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IMPORTANT PUBLIC LAND DECISIONS

Law Points Recently Decided by Secretary Interior Department.

HOMESTEADS

The swamp land grant to the several States is a grant in personal and an entry improperly allowed must yield to the older grant. It is well settled law that neither settlement or filing constitute separately or jointly, a sale or disposal of public land. An equitable title does not rest in a claimant until final receipt, or tender of payment, or of final proof, which should be right be accepted. Until such condition exists, public land is not disposed of.

Where the entryman sells his improvements and accompanies such sale by a relinquishment of the homestead entry, he is barred from making another entry, and the Act of February 3, 1911, (36 Stat. 896), providing for allowance of second homestead entries, will not apply to give relief.

Prior to final proof, and upon death of the entryman, patent will issue in the name of the heirs, and not in name of a devisee named in a will made by the entryman. Citing Knight vs. Heirs of Knight (39 L. D. 392). It is the well settled rule of the Department that residence is established from the moment the settler goes upon the land with the intention, in good faith, of making it his home to the exclusion of one elsewhere, provided such intention is followed diligently and such settlement is followed by actual inhabitation of the land in good faith. Good faith is the essential foundation of all claims under the Homestead Law. Citing Gilbert Satrang (37 L. D. 635).

ISOLATED TRACTS

The Department regulations governing sales of isolated tracts contemplate that the sale be actually opened and held for the term of one hour, to enable competitive bidders to make bids. Mere offering of the land and then the dismissal of the bidders to assemble shortly thereafter is an adjournment of the sale. An offer of a check by the purchaser does not comply with the regulations requiring cash. However, a reasonable time should be given to allow purchaser to cash check and tender the money.

If a bidder, through a misunderstanding, bids upon one tract when he intended to bid upon another, he should be allowed to correct his bid to cover the tract he intended to bid for, and the other tract should be reoffered, the object in view being to obtain the best price possible for each tract offered.

TIMBER AND STONE

The government may appraise the land any time before the applicant has made deposit for the minimum price for same. Section 19, of the Regulations of November 30, 1905, amended accordingly.

Furthermore, a protest or adverse

No Pear Blight in Rogue Valley.

J. W. Myers, county fruit inspector, who, with his deputies, has been having a rather strenuous season looking after the protection of orchards, reports that the blight is practically eliminated from the valley.

The situation a year ago was considered rather grave due to the fact that most growers in the valley were not familiar with that form of pest and it was not until many orchards had been more or less affected that active measures were taken to combat it. So thorough, however, was the campaign of last year against the pest that only isolated cases have been found this season. "Eternal vigilance is the price of safety" quoted Mr. Myers, and every man who owns a fruit tree should keep a sharp eye out for the least sign of blight and at once destroy it absolutely.

Mr. Myers says the fruit crop will be better than was reported earlier in the season when it was feared that the unprecedented frosty period had practically ruined the crop. The pear crop will be at least 20 per cent. better than last year and the apple crop will also be much better than was expected two months ago.

H. A. Latta is having lumber delivered at his recently purchased orchard home across Bear creek with which to repair and enlarge the residence.

report may be lodged against an application or entry at any time within two years from the issuance of the final receipt.

MINING

Work performed under and for the benefit of one location cannot be utilized as a patent expenditure for the benefit of a maximum location in which is included the old area, together with the tract of new ground. This would evade the statute requiring expenditure of \$500.00, in labor or improvements for the benefit of the location for which patent is sought. Distinguishing the rule in Clark vs. Taylor (20 L. D. 455).

As a general rule final certificate and patent for a mining claim should issue to the applicant in whose name the patent proceedings were initiated and prosecuted; and in the event of his death, certificate and patent should nevertheless issue in his name and not to his heirs. The formal rule in Trip vs. Dunphy (28 L. D. 14), reversed.

Under provisions of Act of Congress, March 2, 1911, (36 Stat. 1015), patent will not be denied because of any transfer or assignment of interest of the original locator to any qualified person or corporation prior to discovery of oil or gas therein.

Deposits of gravel and sand suitable for concrete construction, but otherwise having no special value, except that derived from proximity to a town, do not render the land in which they are found mineral in character within the meaning of the Mining Laws, or bar entry under the Homestead Laws, notwithstanding the land may be more valuable on account of such deposits than for agricultural purposes.

JOY RIDERS TAKE NOTICE

New Law in Effect August 1 Makes Radical Changes.

Owners of automobiles will do well to take notice that the new automobile laws passed by the last legislature go into effect August 1 and make some radical changes in the present rules governing the running of autos. Extracts from the laws are as follows:

Vehicles proceeding in opposite directions shall pass to the right, giving one-half the road to each.

Vehicles proceeding in the same direction overtake each other by passing to the left.

All Vehicles approaching an intersection of a street, road or highway with the intention of turning thereat shall, in turning to the right, keep closely to the right, and in turning to the left shall run to and beyond the center of the intersection.

No races of contest for speed shall be held upon any street, road or highway in this state without the permission of the authorities of the state, county and city having jurisdiction of said street, road or highway, and unless the same is fully and efficiently patrolled for the entire distance over which said race or contest for speed is to be held.

The rate of speed on all streets, roads and highways of this state shall be a reasonable speed, up to and not exceeding twenty-five miles an hour, but any speed in excess of twenty-five miles an hour upon any road or highway in this state shall be an unreasonable speed and is prohibited by this act; provided, however, that no motor vehicle shall be driven at a rate faster than eight miles an hour upon the country roads or highways of this state when within one hundred yards of any vehicle drawn by horse or horses.

No vehicle shall be moved, run or operated on the streets, roads or highways of this state by any person unable or incapable to control the same with due regard to safety of the public and other vehicles; provided, that in all cases any person in a state of intoxication is deemed conclusively incapable and unable to operate and control the same.

Registration of Vehicles.—Every owner of a motor vehicle in this state shall for each vehicle owned cause to be filed by mail or otherwise in the office of the Secretary of State, an application under oath for registration, on a blank to be furnished by the Secretary of State for that purpose, containing (1) A brief description of the vehicle to be registered, including the name of the manufacturer, the style, type and factory number of such vehicle, the character of the power and the amount of such power stated in figures of horsepower; (2) the name, residence, and business address of the owner of such vehicle and the name of the country in which he resides; (3) the name of the chauffeur, if not the

S. P. Pensions Nearly Million.

Since the inauguration of the Pension Department of the Southern Pacific Company, January 1, 1903, nearly one million dollars has been voluntarily disbursed among the retired employees of that corporation. The precise amount is \$850,607.70.

The total disbursements for the month of June, 1911, were \$14,010.55. This was divided among 420 men and women, retired employees of the Southern Pacific Company. The total disbursements for the fiscal year ending June 30, 1911 were \$168,000.20.

Since the organization of the Pension Department the Southern Pacific Company has pensioned 616 of its employees. Of this number 135 were from the Operating and Trsn service, 268 from the Motive Power Department, including Enginemen, 102 from the Maintenance of way, 7 from the Stores Department, 61 from the General offices, 22 from the Atlantic Steamship lines and 21 from the Ferry and River Steamers. Length of service is all is necessary to secure a pension from the Southern Pacific Company. The employees are not required to contribute anything toward the Pension fund, all payments being made out of the General Funds of the Railroad Company.

owner, who will drive said vehicle for said owner.

Number Plates.—Upon the filing of such application and the payment of license fee herein provided for, the Secretary of State shall assign to the motor vehicle a distinctive, duplicate number and, without expense to the applicant, issue and deliver to the owner two number plates, rear and front, described in this act.

Re-registration annually.—All registrations under this act shall expire on December 31 of each year and shall be renewed annually in the same manner and upon the payment of the same fee as provided in this act for original registration, such renewals to take effect on the first day of January of each year.

Distinctive Number on Vehicles.—No person shall operate or drive a motor vehicle on the public highways of this state after the first day of August, 1911, unless such vehicle shall have the number plates assigned to it by the Secretary of State conspicuously displayed on the rear and front of such vehicle in plain view and so as to be easily read by the public.

Change of Color of Number Plates Annually.—Such number plates shall be of a distinctly different color or shade for each year, to be designated and selected by the Secretary of State, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

Equipment.—Every motor vehicle shall, during the period from one hour after sunset to one hour before sunrise, display at least two white lights in lamps on the front and one red light in the rear of such vehicle. Said rear lamp shall show a white light across the rear of the vehicle. The white rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle.

DAVID JOHN, et al SWACKHANNER

Ex-Cannibal Finds Only "Hood'lums" in Rogue Valley.

David John Henry Allen Zambosa Swackhanner Jr., who claims to be a reformed cannibal from the island of Hayti, blew into town the other day, and, bless the Lord, on the following day he blew out again. David John Henry etc., actually claims that he used to eat cooked missionary and that he liked it. He claims to have been converted some 25 or 30 years ago and that he has since made an extensive tour of the world as a missionary, but his appearance does not indicate that he is of the edible variety. In fact he much resembles a fourth-class tramp in general appearance. David John Henry says he prefers to talk to High School classes and at mid-week prayer-meetings but it must be admitted that around a printshop he makes a noise like a cheap fake.

David John is something of a prude. He claims to have been scandalized at Ashland by the street attire of the young ladies of that city and at Medford he actually blushed while visiting the "Nat." He actually saw some young ladies swimming in the pool with their shoes off. He may have the Nat closed. David advises that Jackson county churches refrain from sending any more missionaries to Hayti or Africa. "You need'em mo' in Medford and Ashland," quoth David John Henry Allen, "an' eben in Central Point I done see a woman at prayermeetin' wid her dress shewin' a gay time o' show. Isn't dat some show?"

Fable Rockets.

Rev. McKee and Shoun, Baptist ministers, were here last week getting acquainted with our people. They conducted religious services at the school house Sunday morning.

Mrs. Lee Vincent arrived last week to join her family.

Born July 23rd to Mr. and Mrs. Owen T. Wilson a son.

Mrs. Saltmarsh is visiting with Applegate relatives.

Fruit inspector Myers was here Monday examining orchards for pests. He reports conditions favorable.

Miss Grace Lydiard who has been spending her vacation with her parents left Tuesday for Minneapolis, Minn. where she held a post-practice stenographer. Several of our young people called at the Lydiard home Monday evening to bid her good-bye and a pleasant journey.

We are anxiously waiting for the County court to get a move on and put the Bear creek bridge in order so we can get our crops to market.

F. M. Adams, the well known Tolo farmer was in town yesterday attending to business connected with the estate of Joseph Campbell, deceased, of which he is administrator.

WIND STORM DOES DAMAGE

Wind and Dust Sweep Valley Turning Things Topsy-Turvy.

Farmers report much damage to corn and other crops by the wind Monday evening. Hay in the shock was scattered and much of it carried away.

Central Point was treated to something out of the ordinary Monday evening when a wind and dust storm swept down the valley at a rate which probably broke all former records known here. The wind attained a high degree of velocity and the bones of dry earth which have been blown from the sewer ditches furnished an abundance of raw material for the dust part of the entertainment. The old building of E. E. Emmons's lot on east Pine street, which had been partly torn down, was toppled over and a number of tents were demolished. Some trees were uprooted and broken off and considerable damage was done in the orchards in blowing fruit from the trees. Following the wind storm a gorgeous reflection from the setting sun was thrown on the southern sky which furnished a brilliant background for a vivid electrical display. Altogether the exhibition was something out of the ordinary for this part of the valley. The season is different from any other season in this part of the valley.

Fire in Crater Lake

Fire was deliberately set out in the holdings of the Crater Lake Lumber Company near the Crater Lake.

who originated the fire, and caused a large amount of wood to be burned. As it was a small amount of timber and 20 cords of wood were burned.

Edgar S. Hafer manager of the company last night was informed of the fire for information and to make an arrest and conviction of the perpetrator.

The fire started about 10 o'clock in the afternoon back about 100 feet from the road in a building which had been piled up this summer by the wood crews. Evidence that it was deliberately started has been secured by Ed Walker who represents the company on the tract.

As soon as the fire started Warren Patton who is working under the direction of the Jackson County Fire Patrol, was notified of which the company is a member, organized a team of fire fighters and started for the scene. Mr. Walker secured what info he could and by six o'clock the fire was under control.

Rev. J. P. Barber, formerly pastor of the Baptist church here, now located as pastor of the Emanuel Baptist church at Seaside, called friends here during the week and addressed the Y. M. C. A. meeting in the afternoon.



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