

# The Weekly Enterprise.

Oregon City, Oregon,  
D. C. IRELAND, EDITOR AND PROPRIETOR.

Saturday: : : Oct. 17, 1868.

National Union Ticket.

FOR PRESIDENT.

Gen. ULYSSES S. GRANT.

FOR VICE PRESIDENT.

SCHUYLER COLFAX.

For Presidential Electors.

Dr. W. BOWLEY, of Washington.

Dr. JACOBSON, of Jackson.

We shall pay no premiums

for subscribers, as announced last

week.

The first number of volume

three of the Enterprise will be is-

ued at La Grande, Union County,

Oregon.

Persons having claims against

the undersigned, will please present

them of the same—forthwith.

D. C. IRELAND.

Accounts due the undersigned

to date, remaining unpaid ten

days hereafter, will be left in the

hands of B. Kille, Esq., Chairman's

block, for collection.

D. C. IRELAND.

We are moving our office

right into the rebel stronghold of

Oregon, east of the Blue Mountains,

to battle for Liberty and human

rights, we shall need the encourage-

ment of white men in western Ore-

gon.

EDITORIAL CORRESPONDENCE.

From notes made at Salem.

It has been studiously circulated

by some persons interested in the

west side road for some time past,

and the same position was taken in

the Legislature now in session, that

the west side company was designat-

ed by the last Assembly as the

company to take the munificent grant

of 12,800 acres of land per mile grant-

ed by Congress in July 1866, and

that therefore the question was set-

tled; that the title to this immense

grant, had been vested in the west

side company.

But what are the facts? This is a

question to be determined by the

record, and not by the interested

statements of this man or that one.

During the last week, by resolution

of the Oregon Senate, the attorneys

of the two companies were invited

within the bar, and requested to pre-

sent such evidence as they deemed

essential, and to discuss before that

body the merits and demerits of the

two companies. We had the pleas-

ure of being present during the whole

of that investigation, lasting as it did

some two days, and we are now able

to state the following to be the facts

in reference to this whole matter,

without fear of successful contradic-

tion.

1st. Congress, July 25th 1866,

passed an act granting 12,800 acres

per mile, to aid in the construction

of a Railroad and telegraph line from

Portland Oregon, running southerly

through the Wallamet, Umpqua and

Rogue River valleys to the California

line, thence on through California to

connect with the Central Pacific.

At the time of the passage of this

act, a corporation had been formed

in California under the laws of that

State, in contemplation of this grant

all of which, under the general incor-

poration law of this State, was abso-

lutely essential, before the corporation

was in being. (See general incorpo-

ration law of Oregon, sections 1,2,3,

4 and 5, pages 658-9 of code.

Observe, therefore, that the agree-

ment to incorporate was between the

eight persons above named. They

relying upon the good faith of Gas-

ton to attach his certificate and seal,

and file the papers as he agreed to do,

went before the Legislature and in-

cessarily represented to that body

and its Railroad Committee that they

and its Railroad Committee that they

were incorporated as herein stated,

and under the name of the "Oregon

Central Railroad Company.

Mr. Gaston, as his own testimony

before the Senate on Thursday last

showed, also went before the Railroad

Committee and represented to them

that a corporation had been formed

as aforesaid, and by the eight gen-

tlemen before named, and the Legis-

lature under these representations

prayed that the "Oregon Central

Railroad Company" might be designat-

ed as the Company to receive the

Congressional grant. The commit-

tee on Railroads, relying upon these

representations, which all the per-

sons named, except Mr. Gaston, sup-

posed at the time were true—and he

knew them to be false—made a lengthy

report to the Legislature in relation

to railroads generally, and in that

report they made use of the follow-

ing language (see Senate and House

Journal of last session):

"We come now to consider a defi-

nite proposition. Through the efforts

of a few of our citizens, acting in

conjunction with some railroad capi-

talists of California, and aided by the

Pacific Coast delegation in Congress,

a grant of twenty sections of public

land per mile has been secured from

Congress, to aid in constructing a line

of railroad from Portland, Oregon, to

the Central Pacific Railroad, in Cali-

fornia. It is made the duty of this

Legislature to designate the company

which shall receive and manage so

much of this land grant as lies with-

in the State of Oregon. In view of

these facts the following named gen-

tlemen have incorporated themselves

under the general incorporation law

of this State, to wit: J. S. Smith,

I. K. Moore, J. H. Mitchell, E. D.

Shattuck, Jesse Applegate, F. A.

R. Geary, S. Ellsworth, and H. W.

Corbett, under the name and style of

"The Oregon Central Railroad Com-

pany," for the purpose of receiving

the said grant of land and using it so

far as it may go towards the con-

struction of the proposed railroad

passing through the Wallamet

Umpqua, and Rogue River Valleys."

And on the 10th day of October,

1866, that Legislature passed a joint

resolution designating "the Oregon

Central R. R. Co." as the company to

take the land grant, supposing as a

matter of course, as most clearly ap-

pears from the report of the Com-

mittee just quoted from, as well as

from Gaston's own testimony, that the

eight persons named were duly in-

corporated. Now, if such persons

corporators who first signed the ar-

ticles, and whom the Legislature,

through Gaston's fraud, supposed

were incorporated?

On the 16th day of November,

1866, he attaches his certificate and

seal as Notary, to these articles—this

too, at a time when he was not a No-

tary Public, and had no right to act

as such, his commission having ex-

pired on the 6th of October previous.

And on the 21st day of November

he, for the first time, files these Ar-

ticles of Incorporation in the office

of the Secretary of State, and on the

23rd day of the same month, he files

a duplicate copy in the County Clerk's

office of Multnomah county; and in

May, 1867, Gaston opens stock-

books and subscribed, himself, the

sum of \$3,500,000, of the capital

amount—this being done, of course,

in pursuance of the secret agreement

above mentioned, and for the benefit

of the six persons who entered into

it. The O. S. N. Co., being quite

largely represented in that agree-

ment. This amount of the capital

stock Gaston admitted before the

Senate, he still held, and on the other

hand he had raised money out of the

unexpecting citizens of Portland,

and the honest, hard working farmers

of Washington and Yamhill counties.

VESTED RIGHTS.

These, then, are the facts in rela-

tion to the Incorporation and or-

ganization of the West Side Com-

pany, and in relation to its being

designated as the Company to take

the Congressional grant. And as

such as that, it will be pretended by

some that there are vested rights

that must not be disturbed. The lawyer

that would make this claim before

the most obscure justices court in the

land, would forever damn himself in

the estimation of all honest men.

What! A series of frauds such as

these, result in the transfer of inval-

uable grants intended for a public

good to the men who will originate

and carry them out, and then with-

outblushing audacity detail them in

evidence before the Senate, and

State. It would seem impossible

that such transactions should for a

moment receive the countenance or

support of any honest man—and they

certainly will not when the facts are

properly understood. Will any law-

yer be found to seriously contend that

the act of the last Legislature could

invest with rights a corporation not

then in existence? Most certainly

not! A corporation not in esse can

not take a grant any more than an

infant, or a child, or a man in his grave,

can take one.

The designation of the last Session

was in the present tense. Such designa-

tion presupposes that the company

designated is already in exist-

ence, for a present designation of a

company not in existence is a Legis-

lative impossibility, and a void act.

In such a case, the designation is

fictional, and even in the absence of

testimony showing the fact, it would

be presumed that the Legislature

were imposed upon by others, or mis-

taken in this case. However, the case

is not left to stand upon mere pre-

sumptions. The evidence is clear, and

overwhelming, that they were imposed

and deceived; and that, too, by Gas-

ton; who is now loud of all in his

proclamations of vested rights.

But under this state of facts what is

the very most that could be claimed for the

majority of the last Session? This

is: Suppose these eight men, or a

majority of them, who supposed they were in-

corporated, had at last decided to

be honest, and to do what was right,

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