

OREGON SPECTATOR.

D. J. SCHNEELY, EDITOR.

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POETRY.

For the Spectator.

Spring.

BY THOMAS J. SCHNEELY.

Oh! cheering and sweet is the glad voice of Spring
As she merrily speeds on her way:
What joy fills the heart while the tiny birds sing,
From the bud-covered branches all day!

The little laugh of childhood again we may hear,
As the little ones romp o'er the green;
Ah! who but remembers those sports once so dear,
And sighs for the days that have been!

Come cheer up, try on one, the rains are all o'er,
And there's sweet notes on every tongue;
Cold Winter's drear scenes shall destroy thee no more,
But the sunbeams illumine thy brow.

In the vine-tangled woods we will carelessly stray,
Where the grey squirrels chirp as we pass,
And seat ourselves, close where the oaks play,
On a cushion of sweet-scented grass.

There'll call the wild flowers and berries for thee,
And we'll talk of the days that are flown,
When gay we looked forward this spring time to see
And enjoy, with our dear one that's gone!

I'll sail with thee, love, on Columbus's light stream,
In our buoyant and graceful canoe,
And not a harsh ripple shall ruffle thy dream,
As the spirit land opens to thy view.

Oh! what is the winter, when Spring is like this,
And why should we heed frost or rain?
Come, smile again, dearest—no more sweet kiss—
We'll surely be happy again!

Autumn, O. T. March 15, 1851.

For the Spectator.

Mr. Thurston:
My residence in a remote part of the country to which mail facilities are but partially extended, must be my excuse for at this date calling up a subject which, in the more enlightened parts of the Territory, has perhaps long since been discussed, settled, and dismissed from the public mind.

I refer to the 11th section of the Oregon Land Law, which makes a final disposition of the Oregon City claim, which has heretofore been held by Dr. McLaughlin. Dr. McLaughlin's friends say that he has dissolved all connection with the Hudson's Bay Company, that he has long since filed his intentions to become an American citizen, and to abjure his allegiance to the British crown; that by so doing he has waived his right as a British subject to claim his land under the treaty of 1816, and has by the 11th section of the Land Law, been refused the privilege of holding his claim as all other naturalized citizens have been allowed to do in the Territory.

Foreigners (of whom Dr. McLaughlin was the most prominent, in standing and authority), who were here as subjects of Great Britain, and thereby giving strength to her claim to the country, can certainly plead no meritorious services towards our government, to justify them in expecting a grant of land; on the contrary, Great Britain, far from expecting her subjects to receive such a favor from us, stipulates in their behalf in the treaty of 1816, "that their necessary rights should be respected."

Yet our Government, with its characteristic liberality, has offered as a free gift to all British residents in Oregon who will accept it, not only an equal participation in that civil and religious liberty purchased by the blood of our ancestors, but an equal bounty in land with ourselves, who have earned it by a toilsome and wasting journey across the continent.

But it may be asked why Dr. McLaughlin, a good, philanthropic, and deserving man, is denied a participation in the bounty extended to other foreigners? I reply, because he has rejected it. And if I fail to prove the fact so far as the Congress of the United States were informed at the passage of the Land Bill, I am willing to admit I do not understand the plainest language.

Mr. Thurston, our delegate in Congress, whose high station entitles his statements to respect, in speaking of Dr. McLaughlin in his letter to the members of Congress on the subject of the Land Bill, says: "He is still an Englishman, still connected with the Hudson 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."

Mr. Thurston further says in his address to the electors and people of Oregon, dated Nov. 15, 1850, "Since that time" (referring to his departure from Oregon), "I have lately learned lots were sold by McLaughlin's agent, and assurances were given by this same agent that the Dr. could hold the claim by virtue of the treaty of 1816."

rights of the Hudson Bay Company and all British subjects to lands and other property lawfully acquired in the Territory shall be respected." (Thurston on the Salem meeting.)

Now if Dr. McLaughlin, by his agent and legal advisor, claims as a British subject, how can he claim as an American citizen also? He cannot serve two masters, and has been over long in making his election between them, and by his vacillation is in danger of losing the confidence of both—having rested his claim upon the treaty, the proviso to the 4th section of the Land Law, very justly confines him to that election. It provides "That this section shall not be construed so as to allow those claiming possessory rights under the treaty with Great Britain, residing in the Oregon Territory, to claim both under this grant and treaty, but merely to secure them the election, and confine them to a single grant of land." That election Dr. McLaughlin, by the advice of his legal advisor, has made, and the proviso to the 11th section justly and fully secures to him its benefits. It says, "That nothing in this act contained shall be so construed or executed as in any way to destroy or affect any right to land in said Territory, held or claimed under the provision of the treaty or treaties existing between this country and Great Britain."

If we have chosen a man to represent our interests at Washington, on whom Congress is bound to rely for information respecting the wants of the Territory, who makes misrepresentation and falsehood a part of his "parliamentary tactics," the fault is our own. And if Dr. McLaughlin, contrary to the earnest entreaties of his friends, has chosen to follow the advice of a lawyer whose erroneous opinion may subject him to heavy losses, let him not shift the blame from those upon whom it should rightfully fall, and charge the Government of the United States with an act of injustice.

That the Government of the United States has, in possession of all the facts, ever deliberately done an act of injustice to a nation, class, or single individual, I hope cannot be charged against it. But as its administration is in the hands of mortals subject to error, they, like all other men, may be misled by misrepresentation and falsehood. That selfish, corrupt, and dishonest motives actuate some who are entrusted in the vast and complicated machinery of its administration, and that some evils exist in its very foundation may be true, but from the patriotism and virtue of a large majority of those engaged in its administration, and the great preponderance of good in its constitution, we have not only the strongest grounds to hope for its permanence and the correction of existing evils, but that in the hands of Divine Providence it may be the instrument by which civil and religious liberty will be extended to all the families of the earth.

ELOPEMENT.—Marshal Rufina received a telegraphic dispatch, on Sunday morning, requesting him to arrest a man by the name of Stringfield, who had eloped from Louisville with a young lady by the name of Goodnight, whose father was opposed to her marrying the young man with whom she had left his house, and as she was a minor she could not be legally married. The Marshal went to the Bennett house and found their names on the register, but they had left for the purpose of going to Aberdeen—the village which all young ladies who have stubborn parents usually visit. They then went on board the Pittsburg packet Brilliant, and met Mr. Stringfield, who stated that his name was Scott. The Marshal showed him the dispatch, describing him in such a manner that there was no getting over it. He then "owned up," but stated that the young lady was not on board. But the marshal found her looked up in a state-room. He made his business known to her. She requested him to let her see the dispatch. He handed it to her, when she exclaimed—"Now, sir, you have no dispatch, clear out of my room!" He informed her that it was not necessary for him to have possession of it, to arrest her. She then entreated him to let them continue their journey, and she would ever pray for his happiness, for she was determined to marry Mr. Stringfield at all hazards; her father might pursue whatever course he pleased, he could never compel her to marry the man of his choice. Her lover joined in the entreaty; and other ladies on board learned what was going on, and also joined in the appeal. One lady stated that the "Fugitive Law" did not extend to cases of this kind, and the officers had no right to interfere with them. Another said she knew how to sympathize with her, for she had "eloped three times" herself, and was a widow now, and would probably elope again. Several persons who knew the parties, came up and gave the young man an excellent character; and the marshal could not hold them without process being issued here. He permitted them to go on their way rejoicing, to the infinite satisfaction of themselves and the ladies on board; and ere this, the famous Aberdeen blacksmith has welded them together. We do not approve of elopements, but this ended, we presume, for the best.—Cincinnati Com.

The Pacific News, by a change of proprietors, has become Whig.

Territorial Laws.

AN ACT to regulate fees and costs. SECTION 1. Be it enacted by the Legislative Assembly of the Territory of Oregon, That the fees and compensation of the several officers and persons herein named shall be as follows, to wit:

That the clerks of the supreme court, district court, and probate court, shall be allowed the following fees in civil cases: For filing process, and issuing a capias, attachment, execution, certiorari, supercedens, summons or writ of replevin, and entering the same, fifty cents.

Issuing writs of scire facias, and venditioni exponas, for every hundred words, twenty cents.

For entering the appearance of either party personally or by attorney, to be charged but once, fifteen cents.

For entering sheriff's return on any writ, ten cents.

Docketing each cause to be charged but once, ten cents.

Docketing appeals from justices, fifteen cents.

Filing declaration, plea, demurrer, or bill or answer in chancery, each fifteen cents.

Filing every paper, exhibit or necessary document in the cause, ten cents.

Issuing subpoena in chancery, fifty cents.

Subpoena for witnesses, where there is but one person named therein, twenty-five cents, and for every additional person, ten cents.

The writ of venire for a jury to be charged in each cause tried, twenty-five cents.

Receiving panel and swearing jury, twenty-five cents.

Swearing each witness, ten cents.

Entering claim of such witness, for his or her attendance, ten cents.

Giving order therefor to each witness, ten cents.

Entering judgment, twenty cents.

Recording general verdict, twenty cents.

Special verdict, for every hundred words, twenty cents.

For taking special bail, twenty-five cents.

Taking and entering recognizance, fifty cents.

Issuing a bail piece, seventy-five cents.

For entering every special rule, fifteen cents.

Entering every continuance, discontinuance or retraxit, twenty cents.

Entering a rule of reference, twenty-five cents.

Copy thereof, fifty cents.

Entering an allowance of, and issuing a writ of habeas corpus, one dollar.

For each writ or process not herein provided for, fifty cents.

Entering confession of judgment, or consent, rule and plea, twenty cents.

Entering satisfaction of judgment on record, twenty-five cents.

Making up a record of the process, proceedings and judgment, in each cause, for each hundred words such record may contain, twenty cents.

For making out copies of process pleadings, records, or any proceedings in a cause, when required by either of the parties, or by law, for each hundred words, twenty cents.

Entering notice of appeal to supreme or district court, twenty cents.

Taking bond on appeal, certiorari, or writ of error, fifty cents.

Entering allowance of writ of error, certiorari or habeas corpus, twenty cents.

Entering every decree in chancery, for each hundred words, twenty cents.

For drawing cost bill after final judgment, or decree, fifty cents.

For entering and order to advertise, fifty cents.

Sec. 3. That the clerks of the probate courts, shall be allowed the following fees:

For the probate of a will or testament, and entry thereof, seventy-five cents.

Issuing letters testamentary, or of administration, two dollars.

Administering an oath to administrators, or executors, and taking bond in each case, one dollar.

Recording a will or inventory, final settlement of executors, administrators or guardians, for each hundred words, twenty-five cents.

Entering appointment of administrators or executors or appraisers of property, twenty-five cents.

Copy of order to appraisers, twenty-five cents.

Taking bond of any guardian appointed for minors or insane persons, fifty cents.

Issuing letters of guardianship or copy thereof, one dollar.

For filing an account current and vouchers of an executor, administrator or guardian for settlement, and entering the same on the minutes of the court, fifty cents.

Issuing citation to administrators, executors or guardians, fifty cents: Provided, in all cases where there are several minors, who may have chosen the same person as guardian, or for whom the same person may have been appointed as guardian at the same time, the clerk shall not

be entitled to receive any more or greater fee, for taking lead or giving certificate, or issuing letters of administration, than if there should be but one only.

Sec. 4. That the clerks of the district courts and probate courts shall be allowed the following fees in criminal cases:

For issuing capias or other process on indictment, fifty cents.

Entering defendant's appearance or plea, ten cents.

Venue for a jury, fifty cents.

Receiving panel and swearing jury, twenty-five cents; and for all other services, the same fees as are allowed in civil cases for similar services.

Sec. 5. That the clerks of the several courts in this Territory, shall for services under the several acts of Congress upon the subject of naturalization, receive the fees hereinafter specified and no more:

For entering a declaration of intention to become a citizen of the United States, the sum of fifty cents.

For a certified copy of such entry under the seal of the court, the sum of one dollar.

For entering the final admission of an alien to the rights of citizenship, the sum of fifty cents.

For a certified copy thereof under the seal of the court, the sum of one dollar.

Sec. 6. That the several clerks of the probate courts in this Territory, acting as clerks of the board of county commissioners, shall be allowed the following fees and compensation, to be paid out of the county treasury, when not otherwise provided for:

For making out and filing tax duplicate, for every hundred words, and including every two figures as a word, but excluding calculations not carried into duplicates, twenty-five cents.

For each copy thereof, every hundred words, counting the original as a word, twenty cents.

For issuing process to the board of county commissioners, and other aforesaid requests of him by law, for every hundred words, twenty cents.

For each copy drawn on the county treasury, ten cents.

For filing and entering in a book, each receipt for money paid into the county treasury, or other papers necessary to be placed on file, ten cents.

For attending as clerk of the county commissioners during the sitting of each regular special session of said board, three dollars per diem.

For each notice delivered to the sheriff of election, or of the appointment of judges of election, twenty-five cents.

For opening and examining the returns of election, and making out the abstract of votes and the copies thereof, for a delegate to Congress, members of legislative assembly and county officers, three dollars per diem.

For each order to view and survey of real, one dollar.

For each certificate of election delivered to members of the legislative assembly, or county officers, two dollars.

And for all other services required by law, when the compensation is not particularly specified, the same fees as are allowed by this act for similar services.

Sec. 7. That the clerk of the county treasury shall be allowed, when he is called upon to pay out of the county treasury, the sum of one dollar for each certificate of election delivered to members of the legislative assembly, or county officers, two dollars.

Sec. 8. That the fees and compensation of clerks shall be as follows: to wit: For the service of every writ of summons and return thereof (subpoena only, excepted) when only one defendant is named therein, sixty cents.

For each additional defendant, forty cents.

For leaving each writ of execution, or of personal property, or the service of a capias ad satisfaciendum upon the body of each defendant named in the writ, six cents.

For every bail bond, one dollar.

For committing to prison, or discharging therefrom, or attending a person before a judge or court, one dollar.

For serving a writ of possession with the aid of the county, six dollars.

For serving such writ without the aid of the county, two dollars.

For executing a writ of enquiry and returning the same with the inquisition, four dollars.

For the copy of any writ or process, necessary to completion of service, for each hundred words, twenty cents.

For serving and returning a subpoena, for each person named therein, twenty-five cents.

For serving and returning a venire for a petit jury, traveling fees included to be paid by the county, ten dollars.

For summoning a grand jury, traveling fees included, to be paid by the county, ten dollars.

For summoning a special jury, including traveling fees, six dollars.

Traveling fees upon all writs, precepts and subpoenas, to be computed from the place of return to the place of service, ten cents per mile.

Poundage on all moneys actually made

and paid to the sheriff, on execution, docket or sale of real estate, four per centum on the first thousand, two per centum on all sums between one thousand and two thousand, and one per centum on all sums over two thousand dollars: Provided, That where such real estate shall be bid off and purchased by the plaintiff in execution, or the complainant in chancery, the sheriff shall not be entitled to any poundage, except on the amount paid over above the claim of the plaintiff or complainant.

Service of a declaration in ejectment and return, the same fees as are allowed for the service of a summons, including mileage, as herein provided.

For making deed of lands sold on execution, decree, or order of court, to be paid by the purchaser, four dollars.

For serving and returning a writ of scire facias, when only one defendant is named therein, sixty cents; and for each additional defendant, forty cents.

Serving any person with an order of court and asking a return, sixty cents; and mileage as on service of summons.

For calling a jury, twenty-five cents.

For opening court and calling each action to be charged once each term of the court in which the cause may be pending, twenty-five cents.

For calling each witness, ten cents.

For bringing up a person on habeas corpus, two dollars.

For serving a writ of restitution, two dollars, and mileage thereof, as in other cases.

For serving a summons in forcible entry and detainer, or forcible detainer only, six cents; and mileage as in other cases.

For all advertisements in a public newspaper fifty cents, in addition to the price of printing.

For all written advertisements for the sale of property, either real or personal, twenty-five cents.

For selling real estate under an order of court, when the same will not bear partition, two per centum where the amount of the sale does not exceed two thousand dollars; where the same exceeds two thousand, two per centum on the first two thousand, and one per centum on the amount over and above that sum.

Sec. 9. That the district court in each county shall make an allowance of not more than two hundred dollars per annum for the sheriff, for services where the Territory falls, or the defendant proves liable, rent, and for other services not particularly provided for; the amount to be certified by the court and paid out of the county treasury.

Sec. 10. That each county commissioner shall be allowed three dollars per diem for his services, including mileage at ten cents per mile, to be estimated and paid out of the county treasury upon the order of the clerk of the county commissioners.

Sec. 11. That each grand and petit juror shall be allowed the sum of two dollars for each and every day he may serve, and if not a tallowan, ten cents per mile from his place of residence to the county seat, and the compensation of such juror shall be certified by the clerk of the court, and the compensation so certified shall be paid by the county treasurer, on the order of the clerk of the board of county commissioners; and to jurors on inquests taken by coroners, each two dollars, to be paid out of the county treasury on the order of the clerk of the county commissioners, who shall be furnished by the coroner with the names of the jurors.

Sec. 12. That each tallowan serving as a petit juror in the probate court, district court, or supreme court, shall be entitled to the sum of one dollar for each jury trial on which he may serve. Provided, The trial does not detain such tallowan more than one day; but in case he is detained more than one day on such trial, he shall receive the same amount per day as regular summoned jurors are entitled to receive, whose account shall be audited and paid in the manner prescribed in the preceding section.

Sec. 13. That justices of the peace shall be allowed to receive the following fees:

For a capias or summons, twenty-five cents.

For a warrant in criminal cases, fifty cents.

For taking a recognizance of bail, fifty cents.

For committing to jail, fifty cents.

For every subpoena for one person, twenty-five cents; and each additional person, ten cents.

For entering judgment on trial, fifty cents.

For entering judgment on confession or default, twenty-five cents.

For issuing execution, fifty cents.

For a certified copy of proceedings on appeal, certiorari or otherwise, seventy-five cents.

For every continuance or adjournment at the request of either party, twenty cents.

For entering a rule of reference, or a copy thereof, each twenty cents.

For swearing witnesses, jurors or arbitrators, each ten cents.

For issuing writs of attachment, fifty cents.

For every day's attendance upon grand jury, two dollars, to be paid out of the county treasury.

For every day's attendance upon court, by order of the court, two dollars, to be paid out of the county treasury, the certificate of the clerk.

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