

The Crescent City Road.

It is said by teamsters and others, that the Toll Road between Waldo and Crescent City, over which all the Jacksonville freight is hauled, is, this season, in a very rough condition. It appears that the tolls are collected with great regularity, but that the Road Company have paid but little attention to keeping the road in a passable condition. There is much talk among our teamsters and merchants regarding this matter, and if the road is not repaired there is every probability that the freighting will next season be done by way of Red Bluffs. They claim that there are advantages of trade on that route that will more than compensate for a slight difference in freight, and that it can be traveled much earlier than the Crescent City road can. If the freighting of Jacksonville goods by way of Crescent City is any advantage to that place, its merchants had better see that the road is kept in good condition, as the teamsters cannot well afford to keep it in repair and pay heavy toll besides. "A word to the wise is sufficient."

THE EFFECT.—Senator Casserly's statement that the Chinese are the "most sagacious and industrious people on the face of the earth" has had the effect of giving a new impetus to Chinese immigration, and placed the aristocratic "Democracy" of the East on the side of the Chinese importers, we give the following extract from that orthodox Democratic organ, the New York World:

An opinion like this, from a source so intelligent, will only confirm the Southern planters in their hopeful estimate of the advantages of employing Chinese laborers. There is no law to prevent their coming; and if the negroes should object, like the California miners, they have no power to prohibit the owners of plantations from consulting their own interests. Considering the view taken of this subject by Casserly, we doubt whether Senator Casserly will succeed in making opposition to Chinese immigration a Democratic issue.

If our Democratic friends are sincere in their outcry against Chinese labor why do they employ it? In this place we can name a dozen good constitutional Democrats who have Chinese cooks and dish washers and we naturally conclude that the whole question is controlled by dollars and cents.

PORTLAND ACADEMY AND FEMALE SEMINARY.—We have received the catalogue of this seat of learning for 1869. It comprises, males 142, females 111; total 253. The 1st quarter begins Sept. 6th, and ends Nov. 19th 1869. The trustees claim that it is not surpassed by any school in Oregon as a means of acquiring a thorough and practical business education.

Nixon of the Yreka Journal proposes to do the County printing of Siskiyou county at 50 per cent less than it is being done by his Democratic contemporary. The Democratic board of Supervisors have not yet decided whether they should save a large amount of money, to the people or force them to support a pensioner because he runs with the majority.

Pullman, the celebrated palace eating and sleeping car man, is now building a grand church car on Sunday trains to run on the Union Pacific Railroad. We suppose it will be run by a high pressure preacher, and have a little "hell" in one corner for the benefit of those who are sportingly inclined.

JOSEPHINE COUNTY.—We learn from Mr. Caldwell the Waldo mill contractor that times are still very dull in Josephine county. There is considerable sickness there at present—mostly chills and fever. An old man named Johnson who had been a soldier under General Jackson died at Waldo a few days since. He was in his 74th year.

WASHINGTON MILL.—Thomas McKenzie and Haskell Amy have purchased the fine piece of property from Mr. Hopwood. The brand of flour heretofore manufactured at this mill has had an excellent reputation but the new owners intend to make it still better, having thoroughly overhauled the machinery. They are now ready to grind.

ASHLAND MILLS.—The proprietors of the Ashland Flouring Mill are now ready to purchase or exchange for wheat until Sept. 20th. Their manufacture is too well known to require any notice. See advertisement.

Repeal of the Income Tax.

The repeal of the odious Tax, known as the "Income Tax," which originated during the war, is now being demanded by the people all over the country, without respect to party, and it will be the duty of members of Congress, at the next session, to comply with the almost unanimous wishes of their constituents in this particular. It is impossible to enforce its provisions equally, as is apparent from the books of the revenue officers. This makes the law detestable to all right-minded men.

We shall, in common with all our country-men, be glad when this tax is altogether abolished. Its inquisitorial character has made it particularly obnoxious to the people and it is indeed at entire variance with the whole spirit of our institutions. In all the older countries of the world, where even the most tyrannical and burdensome forms of government prevail, it has in the course of years, undergone many and important ameliorations. In copying the system of taxation from such sources, we have taken steps backward at least a hundred years. While a devastating war lasted, on the success of which not only the destinies of our country, but the liberties of mankind depended, the government therefore was largely excusable for sleeting to carry the war to a triumphant issue. Out of the necessity for raising a million of dollars daily, to meet the daily demands of the republic, grew this obnoxious law. It had no other reason for its existence, and nothing else could have palliated its operation, which turned the great army of revenue inspectors into special detectives with every man's home for the field of their inquisitorial exploits. The urgent need of the measure has happily passed away, and in its absence the tax also should pass away. In 1862, when the original law was framed, the fact was distinctly understood and so announced by the framers of the act, that it was purely and altogether a war measure. But now the story is changed; our statesmen have adopted new views, and there is every prospect that this harsh and burdensome tax to continue indefinitely. Section 119 of the amended act of March 1, 1867, distinctly fixes a date for its termination, it says "that the taxes on incomes herein imposed shall be levied on the first day of March, and be due and payable on or before the thirtieth day of April, in each year, until and including the year eighteen hundred and seventy, and no longer." That, we think, should finally settle the matter, particularly when we consider the character of the tax—its many objectionable features and the exigency that called it forth, which no longer exist. But such is not the determination of our law-givers. They propose to give this act a new extension of life. It is announced, on good authority, that the bill of Mr. Schenck, of May 11, 1868, will, during the next session of Congress, become a law. If we may believe the statements of those who are in the best position to know about it, the fact is already a foregone conclusion.

Against the re-enactment of any such law we earnestly protest, as a measure unjust, un-republican in every one of its provisions. And not only on these grounds, but because it is unnecessary. The public credit may be maintained without it; there are other avenues of revenue less of noxious to our citizens, less burdensome, of more benefit to the people and the country. Let the guardians of the country's finances turn their attention to the capabilities of the tariff, or to any other source not so onerous of distasteful to the public as the income tax. Hitherto they have yielded to its operations, if not always cheerfully yet with patience; hereafter they will not yield to them except under protest and dissatisfaction. This is one of those bad laws mentioned in Grant's inaugural address, which should by its own want of merit work its own repeal.

YREKA JOURNAL.—This excellent Republican paper has entered on its seventeenth volume with increased prosperity. It is a very model of a country paper and Bro. Nixon richly deserves success for his energy and enterprise.

A Telegraph Office is soon to be opened at Grants Pass with Mr. Magruder as chief electrician. It is intended for a repair station.

CHURCH.—We should have credited an article on the outside of last issue entitled "Jackson County," to the Statistics of Oregon. We now do so.

Letter From Pilot Rock.

A multitude of business perplexities, and the painful condition of my sprained wrist, have combined to prevent me from giving an account of my peregrinations and observations during the past three weeks, and now I can only make a brief reconnaissance on what could be made to appear by a more efficient writer quite an interesting field.

THE TRIP TO THE COLUMBIA. On the morning of the 13th inst., I had the honor to leave Portland in company with our Congressional visitors, and a multitude of Generals, Judges and other distinguished characters, for an excursion as far up the Columbia as Celilo. Having left Portland on the steamer Cascades, we soon reached the Columbia, and at about ten o'clock arrived at Fort Vancouver. At that place we only delayed sufficiently long to discharge a small part of the cargo, and then steamed onward toward the Cascade chain. Before two hours had elapsed lofty crags, on either hand, natural escarpments of vast altitude, and fir covered peaks, rearing their summits thousands of feet above the river, told us that we were in the very midst of the Cascade mountains, where, by some great convulsion of nature, that great chain has been torn asunder to allow the mighty Oregon to rush onward to the sea. No American that has not passed through this wonderful chasm, with its frowning cliffs, its evergreen groves clinging to volcanic masses thousands of feet above the water's edge, and its water-falls, losing themselves in spray after one vast leap, only to gather again, perhaps, and plunge a yet greater distance towards the Columbia, should cross the Atlantic to enjoy the natural beauties of Old Europe, and I conceive that no Oregonian who has not looked upon the magnificence of Columbia scenery should leave his own State, even to visit the grand gorge of Yosemite.

At noon we were at the lower Cascades, and changing from the steamboat to the cars on the Cascade Railroad, we sped behind the iron equine, in a period of twelve minutes, to the upper Cascades, a distance of about seven miles. At the last mentioned place we went on board the Quanta, and arrived at the Dalles at a little past two o'clock p. m. Went up into the town, which by the way is well situated and important, and after inspecting the machine shop, some other industrial institutions, and a talented and well educated monkey suspended from a wire in a beautiful and well arranged garden, we took the cars again and in an astonishingly short space of time, were at Celilo, a small village fifteen miles above Dalles City, at the mouth of the Deschutes river. Here we inspected the warehouse of the O. S. N. Co., which is about nine hundred feet long and apparently about twenty-five feet wide. We remained at Celilo a half an hour, and the members of the party were usually occupied as they had generally been since we left Portland. Some were discussing the grandeur of Oregon scenery, some the prospect of government granting franchises for certain internal improvements, some making successful attempts at wit, and some miserable failures in their efforts to be particularly bright, some eloquently discoursing on the greatness of our nation, and some on the fine flavor of Columbia salmon, while Judge Kelley, of Pennsylvania, a few other notable gentlemen and myself made a treaty of peace and amity with an important red brother who stood near by with a few companions. During the conference said Indian chief announced that he was ready to lend all the powers of his body and soul towards the promotion of the principles of universal liberty. He also declared his intentions to do all possible towards bringing all mankind to realize their true relations towards the Great Spirit and Governor Woods. Started on return, and a mile and a half below Celilo the cars were brought to a stand to permit the guests to visit the salmon fishery at the great Cascades, where the waters of the Columbia rush furiously over and between immense ledges of volcanic rock. The river appeared to be just literally filled with fish, and the manifestation of enthusiasm on the part of our visitors was wonderful, as some of them, with gig and spear and net, for an hour stood like spectres in the mist of the falls and rolled out the floundering salmon. Getting under way again, we only paused to take a look at the Dalles, where the waters of the great river are confined between masses of stone scarcely a hundred yards apart, and where the Columbia would actually seem to be turned on

edge, being narrow and immensely deep, after which we continued on our way to Dalles City, where we remained until morning. The most notable feature of the homeward voyage on the ensuing day was our meeting with the irrepressible Geo. Francis Train at the Lower Cascades on his way to distinguish himself as the champion salmon fisher of the Columbia. Of course both steamboat and train had to remain until George Francis, with characteristic vehemence of language and gesture, gave us the best points of his various lectures, skipping from one to another with such rapidity that it was an effort to follow him with the mind.

He accused our Congressional visitors of having been captured by the Bank of California, painted a glorious picture of Oregon's future, but maligned her people, represented American women as in a state of abject slavery, renounced his allegiance to the United States, declared himself leader of the selfe race, preached an orthodox sermon, and then a discourse in the Chinese tongue, gave an account of his terrible rail on British Columbia, fired off some sulphuric epigrams, declared Geo. Francis Train to be the only independent man in America, and the only man that could reach the Presidential chair in 1872. This fearful torrent of words subsided in twenty minutes and a short time after we were rapidly steaming down the river. At Fort Vancouver a military band gave us a siren after which nothing of particular consequence occurred until we reached Portland and turned our visitors over to Ben Holliday, who immediately gathered them on board the Orphanum and started with them for Puget Sound. (See letter by C. in the Sacramento Union.)

CONCLUSION. In Salem nothing of especial import has occurred lately, I believe, of more consequence than the change of ownership of the Unionist property, the presentation of a case of artistic workmanship by the inmates of the penitentiary to Marshal H. Gordon, broker, the density of the smoke shrouding the city, and the commencement exercises of the University. I have enjoyed myself extremely well, considering that I have a long while been attended by a surgeon, and cared for by an accomplished physician. My case is one that has caused a good deal of interest in this community. Pilot Rock. Salem, July 31st, 1869.

SINGULAR CASE.—We hear that about the 1st of July a young man by the name of Hunter, of Brownsville, formerly of Rogue River valley, while driving sheep through Lost River valley, got one of those large green flies in his ear, and it being several hours before he could get it out, his ear became fly blown and troubled him so much as to nearly drive him mad. He started for Fort Klamath on foot and alone, traveling a distance of 60 miles, in two days, to procure medical aid. Upon his arrival he immediately called upon Dr. Tolman, Surgeon at the post, who succeeded in a short time in extracting several worms three-fourths of an inch in length, which had eaten in so far that upon using a syringe to wash out his ear, the medicine which was injected into it, ran out of both his mouth and nose. He was so far relieved that the second day after the operation he started for home nearly well. The operation was performed the sixth day.

COMPLIMENTARY TO "LO."—Dr. Boswell, resident physician at the Siletz Reservation, says it would pay farmers on the outside better to come and take lessons of the Indians than to go to a State Fair. While the Doctor is quite complimentary to Mr. Indian, it strikes us that he is very rough on the State Fair.

HEARD FROM.—Mr. Wm. Clarke formerly telegraph operator here is now agent of the U. P. R. R. at Wahsatch under a handsome salary. He has charge of ticket and freight business and also of the telegraph office at that point.

NEWSPAPER CHANGES.—Ireland has sold the Oregon City Enterprise to parties, who it is believed will make it a Democratic sheet.

The American Unionist has passed into the hands of S. A. Clark who has changed its name to the Oregon Unionist and will make it a Free Republican paper.

The Ku-Klux Buzard is soon to be started at Corvallis. Its object is to gobble up the "inferior races" and prevent them from cleaning out the Democracy.

Water Rights and Irrigation No. 3.

BY DOWELL & WATSON, ATT'YS AT LAW, JACKSONVILLE, OREGON.

There is an error in article number 2 line 7 from the top, water is directed from its natural channel should read diverted.

A subscriber last week enquired "what do you mean by riparian proprietor?" and this week another inquires "what do you mean by riparian and easement?" Before proceeding further let us define these terms so the most illiterate will understand them.

Riparian proprietor is defined to be the owner of land bounding upon a water course.

The term easement has been variously defined by different authors. Bouvier in his Law Dictionary says "An easement is defined to be a liberty, privilege or advantage, which one man may have in the lands of another, without profit; it may arise by deed or prescription."

This is an incorporeal hereditament, and corresponds nearly to the servitudes or services of the civil law. Professor Washburn in his great work on easements says an easement is "a privilege that one neighbor hath of another by character or prescription, without profit, and it is illustrated as a way or sink through his land, or such like. And, in another case, the court, in giving illustrations of what are easements, speak of rights of way, rights to water, right to pollute water, and rights of common, as being well defined as easements, to be exercised by one person over the land of another, and add: The right acquired by time to send noxious vapors over another's land is another instance.

The essential qualities of easements are these: 1st, they are incorporeal; 2d, they are imposed on corporeal property, and not upon the owner thereof; 3d, they confer no right to a participation in the profits arising from such property; 4th, they are imposed for the benefit of corporeal property; and 5th, there must be two distinct tenements,—the dominant, to which the right belongs, and the servient, upon which the obligation rests. But it is not necessary that the dominant and servient estates should be in contiguity with each other. A contract for a right to pass over the lands of another is an easement extending only to a temporary disturbance of the owner's possession. The grantee of such an easement is not the owner or occupant of the estate over which the way is used."

Now the rights of a riparian proprietor of land, over which there is a flowing stream of water, are to use it for any and all lawful purposes, while it is passing, in its natural current, over his land. But the specific water that may be thus passing is not his property except through its use; nor has he a right to detain it otherwise, since the rights of all riparian proprietors upon any stream, in respect to the waters thereof, are, in the eye of the law, equal and the same. The obligation of any one of these to suffer it to flow to the proprietor below is equally stringent and imperative as his right was to have it flow to him from the proprietor above.

These rights of riparian proprietors, though coming under the head of what are called "National Easements," are not, in fact, the result of any supposed grant, evidenced by long acquiescence on the part of a superior, or the flow of the water from his land to the land below. The right of enjoying this flow, without disturbance or interruption by any other proprietor, is one *jure nature* and is an incident of property in the land, not an appurtenance to it, like the right he has to enjoy the soil itself, in its natural state, unaffected by the tortious acts of a neighboring landowner. It is an inseparable incident to the ownership of land, made by an inflexible rule of law an absolute and fixed right, and can only be lost by grant or twenty years adverse possession. And the proprietor may begin to exercise his rights as to the water whenever he pleases. His right does not depend upon the exercise of it. Shaw, a learned and able Judge of Massachusetts in Johnson v. Jordan, thus states in a summary form, the right of a land proprietor to a natural watercourse flowing through the same: "Every person through whose land a natural watercourse runs has a right, *publici juris*, to the benefit of it, as it passes through his land, to all the useful purposes to which it may be applied; and no proprietor of land on the same watercourse, either above or below, has a right, unreasonably, to divert it from flowing into his premises, or obstruct it in passing from them, or to corrupt or destroy it. It is inseparably annexed to the soil, and passes with it, not as an easement, nor as an appurtenance, but as parcel. Use does not create it, and disuse cannot destroy or suspend it. Unity of possession and title in such land with the lands above it or below it does not extinguish it or suspend it."

Letter From Via Rex.

KLAMATH OGN, Aug. 2d, 1869.

The weather continues warm and dry. The grain on the Reservation fields is fast ripening—harvest is upon us, and "all hands and the cook," carpenter teacher and blacksmith are daily seen with cradle and rake wading into the grain, side by side with farmers, teamsters &c.

Quite a delegation of "gentlemen of leisure" from your town are out here rasciating. Alex. Miller and Col. Ross appear to be the most active, and are making sad havoc among our chickens (wild ones).

Tom McKay arrived here last night direct from Camp Warner. As Mr. McIntosh left Warner some time ago and as it was not known where he had gone, the report became general that he had gone into the mountains with the Snake Indians. The excitement was intense among the citizens. Donald McKay was hunting in the mountains near Goose Lake valley, when he was suddenly surrounded and captured by a party of citizens, who believing him to be McIntosh, seemed determined to hang him right up. Donald finally prevailed upon them to take him to Camp Warner, where he had no trouble in satisfying them that they had caught the wrong individual. McIntosh has since turned up at Camp Harney.

The Snake Indians are in their old range subsisting themselves. They come in around the garrison to beg and trade—many desperate bad white men are in that country, and have more or less intercourse with the Indians, and it will be a little remarkable if there is no outbreak if the Indians are allowed to ramble around as they now do.

A soldier belonging to Capt. Goodale's company at Klamath, was drowned in Williamson river last week while trying to ford the stream on horse-back.

We learn that a party of pleasure seekers from Rogue River valley are now at Lake Majesty, cruising upon its blue and placid water in a boat built in Jacksonville. As it is reported that the party is partly composed of young ladies, you may well imagine that it is a rare sight to see and explore Lake Majesty has become intense.

If your people are tired of the din and dash of business in your lively city, tell them to come out here, we will be glad to do all in our limited power to make the stay interesting. Fishing, shooting, boat riding and swimming are among the recreations on here. Come out and try it. Via Rex.

MARRIED.

FRENCH-WILSON.—At Battle Creek, on Tuesday, July 29th, by L. Tinkham, J. P., W. French, of Battle Creek, to Miss Mary E. Wilson.

McNEIL—MATHEWS.—At Battle Creek, on Monday, Aug. 2d, by L. Tinkham, J. P., Andrew McNeil of Battle Creek, to Miss Mary E. Mathews.

DIED.

FEHLEY.—In Jacksonville Aug. 5th, of Pueral Fever. Throat. Catherine K. Fehley, aged 11 years 7 months and 7 days.

NEW TODAY.

Flour! Flour!! Flour!!! THE subscribers having purchased of the Western or Horwood Mills are now prepared to make flour equal to any in the market. Farmers are invited to bring their wheat and are guaranteed satisfaction. MCKENZIE & AVERY. Washington Mill, Aug. 5th 1869.

ASHLAND MILLS.

NOTICE is hereby given that until the 1st of September next, we will receive for bran and shorts far good, plough, clean wheat at the usual rates, putting or sowing by thresh. Where the wheat is thrashed a deduction will be made in proportion. Will also pay the highest cash price for wheat. WAGNER, McCALL & CO. Ashland Mills, Aug. 5th 1869.

PACIFIC UNIVERSITY.

REV. S. H. MARSH, D. D., President. REV. H. LYMAN, A. M., Prof. of Mathematics. GEO. H. COLLIER, A. M., Prof. of Natural Science. JOS. W. MARSH, A. M., Prof. of Languages. A. J. ANDERSON, A. M., Principal of Academy. MRS. A. J. ANDERSON, Prof. of Domestic Science. FOUR COURSES OF STUDY—Academy, Scientific, Collegiate and Ladies College. Music taught. Academy Year begins the Last Wednesday of July. College year begins the first Monday of August next. For particulars address S. H. MARSH.

Administrator's Notice.

Estate of Samuel M. Hall deceased. The undersigned having been appointed by the County Court of Jackson County, Oregon, Administrator of the above estate, all persons having claims against said estate are notified to present the same, duly verified, to the undersigned at his residence in Jacksonville, Oregon, in said county, within six months from the date hereof. And all persons indebted to the estate are requested to make immediate payment. S. A. GARRISON, Adm'r. Dated July 14th, 1869.

SETTLE UP.

The undersigned is anxious for a settlement with his patrons and hopes that they will come forward and pay him some money. He has hard and even part payment will be appreciated. HENRY PAPE. Jacksonville, March 29th.