

LAND MONOPOLY OF SOUTHERN PACIFIC

Road Holds 3,000,000 Acres in Oregon.

PARTS OF ORIGINAL GRANTS

Company Evades Limitations Provided by Congress.

NOT BINDING, IT DECLARES

Lands Were to Be Sold to Actual Settlers at Not to Exceed \$2.50 an Acre, and No More Than 160 Acres to Any One Buyer.

THE SOUTHERN PACIFIC GRANT LANDS IN OREGON SHOULD BE SOLD FOR NOT OVER \$2.50 AN ACRE. Received, that it is the sense of the shippers and producers' convention at Albany, that the attitude of the Harrison system in refusing to sell the timber and agricultural lands which were placed in the hands of the Oregon & California Railroad Company by the government at a time when they were needed as collateral for loans to be used in the construction of the road and which were, by the terms of the grant, evidently intended to be held in trust by the railroad company and later sold to the settlers of Oregon, has worked and is working great harm to the people and interests of Oregon; and we emphatically protest against this policy and respectfully request the members of the Oregon Legislature to bring forth to the attention of the National Congress the conditions of affairs and memorials to Congress to the end that these lands may be put on the market at an early date and at the price and under the terms and conditions contemplated by the original grant. Adopted January 10, 1907.

Vast areas of land are owned in Oregon by the Southern Pacific, as bonuses granted by the United States to the Oregon & California Railroad in 1852, 1853, and to the Oregon Central Railroad in 1870, in order that those companies might use them as collateral for loans wherewith to build the roads, or sell them for money for that same purpose. The price at which the lands were to be sold was never to exceed \$2.50 an acre, only "actual settlers" might purchase, and no one buyer should secure more than 160 acres. Such were the safeguards set up by Congress against creation of a great land monopoly, like that now held by the Southern Pacific, amounting to about 3,000,000 acres of land, which in the last three years it has refused to sell. Before that time it sold 2,500,000 acres, in most cases for more than \$2.50 an acre. The 3,000,000 remaining acres, at a conservative estimate, are worth \$25,000,000. The original purpose of Congress was that the lands should boost the finances of the two struggling railroads. The roads were to sell the lands whenever an actual settler wanted to buy them, and were to charge him no more than \$2.50 an acre, and to sell him not more than 160 acres. Instead of a cash bonus, Congress was giving a land bonus, which was to be converted into cash, under the conditions specified.

Naturally the Southern Pacific denies it is bound by the limitations specified. The objections raised by its attorneys are various, numerous and ingenious. It is contended by them that "actual settlers" means such persons as then occupied, without title, the lands covered by the grants, and that such settlers have now ceased to be. It is contended, furthermore, that the limitations were mere incidents to the grants and did not constitute the title, which passed to the two railroads. Again, as to the Oregon & California grant, it is set up that the limitations specified are contained in a law approved April 10, 1852, which was an amendment to the original granting act of 1850; that the title, now held by the Oregon &

California, was vested in the original act, and could not be conditioned by the later statute.

Against this latter argument it can be objected that title was vested, not by the act of 1850, but by the very law containing the limitations as to "actual settlers," "160 acres" and "\$2.50." The reason for this objection is that the act of 1850 extended the time under which the Oregon & California was to fulfill necessary conditions for securing the grant, without which extension the grant now held by the Oregon & California would have lapsed. Under the act of 1850, the Oregon & California accepted the grant.

This part of the subject requires historical treatment, which will be made as brief as possible. But before turning to it an idea should be given of the size



Senator Tillman, of South Carolina, who attacked President's treatment of Negro troops.

of the vast area acquired by the Southern Pacific.

Grant to Oregon & California.

A strip of land 20 miles broad and 300 miles long, stretching from Portland to the California line, is the area of the grant secured by the Oregon & California. It consisted of ten alternate sections on each side of the road, designated by odd numbers. Lands already owned by settlers or others were exempt from the grant and in their place the company was to receive as indemnity an equal amount of land outside the "300 mile limit," as it was called, containing the same number of acres. The two grants to the road, beyond that limit the indemnity strip was to be 10 miles wide, parallel with the strip adjoining the road. In that strip, the company was to make indemnity sections on odd-numbered sections, and by a general act of Congress wherever lands were wanting in the indemnity strip, the selections were made wherever the company might choose.

The grant to the Oregon Central, from Portland to McMinnville, 40 miles, was of the same sort.

The area of the Oregon & California grant was theoretically nearly 3,000,000 acres, but actually exceeded that figure more than 1,000,000, by means of frequent bends in the road as laid out. That of the Oregon Central to McMinnville, was about 200,000 acres. The two grants together, therefore, amounted to about 3,200,000 acres. This is 10,320 square miles. The area of the Cascade Forest Reserve in Oregon is 700 square miles; of the State of Vermont, 5565; of Rhode Island, 1220; of Connecticut, 4900; of Delaware, 2000; of Massachusetts, 8315; of New Hampshire, 9305; of New Jersey, 7315. The grants to two railroads in Oregon, then, were larger than the area of Vermont, Rhode Island, Connecticut, Delaware, Massachusetts, New Hampshire or New Jersey. The remaining lands of the Southern Pacific, 467 square miles, are a larger area than Connecticut, or Delaware.

It will be seen that a great land monopoly exists in Oregon, in the Southern Pacific, that this was not intended by Congress, which thought it was putting up safeguards against it; that on technicalities the railroad bases its thus far successful non-compliance with the limitations put on the lands by Congress; and that the people of Oregon have an interest in the matter that should cause them to take action, through the State Legislature or through Congress, or both. That this matter will not be overlooked by Oregon's lawmakers, either in the State Legislature or in Congress, there is good reason to believe. W. C. Hawley, Representative-elect to Congress for the First District, is taking it up, and there are members of the Legislature, chiefly from Southern Oregon, clamoring for relief from the tie-up of lands. The 3,000,000 acres are barred against settlement.

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DEED WAS DONE WHILE HE SLEPT

Somnambulism as Excuse for Crime.

JUDGE ACQUITS THE ACCUSED

Walks in Sleep Himself and Knows About It.

SEQUEL OF NEW YEAR BALL

Freeman, Captured in Act of Beating Man and Wife, Remembers Nothing of It—Judge Helps With Own Experience.

CHICAGO, Jan. 12.—(Special.)—When Ross Freeman broke into Fred Folger's saloon at Armour and Fortieth streets as New Year's day was dawning, and attacked the saloonkeeper in his bed-room and terribly beat Mrs. Folger, he was sound asleep, according to the judgment pronounced by Judge W. N. Cottrell, of the Municipal Court. Freeman was acquitted on the ground of somnambulism, after being captured red-handed and with a mask in his pocket. The case is unprecedented in court annals, and presents one of the most remarkable instances in the records of psychology.

Judge Also Walks in His Sleep. With apparently not the slightest shred upon which to hang a defense, except the good character of the defendant and his own solemn declaration that he had not the slightest recollection of the act attributed to him, the jury stepped into the breach with the somnambulism theory, and to cap the climax of a mass of testimony, spirit and otherwise, on somnambulism, Judge Cottrell himself became a witness for the accused, going out and drawing upon an experience of his own as a sleep-walker, unqualifiedly acquitted Freeman, against the protestations of the complainant and those who had aided in the capture of the accused man.

Freeman's story is one of the strangest ever told in court. On New Year's eve, he said, he crept down town to get the festivities. On the street a man distributing cards handed him a ticket to the ball given at the Coliseum. He went there, bought a mask, met and danced with Grace Keltcher and two of her friends, Elsie Steve and Emma Barz. When he offered to escort Miss Keltcher home, she told him that two young men were going home with her and the other girls and proposed that they all go together. The two young men were introduced to him. One of them was a tall young man who gave the name of Schultz, whom none of the girls seemed to like. In the weird drama enacted later in the night, Schultz is now credited with some mysterious part, and although a detective searched for him for ten days, his identity has not been established and he has not been found. The other man gave his name to one of the girls as Peter Moore, but search for him also has been in vain.

Glass of Beer, Then a Blank. According to the story of Freeman, corroborated by the three young women, they all took a car and went to the house of Miss Barz, who had invited her two friends to remain with her for the night. After parting from the young women, so Freeman's story runs, they walked about a block, but in which direction he is not certain, and then went into a saloon and ordered beer. He says that as the tall man pushed his beer over to him, he noticed that the man held his hand over it, but thought nothing of it at the time. He swallowed half of the glass of beer, he says, and from that time the rest of the night is a blank. His last recollection, Freeman says, is that he set the beer down and from that moment he knows nothing until he was

awakened by blows on the soles of his feet and found himself in a cell at the police station.

NEGRO QUESTION HOTLY DEBATED

Northern Versus Southern Democrats.

TILLMAN'S TYPICAL ORATION

Accuses Roosevelt of Arousing Negro Hopes.

PATTERSON ON OTHER SIDE

Colorado Senator Defends Discharge

of Negro Troops and Has Wordy Combat With Tillman, Which Makes Galleries Applaud.

WASHINGTON, Jan. 12.—The Senate listened to a debate on the race question today in which Tillman was the principal participant and Patterson of Colorado his opponent. They brought into striking contrast the ideas of the South and North. President Roosevelt's action in the Brownsville matter was the subject of discussion. Tillman held that nothing was involved in it except the race question, and that the Administration was responsible for the growing acute condition of the race question in the South. The President, he maintained, had encouraged the negro to assert his equality and then had wrought vengeance on a whole battalion for following that encouragement. He condemned the President's action in some respects. Patterson defended the President's right to dismiss the troops, but said there might be some question as to the wisdom of the action. He condemned in strong terms what he regarded as the radical position of Tillman, and predicted the extinction of the Democratic party in the North would follow a continuance of such tactics.

The debate occupied four hours and was listened to with great interest by the throngs which filled the galleries, by many members of the House of Representatives who lined the Senate chamber, and by many Senators. On several occasions, the galleries had to be warned against applause by the Vice-President, who finally threatened to clear them. There was no doubt that the resolution for an investigation of the Brownsville affair, but Foraker gave notice that on Monday he would endeavor to have it disposed of.

Discharge Contrary to Law. Senator Tillman characterized the President's action in the matter as "nothing more or less than lynching." He challenged anyone to produce, in the army regulations or articles of war, any foundation for the charge of conspiracy of silence, mutiny and treason made against the soldiers, although he declared there was no doubt that the soldiers were responsible for the "outrage at Brownsville." Mr. Tillman held that it was contrary to the fundamental principles of liberty of English and American law that the innocent should suffer because of the sins of the guilty; he also declared that a man should be considered innocent until he is proved guilty. "In this case," he said, "167 men have been punished, while not more than 20 men have been charged with participation in the crime." Mr. Tillman maintains that the negro troops should not have been sent to Texas. They were sent there, he said, against the protests of one of the Texas Senators and one Congressman from that district. "This was done," Mr. Tillman explained, "without any thought or care on the part of the President or Secretary of War as to the result. The first thought of the President was to protect the negroes and to punish the citizens by abandoning the post."

Officers to Blame. "Especially Major Penrose and Captain Macklin," Mr. Tillman said, "are shown to have acted with gross negligence and incompetence." Mr. Tillman declared all the soldiers in the trouble were from Macklin's company and that Macklin did not believe that a negro had seized Mrs. Evans by the hair, and that he made no effort to detect the soldier. This, he thought, raised the question as to whether or not Captain Macklin was in sympathy with the scheme of

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GREAT MIGRATION TO UNITED STATES

Surpasses All Movements of Nations.

ISRAEL'S EXODUS MERE PIGMY

Millions Drawn by Lure of American Freedom.

ALL BECOME AMERICANS

As Many Italians in New York as Venice—Immigrants Accumulate Much Wealth and Attain High Office.

BY FREDERICK J. HASKIN. The whole vocabulary of mankind contains no more alluring name than that of America. This country has attracted more homehunters than ever went anywhere else since the world began. All the other migrations of men are puny affairs in comparison with the movement to the United States; in fact, the grand totals of this unparalleled "exodus" to the land of the free and the home of the brave are so staggering that mere figures do not convey their full significance to the mind. Let us make our simile without the aid of figures.

There are more Jews in the State of New York than were numbered among the hosts which followed Moses from Egypt to the Promised Land. The manner in which the subjects of the Kaiser have flocked to Yankeland is indicated by the fact that there are nearly 700 newspapers in this country which are printed in the German language. There are so many French Canadians in Lowell, Mass., that they hold the balance of power in the municipal elections of that busy manufacturing center. The Swedes are so thick in the Northwest that a Minneapolis newspaper recently offered the Bible printed in Swedish as a subscription premium, and there are so many Irishmen in New York City that each year 10,000 sons of Erin march in the parade on St. Patrick's Day.

More Italians Than in Venice. That the lure of America is not a myth is proven by the material condition of the 175,000 natives of Italy who now make their home in New York—a colony in a single community of the United States containing more Italians than there are in the City of Venice. These New York Italians possess property worth \$60,000,000. They have over \$15,000,000 in the savings banks of Manhattan. They own 10,000 stores, 4000 pieces of city real estate and they are increasing their substance every day. At the last horse show held in Madison Square Garden, an occasion when the richest women of America vie with each other in flaunting their collection of jewels, the most resplendent of them all was Miss Morosini, the daughter of an Italian banker in Gotham.

As a rule it does not take long for the foreigner to prosper in opulent America. If you inquire, in all likelihood you will find that your servant girl is sending part of her wages to the home folks in Europe. The organizer and the banana-man usually send a portion of their nickels and dimes to dependent ones on the other side, and the sum total from such sources soon climbs into the millions. The enormous sums going from this country to Europe in this manner are shown by the postoffice reports. During the last fiscal year the United States sent postal money orders abroad to the amount of \$62,957,788, and inasmuch as most business transactions are conducted through banks, the bulk of the money order receipts is conceded to be personal remittances. Italians send more money home than any other class of adopted Americans. Last year they sent to their families and friends in Italy and to the Italian savings banks for deposit, over \$17,000,000.

(Concluded on page 3.)

A FEW BUSY HOURS IN THE LIFE OF A MODERN RAILWAY MAGNATE



9 A. M.—He Learns That the President is Writing a Message About Him. 10 A. M.—He Hears That the Interstate Commerce Commission Will Investigate Him. 11 A. M.—He is Indicted for Rebatting. 12 M.—General Clamor About Car Shortage Reaches Him. 1 P. M.—Indicted for Train Wrecks Through Inefficient Signal System. 2 P. M.—Fuel Famine Covers the Entire West. 4 P. M.—Supreme Court Dissolves His Great Billion-Dollar Merger.