Injury he may have received in overcom-log the rasistance. If this be a constitu-tional remody, it may not always he a peaceable one? But if it be a rightful repescetble one? But if it be a rightful remedy, that it may be carried to this extent no con gap deny." Again, in speaking of the master's sining, he says. "His
right is guaranteed by the constitution,
and the most nummary means for its inforcement is found in the act of congress,
and celtber the state for its citizens can
be exceptible of the right."

Now two reflections may be made upon this case. If Pripy was justified in disregarding an unconstitutional statute of Pennsylvania, the justification routed ex-Pennsylvania, the just floation would extend to all the oltizens of the State if they
had disrepreded it. There existed, then,
no duty on the part of any citizen to
respect the act. Second, if the State
Legislature obstructs or interferes with a
right given by the superior law, and the
citizen may and should utterly disregard
their action, then if the subordinate body
altempts ta exercise powers which are denied to if by the paramount law, it is
requally the privilege and duty of every equally the privilege and duty of every one to give to their illegal duings no coun-tenance nor respect. Apply these princi-ples to the case in hand, and they scent to me decisive of the question.

But again it has been said that inas-much as the Legislative Assembly bad the right to set upon the subject matter of the set, it is to be presumed good; and that it is the duty of the court to go to Salem, and there N it be victous, pro-nounce it bad. It is true that we are not to suppose, without clear evidence to the contrary, that the Legislature has transgressed its powers. We are to presume everything in favor of the correctness of its acts, but if upon comperison of its de-ings with the law ouder which it derives its powers, we discover a failure to con-form to the will of its superior, it is the duty of the court to declare the mandate of the law. Now, how are we to ascerof the law. Now, now are us tain that the Legislative Assembly had tain that the Legislative Assembly We jurisdiction of the subject matter? We shall be answered, by an examination of the act of Congress. But does not the same act of Congress require every law to embrace but one object, and that to be ex-pressed in the title? It will thus be seen at the same time discover a provision that hills the set. The Assembly has no more right to sase a law that embraces more than one object, than it has to legislate upon a subject on which it is forbidden to set. Two things are required to be observed in a's legislation by the Assembly:

Pirst, it must have power over the subject matter. Flecond, each act must embrace but exceed the transfer of t but one object, and that must be expressed in the title. Disregard of either of these

rules renders its doings null and void. But if the court shall go to Salem, and there as a court, decide that Salem was not the seat of government, it would in of-fect convict itself of a violation of the law —and even if it was not unlawful for it to do so, what good purpose could it serve if it should proceed there? It would be a more piece of useloss formality, and the

law never requires an idle ceremony.

It has been alleged that unless the court meets at Balem and there decides upon the question, ira decision given claewhere can have no force, for the reason that it would be simply an opinion of individuals holding, it is true, official stations, but not essembled pursuant to law, it can-considered as a judgment of the court. This is a petitio principi. But if the judges should go to Salem, and there e upon the question and the decision should be against the law, would not the decision be that of individuals, and not of the continue! high water.

2. Columbus Loncaster, Eq., of the Council, remains it this city, and continues to meet at the rations they were not sitting at the place.

Library results, and adjourns from day to day. Four prescribed by law. The question as to the proper place to pase upon the act of the Assembly, is as much a judicial question as that of the validity or invalidity of the act itself. And when a sufficient number of the judges, constituting the court, are convened together, at the proper lime and at what they deem the proper lime and the standing Committee on Incorporations, and a Committee on Incorporations, and a Committee on Incorporations, and a Committee on the correct one, they steadily pursue it.

Execution of Mr. Avery, the Speaker was requested to appoint a Committee on the correct one, they steadily pursue it.

Execution of Tax Nationaly the counties to the correct one, they steadily pursue it.

Exec

- 18

having the power to review them.

But we are told that as a matter of expediency, as an indication of respect to one of the co-ordinate departments of the government, we ought in the first place as to flatom even if the not of the Assembly contravence the law of Congress, I entertain as sincere a respect for the assembly as any other individual. I regret the measurity which calls in question any of its precedings. But if respect is due any where, it is first due to Congress. When its will be made known to us, we should yield to it every deference and obedience, in preference to any not of the territorial yield to it every deference and obedience, in preference to any act of the territorial Legislature that may be in conflict with it. We exampt entry iwo opposing manurers. Whilst proper deference is to be shown to every one in matters of this kind, mere compliments are out of the question. Courts are not to sacrifice duty to cliquette They are legislated. A judge would be unworthy a fall place on the banch, if he should suffer any notice of false politones, or temperary actions of false politones, or temperary actions his conduct from the straight lies of duty. And who is there

second, it is said, in the lawful so vain as to suppose that the present as sembly is weak enough to be flattered by so, then, by whomsoever made, or sever term, must be illegal. Under reametances, the master needs no Will it be better astisfied to have the law. is whatsever form, must be illegal. Under such circumstances, the master needs no proof of his claim, though he might stand a need of additional physical power. Have the place where such opinion shall be given the place where such opinion shall be given? If any of its acts are to be declared could be additional physical power and to be place where such opinion shall be given? If any of its acts are to be declared could be published, but he has recourse for any lastified, but he has recourse for any lastified, but he has recovered in general the first of the independent of the court is to the effect of the judgment of the court is to be rendered less unpulstable to them by reason of the locality where it is pro-nounced. I for one will never deman them so far as to suppose they are to be "pleased with a rattle, and tickled with a

> I have thus freely expressed my views on this question, not because it involves in my judgment any serious difficulty, but because the principle at stake is one of high importance. It is perhaps well that the discussion of it has taken place at this period in the history of this young nation. We cannot expect that men will be wholly influenced by their local interests and influenced by their local interests and feelings : but I cannot but think that in a overruled.

Oregon Spectator.

OREGON CITY TUESDAY, DECEMBER 9, 1851.

C P. Culver, Associate Editor.

07 We publish to day the opinion of Hoo. Thomas Nelson Chief Justice of the Supreme Court, upon the question as to the validity of the act of the Legislative Assembly locating the public buildingsand also the opinion of Hon. V'm. Strong one of the Associate Justices, upon the same surject. The question upon which they treat, is one of vast importance, and much interest having hitherto been manifested in the consideration of it, we would invite the attention of our readers to their opinions, and request an attentive perusal of three members to act in conjunction of them.

17 We harn that the Legislative Assembly con-is a very exciting question, that is now dividing

> TT APPOINTMENTS BY THE GOVERNOR. - Ter. ritarial Treasurer-W. W. Buck, Eiq., vice Judge L. A. Ree, rosigned.

> Territorial Librarian-Allen P. Miller, Est. This latter app intinent was made to fill a vacancy in the office, occasioned by the officer elected by the last Legicuture, J. B. Turner, Esp., leaving the Territory some time in April last, since which time

the office has been vacant.

The above appointments are excellent ones, and cannot fall to give general satisfaction.

17 We are informed that about one-third of th mill dam belonging to Mr. James M. Moore, on the Tualitin river, some three or four miles from Linn City, was carried away by high water on Sunda last. We have learned none of the particular that consend the misfortune. The loss of his dam at the season of the year, is particularly unfortuntes, from the fact that difficulty must be met with in building a new one during the rainy season, on necount of the continue! high water. last. We have learned none of the particulars the enused the misfortune. The least of his dam at this

to the large assemblage of people present, in which he expressed no regret for the act he had committed. He was understood to sey that he had left a manu ed original in his conduct.

OF The case of A. M. Shart, ve. F. Ermatinger, on trial before the Supreme Court, their Honors Judges Nelson and Strong presiding, which was brought up posed of yesterday. Judgment below reversed.

To naccount of the recent raise theriver has been unusually high during the past week. The full greather at present will probably check its far.

ther rise.

Legislative Assembly of oregon. PROCEEDINGS OF THE MOUSE

Monday, Drc. 1, 1801.—Pursuant to an act passed at the last session of the Legislature of Oregon, a majority of the members electron at this place, (Salem)

islature of Oragon, a majority of the members elect met at this place, (Salem) in said Territory.

Upon the calling of the roll the following persons squwered to their names:
Geo. L. Curry, of Clacksmas Co., J. C. Avers and Geo. B. Cole, of Benton; Wm. Allphin and Luther White of Line; U. M. Rieden, of Lane; Wille Chapman Deciders of Marion; J. S. Hol. and James Davidson, of Marion; J. S. Hol-man and N. Pord, of Polk; Ralph Wilson W. M. King and Z. C. Bishop, of Wash-ington; A. J. Hembree and Bamuel Mc-Swain, of Yamhill; and Jos. W. Drew,

was appointed Chairman.
On motion of Mr. Avery, B. P. Hard-

On motion of Mr. Avery, B. P. Harding was appointed Clerk, pro tem.
On motion of Mr. Gurry, that the Speaker appoint a Committee of three, to examine the credentials of members.—
Deckled in the affirmative, whereupon, Messra.—Curry, Wilcox and Chapman, were appointed said committee. The Committee reported the above named gentlemen in attendance as members of this flusses, for their sweets countries. House, fo? their several counties,

By the request of the Speaker, Hon. O. C. Pratt, Associate Justice of the Su-

Tuerday, Dec. 23 o'clock, P. M.—The House met pursuant to adjournment. Roll called, 17 persons unswered to their names Benj. Simpson, of Micrion, appeared, was qualified, and took his seat.

The House proceeded to elect a Speaker, which resulted in the choice of W. M. King. The election of Chief Clerk was next proceeded with, and B. F. Harding deel red duly elected. E. P. Mossey, was elected Assistant Clerk. McCormick was elected Sergeant at Arms: W. ck was elected Sergeant at Arms; W. Frazer, was elected door keeper.

Hon. O. C. Pratt administered the oath of office to the members elect, who thereupon entered upon a discharge of their duties. Notice was then given to the Council by

the House that that body was ready to proceed to business.

On motion of Mr. Simpson, the Speak-

procure suitable rooms and other conveniences for the sitting of the Legislative

Assembly at its present session.

Messrs Simpson, Davidson and White, were appointed said Committee on the part of the House.

On motion of Mr. Pord, the House ad-

jouned until je morrow, 9 n'clock, A. M. Wednesday Dec. 3, 9 o'clock, A. M.

House met pursuant to adjournment.—
Present—same as yesterday, except Mr.
Anderson, member for Clatsop and Pacific country, appeared, was qualified and

On motion of Mr. Wilcox, the Speaker was requested to appoint a Committee of three to prepare and report rules and reg-ulations for the government of the House. Messrs. Wilcox, Cole and Carry, were

appointed said Committee.

The Committee reporteed the same rules used at the last meeting of the Legislature, with one amendment; in article I, where it reads "on the appearance of see thirds of the members the speaker shall cause the journals of the preceeding day to be read;" for "two-thirds" insert word "majority"
Thursday, Dec. 4, 9 o'clock, A. M.

House met pursuant to adjournment. On motion of Mr. Curry, the Commit

Assembly, of the course pursued by the Federal officers of this Territory. On motion of Mr. Wilcox, the resolu-

on printing.
The joint rules were here reported by

Mr. Curry, the Chairman, (same as last year,) and adopted.

On motion of Mr. Drew, the Commit-

On motion of Mr. Drew, the Commit-tee on printing were instructed to pro-cure the printing of fifty copies of the rules of the House; also fifty copies of the joint rules of the Council and House (when adopted,) at the earliest practica-ble period.

Proceedings of the Council.

Pursuant to an act passed during the session of the last Legislature, a majority of the members of the Council met at Salem, Marion County, on Monday, Dec. 1st, 1851; and the session was commenced by Geo. L. Curry, former Clerk, calling the Council to order.

Mr. Fami. Farker was called to the Salterille, For. 15, W. at Inc.

Chair, and Bishard J. White, appointed

Chair, and Bishard J. White, appointed Clerk, yes ten.

The following members appeared, and took their easte, vis:

Baml. Parker, of Marion and Clackamus counties; A. L. Liumphries, of Benton, Lane and Umpqua counties; Lawrence Hall, of Washington county; M. P. Deady, of Yamhill county; W. B. Meely, of Linn county; A. L. Lovejoy, of Clackamas county; and Jos. M. Jiarrison, of Marion bousty; who, after being qualified took their seats.

On motion of Mr. Lovejoy, the Council adjourned until to-morrow, 2 o'clock, P. M.—The

oil adjourned until to-morrow, 2 o'clock, P. M.

The day, Dec. 2, 2 o'clock, P. M.—The Council met pursuant to adjournment.

Mr. Parker, chairman, being unwell, Mr. Hall, was appointed Prest; protess.

The Council then proceeded to clock a President, which resulted in the choice of A. L. Lovejoy. Mr. Lovejoy upon being conducted to the chair, declined the Presidency. His reasons being satisfactory, his declination was accepted. A according to the council of the president of the

O. C. Pratt, Associate Justice of the Supreme Court of the Territory of Oregon, administered the oath of office to the sixteen members present as named above.
On motion of Mr. Curry, the House adjourned until to-morrow, (Tuesday,) 2 o'clock, P. M.

Tuesday, Dec. 22 o'clock, P. M.—The House mat turns it of a distribution of the council of the council

Wednesday, Dec. 8, 9 o'clock, A. M .-

On motion of Mr. Deady, the rules of the last session were adopted for the gov-ernment of the Council.

The officers elect being duly qualified

appointed a Committee to procure suita-ble rooms for the use of the Council. On motion of Mr. Hall, the Cierk was

directed to procure stationery for the use of the Council.

On motion of Mr. Lovejoy, the Council adjourned until to morrow, 9 o'clock,

Thursday, Dec. 4th, 90'clock, A. M .-

Council met pursuant to adjournment.

A message was received from the House 19-the effect that Messrs. Curry, Andogen and Risden, were appointed a Committee on the part of the House, to not with a like Committee on the part of the Council, to prepare and report joint rules for both houses.

The Council of these Messrs. Des.

dy, Lovejoy and Waymire, were appointed to not jointly with a like Committee from the House, with instructions to draft a memorial to Congress, and report the same to the Council at an early day.

The Committee appointed to procure had procured the morn in the basement story of the Oregon Institute, to the right of the entrance door; which, on motion of Mr. Waymire, are to be furnished, in manner similar to the room used last ear by the Secretary. Mr. Lovejoy gave notice that on Mon-

day or some subsequent day of the session, that a joint committee be appointed to devise a proper code of laws.

Mr. Deady gave notice that on Monday

or some subsequent day of the session he would introduce a bill to exempt the wife's portion of the claim donated by the act of Congress, approved Sept. 27, 1830, from the debts or liabilities of the husband.

On motion of Mr. Lovejoy, the Council adjourned until to-morrow morning, 9 o'clock, A. N.

MARRIED,
In North Yam Hill, on the 29th Nov. by Rev.
Thomas H Pearne, Ma. Darlino Surres of Yam
Hill County to Mice Ellan Talansa, youngest

18 or Jam a Gerrish of the former place.

THE STEAMER "WILLAMETTE."

THIS Steamer, E. Ayers, Marter, will have dispatch with mails and passengers for Actoria, ONSATURDAY, THE Sea OF DECEM-She will esqueet as usual at Asteria, with the

STRAMBHIP COLUMBIA.

For passage to Asteria, or through to San Francisco apply on board the Willametin.
JOH. DU RIBROW, Jr. Agent.
By JOHN FERGUNON.
Pertland, Nov. 28, 1851.

Stray Horse.

CAME upon the premises of the subscriber on, the Clackaman, about air miles from Oregon City, on or about the 10th of Nigre, an Inon Garr House, of Indian breed, with the marks cave a large sear on the loft hip. He is quite gentle, and cridently belongs to speak white person. The owner is requested to preve property, pay charpre and take him away. WILLIAM ARTHUR! Clackamoe Uc., Nov. 80, 51-n13th.

A STORE AT BUTTEVILL, EIGHTBEN Miles Anges Cannian.

undersigned would need respectfully in
his friends and the public that he has just recand keeps constantly as hand, a general or DRY GOODS AND GROCERIES,

OZ chajno, FURNITURE—chaj

Oregon City, Nov. 4, 31

STORE AT CHAMPORG.

THE undersigned has a very good as of Goods & Graceries for the formis monity, which he will give in ombang for Whom Outs, Hiden, Puth, Sinter, Chickens, Eggs o Cash. Call anyhow and one if you have below in the Post Office. ROSERT NEWELL. Changerg, Oct. 5th, 1851-1865.

J. D. & W. C. Helman is the day dissistency posterior of the control of the contr

CLACKAMAS COUNTY

Poungle Somiumry.

THE stoom term of the Institutes will disc as Priday, Her. Size. The public sup-cially the parties of the pupils, are ferring to al-tend the review of the studies as that day.

The third term will commence on Wednesday, Nov. 20th.

H. CLARE, Sor'y. Nov. 90th. Nov. 11, '51-w1.

GROCERIES AND

PROVISIONS. The undersigned having bought of Win. C. Dement his very desirable stock of Grecories and Provisions, offers them to the public on such terms as will give entistice. Don't take my word for it, but call and se

ON THE beat of the tiver, in the near of the brick store of Gos. Abermshy &-Co. may be found at all times a many by PURMITURE! PURMITURE!!

may be found at all times a maply of Bodstends, of different patterns, Tables, Racking Cane seek (an excellent article) and other Charm. EMERY & CO. Oregon City, Nov. 11, '51 and.

Notice.

THE west Hill County to Mus Ellan Telanna, youngest daughter of Rev. Jam's Gerrish of the former place.

On the 6th Nov. at the residence of John F. Sutherland, Ump jun county, by Warren N. Goodsoil, J. P., Mr. Wassinsoros L. Cacorcit, and Miss Millans daughter of John F. Sutherland. Balance of the following States, to-wit New York, Ohio, Indicale, Hillians, Iowa and Miss Millans daughter of John F. Sutherland. Balance of the Special Company of the Superland of the Su

Turning Lethe For Sole.

THF subscriber haven hard and offers for onle
the menhinery and flattent complete, for the
ortablishment of a turning lathe. It can be most
by calling at the store of L. D. C. Latentwite.—
Price, one headred and fifty delian.

WASHINGTON WILLIAMS.

Oregon City, New 11, Blast

WM. IRVINGA, Marron.

WM. IRVINGA, Marron.

Will. make daily trips batteren Onegon City: Leaving Postioned every memory (nundays excepted) at half-past 8 o'clock, and Oregon City, overy afferment at a quarter past 8 victoria, and establishes this arrangement at heart at the depth of the trainer on the rapids will petud. Oregon City, Nov. 18, '51.—nill.

THE undersigned would respectfully inform the elizame of Overgon Turvinory that he has opened jibs above home in Linu. City, for the resonanciation of the public. The home has just been thoroughly reliated and her furnished throughout. The table will be supply with all the hauties and understable the empty with all the hauties and understable the analysis, and be hapen by strice attention to all the allies, and be hapen by strice attention to all the allies, and be hapen by strice attention to all the allies home a designable retreet. Encoding attention to the beauties of the public and the connected with the metablishment.

WANTED, 5000 FIR are lape of the Tag No. 11 World

Oregon City, Oct. St., '81.-4