

# OREGON SPECTATOR.

D. J. SCHNEELY, EDITOR.

OUR HOME IS IN THE FUTURE, AND SURELY OUR FIRM DETERMINATION.

AND PROPRIETOR.

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## THE OREGON SPECTATOR.

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## LEGISLATIVE IN THE COUNCIL.

Dec. 20.

Mr. Kelley, from the judiciary committee, to whom was referred the petition of Gen. W. Jackson, for a divorce, reported a bill for granting the prayer of the petitioner; read first time.

Mr. Powers, from committee on education, reported a bill to incorporate the Rickard academy, with amendments; ordered engrossed and to be read a third time to-morrow.

A bill for the preservation of clams and oysters read twice.

AFTERNOON.—A bill to regulate the sale of real property read twice.

The Salem and Lafayette road bill was passed.

A bill to regulate proceedings to vacate charters and letters patent read first time. The bill to regulate mechanics' liens read first time.

The bill to define the southern boundary of Lane county read first time.

House joint resolution directing the president of the council to forward copies of memorials to delegate, &c.; adopted.

Mr. Humphrey introduced a bill to provide for holding the supreme and district courts; read first time.

Mr. Kelley introduced a bill to provide for extra pay of the clerks; read first time.

The memorial in regard to the delivery of the U. S. Mail at Umpqua river, was passed.

Mr. Simpson introduced a bill to charter the Santiam bridge company; read first time.

The council went into committee of the whole upon various bills.

EVENING.—The council went into committee of the whole on the bill (from the code) relating to witnesses.

Mr. Simpson moved to amend so as to exclude negroes, mulattos and half-breed Indians from testifying against white persons; adopted.

Mr. Fulkerson moved to strike out provision requiring belief in a supreme being and making persons witnesses who did not believe in such being, or in future rewards and punishments.

Mr. Fulkerson said he wished not to be misunderstood; he believed in a supreme being, and in future rewards and punishments. But he had known honest, upright, and truthful men who did not; and he would as soon believe as any other. He would not disqualify a man on account of his religious belief.

Mr. Kelley said he was for letting with the doors to testimony, for letting every thing go to the jury for what it was worth, and leave them to judge of credibility. He was in favor of the amendment, though he did not wish to be understood, as an encouraging disbelief in a G. S.

Mr. Simpson said he would rather this provision had never been placed in the code, than to strike it out now; that would subject the opinions of this body to misconstruction. He hoped that this amendment would not prevail.

Mr. Humphrey said there were in the community men who disbelieved in a God, who were as honest and as credible as any other; they should not be excluded from the witness stand; the section might be modified so as to include them.

Mr. Powers said he could hardly consider a man sane who disbelieved in a God; he could have no religious belief; he did not believe in the accountability of man. He hoped the original provision would pass. It might be because he had always lived where they had such laws.

Mr. Fulkerson said he was not certain that the amendment went too far. It could not be denied that many honest and worthy men disbelieved in a God. In Indiana were found distinguished and able statesmen who disbelieved.

The amendment was lost.

Mr. Simpson moved to strike out the words "who will punish false swearing," and simply require belief in a supreme being; adopted.

A bill to amend an act to divorce Susan Maren, was laid on the table.

The amendments of select committees to the bill for a territorial road from Astoria to Willamette Valley, were agreed to.

The joint resolution relative to a more correct mail delivery, was referred to judiciary committee.

The bill legalizing the acts of alcohol as justices of the peace in Jackson Co., was passed.

Mr. Kelly reported a bill (from code) relative to writs of mandamus and prohibition; read a first time.

A bill relating to habeas corpus and the proceedings thereon; was read a first time.

HOUSE. Dec. 21.

Mr. Halley, from committee on corporations, reported a bill to change the name of Salem to Chemawa.

Mr. Cason, from committee on claims, reported that they had examined the claims of G. D. R. Boyd and others, and recommend the following payments to be made, viz: To G. D. R. Boyd, \$172.15, for money actually expended; and \$716, for services rendered as keeper of the penitentiary. To J. Willis, sheriff of Clark county, \$100, for services in attending territorial prisoners, and to Clarke, \$227.25, for expenses incurred in keeping territorial prisoners.

The bill authorizing justices of the peace to take cognizance of offences against the act of congress preventing the sale of liquor to Indians, &c., coming up on its second reading. Mr. Jackson moved to amend by inserting a provision imposing a fine of \$100 for selling liquor to any Indian, half-breed, Kanaka, &c.

On motion of Mr. Boise, the whole subject was referred to a select committee—Messrs. Boise, Jackson and Durham.

The bill to locate the county seat of Douglas Co., came up on its third reading, but being found to be incorrectly engrossed, was referred.

On motion of Mr. Grover, the bill to incorporate the Umpqua river navigation and manufacturing company, was taken from the table.

On motion of Mr. Grover, the bill making it necessary for the company to obtain the consent of the owners of the adjacent land previous to erecting dams.

On motion of Mr. Hadley, the names of Francis W. Merritt and Benjamin Stratton, were added to the corporators.

Mr. Grover spoke in favor of the bill. Mr. Martin opposed it.

Mr. Boise supported the bill. The charter was passed—yeas 19, nays 7.

Mr. Thompson, of Washington, presented a communication from S. Coffin, relating to his purchase for a penitentiary. The bill to relocate the road from Salem to Lafayette, was read twice and referred to select committee—Messrs. Peebles, Nye and Martin.

C. B. for the preservation of clams and oysters was read first time.

C. B. to incorporate the Rickard academy, was read twice and referred to committee on corporations.

The bill in relation to crimes and punishments, was referred to committee of the whole.

AFTERNOON.—The speaker presented a communication from the commissioners of the penitentiary, in reply to a communication from S. Coffin, in regard to site for penitentiary; referred to judiciary committee.

Mr. Ambrose moved to reconsider the vote upon the passage of the Umpqua charter.

Mr. A. said that since he had voted on the question he had been informed that granting the charter would result in the injury of private individuals, who contemplated building mills.

Mr. L. S. Thompson said that he knew from personal knowledge, that for a distance of 50 miles from Scottsburg, there were no mills upon the river.

Mr. Ambrose explained that private individuals were contemplating building mills and intended rafting lumber down the river, and that this company would interfere and compete with them.

Mr. Thompson said that he did not believe they could raft a fence rail down that river.

Mr. Grover said that from the manner the bill was amended, the company could not interfere with any private rights.

Reconsideration lost.

On motion of Mr. Peebles, the house resolved itself into committee of the whole upon the crimes and punishment bill.

Mr. Peebles in the chair—Mr. Moffit moved to strike out the death penalty and insert instead imprisonment for life. In support of the amendment he stated that capital punishment was a relic of barbarism, and a disgrace to our statute books.

Other States and countries have abolished the death penalty, and the experiment has not proven that it has resulted in an increase of crime; on the contrary, for the 15 years following the time when the Emperor Catharine, of Russia, abolished the death penalty, it was found that less crime had been committed than in the 15 years previous. The State of Michigan has abolished the death penalty, and as far as I have any means of judging, with beneficial effects. States that have not abolished the death penalty, have become ashamed of their brutal hanging exhibitions, and now do them in private. There are other crimes as equally deserving of death in my opinion, as murder. Who would not as leave his daughter in her sister with the assassin's dagger in her breast, as to see her tears and agony after having been ravished by a merciless wretch? If we punish murder with death, why not rape? But I wish to see the death penalty abolished entirely. I wish the people of this Territory to have law as good and as fully up to the spirit of the age as the people of any other State. Innocent persons have been hung and others are liable to the same fate, as long as capital punishment is allowed to remain a law. Better 99 guilty should escape than 1 innocent should be punished, as a good usage. But by this wicked and inhuman law an innocent man may be put to death, and if his innocence is after wards established, no reparation can be made. A dead man cannot be recalled to life, but an imprisoned man can be freed.

Mr. Grover said that the gentleman had made a very happy argument in favor of abolishing capital punishment. He has given us historical references to the beneficial effects of it, but if the gentleman had gone a little farther into history, he would have seen that in the time of Queen Catharine, there were other and different influences operating to prevent an increase of crime than the abolishment of the death penalty. The reign of Emperor Catharine was for Russia, a happy event, and the effects of that Emperor to render his people happy and contented, had more influence in preventing crime than the abolishment of the death penalty. The gentleman has assumed the beneficial effects in other States as an example for our imitation, but in my opinion we should have to follow the example of one or two States while we see a great majority of the States that have every facility for carrying out all their laws relating to capital punishment, and that should not be the last country that should try such an experiment. Without penitentiaries or jails—the country sparsely settled, and every inducement offered by many peculiar features of the country and the times, for the perpetration of crime by the reckless and depraved—it appears to me that our only safeguard is the retention of the death penalty.

Mr. Chapman said: Hoping that my venerable friend, Mr. Moffit, may not be displeased, and with all respect for his wisdom, I must differ from him in regard to the death penalty. He says that it is a relic of barbarism. About that it is, as it has restrained crime, it should not be abolished in that respect. The gentleman assumes that the State of Michigan as an example of the effects of the abolishment of the death penalty. Now, I am acquainted with the facts attending the abolishment of the death penalty in Michigan, and I think that the results were not so beneficial as the gentleman thinks. Crime increased, murders became common affairs, and prisoners filled in from every quarter for a repeal of the law. As for the death penalty, how and what would we have left to secure life in our jails and penitentiaries.

Mr. Elkins said: I don't rise to make a speech, but merely to give a few reasons why I cannot vote for the amendment. I cannot vote for it upon the ground of policy. I vote for the death penalty, the Bible, and I think that in regard to the justice of the death penalty. It is from that belief that all good laws are taken, and it is from that belief that this law is taken. Criminal laws are all made from policy. I think it would be bad policy for us to abolish capital punishment. I think it should be inserted in all criminal laws for the punishment of the greatest crimes. The gentleman has stated that public executions make men hardened, which may be the case, but at the same time I think it detests them from the commission of crime. He says it is better to let 99 guilty ones go unpunished than one innocent man should be punished. I think it is seldom in this enlightened age, that an innocent person is hung. I don't see how we in a new territory like this, without a penitentiary or any other place to confine criminals, could get along without the death penalty.

On motion of Mr. Jackson the fine for manslaughter, was struck out.

On motion of Mr. Coffey, the fine for duelling, was struck out.

On motion of Mr. Humason, a section having the following provisions was struck out: That if any owner of a mischievous animal shall, knowing that it is vicious, allow it to run at large, and while so at large it shall kill a human being who may have taken precautions to avoid the danger, such owner shall be deemed guilty of manslaughter.

On motion of Mr. Jackson, imprisonment for larceny in the county jail was struck out, leaving the punishment fine and imprisonment in penitentiary.

Mr. Jackson moved to insert \$30, instead of 35, as the line dividing petit from grand larceny; lost.

On motion of Mr. R. Thompson, the fine for forgery was struck out.

EVENING.—Mr. Miller gave notice that he would introduce a bill to change the name of Rogue River.

On motion of Mr. Peebles, the house resolved itself into committee of the whole and took up crimes and punishments bill.

Several chapters of the code were read and a few amendments made. Mr. Humason moved to strike out the chapter prohibiting lotteries; lost.

Mr. Elkins moved to strike out 3d, 4th, 5th and 6th sections; lost.

Mr. Nye moved to strike out the gaming act; lost.

Mr. Moffit moved to amend so as to appropriate the fines to the support of common schools; adopted.

Mr. Miller moved a similar amendment in case of recovery of money lost; adopted.

Mr. Smith moved a reconsideration, advocating his motion; lost.

Mr. Chapman moved to amend, in some manner, 6th section.

Mr. Boise moved to amend so as to require prosecuting attorneys to sue for money lost, for common schools; carried.

Mr. L. S. Thompson moved to strike out sections 9 and 10; carried.

Mr. R. Thompson moved to amend so as to exempt persons whose husband or wife shall have been 7 years beyond the Rocky Mountains, as well as beyond sea, from the penalty of adultery.

Mr. Grover advocated the amendment. Mr. Boise opposed it.

Mr. Grover said that upon examination of preceding sections, he was of opinion that the amendment would work an injury in this Territory.

Amendment was withdrawn.

Mr. Hadley moved to strike out section prohibiting lotteries; carried.

Mr. Ambrose moved to strike married men from the seduction clause; lost.

Mr. R. Thompson moved to amend by striking out sections prohibiting lotteries on Sunday. He thought they were not applicable to this country.

Mr. Moffit said that he was in favor of the amendment; he had as high a reverence for the Christian religion as any man in the house, but religious tenets that required the aid of law to support them ought not to be observed. He observed the sabbath observed it upon the Lord, and he who did not so observe it did not observe it at all. Law could not enforce real observance. He would protect his shipping congregations from disturbance, and farther than that he was unwilling to go. All days were the Lord's days. Some sects observed one and some another. If we legislated for one, we should for all.

Mr. Chapman hoped the amendment would fail. We should say by our laws that the Lord's day should be observed; he who said this people were not in favor of virtue and morality cast a wide aspersions upon their character.

The amendment was adopted and committee rose.

HOUSE. Dec. 22.

Leave of absence granted to Mr. Bennett.

Mr. Hadley from committee on corporations reported back without amendment the bill to charter Rickard Academy.

The bill for the preservation of clams and oysters came up on its second reading. Mr. L. S. Thompson moved to strike out clause, as he said, some of us would not survive if it was not for clams and oysters.

Mr. Moffit seconded the amendment and said that although his constituents did not live entirely upon clams, yet clams were a chief support of their food, and that at the time they were not allowed to be taken they were the fattest.

Bill and amendments referred to select committee, L. S. Thompson, Moffit, Nye.

A bill to establish a poor house read second time.

A bill to appoint officers for the county of Tillamook passed; the officers appointed are as follows: J. W. Alderman, John Trail and Elbridge Trask, commissioners, O. S. Thomas, sheriff, Thos. M. Cochran, clerk.

The bill to change the name of Salem was referred to select committee, Peebles, Chapman, Goff, Coffey and Grover.

The bill to locate the county seat of Douglas county read second time.

Mr. Nye moved a postponement of the bill until the 5th of Jan. He said that petitions would probably arrive here previous to that time, praying to have the election on the same day as the general election. Mr. Martin opposed the postponement, he said that he knew that petitions were on the way here and that the wishes of the petitioners were covered by the ground of this bill and that the gentleman's conjectures were very wide of the mark. The bill was passed.

The bill to create the office of inspector of fish amended and passed.

On motion of Mr. Peebles, the accounts of G. D. R. Boyd keeper of Penitentiary, and the sheriff of Clark county were referred to committee on claims with instructions to report by bill.

Mr. Grover presented the report of the commissioners to superintend the erection of public buildings at the seat of government. The reading of the report was attended with much difficulty to the clerk on account of the superabundance of hieroglyphic disintegrating and friable expressions it contained. Referred to a select committee—L. S. Thompson, Grover, Jackson, Ambrose and Elkins.

500 copies each of the reports of the

commissioners on Penitentiary and public buildings ordered printed.

On motion the house went into committee of the whole on crimes and punishment act. Mr. Peebles in the chair.

On motion of Mr. Shuck, chapter 13 was amended by inserting a provision that all fees accruing from its enforcement be appropriated to public schools.

Mr. R. Thompson moved to amend by striking out a chapter relating to common professions for labels &c. Mr. Miller said for the benefit of some of our editors he hoped it might be struck out.

Messrs. Grover and Boise were in favor of striking out, and Mr. Chapman opposed it. Amendment adopted.

Committee rose and reported progress.

The bill was laid upon the table until this afternoon.

Mr. Carter presented the claims of A. E. Watt as prosecuting attorney. Amount claimed for services \$200; referred to committee on claims.

AFTERNOON.—The amendments reported by committee of the whole were considered and generally adopted, the year and day being demanded upon all important questions. The bill was passed and sent to the council for its concurrence in the amendments.

Mr. Thompson offered a joint resolution that the president of the council be requested to forward at his earliest convenience to the postmaster general the memorial relating to the delivery of the mails at Umpqua river; rejected.

Mr. Grover presented drawings, diagrams, &c. of the state house. Referred to committee on public buildings.

Mr. Peebles reported back amended the bill relating to the road from Salem to Lafayette; laid on the table.

Mr. Cason from committee on claims reported bill for the payment of the claims of G. D. R. Boyd, keeper of penitentiary, J. Willis, sheriff of Clark county.

The bill providing for holding the supreme and district courts, read twice and referred to judiciary committee.

The bill regulating proceedings to vacate charters, letters patent and to prevent the re-issuance of an officer or franchise, from the code, read twice and referred to judiciary committee.

The bill concerning the liens of mechanics, laborers and other persons, from code, read twice and referred to select committee—Messrs. Peebles, Jackson, Nye.

The bill to regulate actions relative to real property read twice and referred to committee on judiciary.

The Cass county bill was received from the council, amended, and was laid on the table.

EVENING.—On motion of Mr. Ambrose the Cass county bill was referred to select committee—Ambrose, Hadley and L. S. Thompson.

The claim and oyster bill was amended by striking out all relation to claims and passed.

The bill providing for liens of mechanics and laborers passed.

The bill to vacate charters and letters patent from the code, passed.

The bill to regulate actions in relation to real property passed.

Lafayette and Salem road bill amended and laid on the table.

The bill to provide for the holding of the supreme and district courts passed.

Mr. Carter from committee on education, reported adversely the bill to provide for the appropriation of certain school funds in the several counties.

On motion of Mr. Boise, it was amended so as to make its provisions apply to Polk county only. As amended the bill passed.

## COUNCIL.

Dec. 22.

The judiciary committee reported and amended the joint resolution relative to a more correct mail delivery laid on the table.

The committees on enrolled and engrossed reported various bills as being truly engrossed and enrolled.

House bill to create the office of inspector of fish read second time.

The bill to appoint officers for Tillamook county passed.

The bill to provide for the county seat of Douglas, passed.

The Umpqua river navigation and manufacturing company, bill passed, yeas 7, nays 2—Scott and Fulkerson.

The bill providing for extra pay to assistant and enrolling clerks, passed.

The bill relating to writs of mandamus and prohibition (from code) passed.

## HOUSE.

Dec. 23.

The journal being read, and the yeas and nays ordered, yesterday, not being found recorded, Mr. Chapman enquired if the clerks had recorded the yeas and nays. The speaker said they had not, nor had they the blanks by which they might be corrected.

Considerable discussion arose as to the proper manner of proceeding to correct the journal. Many members expressed a desire to have their votes recorded upon the journal, as questions of interest and importance had been decided, and they desired their constituents to see their votes as they were cast.

Various suggestions and amendments were made, with the object of correcting the journal, but none of them seeming to answer the purpose, the question was taken upon the motion to accept the journal as it is. Peebles, Cason, Carter, R. Thompson, Chapman and others asked to be excused from voting. They were not excused and the yeas and nays being called, 18 were in favor and 6 opposed to adopting the journal.

A bill empowering county commissioners to locate school lands, read third time and passed.

Mr. R. Thompson offered a joint resolution that a committee of two from house and one from council be appointed to view the site for the penitentiary and report at an early day, passed—Thompson and Grover concurred on part of house.

While waiting for the council to concur in the resolution the members amused themselves in making motions and calling for explanations in regard to the celebration of the day of Pike held in the hall last evening.

A postponed bill, Jan. 3d, 1854.—Statesman.

From Philadelphia Daily Register.

It has been said about the necessity of a double track on the Amboy Line, but the numerous turn-outs along the route seem amply adequate for safety, with the least caution or obedience to regulations. Of course, accidents may even happen upon double tracks, and a serious one has happened in this State, even in a depot. In fact, the most effective safeguard against accidents in general is found in wise regulations and prudent and sensible agents, and these are marked characteristics of the Amboy Line."

We take the above from a puff of the Camden and Amboy railroad, conspicuously inserted in the New York National Democrat, of Thursday. It is curious to remark how close is the affinity between modern democracy and monopoly. In this State, democracy grants a monopoly of the Columbia Railroad to Messrs. Bingham & Dick. In Jersey, democracy granted a monopoly to Messrs. Stockton, Stevens & Co., and democracy is now in the field to sustain the monopoly by the election of a Governor, nominated by those gentlemen. In the Union, democracy goes for the adoption of such measures as will insure to Manchester and Birmingham a continuance of their monopoly of machinery for the manufacture of cloth designs and thus compel us to send abroad hundreds of millions of dollars, to be used in the purchasing of those commodities, while mills and furnaces at home are idle. We should be glad to have an explanation of the fact that modern democracy is so generally found moving in company with the monopoly of trade and travel by wealthy men and powerful companies.—N. Y. Tribune.

Democracy (of a peculiar kind) granted a monopoly to Stephens to ferry the Willamette river at Portland; the same body of democracy granted to Olney the exclusive right to ferry the Des Shutes river, at highly stipulated rates; a charter was granted by the same body at the same time, to a company to place a toll gate in the Cascade mountains on the immigrant route. It has been done by the anti-democratic party in Oregon. The Stephens charter, at Portland, was granted for ten years. There is a vast amount of mischief done in the States and in Oregon under the cover of the word democracy. Let Lynch law be established, call it a democratic measure, and it would soon be striped of its enmities and endorsed as a wholesome measure. Such is the charm that the word carries with it; and, nominate a man, we care not how objectionable, if the so-called democracy have the power, they will elect him, regardless of his past or present character. It is none the less true in Oregon than in the States, when they concentrate their forces.

When we want the people to wake up to the damnable rascality of these legislative brokers.—Chicago Democrat.

So we do, particularly those who went into the "Coon Grove Coal Mining" operation.—Chicago Ill. Journal.

It will be remembered that the legislature is largely democratic in both houses. Long John pays a handsome compliment to his brother democrats. He is certainly not a good democrat, or else he would not be telling tales out of school, after such a fashion, about the democrats of the banner State.