

# INDIANA PALLADIUM.

By D. V. Culley & V. M. Cole.

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[NO. 45.]

From the National Intelligencer.

## THE PUBLIC LANDS.

We inserted some time ago, a letter of instructions from the General Land Office, to Registers and Receivers of the Land Offices, on the subject of the act of last session, granting pre-emption rights to actual settlers on the public lands. Having received, a copy of a supplementary letter of instructions on the same subject, we insert it also, for the benefit of our readers in the South and West.

## TO REGISTERS AND RECEIVERS OF U. S. LAND OFFICES.

General Land Office, October 23d, 1834.

GENTLEMEN: In consequence of representations made to the Department respecting the operations of the third clause of the instructions contained in the circular letter of 22d July last, I have to inform you that the secretary of the treasury, unwilling to withhold the advantages of the late pre-emption law from applicants who may have meritorious & substantial claims to its benefits, and who, by circumstances peculiar in their character, have no actual residence on the land claimed, has concluded so to modify the instructions complained of, as to admit as exceptions from the general principle, such cases of the character referred to, as in the exercise of a sound and liberal discretion on your part, shall appear from facts, satisfactorily proved, to come within the meaning and extent of the act. The following are cited as examples of the cases expressly referred to:

Where the cultivation may have been made by an unmarried person, without family, boarding and lodging with another family resident on a tract adjoining, or in the immediate vicinity of his improvements; or by a married person living in a similar manner; where there has been actual and bona fide intention to reside on the land cultivated, but where the preparation was not complete, or the intention was frustrated by unavoidable accident; where the tract cultivated may have been necessary and integral portion of a farm or plantation of an individual residing on an adjoining tract, and where without the aid of the proceeds of such additional cultivation, he could not have maintained himself and family, and continued to reside where he did; or where, by reason of the unhealthy location of the lands cultivated, the individual may have fixed his residence on a neighboring tract. In all these cases, and others analogous in their circumstances and spirit, where the facts are distinctly proved, and where, in the exercise of a sound and liberal discretion, you are satisfied that they come within the meaning and intent of the law, the third clause of the circular letter referred to, which regards the erection of a dwelling-house for the purpose of habitation as a requisite of "possession," is modified so as to admit the right of entry.

2d. No pre-emption right to No. 16, reserved for schools, can be sustained under existing laws, nor will the act of 19th June, 1834, admit of a floating right of pre-emption elsewhere, in virtue of a settlement in the sixteenth section—Individual claimants considering themselves aggrieved, under such circumstances, will have to prefer their claims to Congress.

3d. Where an individual establishes a right of pre-emption to a fractional section containing less than one hundred and sixty acres, or to a half quarter section, the other half of which was sold previous to the date of the Act, or to a residuary quarter quarter of a section, (which residuary quarter quarter must have been made such by locations made under the Act of 5th April, 1832, inasmuch as quarter quarter sections cannot originally be selected, as such, under the pre-emption law,) in all such cases, the fraction, the half-quarter, or the quarter quarter, is to be regarded as a separate and distinct tract, beyond the quantity of which the party can claim no right to locate elsewhere, or on adjoining lands—but in cases where two or more individuals are settled on any one such tract, the two first actual settlers are entitled to enter in their joint names, and each of these two is entitled to receive a floating right to eighty acres elsewhere.

4th. Where A settled on and cultivated a tract of public land in 1833, and prior to the 19th June, 1834, sold his right to B, who continued to improve and occupy the same on that day, B is regarded as entitled to the benefit of the Act.

5th. Where A cultivated a tract of public lands in 1833, and had placed B thereon, as tenant in possession, who continued to improve and cultivate the same on 19th June, 1834, A is regarded as entitled to the right of pre-emption, on due proof of cultivation and occupancy as required by the Act. But in case A, prior to the year 1833, had placed a tenant on a tract of public land, who cultivated and possessed, agreeable to the tenor of the Act, the right of pre-emption is to accrue to the tenant.

6th. The testimony heretofore required to be taken, before a justice of the peace, may also be taken before a notary public, or any other officer duly qualified to administer oaths.

7th. Where there were more than two actual settlers on a tract, floating rights accrue to the two first actual settlers, and to none of the others.

8th. Quarter quarters of sections are created jointly by the operations of the Act of 5th April, 1832, entitled "An Act supplementary to the several laws for the sale of the public lands."

The right to enter and make payment for quarter quarters of sections, (lots of forty acres) under the Act of 19th June, 1834, can be claimed only where residuary quarter quarters are found to exist in a section, they having been created separate and distinct legal subdivisions by the peculiar operation of the Act of 1832.

—While on this subject, I have to mention that, on inspecting the names of purchasers, it is apprehended that due caution is not observed by the Registers in operating under the Act of 1832, which provides that no one individual can enter more than eighty acres in tracts of forty acres. Increased vigilance is strictly enjoined in this respect; and in order to ensure a strict compliance with the law, the Register is hereby required to keep an alphabetical list of the names of purchasers of quarter quarters of sections, which list must always be referred to as a check, prior to the admission of entries of land in that mode under the Act aforesaid.

9th. In cases where individuals have settled on public lands since the passage of the act of 19th

June, 1834, the form of affidavit prescribed in the 14th clause of the circular letter of 22d July last, may be varied to suit the peculiar circumstances of such cases, by striking out the words "and that there was not, at that time, any person residing thereon, or cultivating the same," and inserting in lieu thereof, all the facts in the cases as they are found to exist.

10th. Military land scrip cannot, under existing laws, be located on any public lands settled, or occupied, "without the written consent of such settlers or occupants," as may be actually residing on said lands at the time the same shall be entered or applied for." Such settlement or occupancy, therefore, although it may or may not have reference to any existing pre-emption privilege, is a bar to the location of the scrip, without the written consent of the settler or occupant. The form of the affidavit prescribed for such cases by the circular letter of 2d October, 1832, will substantially remain unaltered: but in cases where individuals are desirous of locating scrip, it is not deemed necessary to require from them two separate affidavits, one under the circular of 2d Oct., 1832, and another under the 14th clause of the circular of 22d July last; but the substance of both forms may be incorporated into one affidavit.

11th. Payment is to be required in all cases arising under the late pre-emption law at the time the right of entry is admitted. In cases arising under the third section, or in such as may be of doubtful character, and which you may deem it necessary to refer for the decision of the Department, payment will not be required until a favorable decision is communicated. Meanwhile the land claimed is to be withheld from sale.

I am, very respectfully, your obedient servant,  
ELIJAH HAYWARD,  
Commissioner of the General Land Office.

From the Dedham Advocate.  
THE SLOUCHED HAT.

In the year 16—, there appeared in the goodly town of Boston one Monsieur Le Cain, who from the accounts he gave of himself, came to sojourn among them for the purpose of instructing the sober and staid citizens, in the "noble science of defence." He took lodgings in King street, at the sign of the Cat and Parrot, from whence he issued his cards; giving notice, that at all hours of the day, he held himself in readiness at his room, to give lessons in the noble exercise of the broadsword. At the bottom of his bills was appended the following: "Any gentleman who is so good as to join in the amusement, and escapes without three cuts and a parry to one attempt, will be entitled to twelve lessons gratis." This boast drew forth at once the pride and feelings of all the young blades in town who had ever "don'd glove" or handled foil; and many in consequence were the encounters with the dapper Frenchman. It was all in vain, the activity and skill of Monsieur, carried him through triumphant. This success tickled his pride; and to gratify his vanity or more perhaps to pride; and to increase the number of his pupils, he caused a stage to be erected in the common, upon which he daily appeared, armed, "cap-apie," giving challenge, that he was ready then and there to contend with naked blades against all comers. This was a color—to engage in "friendly passage," with buttoned foils where nothing was exposed but their vanity, was what had been, and could be endured by the young gladiators of the town; but to face this gunpowder Captain of the Louises in mortal combat, was not for a moment to be thought of. No one ever dreamed of attempting it. Thus Monsieur Le Cain had his stage entirely to himself, upon which he continued daily to renew his challenge, give point and cut direct upon the empty air.

It was at one of those daily exhibitions when an unusually large number were looking on to witness his dexterity in cutting and flourishing, and listening to the oft-repeated challenge, that a man stepped out from the crowd, and very coolly walked forward, drew his glove from his hand and cast it upon the platform, in token of his acceptance of the challenge. He was completely enveloped in a large dark coloured cloak of coarse materials, which in the act of drawing his glove, fell open, and disclosed to the view of the astonished bystanders, a ponderous broad-sword buckled to his thigh; that, judging from its size, would be useless in any but the hands of Willie Wallace, or a Douglass of the bloody heart. This together with a slouched hat, constituted the whole of his visible costume. He appeared rather above the common size, with a form that denoted great strength and activity. The Frenchman at first appeared utterly confounded at this unlooked for occurrence: but recovering himself in a moment, he with the politeness and urbanity of his nation, invited his daring opponent to ascend the stage. The bystanders, when they had recovered from their surprise at the challenge of Le Cain being accepted, were very eager to ascertain who this fearful being was.—Who is he? and what is he? were questions reiterated from one to another; but who he was or what he was, no one knew, and none could tell. No one had observed him until he had separated from the crowd to accept the challenge. As for Le Cain, when he found himself driven to the issue upon his own terms, with a crowd of witnesses, among whom were a number of his pupils, and all of whom had heard his repeated boasting, he was determined that this unknown, who in his opinion, was hoping to disgrace him, should pay dear for his temerity. With these thoughts in his mind he addressed the stranger; "You shall play a bloody game for this, sir, broad brim."—"I am here," replied the unknown, in a calm and clear voice—"to punish a vain boaster, let the result be as God wills." "Well spoken," said Le Cain, his face reddening with passion at the stranger's coolness, "but are you aware that your opponent is the best swordsman in the country?"—This information did not produce the desired effect upon the slouched hat, that Le Cain evidently intended it should. In the same provoking and even voice he replied, "Your language my cock-sparrow well becomes your profession; but young man," and his voice assumed a tone of sarcasm—"you had better cease your boasting and save your strength, for I assure you that you will need it all to steady your eye, al guard your points." The sword of the fiery Frenchman was unheated in a second—the strange fellow followed his example. "This insolence is to be borne," said Le Cain, putting himself in a posture of at-

tack, defend yourself, and he commenced a furious attack upon the stranger. The one all fire and eminence—the other cool and collected. The Frenchman evidently had the advantage in activity, while the strength and self-possession of the other appeared to render him fully his equal. Le Cain, who had depended upon his superior skill, finding himself repeatedly foiled, became more enraged as the contest continued. His face was as red as scarlet, and his whole countenance betrayed the height of passion, which strongly contrasted with the calm and collected countenance of the stranger. His self-possession was noticed by Le Cain, and tended to increase his rage; he shifted his ground and attempted to bring the face of his antagonist to the sun; his opponent turned to receive him as steadily as if he moved upon aspivit, continuing to act only on the defensive. The attempt of Le Cain to blind the stranger by the sun appeared to have succeeded, for he had no sooner turned him in that position, that the sword of the unknown missed a parry, and he received a deep wound in the sword arm. He still maintained his ground and self-possession, but the cool calm countenance disappeared; his face was flushed, every muscle of his powerful frame appeared to be bro't into action; he shifted his ground with the speed of lightning, and his blows were dealt with a speed and force that showed a determination to bring the contest to a close. This change of affairs in an instant altered the opinion that Le Cain had entertained of the skill of his antagonist. He abandoned at once his assault, and relied solely on his defense. The stranger pressed upon him, the muscles of his mouth contracting with every blow he dealt, showing his teeth as firmly set as a vice, until by a sweeping blow he dashed the sword of Le Cain from his hand, which left him at his mercy. "Yield," shouted the stranger "or die the death of a foolish boaster." Le Cain, with quivering lips and countenance ashy pale replied, "I yield, I surrender all pretensions to the science of defence; but may I know to whom I yield?" "That replied the stranger is not for you to know; to you and and these good people present, I would say, I am a messenger to punish presumption." He then drew his cloak over him, and pulling his hat down over his eyes, leaped from the platform, and immediately disappeared in the streets of the town. Who this individual was, who was designated the Slouched Hat, was not known until years afterwards, when it was ascertained (from what source it was known) that it was Goffe the regicide, who as it was well known was concealed for a number of years in this country from the vengeance of Charles II, the son of the murdered king.

From the Marietta Advocate.

AUTUMN. The revolving seasons have again brought to us the mellow autumn. Its "sear and yellow leaf" tells of decay and dissolution. The winds, sighing in melancholy cadence amongst the fading foliage, reminds us of the winds of death that sweep weak and fragile man to his dust. "All flesh is grass," is the language of inspiration, and how affecting does every church yard testify to its truth. Infancy in its helplessness, manhood in its vigor, and old age in its decrepitude, are indiscriminately levelled by the hand of the Destroyer. All alike go down to people the solitary regions of the dead, and to be forgotten. The flowers planted by the hand of affection may blossom for a while over the newly made grave. But the frosts of Autumn will soon blast their loveliness, and destroy their fragrance, and when the next spring comes smiling in its buds and sunshine, the hand which placed the rose or Jessamine on that fresh covered mound will itself be laid in the earth. Let us

"So live, that when our summons come to join The innumerable caravan that moves To that mysterious realm, where each shall take His chamber in the silent halls of death, We go not, like the quarry slaves at night, Scourged to his dungeon; but sustain'd and sooth'd By an unflattering trust, approach our graves. Like one who wraps the drapery of his couch About him, and lies down to pleasant dreams."

Proverbs. Proverbs existed before books.

Who knows not how to dissemble, knows not how to reign.

Who serves at court, dies on straw.—*Italian.*

Ask thy purse what thou shouldst buy.

A man that keeps riches and enjoys them not, is like an ass that carries gold and eats thistles.

Accusing the times is but excusing ourselves.

A great fortune is a great slavery.

A bird is known by its note and a man by his talk.

A good presence is letters of recommendation.

A hog upon trust, grunts till he is paid for.

A man in debt is stoned every year.—*Spanish.*

A sluggard takes an hundred steps because he would not take one in due time.

Account not that work slavery that brings in penury.

A rascal grown rich has lost all his kindred.

A good word for a bad one, is worth much and costs little.—*Italian.*

A man without ceremony had need of great merit in its place.

According to your purse govern your mouth.

All men think their enemies ill men.

A man in passion rides a horse that runs away with him.

An oak is not felled at one stroke.

A servant is known by his master's absence.

All is soon ready in an orderly house.

Anger and haste hinders good counsel.

All complain of want of memory but none of want of judgment.

An open countenance, but close thoughts.

A poor man has not many marks for fortune to shoot at.

An old dog cannot alter his way of barking.

A young man idle, an old man needy.

A little neglect may breed great mischief.

A lady's taste. The N. Y. Transcript says, a lady some days ago, went into a bookstore in that city, and enquired for some new novel. As she did not know precisely what she wanted, the bibliopolist recommended the "Invisible Gentleman," a novel which had just then made its appearance.

She turned up her nose at this.—"A Fiddlestick's end," she exclaimed, "for your invisible gentleman; I like a man that I can see."

Important to Bachelors. We copy the following piece of wholesome good humored advice from "The Spy," a promising well arranged paper, recently established at Bedford, Lawrence county, in this State. The observations, it will be seen, are made for the meridian of Bedford; but will, it is believed, apply (like our almanacks) to that of other places, without any material variation:

Why is it, Mr. Editor, that in so small a town as ours, we have so large a portion of old Bachelors? Go which way one will, they cannot avoid coming in contact with one or more, of these antiquated gentlemen. We have them in all their variety:—from he who has just passed the grand climacteric, to the regular built; confirmed old gentleman himself, who has long since passed the Rubicon, and is now in the "sear and yellow leaf" of life, with "spectacles on his nose." 'Tis truly amusing to see these old folks gather themselves together, in small squads, on a calm summer evening:—they look like a "disbanded fragment" of Falstaff's "regiment of tattered prodigals," lately returned from *swine feeding*. Lo! here comes one.—Let's question him a little. Stand up here Mr. Spindle Shanks! Turn out your *square toe'd* shoes, and show off your "tights" to an advantage! How happens it, my "grave and reverend seignior," that you whose locks are now blossoming for the grave—who have seen the frost of fifty winters, have left undone one of the most sacred duties you owe your country and yourself? answer me. Is it, that there are none worthy so fine gentleman? or is your taste so fastidious, that you cannot be content with beauty, intelligence and virtue? Why is it? The astonished object of woful celibacy, is

that our calls have been unusually prolific this week. Our sister's nurse has been sick and we have been compelled to spend a considerable portion of our time in rocking the cradle. This would appear a sufficient excuse for any reasonable man, but is not all. A beautiful black eyed girl came to town last Saturday, and we had no sooner seen her, than we were half dead in love; we have, during the week, wooed and won the dame, and shall, (if no lawful objection can be made,) be married at the methodist church to-morrow. Are our patrons satisfied. If not, we hope they may be doomed to a life of celibacy!! Or if married, doomed to all the horrors of the henpecked husband!!

State Bank. We are gratified to be able to state that the full amount of the subscriptions of Stock, on the part of the Stockholders of the Branch at this place, was punctually paid in, on Monday last, without any defalcation. Considerable anxiety was also manifested for the purchase of stock, and a small premium offered.

On Thursday, according to previous notice, the election for Directors took place, which resulted in the selection of the following gentlemen, viz. Harvey Bates, B. I. Blithe, Samuel Henderson, John Wilkins, David Williams, Alexander W. Russell, Homer Brooks, James Blake.

The Directors have appointed Mr. HARVEY BATES, President, and the Hon. B. F. Morris, Cashier.

Mr. STEVENS, confident in the belief that the Americans, or persons living in the climate of the United States, are as capable of enduring fatigue as any other people; and as this feat has been performed in England, he has ventured upon a wager that he will find a person to accomplish it here. Of his success, we do not entertain a doubt, but to ensure it, his letter should be widely circulated.

To Col. J. W. Webb:

Dear Sir: In conversation with some friends upon the subject of pedestrian feats, I stated that in England ten miles had been done by a man on foot within the hour. This assertion was deemed a little too near of kin to the marvellous for gentlemen to swallow, even with the help of a bottle. If the thing was not impossible, it was yet so nearly impossible as to justify them in believing it to be a feat too nearly allied to the powers of a horse to render its performance possible by a man—or, at least, by a man in this country. There must have been some mistake in record, or in the distance, or in the time, and after a deal of breath had been expended, and the usual quantity of argument was wasted in the ordinary fruitless endeavor to convince my opponent of the error of his opinion, and the correctness of my own, the discussion ended where most discussions of the sort do end—in a bet. I am satisfied that this distance has been accomplished, (if not by men) at any rate, by a man in England, and am equally satisfied that what is possible there (so far as pedestrianism is concerned,) is equally possible here. I have therefore wagered that, before the first day of May next, I will produce one or more men in this country, (it may be white, red, or black, or of any intermediate color,) who shall go on foot ten miles in one hour. I know of no likelier chance of finding such a man than by advertising in your widely extended Journal, that such a man is wanted