VOL. A.

OREGON CITY, OREGON, SATURDAY, JULY 16, 1870.

FIFTEENTH AMENDMENT. THE WEEKLY ENTERPRISE.

A DEMOCRATIC PAPER, FOR THE Business Man, the Farmer And the FAMILY CIRCLE.

ISSUED EVERY SATURDAY EY

A. NOLTNER,

EDITOR AND PUBLISHER. *@FFICE*—Corner of FIFTH and Main streets Oregon City, Oregon. TERMS of SUBSCRIPTION: Single Copy one year, in advance,, \$3 00

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CE OREGON: IN THE HOUSE OF REPRESENTATIVES. May 27, 1870.

The House having under consideration the bill (H. R. No. 1293) for other purposes.

Mr. SMIRI, of Oregon, Mr. Speaker, I do not oppose this bill because I am unwilling that all eitizens of the United States shall be protected in the right to vote, nor because I am unwilling that persons who may seek to deprive them of that right by violence or fraud

properly belong to the State courts; length. because it provides for a vast increase of Federal officers and imposes cruel and unusual punishments on the people, and subjects them to harassing and expensive litigaton, and to oppression and extortion in various ways. I con-

States, give up tinkering at the I might retort, why does he and among strangers, with perhaps not and the malignant, it will not be sale for which they are charged, and to insure a Constitution, and confine its action his friends fear to trust State a cent in his pocket and the brand men to discuss political questions with hickful observance of the lifeenth amend-SPEECH OF HON, J. S. SMITH, to its legitimate and constitutional courts and officers? Is the as- of Cain upon him, as one accused ary business of life with each other about States. functions and duties, and we shall sumption of this bill true, that of crime and barely escaped con- election time. It will have a tendency to There is no Easil to the number of offisoon hear the last of internal com- Federal judges and Federal officials viction. Is it of no consequence breed universal distrust and unensiness, cers provided for by these two sections. motion and discord. Peace that generally are more virtuous or trust- to his wife and children whether gratification of rpite and greed of gain may specially empower any other officer, will not depend upon the presence worthy than those of the States? in his hour of trial they can minis- by unfounded accusations and prosect- civil or military, and they are all "speci-

of bayonets for its continuance That doctrine is equally new dan- ter to his wants, cheer him with tions. will once more prevail all over the gerous, and false. Only a bad cause their presence, and sooth and com- But it may be claimed that the innocent, peuse of the United States, to institute land, and our laws, like a well-fit- requires such support. But can fort him with their love and symto enforce the right of citizens of ting garment, will protect us from the gentleman be serious in his inthe United States to vote in the injury without galling us by their quiry? If a member of the Amerrestraint. ican Congress, for many years an late home while he shivers alone ever be had unless an intent to violate its powers these officials are armed !

Sir, I repeat if I believed there eminent New York judge, a man in the gloom of some far-off Fed- spirit and destroy the right it seeks to prowas any necessity for the passage of mature mind and ripe experi- eral prison?

of this bill I should despair of my ence, and ask why the people When in the Declaration of Src. 8. And he it further enoded. That take of new offices and seathither swarms country. It cannot be enforced, should prefer to be tried for alleged Independence Jefferson included the district courts of the United States. and ought not to be enforced; but offenses before their local courts? in that terrible list of crimes com- within their respective disricts shall have. the attempt to enforce it will result I am astonished at the inquiry. It mitted by England's king against States, cognizance of all crimes and of that End to compare either in their states, cognizance of all crimes and of. in strife and confusion, if not is pregnant with a meaning that is the people of the Colonies the fenses committed against the provisions of alarming. It suggests the same charge that he had "transported this act, and also concurrently with the diction that many who vote for it idea that this bill suggests, that us beyond seas to be tried for circuit courts of the United States, of all shall be punished by the infliction that many who vote for it idea that this bit suggests, that is beyond seas to be thed to day will be glad of an oppor- much of the recent legislation of pretended offences," the reply this act except as herein otherwise proof reasonable penalties by a prop-tunity to vote for its repeal. Its Congress suggests, that, in the might have been made, as in this vided, and the jurisdiction hereby coner tribunal; but because it confers objectional features are so numer- opinion of the dominant party, case, "Why object to going from ferred shall be exercised in confirmit ous that I cannot refer to them, State courts, State laws, State home to be tried? Why, if inno with the laws and practice governing Un nor to any of them, at much constitutions, State institutions are cent, fear to face an English jury ited States courts; and all crimes and of fenses committed against the provisions of no value, are only obstructions, in an English court? Have not of this act may be prosented by the in-

The point has been made with to be done away with as speedily English courts maintained a char- dictment of a grand jury, or, in cases of unanswerable force in the other end as possible.

of the Capitol that in so far as it Why prefer State courts to Fed- passed by any in the world ?" secution may be either by indictment or undertakes to punish private citi- eral? Why not extend the inquiry? Ah, sir, the country and the world in a court having juri-diction. zens not acting under color of Fed- Why not ask why we prefer to understood the difference then, and It will be seen that every prosecution greater than any new you are non new remissness of State officers in enforcing eral or State authority, it goes al- have laws made by our State the people understand it now. The for a penalty or misdemeanor under the the fifteenth amendment together beyond the power given Legislatures rather than by Con- patriots of 1776 were not to be act is to be tried by the United States But the point I was considering is whether scientiously and persistently opposed the adoption of the fifteenth

tion eight is in the following words:

acter for purity and justice unsur- crimes and offenses not infamous, the proinformation filed by the district attorney

to Congress by the fifteenth gress, administered by our Govern- cheated out of their liberties by courts. In the State I have the honor to there is danger of numerous arrests being

L. J. A. Sher

to encourage litigation, to promote the and the President of the United States ally authorized and required, at the ex-

law-abiding citizens will have nothing to proceedings." " to arrest, imprison, or bail fear; that only the guilty need tremble ; every person who violates the provisions

their neighbors, or to transact the ordin- ment to the Constitution of the United

NO.36.

When Jefferson, in the same immortal teet is clearly proven. Let us see. Sec- document I have just quoted, charged the British king with having " crected a multiof efficers to barass our prople and eat out their substance," he had seen no abuses of that kind to compare either in their center, and every polimay be surrounded. by a squad of soldiers at any election, Is there any security for the citizen, any guarantee for the purity of elections unler such a system? Can a country be called free where such a law exists, and where such powers are entrusted bewarms of irresponsible officers. I say irresponsible, for the President appoints the jange, the judge appoints commissioners, the commissioners their subordinates, and the subordinates command the, troops, make the arrests, and control the elections. Are not the dangers of the system infinitely greater than any likely to arise from the

amendment. That amendment is ors rather than by the Presi- any such shallow pretense as that vania and Naw York combined down in these officers without probable

tors in Admiralty . 737 O fice, Odd Fellows' Temple, corner of First and Alder streets, Portland, Oregon.

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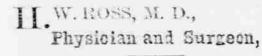
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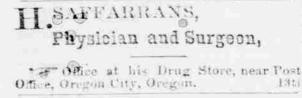
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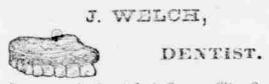
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amendment to the Constitution, in the followinge language: believing that the question of suffrage had been wisely left to the United states to vote shall not be denied gress or Federal courts? Why had cause to fear, States by the framers of that in- or abridged by the United States, or by

to be left; and further believing previous condition of servitude.

upon it.

of which they form a part.

I fully believed that to give them the right to vote by congressional enactment, constitutional amendment, or in any other way they live would antagonize the

two races and lead to widespread

by your voluminous legislation on the subject. Law after law has been enacted, amendment after amendment has been made to both law and Constitution; earpet-baggers and scalawags, soldiers and Freedmen's Bureau officers have zen and subersive of fiberty. been called into and continued in more bitterness and antagonism between the races than ever be

No civilized people not driven to desperation and madness by long continued injustice and insult ever Permanently Located at Oregon City, Oregon required to be restrained by such a bill of abomination as this, and

peet any good from such legislation, no matter what might be the occasion for it. Sir, if the OFFICE-Odd Fellows' Temple, corner people of the South or any part of

ment.

n the followinge language: dent, construed by our own it made no difference where they do not be used to be used to be used or that only the guilty the extreme northern boundary of the paid. Section twelve gives us information O

strument, and that there it ought any State, on account of race, color, or not do away with the State courts Tell me not, sir, it makes no difference and State organizations altogether? whether our laws are made by Congress or by our State Legislatures, whether they "SEC. 2. The Congress shall have power Every argument against the pref- be administered by our own officers or that the negro population of the to enforce this article by appropriate leg- erence of the people for their State those of the General Government. It courts applies with equal force to makes just the difference between security

redation and ignorance incident to This is a prohibition on Con- all State institutions and tends to and danger between liberty and despoi a state of slavery, were not quali- gress and the States against de- justify their subversion.

fied to use the ballot with safety priving citizens of the United The question indicates both con- icalism has marred and seeks to mar it. I (401) to the nation or advantage to States of the right to vote on ac-tempt for the whole machinery of coacede, sir, that Federal laws and Fedthemselves or to the communities count of race, color, or previous State government and profound eral officers are necessary and proper;

condition of servitude. The pow- ignorance of the love which every practice under it from its formation until er to punish private citizens for patriotic, intelligent American feels infractions of the election laws or for his State government. It has publican party left to the States all of the for his State government. interference with the rights of oth-bitherto been both his security heressarily devoive upon Congress, so word or act uttered or performed at or before some election for school directors ers is not touched by it at all. and his pride. It is still his hope, that Federal penal laws were few and than by the voluntary action of That remains where it was before, and when it is overthrown all of their violations rare. The existence of dered from voting. What redress does an with the States, and no human in- liberty is lost. What difference, the General Government was only manigenuity can torture these few plain, indeed, between State and Federal lested by the benefits it conferred and not simula words, so as to make them simple words so as to make them authority. Take my own State ments it inflicted. Federal officials were destroyed, or his wife or children in want OFFICE-in Cree Building, corner of and long continued disorder and confer upon Congress any power for example. Does it make no rarely seen, and their services seldom recontention. Events have justified except to enforce the amendment difference to my constituence warm everywhere; and this bill provides against the States and persons act- whether they live under laws for enormous addition to their number. The folly of forcing against the States and persons actcontention. Events have justified except to enforce the amendment difference to my constituence quired among the people. Now they negro suffrage on an unwilling ing under State or Federal author- made by their own representatives, No man's fireside escapes their visits, no people is demonstrated by the con-ity. That proposition is to plain all of whom are elected by them-man's business avoids their scrutiny, and general disregard of existing laws as to call for or justity this sweeping change. dition of the South at this time and for argument, and I will not dwell selves, responsible to them and if this bill passes, no man's liberty will be whose mistakes they can easily safe from their interference.

But this bill, if passed and en- remedy by new elections, or wheth- of the bill in detail. The fourth section forced, will effect an entire and er they live under laws enacted reads as follows : most pernicious revolution in the here more than three thonsand SEC. 4. And be it further enacted. That it practice of the Government, one miles away by a body in which any person, by force, bribery, threats, in- officers, as heretofore? Why inaugurate fraught with danger to every citi- they have one Representative, and

whose enactments, no matter how shall combine and confederate with others citizen ? Ever since the foundation of our much opposed to their wishes or to hinder, delay, or obstruct, any citizen Can it be claimed that there is no liabil-

who should have the right to vote, ans," without change.

plan of reconstruction to-day than and protected, and how and by whether their laws are administion, but, as we have seen, left the people of this vast country, living people of the states to determine in Washington, knowing nothing, what snares are here set for the feet of the unwary? What encouragement is given in courts inconveniently located and ex

dent, construed by our own it made no difference where they no such court held except at Portland, or necessary to inquire how they are to be

to the place where this court is held on read it : the complaint of any person that he has committed any one of the new, uncertain, obscurely-defined offenses mentioned in this bill.

Suppose that he is not convicted, grant ism, between the Government as our fathers made it and as bitter, malignant Radhis crop or engaged in his harvest or out.warning and without guilty, and for to have his discharge and return to his call for or justify this sweeping change. or is it likely that this act will be better observed than those under which all pre-Let us examine some of the provisions

not leave all such comparatively petty of fenses, if committed, to be tried where a man lives under State laws and by State timidation, or other unhavial means, shall this complicated system so uncalled for hinder, delay, prevent, or obstruct or so liable to abuse, so dangerous to the

your service for five years, and yet Government the States have had interests, so far as their power from doing any act required to be done to ity to abase, that no arrests will be made by your own showing there is exclusive jurisdiction over the over them is concerned, are like quality him to vote or from voting at any without probable cause? The bill offers election as aforesaid, such person shall for | \$500 reward to any one who will make question of suffrage, to determine the laws of the "Medes and Persi- every such offense forfeit and pay the sum it appear that his right has in any way fore; and more hostility to your how that right should be exercised plan of reconstruction to day than the subscription to day than how that right should be exercised how that right should be

when it was first proposed. The necessity for any such legislation be punished. All this is reversed be punished. The first proposed is necessary to such offense be be punished. The first proposed is necessary to such offense be choice, living in their midst, respon-choice, living in their midst, respon-conviction thereof, be fined not less than such less than the state of the such offense be penalty for failure and great reward for success. No other Government ever gave as the bill now under consideration by this bill. The fifteenth amend- sible to them, and likely to con- conviction thereof, be fined not less than success. No other Government ever gave if such necessity exists, is a humil-ment made some change. It add-salt their wishes, or by a President some than one such encouragement to prosecute for such it such necessity exists, is a numi-iating proof of the folly and wick-ed the negro to the voting popula-left determined the negro to the voting popula-iating proof of the folly and wick-ed the negro to the voting popula-left determined by the whole mass of the both, at the discretion of the court.

how the right to vote should be and perhaps caring nothing about en to the vicious? Who can tell what will pensively conducted, But is there no exercised and how its infractions should be punished. Congress nothing to them whether they are now undertakes to determine what now undertakes to determine what to be judged by their fellow-citi- wages for doing a pressing piece of work tude of officers are provided for in the no wise statesman would ever ex-shall be considered an infraction of zens, chosen by themselves, and about election times, by which a man may he which a man may ninth and tenth sections, all directly inthat right and how it shall be pun- having interests and sympathies be hindered from doiog any act required terested in encouraging and commencing

ished, and in the cumbersome and in common with their constituents, into be done to qualify him to vote, ' con-multifarious provisions of this bill with the right of accord record, the the offense? May a man encour-Size, 9. And be it further enacted, that the multifarious provisions of this bill with the right of appeal reserved, age you to "bribe" bim that way, pecket district attorneys, marshals, and deputy He is not required to submit accusations creates new crimes hitherto un- to other judges of their choice, or your money, and then go and sue you for marshals of the United States, the com-Eist and Vider streets - Residence corner of the country need such a law as known to the laws of the country, whether their lives, liberty, and alloware for counsel fees," and have you arritorial courts of the United States with and states with states with and states with and states with and states with and states with states with states with states with states with states with s this, law will not save them; they are past being legislated for; they in the fourther their commission, makes it in the fourther their lives, liberty, and affixes cruel and cumulative penal-ties to their commission, makes it in the fourther their lives, liberty, and affixes cruel and cumulative penal-ties to their commission, makes it in the fourther their lives, liberty, and affixes cruel and cumulative penal-ties to their commission, makes it in the fourther the Attorney and Counselor at Law, PROCTOR AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. Proctor AND SOLICITOR. Attorney and Counselor at Law, Definition 2. 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A caprice, or honest judgement, if What degree of warmth in argument ing offenders against the laws of the Uni- in increasing the business of the courts autocrat of the bow-string of the bashaw. But, sir, there is no ne-cessity for this bill. It assumes that there is no longer any respect for law in the country, and underthat there is no longer any respect for law in the country, and under-takes to set up a government of force as contradistinguished from a government of law. Restore to Federal courts shall have jurisdic- ed according to their own laws, by never can be one held, rithout the fore such court of the United States or Oregon it comprises a whole State, into The people of every part of our the right to make their own laws and to elect their own laws the officers, and they will respect the officers, and they will respect the officers of their they shall be of the officers of their they shall be of their they shall be officers of their they shall attempt to prevent. They continue and to the prompt disofficers, and they will respect the other. Remove is all right. The gentleman from New York, bors, or whether they shall be dragged away hundreds of miles binder, control or intimidate any person shall attempt to prevant, binder, control or intimidate any person the daties of this act, it shall be the indicial mill is kept going, and the the surface of the daties of this act, it shall be tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from home and friends by a Fed-tonishment, asks what difference it from tonishment for a friends by a Fed-tonishment for a friends by a fred-tonishment for a friends tion, and they will require no mer-cenary informers or paid prosecu-tors or greedy Federal officials to secure the rights of the humtors or greedy Federal officials tors or greedy Federal officials to secure the rights of the hum-blest citizen or to bring to justice the strongest offenders. Unjust locks, all of which are warranted and unpopular laws cannot be en- its own courts? Is there danger that the nothing in his defense, and the bad hards, or other property, or by threats of bereby authorized and required to exerforced in a free country, no matter Federal courts will serutinize your conto their violation, or how numer-is it you prefer the State courts? Why is ous the officers intrusted with their is it you prefer the State courts . Uny is make no difference to him when shall, on conviction thereof, be fined not law to exercise with regard to other or two before he could get access to his execution; while just laws made by the people for their own gov-ernment and protection enforce themselves, with rare exceptions. When are exceptions.

cause. To decide that question it is only,

at any time to be dragged from his home upon that point. It is here. Leo me

Sec. 12. And be it further enceled. That he commissioners, district attorneys, the marshals, their deputies, and the clerks of the said district, circuit, and territorial

that he is entirely innocent, and that his courts shall be paid for their services the innocence is clearly established at the like fees as may be allowed to them for trial, if he is a poor man he is rained. similar services in other cases. The per-He may be arrested to be taken hundreds son or persons authorized to execute the of miles from home, when he is planting process to be issued by such commissioners for the arrest of offenders against the while his family lie sick, at any time with- provisions of this act shall be entitled to what? For some unguarded and innocent an arrest for each person he or they may word or act attered or performed at or arrest and take before any such commisdonor as aforesaid, with such other fees or road supervisor, by which some negro, as may be deemed reasonable by such Chinaman, Indian, or white man was hin, commissioner for such other additional services as may be necessarily performed examination, keeping the precover in custody, and providing him with food and lodging during his detention and until the final determination of such commissioner. and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county as near as may e practicable, and paid out of the Treasy of the United States on the certificate I the judge of the district within which be arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction

They are to be paid by fees. The unount of their pay depends upon the mount of their work. No matter whether heir victims are innocent or guilty, vhether convicted or acquitted, in either case the officer is sure of his pay. In case of conviction he collects his fees as a part of the judgment against the defendant. I's equittal follows the trial hois paid by the United States. Is there no danger to the in meent citizen in such an arrangement as this?

Arrest and trial at the place where the federal court is held may be ruin to him found innocent; certainly so if convicted; but in either case he brings a grist to the official mill. No arrests no pay. Many arrests many fees. Was ever such a system of danger and wickedness devised to harass and ruin the people of a free country and to maintain in idleness and encourage in mischief the hungry hangers-on of a political party ?« Is this not setting the wolves to guard the flock ? When we remember the kind of material from which Federal appointments have been generally made for the last ten years. have we not

reason to fear for the lambs? What a fat place under this law your Spc. 9. And be it further enacted, that the United States district attorney will have.

whether it be better to leave the execu- charged in sight of the smoke of interested officials provided for in the oth- these persons may call on " such portion his sales and when the safe was opened to Let Congress cease to meddle the domestic of the Federal Government or the Federal Government or the ball for victims, with the inducements of the militia as may be neces-States or of the militia as may be neces-did so, honestly and fairly, but he had or whether he be left far away and opportunities offered to the mercenary sary for the performance of the duty with furnished an opportunity for some hungry

themselves, with rare exceptions, court? When you answer me that ques-thrown around him by the hired why, sir, with this bill a part of the law or more suitable persons" to assist in the officer advised him to proceed with his by the more force of public senti- tion you will have answered the question prosecutors, whether he be dis- of the land, with the hordes of hungry, execution of the law, and every one of husiness as usual; to keep an account of

13tf with the domestic affairs of the leave them to the States."

W. F. HIGHFIELD,

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