THE SPECTATOR.

OREGON CITY:

THURSDAY, DEC. 5, 1850.

D. J. SCHNEBLY, EDITOR.

☞In our great hurry to get out the Governor's Message, and the long-looked for Land Bill, we have been compelled to make rather an imperfect report of the proceedings of the Legislature.

ANOTHER TURNIP.—There was brought to this office a turnip, last week, that weighed 17½ pounds. It was grown by Bishop Blanchett of this city. A person in Yam Hill county, whose name we have forgotten, has sent us *word* that he has raised one that weighs upwards of 20 pounds.—As it was not furnished to the office, we are unable to give the precise weight or the name of the farmer who raised it.

☞We had inteded noticing the Governor's Message, but the want of time and space precludes it from this number.

☞ Mayor Parker, of Pittsburgh, Pa., caused sheriff Curtis to be arrested for an alledged misdemeanors in office, and bound him over to answer.

CHOLERA AT CINCINNATI.—The number of deaths by cholera, from the 1st of July to Aug. 13, was 851. The number of deaths for a period of six months, ending on the 6th of August last year, amounted to 4488.

☞The N. Y. Express recommends the establishment of fixed salaries for Congressmen, instead of the per diem allowance. The Express thinks that $2500 of a salary would be far better and cheaper to the country. The session that has just closed would probably have been shortened one-half had the main proposition been in force. No member east of the Rocky mountains is to receive over $1000 mileage, and no member or delegate west over $2000. If the bill for the latter passes it would cut off the constructive mileage of senators, unless they actually made it. The expense for the item of stationery was voted to be $45 for the long, and $35 for the short sessions.

MONDAY EVENING, Dec. 2.

Oregon Legislature.

Pursuant to law, the Legislature of Oregon assembled on Monday, the 2d inst., and proceeded to a temporary organization. Upon calling the roll, the following members elect, appeared and took their seats:

From Clackamas—Messrs. Simpson, Matlock. *Marion*—Harding, Shaw, Parker. *Benton*—Avery. *Polk*—Holmes. *Washington*—Wilcox, King. *Yam Hill*—Payne, Gilmore.

Absent—Messrs. Deady, Powers, St. Clair, Campbell, Allphin, Walters, Tharp.

TUESDAY MORNING.

The members not having all arrived, the House adjourned to Tuesday morning, Mr. Payne, Speaker *pro tem*. Upon re-assembling, three members were still absent. The House proceeded to elect officers, which resulted in the choice of the following persons:

Speaker of the House, Dr. Ralph Wilcox.
Clerk, Asahel Bush.
Assistant Clerk, B. Genois.
Sergeant-at-Arms, Wm. Holmes.
Door Keeper, Septimus Huelat.

For the Council, the following officers were elected:

Chairman, W. W. Buck.
First Clerk, Geo. L. Curry.
Assistant Clerk, James D. Turner.
Sergeant-at-Arms, Heman Buck.
Door Keeper, not elected.

The two Houses having completed their organization, the Governor was duly informed of their readiness to hear any suggestions he might have to make. At half past two o'clock the Governor appeared and read his message to the two Houses, in joint assembly; after which both Houses adjourned to Wednesday morning at 9 o'clock.

Standing Committees.

The Standing Committees, for the session, are as follows:

On Elections—Messrs. Gilmore, Payne, Campbell.
Ways & Means—King, Matlock, Tharp.
Education—Simpson, Harding, Allphin.
Judiciary—Matlock, Deady, Tharp.
Claims—Holmes, Walters, Simpson.
Military Affairs—Campbell, Parker, St. Clair.
Roads & Highways—Avery, King, Shaw.
Engrossed Bills—Deady, Holmes, Matlock.
Enrolled Bills—Tharp, Gilmore, Avery.
Indian Affairs—Harding, Gilmore, Parker.
Commerce—Campbell, King, Simpson.
Printing—Payne, Campbell, Harding.
Counties—Avery, Gilmore, Simpson.
Incorporations—King, Matlock, Deady.

☞It is estimated, that in January next, four thousand miles of plank road will be in use in Ohio. That's planking dew to some purpose.

Governor's Message.

EXECUTIVE DEPARTMENT,
Oregon City, December 2, 1850.

Gentlemen of the Legislative Assembly:

I congratulate you that we have been permitted, by Divine Providence, to assemble together, to deliberate upon questions that immediately concern the welfare of the people of Oregon.

The duty is not imposed on me, by law, to recommend to your consideration any measure, nor am I clothed with power to approve or disapprove any of your acts; but in accordance with previous usage, and believing that some suggestions from me, will not be unacceptable to you, I have taken some pains to ascertain the wants and necessities of our common constituents; and with great deference submit a few observations to your consideration.

Previous to my leaving Washington City in December last, I endeavored to collect all the information in my power, concerning the affairs of Oregon, and addressed a letter in relation thereto, to General Taylor, with whom I had a long conversation, and who, I am happy to say, concurred with me in all the views taken. I transmit to you, herewith, a copy of the letter, and ask you to consider it a part of this communication. You will observe that I urge upon Congress the propriety of confirming the Act of the Provisional Government donating a section of land to all persons over the age of eighteen years, who had emigrated to the country. And I add, "*and further to extend the same to all hereafter, who may emigrate to the Territory, within a reasonable term of years, or until all the land in the Territory may be selected, provided, said citizen shall settle upon and cultivate the same.*" Experience has convinced me of the correctness of these views; and that whoever emigrates to Oregon, has fully earned a section of land and should have it; provided he settles upon and cultivates it. With the toils and difficulties to be encountered in emigrating hither, you are all familiar. I am not in favor of discriminating in regard to grants to actual settlers; the trials and difficulties are no less irksome now, at least they are sufficient to entitle the emigrant to more than ordinary recompense. And although the earlier emigrants suffered many hardships and deprivations in the territory, to which those now arriving are but partially subjected; yet, they have had the advantage of choosing the most desirable situations, and are now deeply interested that others should be encouraged to make this their future home.

It is the true policy of the General Government to be liberal in donations of lands to those who are willing to carry on and perfect improvements, that have for their object the development of our country's vast resources, and I would recommend that Congress be respectfully, but most earnestly, memorialized in accordance with these views. Past experience has demonstrated the importance of having and maintaining a military defence, such as may be afforded by the proper training and disciplining of the hardy yeomanry, the country's strong arm when danger presents itself. I *therefore* submit the propriety of an immediate organization of the militia.

For the better accommodation of the great and increasing interests of the Territory, it is of the utmost importance that roads be established, so to connect the different sections of the country, that they may be of easier and more convenient access to each other. The want of proper means of conveying intelligence through the Territory, and of transporting the product of the soil to market, has been severely felt, particularly by those occupying the more remote parts of the country. I would direct, more particularly, your attention to the immediate establishment of roads, for the purpose of affording some relief to those who may emigrate hereafter; and not only to improve the roads in that direction, but to establish posts for the greater security of life and property, by intimidating the hostile bands of Indians that infest the road; and, also, to alleviate the famishing wants of the future emigrant. The great suffering endured this season, should not fail to impress you with its importance, and not leave it as heretofore to private charity. To connect Puget's Sound with the Columbia river; some point on the Willamette with the mouth of the Columbia; and the Willamette valley with that of the Umpqua, are among those I would name for the present. Commissioners should be appointed to view, locate, and mark out the principal roads, at the expense of the Territory; and the counties through which they pass, required to open and keep them in good order.

To the Federal Government properly belongs the improvement of our rivers and harbors. There has, already, been an accurate survey made of the mouth of the Columbia, and it is found to be as safe for vessels to enter—by those well acquainted with the two channels—as the port of New York. I learn from the Collector's office that, out of one hundred and seventeen vessels that have entered the mouth of the Columbia within the eighteen months intervening from April 1849 to September 1850, there has been but two vessels that have met with accidents—only one of which was lost—both accidents happening before the arrival of Capt. White, the able and indefatigable pilot at the mouth of the Columbia. The number of vessels entering and trading on the Columbia and the Willamette, is rapidly increasing each month; and although I have been unable to obtain an accurate account of the number of vessels that have arrived in the last two months, I have been informed by those living near the mouth of the river and others, that the increase is considerable over preceding months. We may reasonably expect, I think, farther appropriations by the General Government for the erection of light-houses and other improvements.

I would allude to the cause of education. The integrity and prosperity of our republican institutions depends upon the dissemination of knowledge among the people. Those whose good fortune it is to enjoy an education, value it above all price; whilst those whose misfortune it is to be without it, feel, perhaps, this privation more keenly than all others: never was an adage more true than that "knowledge is power." I invoke your most earnest attention to this subject.

The inconvenience experienced by public functionaries, as well as the people at large, for the want of suitable buildings in which to transact the public business, renders the permanent location of the Seat of Government of no little importance. This subject is well calculated to excite the public mind; therefore, great pains should be taken to meet the just expectations of all parts of the Territory. The advantage, in a pecuniary point of view, of the location to the place selected, is rather imaginary than real. As, therefore, there can be but little individual gain or loss, the subject has no importance in this sense; but the public at large have a deep interest that a judicious selection be made. There is now, in my hands, $5000 for the purpose of erecting suitable public buildings, to which may be added $10,000 appropriated at the late session of Congress.

The want of a secure place of confinement for persons convicted of high crimes, renders your prompt action in regard to the erection of a Penitentiary indispensably necessary to the faithful execution of the laws.

Our countrymen are now engaged in the patriotic and laudable enterprise of erecting a National Monument at Washington City, commemorative of the illustrious deeds of the Father of his country. The States and Territories are invited, each, to contribute a block or slab of stone, with suitable inscriptions thereon, to form a part of the monument. In recommending an immediate acceptance of this invitation, I feel sure that I am expressing the wishes of every true-hearted Oregonian.

In relation to that portion of the Indian tribes who are within the settled part of the Territory, a high and sacred duty belongs to the legislature. The protection of these people in their homes and persons; the bestowal upon them of such cultivation as they are capable of receiving, in a great measure, necessarily belongs to the General Government. The Government has appointed a person, whose especial duty is to attend to the Indian affairs; and a Board of Commissioners to treat with the Indians for the relinquishment of their right to the soil. On the part of the legislature, the adoption, from time to time, of such measures as lie within its province, calculated to further the objects of justice and humanity towards this fading race, should, in like manner, be kept in view. [illegible] mise advantageous results, is the passage of an Act authorising the apprenticing Indian children to useful trades and occupations, where the consent of the parents can be obtained, and under proper safeguards for their good treatment and education. It is probable, at least in the beginning, their own prejudices will oppose an obstacle to the plan; but, with judgment in managing the system, valuable results may possibly be obtained. The natural tractacability of the tribes in this portion of Oregon; their habit of fixed residence, and great unwillingness to leave their old grounds; the ingenuity displayed by them in many articles of manufacture, indicate the direction in which they should be instructed. Not only as farmers, but as carpenters, smiths, and other mechanical pursuits, they might be made useful to the community as well as to themselves. Should the experiment be deemed worthy a trial, (and as such only I suggest it,) provision should be carefully made in it for the protection of the apprentice in his rights, and authoriory given to the agents of Government to enforce the fulfillment of the contract on the part of the employer.

I would most earnestly invite your immediate attention to the condition of the Laws of the Territory. It has been said of an ancient tyrant, "that he posted his laws so high that none of his subjects could read them." No man's life, liberty or property should be subjected to the operation of laws of which he is wholly ignorant, or of which he might not easily obtain information; and yet such is essentially the condition of the people of this Territory. One of the highest compliments due the people of Oregon, is their love of good order, and their strict regard to the rights of each other. But as the country populates, new interests will arise; and the necessity of well-known rules by which these interests can be regulated and protected, must be obvious to all. Some of the laws now in the statute-book, are believed by many to have been placed there in violation of their chartered rights; whilst others openly refuse obedience to them for the same reason. These difficulties should at once be gotten rid of, and a code instituted that would command the respect of all our constituents.

The subject of taxation, always a delicate one, demands your early attention. The people will cheerfully pay such taxes as the wants of the Territory require, provided they are equitably levied. With great deference, I would recommend the passage of a law, by means of which the value of each person's property, of every description, may be ascertained, and impose a reasonable "ad valorem" tax upon it, after deducting his indebtedness.

The unexpended balance of five thousand dollars appropriated by Congress for the purpose of purchasing a library, was placed in my hands, and has been nearly all expended under my direction. The books have been placed in a room, handsomely fitted up, and I submit to your wisdom such action in relation to them as you think proper. If it is your desire to provide for their use and safe keeping at the Territorial expense, they are at your disposal, otherwise, I will endeavor to see the law faithfully executed.

Since your last meeting, it has pleased Almighty God to bring to a close, the long and useful life of the President of the United States, Zachary Taylor, whose last words were, "I have done my duty, I am not afraid to die;" breathed his last at the President's house, in Washington city, on the ninth day of July of the present year. To attempt a eulogy were vain, forty-two years spent in the service of his country, with a fidelity, wisdom, and success so perfect as to defy criticism. Commencing with an humble Lieutenancy in the army, and terminating with the most exalted position which it has ever been the fortune of any human being to occupy, and that too, derived from the uncorrupted source of a free people, is his eulogy, and is glory enough for one man.

I congratulate you upon the safe deliverance of our glorious Union from the dangers which appeared lately to surround it. The admission of California into the Union, the establishment of Territorial governments for Utah and New Mexico, and proposition to settle the Texas boundary question, which I have no doubt will be accepted by that State, has scattered to the winds the oft repeated declaration of Monarchists, "that there is no capacity in man for self government," and is a timely rebuke to fanaticism, both North and South.

I invoke the divine blessing on all your efforts to serve Oregon, and tender you my hearty co-operation.

JOHN P. GAINES.

WASHINGTON CITY, DEC. 20, 1849.

To his Excellency the President of the U[illegible]

SIR—Previous to my departure for the Territory of Oregon, where I contemplated permanently residing with my family, and over which by your partiality I have been called upon to preside, I desire to present to your consideration such information as I have been able to obtain from reliable sources of the wants and wishes of my fellow citizens, in order that Congress may anticipate in its action, [illegible] which must necessarily intervene before I can communicate any thing to you from personal observation.

In the absence of any organized government by Congress, the citizens of Oregon, for their mutual support and protection formed a "provisional government," chosen by the whole people, among whose acts was one donating to each male citizen over eighteen years and upwards, a section of land, and they desire that Congress may confirm said act, and further, to extend the same to all who may hereafter emigrate to the Territory within a reasonable term of years, or until all the land in the Territory may be selected, provided said citizen shall settle upon and cultivate the same.

It is well known that in all new countries under our present land system, there are many who are altogether unable to pay for their lands after making the necessary improvements, and providing the simplest and most economical living for their families; and that at the regularly established sales, numbers of speculators are found ready either to advance money to the owner of the pre-emption, or to purchase the land outright after the right of the settler is established; and thus receive usually large premiums for their advances, and take mortgages on the property, or when more cautious, [illegible] on mortgage to the settler [illegible] any claim for usurious interest, [illegible] transaction, though apparently [illegible] good faith, and as a fair business transaction, is a miserable subterfuge [illegible] and fraud, ending in the [illegible] person who made the location, and constructed the improvements, and the installing of a new man of capital in the ownership of the land. Thus he who has expended his time, labor, and intelligence in the noblest of all pursuits, the reclaiming the land, and making it fruitful, is spurned with his family from the home he had earned by the sweat of his brow, and compelled to begin the whole anew, whilst the heartless speculator, who lives upon the toils of others, enjoys all these rights and privileges for which he never labored.—Thus the speculator gets improved and cultivated land, at the mere price, or nearly so, of uncultivated; an act of injustice of almost daily occurrence, and although sales are often delayed, years beyond the time of making the pre-emptions, yet so numerous are the trials of the frontier settler, and so scarce and hardly to be obtained is money currency, that thousands are found unable to pay for this land at the time of sale. Persons not accustomed and unfamiliar to frontier life, can but slightly conceive the vexation, toil, and labor, in the deprivations and trials of the pioneer in civilization. He has not only unaided and alone, to guard his flocks and hearth against the lurking beast and stealthy Indians, and encounter the diseases incident to new countries, away from medical skill and sympathising friends, but he has to build his house, break up, fence and plant his land, dig his well, and provide many other things which are absolutely necessary; so that with the utmost care and unceasing labor, even his absolute necessaries are but slowly and poorly supplied, and comforts and luxuries scarcely ever known during his life. Yet these men are the pioneers of the nation, extending its granduer, and should have and are entitled to every facility which it is in the powers of the central government to bestow; and Congress therefore in confirming the laws of the Provisional Government of Oregon, would but render simple justice to those who have devoted their time and means in protecting and upholding the honor and integrity of our common country. Under such a wise, just and salutary arrangement, the settler would feel secure in his land, which is his first great object of migration, his improvements will be more cheerfully and rapid. [illegible]

It is extremely desirable that Congress should, as early as possible, make an appropriation sufficient to defray all the expense incurred by the late provisional government and incident to the Cayuse war. The circumstances under which that government was called into existence, in the absence of all protection by Congress, the absolute necessity which then existed for the people to organize, protect and govern themselves, cannot now be doubted. The simplicity of their laws, the prompt[illegible] of the action in the affairs and gallantry of the [illegible] are known to the world, and as the government would and should have [illegible] had they been organized into a territorial government, and as their action has been the [illegible] but just and reasonable that the [illegible]

[illegible]

The growing importance of Oregon, and [illegible]

[illegible]

The great extent of coast and still more extended frontier, constantly exposed, the great distance from Washington, and the difficulty of rapid communication, it will be seen that emergencies may arise when it will be necessary for the Territory to meet dangers, and incur expenses in anticipation of notice from the government here; and I would therefore urge upon your consideration the propriety of the most liberal appropriations at the beginning,—not doubting but that the wisdom of Congress will acknowledge the necessity of such liberality on its part, and some license to their brethren who are located on the extreme western border of our great Republic.

I have intentionally avoided asking any specific appropriation, in consequence of the very limited and imperfect knowledge which I possess of the country and its wants, and have therefore only called your attention to the most prominent and immediate, believing that the Department have more reliable information on those subjects than I might offer.

If, in your opinion, the above will conduce to the prompt action of Congress, and meet your approbation, you will oblige the people whose interest I desire to serve by communicating the same.

With sentiments of respect and esteem, I remain your obedient servant,

JOHN P. GAINES.

BY AUTHORITY.

PUBLIC ACTS

Passed during the first session of the Thirty first Congress

Surveyor General of Public Lands.

AN ACT to create the office of Surveyor General of the Public Lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Surveyor General shall be appointed for the Territory of Oregon, who shall have the same authority, perform the same duties respecting the public lands and private land claims in the Territory of Oregon, as are vested in and required of the Survey[or] of the lands of the United States northwest of the Ohio, except as hereinafter provided.

SEC. 2. *And be it further enacted,* That the said Surveyor General shall establish his office at such place within the said Territory as the President of the United States may from time to time direct; he shall be allowed an annual salary of two thousand five hundred dollars, to be paid quarter yearly, and to commence at such time as he shall enter into bond, with competent security, for the faithful discharge of the duties of his office. There shall be, and hereby is, appropriated the sum of [illegible] dollars, or as much thereof as may be necessary for clerk hire in his office; [illegible] further sum of one thousand dollars [illegible] rent, fuel, books, [illegible] and other incidental expenses [illegible] to be paid out of the appro[priation for] surveying the public lands.

SEC. 3. *And be it further enacted,* That [illegible] of the Secretary of the [illegible] practicable, the surveys in [said Territory] shall be made after what is [known as] the public method, under such [regulations] and upon such terms, as may [be provided] by the Secretary of the Interior, or other department having charge of the surveys of the public lands, and that [the] [illegible] surveys shall be followed by [such] [illegible] surveys as Congress may [from] time to time authorize and direct, [but] if the present mode of survey be ad[opted] [illegible] it shall be the duty of said surveyor [to cause] a base line and meridian to be surveyed, marked and established, in the usual manner, at or near the Willamette river; and he shall also cause to be surveyed in townships and sections in the usual manner, and in accordance with the laws of the United States which may be in force, the district of country lying between the summit of the Cascade mountains and the Pacific Ocean and south and north of the Columbia river. *Provided, however,*—That none other than township lines shall be run where the land is deemed unfit for cultivation. That no deputy surveyor shall charge for any line except such as may be actually run and marked, nor for any line not necessary to be run; and that the whole cost of surveying shall not exceed the rate of eight dollars per mile and part [of a mile] actually surveyed and marked.

SEC. 4. *And be it further enacted,* That there shall be, and hereby is, granted to every settler or occupant of the public lands, American half-breed Indians included, above the age of eighteen years, being a citizen of the United States, or having made a declaration according to law, of his intention to become a citizen, or who shall make such declaration on or before the first day of December, eighteen hundred and fifty, and who shall have resided upon and cultivated the same for four consecutive years, and shall otherwise conform to the provisions of this act, the quantity of one half section or three hundred and twenty acres of land, if a single man, and if a married man, or if he shall become married within one year from the first day of December, eighteen hundred fifty, the quantity of one section, or six hundred and forty acres, one half to himself and the other half to his wife, to be held by her in her own right, and the Surveyor General shall designate the part inuring to the husband and that to the wife, and enter the same on the records of his office; and in all cases where such married persons have complied with the provisions of this act, so as to entitle them to the grant as above provided, whether under the late Provisional Government of Oregon, or since, and either shall have died before patent issues, the survivor and children, or heirs, of the deceased shall be entitled to the share or interests of the deceased in equal proportions, except when the deceased shall otherwise dispose of it by testament duly and properly executed according to the laws of Oregon; *Provided,* That no alien shall be entitled to a patent to land, granted by this act, until he shall produce to the Surveyor General of Oregon, record evidence that his naturalization as a citizen of the United States has been completed; but if any alien having made his declaration of intention to become a citizen of the United States after the passage of this act, shall die before his naturalization shall be completed, the possessory right acquired by him under the provisions of this act shall descend to his heirs at law, or pass to his devisees to whom, as the case may be, the patent shall issue: *Provided, further,* That in all cases provided for in this section, the donation shall embrace the land actually occupied and cultivated by the settler thereon: *Provided further,* That all future contracts by any person or persons entitled to the benefit of this act, for the sale of the land to which he or they may be entitled under this act before he or they have received a patent therefor, shall be void: *Provided further, however,* That this section shall not be so construed as to