



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...

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...

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.

HUMAN LIFE.—A true picture of man's progress through life—his first and last minute—will also be found on the first page.

The Black Hawk, a steam tug-boat, 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.

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...

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.

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. 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 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...

CHILDS' 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?"

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 steambot at our wharf has demonstrated the fact that the Clackamas rapids can be navigated successfully.

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.

The distinguished individual who rejoices in the above title will do our city the honor to pay it a visit to-morrow evening.

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" raving off by the hour, whilst the razor was rushing in upon him from all sides...

The Post Master admits that he has not taken the lawful mode of ascertaining the extent of circulation of the papers containing for the post office printing.

"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."

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."

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.

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 Goryona by January 1, 1852, and to Panama in 1853.

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.

Beautiful Remark.—Gotho said:—"The longer I live, the more I am certain that the great difference between men, the great and insignificant, is energy—invincible 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."

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 use of printing to enable them to print and bind the books that may be ordered by the State.

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.

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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.

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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.

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.

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, 1842.

It went into effect and had a legal existence as a Territory from and after its passage. (See section 1st, page 192, sess. laws, 1842.) 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 drafting the electing laws were at once passed by those already in power.

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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 their 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 please 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 unsummoned 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. HOLDERNES, 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 gentleman upon which the figure of a cent was stamped, was made to appear, in 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 being \$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 eye where there is a full pointer for the first name, and none at the second.

The London Police to which they assign a craft to belong, the daily duty to pay the tax, and the duty to maintain the sign.