

# THE UMPQUA WEEKLY GAZETTE.

D. J. LYONS, EDITOR.]

DEVOTED TO LITERATURE, AGRICULTURE, MINING NEWS, GENERAL INTELLIGENCE, &c., &c.

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## THE UMPQUA WEEKLY GAZETTE.

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## Poetry.

### The Maiden's Choice.

BY OSCAR G. HUGHAN.

He called me Mavourneen, and kissed me at parting,  
And promised next night to rap soft at the door;  
My hand was in his, and he pressed it at starting,  
But sure others have done the like often before.

'Tis true that I love him far better than living,  
And would die if another one made him her own;  
But my mother declares I must be after giving,  
My hand and my heart to auld Dermot Mashone.

She says that my Cormac is poor, and deserted,  
By all in the country that's decently found;  
Then the more is there need for one kind and true-hearted,  
To lighten the darkness that circles him round.

'Tis true that he's fond with his little children,  
To sit at the wake singing "Cushla machree,"  
But sure others, more noble, I often have seen,  
At the same dirty habit contented as he.

They tell of the silver and land of Mashone,  
Of the beautiful house far away in the park;  
But what is the wealth of the world, when you own  
Not the treasure which lights up the soul with its spark?

If Cormac but loves, and I think he does, well,  
For at school he was always my right handed mate,  
And he always was kind, and he learned me to spell,  
And many's the beating he got for my sake.

He's poor, I well know, but that's nothing at all,  
Where the heart is concerned, and I'm neely as he;  
And silver and gold, though they build up the hall,  
Cannot purchase the love that I bear for Ma-chree!

## Miscellaneous.

From the Oregon Statesman.  
**Town Sites in Oregon and Washington—Opinion of the Commissioner of General Land Office.**  
General Land Office, April 17, 1854.

SIR:—Under date of 24th June, 1853, the Surveyor General of Oregon transmitted to this office a mass of testimony and arguments, in relation to the conflicting claims to the land covered by the site of the town of Portland, in that Territory, under the act of 28th of September, 1850, with his opinion thereon.

Before considering the questions presented in these cases, the point to be determined was, whether land occupied as a town site, or for purposes of trade and commerce, prior to the act of 28th September, 1850, was subject to donation under that act?

My own opinion is, that land so occupied is not subject to such donation; and from that decision the Hon. Joseph Lane, Delegate from Oregon, has requested an appeal to you, that this question of vital moment to that Territory may be settled by the highest executive authority.

From the report of the Surveyor General, it appears that the town (now city) of Portland was laid out in 1845.

By the 14th section of the act of 14th August, 1848, "to establish the Territorial government of Oregon," (Vol. 9, Statutes at large, p. 329,) it is enacted that "all laws heretofore passed in said Territory, making grants of land, or otherwise affecting or encumbering the title to lands, shall be and are hereby declared to be null and void."

This effectually shuts out all claims under the Territorial laws, prior to this act of Congress.

In the same section, and immediately after the words above quoted, it is enacted, that "the laws of the United States are hereby extended over and declared to be in full force in said Territory, so far as the same or any provision thereof may be applicable." Among the laws of the United States, then in force, was the act of 23d May, "for the relief of the citizens of towns

upon public lands of the United States, under certain circumstances," (Statutes at large, Vol. 5, p. 657.) So far, then, as this law was applicable, it was extended over this Territory by the act of 1848.

The only question that can be raised in connection with this view of the case, is on the word "surveyed," in the second line of this act. It provides "that whenever any portion of the surveyed public lands has been or shall be settled upon as a town site, and therefore not subject to entry under the existing pre-emption laws," &c. Are settlements of this character, or unsurveyed public lands provided for by this act? In my opinion, lands settled upon as a town site, for purposes of trade and commerce, whether such settlements were made prior to, during, or after their survey, are subject to the operations of this law, as soon as they shall have been surveyed, so that they can be designated and entered by their proper and technical description. Suppose a case, when part of the settlements were made before the survey, and part after—the land would be subject to the act of 1844, and all the settlers would receive like benefits from it; and hence the settlers prior to the survey, and of course the settlements prior thereto are not excluded from the benefit of this act. It will not of course be supposed that these remarks apply to cases where persons have obtained valid claims to land, and subsequently lay off a portion or the whole as a town site? There could be no objection to such a course, because when the town site was laid off, or the settlements made for purposes of trade and commerce, the lands would not be public, but private property, and of course not subject to the operations of the act of 1844. The fact is that this act of 1844 extends to the dwellers on the public lands in towns and cities, the same rights and privileges to the extent of their possessions, as are granted to agriculturists by the pre-emption laws; and the object of both is manifestly to protect the bona fide settler from speculators, with paternal care, and to secure them their homes at reasonable rates. The negotiation side of this question is also equally clear to my mind; that is, that the public lands in Oregon, settled upon and occupied as town sites, or for trade and commerce, independently of the act of 1844 above considered, are not subject to donation under the act of 28th September, 1850, (Statutes at large, Vol. 9, p. 497.)

The donations made by this act are agricultural grants, made to induce settlements in that far distant region. They are in the nature of pre-emptions, more liberal as to price and quantity, but in these respects containing almost the identical words of the pre-emption act of 1841, (Vol. 5, Stat. at large, p. 455.) It is true that the act of 1841 in terms excludes town sites and lands settled upon for purposes of trade, but that was only sanctioning and carrying out by Legislative enactment the construction that had been previously given to the pre-emption acts of 1839 and 1831. Under these earlier and general pre-emption laws, it was held that town property was not subject to their provisions. Taking, then, the whole scope of the land system, looking at its spirit and intent, and considering all the laws on the subject, *in pari materia*, there is no reason that would exclude town sites, &c., from pre-emption, that would not apply to these donations.

So much for the law of the case—the question of policy is equally strong. If the lands in Oregon settled on as town sites, or for purposes of trade and commerce, before or after survey, are regarded as subject to the operation of the act of 1844, above referred to, substantial justice will be done to every settler in those towns. It is true that the golden dreams of those who have attempted thus to claim these lands will be dissipated, but the good of the greatest number will be legally and equitably carried out; all of which is most respectfully submitted, by

Your obedient servant,  
JOHN WILSON,  
Commissioner.

HON. R. McCLELLAND,  
Secretary Interior.

The following is the act of May, 1844, referred to in the foregoing opinion of the commissioner:

"AN ACT for the relief of the citizens of towns upon the lands of the United States under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever any portion of the surveyed public lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful, in case such town is incorporated, for the corporate authorities thereof, and, if not incorporated, for the judges of the county court for the county in which such town is situated, to

enter, at the proper land office, and at the minimum, the land so settled and occupied, in trust, for the several use and benefit of the occupants thereof, according to their respective interests, the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory in which the same is situated: *Provided*, That the entry of the land so settled by this act be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty-fourth April, one thousand eight hundred and twenty, and shall not in the whole exceed three hundred and twenty acres: *And provided, also*, That any act of said trustees, not made in conformity to the rules and regulations herein alluded to, shall be void and of none effect: *And provided, also*, That any act of said trustees, not made in conformity to the rules and regulations herein alluded to, shall be void, and of none effect: *And provided, also*, That the corporate authorities of the town of Weston, in the county of Platte, State of Missouri, or the county court of Platte county, in said State, shall be allowed twelve months, from and after the passage of this act, to enter at the proper land office the lands upon which said town is situated.

Approved, May 23, 1844."

The following sections from the act of Sept. 4, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," set forth the law now in force, wherever applicable in relation to pre-emption rights, and which is referred to, in the Commissioner's opinion:

SEC. 10. And be it further enacted, That from and after the passage of this act, every person being the head of a family, or widow, or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws, who, since the first day of June A. D. eighteen hundred and forty, has made or hereafter make a settlement in person, on the public lands to which the Indian title had been at the time of such settlement extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres, not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his own residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade, and not agriculture; and no lands on which are situated any known mines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second of June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing-Rabbit creek, be and the same hereby is repealed—*Provided*, That such repeal shall not affect any title to any

tract of land secured in virtue of said treaty.

SEC. 11. And be it further enacted, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

SEC. 12. And be it further enacted, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register or receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

### American Manufactures.

The manufacture of gold pens uses up more capital in New York than one half of the steam-boiler establishments. As our readers are aware, the manufacture of gold pens is confined almost exclusively to the United States—a New Yorker having not only originated the idea, but he bids fair to keep in advance of it. The pens made in New York take precedence of those made in any other portion of the world. Every steamship that crosses takes thousands of dollars worth for almost every city in Europe. Having said thus much of its importance, let us examine somewhat the method by which it is made perfect.

According to the Scientific American, the gold for pens is rolled into thin strips, about the thirty-second part of an inch in thickness; in this state it is black on the surface, and looks like brass. The first operation is cutting it into stubs—short pieces pointed and angular at one end, and cut square off at the other; this is done in a die. The stubs are then run through a machine, and each pointed for the reception of the real pen points. The next operation is pointing the stubs; the substance used for points is rhodium, a hard brittle metal like steel, but unoxidizable. It is to this metal that we wish to direct particular attention. There are various qualities of it, some worth twelve, twenty, thirty, and forty dollars per ounce, while an article of very superior excellence has even sold for one hundred and twenty dollars per ounce, which is nearly eight times the value of gold. Rhodium is found in the ores of platinum associated with iridium, osmium and palladium. Iridium is used by some for the points of gold pens, but rhodium is the dearest and best. All of this metal used in the United States comes from the Peruvian or Russian mines, although large quantities might be obtained in California, and with less trouble than we now obtain gold.

Rhodium is of a white, glassy color, and in minute roundish particles like sand; the round globular particles are the best for pen points; in fact, out of one ounce of this metal, perhaps not one-seventieth of the granules can be used, the rest are rejected. A fine particle of rhodium is soldered on the indented point of each stub of gold—the solder is mostly composed of gold, for unless it is good, ink soon corrodes it, and the rhodium point drops off; this is the case with poor pens made by indifferent makers. After the pen is pointed, it is rolled out between rollers with indents in them to save the points, until the stub is drawn out to its proper length and correct thickness; the rolling also makes the gold elastic. After being rolled they are cut to the proper form in a finishing die, then stamped with the name of the maker, and afterwards tuned up to the rounding quill form. This is done by a very ingenious little machine, the invention of a gentleman of this city.

After "quilling," the point is slit with a thin, soft copper disc revolving at a great velocity; the great speed makes the soft metal disc cut the hard metal rhodium. The gold is slit with another machine, therefore to make a slit in each pen, it has undergone two operations. The point is next ground on a copper wheel revolving at a high velocity; this is a very delicate operation, and a good artist gets high wages. After this, the pens are "stoned out," that is, they are ground down on the inside and out by fine Water-of-Ayr stones, by hand, on a bench alongside of a tub of water; the stones are long, thin, roundish slips, and the pens have to be operated so as to make one part more thin than another, in order to give them the proper spring; they are then polished on swift revolving copper rollers, and afterwards finished

with fine powder and soft chamois skin. Thus, to make a gold pen, it undergoes twelve operations. Inferior pens can be made with less labor, but they soon develop their true characteristics. Before we conclude, we would mention that there are in this city no less than forty makers of gold pens, one of whom uses up no less than \$120,000 worth of gold annually.—*N. Y. Dutchman.*

### The First View of Jerusalem.

BARBAR TAYLOR, in his last letter, published in the New York Tribune, gives the following account of his first impressions of the Holy City:

But when I climbed the last ridge, and looked ahead with a sort of painful suspense, Jerusalem did not appear. We were 2,000 feet above the Mediterranean, whose blue we could distinctly see, far to the west, through notches in the chain of hills. To the North, the mountains were gray, desolate and awful. Not a shrub or tree relieved their frightful barrenness. An upland tract, covered with white volcanic rock lay before us. We met peasants with asses, who looked, to my eyes, as if they had just left Jerusalem. Still forward we urged our horses, and reached a ruined garden, surrounded with hedges of cactus, over which I saw domes and walls in the distance. I drew a long breath and looked at François. He was jogging along without turning his head; he could not have been so indifferent if that was really the city. Presently we reached another slight rise in the rocky plain. He began to urge his panting horse, and at the same instant we both dashed on at a break-neck gallop round the corner of an old wall on the top of the hill, and lo! the Holy City! Our Greek jerked both pistols from his holsters, and fired them into the air, as we reined up on the steep.

From the descriptions of travelers, I had expected to see in Jerusalem an ordinary modern Turkish town; but that before me with its walls, fortresses, and domes, was it not still the city of David? I saw the Jerusalem of the New Testament as I had imagined it. Long rows of walls, crowned by a notched parapet, and strengthened by towers; a few domes and spires above them; clusters of cypress here and there; this was all that was visible of the city. On either side, the soil sloped down to the two deep valleys, over which it hangs. On the east the Mount of Olives, crowned with a chapel and mosque, rose high and steep, but directly over the city, the sight fell far away upon the lofty mountains of Moab, beyond the Dead Sea. The scene was grand in its simplicity. The prominent colors were the purple of those distant mountains, and the hoary gray of the nearer hills. The walls were of the dull yellow of weather stained marble, and the only trees the dark cypress and the moonlit olive. Since we arrived, I have looked down upon the city from the mount of olives, and up to it from the valley of Jehosaphat, but I cannot restore the illusions of the first view.

We allowed our horses to walk slowly down the remaining half mile, to the Jaffa gate. An Englishman, with a red silk shawl over his head, was sketching the city, while an Arab held an umbrella over him. Inside the gate, we stumbled over an Italian shop, with an Italian sign, and after threading a number of intricate passages with dark archways, and being turned off from one hotel, which was full of travelers, we reached another, kept by a converted German Jew, where we found Dr. Robinson and Dr. Ely Smith, who both arrived yesterday. It sounds strange to talk of a hotel in Jerusalem, but the world is progressing, and there are already three.

Our eccentric and almost ubiquitous correspondent Hon. Mr. JAMES PIPES, of Pipesville pays the following tribute to the great merit of the Graffenburg Pills, Lip-Salve and Green-Mountain Ointment:

"To the President of the Yonited States Graffenburg Pill Manufakturung and Lip-Salve and Green Mountain Ointment Kumpany in Congress not assembled;

"Sir:—I were afflicted with a very violent pain in the region of my lower stomach by Reeson of induring too much Lickker in my system. It remained with me for sum time until my previous inside was materially lessened in its parts. Driven orlmost to madness, by one of Kipp and brown's omnibuses, I aliteted at your Pill repository, in dredful agoni, and found your doctor just helping himself to some Bitters, for to give him a appetite for his Pills arter dinner. He advised me to talk sum—which I did, and found Relief before I'd finished takin' it. It warmed me itestines and other things, and cored the perperashun to exude from my skin, and the Keyenne Pepper to raise in my stumack so I hollered right out no moar for the Present, from yours trooly,  
J. P.