

# Hillsboro Independent.

### Hillsboro Independent.

BY D. W. BATH.

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### LAND FRAUDS

#### IN OREGON

#### STORY OF THE WHOLE THING

Showing How the Great Heritage to this Nation is Being Squandered—Ridiculous Laws.

From Collier's Weekly.

A mountaineer went into the great forest of Eastern Oregon in 1902 and acquired title to a one hundred and sixty acre timber claim. The timber alone was worth at least \$15 an acre. Under the timber-and-stone act, this man got the tract of land, timber and all, by the mere payment to the government of \$2.50 an acre. This did not satisfy him. He wanted more timber, or rather the lumber company that employed him as a "dummy" did. As he was entitled to but one hundred and sixty acres under the timber-and-stone act, he took up one hundred and sixty more acres, adjoining the first tract, under the homestead law. To do this he was obliged to swear that the second tract was more valuable for farming purposes than for its timber, that he resided and intended to reside on his "farm" for the purpose of cultivating crops; that he was, in fact, a bona fide farmer. He was compelled, of course, to lie. This land was on top of a mountain, covered with deep snow until June, making it impossible to cultivate anything but timothy and a few hardy vegetables, even if the land was cleared. The extent to which it was "farmed" may be gathered from the accompanying photograph. This man never lived on the land and never intended to do so. The only pretence he made of complying with any part of the law was to pile together a few logs into a rough shack, which he called a house. In plain words he and his witnesses were guilty of perjury, of conspiracy to defraud the United States Government, and what he actually did was to steal one hundred and sixty acres of valuable land from his benevolent country.

We mention the case of this mountaineer not because it is isolated or unusual, but merely because it is typical of the methods of those who are now gobbling up the remnant of our public lands in the far West—an attitude which you must reckon with before you can understand the magnitude and apparent shamelessness of the raids upon the public domain. This mountaineer violated the letter of the law, but he probably is no less patriotic than the hundreds of his fellow Oregonians who have violated and are violating the spirit of it. If an invading army should land on the Pacific coast or, for the matter of that, at Boston or New York, he would probably be as eager as the next one to enlist in the First Oregon Volunteers. He merely regarded the public domain as a large proportion of the country do regard it—as the property of those who have the courage or good fortune to push their way into it and grab it and that all government laws that in any way hinder their convenience in taking possession of whatever they want—even our absurdly inadequate laws—are to be evaded instead of obeyed. He regarded the government in other words, precisely as eminently respectable Eastern people regard the government when they are returning from a summer in Europe and wish to get dutiable finery through the custom house.

More than three millions of acres of timber land of the Northwest, has been practically given away by the government in the past two years. Probably nine-tenths of this was grabbed either by actual fraud or by violating the spirit of an absurd and impotent law. There is nothing particularly new in this except that the land grabbed has been particularly valuable, the destruction of timber particularly ruthless. Respectable citizens have always thought it proper to cheat the government. Were it not that such men as Senator Mitchell, Congressman Binger Hermann, Surveyor Meldrum of Oregon, and Frederick Hyde, president of the San Francisco school board, are under indictment, the base East would not even take any interest. The West takes land grabbing for granted. The whole history of our public lands is one of ruthless grabbing and still more of idiotic laws and farcical attempts to enforce them. The manner in which the government has given away its pub-

lic lands makes the dealings of Mrs. Chadwick's bankers look like the apex of conservative and astute finance. We have thrown away and are throwing away such an empire as was never before given to any other nation under the sun. Under the altruistic theory that the public land should be given to the people for homesteads and farms, domains vast enough to constitute separate states have been tossed away to speculators, railroads, ranchmen and lumber corporations. To the states, for the avowed purpose of providing for education, we once gave thirty thousand acres of land for each senator and representative in Congress. The states which had no public land received scrip which eventually found its way into the open market. Wall street speculators at one time advertised the college scrip of nine states. The entire scrip of one university was offered at one time for thirty-seven and a half cents an acre. The greater part of this land, the income of which was intended to be used for education, has long since been squandered and lost forever. Under the old Swamp Lands act thousands of acres in the Sierra Nevada mountains were seized as swamp-lands five thousand feet above the level of the sea, actually requiring irrigation to make anything grow on them. Vast areas were surveyed when flooded and grabbed or included, because some far-off corner of them had a mud hole in it. They tell a story of a man who put a boat on a wagon and had his mule draw him across a stretch of fertile prairie. Then he went to the land office and entered his claim for swamp land, producing several witnesses who were quite willing to swear, orally, that he rowed over the claim in a boat. Railroads, by juggling the "alternate sections" they received when first running their lines through new country, have acquired tracts of twenty or even fifty miles, which they have held unimproved, waiting for values to rise, while the homesteaders beyond these belts were driven back, compelled to content themselves with the imaginary advantages of a railroad perhaps fifty miles distant. The government has not always even kept faith with its own children. It has invited settlers into a country, and after they had built houses and started farms in good faith, has sold out the whole area to a railroad or speculative corporation at, for example, \$1 an acre. The homesteaders were then ejected or obliged to buy back their own land from their new masters at, for instance, \$6 an acre, paying for the improvements that they themselves had made. And so on, and so on. It's an old story now—one that makes appear respectable the average performance of pickpockets and thieves.

Wailing about the land that is gone now merely as a tardy locking of the barn door after the horse is stolen. It is to save the remnant of the public domain that the president and secretary of the interior are conducting the present investigation and running the guilty to earth wherever the cleverness of speculators and the opposition of public prejudices are not too much for them. There are three acts under which the greater part of our public land is nowadays acquired—the timber-and-stone, supposed to apply to land not available for agriculture; the homestead, supposed to apply to farming land, and the desert land act, supposed to apply to land useless for agriculture without irrigation. As a matter of fact, thousands of acres of fertile land are fraudulently acquired every year as "desert land," and mountainside after mountainside of superb timber is gobbled up by those who pose as farmers and homesteaders.

A primary objection to all these laws is that conditions to which they have been applied in the prairie country of the Middle West are utterly changed in the mountain country of Oregon or the vast ranges of Montana. Distances are so great and traveling so difficult that personal inspection of claims by the land office agents is often impossible. The word of the lumberman or ranchman must be taken for what it is worth. Men may take up a timber claim under a homestead entry, and before the inspector has visited it have cut down all the trees and skipped away. Even were there enough inspectors to keep tab on every claim, the timber-and-stone law is so faulty that the destruction of the forests would be little lessened. This law does not require residence and improvements like the home-

stead law. All that lumbermen have to do is to "prove" his entry and buy land worth anywhere from \$15 to \$100 an acre for \$2.50. Although the assumption is that land is intended for the individual, there is no law that can prevent him from selling it immediately after he has bought it. In this way, it is a simple matter for a lumber corporation to send a whole trainload of employes, clerks, workmen, telephone girls—any one that they can rake and scrape together—into the public domain, and acquire title in a short space of time to a timber area that might support a principlality.

There is another feature of the timber-and-stone law which has been almost as disastrous as this business of the dummy settler. When the government adopted the policy of creating forest reserves, it provided that any settler who had a homestead within the reserve previous to its occupation by the government would receive scrip which he could exchange for other land outside of the reserve. There is no provision in the law which compels the settler to exchange land of the same value as that which he surrendered. The result has been that speculators and land grabbers have learned in advance of the proposed boundaries of forest reserves, taken up claims within them, perhaps of utterly valueless land on the tops of mountains covered with snow, so steep that nothing but a mountain goat could live upon them, and have exchanged this for timber land outside of the reserve covered with finest timber. By making their original entries upon land of little or no value, the grabbers escaped all danger of competing claims. In this part of the recent land grabbing that most of the actual crime has been committed. In order to find out the probable boundaries of proposed reserves, and to rush claims through the land office, the grabbers have resorted to forgery, perjury, bribery, and systematic corruption of public officials. Entries are filed in the names of persons who never existed; men are hired to impersonate others and to file proofs upon lands they have never seen.

What happens in the forests of Oregon and California happens in another way in the grazing country of Montana, under the desert land act. Here whole counties are gobbled up by ranchmen, who send their cowboys, or any one that they can get hold of, into the land to take it up under supposed settlers' claims. The Easterner wonders why the bona fide individual settler does not complain. He does not, because he is helpless on his little farm, surrounded by the vast domains of the big ranchmen, as a sheep among a pack of wolves. If he does protest, he is lucky oftentimes to escape with his life or to be tied to a tree while he watches his herd of sheep shot down. Under the desert land act, by which the settler is enabled to acquire 320 acres—until recently 640 acres—by agreeing to reclaim it by irrigation, thousands and thousands of acres have been taken up by ranchmen, with scarcely a pretence of irrigation, for grazing purposes, while in other instances settlers have acquired whole sections of fertile land on which irrigation was not necessary by entering it as desert land, calling a sink-hole a reservoir and a meandering plow furrow an irrigation ditch.

Such fraud may be the result of the laxity of the land office officials, or it may be bought about by actual perjury on the part of the entrymen and the impossibility, because of the enormous areas to be covered, of personally and properly inspecting every claim. As if not enough land had been given away under the general desert land law, two bills are now before Congress which if passed it would allow anyone who has a 160-acre homestead entry in South Dakota or Colorado to take up 480 acres adjoining it. The alleged justification for this bill is that a farmer in this neighborhood can not make a living from a 160 acre farm. Having already received 160 acres for nothing, it is assumed that the settler is entitled to a whole square mile. While the privilege of "commuting"—that is to say, the privilege of purchasing the land for \$1.25 an acre, after having lived on it supposedly for fourteen months—the settler can turn over his claim to his employer, ranchman, speculator, or what not, and he can not be legally attacked. Even as applied to the 160-acre homestead claim, the commutation clause is disastrous enough.

### BUNCOED OUT OF

#### \$10,000.00

#### BY THE "GOLD BRICK" SCHEME.

An Albany Man Parts From His Money and Now Lies Dangerously Ill—No Clue.

William Vance, the wealthy Albany man who was swindled out of \$10,000 by the "gold brick" trick at Salem last Thursday, lies very ill at the residence of his son-in-law, W. B. Peacock, 214 Eleventh street, while throughout the country detectives are bending their energies to capture the confidence men who accomplished the daring robbery.

Never in the history of the Northwest, detectives declare, has a robbery so daring and so successful been brought to light. Many of its features are so remarkable, they state, that it seems almost incredible that they can be true. Yet they are verified in every detail as published in The Oregonian yesterday.

Strange as is the accomplishment of the crime, still more so does it become when it is known that a daughter of Mr. Vance used every effort to persuade her aged father to have nothing to do with the man who called himself William Dunn, and who operated at Albany until he had won the entire confidence of Mr. Vance and took him to Salem, where the \$10,000 check was cashed at Ladd & Bush's bank.

Guglielmo to Hang.

The supreme court rendered a decision affirming the lower court in the case of the state vs. Frank Guglielmo, the Italian who murdered Freda Garacio in Portland, June 14, 1904. The decision is rendered on the point whether the deputy district attorney had the right to sign the district attorney's name to a criminal information. The supreme court rules that by prosecuting the case District Attorney Manning ratified the action of his deputy. Guglielmo has twenty days to file a petition for rehearing.

The following opinions were also handed down.

State of Oregon, respondent, vs. James G. Lee, appellant. Appeal from Washington county. T. A. McBride, judge. Reversed and a new trial ordered. Opinion by Justice Bean. The defendant was tried and convicted of stealing a calf from one Dennis. The lower court admitted testimony tending to show that Lee had committed other crimes, which the supreme court holds erroneous.

Senator Mitchell is packing up and preparing to return to Oregon. He shipped several boxes of letter-files to Portland Monday and others will follow. He himself will leave for Portland between March 1 and 5, not before. He was at his committee-room every day during the week but he did not go near the senate chamber.

### Lincoln's Birthday.

The celebration of Lincoln's birth has already been suggested. Four years from the present month will complete the century. If any celebration is undertaken by the government, some thinking will be required about the proper method. (Such possible details as the unveiling of a statue at the Capitol, the opening of a park in Kentucky, and ceremonies in Washington, Springfield, and other cities, will be more effective if they are all made part of a general scheme under national supervision. The south will probably be glad to take her part in the celebration, for most southerners realize that they lost more than any other part of the country when Lincoln was snatched away and the difficulties of reconstruction were left to men who were stupid where he was wise, or full of hatred where he was charitable itself, or ready to plunder a suffering people whom he would have protected. Lincoln's birthday every year brings up memories which we all wish to keep alive. February 12, 1909 will intensify these memories. Jefferson once told Washington that he and Franklin would stand forever apart and from above the rest of their countrymen. That place with Washington was never entirely held by Franklin. It remained empty until two-thirds of a century after Washington was dead, and then Lincoln was placed by universal feeling beside our first great leader. History, which deals harshly with accidental reputations, is sometimes long busy increasing truly founded ones. The love and admiration which the American people feel for Lincoln have gone on increasing steadily since his death, and, as far as mere interest goes, he stands ahead of Washington.—Collier.

A Bad Outlook.

Lee Spangler, the York, Pa., prophet who so accurately predicted great events in the past has issued his proclamation of dire disasters for the coming year.

"Woe unto Russia," he says. "She is fast approaching her doom. The people will overthrow the empire. The royal family and the leading members of the nobility will be murdered and subjected to worse cruelties than they have inflicted upon the Russian people."

"The country will be divided up into small republics and elective monarchies, and these will be constantly quarreling and in a state of war until the end of the world comes in 1908."

"The big spot that has appeared upon the sun is ominous. It foretells rebellion, pestilence and natural catastrophe upon the earth. The outbreak of rebellion in Russia is but a spark. It will be fanned into a flame that will sweep over the world."

"The United States will not escape. The worst riots in the history of the nation are to occur this year. It will be a year of strikes in all the great industrial nations in the world."

"There will be many great fires in

the United States and in other civilized nations. It will be a year of great loss to the insurance companies. In Russia the revolutionists when they become more powerful will resort to the use of the torch."

The spot on the sun which is causing so much talk in scientific circles, can easily be seen with the aid of a smoked glass. It is in the lower right hand side and looks about the size of a cent.

A Kansas woman wanted a set of false teeth, and sent this letter to a dentist: "My mouth is 3 inches across, 5 eight thru the jaw. Some hummocky, on the side, shaped like a horse-shoe toe forard. If you want me to be more particular, I'd hav to come to you."

Persons who patronize papers should pay promptly, for the pecuniary prospects of the press have a peculiar power in pushing forward public prosperity. If the printer is paid promptly, and his pocket-book kept plenteous by prompt paying patrons, he puts his pen to his paper in peace, his paragraphs are more pointed, he paints the picture of passing events in more pleasing colors, and the perusal of his paper is a pleasure to the prompt-paying people. Paste this piece of proverbial philosophy in some place where all persons can perceive it.

Land Cases in June.

An Oregonian special from Washington says: The trial of the land fraud cases at Portland will be run as a counter attraction to the Lewis and Clark exposition. United States District Attorney Heney said Monday that it would not be practicable to begin the trials of Senator Mitchell and Representatives Williamson until June 1. Before he left Portland he talked the situation over with Judge Bellinger and it was agreed that it would be impossible to commence the trials in April.

In the first place Mr. Heney will not get back to Portland before April 1, and is planning at that time to resume examinations into further land frauds, which examinations, it is confidently expected, will result in further indictments. While he is conducting these investigations before the grand jury Mr. Heney will not be able to devote proper time and attention to the trials before Judge Bellinger.

The Judge, moreover expressed the opinion that April would not be a good time to impanel a jury, and he thought the trials would have to go over for a while. In May the court will move from its temporary quarters back into its permanent quarters in the Federal building and Judge Bellinger wishes to avoid moving in the midst of the trials.

It was therefore agreed that it would be about June 1 before Senator Mitchell and the two Oregon congressmen could be brought into court to answer their respective indictments.

All goods bought of Cate will be delivered promptly at any hour during the day. This includes meats as well as groceries.

[Continued on Last Page.

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