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SOUTHERN PACIFIC MAY HAVE TO SELL LANDS

Can Not Evade Terms of Grant From Congress is Opinion of Mr. Ballinger.

One of the biggest handicaps to the development and prosperity of Southern Oregon is the Oregon & California Company's land grant, that embracing every alternate section and being withdrawn from sale, has for years set down by just one-half the available agricultural, timber, mining and irrigation resources of Rogue River and Umpqua Valleys. There is a rumor afloat that the Southern Pacific, that now holds this grant, is planning to put the agricultural land on the market, but the timber and mineral land will be withheld from sale. The Company claiming that the amendment by congress of the terms of their original grant is legal which prohibited them from charging more than \$2.50 an acre for the land they will have the farm lands appraised and listed. It is evidently the plan of the Company to hold their timber and as a source for their lumber supply, cutting it with their own mills. This they are now doing in Lane county where they have three sawmills in operation and are building the fourth mill.

It is the general opinion of the public backed by some of the best legal talent of the country that the terms of the grant by which they acquired a young empire of land, must be adhered to by the Southern Pacific in the sale of their lands in Southern Oregon. Congressman W. C. Hawley has been looking up this matter and he is certain that the Company can be made to sell this land and that the maximum price shall not exceed \$2.50 an acre. The following from the Oregonian fully explains what the congressman from this district is doing to relieve Southern Oregon of the railroad land monopoly that is a blot on the prosperity of Rogue River Valley:

The Southern Pacific Company can be forced by the courts to sell its railroad grant land in this state according to the terms of the acts of congress, is the opinion of R. A. Ballinger, commissioner of the general land office, given by letter to W. C. Hawley, representative in congress for the Oregon First district. According to Commissioner Ballinger no further legislation by Congress is needed to put in the hands of the people of this state the power which they have thought they needed in order to break up the 3,000,000 acre land monopoly of the railroad, compel it to open the lands to sale to actual settlers, in tracts of not more than 160 acres to each purchaser and at a price not exceeding \$2.50 an acre.

These plain limitations on the possession of the lands are contained in an act of April 10, 1869, by virtue of which the Oregon Central Railroad (East Side line) and its successor, the Oregon & California Railroad, obtained free from the Government as bonus for building the railroad from Portland to the California state line some 6,000,000 acres of non-mineral land; and in an act of May 4, 1870, by virtue of which the Oregon Central Railroad (West Side line) secured some 300,000 acres for the railroad between Portland and McMinnville.

The United States gave odd numbered sections of land, 10 on each side of the track to the amount of 12,800 acres for each mile of road. The total acreage for the 360 odd miles of track,

to the California line, on account of thifty bends in the route, amounted to the figures mentioned.

The two land grants now possessed by the Southern Pacific have been disposed of in large tracts in violation of the acts of congress, until less than half the original acreage remains in possession of the railroad. The lands were sold in larger tracts than 160 acres to each purchaser and frequently at more than \$2.50 an acre and the purchasers in these cases have not been actual settlers.

Representative Hawley has taken the matter up with Secretary of the Interior Garfield, Land Commissioner Ballinger and Attorney-General Bonaparte, endeavoring to find means to hold the railroad strictly to the terms of the grants. The Washington authorities have evinced large interest in the matter. Secretary Garfield has given Mr. Hawley to know that he will afford every facility of his department to accomplish the end aimed at. Attorney General Bonaparte has told Senator Bourne and Mr. Hawley he sees no reason why the terms should not be enforced and has asked them for specific information, which they are now gathering, of violations of the acts of congress. Commissioner Ballinger wrote the following letter to Representative Hawley, March 19 of this year:

In reply to your letter of the 7th inst, addressed to the Secretary of the Interior, and handed to me for attention, you are advised that the act of 1869 (14 Stat. 239), made a grant of land to the California and Oregon Railroad Company, conditioned upon the performance of certain acts by the company within a specified time. The prescribed conditions not having been met by the company, the time for the performance was extended by act of 1869 (16 Stat. 47).

Although the company fails to comply with the terms of the grant within the time specified, they were subsequently complied with before a forfeiture, and the title to all the lands within the grant consequently vested in the company (see Schulerberg vs. Harriman, 21 Wal. 44) subject only to the covenant expressed in the proviso of the act of 1869, which declares "that the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one quarter section to one purchaser and for a price not exceeding \$2.50 per acre." As soon as title was vested in the company the jurisdiction over the lands passed from the executive branch of the government, and the enforcement of the proviso rests with the courts, through appropriate action by either the settlers entitled to purchase or by the government "acting through the department of justice.

The power of congress to prescribe the proviso, cannot, in my judgment, be questioned in view of the fact that it was made in consideration of the extension of the time granted to the company "is therefore without authority to sell these lands to any other person, in any other amount, or for a greater price than that prescribed. In the proviso, land and any conveyance which the company has attempted to make on a sale made in violation of this statute would not be sustained by the courts.

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AUDITOR ATTACHES THE GILMORE PIANO STOCK

Mr. Krull, Auditor of Eilers Piano House of Portland Takes Over Stock.

Many regrets are being expressed at the fact that the GILMORE stock of fine Pianos and Organs, known to be the finest line of instruments that has ever been exhibited in Southern Oregon, including the highest grade of Pianos sold by the house of HIGHEST QUALITY, has been attached by Wm. Krull the Auditor of the EILERS PIANO HOUSE and Mr. Gilmore is making desperate efforts to raise funds to float his indebtedness.

NO IRREGULARITIES. It seems that there are no irregularities, but only a shortage of ready cash and the business community hopes that Mr. Gilmore will find the looked for aid.

All creditors who wish recognition will please file their claims with the auditor at the Piano Store. There seem to be a number of credit certificates out that were issued as word contest prizes, for the redemption of these, Gilmore has turned over to the auditor the initial payments that he has made on various instruments and all those who are holding paper of this sort will confer a favor by putting themselves in touch with the Eilers representatives.

On being asked what disposition was to be made of this fine line, Mr. Krull said that he was not prepared to make a statement and is waiting for instructions from the headquarters of the firm.

INSTRUMENTS AT RIGHT PRICES.

Gilmore came to this territory to give the public piano value at the right prices, trying to sell more pianos and not asking the extreme prices that are usually demanded by the average dealer who sells a limited amount of pianos and necessarily get exorbitant prices, but his expenses were too great and the returns showed no profits.

Some speculation is being made as to the disposition of the stock here and the neighboring towns. It is rumored that Mr. Krull is in correspondence with some large dealer in

FAIR DEALING IN SALE OF RESERVE TIMBER

Supervisor Anderson Gives Clear Statement as to Methods Government Employs.

There being a misunderstanding on the part of many as to the way that timber can be acquired on forest reserves and the charge is made by misinformed persons that the big lumber companies are given the advantage by the government over the small millmen, Supervisor Anderson gives the following clear statement in reply to these charges and fully explains the rules governing the disposing of timber by the government:

The statement which has gone the round of the newspapers and found place in your columns recently, that the late creation of National Forests included all the public timber land of the West, had no foundation in fact. It was the result of taking seriously some of the public interviews of the public disappointed timber speculators who only meant to be sarcastic.

The new reserves in Southern Oregon and additions, were all or nearly all created from land that was withdrawn from entry four years ago, and did not include near all of the withdrawn territory as over 300,000 acres have recently been ordered thrown open for settlement as soon as the necessary advertising can be done.

It is remarkable how easily a story detrimental to the Forestry system of the government can gain circulation, and looks like organized misrepresentation.

The impression has gone abroad that the timber on the forests is not for sale, or so effectually tied up by "red tape" that none but wealthy corpora-

the southern part of the state and that if arrangements cannot be made satisfactory to all the parties concerned, the entire stock will be sold out to the public. As a great many are unable to call during the day, remember we will be open evenings.

F. J. Andrews, the wholesale representative of the Eilers Piano House will represent the Auditor in Grants Pass and he has full power of attorney to act in Mr. Krull's stead.

tions can buy it, or if bought, that the regulations are so unreasonable that the purchaser cannot comply with them and compete with holders of private timber. There is nothing unreasonable about the regulations, and nothing but common sense use of the merchantable portion of a tree is expected.

I have examined a number of tracts logged over by local mills 16 to 18 miles distant from Grants Pass and in every instance have found but little waste, and, with possibly a lower stump on some of the smaller trees, most of the ground cut over would pass government inspection now. It is probable that at a greater distance from the market there has been more waste, owing to small profit of hauling low grade lumber so far, but no thoughtful person will contend that with the present (and prospective future) demand for lumber it would be right to allow a log or two taken from a tree and the remainder left to rot. Better far to protect the tree until good means of transportation makes a profitable market for that now wasted.

The repeated assertion of men who should know better, that the government is making an exception of Oregon and attempting to control "Water rights," is another example. The truth is, (as everybody should know from the biennial row at Salem over water laws,) that the disposal of water rights is entirely with the state.

The claim that this supposed control of water rights by the Forest Service would interfere with large investments for the erection of power plants to develop the state, is as groundless as the rest, for such usually call for an easement to the land, and are entirely within the jurisdiction of the Department of the Interior—the forest service only reporting as to the representations being correct. I would like to be informed of a single instance of a legitimate enterprise being turned down by the Forest Service in Oregon.

The critics of the forestry system solemnly assert that the agricultural land within the reserves is closed to the "homebuilder." If by the "homebuilder" is meant the easy-money-man who comes from his place in the eastern city to turn Oregon's timber into cash to add to his eastern

A WILD VALLEY OF UNDEVELOPED RESOURCES

Briggs Creek Valley Has But One Family, But Has Many Advantages.

Fred Smith was in Grants Pass over Monday night from his ranch on Briggs creek. That valley is one of the wildest and most inaccessible sections of Josephine county and it has but few settlers. To reach Briggs Creek Valley it is necessary to travel eight miles by trail over the hills from Wertz's mill on the Rogue River and Grants Pass road.

As this Valley is in the midst of the Siskiyou forest reserve Mr. Smith while in this city called on M. J. Anderson, supervisor of that reserve, in regard to building a better and more direct trail into the valley. Mr. Smith and the other settlers offering to co-operate Supervisor Anderson assured him that the government would aid them in securing a

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investments then the reserve is closed, but if it means the actual settler who really wants a home, and who, by his labor, adds to the value of the land he occupies, instead of leaving it a waste, then the agricultural lands within the National Forests never were as near open to him as they are now for he can make homestead entry whether the lands are surveyed or unsurveyed. The intimation that impractical and inexperienced men, are sent to classify the land is without foundation. I have probably had as good opportunity as any of the critics to know the real situation, and respectfully ask them to name a single case upon which to base a claim of injustice done to a settler on the reserves. To the people of Grants Pass, and all of Southern Oregon in this district, you can say:

We are here to "make good" the promises of Forest Service, and will willingly co-operate with the commercial bodies, county courts, settlers, stockmen, and miners, in building roads, trails, or other work that will assist in opening up, and protecting the reserves, putting the land to its best use, and adding to the prosperity of the community.

G. P. H. S. News Notes

Moonlight Picnic.

The Beta Gamma boys have again proven themselves adepts at entertaining. The moonlight picnic and bonfire party which they gave last Saturday evening was one of the most enjoyable affairs of the season. About 7 o'clock, 32 young people mostly High School pupils, had gathered at the school house; from there they went to the picnic grounds which were on the river banks above the White Rocks. Bon fires were soon built and the fun began. Some of the party came up the river in a boat, bringing dishes and a splendid graphophone, which furnished excellent music for the evening. Cocoa was made over a camp fire in approved picnic fashion and all the company served with sandwiches and cocoa. Games such as "Hide and Seek," "Drop the Handkerchief" and "Chase the Wicked," were indulged in. During the evening several of those present went boat riding. The fact that the evening was clear and mild, greatly enhanced the pleasure of the picnic. Two of the High School teachers chaperoned the party.

On Wednesday evening, May 1, W. L. Fiodley, president of the Audubon Society of Oregon will give a lecture in the High School room on "The Birds of Oregon," illustrated with stereopticon views. No admission will be charged, but a collection will be taken, the proceeds of which will be spent in procuring books on birds for the school library.

Our superintendent, Mr. Turner, has just signed a contract with Morten E. Robinson of Chicago to drill and stage the sacred play "Esther" to be given on May 13 and 14 under the auspices of the High School, for the benefit of the new High School Piano. The cast of chorus will take anywhere from 100 to 150 singers for which the best local talent of the city will be called upon. Mr. Robinson has just finished at

Eugene a few weeks ago, where the High School cleared \$400, and at present is at Roseburg. He will be in town in a few days and then practice will commence immediately.

Circus day dawned bright and clear, with Mr. Suedicor right on hand nor was Mr. Turner far behind for the son was hardly up, when he could be seen on the street, though he had the poor excuse that he wanted to see how much rolling stock there was, but I guess without a doubt, it was the animals inside and not the cars. And Miss Bridge was also there, rushing up and down the street, as she was in a hurry to get a new hat in which to go and see the parade. Still Mr. Turner was probably the most infatuated for he was not only among the first to be there but the last to leave and even then with misty eyes he was compelled to throw his last farewell peanut to the baby elephant and depart in order to let the men take the tent down.

Last Saturday was a nice day, to be sure, but the picnic was among the missing; its coming, some time though—this Saturday unless something else interferes.

The third geometry class as finished plane geometry and will now take up solid geometry.

When a dog gets salmoned, you can cure him with blue mass pills or something like that, but when a boy gets salmoned it is a hopeless case. One of the Freshmen once asked: "Is it contagious?" An experienced hand, one who had been suffering with this incurable malady for several months replied "No, not unless combined with the smiles of a pretty girl."

The pictures taken about a week ago have been received and are exceptionally fine, all but the picture of the Beta Gamma group were a success, but in this one, all Mr. Turner's efforts could not keep the boys still. The boys, anxious to have a good one, will have another taken in the near future.

80 ACRES
\$1,200

4 1/2 miles from Grants Pass, 20 acres fenced and in cultivation 6 acres in timothy and alfalfa. More fruit than can be used by one family; fine assortment of blackberries, raspberries and strawberries (enough for market). Soil is black loam and red and is adapted to grain, fruit or vegetables. This is an ideal place to raise poultry. Several hundred cords of fine wood (in the tree), and an easy haul to town. Good 4-room cottage, barn and other outbuildings. This is a fine snap, and if you want a small, but good, place, you should look this up at once. Owner is sick and unable to work it.

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