

# ASHLAND



# TIDINGS.

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

VOL. II.—NO. 52.

ASHLAND, OREGON: FRIDAY, JUNE 7, 1878.

\$2.50 PER ANNUM.

## Ashland Tidings.

—ISSUED EVERY FRIDAY—

O. C. APPEGATE & CO.  
OFFICE—On Main Street, (in rear  
Oblivion & Atkinson's Drug Store.)

### Terms of Subscription:

One copy one year.....\$2.50  
" " six months.....1.50  
" " three.....1.00  
Club rates six copies for.....12.50  
Terms, in advance.

### Terms of Advertising:

Local Notices per line.....10c.  
Professional Cards, per year.....\$10.00  
Three inches, per quarter.....3.00  
Year.....10.00  
Legal.....8.00  
One-half column.....10.00  
Three-fourths.....14.00  
One.....17.50  
LARGE ADVERTISEMENTS  
One square (ten lines or less) 1st insertion.....\$2.50  
Each additional insertion.....1.00

### Job Printing,

Of all description, done on short notice. Legal  
Blank, Circulars, Business Cards, Billheads, Letter-  
heads, Posters, etc., gotten up in good style at living  
prices.

### Agents for the Tidings.

J. A. Applegate, Portland, Oregon.  
Jacob Thompson, Salem.  
M. L. Chamberlain, Junction City.  
Dr. N. L. Lee, Linkville.  
E. A. F. Smith, Linkville.  
J. F. Roberts, Bismarck.  
A. Handy, New York.  
S. M. Patterson & Co., St. Louis.  
Kewell & Co., San Francisco.  
L. F. Fisher, Rock Point.  
Tues. Boyce, Yonah.  
J. R. Neil, Jackson.  
C. B. Sargent, Central Point.  
Ed. R. Owen, Rock Point.  
Miss Adie W. Collins, Yonah.  
Perit H. Hart, Yonah.  
C. H. Dyer, Linkville.  
Miss Mary McCabe, Linkville.  
J. M. Sutton, General Agent for Jackson and Josephine counties.  
Capt. M. J. Ferree, General Agent for Lake County.

### Stages leave Ashland as follows:

The O & C Stage Co.'s stage leave Ashland  
for Jacksonville, Rock Point and Rose-  
burg every day at 6 a. m. Mail closes at  
5:30 a. m.  
For Healy, Yreka and Reading at 6 p. m.  
Mail closes at 5:30 p. m.  
Garrett & Ferree's stages leave Ashland  
every Monday, Wednesday and Friday  
mornings for Linkville, and return on  
every Tuesday, Thursday and Saturday.  
Leave Linkville for Lake City, California,  
Wednesdays; arrive at Lake City Satur-  
days; leave Lake City Mondays; arrive  
at Linkville Thursdays, carrying mail and  
passengers.

A. D. HELMAN, P. M.

### SOCIETIES.

### Ashland Lodge No. 189, I. O. G. T.

Meets at the Hall of Homan & Fountain every  
Friday evening at 8 o'clock. Brothers in good  
standing are cordially invited to attend.  
The Temple meets every first and third Wed-  
nesday in each month.

T. O. ANDREWS, W. C. T.

### Ashland Lodge No. 23.

A. F. & A. M.  
Holds their stated communications Thursday even-  
ings on or before the full moon. Brethren in good  
standing are cordially invited to attend.  
W. H. ATKINSON, W. M.  
J. S. EUBANKS, Sec'y.

### Ashland Lodge No. 45.

I. O. O. F.  
Holds their regular meeting every Saturday evening  
at their hall in Ashland. Brethren in good  
standing are cordially invited to attend.  
A. D. HELMAN, N. G.  
R. P. NEIL, Rec. Sec'y.

Rebeka meetings on Tuesday evening, nearest  
the full of the moon each month.

### PROFESSIONAL.

### J. A. APPEGATE.

Attorney and Counselor-at-Law

SALEM OREGON.

DR. J. H. CHITWOOD,

ASHLAND, OREGON.

OFFICE—At the Ashland Drug Store.

J. R. NEIL,

ATTORNEY-AT-LAW,

Jacksonville, Oregon.

J. W. HAMAKAR.

NOTARY PUBLIC.

LINKVILLE LAKE CO., OREGON.

Office in Post Office Building. Special  
attention given to conveyancing. [2-29tf]

H. KELLEY,

Attorney and Counsellor-at-Law,

JACKSONVILLE, OREGON.

will practice in all the Courts of the State. From  
attention given to all business entrusted to my care.

Office—In the building formerly occupied  
Kahler & Watson, opposite Court House.

M. L. McCALL,

Surveyor and Civil Engineer,

ASHLAND, OREGON.

Is prepared to do any work in his line on short no-  
tice. (2-29tf)

### PROFESSIONAL.

DANIEL GABY,

ATTORNEY-AT-LAW,

NOTARY PUBLIC

and

REAL ESTATE AGENT.

ASHLAND, OREGON.

I. O. Miller.

Architect and Builder,

GRANITE STREET - - - ASHLAND.

Will do anything in his line on short notice and  
on the lowest terms. (2-29tf)

J. O. C. WIMER

WIMER & WELLS.

Practical Millwrights.

Flouring mills, saw mills, quarts mills,  
and all kinds of mill machinery put up to  
order in the very best style. All work war-  
ranted. Satisfaction guaranteed. Address  
either, or both, at Ashland, Oregon. [29tf]

T. G. WATTERS.

O. R. MYER.

WATTERS & MYER.

WATCHMAKERS, JEWELERS AND

OPTICIANS.

One door south of the Post-office, Ash-  
land, Oregon.

D. S. SCOTT

Ashland - - - Oregon

An abundance of good brick always on hand at my  
kiln, one mile north of Ashland.

I am also prepared to do all kinds of brick work  
in the very best manner.

Give me a trial and rest assured that I can satisfy  
you.

D. S. SCOTT.

v2m26-m

T. G. WATTERS,

LAND AGENT.

Ashland, Jackson County, Oregon.

Will attend to the buying and selling of

Real Estate.

All business entrusted to me will receive  
prompt attention.

I will cheerfully answer all letters of in-  
quiry in regard to this portion of Oregon—  
its climate, soil, products etc.

Reference given if required.

v2m24] T. G. WATTERS.

J. W. RIGGS,

PHOTOGRAPHIC

ARTIST,

Ashland - - - Oregon.

I am now permanently located in this  
place, and respectfully asks the patronage of  
the citizens.

ALL WORK WARRANTED

To give Entire Satisfaction. Prices to suit  
The Times.

Call and see Specimens. [v2m24f]

HOTELS.

ASHLAND HOUSE.

THE UNDERSIGNED WISHES TO RE-  
mind his friends, and the traveling pub-  
lic generally, that he is still to be found at this

LONG ESTABLISHED HOUSE,

where he is ready at any time, and on all  
occasions to set before them the best the  
market affords, in a style second to no other  
house in Oregon.

Dinners and suppers for special occasions,  
given up in appropriate style, at short no-  
tice. JASPER HOUCK.

PIONEER HOTEL.

Linkville, Lake County, Oregon

The subscriber is again in charge of  
the OLD PIONEER HOTEL of the  
Lake country, and is determined  
to make his guests

Comfortable and Happy.

Give him a call and rest assured  
that he will make you feel at  
home [2-29tf]

GORGE NURSE.

LAKEVIEW COTTAGE!

A Pleasant and Homelike House situated  
AT—

Hamming Bird Springs, near  
Klamath Lake.

Eleven miles from Linkville, on the road to  
Ft. Klamath, Lake Co., Oregon.

Attention paid to the wants of guests

The subscriber also keeps a Good Stable  
well supplied with hay and grain. Call and  
see if he can keep hotel.

v2m24f]

D. J. Ferree,

### Song.

BY LADDER'S HUCKEY.

Hear ye not the trumpet's warning,  
Thoughts of death and danger warning,  
In the bright and beautiful morning,  
Tis the signal for the fight.

See ye not the banners dancing,  
See ye not the bayonets glancing,  
See ye not the war-steeds prancing?  
So diera brave are on the march.

See, on high, the "E-g-e" soaring  
Where the clouds of war are low'ring,  
And the madd'ning cannons roaring?  
Columbia's sons are in the van.

Now they charge! hark to their cheering,  
Neither death nor danger fearing,  
From the foe, his banners tearing,  
Columbia's sons have gained the day.

When returned from deeds of daring,  
Proudly each his laurels wearing,  
And the "Star and Stripes" gleaming,  
They again the same can do.

Courages brave they're done forgetting;  
Scenes of death and war forgetting,  
In the thoughts that love's beguiling,  
Thoughts of home and sweethearts dear.

Fort Klamath, May 1878.

PIONEER JUSTICE IN OREGON.

[WILLIAM M. TURNER IN OVERLAND MONTHLY.]

Oregon, twenty years ago, was yet in  
territorial swaddling-clothes. Only a  
short time had elapsed since the fame  
of her beautiful valleys and noble  
streams, already blended in our nation-  
al poetry, had reached the over-crowded  
settlements at the East. Astor had es-  
tablished a small trading colony, which  
yet bears his name, at the mouth of the  
great river whose solitary grandeur had  
awakened poetic inspiration. Douglass,  
the naturalist, had pushed alone far  
among the majestic mountains that  
crowd the western slope. Fremont had  
touched it among the southern lakes,  
and Lewis and Clarke had stood and  
gazed in silent wonder over its almost  
endless plains to the eastward. When  
the question of boundary between Ore-  
gon and British North America assum-  
ed a public prominence, it attracted at-  
tention to our extreme Western posses-  
sions; but there was another influence  
greatly instrumental in the settlement  
of the new territory and in molding the  
character of its population.

Round the camp fires of the trappers  
and mountain men, from the Yellow-  
stone to the Arkansas, the enchantments  
of the reputed fairy-land beyond the  
Rocky Mountains were a constant  
theme, and the few who had courageous-  
ly penetrated it, drank from its crystal  
streams, and beheld its wondrous  
beauty, were regarded with a sort of  
envious admiration. Passing from  
mouth to mouth, and losing nothing,  
the wonderful stories of Oregon and its  
beauty and fertility were occasionally  
related in the settlements along the  
Mississippi and its tributaries, creating  
a feverish and unsettled longing. In  
1850, the Government, wisely perceiv-  
ing the importance of inducing emi-  
gration to our north-western territory,  
offered a princely share of the public  
domain to all bona fide settlers in Ore-  
gon. The offer was tempting. Along  
the frontier line of the Mississippi  
States was echoed "land for the land-  
less," and soon the plains, heretofore  
dreaded as an almost impassable Sahara,  
were dotted with moving caravans  
pressing to the promised land. There-  
fore—drawn mainly from the border  
States and territory, and comprised  
largely of men whom civilization, with  
its restraints and apparent en-  
croachments on the liberty of the citi-  
zen, had pushed to the verge of the  
wilderness—it is not surprising that the  
population of the young territory  
should be not only of a marked Ameri-  
can character, but of a peculiar type  
of Americanism. These pioneers were  
brave people, who accepted the liberal  
offer of the Government and its conse-  
quent trial and hardship with all the  
pluck which characterized the fron-  
tiersman. They had been in the ad-  
vanced guard of progress, they had  
cleared the way for the settlement and  
development of the Mississippi Valley,  
and were still willing to cleave new  
homes at the very outposts of our do-  
main. While they brought with them  
their marked Western prejudices and  
their half-nomadic habits, they brought  
also their sturdy independence, and  
that keen sense of right and wrong in-  
separable from strong courageous na-  
tures, that left its sterling impress up-  
on every public act and record in Ore-  
gon's early history. Society in the  
young territory was by no means rude  
or unsettled. Inferior, perhaps, in

some of the refinements of the older  
communities, it was superior in the ab-  
sence of many things with which older  
communities were cursed and hamper-  
ed. Life and property were compara-  
tively safe. Wherever the territorial  
law extended, it was simple and effec-  
tive in its operation. Where it did  
not, through lack of judicial organiza-  
tion, justice was reached by short cuts,  
unobstructed by the complex machin-  
ery of modern law, unclouded by the  
perplexing and uncertain verbiage of  
legal lexicons. In such localities, jus-  
tice was administered by *alcaldes* elect-  
ed by the people. Their jurisdiction  
was ample, their decisions were final,  
and the mandates of their courts were  
generally respected; but their acts  
were vigilantly scrutinized by those  
who invested them with official digni-  
ty. Consequently, the administration  
of this backwoods magistracy, always  
subject to the powerful test of public  
opinion, was usually honest and just.  
Occasionally, however, bad men stole  
into office, and under their extensive  
powers, perpetrated wrongs that, in the  
absence of any court of appeal, were  
hardly redressible. Under such cir-  
cumstances, an episode occurred dur-  
ing the early history of the territory,  
that illustrates this simple judicial sys-  
tem, and recalls vividly the stories of  
the just Caliph of Bagdad, over which  
childhood has lingered with so much  
delight and admiration.

Prior to January, 1852, there were  
no county organizations south of the  
Calapooia Mountains, a range stretch-  
ing from the Cascades to the Pacific,  
and dividing western Oregon nearly  
midway between the Columbia and the  
California boundary; and for nearly a  
year later, no courts were held in that  
region, other than those of the local  
*alcaldes*. In the summer of 1852, a  
rich and extensive discovery of gold on  
Jackson Creek, within a half mile of  
the present site of Jacksonville, had  
brought a large number of miners to  
that locality, both from other portions  
of the territory and from California.  
At this time, justice was dispensed  
within the new district by an individ-  
ual named Rogers, who had been elect-  
ed prior to the gold discovery. Rog-  
ers was known as a man of stubborn,  
willful nature, and not credited either  
with discernment or honesty; but,  
hitherto, his decisions, involving no  
considerable amounts of property and  
not outrageously unjust, had passed  
unquestioned by the people. When,  
in the fall of 1852, the mining camp was  
at the full tide of prosperity, a com-  
plication arose between two mining  
partners, involving the right to a min-  
ing claim and the settlement of a part-  
nership, the adjudication of which was  
finally taken in hand by the people,  
and resulted in stripping a dishonest  
judge of his undeserved honors.

Two miners, named respectively Spreng-  
er and Sims, owned and worked in  
partnership a valuable mining claim on  
Jackson Creek, and, late in the fall,  
Sims, taking the partnership funds,  
started for Portland to purchase a sup-  
ply of provisions, leaving Sprenger at  
work in the claim. During his part-  
ners' absence, Sprenger met with a  
serious accident, which confined him  
to his cabin, crippled and helpless.  
There was "lack of woman's nursing"  
in the wild mining regions, but there  
was no lack of kindly, generous sym-  
pathy for the unfortunate among the rough  
miners, and Sprenger was nursed and  
cared for with all the proverbial hu-  
manity of this class of people. When  
Sims returned, finding his partner like-  
ly to be a burden on him for the com-  
ing winter, he at once ejected him  
from the cabin, and took possession of  
the claim. Sprenger appealed to Al-  
calde Rogers for restitution, but ap-  
pealed in vain. His suit was conduct-  
ed with considerable skill by a fellow  
miner named Kinney. Every point of  
law, both territorial and local, was on  
his side; every principle of equity in  
his favor; but the pleadings of his ad-  
vocate fell on the ears of a corrupt and  
unfeeling judge, whose decree stripped  
him of every dollar of his worldly pos-  
sessions. His counsel, suspecting the  
credibility of some of Sims' witnesses,  
and satisfied that the trial was as un-  
fair as the decision was unjust, de-  
manded a new one, which was refused  
by the *alcalde*.

Poor Sprenger was almost in despair.  
He was a cripple, dependent on public

charity, his means entirely exhausted—  
cheated and robbed by the man who  
should have stood by him in his mis-  
fortunes. In his distress, he sought  
the services of a neighboring miner  
named Prim, who, report said, was a  
lawyer, but who, for the sake of avoid-  
ing annoyance in petty trials where the  
fees were not commensurate with the  
lawyer's services, had kept his true  
calling a secret. Sprenger found the  
disciple of Blackstone in a tunnel, vig-  
orously swinging his pick among the  
muddy and dripping boulders, looking  
more like a Cornish miner than an ex-  
pounder of legal perplexities. Prim  
was disposed to disavow any knowl-  
edge of law for the sake of saving him-  
self the trouble of a case, where, un-  
der the circumstances, defeat was cer-  
tain; but his humanity overcame his  
selfishness, and, moved by the recital of  
Sprenger's grievances, he threw down  
his pick and espoused the injured  
man's cause as zealously as if expect-  
ing a generous fee. Kinney, the for-  
mer counsel of Sprenger, was sought, and  
a consultation entered upon. Every  
known point of the law bearing upon  
the case, was discussed. Every familiar  
maneuver or pretext, likely to assist in  
obtaining a new trial, was proposed, and  
the advocates waxed more earnest upon  
each examination of the subject. All,  
however, to no purpose. The known  
obduracy of the *alcalde* and his sus-  
pected collusion with Sims, rose ever-  
lastingly before them, presenting an im-  
passable barrier between them and jus-  
tice. A protracted and exhaustive view  
of the case only left the attorneys less  
hopeful than ever—when Prim, in a  
half soliloquy, remarked: "If we only  
had a Court of Appeal."

"Great God, sir!" exclaimed Kinney,  
springing to his feet in a state of in-  
tense excitement. "Why did we not  
think of that before? We will have a  
Court of Appeal, sir!"

Prim did not understand him, think-  
ing he referred to a probable election  
and the organization of the regular ju-  
diciary, and suggested, gravely, that  
their client would probably starve, and  
reach the Court of Death, before they  
would get it before any earthly tribu-  
nal.

"No, sir!" continued Kinney, with  
increasing warmth, "I say we will have  
a Court of Appeal within twenty-four  
hours. Who made the d—d scound-  
rel *alcalde*? We, the people, sir! and  
if we have the power to create one  
court, we can make another high enough  
to try and hang the one below it, if  
necessary."

A new light dawned upon Prim.  
Kinney was right. His strong good  
sense, by going back to first principles  
and invoking the power of the people  
to correct an abuse which was the re-  
sult of their own short-sightedness, had  
solved a problem that to the lawyer  
was full of stubborn impossibilities. A  
Court of Appeal was resolved on.  
Sprenger was immediately dispatched  
to summon the "boys" to a miners'  
meeting. He was not armed with any  
wordy legal process, with its angular  
and imperious verbiage, but with a  
wit that found a soft spot in every  
rough breast among the mining popu-  
lation; a wit that the miners never re-  
sisted—an appeal to their sympathy  
and sense of justice. Never was im-  
perial usage more potent. Never did  
the fiery cross on highland height  
rouse the clans more effectually than  
this simple appeal did the mining popu-  
lation in the early days; and the cri-  
pled envoy was as successful as his ad-  
vocates could wish. The "boys" threw  
down their tools, and, deserting their  
claims, flocked to the town nearly a  
thousand strong, and in a perfect fer-  
ment of indignation. A committee  
waited on the *alcalde* to demand a re-  
hearing for Sprenger; but he declined  
to open his court for the purpose of re-  
versing his own judgment. Kinney at  
once sprang upon a stump, called the  
meeting to order, and suggested the or-  
ganization of a Court of Appeal, and its  
investment with full power to review  
the proceedings of the court below.  
The proposition struck the popular  
chord, and the affirmative response that  
swelled up from the crowd, which was  
now in ill mood for trifling, almost  
drowned the speaker's voice. A gentle-  
man named Hayden, a native of Con-  
necticut, known for his uprightness  
and probity, was unanimously pointed  
to for the position of Chief Justice. In

vain did Mr. Hayden protest and de-  
cline the proffered honor; in vain did  
he modestly insist that he was ignorant  
of law and unwilling to bear so grave a  
responsibility. The popular current  
was too strong; a wild yell of acclama-  
tion proclaimed him Judge  
of Appeal, investing him, in a  
limited sphere, with a power as su-  
preme as ever clothed czar or sultan.  
The new justice did not wait for a  
formal certificate of election, but pro-  
ceeded with the organization of his  
court in a manner that showed him to  
be a man of no ordinary business cap-  
acity. A clerk and sheriff were at once  
appointed, a record opened on which  
was spread the extraordinary proceed-  
ings of the hour, and when the court  
was in working order, a *mandamus* is-  
sued commanding Alcaldes Rogers to  
appear with the records of his court.  
The writ was disobeyed, the *alcalde* re-  
fusing to recognize the appellate pow-  
ers of the new court. An unexpected  
complication having thus arisen, the  
process was about to be enforced by the  
excited people, when Justice Hayden,  
maintaining the dignity of his court  
amid the greatest uproar, solved the  
difficulty by ordering the parties in  
equity to appear before him for a new  
trial. Sims dared not disobey, seeing  
that the dissolution of the high court  
would be the signal for popular vio-  
lence, and securing the services of  
Orange Jacobs, a young attorney from  
Michigan, promptly responded, and the  
trial at once went on. A venire was is-  
sued for a jury—twelve good and law-  
ful men—subpoenas issued for wit-  
nesses, and the case formally opened.  
Jacobs, of whom little was known, ex-  
cept that he was recognized as a quiet,  
unassuming miner, appeared with an  
able and apparently exhaustive argu-  
ment, protesting against and denying  
the extraordinary jurisdiction assumed  
by the court as contrary to the organic  
law of the territory, and therefore  
against public policy and revolution-  
ary; and moved for the case be dismis-  
ed for want of jurisdiction. He pleaded  
as one wedded to his profession as an  
abstract science, jealous of the law's  
infringement for its own sake; but he  
appealed to a judge who sat for the dis-  
pensation of justice more than for the  
vindication of law, and, as might  
have been expected, his motion was  
overruled. Prim and Kenny managed  
the case with the skill of veteran attor-  
neys, and in knowledge of the peculiar  
circumstances surrounding it, over-  
matched their opponent; who deftly  
and courageously met every argument  
and sifted every witness with all the  
adroitness of a thorough legal expert.  
During a stubborn argument on a law  
point presented by Jacobs, he became  
so earnest as to venture to put a small  
sum that it was good law and support-  
ed by ample authority. Kinney sprang  
to his feet triumphantly; he knew that  
the point *was* law, but he knew his man  
and understood the composition of the  
jury. Drawing his buckskin with an  
air of the most supreme confidence, he  
flung three of the old fashioned fifty-  
dollar slugs upon the table, and de-  
manded the amount of his opponent's  
bet. It was a bluff against knowledge,  
and bluff won. Jacobs was a recent  
immigrant, without "color" in his wal-  
let, and responded not; there was an  
audible smile on the faces of the jury,  
and the court, with becoming gravity,  
pronounced the point "not well taken."  
Jacobs fought over every inch of ground  
and opposed every effort of Sprenger's  
joint counsel with a moral heroism that  
in the face of an angry and excited  
crowd of spectators, was almost sub-  
lime; but he was at a sad disadvantage,  
and talking to a court and jury who  
did not care a fig for law when conflict-  
ing with their ideas of right and  
wrong.

The witnesses examined and the is-  
sue made, Kinney presented the case to  
the jury. He dwelt on the right of  
every citizen to the peaceful possession  
of his property, and on the duty of  
every man owed to society in the pro-  
tection of his neighbors' rights; but it  
was when he referred to the relations  
existing between the two men that  
crude human nature triumphed over  
legal science and skill. Drawing a  
distinction between partnerships in civil-  
ized communities and those in the  
wild mining region, where the social  
amenities of life were uncommon, he  
showed the former to be mere com-  
mercial and financial connections among  
men, while the latter were ties of broth-  
erhood, sanctioned and prescribed by  
custom, and imposing obligations that  
which there were none stronger. He  
told the jury that a man's partner was  
required to be his friend, to sustain him  
in evil and in good repute, to share with  
him in health, to nurse him in sickness,  
(Concluded on fourth page.)