

The Daily Astorian

VOL. XXI, NO. 64.

ASTORIA, OREGON, FRIDAY, JUNE 20, 1884.

PRICE, FIVE CENTS.

THE ASTORIA LAND GRANT

The Debate in the House of Representatives.

George, of Oregon, Was Present, But Did Not Vote.

The Congressional Record is to hand with the debate in full on the question of forfeiture of the Astoria land grant. The bill came up under the head of unfinished business in the house of representatives on the 2d inst.

Representative Cobb, of Indiana, made the opening speech, favoring the forfeiture, and the debate which followed was participated in by Representative George and others.

At the close of Mr. Cobb's speech, Representative Lore, of Delaware got the floor. He said:

Mr. Speaker: On May 4, 1870, the congress of the United States granted to the Oregon Central Railroad Company public lands in the state of Oregon estimated at 1,500,000 acres, to aid in constructing a railroad and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill river, near McMinnville, in the state of Oregon.

The grant included the usual right of way, necessary lands for depots, side-tracks, etc., also the alternate sections, designated by odd numbers, nearest said road, with the usual provisions of indemnity if the odd sections should be disposed of by the government.

The act also provides that whenever sections of twenty or more consecutive miles of the road and telegraph line should be completed, properly constructed, and equipped, the secretary of the interior, after examination, should cause patents to issue to the company for so much of the granted lands as should be adjacent to and coterminous with the completed sections.

Section 6 is as follows: And be it further enacted, That the said company shall file with the secretary of the interior its assent to this act within one year after the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from said date.

Portland is distant from Astoria, inland, one hundred and seventeen miles. From Forest Grove to the Yamhill river, near McMinnville, is twenty-seven and a half miles, making the whole length of the road and its branch one hundred and forty-four and a half miles.

Before the expiration of the six years named in the act making the grant, the company constructed a line of road from Portland westwardly toward Forest Grove about twenty miles, and thence southwardly to the Yamhill river, near McMinnville, about twenty-seven and a half miles, in all, forty-seven and a half miles of constructed road practically on the line of the road proposed in the grant.

Twenty miles of the completed road from Portland to Forest Grove are on the main stem from Portland to Astoria, the remaining twenty-seven and one-half miles of completed road are the branch leading from Forest Grove to McMinnville.

The bill now before the house proposes to revoke the grant of land, because the company has failed to perform the condition upon which it was made, having refused to build the remaining ninety-seven miles of road.

It will be observed that Astoria is in the extreme northwest corner of Oregon, at the mouth of the Columbia river, with a large body of unsettled land between it and the Willamette valley in the south, hemmed in on the west by the coast range of mountains and on the east by the range separating it from the Columbia river.

To open up this land to settlement and improvement by means of a trunk line from Portland to Astoria, with a branch to McMinnville, was the intent of the grant. This purpose is somewhat apparent in the words of the original grant, but still more from the debate in the two houses of congress at the date of the grant in May, 1870.

Mr. Smith, the representative from Oregon in the forty-first congress, in discussing the act making the grant of land, April 29, 1870, in this house, said he had introduced a bill to provide for constructing a road the whole length of the valley in a southerly direction (not in the direction of Astoria), and hoped to have passed it in that shape; that the committee failed to report in favor of an extension of this branch southerly, and he accepted their report. That

The Willamette valley, which contains two-thirds of the population of the whole of Oregon, has no outlet to the sea but by the Columbia river. That river flows across the north end of the Willamette valley. On the west, between that valley and the sea, a mountain range extends along the whole length; through this range of mountains to the mouth of the river we have no road of any kind; during the winter the river is often frozen, and we are then entirely cut off from all communication with the outside world. We have not a wagon road, we have not a foot-path, we have not any means by which we can communicate with the sea when the Columbia is frozen over. We want this road to give us an outlet to the sea at all seasons, and we want to open up this pass, we have found through the mountains to the settlement.

Mr. Williams, the senator from Oregon, said in the United States senate, February 2, 1870: For twenty or thirty miles it (the proposed railroad) runs through a thickly settled country, the Willamette valley, where nearly all the lands are taken and occupied by settlers; then it strikes the coast range mountains. In these mountains there are lands that are valuable or would be valuable if persons settling upon them could have any access to markets, but it is impossible for men to go upon these lands and cut down the timber and cultivate them and raise enough to pay for taking them to market. It is to open up that country that this grant is needed.

And again, February 19, 1870, in reply to a question by Mr. Davis, he said: The road is about one hundred miles in length, the branch about thirty.

Again the attorney of this company in his brief said on this point: The line of road in aid of the construction of which this grant was made, though short is one of vital interest to the people of Oregon, especially those in northern Oregon, and it is only by the completion of the main stem, and the completion of the branch to the west, that the most of the Columbia, can be brought into communication by rail with the great transcontinental road.

Astoria, the mouth of the Columbia, the military forts of Stevens and Canby; lodged in as they are on the Washington Territory side by almost impassable ranges of mountains, find their only hope of obtaining rail connection with the transcontinental line in the completion of this road. And it was this anomalous condition of affairs in connection with the great cost of the construction of this road, and the commercial and military necessities of the case, that led congress, in 1870, to regard the building of this line as a national undertaking, and hence this grant in aid of its construction.

It is therefore, clearly demonstrated that to open up the grant was meant, Portland to Astoria by a main stem of railroad connecting the two, was the primary, if not the only object Congress had in view in making the grant. Astoria, at the mouth of the Columbia, was the objective point. McMinnville was the terminus of a branch only, to connect with the main stem at Forest Grove. It is obvious, therefore, not only that the company accepted the grant on condition to complete the road in six years, but on condition to carry out the purpose of the grant, to connect Astoria with Portland and aid in the development of the country on the main stem.

Now, let us see how the company has complied with this condition. The company completed the twenty miles of road from Portland to Forest Grove in three years, the time named in the grant. From this point, instead of extending the road along the main line toward Astoria in the northwest, the company turned southward on the branch, and in the north branch built twenty-seven and one-half miles to McMinnville, and all the means and resources of the company have been expended in that direction, in the extension of the southerly branch, exactly the opposite direction from that named in the grant. The control of the road passed first to the Oregon and California railroad company, then in 1881 to Henry Villard, the president of the Northern Pacific, who had previously secured control of all lines of railroad transportation in Oregon. From 1870 to 1883 repeated promises were made to the citizens of Astoria that the road would be built to that city in compliance with the grant of land. Whether these were intentionally deceptive or not does not appear. That they were deceptive in fact is painfully apparent. In a letter of September 13, 1883, Mr. Henry Villard, the president of the road, to the Astoria chamber of commerce, distinctly repudiates the conditions of the grant, and uses the following language: I regret to say that the estimates of the cost of this line in question (ninety-seven miles of main stem to Astoria) now before me are so large that it will be impossible for the Oregon and Transcontinental Company, as lessee of the Oregon and California Railroad Company, to undertake its construction. We must, therefore, abandon the project.

For thirteen years Astoria has been sitting by the sea in the northwest waiting the coming of the promised relief, and deluded by false promises only to be told at the end of that time that the project must be abandoned. This company not only refused to build the road itself, but by possession of the granted land prevented others from building the same.

The chamber of commerce of the city of Astoria, in their memorial to this congress asking the forfeiture of all the lands granted to the company, say: That said grant was made on express condition that said railroad should be completed in six years from said date (May 4, 1870), and that said time expired more than seven years ago.

That portion of the railroad more easily constructed between Portland and McMinnville was built within the specified time, but since that time no part of the main stem between Forest Grove and Astoria has been built, nor is it in process of construction.

That the president of the company now holding the grant has publicly declared his unwillingness to build the road.

We should further represent that the lands of this company are rich in timber, iron and coal, that the cost of the proposed railroad is no excuse, and we firmly believe that the road would have been built many years ago if the grant had been held by persons whose interests were not in the building of the road, and would be built now if the land grant were only declared forfeited.

That the Oregon Central Railroad, built, and to be built, is controlled by transients and lease to the Oregon Transcontinental Railroad Company, and the latter company is opposed to any extension of its system to Astoria.

That the continuance of this grant is acting as a barrier to the settlement and development of the country and its resources; and that it is also acting as a bar to the building of a railroad by any other company through the same route.

Joseph Ganton, first president of the Oregon Central Railroad, under date of December 4, 1883, says to congress: That the grant in the hands of the present owners is an obstruction to the construction of a railroad to Astoria and the development of the country. For if the grant was forfeited the country would be at once rapidly settled, and other railroad companies would build a narrow-gauge railroad, if not a more extensive one.

Memorials from over 2,000 citizens of Oregon, in the vicinity of the line, ask the forfeiture of the grant.

Mr. Lore quoted from THE ASTORIAN as follows: Were the grant out of the way the fall of 1883 would see Astoria in railroad communication with the rest of the country. The road must run through the country covered by the present grant, and while arrangements could and possibly would be made to allow the building of the line, yet nothing but the

forfeiture of the grant would insure the best results desirable from the enterprise.

The member from Oregon (Mr. George) on the floor of this house a few days since epitomized the reasons for the forfeiture of what he calls the unearned portions of the grant in the following forcible language: Recognizing that one section of the state immediately interested was restless on account of the non-completion of the road, the fact that a large section was tied up from settlement and development; the fact that the chamber of commerce of Astoria, an enterprising and progressive city directly interested, unanimously congress for a forfeiture; the fact that the petitions for forfeiture were pouring in from my state along the line of road elsewhere; the fact that the president of the company has addressed a public letter to the Astoria chamber of commerce, saying that the company "must abandon the project"; the fact that the legislature of the state at its last session memorialized congress to forfeit the grant for reasons stated in the memorial; the fact that no one whom I have the honor to represent has ever expressed a wish to the contrary, I conclude to favor a forfeiture of the unearned part. It was with reluctance however, I felt that such must be the case.

A stronger arraignment of the company for failure to meet the conditions of the grant could hardly be made, and yet the member from Oregon (Mr. George) contends with his accustomed force and earnestness that what he terms the portion of the land earned by the company shall be excepted out of the forfeiture and accorded to the company; that is, that the company may keep all the land in the thickly settled portion of the country from Portland to McMinnville where the forty-seven and one-half miles of road had been completed by it at little cost, and forfeit only the wild and less valuable land from Forest Grove to Astoria, along the ninety-seven miles of road they have not touched.

Can it be said in any proper sense that the company has earned any of the land? It could only so earn by meeting some of the conditions of the grant. What single condition has been met by this company? It is not seriously contended, so I understand, that the company has a legal right to any of the land granted but that it was a strong equitable claim for the land coterminous with the two completed sections of the road, because there have been built twenty miles on the main line from Portland to Forest Grove, and twenty-seven and one-half miles on the branch from Forest Grove to McMinnville, all of which is on the line of road prescribed in the grant. That therefore so much has been justly earned by the railroad company.

This would be just if the part so built had in good faith been constructed with the ultimate purpose of completing the road to Astoria, the end proposed by congress; but if the forty-seven and one-half miles of road was so constructed to divert trade and development in another direction and has since been used to prevent the people of Astoria from obtaining rail communication with the McMinnville valley and the people along the line of the proposed road from an outlet to the sea at Astoria, as is distinctly stated by them, then the grant has been used to defeat the purpose congress had in view and a great wrong and fraud has been perpetrated on congress and the people of Oregon.

To state the proposition in plain terms, the company obtains the grant of land from congress upon the express terms that it would open a highway through the wilderness from the Willamette valley to Astoria; but after the land had been granted, it not only refused to build the road itself, but so used the trust property as to deter other corporations and individual capital from undertaking the enterprise.

Such is the unequivocal declaration of the people of Astoria, of Mr. Ganton, the former president of the road, and the thousands of memorialists who are on the lands, and whose views have been expressed in their demands for the revocation of the grant. They unite to ask that all the lands shall be forfeited. With a modesty peculiar to corporations, the company claims to have earned the lands along the completed portions of its road, while disregarding every condition of the trust.

The people for whose benefit the grant was made are a unit in demanding that the forfeiture shall be thorough and complete. The corporation stands alone in its demand for the land it claims to have earned, and with singular assurance asks it as the reward for violating its trust.

Well may it be characterized as the frontier line of corporate assurance. The demand of the people of Oregon for the forfeiture of this grant has been emphasized by the whole people of the United States.

In nothing is public sentiment so decided as in the demand that the public land shall be taken away from the corporations which either have not used or abused the grants.

Continued on 3d page.

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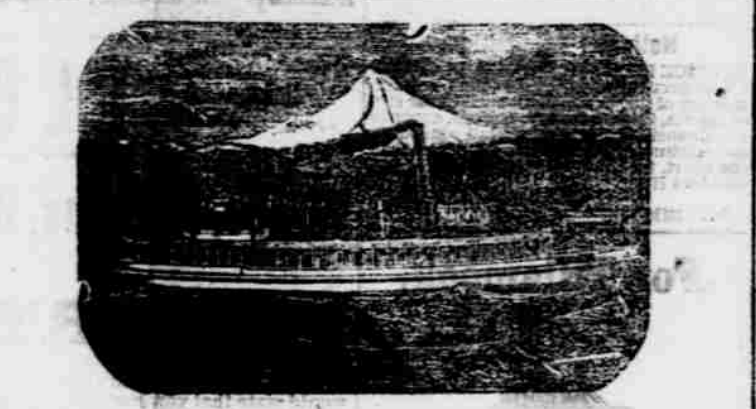
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Oregon, June 22, Columbia, June 22
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State of Cal., June 27, Columbia, June 27
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