

**Road Lands Situation**

(Continued from page 3.)

rt of the land laws of the United States. Congress did not intend the road company to acquire all or any of the lands of the grant, for the state, in violation of the trust "shall sell the lands to any one person only." In titles not greater than one quarter-section." It is contended in behalf of the state that the state could grant the entire trust estate to a road company, for the latter would not be the party entitled to the lands.

**Was It a Breach of Trust?**  
Instead of selling the lands to individuals at \$2.50 an acre, in tracts larger than 160 acres to one purchaser, the Oregon & California Railroad company refuses to sell to individuals, thus barring great areas from settlement.

This is in violation of the act of Congress providing that "any one" might acquire the land by paying \$2.50 an acre, the money to be deposited to building the road. The idea that one company or person could acquire all the lands is expressly negated by the provisions of the act of Congress limiting sales of 160 acres to any one person. Only by disposing of the lands to many persons could they discharge the trust imposed upon them.

It is reported that people of southwestern Oregon are also filing on and of the Southern Oregon Land company, hoping in spite of a decision of the late Judge Bellinger to compel that company to sell to individual settlers at \$2.50 per acre, as it hoped by claimants to Southern Pacific land to force that corporation to do so. The lands of the Southern Oregon Land company are in a different position, however, from those held by the Southern Pacific company. In the case of the former lands the grant was made to the state as a trustee, the lands to be given to a company that would build a wagon road from the Kogue River valley to Coos Bay.

The state certified that a company had built the road, and on the state's certificates patents were issued, and the lands have since been transferred to a body. Judge Bellinger held that the provisions as to the price of lands amount to be sold to one person were mere incidents to the grant; that the certification of the trust in these respects, as if a trust existed; that the plaintiff was a beneficiary of the grant and so had no standing in court, and that the great lapse of time since the grant was made—34 years—was a bar to the action.

It is to be presumed that notwithstanding the case of the Southern Pacific lands is not on all-fours with that of the Southern Oregon Land company, much the same arguments, except the state's part as a trustee or agent, will be used in support of the railroad's position as against the numerous claimants who are now seeking to gain possession of these lands under the terms of the grant. If this action had been taken a few years ago we would have had no hope that it could be maintained in the courts, but there is growing up a disposition on the part of the courts to take a somewhat different view of many matters relating to corporate rights and privileges from that which obtained some years ago. Courts, as well as, if not to so great an extent or so quickly as legislative bodies, respond to public sentiment; and no judge can fail to see and know at once that as a matter of equity and real naked right, as between corporation and people, the railroad company wrongfully withholds those lands from the people.

Beyond any doubt the railroad corporation has more than a third of a century continually and persistently violated the terms of the grant and neglected and refused to perform its plain clear part of the contract with the people. But it will be said that these particular claimants have no special interest, have no standing in court, that only the government can act—and many other legal arguments will be made.

There can be no doubt what the intention of congress was in making the Oregon railroad land grant. The law distinctly declared that the land should be sold to settlers at \$2.50 an acre, and the debate showed the railroad would enhance the value plainly and clearly that inasmuch as of the land, it was thought the settler could afford to pay double the price charged by the government—that is \$2.50 an acre—for the land within the grant. Thus, the country would get the railroad and the settler would get land enhanced in value by the road, yet at a low price.

The timber lands were not esteemed of great value then, but have become of great value since. But the grantee—the railroad—treats the lands as its own, which it may sell or not; and if it sells, it may make any price it pleases. Of some of these lands a single quarter must be worth \$5,000.00.

The claim as to these lands doubtless runs straight with the current of general thievery, under the common claim that every individual or corporation has a right to make as much as he can out of the government and people, by hook or crook, no matter how.

It goes on the assumption that it is the age of thievery; of which indeed there are multitudinous proofs. Municipal franchises, land grants, timber steals, are examples. One is reminded of the fierce invective of Timon, after his discovery of this propensity of mankind:

"I'll example you with thievery; The sun's a thief, and with his great attraction Robs the vast sea; the moon's an arrant thief, And her pale fire she snatches from the sun."

The sea's a thief, whose liquid surge resolves

"The moon into salt tears; the earth's a thief That feeds and breeds by a composition stolen From general excrement; each thing's a thief The laws, your curb and whip, in their rough power Have unchecked theft."

The argument is that since thievery is general, it has its rights and sanctions. Yet the pessimism is somewhat extravagant for our time, since now there is an awakening of public conscience.

But it is awakening somewhat late. Most of the goods are gone. Congressman Hawley at the session of the Willamette Valley Development league spoke at some length upon what he termed the greatest factor in retarding Oregon's development—the railroad grants, the withholding of these immense tracts from settlement and development by the railroad company. He fully discussed the early organization of the railroad company in this state, and its acceptance of this grant, to which, he stated, the railroad people have no right to title and who have failed to comply with the provisions of the grant.

He said he had been informed by Secretary Bonaparte that the provisions of this grant could and would be enforced as soon as the necessary information regarding it could be secured by the department, a special agent now being in the state, quietly securing this information. He prophesied that at no distant day the provisions of the railroad grant in Oregon will give the people much relief in the restricted land sections of the state and greatly promote new developments. He said our people are not antagonistic to the railroads, but had showed their appreciation of them to such an extent that they had overwhelmed them with patronage and business, and that the railroad people have no cause to complain on this score.

Mr. Hawley said legislation should be enacted to prevent railroads from engaging in other business than the transportation of freight and passengers. Their engaging in coal mining, lumbering, etc., are unfair competition in these common industries.

Mr. Hawley closed his remarks by expressing his intention to work vigorously for the enforcement of that provision of the railroad land grant, but at all times to avoid any prosecution or unfair treatment of the railroad people, declaring he had no quarrel with them.

It cannot be successfully denied but what courts are somewhat influenced in their decisions by public opinion. And with the public sentiment aroused, as in the present case, it will be a patent feature in the decision of the court.

Taking into consideration the fact, that in similar railroad land grants in Wisconsin and Michigan the courts compelled the railroad companies to conform to the terms of their grant. The terms of their grants were identical with the Oregon & California railroad grant.

There is no good reason why the courts in the case of the Oregon & California Railroad companies should not do likewise. Nor is this all. Attorney General Bonaparte, in response to a letter to the secretary of the interior asking that a law be drafted to be presented to congress to compel the railroad companies to comply with the terms of their grants, says; in effect:

"There is plenty of law in the statutes now to compel the railroad companies to comply with the plain intention of congress." And that the machinery of his department would be exerted to the utmost to force a compliance of the terms of their grant."

Attorney Farrin & Farrin have taken up the matter for upwards of 200 applicants in Coos county. The attorney general of the United States and of the state of Oregon as well as the Oregon delegation in congress

have promised their active support to break the monopoly of the railroad company to make them comply with the terms of their grant.

They have at considerable expense gathered together all the data concerning the grants of all land, and have a complete record held by the Oregon & California Railroad company in Coos county.

They have tendered to the Oregon & California Railroad company since June 1st, eighty thousand dollars in cash for prospective claimants.

In order that every one may have an opportunity of securing 160 acres of this land, Farrin and Farrin have made arrangements with a San Francisco bank to tender the money for applicants made through them, so that the applicant does not have to tie up the purchase price until the Oregon & California Railroad company signifies its intention to convey to the applicant under the terms of their grant.

Ten dollars are collected from each applicant to defray the expenses of the suit, and unless a favorable verdict is rendered, no further expense is entailed.

The throwing open of this vast body of the best timber land in Coos county will go far towards developing our resources. It means that land that has remained dormant and unproductive for years will fall into the hands of small holders, who will be free to dispose of it as they see fit.

The timber on the Oregon & California Railroad company's land has been estimated by cruisers to be from four to forty millions in the quarter section, which at the price which timber is selling for at the present time means from six to twenty thousand dollars per quarter section.

—Dr. J. G. Goble, the well known optician, of Medford, Ore., will visit all Coos Bay towns during Sept. For dates see this paper later.

—Hydo Carbin Paint makes your old roof new, tight and fire proof. Oldside Paint Co.

**NEW INDUSTRY FOR COOS BAY**

California Man to Establish "Manufactured" Stone Plant Here.

**MACHINERY IS ORDERED**

Will Be Here in Thirty Days—Can Work in Wet Weather.

Another new industry is to be added to the list on the Bay. Mr. F. J. Monroe, of North Bend, has machinery on the way, which will be here in about 30 days, for the manufacture of all kinds of pressed stone. The machinery is the very latest and is called the Miracle. It will make the stone of any dimensions desired, and so near an imitation of the real thing that only close inspection will disclose the difference. It is claimed that in two ways it is superior to the cut stone, in that the double air chamber makes it absolutely fireproof.

Mr. Monroe has two places in view in Marshfield on which to establish his plant, and will determine within a few days which he will take. He says everything will be in readiness by the time the machinery arrives. The machine is of such construction that in cases where there is much of the stone used it can be placed right on the job, thereby avoiding any handling of the manufactured article. All that is required is a covering and the stone can be made in any kind of weather. A large plant is now being erected in Oakland, Cal. Mr. Monroe made the stone recently for two fine buildings in Berkeley. It requires six men to operate one machine.

In addition to the stone manufacture, he will manufacture sewer pipe, tiling and ornamental bricks of any color for mantels and fire-places. These bricks are used extensively for the finest residences.

Mr. Monroe is not unacquainted with the Coos Bay country, having resided here 20 years ago. He has gone ahead quietly and investigated everything and knows what he is doing. His son is manager of the Bay-side Paint Co. at North Bend.

—Beverly & Danvers, high classed sketch artists, will appear at Masonic Opera House tonight. Admission free.

**PROCTER FLANAGAN RECEIVES BAD BURNS**

Four Year Old Son of James Flanagan Injured by Alcohol Flames.

Master Procter Flanagan, the four year old son of Mr. and Mrs. J. H. Flanagan, received some very serious burns early Sunday morning, the result of which is problematic. The little fellow is at the Marshfield General Hospital where everything possible is being done to alleviate his sufferings. His face is badly burned and the eyes are closed; the front of his body is also burned in a number of places.

The accident happened while Mr. Flanagan was about to heat some milk for the baby over an alcohol lamp. The lamp had been extinguished, but was needed again, and Mr. Flanagan was pouring the alcohol into the same. Master Procter stood near watching the proceeding. It seemed there was fire in the lamp, or it had leaked, for there was a burst of flame, and the boy's clothes immediately wrapped in flames. Mr. Flanagan succeeded in extinguishing the flames only after the little boy had been so badly burned, and was himself burned about the hands while fighting the fire. It is feared the boy may lose the sight of one and perhaps both his eyes, but at this writing nothing definite can be said and it is hoped the accident will not turn out as disastrous as present indications suggest.

—Mr. Vance, the greatest comedian on the coast will entertain at Masonic Opera House tonight. Admission free.

**MAN BADLY BRUISED IN MIDNIGHT FIGHT**

D. Wilkins, a local contractor, is laid up at the Central hotel, a badly bruised man. Both eyes are swollen shut and there are some bad contusions on his head. He was injured Sunday night in a fist encounter with young Jones, of the Garfield House. The merits and demerits of the case will be threshed out today before Judge Upton, City Recorder. It is said young Jones used his feet on Wilkins as well as his hands. Jones has \$100 bail money in the hands of the officers to assure his appearance.

—Drugs and Toilet articles at Lockhart-Parson's Drug Co.

—Gasene does the rubbing.—Hot or cold water.

California and Oregon Coast Steamship Company.

**Steamer Alliance**  
B. W. OLSON, Master.  
**COOS BAY AND PORTLAND**  
Sails from Portland Saturdays, 8 p. m.  
Sails from Coos Bay Tuesdays, at service of tide.  
F. P. Baumgartner, Agt. L. W. Shaw, Agt.  
Coush St. Dock, Portland, Ore. Marshfield, Ore., Phone 441.

**GRAND RECEPTION TO BE TENDERED NOTED SCIENTIST.**

Tonight at Masonic Opera House a reception will be given to the Phenomenal Medical Expert, who has consented to give a short lecture on bloodless surgery, and demonstrate its use to the public.

The City Band will furnish music for the occasion. Several high classed vaudeville artists will entertain the audience during the evening. During the visit of this remarkable expert, the people suffering many so called incurable diseases will have a chance to be restored to health. The wonderful Syarthgist and other perfected methods of treating disease that has made the heretofore so called incurable diseases amenable to treatment will be explained.

This noted scientist has been east and south for several months installing these new methods in the hospitals and medical colleges. He goes from this city to San Francisco and Los Angeles to introduce and install these perfected methods of treatment in the institutions of these cities.

The papers east have been full of reports of this wonderful work. Admission will be free tonight, so the people can hear of this wonderful work and be entertained by several high class artists. Doors will be opened at 7:30 p. m.

—The wonderful Melotte, the double voiced soprano will appear at Masonic Opera House tonight.

**LEGAL CONTEST MAY TAKE PLACE TODAY**

A fracas occurred at the O'Kelly boat landing yesterday forenoon which promises legal proceedings. The gasoline launch Banshee, in service for Thos. Holland, tied near the O'Kelly landing. This angered O'Kelly, who ordered it away, and in the argument, he struck Irwin Ross, one of the men in charge of the boat. O'Kelly was on the Banshee at the time and a suit is threatened for today.

—High class Vaudeville entertainment at Masonic Opera House tonight. Free to all.

**FOUND NO HOUNDS CHASING THE DEER**

Cal Wright and Glenn Aiken returned from Ten Mile yesterday, having been there for a week, looking for hunters who were said to be chasing deer with hounds. Strange to relate, there was no evidence of anything of the sort, and the surrounding country was as quiet as Sunday for the great part of the time they were there.

—Go to see champion of bloodless surgery at Masonic Opera House tonight. Admission free.

**A Logging Device.**  
The Willamette Iron & Steel Works, of Portland, has on exhibition at Ekblad's hardware store the latest improved tubular butt-chain block, a logging device that is attracting a good deal of attention. It is said to be the first of the kind ever on the Bay. A. B. Daly is the agent.

—For Sale—Good residence on Broadway. J. D. Johnson.



the Kodak on your outing trip; a full line with supplies at the

**Red Cross**

California and Oregon Coast Steamship Company.  
**Steamer Alliance**  
B. W. OLSON, Master.  
**COOS BAY AND PORTLAND**  
Sails from Portland Saturdays, 8 p. m.  
Sails from Coos Bay Tuesdays, at service of tide.  
F. P. Baumgartner, Agt. L. W. Shaw, Agt.  
Coush St. Dock, Portland, Ore. Marshfield, Ore., Phone 441.

**Sperry Flour Co.**

F. S. DOW, Agent

Offers the following prizes for the best exhibit of apples and pears as tested by the Marshfield Chamber of Commerce. Remember the date.

**September 16, '07**

1 bbl. Sperry Sound Ring flour for best general display of apples.

1 SACK EACH FOR THE FOLLOWING:

Best Display of

- GRAVENSTEINS
- NORTHERN SPY
- BALDWIN
- RHODE ISLAND GREENINGS
- SPITZENBERG
- BEN DAVIS
- GLORIA MONDAY
- COOS RIVER BRAUTIES
- RED APPLES (Not named)
- GREEN APPLES (Not named)
- PEARS, ALL VARIETIES

**Fall and Winter Clothing**

Let it know that ADLER'S FAMOUS COLLEGIANS are on sale here. No matter how radical or conservative the model, each suit bears the earmark of unobtrusive elegance. And there's a wide range of types—browns, tans and grays—in styles that are favored by particular and critical men.

Overcoats, Cravenettes and Rain-coats The Best Ever

**PLANZ**  
**ROLANDSON**  
2nd and B Streets