

OREGON SPECTATOR.

"Westward the Star of Empire takes its way."

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COMMUNICATIONS.

For the Oregon Spectator.

New Hobby.

Office seeking under false names—Combination in Oregon City to overthrow the laws, and to gull the people in the country. Mr. Editor—The main object of inquiry, in this communication will be, to ascertain, whether the self-styled "Land-Claim Association" can carry out their scheme, without running over the laws of Oregon, as well Organic, as Statutory and common? and at the same time trample upon private and vested rights. If they cannot, and this can be made to appear, then "all worthy men" will not, nay, should not join it, the dictum of the Free Press to the contrary notwithstanding.—The friends of the measure, few to be sure, are conscious of this fact, and aware that its success depends in making the people believe in its legality; hence they say in their by-laws that the object of it is, "To carry out the spirit of the Organic Law"—hence Mr. Curry, in the Free Press of the 29th ultimo, as the mouth piece of this office seeking compact, declared that "its object involves no violation of law—no overthrow of the government—no revolution but what will tend to the correction of error." The editor, must surely forget himself, in the latter clause of the quotation. For he, at one breath, says, it will violate no law, yet that its object does involve a violation, but justifies it on the ground that the revolution "will tend to the correction of error"! We are here, then, for the first time, taught that a revolution, contrary to any mode pointed out by law, involves no violation of law! What is a revolution, when applied to government? An overthrow of the government in which it takes place.—In politics, it means a material or entire change in the constitution of Government. The term is too well understood to be mistaken. We have heard too frequently of "a new revolution in" Mexico, to be in doubt of its meaning. Revolutions, as usually understood, take place by revolts, headed or aided by the citizens of the government overthrown. This arises from a dissatisfaction, on the part of such citizens, with the government, its administration, rules, or laws, or either of them. A revolt, therefore, is defined to be "an endeavor to overthrow the legitimate authority." The friends of this project profess to be dissatisfied with the tardy administration of justice in this government, and for that reason they combine to overthrow the Organic Law—the foundation of the state. Yet we are to be told, are we, that "an endeavor to overthrow the legitimate authority," "involves no violation of law"! That a conspiracy to effect a revolution for the pretended correction of errors, that is, a conspiracy to overthrow the law, "involves no violation of law"! Mere humbug—out upon such shallow nonsense—it belongs to another age and generation.

But to return. Can this club carry out its scheme without running over the laws and the private and vested rights of individuals? True, Mr. Curry has unwittingly confessed that it cannot, in as much as it "involves a revolution," but he may plead off by saying he had previously stated that he so comprehended it. We take it, that these men mean what they say.—They say, as will be seen by reading their preamble and by-laws, that they are going to try and decide upon men's rights, whether they are willing or not—that one must, nay shall, have his rights tried by a "committee of arbitration," and that if one party disputant will not acknowledge their authority by selecting one of twelve men whom they have already nominated, the other may virtually have his choice out of the twelve, for he may as well pick the three as to pick one and such one the other two. If I pick my friend, he will pick two friendly to me if he can. Then again they say, the decision made by this arbitration shall be final, and be backed up by the lives, fortunes, sacred honor and blood of the entire association. This, therefore, is, without doubt, declaring that the decision shall prevail over every thing, even the solemn adjudication of our courts, upon the same subject; and that, if the sheriff of the county shall undertake to enforce a decision of the courts made by authority of law, different from theirs upon the same subject, to serve a writ of restitution for instance, putting one into possession whom they have put out, they will resist, even unto blood, and that so de-

perately as to hazard and lose all they have, even their "sacred honor." And this "involves no violation of law," does it Mr. Curry? This no revolution! This no overthrow of the government! This a project which "all worthy men need not hesitate to join, is it sir? Oh, shame! where did you read your morals? Were you educated in a Jacobin club, or under the tuition of Santa Anna?

By the statutes of the Territory, it is made a high crime, punishment in the State prison, if I recollect right, for a person to obstruct and resist the execution of legal process. If this club backs up its own decisions as it avers to, then it must resist legal process whenever the two come in conflict. Yet we are told, in the midst of the 19th century, and by an American? that the object of a club sworn to back up its own decisions at the price of property, honor, and life-blood, and by consequence, to resist all legal process, coming in conflict with its decisions, "involves no violation of law"! and that too by an editor—an officer of the law, and with all, a member of the next Legislature!

But we are to be tried, are we, by your committee of arbitration, as nominated by some two or three office seekers, at a political assembly, composed of the gentry of Oregon City, some twenty or more! The trial is to be final, is it, and by it we are to be irreversibly bound, or break thro' it over your property, honor, and blood!—The course of proceeding is to be just as the arbitrary will of the Trustees shall pitch upon in the particular instance.—That is, we neither shall have a jury, nor the benefit of proceedings according to the course of the common law! Now hear the Organic Law, the Constitution of Oregon, the palladium of our liberties.—"The inhabitants of said Territory shall always be entitled to trial by jury, and judicial proceedings according to the course of the common law." If the Organic Law will avail us nothing, be it known, we are American Citizens, under whose constitution we claim rights, and that constitution declares, that "In suits at common law, when the value in controversy shall exceed twenty dollars the right of trial by jury shall be preserved." Again the laws of our own government say: "The Circuit Court in the respective counties shall have original jurisdiction of all suits, plaints, pleas, and matters, real, personal, and mixed, and between party and party, when the amount shall exceed one hundred and fifty dollars," and in all cases in the Circuit Court, and before justices of the peace, in all civil cases, the right of trial by jury is guaranteed to us. But in all matters when the amount exceeds one hundred and fifty dollars, the law expressly declares, that the Circuit Court shall have "original jurisdiction," a declaration, that no other court shall meddle with the matter first. Yet the object of a club which has sworn to take away all these rights, and to force us to a trial, in the first instance, in the most important and valuable matters, when the property at stake may be worth thousands, by a "committee of arbitration" appointed at a political scramble at Oregon City, and in more than half the instances without their knowledge or consent—the object of such a club, we are told "involves no violation of law"! It don't does it, Mr. Curry?

Jury is derived, mediately from the Latin, *Juro*, to take an oath, and immediately from the French, *Jure*, sworn, hence the word Jury, which is defined to be "a body of men selected according to law, empanelled and sworn to try an issue of fact." Does a "committee of arbitration," nominated at a political caucus, by some two or three individuals, without the authority of law, and without the knowledge or consent of two thirds of that committee, and of nine tenths of the people, who are to take possession, by force, of men's rights and try them, and that too without being sworn, or whether the parties whose rights are to be tried are willing or not—a committee, too, who are authorized to keep themselves in existence by filling vacancies and to give judgment in their own favor, for pay, and within three days after the decision is made "to call upon" the club universal "or any part thereof" to enforce the said decision, even though it may cause blood to run in our streets like rivers, does such a committee answer the description of a jury? Yet to carry out a project of this kind, is to carry out the spirit of the Organic Law, is it? Such "involves no violation of law," does it Mr. Curry?

The neat language of the law is, "Expressio unius est exclusio alterius," that is, "the expression of one thing is the exclusion of another." In other words when the law says a thing shall be done in one way, (naming the mode) it means it cannot and shall not be done in any other way, not named. Hear the language of the Organic Law. "The judicial power shall be vested in a Supreme Court; and such inferior Courts of law, equity" and arbitration, as may by law, from time to time, be established," and again, "The House of Representatives shall have power to create inferior tribunals" &c. Thus, then, all inferior tribunals are to be created by the House of Representatives, and the judicial power shall be vested in such tribunals as above named, as may be established by law, that is by the Legislature.—The Organic Law, then, says, that no court or body of men shall assume to exercise judicial powers but such as are authorized by the House of Representatives. Now then a body of men, "committee of arbitration," nominated by some half dozen men or less, without the authority of any law, is a court of arbitration "established by law," that is by the House of Representatives, is it? If not, then is it illegal, and assumes to do what the law has denied to all tribunals except those created by the House of Representatives, consequently every act of it is a violation of law. For some twenty men to get together, at a caucus, for political purposes, and strike up a "committee of arbitration," from whose decision there is no right of appeal, is making a court by the House of Representatives, is it? Surely, the Editor of the Free Press, must have got to discharging his Legislative functions at an early day! Does it involve no violation of law, sir, to take away the right of appeal, to make a party submit to the decision of a body of men not known to the law, without any further redress, when the laws of this government allow any man to appeal to the Supreme Court, "when the judgment or decree appealed from be final, and shall amount, exclusive of costs, to the sum of twenty five dollars"? Under the laws of the Territory, when a man is forced into law, or enters willingly, if the courts below err in their judgment of the law, he has the right guaranteed to him by the laws, of going to the Supreme court for a decision. This, then as the other instances named, is a vested right in the party; now is it no violation of law, sir, to deny to the party what the law has given him? and is such a denial no violation of vested rights? What man contemplating such usurpation, and disregard of all rights, human and divine, is not ready to swear with teeth set, and clenched fists, that before he will submit, he will spill his own blood, and then hand over his dead carcass as a rampart for his resisting comrades! Will these city gentry tell us, whether their committee of arbitration is a court known to the law, that is, created by the House of Representatives. If they say, nay, then we ask them: does it not involve a violation of law, for a few designing men to set up such a court, and, at the expense of fortune, honor, life and blood, enforce its decisions against the will of the parties litigant? If your court is not known to the law, and surely you will not be fool-hardy enough to say it is, then are all its decisions a nullity, and no man is obliged to respect or obey them. If you force him to do so, as you have sworn to, then you will be guilty of a trespass upon him, if the force is upon his property, and of an assault and battery if upon his person. But assaulting and beating a man is no violation of law, oh, no! it cannot be, because the Free Press has said so, even though it be in the middle of the 19th century and among a christian people, and them Americans! And is it no violation of law, to trespass upon his property? Oh, no! Therefore let the highway robber and midnight assassin have a jubilee, and knock down and rob every man they come to! The knocking down is no assault and battery, nor the seizing his money, a trespass! Such at least, is the decision of the do-decker Legislature of Oregon City, and the self-constituted high court of exclusive jurisdiction, for Oregon Territory!

But under the laws, if you undertake to enforce your decisions, the party you are proceeding against, may lawfully resist; and if you enforce, as you are sworn to, he may protect himself and family, and property at the expense of your life. You must therefore kill him to prevail,

and does murder involve no violation of law! So the Free Press says, it must therefore be so! Oh, to what depth have our morals fallen!

In conclusion, Mr. Editor, one can safely say, that this project never can proceed a step, without setting all law at defiance, without trampling upon private and vested rights of individuals well defined by law; nor without coming in conflict with the government, and its administration, when one or the other must give way. If the government, then mob law will prevail—a revolution will have taken place, anarchy will have succeeded order, and Americans be ruled and disgraced by a mob of things, pending in the streets. I am well as you are, and every other man who will be said that Americans have turned from its wonted course to run in Spanish channels, and that a christian people prefer the laws and life of barbarians to those of their country and ancestors! Then, indeed, will the heretofore electric effect of the declaration "I am an American citizen," be lost amidst the wild cry of anarchy and confusion.

LYNN CITY.

For the Spectator.
(Concluded from our last.)

Mr. Editor, laying politics, religious ticks, physicks, and mechanics, all aside, together with fanaticism and all other ills, what I again and again ask, is the real comfort to be derived from the use of intoxicating drinks of any kind? A thousand foolish answers may be given. But let us be candid with ourselves; let us see if we cannot dispense with the whole alcoholic principle, or property, and adopt the working principle of honesty and sound common sense, leaving to such as are bent on their own destruction and ruin the only alternative to go elsewhere to procure and use it. There are honest candid men enough in Oregon, if they will rally to the ballot box, to say at once and forever that there shall be no more intoxication and drunkenness in the land.—To do this, we must all have a common sympathy, a common fellow feeling, and common giving up of preconceived notions, ideas and reckonings, of the utility of alcohol in any shape.

I have been twenty-two years without tasting of intoxicating liquors as a drink; in two cases of sickness in the time, wine was prescribed. I know that quassia or cinchona bark would have been preferable. I have commemorated the death and sufferings of my Lord and Saviour in the civilized land, and passed the cup without tasting it, for I knew from the smell of its contents that there was not a drop of the "fruit of the vine" in it. Will the church of the living God at the risk of continuing a curse upon earth, still hold to her cups in Oregon? Must I receive at the communion table of the Lord, the cup of Bacchus, and call it "the fruit of the vine"? If so fellow christian, let us never again complain that the world receive evil and call it good; death and call it the elixir of life.—For we have set them the example of calling things by the wrong name, we are determined at all hazards to never change our course notwithstanding Paul said "if meat make my brother to offend, I will eat no more while the world stands." Now if the wine used at the communion is the case of no matter how much evil, still we must not abandon it because the Saviour partook of the fruit of the vine; hence we must take fermented or strong wine, or mixed wine, or anything the wine manufacturer sees proper to fix up and call wine.

Twenty years since when the Temperance reform had been but a short time in contemplation, the societies were charged with attempts to force men to do this or that, and not to drink; they were also charged with making attempts to compel men to be temperate by enacting laws on the subject and fining them if they were not. The temperance societies unanimously passed resolutions declaring that they relied upon moral means alone, and they would never resort to the Legislature to help forward this great enterprise. But how is it now, in many of the states, laws have actually been passed to prevent the sale of liquor.

It was my fortune, Mr. Editor, to take the same ground twenty years since, that I now stand upon, to wit: total and entire abstinence from all that can intoxicate; with eternal banishment from the earth of every alcoholic invention. Short of this there is no stopping place; there is no such thing as a temperate use of alcohol in any shape; universal experience has

proved this beyond a doubt. Why then will the christian and the philanthropist still plead for a little drop of alcohol in any shape.

I have another reason, Mr. Editor, why I would continue to plead for the entire banishment of anything that can intoxicate from Oregon.

All are well aware of the fact that English and American people are here; and English by treaty stipulations. They are here a large monopoly of Indian traders, so far as the British subjects are concerned. They cannot be expected to stand by and see the entire trade in alcohol run by Americans, and they have the power of their trade, for the most part, in their own hands, and every other man's common knowledge and understanding, know that Indians all over the country are fond of liquor and will give anything they have to get it quicker than anything else.—The Hudson's Bay Co. are here for trade with the Indians; they are in a great measure perfectly protected and secure from any harm the Indians might do them from the effect of liquor. Not so with the citizens of Oregon; we are here with our families scattered all over the country. A single drunken Indian can come at any time and insult and abuse our families and escape to his hiding place; shall we pursue and punish him? or shall we take the man that gave him the liquor, without proof, and punish him? And suppose the liquor is given by the Hudson's Bay Co.—what will it end in? Let us look again at this matter. Suppose liquor is allowed to go without any restraint or control; have not the Hudson's Bay Co. a greater amount of capital that they can afford to expend in giving liquor without pay to the Indians, than any American has?—And what does your licensing the sale of liquor amount to? Has any vessel paid a license? Has the Hudson's Bay Company?

Mr. Editor, I am extending this article four times as long as I intended to; still I find that the subject is not exhausted.—I have noticed in the sixth number of your paper that the Washingtonian Society have adjourned, sine die, at the call of the President. Come together again my friends and take fresh hold of this subject; your addresses were too late to reach a large portion of the people of Oregon, to have their influence in accomplishing the object you had in view, still they will do good. I have read and thought upon this subject since 1836. I am not tired of it yet. I have never seen too much reason and argument published on this subject. I do not believe there can be. It is a glorious war—a victory is life to the vanquished. Why should we stop? and why be satisfied till it is complete? Suppose a majority have voted to "prohibit" it, (which may not be the case) would it not be bringing the subject home more to the purpose, to have a few hundred respectful petitions drawn up, printed, and presented for the signature of every voter in Oregon, and then sent in to the House of Representatives, giving the opposers an opportunity to send in their remonstrances. This I conceive would be a fair test of the feelings of the colony on the subject; and the Legislature would have the subject before them in a better form for action than it can be in the present shape. Let us not be afraid of the question of Total Abstinence from all intoxicating drinks, nor of banishing all intoxicating liquors from the colony.

A TETOTALER.

CHERRULNESS.—It is better to tread the path of life cheerfully, skipping lightly over the thorns and briars that obstruct your way, than to sit down under every hedge lamenting your hard fate. The thread of a cheerful man's life spins out much longer than that of a man who is continually sad and desponding. Prudent conduct in the concerns of life is highly necessary; but if distress succeed, dejection and despair will not afford relief. The best thing to be done when evil comes upon us, is not lamentation, but action; not to sit and suffer, but to rise and seek the remedy.

Sam, I've got a conderundum that I want to expose to you."
"Well succeed nigger."
"Why is it all sun rise so dull ebery mornin now-a-days?"
"I gits it right up nigga, I neber could appreciate dat subject."
"Den I'll tell you. It's case its behine the "rimze."

Neal and Pray, is a business firm at Portland, Mo. It is superfluous to add that they belong to orthodox thurochs.

This illustration of...
We recently visited...
"Will it be sure to get a girl..."
"It has been established by..."
"The African language..."
Archie says, that were it...
Anecdote of Hiram.—This distinguished philosopher was one day passing along a narrow footpath which formerly wended through a boggy place of ground at the back of Edinburgh Castle, when he had the misfortune to tumble in and stick fast in the mud. Observing a woman approaching, he civilly requested her to lend him a helping hand out of his disagreeable situation; but she, casting one hurried glance at his abbreviated figure, passed on without stopping her request. He shouted loudly after her, and she was obliged to turn back. "Are you ye Hiram the Philosopher?" inquired she in a tone which implied that an answer in the affirmative would decide her against lending him her assistance.—"Well, well," said Mr. Hiram, "no matter, you know, good woman, Christian charity commands you to do good, even to your enemies." "Christian charity bids, Christian charity there," replied the woman, "I'll do nothing for ye till ye turn a Christian yourself—ye mean first ye must thank the Lord's Prayer and the Creed, or faith I'll let ye grope there as I found ye." The couple were actually obliged to accede to the woman's terms, as she would give him her help. He begged and told the story with great gusto.

A lady, a regular "dancer" who had made an unkind remark about over all the meetings in the city were full good—observed that she was long enough. "I was the one who had that are made." "Then you had better apply to the next house."

A gentleman who was long used for a party was paying his call on D., "said he was 'Oh' the night will do—but the illustration."