

**CENTRAL POINT HERALD**

LANCASTER & PATTISON, PUBLISHERS  
S. A. PATTISON, EDITOR  
J. E. LANCASTER, BUSINESS MANAGER

An independent local newspaper devoted to the interests of Central Point and the Rogue River Valley. Published Every Thursday. Subscription price, \$1.50 per year, in advance.

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**WHAT IS AN "ACTUAL SETTLER?"**

"What constitutes an actual settler?" asks a correspondent of The Oregonian writing from Dallas, desiring to know who is entitled to buy land in the railroad land grants of the Oregon & California and Southern Pacific, under the proviso of the Congressional act of April 10, 1869; "provided further, 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"; and under section 4 of the Congressional act of May 4, 1870: "And be it further enacted, that the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve as depots, stations, sidetracks, woodyards, standing ground and other needful uses in operating the road, shall be sold by the company only to actual settlers, in quantities not exceeding 160 acres, or a quarter section, to any one settler, and at prices not exceeding \$2.50 per acre."

If the land-grant matter shall be brought to issue in court, the meaning is likely to be a strenuous subject by the railroad attorneys. For how can a person be an actual settler on land that belongs to a railroad? Would he not rather be a trespasser? If the acts of Congress meant actual settlers to mean those persons then occupying the land granted the railroad, have not such actual settlers ceased to exist in the thirty-seven years since the acts were passed? The railroad attorneys will be fertile with subtleties, subtleties and technicalities. The meaning of actual settler will be one of the hardest issues.

But sound sense, unimpaired by sophistry of lawyers, puts on actual settler an easy meaning. The acts intended that any person otherwise qualified who desired to make a home on land within the railroad grant should be considered an actual settler. Such persons were to obtain the land from the railroad just as other land from the United States. Here is evidence of the fact that Congress placed the granted lands in trust for the railroad, making the railroad trustee.

By the terms of the trust the railroad was to sell the land, at a price not to exceed \$2.50 an acre, to actual settlers. In order that the Government lands adjoining might not be sold for a less price and thus prevent the sale of the railroad lands, the act of 1866 declared: "And the sections and parts of sections of land which shall remain in the United States, within the limits of the aforesaid grant, shall not be sold for less than double the minimum price (\$2.50) of public lands when sold," and the act of 1870 declared that such lands "shall be disposed of only to actual settlers, at double the minimum price for such lands."

The meaning of actual settler, therefore, should not be difficult to determine. It is a person who purposes to establish a home. Such person was to have the same access to the lands granted to the railroad as retained by the United States. The United States was to charge him not less than \$2.50 an acre and the railroad not more than that price. The rail-

road agreed to receive the land on these terms, and its acceptance of the acts of Congress is on record. The United States made the railroad its agent for disposing of the lands, according to the terms of the Congressional acts, and the agent was to use the money obtained from selling the lands for redeeming its construction bonds. This was considered a more convenient method of aiding the railroads than for the United States to sell the lands and pass the money over to the railroad.

It was not intended that title to the lands in the grant should be vested in the railroad, to dispose of as it willed or as absolute ownership would have permitted. The railroad received the lands in trust, which bound it to dispose of them to actual settlers, just as the Interior Department was obliged to do under the same acts as made the grants. According to the interpretation, any person, otherwise qualified, intending to establish a home, should be allowed by the railroad to pick land where he wishes to settle, and to receive the land at a price not to exceed \$2.50 an acre and in a tract of not more than 160 acres.—Oregonian.

**Thomas Bailey Aldrich.**  
Friends of Thomas Bailey Aldrich were not prepared for his rather sudden death. Only a few months ago he celebrated his seventieth birthday, and everybody who knew him said that he looked boyishly young. Mr. Aldrich himself said that he felt almost as young as ever. As one of the New England poets, he seemed destined for several more years.

All of the other New England poets of distinction lived longer than Mr. Aldrich. Longfellow, whose centenary we have celebrated recently, was seventy-five when he died. Bryant was approaching eighty-four. Whittier was nearly eighty-five. Emerson was seventy-seven. Lowell died in his seventy-third year. If we take an average we find that Aldrich should have lived several years longer.

It is quite true that Aldrich is not classed with the famous New England group. In the first place, he was a quarter of a century younger than those poets. In the second place, he was a dilettante rather than a serious worker in poetry. He wrote gracefully, very gracefully, turning fine periods, polishing off pretty points, doing delightful work, but never descending deeply into the fundamental and elemental facts of life. He was a singer, but not a seer. He chose to be dainty rather than deep—or perhaps his limitations made him so. Aldrich never sang a song that moved men's souls, never sounded a stirring war note nor an aria that aroused men to militant action. He was a literary artist, his work appealing to a select few, but not appealing to the mass. Dickens, for instance, was not a literary artist, nor was Longfellow. Nevertheless the work of these men became household property.

Aldrich wrote sweetly and touchingly. His dainty "Ballad of Babe Bell," written fifty years ago, gave him immediate distinction, yet today it is known only to the charmed circle. He was a poet of highly cultivated taste. He never descended from the height to which his early aspirations carried him. Therefore the common people know him not.

It was really as a man among his friends that Thomas Bailey Aldrich achieved his chief distinction. Those friends were of the elect. They belonged to the highest rank in literature and art of the day. With one voice they speak of Aldrich as the finest of friends and the most delightful of men. Literary fame is sweet, but perhaps that sort of fame is sweeter still.

ROBERTUS LOVE

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CENTRAL POINT : OREGON

**ADMINISTRATOR'S NOTICE.**

Notice is hereby given that the under-  
signed, by an order of the County Court  
of Jackson County, Oregon, duly made  
and entered of record, has been ap-  
pointed administrator of the estate of  
Mary Welch, deceased.  
All persons having claims against the  
said estate are hereby notified to pre-  
sent the same to the undersigned ad-  
ministrator at Central Point, Oregon,  
duly verified, or to Gus Newbury, his  
attorney, at his office in Jacksonville,  
Oregon, within six months from the  
date hereof.  
M. S. WELCH,  
Administrator of the estate of Mary  
Welch, deceased.  
First publication March 7, 1907.

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Meets every Saturday evening at  
7:30 p. m. in A. O. U. W. Hall,  
corner Second and Pine Sts. Visit-  
ing brothers are specially invited to  
meet with us when in town.  
S. A. PATTISON, C. S. EMMY,  
Secretary Noble Grand.

As things go, the murder of a French  
citizen in Morocco gives France a valid  
excuse for threatening trouble, at the  
same time it is probable that the "in-  
cident" found the French government  
prepared at all points.

If Mr. Roosevelt can arrange a con-  
ference that will establish a permanent  
peace between the railroads and the  
public he ought assuredly to have an-  
other medal.

Spring has few terrors for the "sim-  
ple life" villager who can hire some  
one to beat the carpets and make the  
garden. Likewise to push the lawn  
mower.

**TIMBER LAND, ACT JUNE 3, 1878.**  
NOTICE FOR PUBLICATION.

UNITED STATES LAND OFFICE,  
Roseburg, Oregon, March 23, 1907.  
Notice is hereby given that in com-  
pliance with the provisions of the act  
of Congress of June 3, 1878, entitled  
"An act for the sale of timber lands in  
the States of California, Oregon, Ne-  
vada, and Washington Territory," as  
extended to all the Public Land States  
by act of August 4, 1892, Fred C. H.  
Keinecke, of Medford, county of Jack-  
son, State of Oregon, has this day filed  
in this office his sworn statement, No.  
7915, for the purchase of the N1 SW1,  
SE1 SW1, NW1 SE1 of Section No. 28,  
in Township No. 33 S., Range No. 3 E,  
and will offer proof to show that the  
land sought is more valuable for  
timber or stone than for agricultural  
purposes, and to establish his claim to  
said land before A. S. Bliton, U. S.  
Commissioner, at his office at Medford,  
Oregon, on

Thursday, the 13th day of June, 1907.  
He names as Witnesses: William  
Maultby, of Medford, Oregon; Christian  
R. McClintock, of Medford, Oregon;  
John Dent, of Medford, Oregon, and  
Samuel Rawlings, of Medford, Oregon.  
Any and all persons claiming adverse-  
ly the above-described lands are re-  
quested to file their claims in this office  
on or before said 13th day of June, 1907.  
BENJAMIN L. EDDY, Register.

**TIMBER LAND, ACT JUNE 3, 1878.**  
NOTICE FOR PUBLICATION.

UNITED STATES LAND OFFICE,  
Roseburg Oregon, Feb. 15, 1907.  
Notice is hereby given that in com-  
pliance with the provisions of the act  
of Congress of June 3, 1878, entitled  
"An act for the sale of timber lands in  
the States of California, Oregon, Ne-  
vada, and Washington Territory," as  
extended to all the Public Land States  
by act of August 4, 1892, Daniel D.  
Tompkins, of 479 Cottage St., Salem,  
county of Marion, State of Oregon, has  
this day filed in this office his sworn  
statement, No. 7842, for the purchase  
of the S1 SE1, NW1 SE1, SW1 NE1, of  
Section No. 30, in Township No. 33,  
Range No. 1 East, W. M., and will  
offer proof to show that the land sought  
is more valuable for its timber and  
stone than for agricultural purposes,  
and to establish his claim to said land  
before the Register and Receiver at  
Roseburg, Oregon, on

Wednesday, the 15th day of May, 1907.  
He names as witnesses: John H.  
Slattery, of Oregon City, Oregon;  
Werner Wheatley, of Spokane, Wash-  
ington; Arthur Holden, of Trail, Ore-  
gon; Mrs. Docia M. Holden, of Trail,  
Oregon.

Any and all persons claiming adverse-  
ly the above-described lands are re-  
quested to file their claims in this office  
on or before said 15th day of May, 1907.  
BENJAMIN L. EDDY, Register.