

'Steamboat Code' Served To Depict Confusion of Laws

RECONVENED LEGISLATURE OF 1849 ENTANGLED ITSELF IN ATTEMPT TO ADOPT IOWA STATUTES

By Hervey S. Robinson

Any reader who has additional information on names, places or events covered by Mr. Robinson are invited to write the newspaper. In this way, a more complete historical series will be possible. Address letters to Hervey S. Robinson, % Beaverton Enterprise, Beaverton, Oregon.

(Continued from last week)

With its memorial to Congress completed and in the hands of the delegate to Congress for presentation to that body and after a three weeks recess for harvest, the Territorial Legislature reconvened on August 20, 1849 to deal with other recommendations in the governor's message. Most important of these was the job of preparing, enacting and publishing a code of laws for the territory.

As the governor had pointed out in his message a most deplorable situation existed in "the loose and defective condition of the statute laws. The only laws prevailing in the Territory were those enacted by the late Provisional government, which the act creating the Territory had declared valid and in force so far as they did not conflict with the constitution of the United States and the provisions of the Organic Act.

These laws had been adopted from an old and imperfect edition of the Laws of Iowa. Most of them were unsuitable for the existing conditions in Oregon, and inaccessible to the people who were to be governed by them. Only one or two copies of this Iowa code were to be found in the Territory. The governor declared that fitness and accessibility of the statute law coupled with education were "the best safeguards against crime and the surest pledge of prosperity."

"No duty," he said, "is more demanded by the public interest than that which devolves upon you, in furnishing the people—with good and wholesome laws."

As has been stated before in this series, little was accomplished during the first two weeks of the legislative session except the preparation of a memorial to Congress. A number of measures were introduced and considered in committees but no conclusive action was taken.

One week after the reconvening of the legislature the House finally got around to consider a bill introduced by W. W. Chapman of Champcoog county "to enact and cause to be published a code of laws." After prolonged discussion this measure passed the House on September 19 and was sent to the council.

The measure, as passed by the house, did not include a criminal code and was accompanied by a resolution that, "The Council concurring, a committee of three from each House be appointed to enquire into what system of laws upon crimes and punishments will be most likely to meet the approbation of the assembly."

The Council concurred and the joint committee drew up an act which became known as the Chapman Code. This act engrafted some

seventy-two laws from the Iowa "Statutes of 1843" upon the proposed Oregon Code, designating the Iowa laws by their several titles and pages where located in the Iowa code.

Sections one and two of this act provided 1, "That the Revised Laws of Iowa, 1843, hereinafter entitled, and hereinafter amended, be and they are hereby adopted as the laws of this Territory."

2, "The said laws, together with such acts as shall be passed at the present session of the Legislative Assembly, shall be indexed and published."

Although authorized the code was never printed. A controversy arose between the printer to whom the contract was given and the secretary of the territory.

In response to a resolution of the Council in May 1850, the printer, James M. Moore, explained that after making all necessary arrangements for complying with his contract, the Secretary of the Territory had declined to furnish him with copies of the laws.

No explanation was given at first for the refusal but, "at a late date near the expiration of the time allowed by the Legislative Assembly for the completion of the contract" Pritchett explained that "a great portion of the bills were not enrolled and if he could procure an office and a suitable place to board he would be pleased to furnish copies."

"About this time," said Mr. Moore, "he left and went below."

This last statement is susceptible of two interpretations. We have looked in vain for any account of Mr. Pritchett's whereabouts after the arrival of Governor Gaines in August 1850. So the reader may draw his own conclusions as to whether Mr. Moore referred to California or a warmer climate.

In the spring of 1850, the newly arrived United States District Attorney, Amory Holbrook pronounced the act making the selections from the Iowa statutes void, because it embraced more than one object, contrary to a provision of the Organic Act which provided that every law of the territory should embrace but one object and that should be expressed in the title.

He derisively nicknamed it the "Steamboat Code" because it carried such a miscellaneous cargo. The Supreme Court was split over the capital location controversy, two members sitting at Oregon City and one at Salem.

The majority at Oregon City accepted the Chapman Code as the law of the Territory. Judge Pratt at Salem rejected it and regarded the code of the Provisional government as still in force. The situation became more confused than ever and the labors of Mr. Chapman's committee were wasted.

When the special session of May 2, 1850 met in Oregon City, a committee composed of W. W. Buck and George L. Curry was appointed to select and prepare for the press such acts of the assembly as may be of immediate and pressing importance to the people of the Territory—commencing with acts on "Justice of the Peace," "Probate Courts," "Revenue," "Crimes and Punishments" until

twenty acts should be printed.

This publication was designed to serve as a code of laws for the Territory although it covered only a selection of laws. This publication, which became known as the "Twenty Acts," was printed at Oregon City in 1850 by Robert Moore. This so called code was replaced in 1851 by another compilation called the Hamilton Code.

A few good laws survived all turmoil and controversy. The names of several counties were changed, Champcoog to Marion, Tualatin to Washington and Vancouver to Clark. An effort to change Clackamas to Jefferson was defeated.

Three Judicial districts were created and assigned to each of the three Justices of the Supreme Court and the time for holding court in each district was fixed. An act was passed making it unlawful for any negro or mulatto to come into or reside in the territory.

A school law was enacted providing for the establishment of a permanent irreducible school fund the interest on which should be divided annually among the districts but as the school lands were not immediately available a tax of two mills was levied for the interim.

Provision was made for the organization of school districts, the offices of school commissioner and directors for each county were created and their duties defined also the duties of teachers. All children between the ages of four and twenty-one were entitled to the benefits of public education.

A superintendent of common schools, James McBride was elected; B. B. Genois was chosen territorial auditor, James Taylor treasurer, Wilson Blain superintendent of printing laws and W. T. Matlock Territorial Librarian.

No money having been received for the payment of legislators or printing of laws, the legislators magnanimously waived their right to take the remaining thirty days allowed them and adjourned September 29, 1849, leaving some work for the next assembly to do.

Continued next week

PERSHING RIFLES

OREGON STATE COLLEGE, Corvallis, (Special)—David W. Baker of Beaverton, a sophomore in business and technology, was one of ten students initiated into Pershing Rifles, honor military unit of the Reserve Officers Training corps. The ceremonies were held at the home of Capt. W. H. Lutz, assistant professor of military science and tactics.

Neophytes, selected from last year's ROTC, have been undergoing informal initiation most of the week.

ELSEWHERE IN OREGON

EVENTS AS CHRONICLED BY OUR CONTEMPORARIES IN SURROUNDING NORTHWEST COMMUNITIES

BRIGHT POWER PICTURE

One of the brightest power pictures in the nation and the best in the state of Oregon is enjoyed by the city of McMinnville, with its municipal light plant.

Declares the TELEPHONE REGISTER, a statistical report on Oregon electrical utilities has been released by the state public utilities commission. It tells of the city's lowest electric power rate coupled with the highest use of electricity of any city in the state.

Power users enjoy an average rate per kilowatt of 98 mills, compared to the next higher rate of 1.14 cents for Eugene and 1.28 cents for Portland. The public likewise consumes an average of 1000 kilowatts more per customer per year than any other city in Oregon.

For 6,468 kilowatts last year, McMinnville users paid \$63.23, compared to the Eugene average of \$58.22 for only 5,412 kilowatt hours.

Nationally, average consumption is 1,564 kwh per customer, nearly 4,000 kwh below McMinnville. Rates for the nation are averaged at 3.01 cents per kwh as against 98 mills for McMinnville.

One of the results of this favorable setup, it is pointed out, is the high standard of living for its citizens, made possible by a power rate which encouraged wide use of the most modern devices and labor-saving appliances.

In McMinnville, according to the survey, 84% of the homes have refrigerators; 78% have electric ranges; 75% have water heaters, 21.6 have homes partially heated by electricity; 7.5 have all-electric heated homes and 5.9 have deep freeze units.

SHOW PRIDE CAUSE

Something has happened in Oswego and you may mark it, the city is unabashed in its pride.

The REVIEW relates that merchants of the town are so proud of their new street improvements that they are going to stage a Fall Festival on October 29.

A merry-go-round has been obtained on which all the kids of the countryside will be invited to ride free of charge. A pet and mutt dog show will be staged, with many prizes. A contest is set for the best Halloween costume and an abundance of non-advertising balloons will be distributed.

That night, a dance will be staged in the Masonic hall to bring the Festival to its climax.

FROZEN PIPES ALREADY

The memory of last winter's severity has already been laid upon the residents of Vernonia.

The EAGLE reports the mercury had plummeted to 20 degrees during the first few days of the "pre-winter" cold snaps.

Some water pipes were even frozen!

LONGTIME AWOL

For a long time a private of the U. S. Army had been AWOL, he related recently in Oregon City.

As recounted in the BANNER COURIER, the army deserter, a man of some 65 years, turned himself in because he couldn't stand the pressure of being AWOL after 41 years.

It seems the man deserted in 1908, while awaiting transfer to duty in Cuba. He just naturally didn't want to go to Cuba and took the surest means of ensuring that he wouldn't. He wrapped his uniform around a rock, dropped it in a canal and started walking.

When his conscience caught up with him, he checked in at an Oregon City recruiting station and was advised to go to Fort Lewis and give himself up. The small, white-haired deserter is probably the first AWOL private ever to be welcomed back to the army with a handshake from an adjutant general who, after heartily glad-handing him said that an issue of fatigue clothing and quarters would be forthcoming while his record was being checked in Washington, D. C.

With authority, he will advise, "Next time you get feathery feet, don't go. I've been hiding for 41 years, taking any kind of a job I could get. It wasn't worth it."

START OF RADIO

The first scheduled radio broadcast in history was on November 2, 1920 over KDKA, Pittsburgh.



The care and feeding of telephones

Telephones, like any other equipment, work best when properly cared for. So if you want to get more and better service from your telephone instrument, just follow these simple suggestions:

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4. Never leave your telephone near an open window where it can be damaged by the weather.

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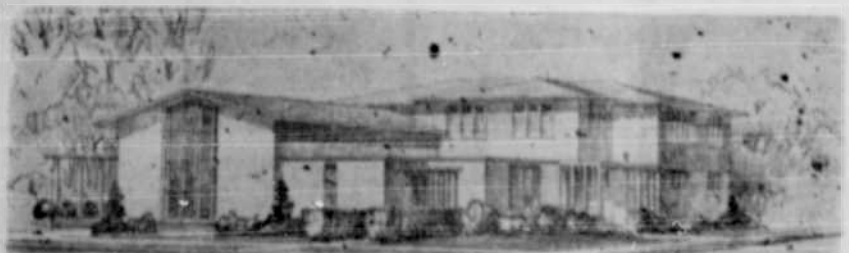
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