

FRANCO-AMERICAN  
HOTEL AND RESTAURANT,  
OPPOSITE THE  
Odd Fellow's Hall,  
JACKSONVILLE, OREGON.  
Travelers and resident boarders will find  
MADAME D' ROBOAM'S  
BEDS AND BEDDING  
Placed in first class order, and in every  
way superior to any in this section, and  
surpassed by any in the State.  
HER ROOMS ARE NEWLY FURNISHED.  
And a plentiful supply of the best of every  
thing the market affords will be ob-  
tained for  
HER TABLE.  
No trouble will be spared to deserve the pa-  
trons of the traveling as well as the perma-  
nent community.  
JACKSONVILLE, MARCH 31, 1866.

Peter Britt,  
Photographic Artist,  
JACKSONVILLE, OREGON.

Ambrotypes,  
Photographs,  
Cartes de Visite  
NONE IN THE FINEST STYLE OF ART  
Pictures Reduced  
OR ENLARGED TO LIFE SIZE  
RAILROAD SALOON

M. A. BRENTANO  
CONDUCTOR,  
Cher liquors and Cigars always on hand.

THROUGH TICKETS  
125 CENTS.  
DRS BUSH & McALISTER,  
DENTISTS,  
704, Market Cor. Kearny Sts.  
SAN FRANCISCO, CAL.

DR. McALISTER, of the above firm, will  
visit Jacksonville sometime in August  
next, and will attend to all business in his line  
He will give notice of the time of his return  
through the columns of this paper.

DR. A. B. OVERBECK,  
Physician & Surgeon,  
JACKSONVILLE, OREGON.  
Office at his residence, in the Old Overbeck  
Hospital, on Oregon Street.

DR. E. H. GREENMAN,  
PHYSICIAN AND SURGEON,  
OFFICE—Corner of California and Fifth  
Streets, Jacksonville, Ogn.

He will practice in Jackson and adjacent  
counties, and attend promptly to professional  
calls.

DR. A. B. OVERBECK'S  
BATH ROOMS,  
In the Overbeck Hospital,  
WARM, COLD & SHOWER BATHS,  
SUNDAYS AND WEDNESDAYS.

DR. LEWIS GANUNG,  
PHYSICIAN & SURGEON AND  
Obstetrician,  
WILL attend to any who may require his  
services. Office at E. F. Dowell's office,  
on the East side 3d Street, Jacksonville, nov21f

D. F. DOWELL, E. F. WATSON,  
DOWELL & WATSON,  
ATTORNEYS AT LAW,  
Jacksonville, Oregon.

DR. L. T. DAVIS,  
OFFICE—ON PINE STREET,  
Opposite the Old  
ARKANSAS LIVERY STABLE,  
Jacksonville, Oregon.

Strayed or Stolen.  
FROM M. HANLEY'S RANCH, ABOUT  
Aug. 10th, one bay horse, five years old,  
about 15 1/2 hands high, star on forehead, white  
saddle marks, one white hind foot. A liberal  
reward will be paid for his recovery.  
J. J. COMSTOCK,  
4w.

NOTICE.  
NOTICE is hereby given to shippers and con-  
signees to sign bills of lading for goods to be  
shipped by the Crescent City Lighter Company will not be re-  
sponsible for any damage to goods or freight  
from and after this date.  
WILLIAM SAVILLE,  
Agent for C. City Lighter  
Crescent City, May 26th, 1869. jn5w4.

# Oregon Sentinel.

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JACKSONVILLE, SATURDAY, OCTOBER 16, 1869.

NO. 39.

THE OREGON SENTINEL,

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of the year, six dollars.

TERMS OF ADVERTISING:  
One square (10 lines or less), first insertion,  
three dollars; each subsequent insertion, one  
dollar. A discount of fifty per cent. will be  
made to those who advertise by the year.  
Legal Tenders received at current rates.

PASSING PLEASURES.

These blessed passing pleasures!  
We need not let them waste;  
We need not leave their treasures  
Behold us in our haste,  
We need not doubt their fitness  
Where earth's deep shadows fall;  
God giving, He is witness  
That we shall want them all.

Amid the old sad story  
Of human shame and sin,  
If He gives gleams of glory  
We ought to let them in,  
And oh, when brought before us  
Where heart and soul can see,  
How mighty to restore us  
Love's little signs may be!

How to make Money.

BY FREDERICK HALLOCK.

I will tell you a plan for gaining wealth,  
Better than banking, trading, or leases;  
Take a bank-note and fold it up,  
And then you will find your wealth in *cesses*.

This wonderful plan without danger or loss  
Keeps your cash in your hands and with no-  
thing to trouble it.  
And every time that you fold it across,  
'Tis plain as the light of the day that you  
double it.

Water Rights and Irrigation, No 7.

BY DOWELL & WATSON, ATTYS AT LAW,  
JACKSONVILLE, OREGON.

Since our last article on this subject  
we have visited the Capital of Oregon,  
and have carefully examined many of  
our best law writers, and many reports,  
on the subject of irrigation, and we  
now propose to publish five or six  
more articles on

Irrigation.

Our patrons would do well to keep  
each number for future reference. We  
have consulted no author who expresses  
the law more clearly than Mr. Wash-  
burn, who defines irrigation to be "the  
application of the water of a running  
stream by a riparian proprietor in the  
cultivation of his land by artificial  
means, and not the overflowing of its  
natural banks by periodical and extra-  
ordinary freshets or swellings of the  
stream beyond the customary quantity  
flowing therein. This, of course, im-  
plies a greater or less degree of di-  
version of water from the stream, and  
the difficulty to which it gives rise, of de-  
termining the respective rights of suc-  
cessive riparian proprietors upon a  
stream, is, that while a right to divert  
water for such purposes, to some extent,  
and under certain circumstances, is in-  
cident to the ownership of the soil,  
it is carried to a greater extent, or ex-  
ercised under different circumstance  
it becomes a wrong, for which the oc-  
curring it is responsible in damage,  
unless it can be justified by evidence  
of grant or assent on the part of  
whose property is thereby injuriously  
affected.

"The point to be determined in the  
cases is, where the right ends and the  
wrong begins, in the scale of admea-  
urement of such diversion; for a  
riparian proprietor transcends the right,  
he is subject to an action by other  
riparian proprietors whose rights are  
thereby affected, although no actual  
damage can be shown to have been  
thereby occasioned. The reason of  
this rule, which is now established by  
a multitude of cases, is, that for every  
wrong the law professes to provide a  
remedy, and if a party whose right  
respect to his land has been invaded  
were obliged to show an actual damage  
sustained before he could vindicate his  
right by an action at law, the reti-

tion of the act might often be contin-  
ued till a prescriptive right were gained  
by such adverse user in favor of one  
whose original act was confessedly a  
wrong.

"Bearing in mind that it is not for  
every diversion of water that an action  
will lie, but only for such as violates  
the right of some other person, as ex-  
plained in *Elliot vs. Fitchburg R. R. Co.*,  
reported in 10 Metcal, the follow-  
ing cases have been selected from a  
much larger number, to show that such  
action may be sustained, though no ac-  
tual damages can be shown to have  
been occasioned by such diversion,  
since the law will imply a damage in  
such cases, and establish the right of  
the party assumed to be injured by a  
solemn judgment of court.

"Therefore, to limita land owner to  
the mere benefit of having a stream  
flow through his land, without any  
right to divert the same or any part of  
it, would be defeating, in a great mea-  
sure, the purposes for which Providence  
had supplied these sources of comfort  
and convenience to man, and the means  
of fertilizing the soil, and giving profit-  
able employment to industry and art;  
and it is accordingly held, that it, in  
any question of diversion the jury  
should find, it was only of such water  
as the complaining party could not  
have used for any beneficial purpose,  
or that it was made in a reasonable  
manner, and for a proper purpose, an  
action would not lie. But as every di-  
version is, *prima facie*, a violation of  
the right of the riparian proprietor  
below to have the benefit of the  
stream, *et cetera*, an action  
will lie there, unless the party caus-  
ing it can round his defence upon  
such a use of it as is above supposed.

"The right to divert water, in apply-  
ing it to use above spoken of, will  
of course be understood as one that is  
naturally incident to property in the  
land, and if any one should lose this,  
or should acquire other and more ex-  
tensive rights in this respect, it could  
only be by having become subject to a  
*servitude* or by having acquired an  
*easement* under some grant, actual or  
implied.

"It may be further remarked, that,  
in determining what is a reasonable use  
of water by diversion, reference is to  
be had to the injury sustained thereby  
by one as well as the benefit obtained  
by the other. Thus it might be of  
great advantage to the owner of a dry  
and arid parcel of land upon a  
stream, to spread the waters thereof  
over its surface at frequent intervals,  
but, in so doing, the water which  
opened an existing well below should  
be sorbed and wasted, it would, ob-  
viously, be an unreasonable use of  
water ought to be, within proper limits,  
for the benefit of both."

[TO BE CONTINUED.]

The Pope and "Peter Pence"

The *Pull Mall Gazette* says: The  
Holy Father is said to have derived  
from the Peter-penny, from 1860 to the  
present year, the large sum of eighty  
millions francs, which gives an average  
of ten millions a year. The Pontifical  
treasury will immediately receive from  
the Italian government seven millions  
five hundred francs on account of the  
Pontifical debt, this amount having  
been brought to Rome in gold by an  
Italian functionary, and lodged at the  
French embassy. The arrival of such  
supply has produced a good effect on  
Pontifical consolidates, and also on Ro-  
man bank notes, which had become  
seriously depreciated. The impression  
has been heightened by the investment  
of eight hundred and sixty thousand  
francs in consolidates by the Roman  
Mont de Piete, and the whole result is  
a rise of 7 1/2 in consolidates. The Pope  
appears to be in the best health. Every  
day he takes long walks, and last week  
he went as far as the cloister of St.  
Alexis, on Mount Aventine, and then  
out of Porta Pia.

ONE of Greeley's strongest recom-  
mendations for the Chinese mission is  
his handwriting. He could no doubt  
add considerably to his salary by  
marking tea-boxes during his leisure  
hours.

A Tale of the Early Days of Jackson's  
Purchase.

[From the Paducah Kentuckian.]

A good story is told of John W.  
Crockett and John Gibson, both of  
them able lawyers, and in full practice,  
in the early days of Jackson's Purchase.  
They both resided at Fulton, in Hick-  
man county. On one occasion they  
were employed on opposite sides in an  
ejectment case, before a magistrate.  
The court was held in a school house.  
Crockett was reading the law to the  
court, and, when he got through, Gib-  
son asked him for his book, saying  
that the statement just read was new  
to him. Crockett refused to give it to  
him on the ground that it was his own  
private property, and if Mr. Gibson  
wanted the benefit of law books there  
were some for sale. The court ruled  
that the book was private property,  
and that Gibson had no right to see it,  
except with Crockett's consent. Gib-  
son was puzzled, but being a man of  
resources, he fell upon a plan which  
completely upset Crockett's calcula-  
tions. He stepped back and found un-  
der a desk an old copy of Noah Web-  
ster's spelling book, and in addressing  
the court, he read from the spell-  
er: "Be it enacted by the General As-  
sembly of the Commonwealth of Kentu-  
cky, that all laws heretofore passed (here  
fitting Crockett's law) be and the same  
are hereby repealed." Crockett sprang  
to his feet with, "Let me see that  
book." "No you don't," says Gibson,  
"this book, sir, is private property, and  
I am not in the habit of packing law  
books around for the benefit of others." It  
is needless to say that Crockett lost  
his case, Gibson having the last say  
on him.

This reminds us of another story we  
have heard, which is too good to be  
lost. Years ago Judge C. and Judge  
F., two able lawyers of Western Ken-  
tucky (and we are happy to say they  
are both with us yet), were on oppo-  
site sides, in a lawsuit, and in the ar-  
gument, Judge C. read some law appli-  
cable to his case. Judge E. rose and  
said, "May it please the Court, there  
is no such law in the book as my com-  
petitor has just read." Judge C. re-  
plied, "It was not there it ought to be."

NATURAL CURIOSITY.—A very curi-  
ous incident occurred in the survey of  
the Iron Mountain Road in the cypress  
swamps of south-east Missouri. The  
engineers, having orders to locate  
their surveys in connection with the  
United States land surveys had occa-  
sion to search for marks of records  
made years ago in the swamps. The  
land surveyors had marked the results  
of their work by cutting into the body  
of a tree, and engraving their record on  
the tablet thus prepared. The engi-  
neers found the trees of the old survey,  
and recognized the scars of former cut-  
tings, but to reach the records were  
compelled to cut into the tree again.  
New wood had grown up over the old  
record, completely hiding and protec-  
ting it. But after cutting into the  
body down to the original tablet, they  
found the surveyor's record as plain  
and distinct as when first made.

TO PRESERVE PLUMS.—Prick the  
plums with a needle, to prevent burst-  
ing, and put them in a bowl. Make  
a syrup of lump sugar, pound for  
pound, adding only sufficient water to  
dissolve it; when it is perfectly clear,  
pour it boiling over the plums, cover  
them and let them stand two days;  
then drain off the syrup; boil it and  
pour over the fruit as before. After a  
day or two put all together in the  
preserving pan and simmer very gen-  
tly till the plums are clear; put them  
one by one into small pots; if the syr-  
up is not very thick, let it boil a little  
longer.

THE Tehantepec Railroad will be  
173 miles long. It will cost \$8,823,000.  
The difference in going from New  
York to San Francisco, by the Tehan-  
tepec route over the Panama route,  
will be 1,477 miles, and from New  
Orleans to San Francisco, 2,334 miles,  
saying six days in one case and nine  
in the other.

THERE are seven colored members  
of the new Virginia Legislature,

Memphis, El Paso & Pacific and San  
Diego & Gila Railroads.

Like the first Pacific Railroads the  
Southern route has commenced at both  
ends. A telegram from San Francisco  
gives information of the departure of  
Ex-Secretary Seward and Generals  
Sedgwick and Rosecrans for San Die-  
go, to witness the turning of the first  
earth on the San Diego & Gila Rail-  
road. At the eastern end, General  
Fremont and his Company, are push-  
ing the Memphis, El Paso & Pacific  
road with great earnestness.

Appearances indicate the completion  
of the entire line in two years. And  
there is every reason to believe that  
neither energy or means are lacking  
to this end. Fremont and Rosecrans  
perfectly understand the task they  
have undertaken, and they make this  
for the time their sole employment.  
The present is a favorable moment.  
All railroad enterprises are discussed  
with reference to their future connec-  
tions with the Southern system, and  
the South itself is deeply interested in  
this route to the Pacific by the 35th  
parallel. As a means of opening up  
the fertile regions of Texas—of devel-  
oping the inexhaustible mines of Ari-  
zona—of protecting the frontier—it is  
of incalculable importance to the Uni-  
ted States and of special value to the  
South.

The remarkable case with which it  
can be constructed and operated should  
be noticed. There are no heavy grades,  
no alkali plains, no sage bush wastes,  
no snow blockades, to encounter. The  
work need not be impeded for a day  
at any season. Wood and water  
abound, and the route has been so care-  
fully and repeatedly gone over, that  
the work will proceed at a sure and uni-  
form pace to its completion.—E.

SUN BATHS cost nothing, and are  
the most refreshing, life-giving baths  
that one can take, sick or well. Every  
housekeeper knows the necessity of  
giving her woollens the benefit of the  
sun, from time to time, and specially  
after a long rainy season, or a long ab-  
sence of the sun. Many will think of  
the injury their clothes are liable to  
from dampness, who will never reflect  
that an occasional exposure of their  
own bodies to the sunlight is equally  
necessary to their own health. The  
sun baths do not cost anything, and  
that is a misfortune, for people are  
still deluded with the idea that those  
things only can be good or useful  
which cost money. Let it not be for-  
gotten that three of God's most bene-  
ficent gifts to man, (three things the  
most necessary to good health,) sun-  
light, fresh air and water, are free to  
all; you can have them in abundance,  
without money and without price, if  
you will. If you would enjoy good  
health, then see to it that you are  
supplied with pure air to breathe all  
the time; that you bathe for an hour or  
so in the sunlight; and that you quench  
your thirst with no other fluid than  
cold water.—[*Journal of Health*.]

THE OLDEST MASON IN THE WORLD.

—The oldest Mason in the world is  
supposed to be a resident of Giles  
county, Va., Mr. David Eaton. The  
*Parishburg Gazette* says he was born  
in Ireland, but does not know his ex-  
act age. He has, however, three diplo-  
mas—a Blue Lodge, Chapter and  
Knight Templar. They all bear the  
date of 1812, the year that Mr. Eaton  
emigrated. The Knight Templar dip-  
loma states that he became a Knight  
Templar in 1790, a little over seventy-  
nine years ago. He cannot remember  
how long he had been a Mason before  
he became a Knight Templar, but he  
thinks eight or ten years. Say eight  
years, and he has been a Mason eighty-  
seven years, and as he must have been  
twenty-one years old at his initiation,  
he is now 108 years of age.

QUERIES.—Parton asks, "Will the  
coming man drink wine?"  
Dr. Adams asks, "Will the coming  
woman wear erinoline?"  
Josh Billings wants to know, "If  
the coming dog will whine?"  
And the head of the family inquires,  
"Will the coming boy be mine?"

THE man who lives for himself,  
lives for a mean fellow.

## NEWS ITEMS.

THE *Statesman* says, the Supreme  
Court adjourned on the 7th inst., hav-  
ing cleared the docket of all cases set  
for trial at this term. More decisions  
of the lower Courts have been reversed  
this term than at any previous one, and  
the questions adjudicated have been  
more difficult, and of more importance  
than heretofore. The Bar, too, has  
been better, and all the cases have been  
ably tried.

GREAT FLOOD.—The Eastern dis-  
patches are burdened with accounts of  
damages by storm and floods. In four  
counties on the Hudson, New York,  
the loss cannot be less than \$3,000,000.  
In Maine, the injuries are also severe.  
J. M. Thompson, proprietor of the  
Glen House, White Mountains, was  
drowned in the Androscoggin river.  
The loss by the flood in the Kennebec  
river is estimated at \$150,000.

DR. CUMMING lectured, recently, on  
his favorite topic—prophecy, and di-  
vulged another singular discovery. The  
Marquis of Bute has given to the Pope  
1,200 sovereigns in the shape of Peter's  
pence; and Dr. Cumming declares that  
it is "marvelous to find that that pre-  
cise number had been selected, because  
it represented, in the opinions of stu-  
dents of prophecy, the duration of the  
Papacy on earth.

OVER A PRECIPICE.—Col. Long's in-  
fant daughter was riding in its baby  
carriage along the brink of a precipice  
eighty feet high, at Cincinnati Furnace,  
Ohio, recently, when the nurse left it  
for a moment. A gust of wind came  
along and forced the vehicle, with its  
baby occupant over the fearful height,  
when, strange to say, it was found un-  
hurt, and the child uninjured.

MELON-CHOLY.—Recently, three ne-  
groes were found dead in a watermelon  
patch, a few miles from Columbia,  
Tenn. Two of them were shot with  
backshot. It is supposed they were  
stealing melons when killed. The other  
was owner of a patch, and was shot by  
a man he had employed to watch for  
him.

THE Seattle paper learns that fully  
sixty immigrant wagons are now on  
the eastern side of the mountains, near  
the Snoqualmie Pass, waiting for the  
effects of the recent storms to subside  
to enable them to cross the streams that  
obstruct their journey to the Sound.

It is stated that the Central and  
Union Pacific railroads will soon com-  
mence running trans-continental ex-  
press trains, "with board and lodging,"  
the train to leave Alameda and arrive  
in New York in five days.

DR. WILLIAM SMITH, of dictionary  
fame, and now editor of the *Quarterly  
Review*, is writing a "dictionary of  
Christian Antiquities," from the days  
of the Apostles to the time of Con-  
stantine.

A PRIVATE letter, received at New  
Orleans, from Jefferson Davis, says that  
he will probably reside in the United  
Kingdom for the rest of his days, and  
that reports concerning his ill health  
are greatly exaggerated.

ANDY JOHNSON is said to be the  
strongest Democratic candidate for  
Senator from Tennessee; but it is prob-  
able the Senator will be neither, Dem-  
ocratic or Republican, but a Conserva-  
tive, like the Tennessee Governor.

A MAN named Herman Ball was  
killed by Indians near Diamond City,  
Montana, on the 14th September. He  
had recently arrived from Willow  
Creek, Oregon.

PANAMA dates to 25th of September  
state that reports have been received  
by steamer *Polya* of a heavy earth-  
quake at Callao.

AN immense deposit of coal has been  
found near Bozeman city, in the Gallia-  
tin valley. It is near the proposed  
route of the Northern Pacific railroad.

MUSIC FOR THE PACIFIC RAILWAY.

—The *Song Messenger*, of Chicago,  
says: "There is on exhibition at Root  
& Cady's, a five octave Mason and  
Hamlin Cabinet Organ, designed for  
the Pullman Palace cars on the Pacific  
Railway, to be presented to the com-  
pany by Root & Cady. The case is in  
imitation of ebony, and is beautifully  
ornamented with various designs in  
gold. The instrument is as remark-  
able for the sweetness and purity of  
its tone as for the elegance of its ex-  
ternal finish, and we are confident that  
whoever may be playing this instru-  
ment when the aborigines make a raid  
upon the train, will be excused from  
the scolding process, if the influence of  
sweet sounds have the power we think  
they must have coming from such an  
instrument as this.