STATE RIGHTS DEMOCRAT H. T. BROWN.

BROWN & STEWART. Publishers and Proprietors. FURLISHED EVERY FRIDAY.

OLDEST DEMOGRATIC PAPER IN DREGON.

VOL. X OFFICE IN PARRISH'S BLOCK. FIRST STREET. TERMS, in ADVANCE: One year, \$3; Six months, \$3; Three months, \$1; One month, 50 cents; Single Copies, 124 cents.

Correspondents writing over assumed signs-tures or anosymouphy, must mak town their proper names to the Billior, orn . uniten will be given to their communications.

BUSINESS CAR 13. CHAS. E. WOLVERTON,

ATTORNEY AND COURSELOR AT LAW. ALBANY, OREGON.

ar Office with Dr. P. W. Harris, over Carut rs' Drug Store. 9-12-8ms. F. A. CHENQWETH. Curvallia. CHENOWETH & SMITH. ATTORNEYS AT LAW, Corvallia, Oregon. Ovrica at the Court House. ven27 JOHN J. WHITNEY, ATTORNEY AND COUNSELOR AT LAW and Notary Public. Bpecial attentions given to collections. Orricz Up staits in Parrish's Bries: Albany, Oregon. Van3247. These applications were referred to your office by the local officers in compliance with instructions there-tofore given them relative to this class of cases. Up staits of the local officers in the structure of the stru DR. T. W. HARRIS, PHYSICIAN & SURGEON, ALBANY, OREGON. nore, Residence, on Fourth street, venisti S. A. JOHNS, ATTORNEY AT LAW. ALBANY, OREGON. Sor Office in the Court House. "Sa H. J. BOUGHTON, M. D. respective parties. The local officers awarded the land to the State, you ALBANY, OREGON. awarded their decision and both par-ties appealed to the Department.— You rejected the claim of the State upon the ground that the records of your office showed that the tracts in for is a graduate of the Universition folloge of New York, and is a in if Bellevue Hospital Medical Colley in Carothens' Drug Storn. Bareet, opposite Dr. Tate's. vionilif. contest were covered by a body of water at the date of the act of 1860, BOOTS MADE TO ORDER

AT REASONABLE BATES AT

ALBANY, OREGON.

A. W. GAMBLE, M. D.,

ALBANY, OREGON.

Office on Main street, one door west of West grocery store. Residence at the last friidence of George Patterson near the Star Brewerz, Jan. 21th, 1874. vanSit.

ALBANY, OREGON,

be in all the suprem licial Districts. If the Suprem gon, and in the UNited States Di cuit Court. Office up-states in from rights brick block, First St., Alban visuByl.



ALBANY, OREGON, FRIDAY, JANUARY 22, 1875.

SWAMP LAND DECISION.

State

## DEPARTMENT OF THE INTERIOR WASHINGTON, D. C. Dec. 2, "74.

Sin :--- I have examined the case of Sra:--I have examined the case of the State of Oregon vs. Frank L. Scott and John W. Waggoner, in-volving the title to lots 6, 7, 8, 9, 10, 11 and N. W. 4, N. E. 4, section 12, 2 S. 4 W., Oregon City, on appeal from your decision of January 20, 1874, in favor of the defendents.

The State claims the land as wamp and overflowed, under the L. S. SWITH. provisions of the act of Congress, Lina Co. approved March 12, 1860. (12 Stat. 3) ving selected the same by list file in the local office, September 9, 1871. The defendants claiming as pre-emptors, applied August 28, 1871, at the local office to file declaratory statements, alleging settlements Au gust 20th and 27th, respectively.-

class of cases. Upon receiving further instructions from your office, the declaratory statements were received and filed. On the 4th of March, 1872, the defendants appeared at the local office, made final proof and tendered pay-ment for the land. The proof was received and filed and the fact of the

cultivation.

tions of fact.

tonder was noted. The State having asserted her claim to the land as swamp and overflowed lands, and

having selected the same September 19, 1871; your office May 20, 1872, ordered a hearing before the local officers, to determine the rights of the

BENRY FLINDT'S SHOP,

Work warranted to give sat

water at the date of the act of 1860, and were not, therefore, included in the grant by that act to the State. I do not agree with you, either in the finding of this fact, or your ap-plication of the law thereto. So far as appears from the papers presented, the records of your office do not show the character of the land on the 14th the records of the land on the 14th day of February, 1859 (date of the admission of Oregon as a State), or on the 12th day of March, 1860.— PHYSICIAN & SURGEON, ad

They do show that when the town-ship in which the land is situated whip in which the land is situated was first surveyed, viz: in — , 1872, a large portion of it, including the tracts in contest, was covered by water, forming what appeared to be a lake, the margin of which was meandered. You appear to have as-smood that the land

D. B. RICE, M. D.,

PHYSICIAN & SURGEON somed that the land remained in the same condition in March, 1860.

on Main street, between Perry and hin, Residence on Third street, two ast, or below, the Methodist Church.

J. W. BALDWIN, ATTORNEY & COUNSELOR AT LAW,

I am satisfied that at the date of the grant this land was swamp and over-flowed, and rendered thereby unit for cultivation. The body of water known as "Wappato Lako" is not now, nor was it in 1860, a permanent lake. It is formed annually, in the bate Reid and the state of 1860.

eedes and leaves the bed of the lake in a swampy condition during the rest of the year. During the ab-sence of the water, the land pro-duces a species of swamp-grass and becomes very valuable pasture land; but there can be no responsible between the survey of the land had been completed and confirmed. This ob-ject is disposed of by reference to the fact that the notice provided for but there can be no responsible doubt that, in its present condition, it is entirely unfit for any kind of has never been given. Your decis-ion is reversed, and the tracts in con-rick's political career and lamentable

I understand that it has been the practice of your office to hold all nds as not swamp when, at the Very respectfully, time of the Government survey, they were covered by water to such a

To the Commissioner of the ] depth and in such a form as to re-quire meandering, but have subse-

IMPORTANCE OF THE TRANSIT.

quiently, from natural causes, be-come dry. I see no objection to the application of this rule to cases where the State has agreed to accept the field notes of the Government which occurred last night, Prof. Si-mon Newcomb, in an article on the subject published in Harper's Magasurveys as conclusive evidence of the character of the land. But it clearly character of the land. But it clearly should not be applied to a case like that under consideration, where the survey was made long prior to the grant, and where the State distinct-ly refuses to be bound by the Gov-ernment surveys.

ernment surveys. The Supreme Court in the case of Railroad Company vs. Smith, already cited, referring to parol evidence, in troduced in the trial below to show the character of the land at the date of the act, says: "The matter to be world manifold for all the labor spent shown of observation and examina-tion, and whether arising before the the reader that it is to Kepler, Newton Secretary, whose two marily to decide it, or before the Court, whose duty it became, because the Secretary had failed to do it;— this was clearly the best evidence to be had, and was sufficient for the marnose." A clearly the right to pose unless the laws of motion of these bodies had been discovered and these bodies had been discovered and these bodies had been discovered and Secretary, whose duty it was pri-marily to decide it, or before the

offer the parol proof presented, and it is the duty of the Department to consider it in determining the quee-

In my opinion this land was swamp and overflowed at the date of the grant, and I so decide. Second, The proviso to the

the same condition in March, 1860. You erred in this assumption. The State, in the absence of any express agreement as to the kind of proof to be relied upon, should have been al-lowed to show by any competent ev-dence, by parol or otherwise, the character of the land at the time her right accrued, and the weight of such evidence should have governed your findings of fact (B. R. Co. vs. Smith, 9 Wall, 95). The rule laid down by t findings of fact (R. R. Co. vs. Smith, 9 Wall, 95). The rule laid down by the Supreme Court in that case is now the accepted rule of practice in your office and the Department, (Conkling vs. Wendell, Secretary's decision, November, 11, 1873.) But admitting the fact to be as found, and your conclusion of law does not necessarily follow. A tract is not necessarily excluded from the grant because at any given date it may be

A BEAUTIPUL SKETCH. Our warm-hearted, generous-souled and talented cotemporary, Tom. B. Merry, of the Coos Bay News, in

Rights

Inown as "Wappato Take is not disposition within the meaning of now, nor was it in 1860, a permanent lake. It is formed annually, in the the set of 1860. In my opinion the tracts in contro-in the creek or river Tualitan, the very are within the general description of lands granted, and are not beacked up, through the mouth of the so-called lake, and cover to a depth of several feet, a valley or ration. It is contest by failure to select the same within the time prescribed in contest by failure to select the same within the time prescribed in the is of June or July, as the same within the time prescribed in the is of and servery third the same within the time prescribed in the second section of the set of 1860. It is contest by failure to select the sensons vary, when it then re-

The papers transmitted with your letter of Aug. 17, 1874, are here-with returned. lows:

[Signed] C. DELAND.

General Land Office.

In reference to the transit of Venus,

ic investigators never inquire of what use knowledge is; they leave practical and their successors that we owe the means of navigating the ocean in safeand their successors that we owe the them and argy grab or the Alaska job now in-ty? When a ship is out of sight of land there is no way of determining her position except by observations of

<text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text> Thirteen years ago a young man wooed and won a young lady in a he told Washburn (or an village not far from Davenport. The that "they have killed me

IMPORTANT TO PARMERS. Mr. Samual Daw, Benton county, is the inventor of a new machine for cleaning wheat, which he has named "Daw's Granger." This machine con-sists of four separating sloves, publishing a series of original articles

Democrat.

cannot withold the remark that the the slove, so that the heavy ends of the wheat come down first and pase sketch is one of the most touchingly- through the sieves. So perfet beautiful which has ever appeared in this machine in its operations that the columns of an Occidental jour-nal. After recounting Brode-rick's political carcer and lamentable Your degis- nal. After recounting Brodedeath in the duel with Judge Terry, and contrasting him with Col. E. D. Baker, the writer concludes as fol-lows: death in the duel with Judge Terry,

lows: I have already contrasted the great-est of all California's sons with Ore-There are four sieves used, the top gon's ablest Senator. And now I propose to compare him with another of our Senators—Gen. Joseph Lane. There was always an ennity between can be propelled by any kind of power-wind, water, steam or Land-and 13 so constructed that a small them, but there were also many real cardinal points of resemblance. Both powermen wore of obscure birth and defec-tive education; both possessed ex-cellent native judgment and political sagacity; both were men of high courage and sterling integrity, believ-ing that a the child can turn the crank. One man can turn the machine and easily clean 100 bushels of grain per day. Two mee can clean per day, without extra exertion, 300 bushels. At the last State Fair this machine was awarded ing that a stain on a man's honor is worse than a wound in his heart .--the first premium, and was pronounce od by competent judges to be the best cleaner ever made in the State. Mr. Daw has been soven years in in-They cared nothing for their enumies, but contented thomselves with being true to their iriends. Both can be charged with being exacting and imonarged with being exacting and im-perious toward their satellites, but that was their prorogative ; their ansullied honor and faultless integrity, gave them that right. What man would is at present engaged in manufactor-ing machines at Salem and Corvalha. Since the State Fair Mr. Daw has them that right. What man would have dared to walk up to either of them and solicit a vote for the backmanufactured eighty of these chines, which are now for sale. ent right for Oregon for sale. For particulars address Samuel Daw, Corallis, Oregon.-Oregonian. footsteps in the corridors of the Cap-itol will never be heard again. One

fell a victim to his own Quixotic no these bodies had been discovered and tions of courage; the other still lives in the twilight of an honorable life, these bodies had been discovered and taught by mathemeticians and astron-omers. A striking example of this is fresh in the memory of all. A year and a half ago the splendid stemmer *City of Wast ington* sailed on her usual voyage across the ocean, but constant cloudy weather prevented observations to determine her posi-tion for comescience show were keep observations to determine her posi-tion for comescience show were keep is one of the dearest and most cher-tished recollections of my life. He in the twilight of an honorable life, calculy waiting for rest and the end. observations to determine her posi-tion. In consequence she was wrecked ished recollections of my life. He on the coast of Nova Scotin, and the fell in a duel fought with a man whom on the coast of Nova Scotia, and the loss of more property than would pay for all the expenses of observing the transit of Venus paid the forfait for failure to make the necessary observa-tions. A large portion of the work of astronomers is devoted to fixing the positions and motions of the stars and planets with continually increasing accuracy; and the observations we have been describing are one step in this work. A WTHANGE STORY. The transit of Nova Scotia, and the fall in a duel fought with a man whom heave been a strenomers is devoted to fixing accuracy; and the observations we have been describing are one step in this work. A WTHANGE STORY. The transit of Nova Scotia, and the fall in a duel fought with a man whom heave been to Scotia and motions of the stars and planets with continually increasing accuracy; and the observations we have been describing are one step in this work. A WTHANGE STORY. he (more than any other) had helped

be expected. I never can believe that he told Washburn (or any one else,)

RESATS IN NATURAL BISTORY. BY LITTLE JOHNNE.

GOTES.

There is nannigotes and billigotes, ad the little young ones is a kid. and the little young ones is a sid. Gotes is good to give milk, and they will pull a four weeler if its made to their measure. Wen a gote as been tot to ware a saddle, and be rode by a monky it thinks hissef better than the others, and stomps its feet like it vasent satisfide not to be hevier on

the groun. Wen a gote is shivvid it will but. I see a little feller once wich was a hav-The poorest income on which in his own fun with a gote by gittin down on his hans and, nees and stompin and ahakin his hed like the gote, but the gote dident like it, and goin roun behine that boy let it drive crewel wars that boy set down. The box wars nick un some distance away.

and took in a house, hollerin. Then the gote wold, up to the door and lookt in and shook its hed slow likes doktor, as if it said I think its mee-zils, he mus be kep in a dark room. Wen we was moving out of the other house to this 'an Rilly took a big lookin glas to the van and leaned it agin the weel wile he handed up some thing els, and wile no boddy big lookin gins to the vari and leaned in it agin the weel wile he handed in some thing els, and wile no boddy was a lookin a big he gote come up and saw hisself in the glas, and that was more than he woud stan, so he backed off and took a run and a jump with his hed down. The glas was bust all to pieces, but the gote was cot between the spokes of the out it ran roun to the other side of van and lookt acres the fiels, and shook its head like sayin you got away this time, but you woudent if it wasent for the wagon bein in the way, and you better not let me cetch you in these parts agin, Mister.

and you better not let me cetch you in these parts agin, Mister. Gotes has beerds, but if I was a gote Ide shave, oos I think beerds and no mustateli looks jest sick. They shows cud like cows, wich issent a nice thing to do, they may say wot they like. The kind of gote skin my methes keens for clean the silver venting and perfecting his machine. He applied for and obtained a patent on the 25th of November, 1878. He mother keeps for cleanin the silver with is shammy, but if I was her Ide have the real if it could be got.

ma THE SWOLLER. This is a bird wich needs a deal of exercise to keep it helthy, but it is funny to think it all ways takes it at meal line, which is like it ways takes it at him.

For

meal time, which is like it would be f I was to box with Billy a cros the NAMES OF COUNTRIES. table at dinner and I know that wad-

The following countries, it is said, were originally named by the Phonident be helthy for us if my facher whistles. n the world. The names in the was to dinner that day. The swoller has a forked tail like a fish but no homician language, signified somescales. Wen it comes on cole in the winter the swollers git to gether, and roll up in balls and lies at the bot-tom of the brocks under the ice, un-

Phenician ingulate, some thing characteristic of the places which they designate. Europe signifies a country of white complexion; so named because the inhabitants were of a lighter com-plexion than those of Asia and Africa. Asia signifies between, or in the middle, from the fact that geogra-there function functions and the second index of the second second second second middle. til spring, but uncle Ned says no thats only fit for old womens; but I dont think its as fit for them as for the plug hat, swollers cos they haint no fethers to The East keep out the wet. The business of swollers is mosely ohers placed it between Europe and to attend the functils of fying in-secks. It is essimated by competin othorities that a average swoller eats five hundred millions of insecks be-Africa.

Africa signifies the land of corn, or ears. It was celebrated for its abun-dance of corn, and all sorts of grain. Sibera signifies thirsty or dry—very baracteristic. Spain, a country of rabbits or co

fore it dies, and the book that I cop-ied that shoes how bonnty ful hature is in providin for the support of life. A swoller likes to skim along the surface of the water, but my mother billion to shim along the surface of nies. It was once so infested with these animals that it sued Augustus

for an army to destroy them. Italy, a country of pitch, from its yielding great quantities of black she likes to skim along the surface of the milk. Billy says its all very well pitch

tes in the Local Oc NO. 24, entry of the search international advertisement advertisement advertisement advertisement and \$1 00 per square of 15 reach raheren

THE SMILL

The new fashion shows a great fall-

The cry of babies mingles with the voices of the night. The best way to rise in a lady's on

timation is not by stares. Old-fashionad cradies are no longer made except to order.

Did you ever know, a young lady who didn't want to get matried?

crewel ware that boy set down. The boy was pict up some distance away and took in a house, hollerin. Then the gride ward took in a house, hollerin. Then

his "war record" in t good. Young, people are afraid to got-married at lows City, for fear of be-being chariyarind to death. The "old folks" are firing up the house for Nellie, who is coming home with her Algernon attachment. Chins yearhs for railroads—as a means we suspect, of getting rid of many of its superfluons girl babies. Wedding feas are said to rank low

Wedding tees are said to rank low, this year; in prudent remembrance an doubt, of the high price of divorce.

him. It is considered a safe plan for a young man pover to trifle with the affections of a young woman who whistle

According to the Philadelphi Chronicle Mrs. Fred. Grant's weiding

The great difficulty with Don Ora-los is that he keeps low company. Not a member of his staff weers a

The Earl of Rome-he of the mag-

nificent telescope-has been 'making experiments to determine the best of

Wendell Phillips is often in the Boston police conris, not as a prison-er, but as a student of depraved ha-

Olive Logan sticks to her own name with a great deal of selfishness she won't permit even Mr. Sikas a syliable of it.

The old maids of Ottawa have re

Banking board	1 8 A. H. 10 4 P. M. TER
Belin to	H. W. CORBETT, HENEY FAILING,
Fab. 7, 1071-y1	W. S. DADD.

Italy, a country of pitch, from its iciding great quantities of black bitch. Calabria, also, for the same reason. Gaul, modern France, signifies yel-ow-haired, as yellew hair character. Zed its inhabitants. The English of Caledonia is a bigh with the same second to black the same second to blac

man nature.