

OREGON SPECTATOR.

D. J. SCHNEELY, EDITOR.

"Westward the Star of Empire Takes its way."

(J. FLEMING & T. F. MERRILL)

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Oregon City, (O. T.,) Thursday, November 21, 1850.

Correspondence.

Editor of the Spectator:

I have shown in my last communication that the first supposed cause of the ill temper, manifested in the Salem resolutions, was without foundation in fact. But those who participated in that meeting also evidently believed that the object of the Oregon City memorialists was to prostrate Mr. Thurston; and that we not only had not a right to do this, but that we had no right to call in question either the wisdom or the justice of any of Mr. Thurston's measures.

I have already shown incidentally in my communication of the last week, that the object of the Oregon City meeting of the 19th September was not to disparage Mr. Thurston, but only to do that which we thought necessary to prevent our property from being most unjustly taken from us. I believed that Dr. McLaughlin had an absolute fee-simple title to his land claim under the third Article of the Oregon Treaty, which provides that in the future appropriations of the country south of the 49th parallel of north latitude, the possessory rights of the Hudson's Bay Company, and of all British subjects, to lands and other property lawfully acquired in the territory, shall be respected. It is known that during the autumn of 1849 I was employed by Dr. McLaughlin to give him a legal opinion upon the validity and extent of his right to the Oregon City claim. After a patient and diligent examination of all the general rules and principles of law, applicable to the history of his claim, my well-considered opinion was that his title rested upon a foundation as broad as the law of nature and of nations, and as firm as the faith of treaties. I have recently had placed in my hands, opinions upon the construction of the third and fourth articles of the Oregon Treaty, given by R. S. Cox, Esq., one of the most distinguished members of the bar at Washington City; by Hon. Daniel Webster, one of the greatest constitutional lawyers now living, and whose fame is European as well as Trans-Atlantic; by Hon. Louis McLane, our Minister at the Court of St. James during the pendency of negotiations upon the title to Oregon; by Josiah Randal, Esq., justly distinguished as one of the ablest jurists of Philadelphia; by Edwin M. Stanton, Esq., a very eminent lawyer of Pittsburgh; by Hon. George M. Bibb, Secretary of the Treasury under Mr. Tyler, and formerly Chancellor of Kentucky; and by John Van Buren, Esq., also an eminent lawyer, and son of the late President Van Buren. The general rules and principles contained in these opinions, and the conclusions arrived at, differ in no respect from those presented in my opinion to Dr. McLaughlin; and I thus found myself fortified and sustained by legal opinions of gentlemen eminent for their virtue, and capable of giving the dignity of erudition to the bench, and the grace of eloquence and learning to the bar. But though thus confiding in the strength of Dr. McLaughlin's title, yet I saw that if this provision of Mr. Thurston's became a law, taking away all lots purchased since March 4th, 1849, many an honest man would be reduced to poverty by the delays of the law, or by his inability to meet the expenses of a suit. Hence it was that the people of Oregon City sought, in a manner both lawful and peaceable, to avert the unjust and most unusual blow which they were surprised to discover was meditated against their rights by their delegate. We did not disgrace ourselves, or seek to disgrace him, by calling him a "croaker," a "contemptible aspirant," or a "hired demagogue." Our language, unlike that of our neighbors at the Salem meeting, was decent and respectful, and such as friends might use, and such as friends did use, for some of the memorialists were his friends, although they believed that he had fallen into great mistakes. We were not disposed to present his errors in the strongest light which might have been concentrated upon them in a consuming focus, by an array of facts, and not of empty, rapid, and unmeaning assertions; in which any man may indulge who has not a thimble full of brains, and who cannot speak two minutes without evincing a total ignorance of even the idiom of his mother tongue. And I am persuaded that no true friend of Mr. Thurston's will continue to indulge a propensity for resolutions inflated with bombast, or filled with epithets that would be appropriate enough in the mouth of a fish-monger, but which ill become a sober citizen engaged in the ordinary avocations of life, or a grave legislator occupying the "Chamber." The Salem resolutions can do no good to Mr. Thurston, because the extravagance of their laudation is senseless, and therefore valueless. Their only legitimate effect is to increase instead of allaying excitement, to produce division in the democratic party, and to make it absolutely necessary for persons to write, who from a variety of considerations (some of them having reference to Mr. Thurston), are very much averse to doing so. In short Mr. Thurston has better friends than those who so foolishly indulged their glib propensities at the Salem meeting; but they have more prudence and discretion, and a higher sense of justice too, for some of them believe that not only Dr. McLaughlin's claim, but all other town sites should be re-cre-

yet they likewise believe that it would be doing a most grievous wrong to cause innocent purchasers to suffer who have bought lots. For myself (if my opinion is worth any thing), I believe that the whole thing is radically vicious. The holders of town sites ought to be confirmed in their claims in order that all purchasers of lots may be confirmed in their titles. But at least there is neither justice nor expediency in distinguishing between one town and another, much less in selecting a single town for reservation in such a manner that a great number of innocent property holders must necessarily be reduced to poverty.

The land bill which the Salem resolutions profess to approve in all its parts, confirms all titles derived from Dr. McLaughlin up to March 4th 1849, but takes from purchasers all lots bought since that time. Mr. Thurston in his printed letter to the members of the House of Representatives, in behalf of his constituents, touching the Oregon Land Bill, says: "That day is fixed on, because on that day, in Oregon City, Gen. Laue took possession of the Territory, declaring the laws of the United States in force, and appointing Dr. McLaughlin and all others, that no one had a right to sell or meddle with the government lands." But is this statement correct in point of fact; and will any man here affirm that it is, who has any regard for his character for veracity among his fellow citizens, unless the mere act of organizing a territorial government is to be construed into a declaration that all persons in Oregon were henceforth to cease from buying, building and improving in Oregon? The public lands should be surveyed and sold. But to say this is absurd, monstrous and unjust.

Imperfect legislation, letters from the Secretary of State and from the Hon. T. H. Benton, and other distinguished gentlemen whom we regarded as our friends and protectors, and to whom we looked up with respect and even reverence, invited us to come to this beautiful land, and to make farms and build houses and towns. By doing this we gave to the general government an actual occupancy, and thus laid a broad and deep foundation upon which to build up a title to the country which nothing could shake down.

We who reside in Oregon City (most of us being compelled by the terms of circumstances to do only such things as the Oregon Land Bill operates upon us with peculiar hardships, because it not only cuts us off from donations, but it takes from us that for which we have paid our money. It does not even give to us the poor compensation of a pre-emption right to purchase the land claims we have made under the Provisional Government, or the present Territorial Government. Not only so, but it makes no provision for paying us for the houses we have built upon our lots, and for other actual improvements made upon them. The Clackamas Female Seminary in this place received a donation of lots from Dr. McLaughlin, upon which the Trustees are erecting a building at a cost of \$11000. The county received a donation of a great number of lots (if I remember, about 200), in trust to sell, and with the proceeds to erect a Court House, County Jail, Clerks offices, &c. The Probate Judges proceeded to sell lots and to expend the money in the erection of a large and beautiful Court House, which will cost when fully completed about \$18000. Other donations have been made. Very many persons have bought lots—some of them paying cash in hand, while others executed notes. Yet all these purchasers and all these donees, the Oregon Land Bill proposes to engulf in one common ruin. All persons, even the best of Mr. Thurston's friends, are at a loss as to his motives for this most oppressive and unrighteous provision. Some believe that the blow was aimed at Dr. McLaughlin, under the impression that if his title failed by virtue of an act of Congress he could not recover the money upon the notes, these being given for lots, the title to which had failed. But if this was the motive, it has its source in an error as to the law. The United States court has decided in the case of *Plates et al. v. Taylor et al.*, at the January Term 1849, and reported in 7 Howard's *United States Supreme Court Reports*, page 132, that a bill in Chancery filed by the purchaser of land against his vendor, to restrain the collection of the purchase money, upon the grounds of a want of title in the vendor, and his subsequent insolvency, without charging fraud or misrepresentation, cannot be sustained. This was no more than reiterating old and well established principle. But it is not pretended by any one that there has ever been fraud or misrepresentation in the sale of lots here. The Dr's covenants only engage him "to warrant and defend against all persons claiming by, through, or under me, but not against any other claim, demand or title."

But without intending or desiring unnecessarily to reflect upon Mr. Thurston, whatever may have been his motives for thus seeking to make a distinction between purchasers and donees previous to March 4th 1849, and those subsequent to that date, it is at least certain that the distinction is most oppressive and inexpedient; and that it cannot be sustained upon any grounds of either public or private justice. Jason the Thebanian was wont to say that some things must be done unjustly, that many things may be done justly. But were it even right and not most wicked and unjust, to take Dr. McLaughlin's claim, it would be wrong to deprive purchasers of their lots because the latter is in no sense necessary to the former. I have not yet heard a single man who, whatever might be his opinions of Mr. Thurston's other measures, pretended to justify him in his attempt to distinguish between purchasers previous to March 4th, 1849, and those since that time. Moreover, I am informed, and I have even a better reason for believing that those who voted for the resolution in which they "highly approve of all of Samuel R. Thurston's actions in Congress, and especially his letter touching the land bill, and more especially that part which relates to the Oregon City Claim," do not believe that it would be either just or expedient to deprive lot-holders, in Oregon City, of their property. Nothing, perhaps, will more fully show the inconsistencies into which men will sometimes fall, than the fact that when this letter, which they now say they highly approve, was first shown to some of them, they denounced it as a forgery, committed by some of Mr. Thurston's enemies, as being an effectual mode of destroying him, if the public could be made to believe that he had written it. But now, that all doubts as to its authenticity are removed, they commit the absurdity of "highly approving," and saying that "the opposition to Mr. Thurston's letter, did not originate with the honest yeomanry of Oregon," but was originated by some contemptible aspirants, &c. The reference to Mr. Waite and myself, in the preceding resolution, compels the reader to infer that we are the "contemptible aspirants." Mr. Waite is able to speak for himself if he believed that such badinage was worthy of notice. I have a perfect right to "speak to any office; and my friends have a perfect right to use my name for any station the duties of which they may believe me qualified to discharge. But I have sufficiently expressed myself upon this subject in my last communication; and it only remains for me to add now, that I would make even this sacrifice of isolation of feeling, and in one view of interest also, for the purpose of protecting my own rights and those of my fellow-citizens whose property is similarly sought to be jeopardized. But I am not prepared to do any thing which is unjust and oppressive, and which we are menaced. If Congress do not, previous to the assembling of the Oregon legislature, meet our reasonable and just expectations, then I rely, with great confidence, upon our own legislature to memorialize the national legislature to confirm our titles. This being done, I shall have no desire to participate in the canvass beyond the exercise of my right of suffrage; and those who voted for the Salem resolutions may vote for even a "contemptible aspirant" if they deem it expedient to select one best suited to their habits and tastes, and they will then have my permission to amuse themselves during the remainder of their valuable lives, by fulminating their empty and harmless thunders against me. I would advise them, however, always to adopt the innocent process of calling a meeting and appointing a "cheerman."

But these worthy and intelligent gentlemen proceed to say—"and further resolved, that facts well known in Oregon will sustain him (Mr. Thurston) in all he has said about Dr. McLaughlin and the H. B. Company." Now, the persons who prepared this resolution, have been guilty of uttering a most wilful and wicked falsehood. And all persons who voted for it are either equally wanting in veracity, or else they have acted in total ignorance of what they were doing by permitting themselves to be stupidly driven into a vote just as a cow-herd drives dumb beasts into a pen for the purpose of branding them. Let us pause to examine facts, for the purpose of seeing whether all that Mr. Thurston has said about Dr. McLaughlin can be sustained by "facts well known in Oregon." Mr. Thurston says of Dr. McLaughlin—"He is still an Englishman, still connected with the Hudson's Bay Company, and still refuses to file his intentions to become an American citizen, and assigns as a reason to the Supreme Judge of the Territory, that he cannot do it without prejudicing his standing in England." But the facts are far otherwise. Within less than three months after there was an authority in the country for receiving a declaration of intention, Dr. McLaughlin went before George L. Curry, who was, at the time, Clerk of Chief Justice Bryant's court, in Clackamas county, and filed his declaration of intention to become a citizen of the United States. This was done May 30, 1849, while Mr. Thurston was a candidate. Dr. McLaughlin voted at the June election against Mr. Thurston, and in the presence of Mr. Thurston's friends. The fact was notorious upon the streets. It was a matter of public record. The Editor of the Spectator has announced in his paper that he has seen it. Persons from the country, who did not doubt the fact, have nevertheless gone to the office that they might be able to say that they had seen it. Any man may do the same thing. It is a fact as public and notorious as any official act can be in Oregon. No man really doubts it. And yet the Salem committee have

said "that facts well known in Oregon will sustain" Mr. Thurston in affirming that Dr. McLaughlin "still refuses to file his intentions to become an American citizen, and assigns as a reason to the Supreme Judge of the Territory (before whose clerk this declaration was made) that he cannot do it without prejudicing his standing in England." Now, but by the most common sense untraced then, do the Salem committee propose to sustain Mr. Thurston in saying in 1850, that Dr. McLaughlin still refuses to do that which he had done in 1849? And how is the question of veracity which is thus made up as to the reason which Judge Bryant is made to give for not standing precisely thus?—If Judge Bryant had not made the statement, that the Delegate from Oregon has dishonored himself and dishonored us by uttering an untruth. If Judge Bryant did say what is imputed to him, then the Chief Justice of Oregon has polluted his ermine, and is not only unworthy to preside in any civil court, but merits the scorn of every honorable man. But my purpose is not now to settle so grave a question of veracity. It is to show that Mr. Thurston's assertion as to Dr. McLaughlin's refusing to declare his intentions to become an American citizen, cannot be sustained, as the Salem committee affirm, by "facts well known in Oregon." Nor is this the only assertion of Mr. Thurston's which "facts well known in Oregon" will disprove as clearly as the foregoing is shown to be without the shadow of a foundation.

I have presented these facts, however, not for the purpose of making up any issue between Dr. McLaughlin and Mr. Thurston, or between Mr. Thurston and others, but with a view to let the public know the worth of the opinions and the word of men who, without cause, conceive a prejudice against me, and take it into their empty heads to call me a "contemptible aspirant," a "hired demagogue," and a "croaker." If the Salem committee find in these communications any evidence of my being a demagogue, they have my permission to call another meeting, appoint some one to the "cheer," and regularly proceed to "resolve" that I am a demagogue.

I am called a "hired demagogue," because I have been employed by Dr. McLaughlin as his legal adviser. Immediately after this was done, letters were sent to some of the gentlemen, and to the H. B. Company. Letters were also sent to Washington containing the same profuse piece of information. The fact is, however, that I have never, in a single instance, been employed, much less "hired" by the H. B. Company, or by any of its officers. As a legal counselor, I have a right to give professional advice to any man or to any corporation—even to the H. B. Company, if I am properly approached. And if I ever permit myself to renounce a professional right, or turn aside from the discharge of a professional duty, because a sneaking mob may be yelling in my ears, may my tongue cleave to the roof of my mouth, may my right hand forget her cunning, and may all good and honorable men abandon me to the stings of a guilty conscience, and to the solitude of my self-respect impaired. I am reckless of the howl of unprincipled men, whether they be few or many, single or in masses; and I would just as soon encounter a multitude of them in a struggle for right as one of them, for I feel myself to be impervious to the shafts of malignity. And I can never feel sufficiently thankful to my Maker that neither my peace nor my position is, in any degree, dependent upon the opinions of those whose applause is won without merit and lost without a fault.

The resolutions of the Salem meeting not only offend against good morals by untruly affirming "that facts well known in Oregon will sustain him (Mr. Thurston) in all he has said of Dr. McLaughlin," but their language being that of the London fish-market school, and of the billingsgate academy, outrages good taste. They may be divided into a defence of Mr. Thurston's measures and a personal attack upon Mr. Waite and myself. The former is without either facts or argument, and consists of empty and rapid declamation and naked assertions, of which any man ought to be ashamed who has anything to lose by being convicted of an untruth. Public records, the journals of almost every traveler who has come into the country, the officers of Wilkes' Exploring Expedition, Senator Fremont's Narrative, Lieut. Niel M. Hawison's Report, the testimony of a thousand witnesses living, and the ghosts of a thousand dead, may all be invoked to stamp the Salem resolutions with the epithet that would most appropriately describe them. The attempt to justify Mr. Thurston has not even subtlety and refinement to recommend it. The assault upon Mr. Waite and myself is characterized by abusive dullness, and the language of pique and invective. But anger and rancor are a relief to weak minds, and I hope that they found benefit in their indulgence of them.

The fact is, that bad names have ceased to pass current, for good reasons, among sensible people in Oregon. They are getting a little passe—unfashionable in good society. "Croaking" is the language of frogs and similar creatures inhabiting dirty and slimy places. "Contemptible

aspirants" has the odor of a London fish-market. "Hired demagogue," and kindred terms, are found in the vocabulary of billingsgate. Epithets, as a medium of communicating ideas of persons who have any, are reputable only in the "cheer," and with those who know nothing of the euphemisms and subtleties of language, or who don't think it worth while to be anything else than what they are, and who are content to be far behind the progress of others who have learned better manners and another dialect. Some epithets are intrinsically of an infernal character; others proceed from ignorance—more are used as substitutes for either wit or argument or for both. Take from the Salem resolutions the epithets, and we shall deprive those persons of their wit and their logic. These men have got to learn that two or three brief sentences expressing truth in language of which a gentleman will not be ashamed, will produce a greater effect upon virtuous and cultivated minds than the same thought expanded through even a dozen of resolutions, though set forth with the richest resources of billingsgate, and illustrated by all the suggestions of a London fish-market, because coarse language is neither wit nor learning. Moreover, it has gone out of fashion among virtuous and intelligent men, just as the Rack and Thumb-screw, though once reputable instrumentalities, have disappeared from the improved criminal codes of modern times and more civilized people. I have been informed, indeed, that the more intelligent and virtuous citizens of Marion are much ashamed of the proceedings of the meeting; and that a large majority of those present would have nothing to do with it, seeing that a few evil spirits were resolved upon doing that of which a truthful, intelligent, and virtuous man would be ashamed. One was examined upon certain offensive words spoken against a man distinguished for his rank. He confessed and said: "It is true I spoke them, and if the wine had not filled, I had said much more." I am informed that some of the persons who attended the Salem meeting indulged in large alcoholic potations, and that after the adjournment, they got to worrying each other like dogs, and were fined by the magistrates. Their resolutions have much of the odor of a drinking-shop. At least I flatter myself that this

is an accurate representation of the "contemptible language" of some of the officers. Sir Francis Bacon used to say of an angry man who suppressed his passion—"That he thought worse than he spoke;" and of an angry man that would speak out—"That he spoke worse than he thought." Some of the gentlemen, I am sure, are my friends, and if they are not now, I am resolved that they shall be. I am persuaded, therefore, that their wish was not father to their bluster. Others who are not my friends, will be such when they know me better, and come to see that they are now being controlled like cattle by those who claim the right to lead them by a whistle in herds into new feeding grounds. And I would recommend them all to read the sermon of the old lady who stood in loco parentis to "Lectie Paul." She said to her darling, "Lectie Paul, if you want what is another's, try to do without it; but if you can't do without it, take it by insinuation—not bluster. To conclude, (and I do so reluctantly, for I am in love with my subject,) I will only add, that I do not like to be assaulted gratuitously by those that throw mud at me, because they have not in their arsenal either a small sword or a big gun, and who, if they had, know not when to strike with the one or to fire the other. A repetition might make me angry. At present I cannot be severe, because I am in a good humor; and I avail myself of this occasion to invite all who participated in the Salem meeting, to dine with me at their earliest convenience, with the assurance that they will see my countenance beaming with smiles, and as sweet, placid, and benevolent as usual. Yours, &c., J. QUINN THORNTON. Oregon City, Nov. 16, 1850.

DOINGS OF THE DISUNIONISTS.—Money Made.—The Washington correspondent of the Philadelphia Bulletin writes on the 8th as follows: "The South Carolina and Georgia delegation met in caucus last evening, and resolved to return to their constituents without delay, and urge them to call a Union Convention to act conjointly with the Nashville assemblage. Mr. Holmes has openly declared that his State can no longer remain in the Union, and that he will deliver these as his sentiments the moment he reaches Charleston. Mr. Toombs, he it said to his credit, yields to the voice of the many, and manfully refuses longer to co-operate with the disunionists. Another feature the passage of these bills brings to light is, that Corcoran and Riggs, bankers, have cleared \$70,000—so reported. One million of bonds were held in Wall-st. New York, which were purchased for a mere trifle. Thus fortunes have been suddenly made, of which not the slightest guarantee existed a week since.

A civil answer to a rude speech costs not much, and is worth a great deal.

The Annual Meeting of the Salem Church, and the report of the same, is a most interesting and valuable document. It is a full and complete record of the proceedings of the church, and is a most valuable record of the state of the church, and of the state of the community. It is a most interesting and valuable document, and is a full and complete record of the proceedings of the church, and is a most valuable record of the state of the church, and of the state of the community. It is a most interesting and valuable document, and is a full and complete record of the proceedings of the church, and is a most valuable record of the state of the church, and of the state of the community.

George Kendall, one of the officers of the New Orleans Firemen, has been elected to the office of Mayor of New Orleans. He is a most interesting and valuable document, and is a full and complete record of the proceedings of the church, and is a most valuable record of the state of the church, and of the state of the community.

A GIANTIC STATUE.—A Frenchman has just executed in Paris a very beautiful and interesting work, and it is a most interesting and valuable document, and is a full and complete record of the proceedings of the church, and is a most valuable record of the state of the church, and of the state of the community.

CURIOUS LIZEL CASE.—In the Oregon Territory, at Buffalo, a case is now now on trial which excites a little attention. Dr. H. N. Loomis is indicted on a complaint of the Professors of the Medical College, or some of them, for publishing in the Courier an article reflecting upon the Faculty of the institution, for procuring of a woman to deliver of a child in the presence of a class of medical students, for the purpose of demonstrating the science of Obstetrics. The publication is admitted, and the defendant proposes to justify, by showing that the proceeding referred to was necessary, and contrary to decency. The John E. Robble, editor of the Buffalo Christian Advocate, is indicted for publishing a similar article. His trial has not yet come on.—[Rochester American.

WHAT DO WE DRINK FOR?—For sorrow; for success; for defeat; for pain; for health; for heat; for rain; for shine; for appetite; for old friends; with new acquaintances; to keep the peace; to heal a broken strength; to soothe the nerves; to, with by, upon, in, under, over, any, imaginable reason or circumstance, how inappropriate or absurd, truth is—We drink because we slaves of a foolish habit.