

THE NORTHERN PACIFIC LAND TITLE.

The reports of the majority and minority of the judiciary committee are mere reports. But by the parliamentary laws of the House of Representatives, the report of the majority committee, as sanctioned by common sense, has a preference in order of time and consideration. Further than finding the title of the company to the lands granted to be intact, it made no recommendation in the way of legislation. According to the facts as found by the majority committee, no legislation was necessary. The vain presumption of Proctor Knott, and his *confre* that because they recommended a forfeiture, the minority resolution should be considered, was perfectly groundless and had no basis except that which, might be found in enmity to the Northern Pacific, superinduced by such rewards as might go upon the expense book of the Union Pacific Railroad Company, under the head of "Legal Expenses." In this connection the *New York World* and the *Staats Zeitung*, have shown a reckless ignorance, or worse, of facts in their respective attacks, not only upon the very law, but upon the decision of the Secretary of the Interior, sustaining the rights of the Northern Pacific, under the law. We do not know what influences were brought to bear upon the *New York World*; but have a pretty firm idea that the *Staats Zeitung* has been actuated almost wholly by personal hostility towards Mr. Schurz, who as Secretary of the Interior, signed the decision showing that the title of the Northern Pacific to the lands granted could not be abridged by executive action. The *New York Staats Zeitung* may have a fellow feeling for its Chicago namesake, whose publishers became most venomous towards Mr. Schurz because he refused, when a member of President Hayes' Cabinet, to recommend the pardon for said publisher, who had been convicted of whisky frauds. We have failed so far to discover, in any quarter, a successful attack upon the soundness or perfect impartiality of the decision, for the very good reason that there is no standing place for such an attack.

On this head we are glad to find that we are in accord with the *New York Evening Post*. It says: "The fact is, as has been repeatedly shown, that the question

which a few years ago came before the Interior Department, was not whether the land grant made by Congress to the Northern Pacific Railroad about twenty years ago could be forfeited at all by a non-fulfillment of conditions, but whether the Executive branch of the Government alone had the power to declare such a forfeiture, or whether it was bound to treat the land grant as valid until Congress should declare it forfeited. The fact is, further, not that the Assistant Attorney-General attached to the Interior Department, with regard to this question made anything 'plausible' to Mr. Schurz as Secretary of the Interior, but that the matter, as an important question of law, was submitted to the highest law officer of the Government, the Attorney-General; that Attorney-General Devens heard elaborate argument upon it; that after maturely considering the matter he gave his opinion; that this opinion was reduced to writing by the Assistant Attorney-General attached to the Interior Department, submitted to Attorney-General Devens, approved by him, and then signed by Secretary Schurz as a ruling of the Interior Department. We are informed that the late Attorney-General Devens, now a Justice on the Supreme Bench of Massachusetts, some time ago addressed a letter to a gentleman in this city setting forth these facts in detail, and claiming for himself the whole and exclusive responsibility for that ruling. The ruling was substantially that under the decision of the Supreme Court of the United States, in the case of *Schulenburg versus Hariman*, the Executive branch of the Government has not the power to declare a land grant forfeited, such power resting with Congress; and that until Congress exercises that power, the Executive is bound to treat the land grant as valid. An identical ruling was made in the case of the Atlantic and Pacific Railroad, on which the Attorney-General gave his opinion in writing, declaring it the duty of the Interior Department to treat the land grant as in force. The Secretary had, therefore, no discretion in the matter. The large size of the land grant made to the Northern Pacific Railroad is simply owing to the Congress which made the grant twenty years ago and to those in subsequent Congresses who voted to increase it. And the *Staats-*

Zeitung will further see that when the Interior Department ruled that it could not treat as forfeited the land grant of that railroad it acted under the direct instructions of the highest law officer of the Government, the legal correctness of which has not been questioned in any respectable quarter; and, finally, that the recommendations of the majority and the minority of the House Judiciary Committee refer to the exercise by Congress of a power which, according to the well-known decisions of the Supreme Court, the Interior Department and the Executive generally, does not possess."

No one excels Himes the Printer in his line. All orders promptly attended to. His work gives satisfaction at all times. He has now in press the largest work ever printed in the State. It is the ninth volume of Reports of the Oregon Supreme Court, hitherto published out of the State. Every lawyer needs a copy. Oregon brains should stand by Oregon enterprise. The book will be sent to any address on receipt of \$6.00 postpaid.

An enterprising newsboy by the name of Gallagher has inaugurated furnishing lunches to passengers on the Northern Pacific railroad between Kalama and New Tacoma. For a charge of 25 cts. a neatly made up and cleanly served lunch, together with a scrupulously clean napkin, is brought to the passenger to dispose of while bowling along over one of the best roads in the United States at the rate of thirty miles an hour.

The advertisement of Mr. Simon Harris will be found on page 160. His is one of the most reliable music houses in the Pacific Northwest, and we therefore recommend him in full confidence to our readers. Parties desiring musical instruments will save time and money by dealing with Mr. Harris.

Every tourist should visit the gallery of I. G. Davidson, cor. First and Yamhill sts. He has the very best assortment and most artistically executed views of scenery throughout the Pacific Northwest.

Sportsmen will find it greatly to their advantage to send to Wm. Beck & Son for Price List No. 10, which is mailed free to all applicants. They are agents for the Baker three-barrel gun, with which every sportsman should familiarize himself.

The Farmers' and Mechanics' store, of this city, still continues in the lead. People familiar with their straight forward manner of conducting business always give them the preference. No article is misrepresented, no visitor is urged to purchase, prices are marked in plain figures and are alike to all. By all means visit the Farmers' and Mechanics' Store when you are in want of clothing, dry goods, groceries or boots and shoes.

For the very best photographs, all sizes and styles, go to Abell's Gallery, First St., between Morrison and Yamhill.

The illustrations in this number of *THE WEST SHORE* were transferred to stone and printed by A. G. Walling, Lithographer, cor First and Aab.