

Complaint Against S. P. Co. Recites Obligations Under Early-Day Grant of Lands

(Continued from Friday)

In about the year 1928 defendant completed a new railroad line from Black Butte, California, to Springfield Junction, Oregon, near Eugene, Oregon, through the counties of Klamath and Lane in Oregon, and through the city of Klamath Falls, Oregon. This line is known as the Cascade line and sometimes hereinafter will be referred to as such. Said Cascade line does not pass through the Rogue River and Umpqua River valleys, or either of them, but is to the east thereof. The distance between Black Butte, California, and Eugene, Oregon, by the Cascade line is approximately 275 miles, and by the Siskiyou line is about 300 miles. In about the year 1927 through passenger service between San Francisco, California, and Portland, Oregon, was inaugurated over the Cascade line by the defendant and is still being operated and furnished by defendant. It is more economical for defendant to operate its passenger trains between Black Butte, California, and Eugene, Oregon, by the Cascade line than by the Siskiyou line.

In the year 1938, in violation of the Act of Congress of July 25, 1866 (14 Stat. 239), the de-

fendant ceased to operate through passenger service on the Siskiyou line between Dunsuir, California, and Eugene, Oregon, but operated its through passenger service solely over the Cascade line. From 1938 to January 1942, defendant operated one passenger train per day from Portland, Oregon, to Ashland, Oregon, and return, and one train per day from San Francisco, California, to Grants Pass, Oregon, and return. In January 1942 the daily train between San Francisco, California, and Grants Pass, Oregon, was discontinued north of Dunsuir, California. To replace the discontinued passenger service between Grants Pass, Oregon, and Dunsuir, California, a distance of approximately 80 miles, bus operation, guaranteed by the defendant, is provided by Pacific Greyhound Corporation, a corporation engaged solely in motor bus operation, through two schedules per day between Ashland, Oregon, and Dunsuir, California. Defendant owns approximately 39% of the common stock of said Pacific Greyhound Corporation.

Plaintiff says that approximately 100,000 persons live in said Rogue and Umpqua River valleys, that there are numerous business enterprises in said valleys, both industrial and agricultural in character, with a production of approximately \$35,000,000 annually; that numerous persons practice the various professions in said valleys; that to many of the persons engaged in such businesses and professions through passenger service by rail is of great importance in the conduct of such businesses and professions; that because of the discontinuance by defendant of rail passenger service or through passenger service, or both, as herein set forth, such service is not now available to such persons. Plaintiff says that the discontinuance

of such passenger train service has resulted in great inconvenience to numerous persons residing in said valley and to others having business in or desiring to go to said valley.

Plaintiff says that it is in the interest of the general welfare and of national defense and security that said valleys continue to be a center of trade and commerce and that they continue to be populated by substantial numbers of persons; that the discontinuance of such passenger service has tended to and will continue to retard such trade and commerce and will tend to decrease the population of said valleys, or to hinder the growth and population of said valleys, or both, all contrary to the intent of Congress and to the best interests of the United States.

Plaintiff says that it has no adequate remedy at law in connection with the defaults and violations of defendant in failing to carry out said Act of Congress of July 25, 1866 (14 Stat. 239), as herein set forth, and that unless relief is granted as herein asked for such defaults and violations will continue, contrary to the provisions of said Act, to the irreparable damage of plaintiff and numerous persons residing in said valleys or desiring to go there.

WHEREFORE, Plaintiff prays:

1. That summons issue to the defendant commanding it to appear herein and answer the allegations complained of in this complaint and to abide by such orders and decrees as the court may make in the premises.

2. That the court order, adjudge and decree that pursuant to the Act of Congress of July 25, 1866 (14 Stat. 239):

- (A) The defendant use and operate said railroad for purposes of travel as one connected and continuous line by operating trains for through passenger service between Roseville, California, and Portland, Oregon, over its Siskiyou line presently passing through the cities of Ashland, Medford, Grants Pass and Roseburg, all in the state of Oregon, and not as at present said railroad is being operated, by failing to operate trains for through passenger service between Dunsuir, California, and Eugene, Oregon.

- (B) The defendant be enjoined from failing to use and operate said railroad for purpose of travel as one connected and continuous line by failing to operate trains for through passenger service between Roseville, California, and Portland, Oregon, over its Siskiyou line presently passing through the cities of Ashland, Medford, Grants Pass and Roseburg, all in the state of Oregon.

- (C) That plaintiff have such other and further and different relief as the nature of the case requires and the court may deem just and proper.

4. That the plaintiff recover the costs of this suit.

EXHIBIT A
An Act Granting Lands to Aid in the Construction of a Railroad and Telegraph Lines from the Central Pacific Railroad, in California, to Portland, in Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "California and Oregon Railroad Company," organized under an act of the State of California, to protect certain parties in and to a railroad survey, "to connect Portland, in Oregon, with Marysville, in California," approved April sixth, eighteen hundred and sixth-three, and such company organized under the laws of Oregon as the legislature of said State shall hereafter designate, be, and they are hereby, authorized and empowered to lay out, locate, construct, finish and maintain a railroad and telegraph line between the city of Portland, in Oregon, and the Central Pacific Railroad in California, in the manner following, to wit: The said California and Oregon Railroad Company to construct that part of the said railroad and telegraph within the State of California, beginning at some point (to be selected by said company) on the Central Pacific Railroad in the Sacramento valley, in the State of California, and running thence northerly, through the Sacramento and Shasta valleys, to the northern boundary of the State of California; and the said Oregon company to construct that part of the said railroad and telegraph line within the State of Oregon, beginning at the City of Portland, in Oregon, and running thence southerly through the Willamette, Umpqua and Rogue River valleys to the southern boundary of Oregon, where the same shall connect with the part aforesaid to be made by the first-named company: Provided, That the company completing its respective part of the said railroad and telegraph from either of the termini herein named to the line between California and Oregon before the other company shall

have likewise arrived at the same line, shall have the right, and the said company is hereby authorized, to continue in constructing the same beyond the line aforesaid, with the consent of the State in which the unfinished part may lie, upon the terms mentioned in this act, until the said parts shall meet and connect, and the whole line of said railroad and telegraph shall be completed.

SEC. 2. And be further enacted, That there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line; and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers preempted or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections; and as soon as the said companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than six continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad, so far as located and within the limits before specified. The lands herein granted shall be applied to the building of said railroad within the States, respectively, wherein they are situated. 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 of public lands when sold: Provided, That bona fide and actual settlers under the preemption laws of the United States may, after due proof of settlement, improvement, and occupation as now pro-

vided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement and occupation: And provided also, That settlers under the provisions of the homestead act, who comply with the terms and requirements of said act, shall be entitled, within the limits of said grant, to patents for an amount not exceeding eighty acres of land so reserved by the United States, anything in this act to the contrary notwithstanding.

SEC. 3. And be it further enacted, That the right of way through the public lands be, and the same is hereby, granted to said companies for the construction of said railroad and telegraph line; and the right, power, and authority are hereby given to said companies to take from the public lands adjacent to the line of said road, earth, stone, timber, water, and other materials for the construction thereof. Said right of way is granted to said railroad where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, water stations, or any other structures required in the construction and operating of said road.

SEC. 4. And be it further enacted, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminous with the completed section of said railroad and telegraph line as aforesaid, and from time to time whenever 20 or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until

the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

(To be continued)

POTENT NEW WEAPON

Washington, June 26.—(U.P.)—A potent new weapon for the allied arsenal—a heavily-armed attack transport capable of landing 1000 men with a full complement of tanks and heavy guns—is now under construction in American shipyards, it was learned today.

PERSHING HONORED

Washington, June 26.—(U.P.)—The University of Wyoming today conferred the honorary degree of doctor of law on Gen. John J. Pershing, who led American expeditionary forces in

France to victory in World War I.

CATCH COMES HIGH

Salem, Mo.—(U.P.)—The Old Age Assistance home and the Dent county farm here had a trout dinner recently at the expense of four over-enthusiastic

fishermen. The zealous anglers gave 96 fish to the homes, but were fined \$143.60 when a conservation agent learned that the catch was twice the limit for four men.

Closing time for Classified ads 2 p. m. — Too Late to Classify, 12:30 p. m.

HARDIE SPRAY RIGS NIAGARA DUSTERS

● Sales ● Genuine Parts

Dependable Service

McCOY MACHINERY COMPANY
111 North Fir Phone 3415 Medford

FREE 3 New Rose Dawn Plants

If you'll send 25 cents for postage and handling

To advertise our unique method of selling direct from nursery to you through the mail, we'll send you three well rooted Rose Dawn perennial flower plants, ready to set out in your yard. These are the new flowers you have been hearing about through radio stations and the garden magazines of the country. They grow two to three feet high and bear loads of silver pink flowers from April to August. Fine for cutting or for yard decoration. Ideal planting time now.

We want you to have three of these plants to transplant in your yard, so you can see what strong healthy flowers we raise. Formerly priced in our catalog at 30 cents per plant. Now you may have three selected two-year-old specimens for the cost of postage and handling, 25 cents. Offer good during brief shipping period only. Send your request, enclosing 25 cents, to:

CLARK GARDNER

729 American Building

WESTERN OFFICE

Seattle 4, Wash.

Announcement

...TO ALL HARD-OF-HEARING, THEIR RELATIVES AND FRIENDS
STANDARD OPTICAL CO.
Klamath Falls, Ore.

Franchized Agents For

with the NEW



Radionic Hearing Aid



\$40

One Model - One Price - One Quality
—Zenith's finest, ready to wear, complete with radionic tubes, crystal microphone, batteries and battery-saver circuit. Liberal guarantee. No extras, no "decoys."

Come in and try it at your leisure. Listen with it. Hear for yourself why this splendid precision instrument at a price all can afford is revolutionizing the cost and quality of hearing throughout America! You will not be pressed to buy—we sell only to those who can be helped. No high pressure salesman will call on you.

In a Zenith Radionic Hearing Aid, you get the best that modern knowledge and engineering make possible. Four-position outside tone control adjustable by wearer. Battery-saver circuit—Zenith guarantee and service insurance plan.

If you are suffering from an ear ailment, we recommend you see your ear doctor.

MAIL THIS COUPON TO

Standard Optical Company
715 Main St., Klamath Falls, Ore.

() I am interested in a demonstration of the Zenith Radionic Hearing Aid.

() I would like an appointment for a demonstration in Klamath Falls on (date)..... (hour).....

() I would like to arrange for a demonstration in Medford.

Name

Street No.

City

Standard Optical Company

715 Main St. Klamath Falls, Ore.
Dr. Byron Friedman, Registered Optometrist in Charge

See Humphrey NOW!
Humphrey Sells More
Humphrey Buys More

CASH FOR USED CARS

33 So. Riverside Dial 4980

MANPOWER IS NEEDED TO FINISH THE JOB and MANPOWER is EVERYBODY!

This IS WHAT YOU CAN DO ABOUT IT!

WORKERS:

If you are a war worker or in any essential work, you can decide not to quit your job until the BIG job is done.

EMPLOYERS:

You can see that conditions in your plant are such that employees will want to stay with you. And you can help by adhering to all manpower regulations.

MERCHANTS, BANKERS, DOCTORS:

You can keep your place of business or office open on certain nights for convenience of workers on odd-hour shifts.

HOUSE OWNERS OR RENTERS:

If you have living units to rent, list them (free) with the War Housing Center.

WORKING MOTHERS:

Investigate child care centers to care for children while you work.

TAKE CARE OF CHILDREN:

Help parents who are working to stay on the job by caring for one or two children—particularly under two years of age—in your home (with compensation for you for day care or full time).

THOUSANDS OF MAN HOURS are lost every week in Oregon's critical war industries needlessly.

Sometimes the cause is thoughtlessness. The job just doesn't seem important...or the grass looks greener somewhere else...or a touch of the old wanderlust.

Many of the most important causes are beyond the workers' control—personal problems, such as illness in the family; plant problems, such as poor eating facilities; and community problems, such as inadequate housing, poor transportation, lack of child care facilities, or unsatisfactory shopping hours.

The only way we can stop this needless loss of precious man hours is for all to make this resolution now...

I pledge myself to stay on the job and finish the job!

This statement has been prepared and released by
BLITZ-WEINHARD COMPANY
with the approval of the War Manpower Commission