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# Coos Bay Times

MEMBER OF ASSOCIATED PRESS

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VOL. II.

THE COOS BAY TIMES, THURSDAY, FEBRUARY 27, 1908.

No. 201.

## SUIT IS BEGUN AGAINST SOUTHERN OREGON COMPANY

Claimants Want Land Granted for Building of Coos Bay Wagon Road.

TERMS FIXED BY CONGRESS

Act Provides That Land Be Sold in Tracts Not Larger Than 160 Acres, at \$2.50 an Acre—Land Sold by Owners in Bulk.

Contending that applicants for land of the Coos Bay wagon road grant should have the right to buy the land in 160-acre tracts at a price not exceeding \$2.50 an acre, 86 applicants have brought suit in the United States Circuit Court against the present possessor of the land—the Southern Oregon Company, whose chief stockholders are William W. Crapo, William J. Rotch, Elijah Smith and Prosper W. Smith, residents of New York and Boston. These applicants want a total of 17,000 acres out of 92,000 held by the company. Another suit will be filed next week for some 1700 acres more.

The would-be purchasers base their claims on the land grant act of Congress which donated the lands to aid construction of a wagon road from Roseburg to Coos Bay and which says that the "lands shall be sold to any one person only in quantities not greater than one quarter section and for a price not exceeding \$2.50 per acre."

In spite of this language of the law, the land has been sold repeatedly in bulk and now the possessor is willing to sell only the most worthless at \$2.50 an acre.

The land was granted by the U. S. to the State of Oregon, which in turn, by Legislative act, granted it to the Coos Bay Wagon Road Co., "upon the conditions and limitations therein prescribed" (in the act of Congress). The Coos Bay Wagon Road Company sold 35,533 acres of the land to John Miller, alias Ambrose Woodroof, in 1875, and sold the remaining 61,142 acres to William H. Besse, in 1884. Woodroof sold to Collis P. Huntington, Charles Crocker, Leland Stanford and Mark Hopkins; Huntington, Stanford and Hopkins sold to Crocker, Crocker to Besse, and Besse to Russell Gray, Gray to the Oregon Southern Improvement Company, that company to Crapo and Roach, and they to the Southern Oregon Company. The land which the Coos Bay Wagon road company sold directly to Besse, he sold to the Oregon Southern Improvement Company, that company to Crapo and Rotch and they to the Southern Oregon Company.

Sales Alleged to Be Void.

The Coos Bay Wagon Road Company sold the lands, says the complaint of the applicants for the land, "disregarding, disobeying and contemning the conditions, restrictions and limitations in said act of Congress and act of the Legislature of the State of Oregon," and the complaint alleges the sales therefore were "absolutely null and void and of no effect and conveyed no estate or title whatsoever in or to any of said estate."

On account of the doubt, therefore, that title has passed legally from the Coos Bay Wagon Road Company, its stockholders are made parties to the suit, together with the Southern Oregon Company. The company is now dissolved.

The complaint prays for a decree from the court as follows:

First—That Congress created the grant upon a "condition subsequent" which "was and now is annexed to said estate" limiting the selling price to \$2.50 an acre and quantity which any purchaser may buy to 160 acres.

Second—That the demand of the claimants for the land be declared valid and the applicants be given first claim to the lands sought and pay the Southern Oregon Company \$2.50 an acre, together with all taxes paid on the land.

Third—That the Southern Oregon Company render an account of all taxes paid.

Fourth—That the Southern Oregon Company execute deeds to the applicants for the lands they seek to buy.

Fifth—That if the company neglect so to do, that the decree of the

## MANY RESCUED FROM FIRES

Two Early Morning Conflagrations in New York Cause Much Suffering.

(By Associated Press.)  
NEW YORK, Feb. 27.—Two were burned so severely that they may die and a dozen severely hurt and scores rescued from perilous positions by firemen at two early morning fires today. Although in widely separated sections, it is believed both fires were of incendiary origin. The most serious fire was in a tenement at 42 East First street, where the firemen rescued many scantily clad men, women and children from fire escapes, and a man and daughter who had inhaled flames are in a dangerous condition. The other fire was in an apartment house at 247 East 140th street, where forty persons were removed from a burning building by policemen and firemen.

## MONEY ORDERS ARE STOLEN

One Thousand Have Been Extracted From Various Offices in U. S.

(By Associated Press.)  
PORTLAND, Feb. 27.—The postal authorities at Washington have sent out warning to be on the look out for forged money orders. About 1000 orders have been stolen from the various postoffices of the country, including 170 from Seattle and 377 from the office at Richmond, Wash. A large number of the forged orders have been cashed.

## HERO'S SAD DEATH; POOR, BUT PROUD

Brave Veteran of Civil War Dies From Starvation in Cleveland, Ohio.

(By Associated Press.)  
CLEVELAND, Feb. 27.—Dead from lack of proper food, Russell Page, a civil war veteran, decorated by Congress for valiant service at Fort Donelson, was found dead in bed yesterday at his home. While Page was dying, his wife was vainly searching for work. Page was confined to his bed as a result of a wound received in war but was too proud to ask for aid as was his wife.

.....  
court stand as a deed to the lands in favor of the applicants; also that a receiver be appointed to protect the interests of all parties.

Sixth—That the applicants be reimbursed by the company for the costs of the suit.

Seventh—That the company be decreed trustee of the lands, holding them for the benefit of the State of Oregon, the United States and the applicants for the land.

**Bonaparte Party Defendant.**  
Attorney-General Bonaparte is cited as a party defendant in the suit, on account of the interest which the Government authorities claim the Government possesses in the grant.

The applicants ask for a receiver because of the many conflicting claims to the land that will be made, and the confusion and injustice that will result, and because there is danger that the Southern Oregon Company may sell all the lands involved in the suit and complicate title to the land in some manner. The complaint cites that all the lands sought are vacant, unimproved and wild and wilfully retarding from settlement, thus retarding the growth of the community. T. S. Minot is attorney for the applicants.

## LUMBERMEN IN CONVENTION

Western Retail Lumbermen's Association Convenes Tacoma.

SEVERAL HUNDRED ATTEND

President George B. Merrill Makes Annual Address—Discussion on "Order Responsibility."

(By Associated Press.)  
TACOMA, Feb. 27.—The incoming rain today was crowded with delegates to the Western Retail Lumbermen's Association. Five hundred are now in attendance, three hundred from Oregon and western Washington, and two hundred from the east and a number from California. The sessions commenced this afternoon, the opening address being made by Robert L. McCormick, to which Rev. P. A. Simpkin, of Salt Lake, responded. President George B. Merrill, of Salt Lake, made the annual address and Secretary Porter presented his report. The discussion of "Order Responsibility" and cancellation abuse, followed a paper on the subject by R. J. Menze of Seattle.

## THE LUMBER SITUATION

Countries Across the Sea Take Advantage of Lower Prices.

PORTLAND, Feb. 29.—With liberal orders coming in from foreign countries and a fairly active local demand, lumbermen are not as badly off as a few weeks ago when rail shipments for points east of the Rockies were practically called off. At that time foreign business was very slack. The foreign business is relieving cargo mills, although the business has been and is being secured at low prices.

It is said to be a certainty that without relief from the foreign markets the new and advanced freight rate, coupled with the financial flurry throughout the country, would have meant that most of the mills in this district, and on the Washington coast, too, would have had to remain closed for a long time. While a number of mills depending chiefly on rail business are still closed, most mills on navigable waters have resumed operations. Arrangements for the export of approximately 10,000,000 feet to the Orient from this port were made during the week.

While the business is being done at a small margin, it is said to have a tendency to advertise the Oregon pine so that future business might result under more satisfactory conditions.

Local prices have shown no decline during the week, and while some predict that the bottom has not yet been reached, more optimistic dealers are of the opinion that the next change will be an advance. Logs are still being held at from \$7 to \$10 per thousand, which millmen declare precludes any possibility of further slashing in quotations.

Logging camps along the lower Columbia river have been resuming operations gradually, but there are still a few that will probably not begin felling trees till the beginning of April. Those in operation have been favored with exceptionally fine weather.

Shingle manufacturers report noticing a healthier tone in the market, although prices are still down. Most of the mills in this vicinity are cutting.

The steamer Mortlake left for Port Adelaide with 2,000,000 feet, and the American bark Acme is there loading for New York. She will take away 2,000,000 feet.

—Fish in the window, fish in the kitchen and fish on the tables at Smith's Cafe.

## COURT USED AS EXPLOITER

Sensational Phase Developed in Libel Case in San Francisco.

AGITATE WATER QUESTION

Assistant District Attorney Cook Moves Dismissal of the Case—Judge Allows to Proceed.

(By Associated Press.)  
SAN FRANCISCO, Feb. 27.—The trial of R. A. Crothers and Fremont Older, proprietor and managing editor of the San Francisco Bulletin, on a charge of criminally libelling William S. Tevis, one of the wealthiest men in the state, took a sensational turn today. Assistant District Attorney William Hoff Cook asked the court to send the ten jurors and 25 talesmen out of the room as he wished to make a statement. Cook expressed his belief that the case was instituted for the sole purpose of exploiting the merits of the Hetch Hetchy and Bay Cities water system. He wished to inquire whether there was a collusion between E. P. E. Troy, the attorney who swore to the complaint, and the defendants, as Troy had refused to divulge at whose instigation he had brought the complaint. Troy was called to the witness chair and stated that he had sworn to the complaint at the request of Daniel Murphy, a member of the water supply committee of the board of supervisors, for the purpose of exploiting the water question and bringing it before the people of San Francisco. The witness declared he had acted solely at the request of Supervisor Murphy and that there was no collusion with the defendants or with the district attorney's office. Coos declared the case was not brought in good faith and moved its dismissal. Attorneys for the defense protested, demanding a full hearing. Justice Doelling ordered the case to proceed.

## COURT USES ITS HAMMER

Missouri Supreme Court Declares Two Important Acts Unconstitutional.

(By Associated Press.)  
JEFFERSON CITY, Feb. 27.—The supreme court decided unconstitutional the law passed by the last legislature prohibiting the sale of intoxicating liquors within five miles of any state educational institution having 1,500 students enrolled.

**Knicks Out Other Court.**  
JEFFERSON CITY, Feb. 27.—An opinion written by Judge Gantt was handed down by the Supreme Court today holding the law creating the court of general sessions for the City of St. Louis as unconstitutional, and the court as null and void. The bill creating the court was passed in 1907. Governor Folk appointed Judge H. P. Rogers to preside and over 700 cases have been tried by the court. According to the Supreme Court's decision criminals who are confined on pleas of guilty and on sentences imposed by Judge Rogers are illegally restrained of their liberty and entitled to freedom.

## NO MORE RICE OR OLD SHOES ON HONEYMOON

Chicago & Northwestern Railway Issues an Edict Against the Time Honored Custom of Bridal Parties.

CHICAGO, Feb. 29.—No more rice or other missiles for the gay bridegroom and blushing bride who go on their honeymoon over the Chicago & Northwestern railroad, if the officials of that corporation have their way.

The first step toward stopping this time-honored practice was taken when the officials of the road issued an order prohibiting the throwing of rice, old shoes, tin cans or anything else at bridal parties while they are boarding trains. One of the road's officials said that it often happened that passengers not interested in the demonstration have complained of getting ears full of rice or being hit by a good-sized shoe for the bridegroom.

Don't forget the illustrated lecture at the Masonic opera house Saturday evening, February 29, by Brigadier Jenkins of the Salvation Army.

PHONE 111 for messenger boy to carry parcels or run errands.

## RAILWAYS ASK POSTPONEMENT OF ENFORCEMENT OF NINE HOUR LAW

## MUCH COPPER HAS BEEN SOLD

England and Germany Absorb All the Surplus Stock in United States.

(By Associated Press.)  
NEW YORK, Feb. 27.—Thus far in February the United Metals Selling company has sold 89,000,000 pounds of copper, the bulk of it to Great Britain and Germany. These sales have cleaned up the surplus of the concerns which dispose of their product through the United Metals Selling company. It is stated that less refined copper is unsold in the United States at the present than at any time in many years. This copper brought prices averaging slightly under thirteen cents.

## MARIE KLUM IN GRAVE DANGER

Woman Shot by William Durrell Is Not Expected to Recover.

(By Associated Press.)  
PORTLAND, Feb. 27.—Mrs. Marie Klum, who was shot by William Durrell is somewhat improved today, as the bullet pierced the spine, there is little hope of recovery. Durrell, who killed himself, was one of the best known horsemen in the Northwest.

## POPULAR MARSHFIELD GIRL IS WEDDED

Miss Esther Yeagers Married Wednesday Morning to Dr. Smith Mann of Langlois, Ore.

Miss Esther Yeagers, of Marshfield, and Dr. Smith Mann, of Langlois, Curry county, Oregon, were united in marriage at the home of the Rev. Father Curley Wednesday morning at 7:30 o'clock. The bride and groom left on the morning train for Coquille where they will take the boat to Bandon and thence travel by stage to the handsome home which Dr. Mann has fitted up in Langlois. Mrs. Mann, nee Yeagers, was one of Marshfield's most attractive and popular young ladies. The wide circle of friends whom she has made during her term of service with the Merchant Bros. dry goods store will feel her absence keenly; while at the same time wishing her all joy and happiness. Dr. Mann enjoys a lucrative practice in Curry county.

## CHICAGO & NORTHWESTERN RAILWAY ISSUES AN EDICT AGAINST THE TIME HONORED CUSTOM OF BRIDAL PARTIES.

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—See the fish window in Smith's Cafe. Get luncheon there tomorrow.

Say It Is Impossible to Get Sufficient Competent Telegraph Operators.

IMPORTANT HEARING IN WASHINGTON

Interstate Commerce Commission Listens to Applications of Many Roads for an Extension of Time Before Making Law Effective.

WASHINGTON, Feb. 27.—Railway officials from all parts of the United States today are in attendance at a hearing by the interstate Commerce Commission of applications for an extension of the time of putting into effect the nine-hour law. Thirty-seven applications asking for any extension have been received. Applications of two Southern roads were denied. The applications of the balance are being heard as one case. The roads are asserting that it is impossible to secure the services of competent, efficient and dependable telegraph operators in sufficient numbers to enable the roads to comply with the provisions of the law. Among the applications are the O. R. & N., Southern Pacific, Oregon Short Line and Union Pacific. The Great Northern and Northern Pacific are not represented among the applicants, and are assumed to have made arrangements to comply with the provisions of the law, which becomes effective March 4th.

OPERATORS REJECT SCHEDULE.

Great Northern Railway's Offer to Telegraphers Will Be Refused.

(By Associated Press.)  
ST. PAUL, Feb. 27.—Returns from the Northern Pacific telegraphers voting on the company's proposed new scale of wages and rearrangement of working rules, made necessary by the new Federal nine hour law, indicate that the schedule will be rejected by the men. It is expected there will be a conference of the telegraphers and the railroad officials this afternoon.

MEDFORD PUPILS ON STRIKE.

Eighth Graders Refuse to Have Other Teacher Than J. W. Shirley.

MEDFORD, Ore., Feb. 27.—"He is the best teacher we ever had, and we are not going to school any more unless he is put back to teach us."

This is the expression used by 14 little girls who have been constituting walking delegates and are circulating petitions about Medford for the reinstatement of Prof. J. W. Shirley, teacher of the eighth grade in the North school, who was discharged recently by the school board.

The entire class of thirty odd are out on strike and refuse to attend school until Shirley is reinstated. Only five pupils remain, and they under compulsion by parents. They also sympathize with the strikers.

The petitions asking for reinstatement are being generally signed.

The board alleges Shirley is incompetent. Shirley alleges unfair discrimination and has appealed his case to the county and state superintendents.

The trouble started last autumn when Shirley spanked an unruly pupil who is the son of a school director. At the Christmas tree celebration Shirley was presented with a "bottle of beer by some fractious students."

Last week the pupils of his class were suspended for playing cards by City Superintendent Signs, who afterwards reinstated the pupils after apologizing for the expulsion. — then resigned as superintendent, his resignation to take effect at the end of the school term.

NIGHT RIDERS WEAKEN.

Presence of Militia Thwarts Burn Plan.

(By Associated Press.)  
BATAVIA, Feb. 27.—The expected attempt by night riders to burn the tobacco barn of George Rice at Newville did not materialize, and the company of the Ohio National Guard has been withdrawn.