

For the Oregon Spectator.

Mr. Editor—At a public meeting of the citizens of Clackamas county, held at the City Hotel on Friday evening last, some resolutions were adopted expressing the intentions of the meeting with regard to trespassing on land claims or to use the more popular phrase *claim jumping*. Now Sir, I take the meaning of the word *claim jumping* as embodied in those resolutions, to be this; trespassing on a person's claim of land, who has complied with the provisions of the laws of Oregon, as they were understood by the Legislature, and the people, when made and adopted; let the opinions of our legal men be what they may, with regard to the strict construction of the present land law, and if I have rightly construed them I give them my cheerful assent. But sir, there are other evils existing in Oregon almost as pernicious as *Claim jumping*; one is a person taking, and making two or three different claims, often so remote from each other, that the fraud (for what else can it be called) cannot be detected by those wanting locations, without considerable expense and loss of time, or even if they could be satisfied that the person held more than one claim, and should locate upon one, they must expect to receive the odious appellation of *claim jumper*, in the broad sense in which it is generally applied. Another evil is, persons taking large tracts of the most valuable land in the country for their wives and children, in accordance with a bill which died a natural death in the Congress of the United States some five years past; and those cases are by no means unfrequent. Now every candid man must see the pernicious consequences of such proceedings. Some have taken claims for their children in the States, if they should ever immigrate to this country, but the epithet of *claim jumper*, staring honest men in the face, they often leave the holder to enjoy the fruits of his own impudence and seek a location in some less desirable part of the country, for should he attempt to settle upon one of those wife or children's claims—although the former may yet be enjoying a state of single blessedness and the latter never saw light, he is denounced as a *claim jumper*; the judgment is rendered, the sentence is passed and the stigma is fixed on the head of the aggressor without a hearing.

Such has been the case with the undersigned, but after facts are stated, let the public judge, and I abide the decision.

The person who holds pretensions to the location I have made, surveyed his claim in 1843, commencing about one fourth of a mile below the Falls of the Willamette river, on the west side and ran up the river near two miles and a quarter, thence far enough west to include about one thousand acres, still warning all persons not to come near his west line, as he yet thought he had not enough, probably for his wife and children, should they ever arrive in Oregon.

For two years he was repeatedly urged by those settled around him to survey his claim, so as to include the customary quantity of 640 acres; at length despairing of the arrival of his wife and family, he reluctantly surveyed his claim, less than half a mile wide, and two and a quarter long on the river, contrary to any law ever passed in Oregon regulating land claims; including all the valuable water privileges and ferries of the Willamette and Tuality rivers on the premises and the Island adjacent thereto.

I have made a location on the north side of the Tuality river, near the mouth, with the honest conviction, that if he will abide by his western line, as first surveyed, I shall obtain 320 acres, which amount I have included within my lines as recorded in the recorder's office. In the mean time, several persons have made locations on the south end at different times, but had abandoned the place rather than contend with a superannuated old man, who would command respect, but for his contentious, child-like disposition.

The assertions I have made here are easily proved by the most substantial evidence; the facts are well known and the records will show for themselves on three different pages, recorded at different times.

Now sir, if public opinion will award to any person the right to extend his claim to what length he pleases along the margin of a river, including a narrow strip of land so valuable for its town site and water privileges as the one in question, when he may take it in a more square form, I will desist from further operations unless a legal process is instituted against me.

Oregon Spectator.

"Westward the Star of Empire takes its way."

Vol. II. Oregon City, (Oregon Terr.) Thursday, May 27, 1847. No. 9.

It was the letter of those resolutions, (which I suppose will be published in the next number of the Spectator,) that has called forth the feeble energies of the undersigned in the justification of his own proceedings, together with those persons placed in similar circumstances with your humble servant.

W. MULKEY.

May 17, 1847.

For the Oregon Spectator.

Mr. Editor—I am one who have long had an observant eye upon the advancing interests of Oregon, having watched the progress of the colony from its cradle—sometimes from a distance, and anon as a near spectator. Recently I have perused with much interest the periodical summary of intelligence which you superintend, and which reflects credit upon the enlightened enterprise of the citizens to whose patronage it owes its existence. For several reasons I have flattered myself that a few words, though put forward with much diffidence, will be permitted room, nor be deemed misplaced in your columns.

When first I visited these scenes which are now alive with an industrious population, they were frequented by none, save the primitive inhabitants and the comparatively few of European descent attracted thither by views of commerce; where now the clink of the anvil or the grating of the saw meets the ear, there was little to awake the echoes of those deep solitudes, beyond the monotonous ditty of the native Canoe Men, relieved occasionally by less genial sounds. There has effected wonders, and as time advances, doubtless must improvement keep with it hand in hand. Wholesome and in the main equitable laws, have been promulgated, and an enlightened press now exists to restrain by the appeal to public opinion, all those violations of the *lex non scripta* which are amenable solely to that unsparing tribunal.

This premised, I have a few remarks to add. In perusing the abstract of the "Organic Laws," I observe certain restrictions in regard to the validity of Indian and other evidence; but discover nothing, on the other hand, tending to afford reciprocal protection to the Indian—the only party, because I conceive, the most defenceless, in whose favor it is now my attention to appeal. Indeed, I cannot but consider this, though it may arise possibly from oversight, as a very grave omission. Nay, in so far as legal enactment extends, I see nothing that affords in any way protection to the Native from those harassing infractions upon his liberty, and that tyrannical oppression, which in a mixed community, unrestrained by stringent laws, are daily and hourly manifested. Let us reflect that these poor people, howbeit low in the scale of humanity, and withal the original possessors of the fair regions which they see occupied by others, and what they may be now said to inhabit upon sufferance only—a despised and unprotected race, debarred from the privileges of citizens, and virtually outcasts upon the very soil which belongs to them by the indefeasible prescript of our Common Maker. Are we, like the unprincipled Spanish Colonists of a former day, to look upon these regions as another land of Canaan, and to consider ourselves as the chosen instruments of the Almighty to execute the judgments of His wrath upon the doomed inhabitants. We may gloss our consciences with the precious plea, and deceived by the glare may connive at, if we do not practice, injustice; but let us not forget that in a wider sense, the same rule holds good in regard to nations as to individuals, that a day of retribution will sooner or later arrive, and the sins of the father be visited condignly, if not upon themselves, upon their children, to the third and fourth generation. Let me hope, therefore, that through the medium of your respectable paper, the provisional Legislature may be urged to enact just and spe-

cial laws for the protection of the aborigines, as they have already done for the white man, and in no respect suffer proposition or self interest or equity, to blind them to the paramount importance of doing so; seeing that they represent a community professing to bear the image of Him whose eyes no distinction of race or color may avail.

OBSERVER.

For the Oregon Spectator.

Mr. Editor—Permit me through the medium of your valuable paper, to make some enquiry for information upon a subject in which every individual in Clackamas county must feel more or less interest. It is rumored, and I am of opinion with a pretty good foundation in truth, that several persons who have laid out sundry town sites within this county, have neglected or refused to record a plat and description of the same, as provided by the statutes now in force in this Territory, by which the streets, alleys, and lots in public use would rest in the corporate or legal authorities of such town, and become the property instead of remaining as they now are the private property of the proprietor. Which, sir, from what I can discover is done at least with two town sites in this county, to wit: Oregon and Clackamas. One of these towns, particularly Oregon, was laid out some years since, and a good law in such cases not having been complied with, consequently a business of a considerable sum in dollars and cents is being owing from the proprietor to the county of Clackamas, if not already paid.

Therefore, upon the subject I call upon the County Treasurer, District Attorney, County Commissioner, or any other officer whose duty it may be to collect such forfeitures, for public information through your paper, by which the people may be informed of the obstructions if any there be to the collection of the same, to the end that if the law is deficient and will not cover such cases, that measures may be taken to remedy the evil by amending the statute. The consequences resulting from the proprietor of a town site retaining the title or possession in himself, or to the streets and alleys by avoiding the vacation of the same, in omitting or refusing to record his town plat, may upon certain contingencies prove very disastrous in a pecuniary point of view to the individuals holding property in such town. One of these proprietors if I am rightly informed has already put himself upon the law to avoid the payment of his private tax as assessed by the corporate authorities thus to reap at so early a period one of the advantages that will probably result to him from the withholding to record his town plat.—Now, sir, as the Treasury of the county is rather low in funds, would it not appear to be the bounden duty of the officers to whom the financial and business affairs of the county are intrusted to examine this matter and set the minds of the people of this county straight, with regard to it, by a public statement of facts; for sir, if the honest but poorer class of citizens, are compelled to pay their tax and public dues, I am at a loss to know by what process of reasoning the more wealthy and affluent proprietor of a town site is excused, although perhaps under some monarchical forms of government such a system might obtain the sanction of law; yet I must confess I should think a population reared under the influence of a republican government particularly under the Western wing of that great emblem of American Liberty, should be dull scholars indeed, at such a point as to neglect a principle with those guards to human rights and human liberty that were placed upon their minds while in infancy and matured in riper years.

OWEN OF CLACKAMAS COUNTY.
May 7, 1847.

Mr. Editor—The certain J. H. P. have certain of late, and justly too, for the *chaste, elegant and expressive* of the Satrap Nedgo to his citizens are certainly the best that have appeared in the Spectator. The sentiments which contain are good and are elegantly and ingeniously expressed. Unfortunately, however, for the reputation of their reputed author, and the honor of Oregon, they are of foreign growth. The one which appeared in the 23d number of the Spectator, is

"I will love her no more—'tis a waste of the heart is from the pen of C. F. Hoffman, and was first published in the fifth number of the Spectator, a Magazine published in the City of New York in 1844, under the direction of Seba Smith, the well known author of Downing's Letters. Any person who doubts the truth of this assertion, can be satisfied by calling at the Salem Mills, where the Magazine may be seen. It was thought surprising when these productions first appeared, that so pure a stream should flow from so foul a source—and so it would be but it is certainly more so that any person should have the audacity to attempt to pass off on an intelligent community as his own a piece of poetry which is from the pen of an author with whom we are all more or less acquainted. Did any one ever witness such impudence and such a want of principle too as is here displayed? To suppose that the author of his ideas is dishonorable—to extract beauties from his finished performance, and superlatively base. What then shall we say of him who like J. H. P. makes of his whole productions and claims for himself the praise due alone to the author. Content with building on another man's foundation or even using his materials, he does not take possession of the house which he has built. As to Mr. J. H. P.'s other contributions, we can only say that I do not believe the author of any one of them. I am unable to "Touch the golden chain" with we're darkly bound" and "The young heart and a fruitful mind"—these are some learning, some refinement, and some common sense. Now it is expected that who know J. H. P. that he has not indeed he has any one of these qualities. And furthermore, the man that can write poetry himself, will never run the risk of detection, exposure and consequent disgrace, as J. H. P. has done—by publishing as his own that which belongs to another. A poet would as soon satirize the object of his most ardent affections, as be guilty of such an offence.

I now leave this gentleman to answer for himself as he best can for his unparagoned frontery—oh! I beg pardon, not remembered, Esop's Ass in the Lion's skin is a similar attempt and with like effects.

[The subjoined letter has been handed us by Gen'l McCarver and we spread it before our readers for their consideration, with the remark that our memorial to the U. S. Congress, of last December, among other subjects included this.]

NEW YORK, FEB. 4, 1847.
DEAR SIR—In company with this I despatch to you by the ship *Frederick* a few news papers selected from different portions of the Union, for the purpose of giving you some notion of the state of the nation relating to your region in this department of the country.

Along with this letter and these papers I also forward you a copy of a Project of the National Rail Road, from a point on the Mississippi river to the Pacific coast. I solicit your strict personal attention to plan and if you think it feasible and expedient, would beg the assistance of your presence to despatch a petition in its favor at the next Congress, at as early an opportunity as possible. A bill embracing its views is ready on the eve of presentation to the body and it may perhaps be adopted soon, but still it is well to be prepared for emergencies and it may be decided upon before the balance; by a petition from the inhabitants of Oregon themselves.

Trusting that you will lend your assistance to the enterprise that lays before me, I beg to assure you that nothing has been neglected to advance it this side of the mountains.

Respectfully, Yours at command
GEO. W. WALKER
TO GEN'L MCCARVER.