PIONEER AND DEMOCRAT.

DEVOTED TO THE INTERESTS OF WASHINGTON TERRITORY, POLITICS, EDUCATION, NEWS, AND GENERAL INTELLIGENCE.

VOL. II. OLYMPIA, WASHINGTON TERRITORY, SATURDAY, MAY 20, 1854. NO. 37.

The Pioneer and Democrat.

PUBLISHED ON EVERY SATURDAY MORNING
By BERRY, DOYLE & CO.,
PROPRIETORS.

A. M. BERRY, R. L. DOYLE, J. W. WILEY.

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For one year, when sent by mail or taken at the office, $5.00; for 6 months $3.00. Single copies, 25 cts.
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LAWS OF THE TERRITORY OF WASHINGTON.

PUBLISHED BY AUTHORITY.

AN ACT to regulate the Practice and Pleadings in Prosecutions for Crimes.

[CONCLUDED.]

Sec. 74. The officer must inform the defendant that he acts under authority of a warrant, and must also show the warrant if required.

Sec. 75. If after notice of the intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest.

Sec. 76. If a person arrested escape or be rescued, the person from whose custody he made his escape or was rescued, may immediately pursue and retake him, at any time and within any place in the Territory. To retake the person escaping or rescued, the person pursuing has the same power to command assistance, as is given in cases of arrest.

Sec. 77. Recognizances in criminal proceedings may be taken in open court, and entered on the order book.

Sec. 78. Any officer authorized to execute a warrant in a criminal action, may take the recognizance and justify and approve the bail; he may administer an oath, and examine the bail as to its sufficiency.

Sec. 79. Every recognizance taken by any peace officer, must be certified by him forthwith to the clerk of the court to which the defendant is recognized. The clerk must thereupon record the recognizance in the order book, and from the time of filing it has the same effect as if taken in open court.

Sec. 80. The defendant may, in the place of giving bail, deposit with the clerk of the court to which he is held to answer, the sum of money mentioned in the order, and upon delivering to the sheriff the certificate of deposit, he must be discharged from custody.

Sec. 81. If without sufficient excuse the defendant neglect to appear for trial, or trial or judgment, or upon any other occasion when his presence in court may be lawfully required according to the condition of his recognizance, the court must direct the fact to be entered upon its minutes, and the recognizance of bail, or money deposited as bail, as the case may be, is thereupon forfeited.

Sec. 82. As soon as may be after the finding of such indictment for a capital crime, the party charged shall be served with a copy thereof by the sheriff or his deputy, at least twenty-four hours before trial, and shall on demand upon the clerk, by himself or counsel, have a list of the petit jurors returned, delivered to him at least twenty-four hours before trial, and shall also have process to summon such witnesses as are necessary to his defence, at the expense of the county.

Sec. 83. Every person indicted for an offence for which he may be imprisoned in the penitentiary, if he be under recognizance or in custody to answer for such offence, he or his attorney shall be furnished with a copy of the indictment, and of all endorsements thereon, without paying any fees therefor.

Sec. 84. Whenever an indictment is found against any person for an assault and battery or other misdemeanor, for which the party injured may have a remedy by civil action, except where the offence was committed by or upon any sheriff or other officer of justice, or riotously, or with intent to commit a felony, if the party injured shall appear in court where such indictment is pending, and acknowledge satisfaction for the injuries sustained, the court may, on payment of the costs accrued, order all further proceedings to be stayed, and discharge the defendant from the indictment, which shall forever bar all remedy for such injury by civil action.

Sec. 85. The court may in its discretion, on motion of the prosecuting attorney, order a nolle prosequi to be entered in any case, but no prosecuting attorney shall, without leave of the court, in any case cause such entry to be made.

DOCKET.

Sec. 86. The clerk shall, in preparing the docket of criminal cases, enumerate the indictments pending to be tried at the term, according to the date of their filing, and specifying opposite to the title of each action, whether it be for a felony or a misdemeanor, and whether the defendant be in custody or on bail, and shall in like manner enter therein all indictments found during the term, and on which issues of fact are joined; all cases sent to the court on change of venue, and all cases sent to the court by a magistrate, on appeal or otherwise.

ARRAIGNMENT OF THE DEFENDANT.

Sec. 87. If on the arraignment of any person he shall plead guilty, if the offence charged be not murder, the court shall in their discretion hear testimony, and determine the amount and kind of punishment to be inflicted; but if the defendant plead guilty to a charge of murder, a jury shall be empanneled to hear testimony and determine the degree of murder, and the punishment therefor.

Sec. 88. If on the arraignment of any person who is indicted, he shall refuse to plead or answer, or shall not confess the indictment to be true, the court shall order a plea of not guilty to be entered, and thereupon the proceedings shall be the same as if he had pleaded not guilty to the indictment, and for cause shown, he shall have reasonable time to answer the indictment.

Sec. 89. If the defendant appear without counsel, he shall be informed by the court that it is his right to have counsel before being arraigned, and he shall be asked if he desire the aid of counsel, and if it appears that he is unable to employ counsel by reason of poverty, counsel shall be assigned him by the court at the expense of the county, and in capital cases at the expense of the Territory.

Sec. 90. When the defendant is arraigned, he shall be informed, if the name by which he indicted be not his true name; he shall then declare his true name, or be proceeded against by the name in the indictment.

Sec. 91. If he allege that another name is his true name, it must be entered in the minutes of the court, and the subsequent proceedings on the indictment may be had against him by that name, referring also to the name by which he is indicted.

Sec. 92. If the indictment be for a misdemeanor, punishable by fine only, the defendant may appear upon arraignment by counsel.

OF WITNESSES AND EVIDENCE.

Sec. 93. Witnesses may be compelled to attend and testify before the grand jury; and witnesses on behalf of the Territory or of the defendant, in a criminal prosecution, may be compelled to attend and testify in open court, if they have been subpœnaed, without their fees being first paid or tendered, unless otherwise provided by law; the court may recognize witnesses, with or without sureties, to attend and testify at the same or next term of the court, or at any term of a court within the Territory.

Sec. 94. The clerk shall at the time of issuing a warrant for the defendant, issue a subpœna for all the witnesses whose names are endorsed on the indictment, and any others required; but in no case shall a continuance be granted to the Territory on account of the absence of any witness, whose name is not endorsed on the indictment.

Sec. 95. Witnesses competent to testify in civil cases, shall be competent in criminal prosecutions, but regular physicians or surgeons, clergymen or priests, shall not be protected from testifying as to confessions, or information received from any defendant by virtue of their profession or character, and Indians shall be competent witnesses in any prosecutions in which an Indian may be a defendant.

Sec. 96. The confession of a defendant made under inducement, with all the circumstances, may be given in evidence against him, except when made under the influence of fear, produced by threats; but a confession made under inducement, is not sufficient to warrant a conviction without corroborating testimony.

Sec. 97. The rules of evidence in civil actions, so far as applicable, shall be applied to criminal prosecutions.

CHANGE OF VENUE.

Sec. 98. The defendant may show to the court, by affidavit, that he believes he cannot receive a fair trial, owing to the prejudice of the judge, or to excitement or prejudice against the defendant in the county, or some part thereof, and demand to be tried by disinterested triers.

Sec. 99. When the affidavit is founded on prejudice of the judge, the court may in its discretion, grant a change of venue to some county in another district, or may continue the cause to the next term of the court, which may be held by any other district judge; if the affidavit is founded upon excitement or prejudice in the county against the defendant, the court may in its discretion grant a change of venue to the most convenient county. The clerk must thereupon make a transcript of the proceedings and order of court, and having sealed up the same with the original papers, deliver them to the sheriff, who must without delay deposit them in the clerk's office of the proper county, and make his return accordingly.

Sec. 100. Where a change of venue is ordered, if the offence be bailable, the court shall recognize the defendant, and in all cases the witnesses, to appear at the term of the court to which the change of venue was granted.

OF TRIALS.

Sec. 101. Issues of fact, joined upon any indictment, shall be tried by a jury of twelve persons, and the law regulating the drawing, retaining, and selecting jurors, and trials by jury, in civil cases, shall apply to criminal cases, so far as the same may be applicable.

Sec. 102. In prosecution for capital offences, the defendant may challenge, peremptorily, twelve jurors; in prosecution for offences punishable by imprisonment in the penitentiary, six jurors; in all other prosecutions, three jurors. When several defendants are on trial together, they must join in their challenges.

Sec. 103. The prosecuting attorney, in capital cases, may challenge, peremptorily, six jurors; in all other cases, three jurors.

Sec. 104. Challenges to the panel shall only be allowed for a material departure from the forms prescribed by law, for the drawing and return of the jury, and shall be in writing, sworn to and proved to the satisfaction of the court.

Sec. 105. Challenges for cause shall be allowed, for such cause as the court may in its discretion deem sufficient, having reference to the causes of challenge, prescribed in civil cases, as far as they may be applicable, and to the substantial rights of the defendant.

Sec. 106. No person whose opinions are such as to preclude him from finding any defendant guilty of an offence punishable with death, shall be compelled or allowed to serve as a juror on the trial of any indictment for such an offence.

Sec. 107. The jury shall be sworn, or affirmed, to well and truly try the issue between the Territory and the defendant, according to the evidence; and in capital cases, to well and truly try, and true deliverance make, between the Territory and the prisoner at the bar, whom they shall have in charge, according to the evidence.

Sec. 108. The defendant and prosecuting attorney, with the assent of the court, may submit the trial to the court, except in capital cases.

Sec. 109. No person prosecuted for any offence punishable by death, or by confinement in the state's prison, or in the county jail, shall be tried unless personally present during the trial.

Sec. 110. No person prosecuted for any offence punishable by a fine only, shall be tried without being personally present, unless some responsible person, approved by the court, undertakes to be bail for stay of execution, and payment of the fine and costs that may be assessed against the defendant. Such undertaking must be in writing, and is as effective as if entered into after judgment.

Sec. 111. The court shall decide all questions of law which shall arise in the course of the trial.

Sec. 112. When instructions are asked for, they must be asked in writing, before the argument of the cause, and may, if required by the court, be argued; other instructions may be asked after the charge of the court, and the court may in its discretion give or refuse them.

Sec. 113. In charging the jury, the court shall state to them all matters of law which it thinks necessary for their information in giving their verdict, and if it presents the facts of the case, shall, in addition to what it may deem its duty to say, inform the jury that they are the exclusive judges of all questions of fact.

Sec. 114. Juries in criminal cases shall not be allowed to separate, except by consent of the defendant and the prosecuting attorney, but shall be kept together, without meat or drink, unless otherwise ordered by the court, to be furnished at the expense of the county.

Sec. 115. The court may order a view by any jury impanneled to try a criminal case.

Sec. 116. When two or more defendants are indicted jointly, any defendant requiring it, shall be tried separately.

Sec. 117. When two or more persons are included in one prosecution, the court may, at any time before the defendant has gone into his defence, direct any defendant to be discharged, that he may be a witness for the State. A defendant may also, when there is not sufficient evidence to put him on his defence, at any time before the evidence is closed, be discharged by the court, for the purpose of giving testimony for a co-defendant. The order of discharge is a bar to another prosecution for the same offence.

Sec. 118. When it appears, at any time before verdict or judgment, that a mistake has been made in charging the proper offence, the defendant shall not be discharged if there appears to be good cause to detain him in custody; but the court must recognize him to answer to the offence shown, and if necessary, recognize the witnesses to appear and testify.

Sec. 119. When it appears, at any time before verdict or judgment, that the defendant is prosecuted in a county not having jurisdiction, the court may order the venue of the indictment to be corrected, and direct that all the papers and proceedings be certified to the proper court of the proper county, and recognize the defendant and witnesses to appear at such court, on the first day of the next term thereof, and the prosecution shall proceed in the latter court in the same manner as if it had been there commenced.

Sec. 120. When a jury has been empanneled, in either case contemplated in the two last preceding sections, such jury may be discharged without prejudice to the prosecution.

Sec. 121. When the defendant has been convicted or acquitted upon an indictment for an offence consisting of different degrees, the conviction or acquittal shall be a bar to another indictment for the offence charged in the former, or for any lower degree of that offence, or for an offence necessarily included therein.

Sec. 122. Upon an indictment for an offence consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment, and guilty of any degree inferior thereto, or of an attempt to commit the offence.

Sec. 123. In all other cases, the defendant may be found guilty of an offence, the commission of which is necessarily included within that with which he is charged in the indictment.

Sec. 124. On an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly.

Sec. 125. When there is a verdict of conviction in which it appears to the court that the jury have mistaken the law, the court may explain the reason for that opinion, and direct the jury to reconsider their verdict; and if after such reconsideration they return the same verdict, it must be entered, but it shall be good cause for new trial; but where there is a verdict of acquittal, the court cannot require the jury to reconsider it.

Sec. 126. When any person indicted for an offence shall on trial be acquitted by the jury, by reason of insanity, the jury in giving their verdict of not guilty, shall state that it was given for such cause; and thereupon if the discharge or going at large of such insane person, shall be considered by the court manifestly dangerous to the peace and safety of the community, the court may order him to be committed to prison, or may give him into the care of his friends, if they shall give bonds with surety to the satisfaction of the court, conditioned that he shall be well and securely kept, otherwise he shall be discharged.

Sec. 127. When the jury have agreed upon their verdict, they must be conducted into court by the officer having them in charge. Their names must be then called, and if all appear, their verdict must be rendered in open court; if all do not appear, the rest must be discharged without giving a verdict, and the cause must be tried again at the same or next term.

Sec. 128. When the defendant is found guilty the jury must state in their verdict the amount of fine, and the punishment to be inflicted.

Sec. 129. When the defendant is found guilty, the court shall render judgment accordingly, and the defendant shall be liable for all costs, unless the court or jury trying the cause expressly find otherwise.

OF NEW TRIALS AND ARREST OF JUDGMENT.

Sec. 130. An application for a new trial must be made before judgment, and may be granted for the following causes:

1st. When the jury has received any evidence, paper, document or book not allowed by the court, to the prejudice of the substantial rights of the defendant.

2d. Misconduct of the jury.

3d. For newly discovered evidence material for the defendant, which he could not have discovered with reasonable diligence and produced at the trial.

4th. Accident or surprise.

5th. Admission of illegal testimony and misdirection of the jury by the court, in a material matter of law excepted to at the time.

6th. When the verdict is contrary to law and evidence, but not more than two new trials shall be granted for these causes alone.

Sec. 131. When the application is made for a cause mentioned in the first, second, third and fourth subdivision of the preceding sections, the facts on which it is based shall be set out in an affidavit.

Sec. 132. Judgment may be arrested on the motion of the defendant, for the following causes:

1st. No legal authority in the grand jury to inquire into the offence charged, by reason of its not being within the jurisdiction of the court.

2d. That the facts as stated in the indictment, do not constitute a crime or misdemeanor.

Sec. 133. The court may also on its views of any of these defects, arrest the judgment without motion.

Sec. 134. When judgment is arrested in any case, and there is reasonable ground to believe that the defendant can be convicted of an offence properly charged, the court may order the defendant to be recommitted, or admitted to bail anew, to answer a new indictment.

OF EXCEPTIONS.

Sec. 135. Exceptions may be taken by the defendant, as in civil cases, on any matter of law by which his substantial rights are prejudiced.

OF JUDGMENTS AND EXECUTIONS.

Sec. 136. After verdict of guilty, or finding of the court against the defendant, if the judgment be not arrested, or a new trial granted, the court must pronounce judgment.

Sec. 137. For the purpose of judgment, if the conviction be for an offence punishable by imprisonment, the defendant must be personally present; if for a fine only, he must be personally present, or some responsible person must undertake for him, to secure the payment of the judgment and costs; judgment may then be rendered in his absence.

Sec. 138. If in any case the defendant is not present when his personal attendance is necessary, the court may order the clerk to issue a warrant for his arrest, which may be served in any county in this Territory, as a warrant of arrest in other cases.

Sec. 139. When the defendant appears for judgment, he must be informed by the court of the verdict of the jury, and asked whether he have any legal cause to show why judgment should not be pronounced against him.

Sec. 140. If the defendant have been discharged on bail, or have deposited money instead thereof, and do not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

Sec. 141. When the defendant is adjudged to pay any fine and costs, the court shall order him to be committed to the custody of the sheriff until the fine and costs are paid or secured, as is provided by law.

Sec. 142. Upon a judgment for fine and costs, and for all adjudged costs, execution shall be issued against the property of the defendant and returned in the same manner as in civil actions.

Sec. 143. Every court before whom any person shall be convicted upon an indictment for any offence not punishable with death or by imprisonment in the penitentiary, may, in addition to the punishment prescribed by law, require such person to recognize with sufficient sureties in a reasonable sum, to keep the peace, or to be of good behavior, or both, for any term not exceeding one year, and to stand committed until he shall so recognize.

Sec. 144. In case of the breach of the conditions of any such recognizance, the same proceedings shall be had that are by law prescribed in relation to recognizances to keep the peace.

Sec. 145. Every defendant against whom a judgment has been rendered for fine and costs, may stay the execution for the fine assessed, and costs, for sixty days from the rendition of the judgment, by procuring one or more sufficient sureties, to enter into a recognizance in open court, acknowledging themselves to be bail for the fine and costs.

Sec. 146. Such sureties shall be approved by the clerk, and the entry of the recognizance shall be written immediately following the judgment, and signed by the bail, and shall have the same effect as a judgment, and if the fine or costs be not paid at the expiration of the sixty days, a joint execution shall issue against the defendant and the bail, and an execution against the body of the defendant, who shall be committed to jail, to be released as provided in this act in committal for default to pay or secure the fine and costs.

Sec. 147. If any person ordered into custody until the fine and costs adjudged against him, shall not before the final adjournment of the court, pay or cause the payment of the same to be secured, the clerk of the court shall issue a warrant to the sheriff, commanding him to imprison such defendant in the county jail until such fine and costs are paid or secured, or until he has been imprisoned in such jail one day for every three dollars of such fine or costs, but execution may at any time issue against the property of the defendant, as in other cases.

Sec. 148. When any person shall be sentenced to be imprisoned in the penitentiary or county jail, the clerk of the court shall, as soon as may be, make out and deliver to the sheriff of the county, or his deputy, a transcript from the minutes of the court of such conviction and sentence, duly certified by such clerk, which shall be sufficient authority for such sheriff to execute the sentence, and he shall execute it accordingly.

Sec. 149. In every case where imprisonment in the penitentiary is awarded against any convict, the form of the sentence shall be, that he be punished by confinement at hard labor; and he may also be sentenced to solitary imprisonment for such term as the court shall direct, not exceeding twenty days at one time; and in the execution of such punishment, the solitary shall precede the punishment by hard labor, unless the court shall otherwise order.

Sec. 150. If there shall be no penitentiary in the Territory, or other prisons, the court may order the prisoner to be imprisoned into any county jail, if there be one, or any other place of confinement within the Territory, at the expense of the Territory; and if there is no county jail or county prison, the court may order the defendant, sentenced to the county jail, to be confined in the penitentiary, if there be one, or in any county jail, or other place of confinement in the Territory, at the expense of the county in which the conviction was had.

Sec. 151. When a defendant is committed to jail on failure to pay any fine or costs, if there be no such jail, he shall, under the order of the county commissioners, work out the amount of such fine and costs, at the rate of three dollars for every day's labor, and if there be a county jail, he may elect so to do; and in case he shall so work out his fine and cost, no execution shall issue therefor. When any defendant is in the custody of the sheriff, by virtue of a sentence to imprisonment in the county jail, and there be no county jail in the county, he may under order of the county commissioners, cause such person to work out his unexpired term of imprisonment, in such manner as they may direct.

Sec. 152. When judgment of death is rendered, a warrant signed by the judge, and attested by the clerk under the seal of the court, shall be drawn and delivered to the sheriff; it shall state the conviction and judgment, and appoint a day in which the judgment shall be executed; which shall not be less than thirty, nor more than ninety days from the time of judgment.

Sec. 153. The punishment of death prescribed by law must be inflicted by hanging by the neck.

Sec. 154. The sheriff shall return and file with the clerk the warrant, with a statement of his doings thereon, and the clerk shall subjoin a brief abstract of such statement to the record of conviction and sentence.

Sec. 155. Whenever the time appointed for the execution of sentence on a prisoner shall have passed, either by reason of the sueing out of a writ of error, or the taking of an appeal, or from the escape of the prisoner, or from any other cause, the district court on the return of the judgment affirmed, or at any term of the court when the prisoner shall be brought before them, shall proceed to appoint a day for the carrying into effect of the sentence of death.

OF THE FINAL RECORD.

Sec. 156. The clerk of the district court shall make a final record of all the proceedings in a criminal prosecution, within six months after the same shall have been decided, which shall contain a copy of the minutes of the challenge to the pannel of the grand jury, the indictment, journal entries, pleadings, minutes of challenges to pannel of petit jurors, judgment, orders, or decision, and bill of exceptions.

OF SUITS OF ERROR AND APPEALS.

Sec. 157. Every final judgment, order, or decision of a district court, in a criminal prosecution, may be re-examined upon a writ of error, in the same court for error in fact, within one year, and in the supreme court for error in law, within two years. The writ may be sued out by the defendant for all errors, and by the prosecuting attorney, when the error complained of is in quashing the indictment, or where a judgment is arrested by reason of the facts, as stated in the indictment, not constituting a crime or misdemeanor.

Sec. 158. Appeals may be taken from any final judgment, from which a writ of error would lie, by the defendant and prosecuting attorney, as provided in the preceding section, at the term of the court at which the judgment was rendered.

Sec. 159. Writs of error shall be sued out and served in the same manner as notice in civil actions; and when sued out by the defendant, shall be served on the prosecuting attorney, and when sued out by the prosecuting attorney, on the defendant or his attorney, and returned as in civil actions.

Sec. 160. The defendant on appeal or writ of error, shall be entitled to a transcript of the record, on payment of the fee therefor; and the transcript shall contain a copy of the minutes of the challenge to the pannel of the grand jury, the indictment, journal entries, pleadings, minutes of challenge to pannel of petit jurors, judgment, order, decision, and bill of exceptions, certified to by the clerk.

Sec. 161. The transcript, when the writ of error is sued out, or the appeal taken by the prosecuting attorney, shall contain a copy of the indictment, and the order, decision, or judgment of the court from which the appeal is taken, or on which error is to be assigned.

Sec. 162. If the transcript shall not be filed within sixty days, the appeal or writ of error shall be dismissed, unless it shall appear that the plaintiff in error or appellant was not in fault; and the court may order a new transcript or further record to be certified to, at any time.

Sec. 163. The supreme court may reverse, affirm, or modify the judgment appealed from, and may, if necessary or proper, order a new trial. In either case, the cause must be remanded to the court below with proper instructions, together with the opinion of the court. But whenever any judgment is affirmed, the court may order it to be enforced by the proper officer.

Sec. 164. On hearing of writs of error, the supreme court shall examine all errors assigned; and on the hearing of appeals, shall examine all errors and mistakes excepted to at the time, whether waived by the strict rules of law or not; but the court shall consider all amendments which could have been made as made, and shall give judgment without regard to technical errors or defects, or to exceptions which do not effect the substantial rights of the defendant.

Sec. 165. A writ of error or appeal may operate to stay proceedings in a capital case, on the allowance of a judge of the supreme court, and after sufficient notice to the prosecuting attorney of the time and place of making the application; and such order, certified to by the clerk of the district court of any county, under the seal thereof, when served on the sheriff, shall stay further proceedings in the case.

Sec. 166. In any case in which a party is convicted of a felony, and an appeal is taken, or a writ of error obtained in behalf of said party, such appeal or writ of error shall operate as a supersedeas, in so far as to stay the execution of the sentence, if the same is to be enforced by imprisonment in the penitentiary; but in no case shall a party convicted of a felony, be allowed the benefit of bail, but such party shall be confined in some county jail, or some other place of imprisonment.

Sec. 167. When several defendants are tried jointly, any one or more of them may take an appeal, or sue out a writ of error.

Sec. 168. When a judgment against the

defendant is reversed, and it appears that no offence whatever has been committed, the supreme court must direct that the defendant be discharged; but if it appear that the defendant is guilty of an offence, although defectively charged in the indictment, the supreme court, if the defendant is imprisoned, must direct the keeper of the place of confinement to cause the prisoner to be returned to the sheriff of the proper county, there to abide the order of the district court thereof; and such keeper shall be entitled to the usual fees therefor.

Sec. 169. No appeal or writ of error shall be dismissed for any informality or defect in taking or sueing out the same, if such informality or defect shall be corrected within a reasonable time.

Sec. 170. All opinions of the supreme court in criminal prosecutions, must be given in writing, and recorded in the order book.

Sec. 171. A transcript of any order or judgment, or both, of the supreme court, certified under the seal of the court, shall be sufficient authority to any court, or to any officer on whom it may be served, to proceed according to its mandate.

Sec. 172. All criminal prosecutions heretofore decided in this Territory, may at any time within one year after the decision thereof, be re-examined on writs of error, and within two years after such decision, may be re-examined on appeal according to the provision of this act, and on such re-examinations, the court shall be governed by the law then in force.

Sec. 173. The supreme court shall have power to make any rules not inconsistent with the provisions of this or other acts.

PARDONS AND RESPITES.

Sec. 174. Whenever a prisoner has been sentenced to death, the governor shall have power to commute such sentence to imprisonment for life, at hard labor; and in all cases in which the governor is authorized to grant pardon, or commute sentence of death, he may upon the petition of the person convicted, commute a sentence or grant a pardon upon such conditions, and with such restrictions, and under such limitations as he may think proper; and he may issue his warrant to all proper officers, to carry into effect such pardon or commutation; which warrant shall be obeyed and executed, instead of the sentence, if any, which was originally given. The governor may also, on good cause shown, grant respites or reprieves from time to time, as he may think proper.

MISCELLANEOUS PROVISIONS.

Sec. 175. All recognizances taken and forfeited before any justice of the peace, or magistrate, shall be forthwith certified to the clerk of the district court of the county; and it shall be the duty of the prosecuting attorney to proceed at once by action against all the persons bound in such recognizances; and in all forfeited recognizances whatever, or such of them as he may elect to proceed against.

Sec. 176. No action brought on any recognizance given in any criminal proceeding whatever, shall be barred or defeated; nor shall judgment be arrested thereon by reason of any neglect or omission to note or record the default of any principle or surety, at the term when such default shall happen, by reason of any such defect in the form of the recognizance, if it sufficiently appear from the tenor thereof, at what court or before what justice the party or witness was bound to appear; and that the court or magistrate before whom it was taken, was authorized by law to require and take such recognizance; and a recognizance may be recorded after execution awarded.

Sec. 177. No prisoner or person under recognizance who shall be acquitted by verdict, or discharged because no indictment has been found against him, or for want of prosecution, shall be liable for any costs or fees of any officer, or for any charge for subsistence while he was in custody, except for the fees of witnesses summoned by him, and those of the officer summoning such witnesses.

Sec. 178. Bail shall, when required, justify as in civil cases.

Sec. 179. To make an arrest in criminal actions, the officer may break open any outer or inner door, or window of a dwelling house or other building, or any other enclosure, if after notice of his office and purpose he be refused admittance.

Sec. 180. The plea of the benefit of clergy is abolished.

Sec. 181. The laws and usages of this Territory relative to pleading and practice, heretofore in force in criminal cases, and not inconsistent herewith, as far as the same may operate in aid hereof, or to supply any omitted case, are hereby continued in force.

Passed April 28, 1854.

I certify the foregoing is a true copy of the original act.

C. H. MASON,
Secretary of the Territory of Washington.

AN ACT relating to the construction and maintaining of Roads.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all county roads shall be under the supervision of the board of county commissioners of the county, wherein the said roads are located, and no county road shall be hereafter established, nor shall any such road be altered or vacated in any county in this territory except by the authority of the board of county commissioners of the proper county.

Sec. 2. All applications for laying out, altering or vacating county roads, shall be by petition to the board of county commissioners of the proper county, signed by at least eight householders of the county, residing in the vicinity where said road is to be laid out, altered or vacated, which petition shall specify the place of beginning, the intermediate point, if any, and the place of termination of said road.

Sec. 3. When any petition shall be presented for the action of the said board, for the laying out, alteration, or vacation of any county road, it shall be accompanied by satisfactory proof that notice has been given by advertisement posted up at the place of holding the county commissioners' court, and also in three public places in the vicinity of the road, or proposed road, thirty days previous to the presentation of said petition to the board, notifying all persons concerned, that application will be made to the said board at their session, for laying out, altering, or vacating such road (as the case may be.)

Sec. 4. Upon the presentation of such petition and proof that notice has been given as provided in the last section, the board of commissioners shall appoint three disinterested householders of the county as viewers of said road, and shall issue an order directing said viewers to proceed on a day named in such order, or on their failing to meet on that day, within five days thereafter to view and lay out, alter or vacate such road.

Sec. 5. The viewers appointed, after receiving at least five days' previous notice, from one of the petitioners, shall meet at the time and place specified in the order of the commissioners, or within five days thereafter, and after taking an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to discharge the duties of their appointment, shall forthwith proceed to view the road proposed to be vacated, or to view, select, and mark said road as proposed to be laid out, or altered, according to the prayer of the petitioners, or as near the same as in their opinion a good road can be made, at a reasonable expense, taking into consideration the utility, convenience or inconvenience, and all damages which will result to individuals as well as to the public, if such road shall be established or altered.

Sec. 6. The viewers or a majority of them, after having examined or viewed the road proposed to be laid out, altered or vacated, as prescribed in the last section, shall report in writing to the board of commissioners at their next regular session, stating the general face of the country, over which the said road passes, its general necessity, and utility, and whether in their opinion said road should be laid out, altered, or vacated as prayed for by the petitioners; and if the said viewers, or a majority of them, shall report unfavorably, the said road shall not be laid out, altered or vacated. If such report shall be favorable, it shall be the duty of said commissioners to cause the same to be publicly read, on two different days of the same meeting, and then laid over until their next regular session, and if no application shall be made to them for a review, or alteration of said road, or petition for damages, between the first day of the session at which the report is made, and the second day of their next regular session, the report of the viewers shall be confirmed and adopted.

Sec. 7. When the viewers shall have reported in favor of the prayer of the petitioners, as provided in the preceding section; it shall be lawful for any householder of the county, at any time before such report shall be confirmed and adopted, to apply to the commissioners for a review of said road, by petition signed by at least eight householders residing in the vicinity of such road or proposed road, and the commissioners shall, on such petition being presented, and they satisfied that it was just and reasonable, appoint five disinterested householders of the county, to review said road, and shall issue an order to said viewers, directing them to proceed on a day named in such order, or within five days thereafter to review the same and report thereon.

Sec. 8. The viewers so appointed to review such road, or a majority of them, after having received at least five day's previous notice by one of the petitioners for the review, and after taking an oath or affirmation, as prescribed in section five, shall proceed to examine the road or proposed road, viewed by the former viewers, and shall make a report in writing, to the board of commissioners at their next regular session, stating their opinion in favor of or against such road, and their reasons for the same; and if the viewers, or a majority of them, be in favor of laying out, altering, or vacating such road, as recommended by the former viewers, such report shall be adopted and confirmed by the commissioners, at the same session at which it was received; but if such report be against laying out, altering or vacating such road as recommended by the former viewers, no further proceeding shall be had thereon before the commissioners.

Sec. 9. If any person, through whose land any county road may be viewed and marked out, shall feel that he would be injured by the opening of the same, such person may make complaint thereof in writing to the board of county commissioners, at any time after the report of the viewers appointed to review said road is received, and before the second day of the next regular session of the commissioners; and if such complaint be made, the commissioners shall appoint three disinterested householders of the county, who shall meet, at such times as may be agreed upon by such householders, and after having been duly sworn or affirmed to discharge their duty faithfully and impartially, shall proceed and view said proposed road the whole distance through the premises of the complaint, and assess and determine how much less valuable such premises of the complaint would be rendered by the opening of said road, and they shall report the same in writing to the commissioners, at their next regular meeting thereafter.

Sec. 10. If the commissioners be satisfied that the amount of damages so assessed and determined, is just and equitable, and that the proposed road will be of sufficient importance to the public to cause the damages so assessed and determined to be paid by the county, they shall order the same to be paid to the complainant out of the county treasury; but if, in their opinion, such proposed road is not of sufficient importance to the public, to cause such damages to be paid by the county, they may refuse to establish the same as a public highway, unless the expenses or damages, or such part thereof as the commissioners may think proper, shall be paid to the petitioners.

Sec. 11. Any complainant, who may conceive himself aggrieved by the assessment of damages, as prescribed by the last two sections, may, within twenty days after such report is adopted by the commissioners, appeal therefrom to the district court of the proper county, such appeal shall be tried in the district court, in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judgment more favorable than the report appealed from, he shall pay all costs of the appeal.

Sec. 12. When the report of the viewers appointed to view and lay out, alter or vacate any road, shall be confirmed and adopted, and the damages assessed and determined, if any shall be ordered by the commissioners to be paid, they shall order such road to be laid out, altered or vacated, according to the report of the viewers, and may if they deem it necessary forthwith issue an order, under the seal of the board of commissioners, to some skillful and competent surveyor, directing him forthwith to survey said road as located and marked by the viewers; and such surveyor shall take to his assistance two chain-bearers and one marker, and proceed to survey such road and cause the same to be conspicuously marked throughout, noting the corners and distances, and at the end of each mile, shall cause the number of the same, and also the commencement and termination of said road, or survey, to be marked on a tree or monument erected for that purpose; and he shall make out a correct and certified return of the survey of said road, and a plot of the same, and deliver said return and plot to the commissioners or their clerk, on or before the day of their first regular meeting, next ensuing after the date of the order of the survey of said road, and he shall also furnish at the same time a true and certified account of the time necessarily employed in making such survey; and the board of commissioners shall immediately thereupon direct orders to be drawn on the county treasurer for the payment of the same, allowing the surveyor six dollars for each day necessarily employed in the survey, and making the return and plot, and the chain-bearers and markers each three dollars, for every day necessarily employed by said surveyor, in the survey of said road.

Sec. 13. Upon receiving the return and plot of any road, the commissioners shall order the same to be recorded in a book, to ke kept for that purpose, and from thenceforth said road shall be considered a public highway, and the commissioners shall issue their order directing the same to be opened; and all county roads shall be sixty feet in width, unless the commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in point of width.

Sec. 14. When the place of beginning or true corner of any public road shall become uncertain, by reason of the removal of any marked tree or monument, by which such road was designated, or from any other cause, the board of commissioners of the proper county may appoint three disinterested householders of the county to review, and if they deem it necessary, to straighten such road; and the reviewers shall cause the said road to be correctly surveyed and marked throughout, as in case of new roads, and shall make a return of the survey, and plot of such road, to the commissioners of the proper county, who shall cause the same, if approved by them, to be recorded as in other cases; and thenceforth such road, surveyed as aforesaid, shall be considered as the public highway.

Sec. 15. If any person or persons, through whose lands any public highway is or may be established, shall be desirous of turning such road through any other part of his or their lands, such person or persons may, by petition, apply to the commissioners of the proper county, to permit him or them to turn such road through any other part of his or their land, on as good ground, and without materially increasing the distance, to the injury of the public; and on the receipt of such petition, accompanied by a sufficient bond or undertaking, to pay the costs and expenses to be incurred thereby, the commissioners shall appoint three disinterested householders as viewers, and a surveyor, who, or a majority of such viewers, shall proceed to view the ground over which the road is proposed to be turned, and ascertain the distance such road will increased by the proposed alteration, and made out a report in writing, stating the several distances so found, together with their opinion as to the utility of making such alteration; and if the viewers, or a majority of them, shall report to the commissioners, that the prayer of the petitioner or petitioners, is reasonable, and that the proposed alteration will not place the road on worse ground, or materially increase the distance to the injury of the public, they shall order the same to be so altered; and upon receiving satisfactory evidence that the proposed new road has been opened a legal width, and in all respects made equal to the old road, for the convenience of travelers, the commissioners may declare such new road a public highway, and make record thereof, and at the same time vacate so much of the old road as is embraced in the new, and the person or persons petitioning for the alteration, shall pay all the costs and expenses of the view, survey, and return of such alteration.

Sec. 16. The compensation of viewers and reviewers shall be three dollars for every day that they shall be necessarily employed in discharging their duties, and if any such viewer and reviewer shall refuse or neglect to perfom the duties required by this act without making satisfactory excuse for such refusal or neglect, he shall be fined by the commissioners in any sum not exceeding ten dollars, to be recovered by action before a justice of the peace of the proper county, which fine, when collected shall be paid over without delay, into the county treasury.

Sec. 17. Upon application being made under the provisions of this act, for a view or review of any public road, proposed to be laid out, altered or vacated, the commissioners shall, before issuing their order to the viewers, require a bond to be executed by one or more of the petitioners for such view or review, with sufficient surety, to be approved by the commissioners or their clerk, and made payable to the board of commissioners, in such sum as they shall direct, not exceeding two hundred dollars, conditioned that if the prayer of the petitioners be not granted, and allowed, the persons executing such bond will pay all costs and expenses that may be incurred by reason of such view or review.

OF LOCATING PRIVATE WAYS.

Sec. 18. Any person whose land shall be so situated, that it has no connection with any public road, may make application in writing to the board of commissioners of his county, at a regular session, for a private road leading from his premises, to some convenient public road, and thereupon the said commissioners shall appoint three disinterested householders of the county as viewers, and shall issue an order directing them to meet on a day named in such order, to view and locate a private road according to the application, and to assess the damages to be sustained thereby; and after being duly sworn or affirmed faithfully and impartially to discharge the duties of their appointment, and after at least three days' notice, given to all persons through whose lands such private road is to be located, such viewers shall proceed to locate and mark out a private road, thirty feet in width, from some certain point on the premises of the applicant, to some certain point on the public road, so as to do the least damage to the lands through which such private road is located, and they shall also at the same time assess the damages sustained by the person or persons owning such lands.

Sec. 19. The viewers so appointed, or a majority of them, shall make a report to the commissioners at their next regular session, of the private road so located by them, and also the amount of damages, if any, assessed by them, and the person or persons entitled to such damages; and if the commissioners are satisfied that such report is just, and after payment by the applicant of all costs of locating such road, and the damages assessed by the viewers, they shall order such report to be confirmed, and declare such road to be a private road, and the same shall be recorded as such, and any person, aggrieved by the assessment of damages, may appeal, within twenty days after such confirmation of the report, to the district court, and such appeal shall be tried as appeals from the assessment of damages in case of county roads.

OF THE MANNER OF LOCATING TERRITORIAL ROADS.

Sec. 20. Every territorial road to be hereafter located, shall be viewed, surveyed, and returns thereof made according to the provisions of this act, within one year from the passage of the act, authorizing such road to be laid out, and the width of all territorial roads shall be sixty feet.

Sec. 21. The commissioners appointed to locate any territorial road, after having taken an oath or affirmation faithfully to discharge the duties of their appointment, shall proceed to view and locate such road, and shall cause the same to be correctly surveyed and marked throughout, from the beginning to the end, in the same manner that county roads are required to be surveyed and marked, and such commissioners, or a majority of them, shall make a report, descriptive of the general face of the country, over which such road passes, accompanied by a plot of the survey, certified by the surveyor, which report and plot shall, within sixty days after the view and survey, be delivered to the secretary of the territory, to be by him filed and recorded; and within the same period of sixty days, they shall in like manner deposit in the office of the clerk of the board of county commissioners of each county, through which such road passes, a report and plot as aforesaid, of so much of said road as shall be located in such county, to be there recorded as aforesaid.

Sec. 22. The commissioners appointed to locate any territorial road shall, after the completion of the survey of the same, make out a certified account of all the services rendered, as well by themselves as by the surveyor, and other persons employed, charging each county, through which said road may have been laid out, a proportion of the expenses, according to the number of the days employed in such county; and the board of county commissioners shall audit, and order the same to be paid out of the county treasury.

Sec. 23. When any person, through whose lands any territorial road may be located, shall conceive that he would be injured by the opening of the same through his premises, he may within six months after the filing of the report and plot of survey of such road, in the office of the clerk of the board of commissioners of such county, make complaint in writing to such commissioners, setting forth such damage, and thereupon the same proceedings shall be had to assess and determine the damages sustained by such complainant, as in case of county roads, and such damages shall be paid out of the treasury of the county in which the lands are situated.

Sec. 24. When any territorial road shall have been located according to the provisions of this act, the same shall be and remain a public highway, and shall be opened and worked by the counties through which it may be laid out, as county roads are, and such road may be altered or changed in any county, in the same manner as county roads are altered.

OF ROAD SUPERVISORS, AND THEIR DUTIES.

Sec. 25. The several boards of county commissioners shall, as often as they may deem necessary, but not oftener than once a year, divide their respective counties, or any part thereof into suitable and convenient road districts, and cause a brief description of the same to be entered on the county records.

Sec. 26. The board of commissioners shall annually, at their session in April, appoint one supervisor of roads for each road district in the county, and may at any time, fill vacancies that may occur in such office, and they shall cause the supervisors by them appointed to be notified thereof in writing. Each supervisor shall hold his office until the following April session of the commissioners, and before entering upon the discharge of his duties, shall take an oath or affirmation, faithfully to discharge the duties of his office, and if required by the commissioners, shall execute a bond to the board of commissioners, with one or more sureties, in any sum specified by them, not exceeding one thousand dollars, conditioned that he will faithfully account for, and pay over accordfng to law, all moneys that may come into his hands by virtue of his office.

Sec. 27. It shall be the duty of every supervisor of roads, on or before the fifteenth day of May, to obtain the names, and make out in alphabetical order, a list of all persons liable to perform labor on the public roads, residing within his road district, and to affix to each name therein the number of days' work, which such persons shall be assessed to perform.

Sec. 28. In making such estimate and assessment the supervisor shall proceed as follows:—

1. He shall assess three day's work to be performed by every male between eighteen and fifty years of age, residing in his road district, except ministers of the gospel, and persons who are a public charge or too infirm to perform labor, and for each and every thousand dollars valuation of taxable property, an additional day's work.

2. The supervisor of each road district shall have power if in his opinion, the state of the roads require it, at any time during his term of office, to require every man, except those before excepted in this act, to perform two additional day's work and to assess one additional day's work for every one thousand dollars valuation of taxable property, within his district, and the said supervisor shall have the same power to enforce the said additional tax, as has been heretofore given him in this act to enforce the original road tax.

3. The tax on property shall be paid and expended in the road district where the property is situated, whether the owner of such property lives in such district or not.

Sec. 29. Whenever the supervisor shall from any cause have neglected or omitted to place on his list, and assess any person, within the time required by law, he shall at any time afterwards, place the name of such person on the list, and assess the number of day's work to be performed by him, which assessment shall in all respects be valid, as if made in due time.

Sec. 30. The supervisor shall notify every person within his road district, subject to road labor as aforesaid between the first and the last day of June annually, to perform the work assessed on the public roads within his district, and if any person, subject to road labor as aforesaid, shall after three day's previous notice, either personally, or by writing, left at his usual place of abode, by the supervisor or any other person by direction of the supervisor, neglect or refuse to attend by himself, or suitable substitute, at the time and place designated by the supervisor; or having attended shall refuse to obey the directions of the supervisor, or shall pass his time in idleness, and inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall neglect or refuse to attend, or for any of the offences above specified in this section, the sum of three dollars, to be recovered in a civil action, at the suit of the supervisor, before any justice of the peace having jurisdiction, or, if the aggregate amount of such sums be over one hundred dollars, by action in the district court; and all money so collected shall be appropriated as hereinafter directed.

Sec. 31. Whenever it shall happen in consequence of sickness, absence from home, or any other good cause, that a person liable to perform work as aforesaid does not attend, in obedience to the notice of the supervisor, at the time and place appointed, and such person is willing to perform, or cause to be performed, the labor required by this act, no process shall be issued for the recovery of the penalty above prescribed but the supervisor shall employ such person, or his substitute, at another time and place, to be designated by such supervisor.

Sec. 32. Every person notified to labor on the public roads, under the provisions of this chapter, shall be required to appear at the place appointed by the supervisor, at the hour of seven o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct; and such supervisor may, if he deem it necessary, order any person owning the same, to furnish a team of horses, mules, or oxen, and wagon, cart, scraper, or plough, to be employed or used on the roads, under the direction of such supervisor, who shall allow such person a reasonable compensation for the use of such team, wagon, cart, scraper, or plough, in discharge of any labor due from such person.

Sec. 33. It shall be the duty of every supervisor to collect, by suit or otherwise, in his own name, as such supervisor, all fines, forfeitures, and penalties arising and accruing under the provisions of this act, for the non-performance of labor, and to expend the same in the employment of men, when necessary, to put the public roads of his road district in good repair; and if any portion of the moneys collected by him, shall not be so expended, he shall pay the same over to the county treasurer, on or before the first of April, annually, and take his receipt for the same, which receipt shall be a proper voucher for the supervisor to settle with the county commissioners for the amount thereof; and the commissioners shall cause all moneys so paid into the county treasury, to be appropriated to repairing the roads, in such road district where such fine, forfeiture or penalty accrued.

Sec. 34. The supervisor of roads shall open, or cause to be opened, all public roads which may have been, or may hereafter be, laid out and established according to law, in any part of his road district, and shall keep the same in good repair; and he shall have authority to purchase with any money which may come into his hands as supervisor, for the use of his road district, any ploughs, scrapers, or other implements which he may think proper, and to enter upon any lands adjoining or near the public road, and gather, dig, and carry away, any stone, gravel, or sand, and cut down and carry off any trees or wood necessary for the making and repairing any public road, and to purchase and pay for any timber, plank, or other materials, necessary for making or repairing any public road in his district, and to enter upon any lands adjoining or lying near any public road in his road district, and cut, open, or construct such drains and ditches as he shall deem necessary for the making or preservation of such road, doing as little injury as may be to such lands; and any person stopping or obstructing the drains or ditches so made, shall forfeit the sum of twenty dollars for each offence, to be recovered and appropriated as provided in the last section.

Sec. 35. If any person shall feel aggrieved by the act of any supervisor cutting or carrying away timber or stone as aforesaid, he may make complaint thereof, in writing, to the county commissioners, at any regular meeting within six months after the cause of such complaint shall exist; and such commissioners shall proceed to assess and determine the damages, if any, sustained by the complainant, and cause the same to be paid out of the county treasury.

Sec. 36. Every supervisor shall erect and keep up at the forks of every highway, and every crossing of public roads within his road district, a guide or finger board, containing an inscription, in legible letters, directing the way, and specifying the distance to the next town or public place, situated on each road respectively.

Sec. 37. If at any time during the year any public road shall become obstructed by the falling of timber, or from any other cause, or any bridge shall be impaired or become dangerous for the passage of teams or travelers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstructions to be removed or bridges repaired, for which purpose he shall immediately order out such number of the inhabitants of his district as he may deem necessary to remove such obstruction, or repair such bridge; and all persons so ordered out, shall, after having received one day's notice, be subject to the same restrictions, and liable to the same penalties, as if ordered out under the thirtieth section of this act.

Sec. 38. In all cases when any person shall, under the direction of the supervisor of roads, perform more labor upon the public roads than may be due from him, the supervisor shall give such person a certificate specifying the amount of extra labor so performed, which certificate may be transferred and received in discharge of the labor of any other person, within the same road district, to the amount of labor specified in such certificate, or may be received from the holder in satisfaction of labor on the roads, in such road district, in any subsequent year, for the amount of labor specified therein.

Sec. 39. Every supervisor shall keep an account of the number of day's work performed on the public roads in his road district, and of the persons performing the same; he shall also keep an account of all moneys received by him from delinquents, or for fines or penalties, and the persons from whom received; and also, an account of his expenditures as supervisor during his term of office: and such supervisor shall present his accounts to the board of commissioners for settlement, at their April session in each year, and shall pay over to the county treasurer all moneys remaining in his hands as such supervisor, taking a receipt therefore. And if any supervisor shall fail to appear and make a settlement as required in this section, the board of county commissioners may, by an action in the district court of the proper county, against such supervisor, enforce such settlement, and recover any balance remaining in his hands.

Sec. 40. In all cases where the supervisor of roads shall be unable to collect from any delinquent, the amount of any tax, forfeiture, fine, or penalty, as provided in this act, it shall be the duty of such supervisor to return a list of such delinquents, certified on oath, to the board of commissioners of the county, at their session in April; and the commissioners shall, after adding ten per cent to the amount due by such delinquent, furnish the sheriff of the proper county with a true copy of such list, and the amount due from each, with a precept thereto attached, under seal of said board of commissioners; and the sheriff shall thereupon proceed to collect the same in like manner, and under the same provisions, that the county revenue is collected.

Sec. 41. Any supervisor of roads who shall neglect or refuse to perform the several duties enjoined upon him by this act, or who shall under any pretence whatever, give or sign any receipt or certificate, purporting to be a receipt or certificate for money paid and labor performed, unless the money shall have been paid or the labor performed, prior to the giving or signing such receipt or certificate, shall forfeit for every such offence not less than five nor more than fifty dollars, for the use of his county, to be recovered before any justice of the peace having jurisdiction of the same, in the name of the board of commissioners, and it is hereby made the duty of the commissioners to sue for the same.—Provided, that if any supervisor conceive himself aggrieved by the decision of the justice of the peace, he may appeal to the district court, as in other cases.

Sec. 42. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, over and above the number of day's work required by law to be performed by such supervisor, the sum of three dollars, to be paid out of the county treasury, on the order of the board of commissioners, after being sanctioned by them, and after the report of the doings of said supervisor shall have been received, approved, and settled by said board of commissioners.

Passed April 19, 1854.

I certify the foregoing is a true copy of the original act.

C. H. MASON,
Secretary of the Territory of Washington.

AN ACT relating to County Assessors.

Be it enacted by the Legislative Assembly of the Territory of Washington, That at the first annual election in each county, and annually thereafter, there shall be elected a county assessor, who shall have the qualifications of a voter, and shall continue in office until his successor is elected and qualified.

Sec. 2. The said assessors shall each, before entering on the discharge of the duties of his office, give a bond to the county for which he was elected, with two or more sureties, to be approved by the board of county commissioners, in such penal sum as such board shall direct, conditioned for the faithful performance of his duties according to law, and shall take and subscribe an oath faithfully and impartially to discharge the duties of his office, according to law and to the best of his abilities.

Sec. 3. Each assessor shall receive from the county auditor, before the first Monday of March, a blank assessment roll, and shall prepare a full and complete assessment roll, according to law; and three weeks before the last Monday in May, shall give public notice in some newspaper printed in his county, and if there be no such newspaper, then in some newspaper in general circulation in the Territory, or by posting up notices in six conspicuous places in his county, setting forth that on the last Monday in May, the assessor will attend at the office of the county auditor of his county, and with the assistance of said auditor, will publicly examine the assessment rolls, and correct all errors in valuations, descriptions, or qualities of lands, lots, or other property; and it shall be the duty of persons interested, to appear at the time and place appointed; and if it shall appear, during such examination, that there is any lands, lots, or other property, assessed twice, or assessed beyond its actual value, or assessed in the name of a person not the owner thereof, or any lands, lots, or other property, not assessed, the auditor and assessor shall make the proper corrections; Provided, That for the year 1854, the acting assessor shall not be required to prepare his assessment roll before the first Monday in July, or to give notice of his attendance, or attend at the county seat, to correct errors in such roll.

Sec. 4. If any assessor shall wilfully neglect to attend at the time and place required, he shall be liable for a violation of his duty, and shall suffer such fine and imprisonment, or both, as the district court shall impose; Provided, That it may be competent for any assessor, in case of his being prevented by sickness, or any other unavoidable cause, as above prescribed, to appoint some suitable person, having the qualifications of a voter, his deputy, who shall perform all the duties of the assessor he represents, and for whose acts the said assessor shall be responsible; and said deputy shall, before he enters on the discharge of the duties of his office, take and subscribe, before the county auditor, an oath faithfully and impartially to perform the duties devolving upon him, which oath shall be filed in the office of the county auditor.

Sec. 5. It shall be the duty of the assessor in each county, to make out and retain in his possession, a duplicate of his assessment roll, and shall make the necessary corrections therein, so that such duplicate will correspond with the assessment roll on file in the office of the county auditor, and also make a plot of all town plots within his county, and note thereon the owner of each tract of land, and of each town lot, and deliver such duplicate assessment roll and plot, and other documents relating thereto, to his successor in office.

Sec. 6. Each assessor shall receive a compensation of five dollars per day, for each day actually and necessarily employed in the discharge of the duties of his office, and such reasonable compensation for the copy of the assessment roll and plots of towns, as the board of county commissioners may allow, which compensation shall be paid out of any moneys in the county treasury not otherwise appropriated.

Passed March 28, 1854.

I certify the foregoing is a true copy of the original act.

C. H. MASON,
Secretary of the Territory of Washington.

AN ACT to authorize the Assessors of each County to take the Census.

Be it enacted by the Legislative Assembly of the Territory of Washington, That it shall be the duty of the assessors of each county in this Territory, to take the census of all the inhabitants of their respective counties, and shall report a copy of said census to the Secretary of the Territory, on or before the first Monday of December, in each year.

Sec. 2. Said assessor shall make a complete list of all the white male inhabitants, with their ages, occupations, the state or county they are from, whether married or single, and also, whether citizens or aliens. Also, all white female inhabitants, their ages, whether married or single, and the county or state they are from. He shall make separate lists of all taxable half breed Indians, Negroes, Kanakas, and Mulatoes, and Chinamen.

Sec. 3. The county commissioners shall make to the assessors of their counties, such allowance for taking the census as they may deem just and proper, to be paid out of the county treasury; but no allowances for mileage shall be made to such assessors.

Passed April 21, 1854.

I certify the foregoing is a true copy of the original act.

C. H. MASON,
Secretary of the Territory of Washington

An Act relating to Justices of the Peace and Constables, and the Practice before Justices of the Peace.

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the qualified voters of each election precinct, in the several organized counties of this Territory, shall at the time and place of holding the annual election, elect one or more justices of the peace.

Sec. 2. Each precinct shall be entitled to one justice of the peace, but the board of county commissioners, at the time of organizing such precinct, or at any time afterwards, may, if they deem proper, authorize an additional justice of the peace to be elected therein.

Sec. 3. No person shall be eligible to the office of justice of the peace, who is not a qualified voter, and who has not been a resident of the county in which he is elected, six months next preceding his election; nor shall any sheriff, coroner, or clerk of the district court, be eligible to, or hold such office.

Sec. 4. The election of justice of the peace shall be conducted, and return of such election made in the same manner, as other elections; and every person duly elected shall be entitled to a certificate of election, and shall take an oath of office; which oath shall be endorsed on the back of the certificate of election, and together with the certificate, filed in the office of the clerk of the district court for the proper county.

Sec. 5. Every person elected a justice of the peace, shall at the time of filing his oath of office in the office of the county auditor, enter into a bond with the board of commissioners of the proper county, with two or more sureties, residents of the county, to be approved by the said auditor, in the sum of five hundred dollars, conditioned that he will faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace: said bond may be in the following form:

Know all men by these presents, that we, J. P., A. B., and C. D., are held and firmly bound, unto the board of commissioners of the county of ——, in the Territory of Washington, in the sum of five hundred dollars, for the payment of which, we jointly and severally bind ourselves, our heirs, executors, and administrators.

Sealed with our seals. Dated this —— day of ——, A. D. 18 .

Whereas, the said J. P. has been duly elected a justice of the peace, in and for the precinct of ——, in the county of ——, A. D. 18 . Now the condition of the above obligation is such, that, if the said J. P. shall faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace, then this obligation shall be void, otherwise, in full force. J. P., [L. S.] A. B., [L. S.] C. D., [L. S.]

Sec. 6. Such bond shall be filed in the office of the county auditor; and every person aggrieved by a breach of the condition thereof, may, by an action upon the bond, have judgment against the justice, and his sureties, for such sum as he may show himself entitled to, with costs, and interest at the rate of twenty-five per cent. per annum; and upon any such judgment, stay of execution shall not be allowed.

Sec. 7. Every justice of the peace shall hold his office for the term of two years, and until his successor is elected and qualified; and every justice heretofore elected and qualified, shall continue to act as such until his term of office expires, and until his successor is elected and qualified.

Sec. 8. All vacancies existing in the office of justice of the peace, whether happening by death, resignation, or otherwise, may be filled by appointment by the board of commissioners of the proper county.—Every person so appointed shall hold his office until the next election; and is required to qualify in the same manner, as if he had been duly elected to the office of justice of the peace, under the provisions of this act.

Sec. 9. The jurisdiction of justices of the peace, elected in pursuance of the provisions of this act, shall be co-extensive with the limits of the county in which they are elected, or appointed; and no other or greater, whether said county be attached to any other county for judicial purposes, or not. But every justice of the peace shall continue to reside in the precinct for which he was elected, or appointed, during his continuance in office.

Sec. 10. When a precinct shall be divided, and any justice of the peace of the original precinct shall fall into the new one, he shall continue to discharge the duties of a justice of the peace, until his term of office expires, and his successor is elected and qualified.

Sec. 11. If any justice of the peace shall die, resign, or remove out of the precinct for which he may be elected, or his term of office be in any other manner terminated, the docket, books, records, and papers, appertaining to his office, or relating to any suit, matter or controversy, committed to him in his official capacity, shall be delivered to the nearest justice in the precinct, who may thereupon proceed to hear, try, and determine such matter, suit, or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such matter or suit was commenced, to have done; provided that if there be no other justice of the peace in said precinct, such docket, books, records and papers, shall be delivered to the county auditor, who on demand shall deliver the same to a justice of said precinct, when there shall be one qualified therein, who shall exercise the same powers as though they had been originally delivered to him.

Sec. 12. Every person whose duty it is to deliver over the docket, books, records and papers, as proscribed in the last section, shall forfeit and pay for the use of the county, fifteen dollars for every three months neglect to perform such duty, which sum may be recovered at the suit of any person.

OF CONSTABLES.

Sec. 13. At each general election, there shall be elected by the qualified electors of each precinct in the several organized counties of this Territory, as many constables as there are justices of the peace elected, or authorized to be elected, in such precinct.

Sec. 14. All vacancies existing in the office of constable, whether happening by death, resignation or failure to elect, or otherwise, may be filled by appointment by the board of commissioners of the proper county; and every person so appointed shall hold his office until the next election.

Sec. 15. The election of constables shall be conducted, and the return of such election made, and certificates of election issued in the same, as in elections of justices of the peace.

Sec. 16. Every person elected or appointed a constable, shall within twenty days after receiving his certificate of election, take an oath before any person authorized to administer oaths, that he will support the constitution of the United States, and the laws of this Territory, and faithfully discharge and perform the duties of his office as constable, according to the best of his ability. Such oath shall be endorsed on the back of the certificate of election, or appointment, and filed, together with the certificate, in the office of the auditor of the proper county.

[TO BE CONTINUED.]

Speech of Mr. McConaha

At the close of the Legislative Assembly:

MR. MCCONAHA arose and said:—

Senators,—I am not insensible to the generous sentiments and approbatory character of the resolution which has just received your unanimous sanction. I am nevertheless too conscious that the complimentary language in which it is couched, is more to be ascribed to the manliness of the mover than to any real merit of mine. However gratifying to me to know that my official acts have met with the unqualified approval of those over whom I have for a short period been chosen to preside, it is doubly so when coming from the source it does. I have seen and know something of men both mentally and physically. I think that I know something of my species and am not altogether a stranger to the business of legislation, and the maneuvering of legislative bodies, and it is due to you and to the intelligent constituency whose representatives you are, that I should declare that in fidelity to the people—in singleness of purpose, this body will not only compare favorably with any similar assemblage, but in point of ability and industry, those characteristics will stand in bold relief when contrasted with any deliberative body that it has ever been my fortune to observe. Although by the terms of the organic act the limit of this session was fixed at one hundred days, we have only been sitting but little more than sixty, in which time you have transacted more business than is generally performed in twice that time. All and each of the laws of Oregon which were in force at the time of our Territorial organization have been repealed, and one better adapted to our wants substituted, for each one so repealed—and thus has our legislature secured to our Territory a new and greatly improved code.

In the course of your deliberations, questions of grave moment have been discussed and determined, and I am compelled to say that upon one occasion, in the heat of warm debate, your presiding officer was not entirely free from that excitement of feeling so incident thereto, but shortly all unkind feelings were consigned to oblivion and kind and friendly relations were restored. This was as it should be. Men when engaged in the discussion of exciting topics when each one is seeking to impress his own honest convictions upon the minds of others, may in the effervescence of debate use language susceptible of unkind interpretion; but is not such language so natural that it furnishes generally the most unmistakable evidence of candor and sincerity upon the part of its utterer, exempting him from any real intention to wound the feelings of opponents. Except the solitary instance to which I have referred, extraordinary good feeling has characterized your actions, and whenever that warmth of debate has been removed, all of you, senators, have invariably exhibited a commendable spirit of deference to the opinions of brothers on this floor.

Senators, I have long considered that the greatest curse which at this day afflicts the American people, is the fact that a numerous but worthless class of irresponsible men, and time serving, professional politicians, incessantly haunt the sessions of every State and Territorial legislature, seeking office and place, asking bonuses and gifts, urging speculative, special, and fraudulent legislation. These out door jobbers and hangers-on are numerous, and our national Congress is at times beset with their offensive presence. That pressure if endeavored to be created here, has signally failed, and I appeal to you, senators, always to frown down such movements. Let us go back to first principles; let us imitate the example of our fathers, statesmen, and not mere time-serving politicians; let us endeavor to emulate their virtues and transmit to posterity un-sullied, untarnished and undimmed, the matchless and beautiful system of democratic government which their integrity and patriotism bequeathed us.

Gentlemen, you will pardon me if I indulge in a few personal allusions, for however unbecoming such would ordinarily be on occasions like this, the peculiar circumstances with which I have been surrounded during my residence in this country will I trust be my ample apology. For near a year two of the time-serving presses in Oregon have been teeming with abuse of myself, based upon a personal attack and reiterating the personal abuse which I received from a California journal. At the time when these attacks were made upon me the only press in this Territory, owned and controlled by men who differed with me in politics, the door was barred to my defence and I was denied a hearing, the right to submit a plain statement of facts in its columns in my own defence—I was precluded from, nay more, the citizens of King county who were apprised of the contents of the papers published in Sacramento, who knew the attacks upon me were utterly false and unfounded, asked leave to express their sentiments and attachments to me through that same paper, but the combination against me was too strong, and my fellow citizens of King county were also denied the right to be heard. The object of this organized conspiracy was to defame and prejudice the minds of those who never had seen me—most of you had seen and read all this ere you saw me. With this combination I have had to battle, always nevertheless, consoling myself that in all my transactions in private life, as well as in the service of the people, I had never varied from honor and strict integrity, and I but assert my honest conviction when I declare my unlimited confidence in the intelligence and purity of the people, my firm reliance that the citizens of this Territory will yet do me ample justice.

Under these circumstances, through your kind partiality I was chosen to preside over your deliberations, and I am unable suitably to express to you my gratitude, but while ever so grateful to you, where, where can I find language to express to the people of Pierce and King counties, my feelings of attachment and heartfelt obligation. When I was assailed by every vulgar and time-serving press, the people of those counties erected a bulwark of public opinion around and elected me to this branch of the legislature, by a majority unprecedented in the history of popular suffrage, and it is a fervent thirst which actuates me, when I crave that God may grant me length of days and opportunity to requite in some degree their unwavering confidence and generous attachment.

Senators, the representative system of government which our fathers gave us is beautiful in its conception, and magnificent in its operation; but it is not unfrequently abused. The relation of representative and constituent is a sacred one. The representative who betrays his trust may reconcile it with his own conscience—may receive the pardon of his God, but his constituents never ought to forget his *treachery*. The man who, elected to enact laws for the honest masses, suffers himself to be controlled by outside interests and irresponsible jobbers, is unworthy the name of a man and a disgrace to public station. That I have braced my mind and shaped my action against such legislation here, you will bear me witness, that I have ever done so in public life is the reason why I have been assailed.

Senators, I have been suffering under severe indisposition during the greater portion of this session. I have often and freely mingled in your debates, and I dare not assume myself that I have at all times extended that entire courtesy and bland deportment so essential in debate, and still more essential in this chair. But your uniform kindness and partiality have rendered more easy my duty and have placed me under obligations not to be disregarded. The attachments I have formed for the members of this body can but cease with my life. I know that my temperament and manner in debate is ardent and enthusiastic, and not always free from sarcasm, but need I indulge the fear that my earnestness of purpose has been misinterpreted by you.

Gentlemen, we have met strangers, but it gives me unfeigned pleasure to know that we part friends, and if any act of mine has given offence to any member, I here offer the amplest apology, and assure you all that in bidding you farewell, I entertain for every senator in this chamber sentiments of the highest personal regard. I do not expect to meet with you at your next session, and now the only duty left me to perform is to pronounce an individual farewell, and as a presiding officer to pronounce the first council of Washington Territory adjourned *sine die*.

☞ As stated last week, Mr. McConaha was drowned, together with Capt. Barstow, on the 4th May, in making the passage between Vashon's Island and Alki.

McConaha has gone! but, as we believe, the above closing address of his life, is indicative of his character—"firm, manly and confident" in the discharge of his duty as a man and legislator. As all know, he discharged his duty here as President of the Council, with favor and esteem, and made friends of bitter enemies—leaving his place with honor and general approbation.

It may not be improper to allude to the fact, that as Mr. McC. left but few or no enemies in this Territory; we have no doubt but there are controllers of presses and individuals in California and Oregon who, with a disposition Hyena-like, would like to resurrect the body of the departed and unfortunate McConaha, and exhibit his lifeless body to an interesting family, to draw anew fresh tears, because of his political career, which he has frequently and deliberately explained as being consistent.

Those who have heretofore been following him with the blood thirstiness of a Bengal tiger, will have found that the lion has gone to his lair, and the best commentary that can be made on his speech is, *we say, read it.*

That he had faults we will readily admit, and none will deny; *but where is the perfect man?*

To all and singular of the political enemies of McConaha, we have only to say:

"O, be thou damn'd, inexorable dog!
And for thy life let justice be accus'd.
Thou almost mak'st me waver in my faith,
To hold opinion with Pythagoras,
That souls of animals infuse themselves
Into the trunks of men: thy currish spirit
Govern'd a wolf, who, hang'd for human slaughter,
Even from the gallows did his fell soul fleet,
And, whilst thou lay'st in thy unhallow'd dam,
Infus'd itself in thee; for thy desires
Are wolfish, bloody, starv'd, and ravenous."

Pioneer and Democrat.

OLYMPIA, WASHINGTON TERRITORY,
SATURDAY, MAY 20, 1854.

J. W. WILEY, EDITOR.

"Truth crush'd to earth will rise again,
The eternal years of God are hers."

Last of the Northern Railway Exploration.

We learn by an Express recently arrived from the camp of Lieut. Mullen, in the St. Mary's river, news gratifying in the extreme.

During the month of March Lieut. Mullan crossed the Rocky mountains to Fort Benton, and on his return brought a wagon to which was attached four mules; the distance—296 miles by odometer measurement—having been accomplished in 12 days traveling time. On leaving Fort Benton, Lieut. Mullan took the high plateau between the Missouri and Teton rivers, so as to avoid the deep *'coulies'* which run into the valleys of these streams, and entered the mountains but a few miles south of the entrance to the route of Gov. Stevens' main train. He describes the entire route as an easy road over a rolling country—the divide, half a mile from base to base, as a "low prairie ridge," and so gradually sloping upon either side, that in their descent not only were the wheels not locked, but the train moved down upon a trot. No snow whatever occurred on the return route. In going (by a different pass) ten inches was found upon the divide, but none on the eastern slope or around Fort Benton. The only delay to the train was occasioned by some fallen timber, which was removed by a party of four men in eight hours. Water, grass and wood were in abundance throughout.

To the people of Washington Territory this discovery of a wagon road across the Rocky mountains as favorable as that through the South Pass, will be hailed with the greatest pleasure. It is evident that before long the "SIBERIAN TRAIL" will be a great thoroughfare for immigration to our shores. At this moment no difficulty of moment presents itself from the Mississippi river to the St. Mary's valley. Considerable labor must be bestowed upon the portion between this point and the plains of the Spokan—a distance of two hundred miles, but when the road shall have been opened we shall have a route favorable as regards wood, water and grass. The fertile valley of the St. Mary's, containing 1200 square miles of arable land, is a most excellent recruiting station for animals, and is also well supplied with timber. The numerous tributaries of the river offer excellent mill sites, and we see no reason why another settlement should not spring up in this, the eastern portion of our Territory, to vie with the Mormon settlement of the Great Salt Lake.

☞ We have concluded at once to give up all our columns to the publication of the laws which are anxiously expected by the people generally. A few items will suffice.

GOV. STEVENS has rather opened the eyes of the people of San Francisco, relative to the northern railway exploration. The denizens of that city are becoming "skeered."

An Indian was killed about four miles from this place, by a man named JAMES BURT, who was tried but acquitted. We have nothing to say in justification of the acquittal. Mr. Burt has since fled the Territory.

MR. C. BENHAM, who has a large interest in a very valuable coal claim at Bellingham Bay, has arrived here, and will proceed to the Bay designated in a few days, to authorize a more vigorous prosecution of labor in the getting out of coal. He is a young man physically, although mentally old and well informed.

LIEUT. ARNOLD, connected with the recent survey of Gov. Stevens, started on Thursday last in company with Mr. E. J. Allen and others, to survey the best military route between the Yakima valley—the eastern slope, to the west—expects to return in a month or six weeks at farthest. Lieut. Arnold, distinguished as an excellent officer, belongs to the regular dragoons, and Mr. Allen, who accompanies him, is well known here as the most active operator to get through the Cascade immigrant trail over the mountains. We hope that Lieut. Arnold will find the Narchez pass favorable for a military road, as it may be hereafter required as available for the Pacific railway.

☞ The Hawaiian bark "Luika," Capt. Corwin, sailed from this port on Thursday last for Honolulu, Sandwich Islands, with a cargo of sawed lumber and ship spars.

EPISCOPAL SERVICE.

Bishop Scott and Rev. Dr. McCarthy will be at Olympia, on Sunday, the 28th inst. Services in the Hall of the House of Representatives.

STEILACOOM LODGE, U. D.

The regular communications of Steilacoom Lodge, U. D., of Ancient Free and Accepted Masons, are held on the first Saturday evenings in each month. Brethren of the order in good standing are invited to attend.

W. H. WALLACE, W. M.

OLYMPIA LODGE, No. 5,

Of Ancient Free and Accepted Masons, holds regular communications on the first and third Saturday evenings in every month.

All members of the order in good standing are invited to attend.

T. F. McELROY, W. M.

SURVEYOR GENERAL'S NOTICE

TO SETTLERS.

In Township	3	North	Range	1	East	in W. T.
In "	4	"	"	1	West	in do
In "	5	"	"	1	"	in do
In "	2	"	"	1	East	in O. T.
In "	2	"	"	1	West	in do
In "	3	"	"	1	"	in do
In "	4	"	"	1	"	in do
In "	5	"	"	1	"	in do

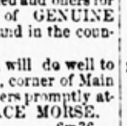
The above townships having been surveyed, and the plats thereof approved on the 5th inst., all persons who have claims or parts of claims therein before the date of such approval, are required to present the notifications of their claims, respectively, at this office, WITHIN THREE MONTHS from the date hereof, where I shall be prepared to receive the notifications of their claims, and enter upon the adjustment of the same, and the settlement according to law of all conflicts of boundary lines that may be found to exist among them.

And every person who has settled, or shall settle within such townships, AFTER the date of approval aforesaid, is required by law to file at this office the notification of his claim, specifying the precise tract or tracts claimed by him, WITHIN THREE MONTHS from the date of his settlement, and he hereby is requested so to do at any convenient time within such term.

Given under my hand at Oregon City, this 5th day of May, 1854.

C. K. GARDNER,
Surveyor General of Public Lands in Oregon.
May 20, 1854. 4w37

For Sale Cheap.



TWO Concord Coaches, with Harness complete for sixteen horses, nine seat. For particulars apply at Van Winkle & Duncan's, 4th, between I and J streets, Sacramento, or to L. S. Van Winkle, No. 16 Carswell House, Sansome Street, San Francisco, or address Van Ward, "Sun Office."
May 20, 1854. 2m37.

SAMUEL HOLMES,
DAGUERREOTYPIST,

OLYMPIA, W. T.

Will attend to all orders for the taking of Daguerreotype LIKENESSES, and all other matters connected with the art.

Rooms over the Cabinet Shop of D. C. Beatty.
May 13, 1854. 36tf

NOTICE

IN RELATION TO THE REMOVAL OF THE OFFICE OF THE SURVEYOR GENERAL FROM ORDGON CITY TO SALEM, IN OREGON TERRITORY.

IN virtue of the authority vested in the President of the United States by the 2d section of the Act of Congress, approved September 27, 1850, entitled "An act to create the office of Surveyor General of the public lands in Oregon," &c., and in accordance with the request of the Legislature of said Territory, NOTICE is hereby given, that the office of Surveyor General of Oregon will be removed from Oregon City to Salem, in Oregon Territory,

On the first day of August next.

Given under my hand, at the city of Washington, this fifteenth day of March, A. D. 1854.

FRANKLIN PIERCE.

By the President:
JOHN WILSON,
Commissioner of the General Land Office.

Drugs & Medicines.

THE subscriber having located at Seattle, King Co., W. T., takes this opportunity to inform the citizens of the Territory, that he has opened and offers for sale the most complete assortment of GENUINE DRUGS AND MEDICINES to be found in the country.

Persons in want of good medicines, will do well to call on him, at the Seattle Drug Store, corner of Main and Commercial Streets, Seattle. Orders promptly attended to.

HORACE MORSE.
Seattle, W. T., May 3d, 1854. 6m36.

PACIFIC HOUSE.

THE UNDERSIGNED having recently erected and fitted up a Hotel in Olympia, is now prepared to accommodate boarders and travelers with private rooms, and afford such entertainment as he trusts will be appreciated by a liberal and discriminating public.

The Pacific House is situated on the corner of Main and Fourth Streets, where the proprietor will, at all times, take pleasure in giving hospitable entertainment to his guests, on as moderate terms as can elsewhere be procured.

WM. COCK.
Olympia, March 18, 1854. 2tf

MERRITT & GOVE'S

NEW LINE OF PACKETS now on the way from the States—the "LIVE YANKEE" to be followed by the "YANKEE NOTION" and "YANKEE DOODLE," all to run regular between San Francisco and Puget Sound.

Agents—S. MERRITT, San Francisco, and JOS. CUSHMAN, Olympia.
April 15, 1854. 32tf

AT TEEKALET,

Harbor of Port Gamble—Hood's Canal,

THE PUGET MILL CO.

HAVE a Steam Saw Mill—gang and single saws—and Shingle machine in operation, and have on hand and are manufacturing lumber of a variety of sizes and lengths, of a superior quality for building and shipping purposes. Also piles and hewn timber.

All orders promptly attended to by

J. P. KELLER,
at Tekalet, Washington Territory, or
A. J. POPE,
San Francisco, California.
Tekalet, March 14, 1854. 32ly

EX. SARAH WARREN.

APRIL 3.

5 TONS asserted Iron;
1000 lbs Tobacco;
50 Tins fancy assorted Crackers;
20 Cans Imperial and Gun Powder Tea;
10 Kegs Pickles;
70 Boxes Candles;
50 Kegs Sugar House Syrup;
18000 lbs California Blue Seed Potatoes;
40 Kegs Nails and Spikes;
8 Cases Boots and Shoes;
25 Barrels Smoked Shoulders;
5 Hogsheads Side Bacon;
50 Cases Whiskey and Brandy Punch;
10 Quarters Old Rye Whiskey;
20 Cases best Champagne;
60 Casks best Goshen Butter;
50 Half barrels best Apples;
20 Barrels sugar cured Hams;
10 Barrels Porter and Ale;
25 Cases Porter and Ale;
20 Cases Brandy Peaches;
10 Barrels Crushed and Pulverised sugar;
150 Boxes assorted soaps;
60 Sacks Oats;
20 Cases Buckwheat Flour, in Tins;
20 Cases best Leaf Lard;
15 M. Segars;
25 Jars Apple Pulp;
400 lbs Cream Tartar;
10 Bbls. Split Peas;
10 Bbls. Carolina Rice;
50 Bbls. Gallego and Haxall Sweet Flour;
600 lbs Rye Flour;
75 Half bbls. dried Corn Meal;
4 Tons Cadiz Salt;
50 Bbls. Mess Pork;
2 Tons Ship Chains, for loging.

Invoices Dry Goods, Wooden Ware, Furniture, &c., &c.

All which, at the present low prices in San Francisco, comprises much the largest invoice ever brought into the Territory, and will be sold low for cash at the Store of

KENDALL CO.,
By J. Cushman.

THE PUGET MILL CO.,

HAVE an excellent engine Lathe, of 22 in. swing, in operation, under charge of an experienced machineist and engineer, who will execute orders in his line, in a superior style and finish, with dispatch.

—ALSO—

Blacksmithing and Shipsmithing, by a good mechanic, done at short notice. Apply to

J. P. KELLER, Agent.
Teekalet, W. T.

A supply of Provisions, Clothing, Boots and Shoes Dry Goods, Hardware, Nails, Doors, Window Glass, &c., constantly on hand by the Puget Mill Co. at Teekalet, Hood's Canal, between which place and San Francisco several vessels are running regularly.
March 14, 1854. 32tf

MEDICINE.

THE undersigned takes this method of informing the citizens of Olympia and surrounding country, that he has opened an office at the above place, for the practice of MEDICINE in its various branches; and will hold himself in readiness at all times, to attend to any calls in the line of his profession, to which his entire attention will be devoted.

Office, two doors south of Parker's store.

G. A. LATHROP, M. D.
June 26, 1853. 42-1y

Cabinet Shop.

FURNITURE of various kinds kept constantly on hand, and orders filled at short notice.

A variety of work made of beautiful curled maple now in readiness. The citizens of Olympia and vicinity are respectfully invited to call and examine.

D. C. BEATY.
Olympia, April 29, 1854. 34tf

ENOCH H. WILSON. JAS. E. HURD.

WILSON & HURD,

COMMISSION MERCHANTS,
OLYMPIA, W. T.

☞ All business entrusted to them will be promptly attended to.
Olympia, May 1st, 1854. 35tf

Great Inducements!

THE subscriber has just received, ex LEONESA, a full and desirable assortment of goods, consisting in part of the following articles:

Flour, Pork, Butter,
Lard, Cheese, Bread, Syrup,
Sugar, Tea, Coffee, Cooking Stoves,
Box Stoves and full assortment of Tin-ware.
Boots, coarse and fine, Patent Leather Shoes, Ladies' Gaiters and Bootees, Pantaloons, coarse and Fine, Shirts, Double Barrel Guns,
Powder, Shot, Dr'd Apples,
Candles, &c, &c, &c.

Being anxious to leave for the Atlantic States, I will close out the present cheaper than can be purchased elsewhere in the Territory. Please call and examine.

Terms Cash.

C. C. TERRY.
Alki, April 26, 1854. -tf.

NEW GOODS!

ARRIVAL OF THE TARQUINA!

Silk Poplins; Barege and Barege de laine;
French and Scotch Ginghams;
French Calicoes;
Silk Ribbons and Trimmings;
Marsailles and Silk Bed Spreads;
Kentuck Jeans and Satinet;
Ladies' and Gentlemen's Gaiters;
Crome Dress Linen;
Irish Linen;
Wadding;
Moleskin Hats, &c., &c., &c.,

The subscribers take this method to inform the public in general, Ladies particularly, that in addition to their former stock they have received a variety of goods too numerous to mention, but which they will show without any extra charges, and sell on terms to suit ALL, big and SMALL.

Come on, Come all!
Our motto: Small profits and quick sales!
Our system: One price and no deviation!

M. LOUISSON & CO.

M. LOUISSON, I. LIGHTNER, A. FRANKEL.
Olympia, W. T., April 20, 1854. 33tf

NOTICE.

COUNTY AUDITORS are hereby requested to forward without delay to the Territorial Auditor a statement of the amount of Territorial tax levied in their respective counties for the year 1853; and county treasurers are requested to forward forthwith all money due to the Territory as Territorial tax for the said year 1853, to Wm. Cock, Territorial Treasurer.

DANIEL R. BIGELOW,
Territorial Auditor.
Olympia, May 1st, 1854. 6w35

NOTICE

IS HEREBY GIVEN that books will be open to receive subscriptions to the capital stock of the Cowlitz River Steamboat Company, at the house of Seth Catlin, Monticello, John R. Jackson, Cowlitz, C. H. Hale, Olympia, John W. Chapman, Steilacoom, on and after the fifteenth day of May till the capital stock is taken.

Per order of Company.

John G. Parker, Jr.,

—DEALER IN—

GROCERIES AND PROVISIONS,

OLYMPIA, W. T.
April 15, 1854. 32tf

FOR SALE.

20 TONS Liverpool Salt in sacks;
200 new Salmon barrels;
100 boxes for smoked Salmon.

Apply to B. P. BARSTOW, Penn's Cove.

All those wishing to engage in the Salmon business this season, will do well to call on B. P. B. before engaging salt and barrels elsewhere.
April 29, 1854. 34tf

OLYMPIA BAKERY
AND
BEEF MARKET!

THE undersigned would respectfully inform the public that they are prepared to furnish Bread, Cakes, and Pies of every description, on reasonable terms. Balls and parties furnished on the shortest notice.

Also Beef, Butter, Eggs, Potatoes, &c.

J. K. HURD.
Olympia, Sept. 1, 1852. 1tf

WATCHES! WATCHES!

C. TURNER would inform the public that he has opened a shop in Olympia, and is now prepared to

REPAIR WATCHES AND JEWELRY

in a neat and workmanlike manner, and on short notice. All work warranted.
Nov. 12, 1853. 10tf

SURVEYOR GENERAL'S NOTICE

TO SETTLERS,

IN PURSUANCE OF INSTRUCTIONS FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE.

TO enable the Surveyor General to separate the private Land-claims from the public domain, and to determine the quantity and boundaries of the fractions of land remaining unclaimed in the several townships heretofore surveyed and approved—and in order that subsequent settlers may enter upon and perfect titles to the same, under the Act of 27th of September, 1850:—ALL SETTLERS who have not taken their claims by legal subdivisions, in such townships, and have already made their notifications, are required to have their claims surveyed by the authority of this office, within four months from the date of this notice:—and ALL SETTLERS who have taken their claims on unsurveyed lands, and shall hereafter file their notifications for claims not conforming to legal subdivisions, are also required to have their claims surveyed, by the authority of this office, within four months from the dates of their notifications, respectively.

A neglect to comply with the above requirements, will be AT THE PERIL of the claimant, as settlers will be permitted to enter upon and file notifications for legal subdivisions, which would have been made fractional by the claims aforesaid.

A written request to the Surveyor General for a survey, will be considered sufficient.

C. K. GARDNER,
Surveyor General of Oregon.
Surveyor General's Office, Oregon City, April 20, 1854. 4w34.

Information Wanted,

OF EDMUND STEVENS, who crossed the plains in 1853, and went into Oregon. Any information of his whereabouts communicated to his brother at Olympia, will be thankfully received. Oregon papers please copy.

March 26, '54. GABRIEL STEVENS.

List of Acts

Passed by the first Legislative Assembly of the Territory of Washington, 1854.

An act to establish a board of commissioners to prepare a code of laws for the Territory of Washington.

An act creating the board of county commissioners and defining their duties.

An act to provide for the appointment of commissioners of deeds

An act for the preservation of clams, oysters and other shell fish.

An act to exempt certain property from attachment.

An act regulating pedling boats.

An act relative to counties.

An act relating to county assessors.

An act to provide against dangerous and vicious cattle.

An act to encourage the building of bridges, plank and turnpike roads.

An act in relation to bills of exchange and promissory notes.

An act to provide for the appointment of notaries public.

An act to prevent fraudulent conveyances.

An act to regulate the interest of money.

An act to provide for the appointment of a librarian and defining his duties.

An act to incorporate the city of Steilacoom.

An act to incorporate Olympia Lodge, No. 5, of Ancient Free and Accepted Masons.

An act to incorporate the Cowlitz River Steamboat Company.

An act to indemnify A. Benton Moses for certain services as sheriff.

An act to authorize a special election in Pacific county.

An act to create and organize Whatcom county.

An act to create and organize Sawamish county.

An act to create and organize the county of Skamania.

An act to locate the county seat of Skamania county.

An act to define the northern boundary of Clarke county.

An act to locate a Territorial road from Seattle to Bellingham Bay.

An act to locate the county seat of Clarke county.

An act to locate a Territorial road from Steilacoom in Pierce county to Seattle in King county.

An act to locate a Territorial road from Steilacoom to the county seat of Clarke county.

An act to appoint officers for the county of Skamania.

An act to appoint a judge of probate and justice of the peace for Clarke county.

An act to appoint officers for Sawamish county.

An act to appoint officers for Whatcom county.

An act to define the eastern boundary of Pacific county.

An act regulating the building of wharfs.

An act creating the office and defining the duties of Territorial treasurer.

An act establishing probate courts for the Territory of Washington.

An act appointing officers for Clarke county.

An act appointing officers for Pierce county.

An act creating the office and defining the duties of Territorial auditor.

An act appointing officers for Thurston county.

An act regulating divorces.

An act relating to grand and petit jurors.

An act defiuing the time of the convening of the legislature.

An act to authorize the assessor to take the census.

An act to locate a Territorial road from Cathlamet to Sidney S. Ford's.

An act apppointing officers for Jefferson county.

An act to appoint officers for Wahkiakum county.

Lien of mechanics and others for labor and materials.

An act appointing officers for Pacific county.

An act to locate a road from Olympia to Shoalwater Bay.

An act to create and organize the county of Walla-Walla.

An act authorizing county commissioners to locate land for the benefit of county seats.

An act to provide for the payment of the code commissioners.

An act to appoint officers for the county of Walla-Walla.

An act to create and organize the county of Wahkiacum.

An act to locate the county seat of Walla-Walla county.

An act appointing officers for Island county.

An act regulating marriage.

An act relating to official seals.

An act appointing officers for King county.

An act in relation to Territorial roads.

An act appointing officers for Chehalis county.

An act regulating elections.

An act relative to prosecuting attorneys.

An act appointing a justice of the peace for the county of Skamania.

An act offering bounty for killing wild animals.

An act for the relief of J. S. Clendennin.

An act amendatory to an act appointing commissioners to locate a Territorial road from Olympia to Monticello.

An act to provide for the public printing and the distribution of the laws and journals.

An act regulating the rates of toll for grinding grain.

An act to create and regulate the office of sheriff.

An act relative to coroners.

An act to define the judicial districts of Washington Territory.

An act to assign the judges to their respective districts.

An act to create and organize the county of Clallam

An act to provide for printing the laws in the Pioneer and Democrat.

An act appointing officers to fill vacancies in Lewis county.

An act to locate temporarily the county seat of Cowlitz county.

An act to fix the age of majority.

An act to regulate fees and costs.

An act to appoint officers for Clallam county.

An act relating to deeds.

An act relative to district courts in Pacific county.

An act to establish the county seat of Chehalis county.

An act to provide for a change of venue upon the organization of new counties.

An act to provide for a stay of execution upon judgment in the supreme and district courts.

An act relating to the seal of the Territory.

An act creating the office of wreck master.

An act regulating the time within which civil actions may be commenced.

An act supplementary to an act creating the board of county commissioners.

An act to create the county of Chehalis.

An act regulating the apportionment of the representation in the next legislative assembly.

An act to locate a Territorial road from the mouth of the Columbia river to Olympia.

An act relating to scows, boats, skiffs, and other water craft found adrift.

An act relating to clerks of the supreme and district courts, and prescribing their duties.

An act relative to pilots.

An act to provide for the assessing and collecting county and Territorial revenue.

An act to appoint officers for Jefferson county.

An act in relation to the support of the poor.

An act to locate a Territorial road from Shoalwater Bay to Gray's Harbor, and thence to intersect a road from Olympia to Shoalwater Bay.

An act regulating ferries.

An act to provide for building bridges.

An act relating to wills.

An act to increase the county revenue.

An act relative to weights and measures.

An act to locare a Territorial road from Seattle on Puget Sound to the immigrant trail.

An act supplementary to an act relative to counties.

An act relating to the maintaining and construction of roads.

An act relating to estrays and other unclaimed property.

An act to define and establish the southeastern boundary of Jefferson county.

An act to locate a Territorial road from Olympia to Monticello.

An act in relation to county treasurer.

An act in relation to county auditor.

An act to create Cowlitz county and define its boundaries.

An act to appoint officers for Cowlitz county.

An act to appoint officers for Lewis couny.

An act establishing a common school system for the Territory of Washington.

An act to appoint a superintendent of common schools for Thurston county, and a constable for Olympia precinct.

An act respecting executors, administrators, and the distribution of real and personal property.

An act regulating the practice and proceedings in civil actions.

An act to regulate the practice and pleadings in prosecution for crimes.

An act relating to justices of the peace and constables, and the practice before justices of the peace.

An act relative to crimes and punishments and proceedings in criminal cases.

P. KEACH & CO.

HAVE just received Ex G. W. KENDALL, and now offer for sale at Wholesale and Retail, the largest assortment of Goods on Puget Sound.

COMPRISING IN PART THE FOLLOWING GOODS,

Pork, Shoulders, Sugar, crushed and powdered, Sugar China, No. 1, E. B. Syrup in kegs, No. 1, Molasses, Teas, every variety, Coffee, old Java and Rio, Chili Beans, Apples, Butter, Cheese, Lard, Preserved Fruits. Also, 150 bbls. excellent Flour.

WINES, LIQUORS AND SEGARS,

EVERY VARIETY.

DRY GOODS AND CLOTHING.

Fancy Prints, Calicoes, Mous de Lanes, Alapaccas, figured and plain, Shirting and Sheeting, Flannels, Red and white, Cassimers, Velvets, muslins, figured and embroidered Handkerchiefs, Irish Linnen, Thread, Silk, &c., &c.

COATS,

Frock and Dress, heavy Beaver and Pilot Overcoats, Pants, black and fancy Doeskin, Cloth, Satin and Silk vests, extra fine white Shirts, Calico, Linen, Check, and Hickory do., and a large assortment of under and over Shirts.

BOOTS AND SHOES,

30 Cases Boots and Shoes, for Gents, Ladies, Boys and Misses.

HATS AND CAPS.

Lima, Moleskin, and Kossuth, Mexican and Brush Hats, Navy and Boston glazed Caps.

A Very Large Supply

Of cooking stoves, Premium and Western World, Office and Parlor stoves, stove pipe, Zinc, &c.

Hard Ware.

Cutlery, Log Chains, Carpenter's tools, Glass-ware, Wooden-ware, Powder, Shot, Tobacco, Pipes, Knives and Forks, &c. Besides hundreds of other articles too numerous to mention.

We would respectfully invite the inhabitants of this Territory, to call before purchasing elsewhere at our New Store in Steilacoom City.

Steilacoom City, March 18, '54. 28tf

THOMAS LAMBERT. CHARLES POTTER.

THOMAS LAMBERT & Co.,

WASHINGTON STREET,

BETWEEN BATTERY AND SANSOME.

GENERAL Commission Merchants and Importers of Provisions, Tobacco and Segars, Hardware and Cutlery, Crockery and Glass ware,—Boots and Shoes, Hosiery, Rifles and Guns, Seines and Nets, and all articles suitable to the Puget Sound trade, the prices of which will be found very moderate.

San Francisco, Jeb. 10, 1853.

L. E. MORGAN & CO.,

SUCCESSORS TO

T. ADAMS & CO.,

Peoria Premium Steel Plow

MANUFACTURERS,

CORNER BROADWAY AND BATTERY STEEETS,

San Francisco, California.

The above named plows are kept for sale in Olympia, by GEO. GALLAGHER.

March 19, 1854. 28tf

W. H. WALLACE,

ATTORNEY AT LAW,

STEILACOOM, W. T.

Nov. 5, 1853. 9tf

LAFAYETTE BALCH,

MERCHANT,

STEILACOOM, WASHINGTON TERRITORY.

Oct. 1853. 5tf

GEORGE L. STORY,

DRUGGIST,

DENNISON'S BUILDING, FRONT STREET,

PORTLAND, OREGON.

Dec. 3, 1853.

C. H. MASON,

ATTORNEY AT LAW,

OLYMPIA, W. T.

GEORGE GALLAGHER,

DEALER IN STOVES, HARD-WARE, TIN-WARE, AGRICULTURAL IMPLEMENTS, &c.,

OLYMPIA, W. T.

Nov. 5, 1853. 9tf

I. N. EBEY,

Attorney and Counsellor at Law,

AND SOLICITER IN CHANCERY.

Office at the Custom House.

Sept. 30, 1853. 4tf

G. A. BARNES,

WHOLESALE AND RETAIL DEALER IN DRY GOODS, GROCERIES, PROVISIONS, HARD-WARE, &c.,

OLYMPIA, W. T.

Sept. 10, 1853.

H. C. MOSELEY,

ATTORNEY AT LAW,

STEILACOOM, PIERCE COUNTY, W. T.

July 9, 1853. tf

F. A. CHENOWETH,

ATTORNEY AT LAW,

Will attend the several District Courts of the Territory of Oregon.

Cascade City, Dec. 15, 1852.

DOCTOR L. C. BROY,

French Physician and Surgeon.

OFFICE—PORTLAND HOSPITAL, FRONT STREET, Portland, Oregon.

PILLOW & DREW,

Watch Makers and Working Jewelers,

FRONT, BETWEEN STARK AND OAK STREETS, PORTLAND, OREGON.

Watches and Clocks cleaned and repaired in a workmanlike manner, and warranted.

Rings and Pins made to order, of California Gold.

Portland, Sept. 10, 1853.

NEW ARRIVAL!

NEW STORE AND NEW GOODS.

STEILACOOM CITY, W. T.

THE subscriber would inform the public that he has received direct from San Francisco and is now opening at the Post Office building on Second street, one door east of the Washington Hotel, a large, new and well selected assortment of

DRY GOODS,

BOOTS, SHOES, HATS,

CAPS, &C., AND A SPLENDID LOT OF

READY MADE CLOTHING.

As the above goods were selected from personal inspection, the subscriber has no hesitation in recommending his assortment as of a superior quality, and from his long experience in the business, he considers himself competent to judge judiciously in making purchases to suit the wants and demands of the people of this part of the country. The above stock will be sold on as reasonable terms, as can be obtained elsewhere in the Territory.

W. M. RUTLEDGE.

Olympia, Jan. 21, 1853. 20tf

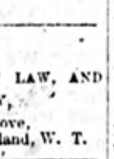
J. O. MARTIN,

ATTORNEY AND COUNSELLOR AT LAW, AND SOLICITOR IN CHANCERY,

Chesterville, Near Penn's Cove, Whidby's Island, W. T.

mh 25, '54-ly.]

LARGE CARGO FOR SALE.



THE UNDERSIGNED, direct from the Sandwich Islands, has opened at the store room formerly occupied by G. A. Barnes, on First street, Olympia, the following articles designed for the supply of the trade generally:

2000 lbs first quality Goshen butter,
1500 lbs Lard in tins,
3000 lbs Hawiian Coffee,
2000 gallons Hawiian Molasses in half barrels,
1700 gallons Torbet Syrup,
1600 lbs Sugar in half barrels and barrels,
8000 lbs coarse salt,
2000 lbs Sugar-cured Hams,
2000 lbs extra chewing tobacco, in 21 lb packages,
850 lbs Tallow Candles, in 25 lb boxes,
20 doz. boxes Martell's Brandy,
75 doz. boxes Gin,
44 gallons Spirits Turpentine, in 6 gallon tins,
95 Iron pots,
89 pairs heavy pants,
25 doz. looking glasses,
150 pairs heavy brogans,

All of which will be sold in quantities to suit purchasers on reasonable terms.

SAMUEL C. ALLEN.

Olympia, March 25, 1854. 29tf

DE SHUTES STORE.

GROCERIES, Dry Goods, Beef, Vegitables, Bread, Cakes and Pies, can all be had cheap for cash at the Falls of Deshutes River.

WILSON & HURD.

De Shutes, April 8, 1854. n31.

LIVERY STABLE.

NEW ARRANGEMENT!

THE undersigned, having completed their large and commodious stable in Olympia, are now prepared to stable at one time ONE HUNDRED HORSES, and intend keeping a number of excellent horses for hire.

Also horses kept by the day or week.

For terms and other particulars, inquire at the Pacific House.

A. J. Baldwin will be found in the office attached to the stable night and day, ready at all times to attend to any call in the line of his business.

In connection with the above business, a team will always be on hand to accommodate those who may want teaming done on reasonable terms.

All persons indebted to Edmund Sylvester on account, are requested to call at my office and settle the same.

A. J. BALDWIN & CO.

Olympia, Feb. 11, 1854.

NOTICE.

THE workmen upon the western portion of the Cascade Emigrant Road are hereby notified that the amount due them upon the contract with Capt. George B. McClellan, can be had by presenting certificates of time to EDWARD J. ALLEN,

Olympia, April 8, 1854. n31

Schictwoot.

THE SUBSCRIBER would respectfully inform the public that the above named scow has been finished, and put in readiness to convey goods from points below to this city. She is capable of carrying a large amount of freight, and is perfectly water-tight. Orders from all parts received and promptly attended to at the lowest rates.

A. J. BALDWIN.

Olympia, Sept. 10, 1853. tf

COOPERING.

THE undersigned has located himself at the Puyallup Fishery Station where he is prepared to fill orders for Salmon Barrels at the shortest notice.

March 11, 1854. W. C. BAIRD.

M. LOUISSON & CO.,

WHOLESALE AND RETAIL DEALERS IN

Dry Goods, Clothing, Boots and Shoes,

Hats, Caps, Groceries, Crockery Ware, &c., &c.

Olympia, W. T., San Francisco, Cal.

M. LOUISSON, T. LIGHTNER, A. FRANKEL.

April 22, 1854. 33tf

J. & C. E. WILLIAMS, Portland, O. T. | P. E. WATERMAN, Olympia, W. T.

Williams & Waterman,

WHOLESALE AND RETAIL DEALERS IN GROCERIES, PROVISIONS AND LIQUORS,

Main Street, Olympia, W. T.

April 15, 1854. 3m32

CHIPS & ETHRIDGE,

ARCHITECTS AND BUILDERS,

OLYMPIA, WASHINGTON TERRITORY.

BEING the pioneers in Olympia, we take this method informing the public generally that we are prepared to contract and furnish materials for buildings on the improved "rat plan," which cannot be surpassed "many time."

TERMS—Cash.

Olympia, Nov. 12, 1853. 10tf

FOR SALE.

EX G. W. KENDALL.

4500 lbs. No. 1 China sugar, 25 lb. matts.
100 bbls. sweet superior Flour,
Gallego and Haxall brands.
50 boxes Winchester bro. Soap.
25 bbls. Mess pork.
20 " " beef.
50 pair Window sashes, glazed, 8 by 10, 10 by 12, 10 by 14.

EX CYCLOPS.

100 tons heavy Chili seed Barley, for sale by KENDALL Co.

Olympia, March 18, 1854. 28tf

ALLAN, LOWE & CO.,

COMMISSION MERCHANTS,

123 CLAY STREET, SAN FRANCISCO.

Allan, McKinlay & Co., Oregon City and Umpqua, Oregon.

June 25, 1853. 6m42

PUYALLUP

SALMON FISHERY.

THE UNDERSIGNED are now prepared to enter into contract with persons desirous of packing Salmon—deliverable on the beach, from the nett—in any quantity to suit. Apply to RILEY & SWAN, Puyallup, or to PHILIP KEACH, Esq., Steilacoom City.

August 12, 1853. 50tf

THE OFFICE OF

JNO. B. PRESTON,

IS over PRESTON, O'NEILL & CO'S store, Main street, Oregon City, where he is prepared to attend to any business pertaining to Land or Land laws in Oregon.

Oregon City, Dec. 1854, 16tf

STOVES.

JUST RECEIVED ex brig Tarquina, a large and splendid assortment of

PARLOR AND COOK STOVES,

Hardware, Hollow ware, Plows

CARPENTERS' TOOLS, SCYTHES, CUTLERY, ETC.

Also on hand a large and varied assortment of plain and Japanned Tin ware.

We are prepared to manufacture to order, and at the shortest notice, all articles in our line of business.

GEORGE GALLAGHER.

Olympia, Nov. 5, 1853. 9tf

FOR SALE.

A FIRST RATE TWO HORSE WAGON for sale, on reasonable rates, by GEORGE GALLAGHER.

Olympia, April 1, 1854. 30tf

JAMES C. STRONG,

ATTORNEY AT LAW,

WILL, in connection with Hon. Wm. Strong, practice in the courts in Washington Territory.

NOTICE TO SETTLERS.

By an arrangement with John B. Preston, Esq., late Surveyor General, I will attend to the preparation of notifications, and all business connected with the Land Office. Business at the office at Oregon City will be attended to by Mr. Preston personally.—This will insure to claimants a prompt and correct attention to their business.

Office, for the present, on Third street, three doors from Main, Olympia, Washington Territory.

Olympia, March 25, 1854. 6m29

WATCHES AND JEWELRY!

G. COLLIER ROBBINS,

WATCH MAKER & JEWELER,

(LATE OF ST. LOUIS, MO.)

TAKES pleasure in announcing to the citizens of Oregon and Washington that he has permanently located in Portland, where he is prepared to repair all kinds of

WATCHES AND JEWELRY.

G. C. R. hopes by strict attention to business and a desire to please, to merit a share of the patronage of the public.

Front street, next door to Ladd & Co.'s. Third door below the Columbian Hotel.

Sept. 10, 1853.

CO-PARTNERSHIP NOTICE.

THE undersigned have this day entered into partnership in the Livery Stable business, and will continue to carry it on under the firm of

ANDREW J. BALDWIN,
EDMUND SYLVESTER.

Olympia, Feb. 1, 1854.

FOR SALE!

I WILL SELL the Columbian Hotel (the best property in Olympia) and a cottage on the corner of Franklin and Third streets, also my land claim, on which there is a splendid oyster bed, and a good dry dock for shipping, situated seven miles and a half below Olympia, at a very great sacrifice for ready money. For terms and other particulars inquire at my house on the claim. HERBERT JEAL.

Olympia, June 4, 1853. 39tf

NOTICE.

NOTICE is hereby given that the purchase from Indians of guns, utensils of husbandry or cooking utensils of the kind commonly obtained by them in their intercourse with white people, or of Blankets or any article of clothing except skins or furs, is strictly forbidden by law under a penalty of FIFTY DOLLARS, for each and every offence, and that such offences will be hereafter strictly prosecuted.

The system of private reprisals in case of thefts committed by Indians, is also strictly forbidden by law. The Superintendant will be at all times ready to compel indemnity where it can be obtained from the tribe, and on failure, the act provides for remuneration otherwise. In case of violation of this provision, the right to indemnity is forfeited, and the penalty will be enforced in addition.

ISAAC I. STEVENS,
Gov. & Supt. Indians Affairs.

Office Superintendant Indian Affairs, Olympia, W. T. Feb. 22, 1854. tf.

FRUIT TREES.

MILWAUKIE NURSERY.

H. & S. LUELLING, PROPRIETORS.

WE have had a number of our varieties bear fruit, and we find the size and flavor to exceed any in the United States. We have greatly extended our Nursery by the introduction of many new varieties of Apples, Pears, Plums, Peaches, &c., &c.—also a variety of Flowers and ornamental Trees, many of which we shall be able to furnish this fall. We have further extended our nursery business by establishing three Branch Nurseries in the upper country; one at Alfred Stanton's Marion county, four miles north-east of Salem; one at Mr. Knoxe's, Knoxe's Bute, Linn county; and one at Joseph Kelsey's near Starr's Point, Benton county.

March 11, 1853.

FOR COWLITZ LANDING.

PERSONS desirous of procuring good horses to ride to the Cowlitz Landing, can be accommodated by leaving orders at the Columbian Hotel, Olympia, or calling on the farm of Judge Yantis.

Travelers overland from Oregon will also find good horses at the Cowlitz Landing by calling at the residence of F. A. CLARKE.

Cowlitz Landing, July 2, 1853. 43tf.

SEATTLE STEAM SAW MILL.

H. L. YESLER & CO. are now manufacturing a superior article of sawed lumber.

H. L. YESLER & CO.

Seattle, Sept. 3, 1853. 1tf.

NEW MUSIC STORE.

PILLOW & DREW,

Watchmakers and Jewelers,

HAVE in connection with their regular business, opened a music room and have on hand Piano Fortes of the most celebrated makers. We also have on hand piano forte, flute, accordeon and melodeon music and music books. All orders filled at short notice.

Dec. 3, 1853. 6m.

NEW BLACKSMITH SHOP.

THE Undersigned would respectfully inform the citizens of Steilacoom city and vicinity, that he is prepared to do all work in the Blacksmithing line lower than at any other establishment on Puget Sound. All orders from a distance executed with neatness and dispatch.—PLOWS, MILL IRONS, &c., of a superior quality can be obtained upon short notice, and at very reasonable rates.

Shop, corner of Second and Columbia streets.

S. F. LIKENS.

Steilacoom city, Sept. 5, 1853.-2tf.

DR. J. R. CARDWELL,

DENTAL SURGEON,

PORTLAND, OREGON.

DR. C. is prepared to insert the improved Porcelain Gum Teeth on the atmospheric pressure principle, which may be worn with comfort, answering every end of the natural teeth.

Particular attention paid to the plugging of decayed teeth with gold or tin foil, thereby preventing further decay. Teeth extracted with improved forceps, giving the least possible pain.

☞ All operations warranted to give entire satisfaction, or no charge made. Ladies visited at their residence if requested.

Feb. 18, 1854. 24tf

D. R. BIGELOW, QUINCY A. BROOKS.

BIGELOW & BROOKS,

ATTORNEYS AT LAW,

OLYMPIA, THURSTON COUNTY,

WASHINGTON TERRITORY.

Advice given in regard to filing notifications of land claims, and all Agencies of Town property, entrusted to our care, belonging to non-residents, faithfully and promptly attended to according to order. 15

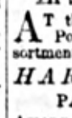
Olympia, Dec. 17, 1753.

Steilacoom Ship Yard.

BOLTON & WILSON,

SHIP CARPENTERS AND CHANDLERS

STEILACOOM, PUGET SOUND.



VESSELS of all classes built, rigged and fitted for sea. Sails, spars, rigging, netting, chandlery &c., supplied to order. Caulking and all other repairs made in the most satisfactory manner. Ship carpenters will be despatched to any part of the Sound whenever required. The patronage of persons wishing to build, owners, consignees and masters of vessels, is respectfully solicited.

Steilacoom, Aug. 6th. 1853.—1y 48.

CARTER & PAGETT,

DEALERS IN

PRODUCE, MERCHANDIZE,

GROCERIES AND PROVISIONS,

Cowlitz Landing, W. T.

Also, proprietors of the

COWLITZ HOTEL,

where travellers can find good fare and accommodations.

Dec. 3, 1853. 13-

DISSOLUTION.

THE copartnership existing under the name and style of L. B. Hastings & Co., have this day dissolved by mutual consent, and the business will be continued by L. B. Hastings and Alfred A. Plummer, under the name and style of Hastings and Plummer, who will settle up all the business of the late firm of L. B. Hastings & Co.

F. W. Pettygrove will remain in the Office until the business is settled up.

L. B. HASTINGS,
F. W. PETTYGROVE,
A. A. PLUMMER.

Port Townsend, Feb. 20, 1854. 28tf

HOLMAN HOUSE,

DUBOIS & BOOTH, PROPRIETORS,

NEAR THE STEAMBOAT LANDING,

SALEM, MARION COUNTY, OREGON.

Feb. 18, 1854. 24tf

B. P. BARSTOW'S LINE OF

PACKETS,

BETWEEN San Francisco and Penn's Cove, consisting of the Clipper Bark "Mary Melville," Brig "Kingsbury," and a new clipper now on the passage from the States, will run regularly during the season, and will take freight and passengers to all points on the Sound.

B. P. Barstow will be in San Francisco much of the time during the season, and will fill all orders he may be entrusted with for goods, or any other business.

Address B. P. Barstow, San Francisco, or B. P. B. & Co., Penn's Cove.

B. P. BARSTOW & CO.

WILL keep constantly on hand Provisions and Groceries of all kinds; also Clothing, Boots and Shoes, Cooking Stoves, &c., &c. They are receiving by each of their vessels from San Francisco large supplies, and can furnish to the people and merchants of the Sound, goods lower than they can be procured at any other point.

Feb. 10, 1854. 23

Sayward's Line

OF PACKETS, consisting of the ship Sarah Parker, Brig Merchantman, and schooner Willimantic will run regularly between Puget Sound and San Francisco. All orders for goods will be promptly attended to.

July 30, 1853. 47ly

W. T. SAYWARD,

HAS established himself at Port Ludlow, where he has now, and will keep constantly on hand the largest assortment of

PROVISIONS, GROCERIES AND DRY GOODS

to be found in Washington Territory—and will sell at wholesale or retail at the lowest price possible. And having a very large Launch, Clipper built, will forward them to any port on Puget Sound.

Port Ludlow, July 30, 1853.-47ly.

STEAMER FASHION.

THE FASHION is now plying and will continue to ply regularly between

MONTICELLO AND PORTLAND,

twice a week, connecting with the boats and canoes on the Cowlitz river, and with the PEYTONA, Capt. Hatch, from Portland to Oregon City.

Passengers may confidently expect to meet the Fashion at Portland every Monday and Thursday mornings, and at Monticello on the evenings of the same days. J. O. VAN BERGEN.

Dec. 1, 1853.

COPARTNERSHIP NOTICE.

THE undersigned have this day entered into a copartnership under the name and style of GOLDMAN & ROSENBLATT, for the transaction of a general merchandise business.

BERNARD GOLDMAN,
SAMUEL ROSENBLATT.

Olympia, W. T., April 20, 1854.

Those who have claims against the late firm of B. Goldman are requested to hand in their bills for payment. All those who are indebted to the same will please make immediate settlement.

PILLOW & DREW,

Watch Makers and Jewelers,

NEXT DOOR SOUTH OF ADAMS & CO'S EXPRESS OFFICE,

PORTLAND, OREGON,

KEEP constantly on hand, and are receiving by every steamer, new and rich invoices of

Watches, Clocks and Jewelry,

which they offer at the lowest prices,

—CONSISTING OF—

Gold and Silver Watches of Every Variety, Clocks of all kinds, Gold Fob and Breast Chains, Guard Chains, Seals, Keys and Charms Finger Rings, of Oregon Gold. Ladies' & Gentlemen's

BOSOM PINS, GOLD AND SILVER THIMBLES,

Silver plated Tea and Table spoons, German silver and Wire strengthened spoons

Butter knives & salt spoons,

Britannia Tea and Coffee Pots,

Pen Rolls, Shell, Ivory and Buffalo Combs, Accordeons, Music boxes, Britannia Castors, Pocket Cutlery, every variety of Coral Necklaces and Armlets, Fancy Beads, for Indian trade, Fancy Bead Bags and Purses, French Pert Monnies, &c., &c., &c.

Feb. 18, 1854. 24tf PILLOW & DREW.

HENRY JOHNSON & CO.,

IMPORTERS AND WHOLESALE DRUGGISTS,

116, Washington Street, near Montgomery,

SAN FRANCISCO, CALIFORNIA.

OFFER for sale, for cash, at the lowest wholesale prices, a large and well selected assortment of East India, Mediterranean and European Drugs and Medicines; French, English and American Chemicals of all kinds; and also, an extensive variety of Perfumery, Fancy Articles, Fancy Soaps, Brushes, Paints and Oils, Dye Stuffs, Labels, Window Glass, Extracts, Bronzes, Trusses, Leeches, Sergical Instruments, Druggists' Glassware, Hatters' Goods, Shakers' Herbs and Roots, &c., together with every article comprised in the stock of a Druggist or Physician.

H. J. & Co., are the proprietors' Wholesale Agents for Dr. Jayne's Family Medicines, Sand's Sarsaparilla, Old Townsend's Sarsaparilla, Moffat's and Brandreth's Pills, Davis' Pain Killer, Congress Spring Water, &c., &c.

Henry Johnson & Co., have made such arrangements in New York, Boston and Philadelphia as will enable them to purchase their stock at the lowest rates, and they are determined to give their customers the benefit of low prices, and at the same time the best quality of goods.

July 23, 1853—46ly.

GEORGE L. STORY,

DENNISON'S BUILDING, FRONT STREET,

PORTLAND, OREGON.

OFFER AT WHOLESALE AND RETAIL the following articles:

DRUGS AND MEDICINES.

50 doz	Sand's Sarsaparilla;	500 lbs	Saltpetre;
50 doz	S. P. Townsend's Sarsaparilla;	500 lbs	Alum;
75 doz	Dr Jacob do do;	256 lbs	Balsam copaiva;
30 "	Jayne's Expectorant;	75 lbs	Spts. Nitre Dile;
20 "	Jayne's Alterative;	100 lbs	Aqua Ammonia concent;
40 "	Moffatt's Phœnix Bitters;	500 lbs	Cream of Tartar
50 "	do Life Pills;	360 lbs	Tartaric Acid;
24 "	Osgood's Indian Cholagogue;	800 lbs	Bi-carb Soda;
30 "	Thompson's Eye Water;	500 lbs	Beeswax;
24 "	Nerve and bone Liniment;	200 lbs	refined champhor;
15 "	Dr. Fahnestock's Vermifuge;	400 lbs	Copperas;
30 "	British Oil;	500 lbs	Glauber salts;
36 "	Harlem do;	50 gals.	cold press'd castor oil;
40 "	Godfrey's Cordial;	4	boxes cast steel soap;
30 "	Bateman's Drops	3	bbls lampblack;
12 "	Ayer's C. pectoral.	1	bbl Race ginger;
50 boxes	Davis' Pain Killer;	50	lbs Cassia, in mats;
300 gross	bottle corks;	300	lbs Hops;
70 cases	Sarsap. syrup;	100	lbs Rad Rhei. Ind.;
25 "	Lemon syrup;	800	lbs Sal soda;
25 "	Raspberry do;	1200	lbs Epsom salts;
500 lbs	Herbs, assorted;	200	lbs Sponge;
100 ozs	Quinine;	75	lbs Carb. Ammonia;
20 "	Strychnine;	50	doz sweet oil in bskts.
10 lbs	Iodide of Pottass;	60	lbs Indigo, Bengal;
		30	lbs Opium (new crop)
		20	lbs Prass. Potash;
		2	bbls Sassafras bark;
		200	lbs Emery, as'd sizes;
		125	ozs Flores Benzoin;
		15	bbls Dyewood;

Paints, Oils, &c., &c.

1200 lbs	Putty;	2000 lbs	White Lead;
50 gals	copal Varnish;	800 lbs	Red do;
75 "	Japan do;	300 lbs	Litharge;
400 "	Spts Turpentine;	800 lbs	Venetian Red;
200 "	Linseed oil;	400 lbs	Spanish Brown;
100 lbs	Essential Oils;	200 lbs	Light Glue;

SOUTHWORTH & CO.,

NO. 64, BATTERY STREET, CORNER OF HALLECK,

SAN FRANCISCO, CALIFORNIA,

IMPORTERS of English and American Hardware, Cutlery, &c.,

Bar and sheet Iron—Portable Grist Mills,

SAW MILL IRONS COMPLETE,

Horse Powers: Carpenters' Tools;

Tinman's Tools and Machines;

Together with a full and well assorted stock of goods in the Hardware line.

On hand and will be receiving, those celebrated steel Plows manufactured by Evans & Adams, Galena, Illinois. Also from the manufactory of Joel Porter, Plattesville, Illinois.

San Francisco, Aug. 2, 1853. 51tf

In Store and Now Receiving,

AT the Fire-Proof Brick building, Front street, Portland, Oregon, a choice and well selected assortment of

HARDWARE, GROCERIES,

PAINTS, OILS, WINES AND LIQUORS;

Among which are Nails, Horse-shoes, Horse-shoe nails, Bar lead, Steel and Iron Squares, Try Squares, Board Rules, Collins' and Simmons' axes, Hand-saws, Buck-saws, Draw knives, Spirit levels, Hand-saw files, Mill saw files, Bench planes, and a fine assortment of Cutlery. Also, Sugar, Coffee, Tea, Rice, Syrup, Tobacco, Candles, Soap, Saleratus, Dried Apples and Peaches, Starch, Beans, &c. Wine glasses, Tumblers and Bar Decanters. Wines and Liquors in five, ten and twenty gallon packages. White, Black, and Red Lead, Raw and Boiled Oil, Spirits Turpentine, Sperm oil, Window Glass, Sash, &c. W. S. LADD & CO.

Portland, June 20, 1853. tf

"TIME IS MONEY."

I HAVE made arrangements with Parkes, Colter & Co's Express to forward watches and jewelry to be repaired. Persons in Washington Territory desirous of having their WATCHES AND JEWELRY REPAIRED, can now have their wishes complied with by leaving them at P. C. & Co's Express Office. They will be returned as early as possible.

tf. G. C. ROBBINS.

Portland, Oregon, Sept. 1, 1853.

Information Wanted,

OF EDMUND STEVENS, who crossed the plains in 1853, and went into Oregon. Any information of his whereabouts communicated to his brother at Olympia, will be thankfully received. Oregon papers please copy.

March 25, '54. GABRIEL STEVENS.

FOR SAN FRANCISCO!

THE NEW AND SPLENDID STEAM-SHIP

PEYTONA,

JAS. S. NASH, COMMANDER,

will leave Portland for Port Orford and San Francisco, touching at Rainier, on or about the 14th and 29th of each month.

Passengers by her can be sure of arriving in San Francisco in time to take passage in the Nicaragua or Panama steamers. For freight or passage, apply on board or to W. S. LADD & CO., Portland.

Feb. 11, 1854. 23tf

GEORGE H. ENSIGN, JOHN P. STIRLING.

ENSIGN & STIRLING,

LUMBER DEALERS,

OFFICE—Junction Market and California St. wharves,

SAN FRANCISCO, CALIFORNIA.

Will receive Oregon Lumber and Produce on consignment, and make cash advances on the same.

San Francisco, Sept. 26, 1853