



# THE SPECTATOR.

OREGON CITY:

THURSDAY, MAY 22, 1851.

D. J. SCHNEELY, EDITOR.

For Delegate to Congress,  
**GENERAL JOSEPH LANE.**

### Contents.

"THE FOUNTAIN IN THE WOOD," is the title of an article on the fourth page—well expressed, and there are many of our lovers and loved ones just now at the period that will enable them to appreciate its meaning and feel its force.

GEN. SCOTT.—By reference to the first page of to-day's paper, it will be seen that there has been a meeting between General Scott and Gov. Marcy. At this meeting a reconciliation of former differences took place, and compliments passed on both sides. We may expect the "hasty plate of soup" difficulty all settled, and never again to be reiterated. So mote it be.

TEMPERANCE.—The article on our outside headed "Temperance," is aptly illustrated, and we are told well reported.

Mrs. SWISSHELM.—An article on the first page from the *Pittsburgh Saturday Visitor*, by Mrs. Swisshelm, is truly the voice of a right thinking woman. Would that our land was filled with such women. We admire her fearlessness and candor.

HUMAN LIFE.—A true picture of man's progress through life—his first and last minute—will also be found on the first page. We direct special attention to the several pieces alluded to above.

THE Black Hawk, a steam tugboat, arrived at our landing on Sunday last. She is owned by Mr. Charles Clark, and is designed, we believe, to run daily between this city and Portland.—One year ago there was no such thing as a steamboat of any kind plying on the Willamette and Columbia rivers. It is now becoming almost an every day occurrence to see steamboats arriving at our landing. We are looking up, and our people are growing big with their future importance. The navigation of the Tualitin from thirty-odd miles above to within four or five miles of this city, by steamboats, is among the things talked of, and which, ere another year elapses, may be carried into effect. A small steamer, capable of freighting from 30 to 50 tons, would pay well. But this would make a plank road or rail road indispensable to connect this or Linn City with the lower terminus. The people of Chehalis and Hiliboro, need not be surprised to see, in less than a year, a steamboat on the Tualitin river. We are told that the Tualitin is without obstructions for at least 20 miles.

The opinion of Hon. O. C. Pratt, respecting the laws of naturalization will be found in to-day's paper. It is a subject that has been much controverted, but yet little understood, and much doubt exists as to the true purport of the law. Judge P. has given his opinion at length, which he has prepared with care. We ask for it an attentive perusal.

The late intelligence from the mines is less encouraging than that previously received. Several of our citizens have returned, satisfied that respectable wages can be realized only by the closest attention and severest labor. They are of opinion that they can make nearly as much at home, with less exposure and risk and without working so hard. We shall content ourselves with doing well.

We learn from the *Sacramento Transcript*, that they have Odd Fellows in California. We have odd fellows in Oregon too, but they are old bachelors—our neighbor of the Statesman is one "on 'em."

Dr. M. H. Wilson, we learn, has been nominated by the citizens of Marion county, and is now a candidate for the honors of Delegate to the next Congress.

For the Spectator.

Ma. Editor: I have been troubled for months past to ascertain with any degree of certainty, the time the mail for the States would be closed each month. The mails heretofore leaving but once a month, it was very natural for any one wishing to send letters, to desire the longest time, and thus give his friends information from him to as late a date as possible: Yet in order to find out the time the mail would leave, each man, for himself, must go or send to the office to learn. Could not our little Post Master just drop a note to one of the papers in town, a few days previous to the mails leaving, stating the day he should send the mails off? and thus very much oblige the public.

A. CITIZEN.

A certain Judge of the Supreme Court, addressing the bench, observed that that Court differed from the inferior courts in having the last guess.

**The Lot Whitcomb.**  
The recent arrivals of this steamer at our wharf has demonstrated the fact that the Clackamas rapids can be navigated successfully. It has, hitherto, been looked upon as a matter of impossibility for boats to ascend or descend the rapids with safety, excepting at such times as the back water from the Columbia should remove the obstruction; but the appearance of this steamer has removed all doubt as to its practicability, and has gone so far towards establishing the inutility or groundlessness of doubt upon the subject, that we believe the river can be navigated to this city at least nine months in the year. We believe too, that the Lot Whitcomb, under the superintendence of her present commander, J. C. AINSWORTH, is the boat to fill the bill; some few alterations may be necessary to better qualify her for the full requirements of the trade.

If boats can now ascend the rapids without difficulty, for they are much worse at the head since the great rise in the Clackamas river, then they will be at any other time, save at extreme low water; and such will continue to be the case so long as the obstruction is suffered to embarrass and retard the great and growing interests of a large district of the best portion of Oregon.

The success with which this steamer has met, is an evidence that boats, suitable to the wants of the country, can be built in Oregon as well as anywhere else. It requires more capital, it is true,—we have the materials to build with, and when labor, as well as every thing else, shall be reduced to a proper standard we can employ advantageously the capital in building our boats and thereby keep the money in the country. When we take into account the high price of labor, board, and in fact the fictitious value of everything else, at the time the Lot Whitcomb was undertaken, and since, we have no hesitation in pronouncing it a work of extraordinary enterprise, such an one as but few other men could have accomplished under so many disadvantageous circumstances.

Apart from all other considerations we consider the building of the steamer Lot Whitcomb, not only a credit to the person whose name she bears, but she is a credit to the Territory—she deserves the confidence, and there is not much doubt but that she will receive it, and patronage of our citizens generally. But few men would have undertaken the building of so large a boat at that time, and fewer would have carried it through successfully. In view of all these things we say success to the Lot Whitcomb.

The Post Master admits that he has not taken the lawful mode of ascertaining the extent of circulation of the papers contending for the post office printing. There is one thing certain, he never examined our books nor asked us to swear to them, as the law requires; but contents himself with his own suppositions and a party preference.

"I cant [says the P. Master] imagine what end the editor [of Spectator] wishes to accomplish in thus devoting his time to such small matters," &c; we have devoted more time to him than was our wish, which was occasioned by his evasions of the law and disregard of duty.—He thinks himself too small a matter to make so much fuss about. If he thinks to get an argument out of us on that score, he will find himself mistaken; for we thought long ago just as he does, but for boro mentioning the fact, until he made the admission himself.

We are much obliged to him for his proffered sympathy for us, which, says he, "comes from the inmost recesses of my tum-tum in the shallowest place."—We are inclined to think, from the excitability of the P. M., exhibited in his own defence, that the shallowest place about him is located in his upper story, instead of in his "tum-tum."

The Hoosier, on Monday last, started on her first trip to the towns and villages situated on the upper Willamette. She had quite a full load of passengers, among whom were the Rev. Mr. Geary and family, bound for Lafayette, where, it will be seen by an advertisement in this paper, he intends to open a school, in which he purposes instructing young men in the elementary branches, and also in the classics, to be commenced as soon as practicable.

Mr. WEBSTER.—The New York Express says that Col. James Tappan, a venerable citizen of Gloucester, Mass., now eighty-four years of age, who was (something more than sixty years ago) Daniel Webster's schoolmaster, addressed a letter to his respected pupil a few days since, recounting some incidents of his boyhood, which was promptly answered in a familiar style enclosing a fifty dollar bank note.

CHILDREN SIMPLICITY.—"Mother," said a bright little girl, "is hell a hot place?" Being a little puzzled what reply to make, the mother answered, "Yes." "Then," said the little girl, "why don't they turn the damper?"

**PRINTING IN THE PENITENTIARY.**—A member of the Ohio Legislature introduced into the Senate a bill, the object of which was to learn the convicts in the State Penitentiary enough of the art of printing to enable them to print and bind the books that may be ordered by the State. The bill provides that suitable persons, not criminals, shall superintend the printing, &c.

The Painters in the *Journal and Statesman* offices remonstrate against such a manufacture of printers by wholesale, to be let loose upon the world when their respective terms of service shall have expired, to take their places among the respectable men of the fraternity. It appears that a lawyer was chairman of the committee that reported the bill. A Printer suggested that a law school be opened. A Typo lets loose upon the lawyers in the following strain:

"The convicts in the Ohio Penitentiary are thus to be made Printers by wholesale, and sent forth into the world to take their place along side of honest men, and to be editors and teachers of others."

Mr. LAWRENCE is placed on the same law school in the prison, to teach the "young ideas" as the Logan Senator, law to defend scoundrels "for a consideration." To my mind it would be better than to learn them a trade which will enable them to play the rat and take the bread from the mouths of honest men.—Should the bill pass, it is to be hoped that the Logan Senator will be the first apprentice to the convict asylum so that, if good is to result from it, he can earn an honest living by an honest avocation.

### TYO ANTI-BLACKSTONE.

"THE NEW ENGLAND SOAP MAN."—The distinguished individual who rejoices in the above title will do our city the honor to pay it a visit to-morrow evening.—Read his advertisement, under the handsome portrait of himself in our advertising page, for particulars. He is destined to make a sensation. The Chronotype calls him "that double distilled quintessence of the Yankee tendency to the mercantile and the practical"—that Demosthenes of lather, that Homer of suds, the famous D. P. Gardner, the New England soap man. D. P. Gardner is an orator and a poet in a high and practical sense. His genius expended in soft soap at the bar, or in the pulpit, in the theatre, or in the Senate, would lead him to the same torture which he is winning by expending it on the sale of hard soap to his fellow citizens on the broad field of the world."

All who go to his lecture, must look out for their vest buttons. The above from the *Salem Register*, is another exhibit of the progressiveness of the age. We have seen and heard the far-famed "Razor stop man" shaving it off by the hour, whilst the "Razor stop man" rushing in upon him from all sides—occasioning not the least interruption—furnishing a good stop to any person who had a good quarter and wished to part with his dimes. We thought that the business of shaving had little of poetry in it, but when the peddling of soap can be made a theme for the poet, we are struck dumb, and confess that we are more than ever impressed with the idea that the world has not attained the acme of a full development.

**BRITISH GOLD DID IT!**—The Washington correspondent of the North American says, "Letters were received here from London by the last steamer; and from most respectable sources, stating there was a strong probability that the names of persons who received bribes in the United States for aiding to obtain the passage of the Tariff law of 1846, would be obtained from the headquarters of the Free Trade League, where they were registered.—This suggestion seems so startling and incredible, at the first blush, as to challenge the strongest doubt, but when the facts which have already been developed are considered, and placed in connection with the authority upon which these statements are founded, there is too much reason to believe that corrupt means were eagerly employed to bring about that extraordinary change in the policy of the Government. Time may yet disclose more on this subject than has been revealed."

**THE PANAMA RAILROAD.**—This road is fully graded from Navy Bay, near Chagres, to Gatun, and ready for the rails, and will be completed to that point by July 1, 1851—to Gorgona by January 1, 1852, and to Panama in 1853. Engines are to be placed on the road in May next. There are now 750 men on the work, and 250 were to be added the 1st of March.

The St. Louis Republican contains a very interesting notice of the trial of *incombustible kempen rope*, recently made in that city. A piece of prepared rope and a piece of wire rope were put into a blacksmith's fire. The heat was so intense as to weld the strands of the wire rope together, whilst the kempen rope was only slightly charred on the outside. Another test was made: the piece of rope and a smaller bar of iron were placed in the same fire, and the iron brought to a white heat, yet the cordage was but little if any more affected by the fire than in the previous experiment.

**BEAUTIFUL REMARK.**—Goethe said:—"The longer I live, the more I am certain that the great difference between men, the great and insignificant, is energy—invisible determination—an honest purpose once fixed—and then death or victory. This quality will do anything in the world; and no talents, no circumstances, no opportunity, will make a two legged creature a man without it."

**Legal Opinions.**  
To the exclusion of much other matter, we publish the opinion of Hon. O. C. Pratt, solicited by Mr. Holderness and others. As it involves the rights of a great many persons in the Territory, we delay our paper a little beyond the usual time, to give it as early a circulation as possible. There have been various opinions expressed upon this subject, and there is not a little misapprehension existing in the minds of the public respecting it; in consequence of which we cheerfully give it publicity without comment, as it speaks for itself.

OREGON CITY, O. T., May 17th, 1850.  
Hon. O. C. PRATT, Linn City:

Dear Sir—I take the liberty to ask your opinion on a subject of importance to myself and others in this community. I filed my intention to become a citizen of the United States, with Geo. L. Curry, Clerk of the Circuit Court of Clackamas County, on the 27th day of March, 1849. This was after Gov. Lane's arrival and Proclamation issued, and before the arrival of the Judges appointed by the President for Oregon. The question having arisen, whether such filing of intention was good, as a preparatory step to become a citizen of the United States; you will confer a favor on myself and others by giving an opinion, which, with your permission, I will have published for the satisfaction of those who are alike circumstanced with myself in reference to this question.

I remain,  
Yours respectfully,  
S. M. HOLDERNESS.

LINN CITY, May 10th, 1851.

DEAR SIR: Your letter of the 17th inst., propounding an enquiry whether the Clackamas county circuit court, as it existed on the 27th day of March, 1849, was a competent court within the meaning of the naturalization laws, in which a declaration of intention by an alien could be legally made, as a preparatory step to become a citizen of the U. S., is before me; and I hasten to answer that, while I do not feel myself at liberty to give any opinion whatever, touching any particular case in advance of its adjudication before the proper tribunal, I can see no objection to giving my views on the general question presented by your case and others similarly situated.

Under the Constitution of the U. States, the power of naturalization is vested exclusively in Congress; and, without going into detail of the provisions adopted and modified from time to time on the subject, it is sufficient to say that substantially the several acts, in force, provide that application for this purpose may be made to any circuit, or district, or territorial court, of the U. S., or to any State court which is a court of record, and has a seal and clerk. The declaration of intention may be made before the clerk of one of those courts, as well as before the court itself. This being the description of courts in which such proceedings could be had, the enquiry now is, was the circuit court of Clackamas county in the district of Oregon, on the 27th day of March, 1849, a Territorial court of the United States? Congress alone has authority to make all needful rules and regulations respecting the Territory and other property of the U. S.; and that power was first exercised in the country or district of Oregon, and an organized government given to it, by the Congressional Act of August 14th, 1849. It went into effect and had a legal existence as a Territory from and after its passage. (See section 1st, page 192, sess. laws, 1848.) The laws of the U. S. were, at the same time, declared to be extended over the Territory. (See the 14th section.) And, as a matter of course, amongst the rest that regulating the naturalization of aliens—for, it was of a general nature and intended for use in all the States and organized Territories wherever aliens could be found who desired to avail themselves of its provisions. But, it must be admitted that although the laws of the U. S. were extended over the Territory by express enactment of that date, still, the benefits to be derived from proceedings to be had under them and the protection intended to be furnished by them would be practically valueless unless the machinery of justice was, at the same time, provided to aid in their administration and enforcement. This was not omitted.—And, the great care manifested by Congress, in that respect, found ample reasons in the extraordinary state of things existing at that moment relating to Oregon. It was entirely unlike other Territorial districts, at the date of its organization. Left for years by the only right power having authority to make needful rules for its government, and without protection, it had, in spite of all neglect by Congress, accumulated within its limits large numbers of American citizens, and others who wished to become such, all loudly demanding aid, and an immediate extension of laws with means to enforce them. A great distance intervened; a savage war was waging in the midst of a civilized community; and, the people composing it, without aid either in arms or money to prosecute it, and supported by no other government than that of capricious public opinion, seemed in imminent hazard of extermination. In such extremity, Congress acting upon the necessity of the case, provided means to meet the emergency, waiting to go through the process of electing a territorial assembly and framing laws were at once promulgated, and those already in force were continued in force until the new laws were promulgated; and the laws of the U. S. were continued in force until modified or repealed. It is immaterial to stop here and enquire what an anomalous or unusual state of affairs this course of proceeding might produce; it being sufficient for our enquiry to know that Congress had the power and deemed it expedient to confer it by legislating and making its own a system of laws which had been used by the people before the Territory was called into legal being. Amongst those laws, the offspring, of necessity as they all were, was one creating and establishing certain courts of record in each county of the District or Territory, known and called circuit courts; and one of those courts composing the circuit was that for the county of Clackamas. The court, the creature of that law and everything legally appertaining to it, was thus made by Congressional adoption its own, and protempore set to work as a Territorial court of the U. S., for the use of the people over whom the laws had been extended. This will be apparent on reading the 16th section, which declares that all judicial and ministerial officers who should be in office within the limits of the Territory when the act went into effect, which, as we have seen was at the date of its passage, should be and were thereby authorized and required to continue to exercise the duties of their respective offices as officers of the Territory of Oregon until others should be appointed and qualified to fill their places in the manner directed in the act. (See U. S. Sess. laws 1848, p. 201, Sec. 18.)

The permanent judicial power was provided for in section 9 of the act, and when the Judges or Justices thereof should be appointed and qualified and enter upon the discharge of their duties, the Judicial and Ministerial officers of the temporary courts, adopted and recognized by the act of 14th August would, and not until then, be suspended. The provisions of the 9th, 14th, and 16th sections of that act are not only consistent with each other, but constitute together a plain and intelligible system of enactments by which an immediate and lasting extension of laws, both of the U. S. and those of a local character, could be made and enforced for the benefit of the people of the Territory without at all creating a conflict of powers or jurisdiction between the temporary courts adopted and the permanent ones to be afterwards established. Both were Territorial courts of the U. S.; for the former became so by adoption of Congress and the latter by its original establishment through the same power; and each in its allotted way and time designed to fulfil its appointed purposes in harmony.

Where the words of a statute are express, plain, and clear, they ought to be construed according to their generally understood signification and import only, unless by such an explanation a contradiction or inconsistency should arise; and, where an act of Congress enacts any matter or thing, it tacitly gives the right of carrying it into effect by all legal means, and unless, as to all the matters necessary for the purpose, the court will so construe the statute that its object will be attained.—Even where the parts of a statute are seemingly repugnant, if they can be reconciled, that shall be adopted, so that the object of the law giver can be reached and the remedy furnished. The rule then in this case should be that such a construction should be put upon the law in question as may redress the mischief, guard against subtle intentions and evasions for the continuance of it, and give life and strength to the remedy or statute according to the true intent and meaning of the makers of the law.

It was necessary to extend the laws of the U. S. over Oregon, and it was done, Aug. 14th, 1848—as well those concerning the naturalization of aliens as others. It was further necessary to provide courts in which legal proceedings could be had and the laws thus rendered efficient; and this was also done in a manner, as we have shown, adapted to the exigencies of the country. In this way, as I conceive, the Circuit Court of Clackamas county became and was from and after Aug. 14th, 1848, until superseded by the effective organization of the District Court for the same county on the 23d day of May thereafter, to all intents and purposes, a Territorial court of the U. S. and as such was competent, either by itself or through its clerk, to entertain preliminary proceedings under the naturalization laws of Congress.—For that court had a judicial officer, or Judge, who was required by act of Congress, to continue in office, and did so in fact, a greater part of the time, and a ministerial officer or clerk, during the entire period from Aug. 14th, 1848, to the 23d of May 1849, the date when the late Chief Justice entered upon his duties as the Judge of the 1st Judicial District. It makes no difference whether the Judge ship was constantly filled, or not, it being sufficient that the court itself did exist in contemplation of law, to enable it to do what was required of it, though there was no Judge to do it. It is understood, however, that the court continued in office and its records the whole time, and that the District Judge, who was appointed by the District Judge, was in the Territory, and was ready to enter upon his duties as soon as the laws were promulgated.

able them to declare their intentions. And if they desired to vote, in advance of the five years required to perfect their naturalization, it was provided that they could do so if in addition to their previous declaration to become citizens of the U. S. they should also take an oath to support the constitution and the provisions of the organic law. It has been suggested that the "declaration" referred to in that section was only for the purpose of enabling aliens to vote at the first election, and that it might have been made before a common magistrate. This view I do not think sound. The "oath to support the constitution of the U. S. and the provisions of the organic act," which was only a part of what was required from the alien voter, it is true, could have been taken before the Judges of election; but the "declaration of intention under oath to become citizens of the U. S.," which was the first and most important part of the qualification, could only have been made agreeably to the form and before the court or clerk prescribed in the naturalization laws.

Allow me, in conclusion, to say that understanding there is some diversity of opinion touching this question, and feeling much anxiety to be neither misled myself nor instrumental in misleading others concerning it, I am free to confess it has occupied me much longer than at first seemed necessary. That, then, must plead the proper apology for so long an answer. My first impressions were different from those herein expressed, and, with deference to the contrary opinion of others, some of whom were formerly in high places under the government of Oregon, whose views on such subjects are entitled to, and do receive great respect, I must be permitted to add that my own error, (as may also have been that of others) grew out of a heavy view of the 11th section of the act, which was supposed to cover the whole ground. On the contrary, I find that it does not touch the question at all. It relates to other matters altogether—to a provision for the final disposition of unfinished business pending and uncommenced Aug. 14, 1849, in the courts of the late Provisional Government, and not to proceedings or business had or done in the courts established by the act, after that date and after the valid organization of the Territory. Perhaps a more careful investigation of the law may correct others as well as myself.

Liberty is given to do with this copy as may best please you, while I remain  
Respectfully yours,  
O. C. PRATT.  
S. M. HOLDERNESS, Esq., Oregon City.

**GROWTH OF THE REPUBLIC.**—The London Times predicts that at the end of the next half century the Americans will number a population of one hundred and ninety millions, and "there cannot be a doubt," it adds, "that if the Union lasts that time, the United States will be the greatest nation the world ever saw." The sentiments upon which the future greatness of America is here made to depend, is the continuance of the Union—the indispensable condition of our progress and prosperity.

We understand that the firm of Woodward & Co., of this city, have received the contract for carrying the United States Mail through to the Great Salt Lake. The contract stipulates that the Mail shall leave each point once a month, so that we shall have advice from the Great Salt Lake City once every month. The bids for this contract were of a most varied character. The one which probably obtained the contract was rising \$14,000. We know one gentleman put in a bid for the same contract, at \$20,000. This goes to show the difference in the estimates in this great and growing country. It is a fair sample of the variety of opinion in regard to the cost of working California. The \$20,000 however did not come within a "stone's throw" of receiving the contract.—[Sacramento Transcript.]

**LITERARY SIGN PAINTING.**—The Police in Paris have appointed a committee to correct the orthography and punctuation of Sign-boards. They regard the blunders exhibited, as a sort of disgrace to the French national literature. It is rare to see a sign correctly painted, even where there is but a solitary name. We have one daily before our eyes where there is a full pointer for the first name, and none at the second.

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