



INDEPENDENT ON ALL SUBJECTS, AND DEVOTED TO THE INTERESTS OF SOUTHERN OREGON.

VOL. II.—NO. 3.

ASHLAND OREGON: FRIDAY, JUNE 29, 1877.

\$2.50 PER ANNUM.

### The Poem.

#### THE NEW PARTY.

Some  
One  
Has lately begun  
To start a  
New party  
Which when it is done,  
Is going to smash  
Into eternal trash  
All other parties under the sun.  
Whigs,  
Fire-eating Rebs,  
Tramps  
Scoundrels,  
Reconstructed Confeds,  
Hot Abolitionists,  
Base Frontiersmen,  
Labor-Reformers, frantic Protectionists,  
A pair of  
High-tariff  
Old Whig reconstructionists,  
All the old Federalists,  
Bitter-and-breadedists,  
Wild annexationists,  
Emancipationists,  
Texas Rangers,  
Suspicious strangers,  
Lincoln Grangers,  
Rabbit Successionists,  
Temperance-vegetarians,  
Soft-voiced I. C. Unionists,  
Brainers,  
Sensurers,  
Repealish brothers,  
Barbarous  
Constitutionalists,  
Tories, Free Soilers,  
Communist-detractors,  
Strict Constitutionists,  
Constitutionalists,  
Dread Scott delectables,  
Loo-  
Fool,  
Baltimore knucks,  
Georgia Ku-Klux,  
"Glas Light," disunionists,  
Hartford Conventionists,  
Fugate Indians,  
Modern W. L. G. men,  
Anti-Monopolists,  
Busted metropolitanists,  
Bondsman-bully men,  
B. C. Bullies,  
Bull-box stuffy men,  
Free-Traders, Greenbackers,  
Bullwhackers, B. C. Trainers,  
Free thinkers,  
White-Leaguers,  
Kno-Nottling agitators,  
Ku-Klux compromisers,  
Temperance Liberals,  
License wine-brewers,  
Sinner and publicans,  
Private and publicans,  
The Papers,  
Mouth-slappers,  
Hickory Democrats, three-carl-monte  
men,  
Angels, Devils, Stochy and Junny men,  
Nobly, very one, sickly and  
Stoney McLeavee has got a new party.

### Land Matters.

Correspondence Between Senator Mitchell and Commissioner Williams.

UNITED STATES SENATE  
CHAMBER, WASHINGTON,  
May 8th, 1877.

HON. J. A. WILLIAMSON,

COM'R OF THE GENERAL LAND OFFICE:  
—Dear Sir:—I am in receipt of numerous letters from my constituents, as well as those claiming lands from the State under the Swamp Land Acts, and as those claiming under the homestead law and as pre-emptors. (There being in a number of instances a conflict of claim) urging me to use my influence to secure a speedy determination of all these questions. I fully recognize and appreciate the justice of these demands on me, and I earnestly desire to aid, in so far as I legitimately may, in advancing these controversies toward a final and correct determination.

It is too apparent to require argument, that the true interests, not only of the people of Oregon, but of the general government, demand that it be determined at as early a day as possible, just what lands the State of Oregon is entitled to as "Swamp lands." This is due to those who in good faith have made claim to these lands in pursuance of the Swamp Land Acts; it is also due to those who in good faith are settling upon, and are making claim to portions of these same lands, under the pre-emption and homestead laws. It is possible there may be some of both classes, whose claims are not made in good faith, as to this I do not pretend to determine, if there are any such, however, their controversies should not be prolonged to the obstruction of the settlement and prosperity of the State.

Referring, therefore, to my personal interview with you on yesterday, in reference to this matter; I now desire to repeat in writing, what I then urged upon you personally, that early action may be had on all applications made by the State for lands under the Swamp Land Acts. That in all cases where there is a conflict between the State and pre-emptors or homesteaders, that these conflicts may be taken up as rapidly as may be consistent, with the condition of these cases and the business of your department, and determined. I learn on enquiry that the number of acres thus in conflict bears but a very small proportion to the whole number of acres claimed by the State as Swamp Lands and that the fact of the existence of these conflicts operates as a suspen-

sion of action in the Department to a large degree on applications of the State in cases where there is no conflict. This it occurs to me should not be so. While in all cases where there is a conflict of claim, it is due to all interested that neither party should be prejudiced by any action of the Department until all have full opportunity to be heard, which hearing should be had as speedily as possible; it seems to me the fact that such conflicts do exist as to a small portion of the lands, is no reason of itself why actions should be delayed on selections claimed by the state in reference to which there is no such conflict.

In this connection I desire some further information in regard to this general subject.

1st. In what form under the law and regulations, must an application by the State be presented to your Department in order to secure proper action?

2d. How many and what lands in Oregon, have been properly reported to your Department by the State claims title? and of these what portion has been certified to the State, and why have the other lands claimed, not been certified?

3d. How much is in conflict between the State and pre-emptors and homestead claimants, as shown by the Records of your Department, and when can these conflicts be determined?

4th. What if anything remains to be done upon the part of the State to expedite a speedy determination of all conflicts and claims?

5th. What if anything remains to be done by pre-emptors, or homestead claimants, in order to a speedy determination of their claims and adjudication of their rights?

I understand that what are known as "Klamath Lakes" are included in the lands claimed by the State as Swamp Lands, and that these, as yet, have not been listed to the State.

I desire to know if there is any objection being made by either pre-emptors or homestead claimants on the limits of these Lakes, against the same being certified to the State as Swamp Lands, and if so the nature of such objection? If there is no such objection by pre-emptors, or homestead claimants, then what objection exists upon the part of the general government against the claim of the State to have these declared Swamp Lands, and so certified to the State? What difference, if any, do the records of your Department show to exist between the "Klamath Lakes" and what is known as "Wapato Lake," which I understand was certified to the State as Swamp Land? I have thus written you fully that I may be thoroughly advised as to the present condition of this whole subject, and in the hope that I may perhaps be instrumental in bringing about a speedy settlement of a controversy that is a constant source of irritation among our people, and which is a standing menace to the settlement and development of Southern and Southeastern Oregon.

As early and full answer as may be practicable will greatly oblige

Very respectfully,  
Your obedient servant,  
JOHN H. MITCHELL.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
WASHINGTON, June 7, 77.

To HON. J. A. WILLIAMSON,

U. S. SENATOR:—Dear Sir:—I have the honor to acknowledge the receipt of your letter of 8th, ult., in regard to Swamp Land in Oregon and in reply I have to say.

1st. The State of Oregon has chosen to examine the lands claimed under the Swamp grant, and furnish evidence of their swampy character, which evidence the State authorities were directed to file in the office of the U. S. Surveyor General, to be by him forwarded to this office.

2d. The Surveyor General has reported to this office, lands so selected, as follows:

Township 39 and 40 south of Range 8, east 470, 50-100 acres; Townships 40 and 41 south of Ranges 13 & 14 east, 5218, 44-100 acres; Township 3, south of Range 39, east 88, 28-100 acres, Of which 4449 54-100 have been certified to the State; the small list in 3 south 39 east 88 28-100 acres has not been examined, and the remaining lands have not been certified because of

adverse claims.  
31. Of the lands thus far reported to this office, there is in conflict, between the State, claiming under the swamp grant, and pre-emption and homestead claimants about 5479, acres.

4th. The only thing to be done by the State "to expedite a speedy determination of all conflicts and claims," is to present to the Surveyor General, as speedily as possible the proof of the swampy character of the land claimed under the grant, and when an adverse claim is presented, meet it at once without technical objections in regard to formality, or in regard to the status of the claimant.

If a tract of land is claimed by the State as Swamp, and the fact of its swampy character is denied by a person claiming to be a homestead settler, it is not important, whether he be bona fide settler or not, this office wishes to obtain the facts, and if one claiming to be a settler is willing to pay the expenses of an investigation, it is strong presumptive evidence that the land is not swampy, and any technical objection to the manner of commencing proceedings is only productive of delay.

5th. Pre-emption and homestead claimants can in like manner facilitate a final settlement by promptly meeting the merits of the case.

I am aware that the parties have a right to choose their own modes of managing their cases, and I have made the foregoing suggestions in answer to your inquiries.

There were several lists of lands claimed as swamp, forwarded to this office in 1873, but no proper evidence accompanied them and the Governor was so notified.

In 1875 the Governor was fully informed in regard to the manner of presenting the evidence, as well as the kind of evidence required, and the U. S. Surveyor General and the Registers and Receivers of the several land offices, were instructed in regard to their duties in connection with the swamp land claims.

You inquire what is the difference between the Klamath Lakes, and what is known as Wapato lake, which you understand to have been certified to the State.

The Wapato Lake was very small, only about two miles in length and about three fourths of a mile at its greatest breadth with an area of about seven hundred acres; of this area only about 224 acres was in controversy in the case decided by the Secretary of the Interior in which he awarded the land to the State, (the same principle would probably apply, however, to the whole area formerly covered by the Lake) and it was overruled in 1868 that the water of Wapato Lake had disappeared and the Surveyor General of Oregon protracted the lines and calculated the area without an actual survey.

The Secretary of the Interior in deciding the case of "State of Oregon vs. Stott & Waggoner" (Copp's Land Laws, page 475) says: "The body of water known as Wapato Lake is not now, nor was it in 1860, a permanent lake. It is formed annually in the late fall or early winter by a rise in the creek or river Tahtin, the waters of which during the rainy season are impeded in their flow, and backed up through the mouth of the so-called lake, and cover to a depth of several feet a valley or ravine, surrounded by higher lands. The water remains upon the lands during the winter months, down to about the first of June or July, as the seasons vary, when it recedes, and leaves the bed of the lake in a swampy, or partially swampy condition during the rest of the year."

Very different is the matter in regard to Klamath Lake as shown by our records. The best evidence we have, is to the effect that more than 10 years after the swamp grant was extended to Oregon it was, a body of water remaining all the year.

It is mentioned by the Surveyors as a lake and when the survey was made, of Townships 39 and 40 south, of Range 8 east, which was in the fall season in the driest time of the year, that part indicated as Klamath lake was meandered, and the fair inference is that it was actually a lake and not land.

If the area marked as Klamath Lake was not at the date of the Swamp grant

a lake, and evidence of that fact is presented with a legal survey such as is provided for by law, the land if shown to be swamp land will be certified to the State.

At present we have no evidence whatever that the area covered by what is called "Klamath Lake" is anything but a lake, in which the water remains all the year, and although it may not be a navigable lake and maybe shallow yet the ruling of this office has always been that lands forming the bed of shallow lakes or ponds do not inure to the State under the swamp grant.

On this subject in 1856, the Commissioner says: "It has been uniformly held by this office that shallow lakes or bodies of land covered with water are not subject to the operation of the grant aforesaid, and although it is alleged that at certain seasons of the year, the beds of these lakes are nearly or entirely dry, they cannot be regarded as subject to the grant, while, by our plats of survey their character as lakes is fixed and determined."

From this ruling an appeal was taken to the Secretary of the Interior, who affirmed the decision of this office August 28, 1856.

The decision of the General Land Office to the same effect was again affirmed by the Secretary December 9th, 1874, seven days after the decision of Wapato lake case.

The decision in the Wapato lake case is not antagonistic to the former holding of the Department, the Secretary says: "I understand that it has been the practice of your office to hold all lands as not swamp when at the time of the Government survey they were covered with water to such a depth and in such a form as to require meandering, but have subsequently from natural causes become 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 surveys as conclusive evidence of the character of the land."

But as Oregon did not take its swamp land by the field notes of survey it was not concluded by them, and had a right to show by evidence that the so-called Wapato lake was not in fact at all, and the case was determined on the ground the State had shown that it was not a lake in 1860.

In cases where there are no conflicts and the proof presented is satisfactory, the land will be at once certified to the State, and will not be delayed because of controversy on other lands.

Patent No. 1, Linkville District embracing 1336 29-100 acres in Townships 39 & 40 south, Range 8 east was sent to the Governor of Oregon, May 1st, 1877, and Patent No. 2, same district embracing 3113 25-100 acres in Townships 40 & 41 south Ranges 13 & 14 east, was sent on the 5th inst.

Very respectfully,  
J. A. WILLIAMSON,  
Commissioner.

**THE OLD HORSE.**—The old horse requires more time to eat his meals and rest his nerves. Of all animals, the horse is most abused. Although he has been our most faithful and profitable servant, yet in his old age the lash is applied to force out his youthful vigor. The older he grows the more he feels the lash. He is often turned out of doors to give place to colts. Too often the neglect and abuse he is subject to, because he is a little old, results in a greater loss than is made up in the care for the young horse. The last part of a horse's life may be more profitable, if rightly used, than the first part. There is more comfort and less danger in working old horses. We understand them, and they understand us; and we should be as willing to conform to their natures as they are to conform to our wishes. It would be more humane as well as more profitable to use them as they should be, as long as it would pay, and then take them out and shoot them down. But the wicked practice is to knock them about as much as they will bear and pay well, and then trade them off to some more inhuman wretch than themselves. The old servant is gone among strangers, and he receives no sympathy in his last extremities.

The tobacco daily used in New York city costs more than the bread, which is eaten in the same time.

### VEGETABLE PESTS OF OREGON.

BY J. M. S.

It is a remarkable fact that very nearly all the noxious weeds that annoy the farmers of Oregon are exotics, and have been introduced, some by chance, others intentionally. Those introduced by chance, are for the most part of minor importance, consisting in part, of such weeds as lambs-quarter, curless, crabgrass, mullen, pursley, dog-fennel, jimson, plantain, spiny cockle burr, etc.

Parsley, although the latest arrival, promises to be the most troublesome, especially in Southern Oregon, where it finds a climate apparently exactly adapted to its propagation. Although it was of accidental origin in this valley, on its first appearance of a single stock at a place, strange to say it was carefully cultivated the first year for old acquaintance sake. After its first year's growth, it has ever been able to take care of itself, notwithstanding the vigilant application of plow and hoe for its extermination.

By far the most interesting of the late arrivals is the spiny cockle burr. This pest came from the south, along the stage road, and first made its appearance near the Eagle Mills fourteen years ago. Like all other strangers, who arrive in Rogue river valley, it was hospitably protected for the first year, on the second year it was well enough acquainted with our soil and climate to protect itself. It rapidly spread over our valley along the highways, creating considerable consternation among the farmers lest it overrun their land. The legislature was induced to promulgate a "bull" against it, under the name of "dagger cockle burr," by commanding the road supervisors to cut it down; since which time they have faithfully done so every year, but as there was no time of year designated by the "bull" aforesaid, our supervisors almost universally attack it in its old age when its seeds are thoroughly matured. Fortunately however, it is almost entirely confined to the highways, as it does not prosper in the track of the plow. But what makes this pest the most interesting of all the exotic weeds of Oregon, is the fact that all the world is now looking to it for relief from that most terrible malady hydrophobia. Its botanical name is *zanthium spinosum*. This plant was originally indigenous to the southern part of Europe from southern Russia west to France, but has gradually spread further north into Hungary, Bohemia, Silesia, Switzerland and Alsace. In fact it has made its appearance in most civilized countries. It is found in the New England States and south as far as Georgia, and now is thoroughly naturalized in our valley as far north as Rogue river. Experiments are now being made in different parts of the world for the cure of hydrophobia but so far the reports of parties thus engaged are somewhat conflicting.

As before alluded to, the great pests of Oregon are those introduced intentionally. Among them may be named "blue pod," English sorrel and cockle; all emanating from England. It is a disputed point however whether cockle was introduced as an ornamental plant or was brought over in seed grain, but it seems to be certain that employers of the Hudson Bay Company so late as 1845, planted it in their gardens for ornament.

Blue Pod was introduced as an ornamental plant, and until our millers invented and put in operation special machinery, taking it out of the wheat it was a ruinous pest rendering the flour black and imparting a disagreeable flavor and scent to bread baked from it.

English sorrel was introduced by the employees of the Hudson Bay Co., at Vancouver some fifty years ago as a pie plant. When gold was discovered in California and the great current of travel set in from Oregon to the mines, sorrel also took up its line of march along the beaten trail. Year after year its progress could be traced first in the upper Willamette, thence, it ascended the Colapoa mountains into Umpqua valley. It was not until about the year 1865, that it first made its appearance in Rogue river valley. Its exhaustive effect on our land and the impossibility of exterminating it, is too well known to need further comment from me.

### WASHINGTON'S IDEA OF CIVIL SERVICE.

In January 1789, four months before he was inaugurated, he wrote to Samuel Hanson that if he entered upon public life again, he meant to be "not only unfettered by promises, but even unchangeable with creating or feeding the expectation of any man living for my assistance to office." He said "the ear of the nominator ought to be open to the comments on the merits of each candidate, and to be governed primarily by the abilities which are most peculiarly adapted to the nature and duties of the office which is to be filled." He was determined to go into the chair of government perfectly free; and in March, 1689, he writes to Benjamin Harrison that in making appointments, "a due regard shall be had to the fitness of characters, the pretensions of different candidates, and so far as is proper, the political considerations." He constantly repeats this principle, adding, on one occasion, the distribution of positions of importance to various parts of the Union is indispensable to the happy beginning of the government. But fitness is always the foremost condition.

When Washington had entered upon the office of President, he felt that nominations for appointment were among the most delicate and difficult of his duties. One of his earliest letters upon the subject is to the widow of General Wooster, the hero of the action at Danbury, during the Revolution. The letter is very tender and considerate, but firm and self respectful. "As a public man, action only with reference to the public good, I must be allowed to decide upon all points of my duty without consulting my private inclinations and wishes." And in the same letter; "All that I require is the name and such testimonials with respect to abilities, integrity, and fitness as it may be in the power of the several applicants to produce. Beyond this, nothing with me is necessary or will be of any avail to them in my decisions." In November, 1789, he writes to Joseph Jones: "In every nomination to office I have endeavored, so far as my own knowledge extended or information could be obtained, to make fitness of character my primary object." In February, 1791, after honorably and faithfully following this course, he writes to General Armstrong: "In a word, to a man who has no ends to serve nor friends to provide for, nomination to office is the most irksome part of the executive trust." Making the just distinction between political and non-political offices, he writes to Timothy Pickens in September, 1795: "I shall not, whilst I have the honor to administer the government, bring a man into any office of consequence knowingly whose political tenets are adverse to the measures which the general government are pursuing, for this, in my opinion, would be a sort of political suicide."—Editor's Easy Chair, in Harper's Magazine.

A Georgia negro twisted a mule's tail to urge it over the fence. The small attendance at the funeral next day showed that the people didn't care if he did twist the mule's tail.

A little Portland boy being asked if he had reached the head of the class, said: "Well, I am where the head used to be, but the teacher has turned the class round."

"What station do you call this?" asked a man as he crawled out of the ruins of a car, after a railroad accident. "Derestation, sir," replied a fellow-passenger.

One of the discoveries made by the late Arctic explorers is that the length of the polar nights is one hundred and forty-two days. What a place that would be in which to tell a man with a bill to call around day after to-morrow and get his money!

The State of Texas is larger by 40,000 square miles than the entire Republic of France. Were every man, woman, and child in the United States to emigrate to Texas she would not be populated so thick to the square mile as Massachusetts. So it would appear that there is still room for the expansion of America, despite the hard times.