him threaten to shoot or use weapons upon any person who should attempt to destroy his liquor or stop him from trading or giving it to whom he pleased?

I never did.

Have you seen Indians intoxicated?

I have I expect a thousand in my life in Missouri, and moreover, I gave them the liquor myself, therefore I know they were drunk.

Have you seen any drunk or intoxicated about Ft. George?

They acted like those in Mo., that I know were drunk.

How long since?

At different times within the bounds of two weeks and a month.

Where did they get the liquor?

That I can't tell.

S. C. Smith sworn.

1. Have you seen any liquor belonging to Mr. Geer?

I believe it is George's liquor, but cannot swear positively.

2. Do you know of any persons ever buying or receiving by gift or otherwise, any liquor from Geo. Geer?

Yes, he gave me a bottle—However he gave me a bottle or when I got a bottle he said when I want the pay I will call for it.

3. Do you know of Mr. Geer's ever selling or giving any liquor to Indians?

Well, I cant say positively that I ever saw him give any; I saw him draw two bottles one day, he set them on the floor.

Were there any Indians in the house at the time?

Yes, there was a great many.

What were they doing?

Lying round on the floor.

4. Have you seen any Indians drunk about Ft. George?

For the last seven days until yesterday, there were a good many drunk, there were one or two about half drunk yesterday.

5. Where did they get the liquor?

I believe they got it of Geo. Geer; it is my opinion they did.

6. Do you know of any other persons selling or giving liquor to Indians about Ft. George?

I feel delicacy in answering the question.

7. Have you ever heard Mr. Geer threaten to sell or give liquor to Whites or Indians in defiance of the laws of Oregon?

I think I have heard him make use of such language.

Have you ever heard him threaten to use arms upon any person who would attempt to stop him?

Yes.

How long since?

Within the last two weeks. I have seen Mr. Geer give liquor to J. L. M. T., or Indian Cooper, as he is called.

J. Strang sworn.

1. Corroborates Mr. Smith's statement.

2. Yes, I do.

Was it given or sold?

Both.

3. No I do not.

How many times do you know of Geer's giving or selling liquor to the whites?

He sold me two bottles, have seen him give away several times as a treat.

4. Yes, seen several.

5. Don't know, but suppose they got it from Mr. Geer; an Indian told me they got some liquor across at Chinook, but his people got it of a "Boston."

6. Not asked witness.

7. No never have to my knowledge. I bought liquor from Mr. Geer in the Shark house.

Was it for sickness?

No, it was for my own use.

How long since did you buy this liquor?

About three days.

Wm. Riley sworn.

To 1st question, as asked S. C. Smith—Yes I saw liquor belonging to him.

2. I got some from him myself. I saw him take some liquor out of the cask for Polley, up at the mill. He had liquor on the boat, he was dealing it out along, but do'nt know that I was present at any other time; suppose he was selling it. The liquor he let me have I took and told him how much it was and paid him for it at another time.

3. Never saw him sell liquor to Indians, except to Polley, up at the mill.

James Welch sworn.

Has seen Indians go frequently with their bottles, and has seen them drunk about Geer's establishment. The Indians told him they got three bottles of liquor for a blanket.

I find Mr. Editor, that giving all the testimony lengthens out my communication beyond what I anticipated. It is requested that you give it all at different times in your paper, that the people may know what they can rely upon in attempting to enforce any liquor law that may be passed. You will see that it is evident that Geer has sold all the liquor he could to Indians, yet it is difficult to make out more than one case notwithstanding there is an order given to an Indian for liquor, yet it will be difficult to convict him of selling to Indians except on Mr. Riley's testimony, though there are other witnesses that no doubt have seen him sell to Indians if they would testify all they know on the subject.

The jury gave the verdict—guilty, according to the specifications in the warrant.—The court imposed a fine of $100 and cost of suit—$66 and some cents.

Mr. Fellows was tried by a jury; the evidence was sufficient to find him guilty of selling and giving to whites. It was proved that he stated he brought the liquor down expressly to sell to Indians for salmon, and that he had sold out his liquor and was going up to Oregon City to obtain more for that express purpose. He was fined $25 and cost of suit, $31,63. If his own confessions and statements can be brought in as evidence to convict him, he is most conclusively guilty of selling to Indians; still according to Judge Skinner's opinion, expressed while here, they cannot be convicted without a person has tasted of the liquor from the cask and in the bottle of the Indian, and must see it put into his bottle. Now if this is the state of the matter and it requires so much and such positive testimony upon this subject, then I say repeal the liquor law and let us have none at all; let the people receive such testimony as they deem proper, and let them punish those animals that prey upon the peace and quiet of the Indians and the whites, in such a manner as they deem proper. In most other cases of crime, a man's threats and confessions are taken in evidence against him, especially if corroborating facts show there is any truth in his confessions. And why shall it not be in this case?

Yours &c. W. H. GRAY.

MURDER *vs.* CAPITAL PUNISHMENT.—The alarming increase of murder in all parts of our country during the last two or three years, seems to make but little impression upon those whose delegated duty it is to conserve the public weal; and though instances grow upon instances of the impunity with which the homicide may slay his fellow, through the refusal of jurors to become murderers themselves; still legislators fold their arms and let the work of death rage on, rather than change a rule which finds its only stay in the precedent of a barbaric age.

The ruthless murder of a mother and her babe, the slaughter of a mistress by her paramour, the deliberate and open shooting of a wife, the fiendish destruction of a whole family by the assassin's knife, with the instances that grow on instances of murders unavenged, while they prove the public rejection of the punishment of death, also denounce the gallows as a failure.

It is not adequate as a punishment, and its brutal exhibitions do not teach respect for human life. It strikes no preventive terror to the soul of the offender, and therefore extends from its gory platform no security to that society whose most rational sensibilities it violates. On the contrary, it familiarizes with the commission of violence. It assembles the depraved for a refined improvement in depravity. It excites a false and mischievious interest for those who suffer, and consequently answers no one of the great ends of punishment, in the prevention of crime, the remuneration of the injured, or the reformation of the offender.

These are not the conjectural assumptions of a theory, but the grim substantiations of a melancholy troop of facts. Year by year, nay week by week, the deeds of the homicide increase; and in proportion as the dismal aggregation grows, its brutal ministers escape. The monster, almost too hideous for human contemplation, now finds a protecting refuge in the very horror of his deed, and with his gory looks and blood imbued hands, creeps into the soft breast of a perverted pity, which should alone have been the sanctuary of his victim's wrongs.

This is the reason why capital crimes increase, and this is the reason also that while they increase, the hangman stands almost idle by the scaffold. These, as we said before, are not mere conjectures. The records of the country show a regular addition to crimes of the first degree, while the acquittals of those against whose guilt not half a shadow rests, prove the failure of the rules of punishment which comprehend them.

We are not alone in this adverse solution of the problem of capital punishment. According to Mr. Redgrave's English tables, which are made up from the statistics of the last six years, we find a regular and growing decrease of every specific crime which shuts out the gallows; and while these tables show an increase of all offences that are visited with death, they also show a fearful disproportion of convictions.

There must be some remedy adopted for this state of things, and that remedy must be the repeal of a statute whose impracticable rule has proved to be the encouragement of the very crime which it vainly endeavors to suppress.—*Police Gazette.*

☞The last case of modesty is that of a lady who discarded her lover, a sea captain, because in speaking of one of his voyages, he said he hugged the shore.

This column was "about a feet" too short.