PURCHASERS ALSO MAY LOSE LANDS

Fulton's Resolution Not Aimed at Oregon Grant-Holders Alone.

WORDING IS VERY BROAD

Authorizes the Attorney-General to Bring Suits Against Buyers of Lands Sold in Violation of Contract With Government.

Buyers of railroad grant lands from the Oregon & California may be attacked, as well as the railroad company, under the Fulton resolution, authorizing the Attorney-General to begin suits to enforce compliance with the terms of the grants—namely, that the lands shall be sold for not more than $2.50 an acre, in lots of not exceeding 160 acres to each purchaser and to actual settlers only.

This double authority conferred on the Department of Justice by the resolution greatly concerns holders of the lands, who have obtained their tracts from the railroad in violation of these terms. Nearly 700,000 acres have been sold by the railroad in violation of these terms, and much of those lands contain the most valuable timber in the state. The possessors have sustained themselves with the belief that the courts will regard them as innocent purchasers. But the Government will contend that it was the business of the buyers to know the restrictions placed by Congress on sale of the lands, that many of them bought from the railroad before the Government had issued patents, and that deeds violating the terms of the grants cannot convey title and are void.

Wording Is Very Broad.

The wording of the Fulton resolution is so broad that it authorizes the Attorney-General to institute practically any suits that he may deem expedient, "including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States, by reason of any breaches or violations of any of the terms or conditions of either or any of said acts."

The resolution also authorizes the Attorney-General to institute suits to assert the rights of the United States as to the lands granted to the Coos Bay Wagon Road Company, for a wagon road from Roseburg to Coos Bay. By the terms of that grant, the lands were to be sold for not more than $2.50 an acre and in lots of not more than 160 acres to each purchaser.

These restrictions have been violated like those attached to the railroad lands, by sale in bulk and at higher price than $2.50 an acre and by refusal of the company to sell to applicants for land at $2.50 an acre. The full text of the Fulton resolution is as follows:

Text of the Resolution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate, to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of, or pertaining to, either or any of the following described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1880; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said state," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870; including all rights and remedies in any manner relating to the lands or any part thereof, granted by either or any of said acts; and in, and by any and all such suits, actions, or proceedings, the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States, by reason of any breaches or violations of any of the terms or conditions of either or any of said acts, which may be alleged and established in any such suits, actions or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General, in and by such suits, actions or proceedings, to assert on behalf of the United States, and the court or courts before which such suits, actions or proceedings may be instituted or pending, to entertain, consider and adjudicate, the claim and right of the United States to such forfeiture or forfeitures, and if found, to enforce the same:

Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

First Impression Wrong.

When the Government first proposed to attempt forcing the railroad into compliance with the land-grant terms, it was supposed that the Government had no purpose of compelling the railroad to forfeit its remaining 2,000,000 acres, which it refuses to sell at any price, but simply of driving the railroad to sell the lands. But it transpires that the Government will ask for forfeiture by the railroad, and not only that, but forfeiture by those individuals who have bought lands from the railroad in disobedience of the laws.

The report of S. D. Townsend, the Government's special prober, shows that 2450 deeds in violation of the land-grant terms have been made by the railroad, conveying 484,600 acres, and that the railroad has contracted to sell, in addition, in 61 cases, 153,000 acres in disobedience of the land-grant terms. The railroad has made sales exceeding 2000 acres, in 31 instances, and contracts to sell in eight instances. These purchasers are big timber-land speculators and syndicates. The sales and contracts to sell more than 2000 acres involve 356,000 acres.

Against "Innocent Purchasers."

These "innocent purchasers," as they are fond of calling themselves, have hoped that the Government would attack only the railroad, and that the Fulton resolution would authorize proceedings only against that company. But the wording of the resolution is so broad that the Government may attack also the "innocent purchasers." It is the purpose of the Attorney-General to present to a court of equity the facts contained in the Townsend report, and pray for relief, either in the form of forfeiture or in the form of an order compelling sale of the remaining lands in compliance with the terms of the grants.

The Coos Bay wagon road grant—now held by the Southern Oregon Company, a syndicate of nonresident stockholders—contains 90,000 acres not yet disposed of.

SWIFTS BUY MORE LAND

Invest $200,000 in Vicinity of Proposed Plant.

Another packing plant on Columbia Slough is among the possibilities. Charles H. Frye, president of the Frye-Bruhn Company, of Seattle, was in Portland yesterday and left for the Sound last night. He said with reference to his company establishing a plant in the neighborhood of the projected packing-house and stockyards of Swift & Co., that his firm had the matter under consideration, but he denied that he had made any direct statement concerning the plans and added that nothing would be decided definitely until his return to Portland next week. Even then, he said, the matter might not finally be settled.

There is considerabel available land in the vicinity of the Swift tract, and yesterday an additional purchase was made by that company for a consideration of $200,000. This purchase includes the platted tract known as Graybrook, with vacant lands extending northward across Columbia boulevard and on to the slough. It is reported in real estate circles that the intention of the Swift Company is to continue the plated portion of Graybrook to the slough, where employes of the company may obtain building lots for the erection of homes near the plant.

In connection with the upbuilding of this section of the peninsula, a fairly well authenticated report is to the effect that the Mississippi-avenue carline is to be extended to the packinghouse district.

POLICE MAKE A BLUNDER

Release Swindler Badly Wanted at North Yakima.

Cleverness of a young swindler, coupled with letters of recommendations from a Kansas bank, not only enabled him to pass a bad check on the First National Bank at North Yakama several weeks ago, but secured him release from the City Jail at 1 o'clock yesterday morning. M. E. Nichols was arrested on a telegraphic adivce from the authorities at North Yakima. No charge was mentioned. An officer failing to appear to get the man, Chief Gritzmacher, after reading the young man's letters, gave an order for his release if no officer should appear by 12 o'clock of Tuesday night. Nichols was held until nearly 1 A. M. and then released. A few minutes later Deputy Sheriff Grant, from North Yakima, arrived at the station and was greatly surprised to learn that the prisoner had been released. Grant at once took up the trail and said he would land the swindler if it took him all week.

At the Theaters

What the Press Agents Say.

"Granstark" at the Baker.

The thousands of readers of George Barr McCutcheon's romantic novel "Graustark" are in evidence at the Baker this week. The mounting of the piece is a work of art and great credit is due Stage Manager Dills for taking such keen advantage of every opportunity to give Baker patrons something out of the ordinary.

"The Battle of Life."

No lover of the Western melodrama should miss seeing "The Battle of Life" at the Empire this week. It is founded on the famous Bret Harte tales of California in the days of gold, and deals with the vengeance of a woman scorned.

Star Matinee Today.

Remember that there will be a matinee of "Adrift in the World" at the Star Theater this afternoon. This is the play which sets the pulse beating faster and in which virtue triumphs over villainy. "Adrift in the World" is a Western drama, although not all of the scenes are in the Rocky Mountains.

COMING ATTRACTIONS.

Herbert Kelcey and Effie Shannon in "The Walls of Jericho."

The attraction at the Heilig Theater, Fourteenth and Washington streets, for four nights, beginning next Sunday evening, March 1, will be the famous co-stars, Herbert Kelcey and Effie Shannon, in the interesting society drama, "The Walls of Jericho." "The Walls of Jericho" is not a religious play. It pictures the smart set of London and the many evils of excessive indulgence in bridge whist, among other things.

"Zaza" Next Week at Baker.

The production of "Zaza," which has long been promised his patrons by Manager George L. Baker, of the Baker Stock Company, will open next Sunday matinee, and this will be, without doubt, one of the greatest theatrical events of the entire year. The play has been seen here before always at top prices and always with some well-known star, like Leslie Carter, or Florence Roberts.

"No Mother to Guide Her."

Next week at the Empire Theater the new sensational melodrama, "No Mother to Guide Her," will be the attraction. It will open Sunday matinee. The scenes are laid for the most part in the slums of New York City and the plot is interwoven with a beautiful love story.

Crimmins & Gore Coming.

Crimmins & Gore, one of the best-known comedy teams in vaudeville, come to the Grand next week in "What Are the Wild Waves Saying," a melange of fun and music.

"Way Out West."

Commencing Sunday afternoon, the French stock company will present "Way Out West," a new play which pleased the theatergoers of Los Angeles last week. It is one of those quiet, entertaining plays of life in a fort in the Southwest country.

AT THE VAUDEVILLE THEATERS

Clever Specialties.

Clever specialties abound on the vaudeville programme at the Grand this week. The headline act, "On Board the Good Ship Nancy Lee," is a musical comedy in one act and is a side-splitting burletta with a real comedian and three excellent singers. Ramza and Arno are clowns from Europe who introduce a trained zebra.

Successes at Pantages.

The best show, by some odds, that the popular Fourth-street house has put on in many weeks is at Pantages this week. Hickey and Nelson, in their burlesque comedy success, "Twisted and Tangled," are a tremendous success from the laughing standpoint, while Colby and May, in "The Ventriloquist and the Doll," are making a decided hit.

$3000 for Missions for Poor.

The annual report of the Catholic Church Extension Society Magazine shows that the Baker City diocese has received $3000 for the benefit of the poor. Missions of Hood River, Hermiston, Condon, Freewater, Joseph Miller and Ontario each receiving $500. The society is a charitable institution with headquarters at Chicago and since its first organization has been constantly aiding the poor Baker City diocese.

HAND-TINTED SCENIC PHOTOS. Kiser's Originals. 248 Alder st.

MAYOR LOSES FIGHT

Council Overrides Vehicle Tax Ordinance Veto.

VOTE STANDS TEN TO FIVE

Kellaher Fails in His Attempt to Block Measure Bitterly Opposed by Business Men of the Entire City.

Mayor Lane's veto of the vehicle tax ordinance was overridden by a vote of 10 to 5 by the City Council at its meeting yesterday afternoon. This was a measure in which great interest centered, and which was opposed by practically every large business establishment in Portland. It took more than a year to accomplish the passage of the new law, and during that time every phase of the question was discussed in detail by committee and the Council as a whole. Delegations of heavy taxpayers and of the most prominent business men of the city did all in their power to keep the measure from becoming a law, but they failed.

Councilman Menefee is the author of the new law, and Councilman Kellaher was the member of the Council most actively opposed to its passage. The latter was of the opinion that he could rally sufficient votes to sustain Mayor Lane's veto, but when the ordinance came up for passage yesterday afternoon it went through with less than no opposition. Those voting for the ordinance were: Annand, Baker, Belding, Bennett, Cellars, Driscoll, Dunning, Menefee, Wallace and Wills. Those voting to sustain the veto were: Concannon, Cottel, Kellaher, Rushlight and Vaughn.

The new law exempts from taxation such wheeled vehicles as are used for pleasure only, all others being assessed an annual sum of from $2.50 for rigs drawn by one horse to $10 for rigs drawn by two horses, and $2 a year additional for each extra horse. Every wheeled vehicle used in the city is therefore taxed, including all such used by many firms for free delivery service.

The ordinance was first sought to be changed by Councilman Driscoll, a drayman, who desired a reduction of 75 per cent in yearly taxation of trucks. He took up the matter in behalf of the association, of which he is a member, and during the heat of the fight Councilman Kellaher declared in an open Council meeting that the Draymen's Association is an illegal combine in restraint of trade. Out of this charge grew the appointment of a special committee to investigate alleged combines. The draymen will receive attention later. Much bitterness has been engendered by the new law during its discussion.

A large delegation of prominent business men waited upon Mayor Lane last week and set before him reasons why they thought the veto power should be used. After studying the matter the Mayor vetoed the ordinance, giving as one of his reasons that he believed it unconstitutional, at least in one particular, as it does not exempt from taxation such vehicles as are used by persons who grow garden truck and who are held by law to have a right to market it without payment of a license.

He further believed that it is unjust, as it compels large mercantile firms having free delivery systems to pay for every rig used by them.

TRANSFER IS FORBIDDEN

COUNCIL REFUSES PETITION FROM SALOONMEN.

Objection of Manufacturers to Another Barroom in Vicinity of Factory Is Heeded.

After several clashes between different members of the Council notably Mr. Baker and Mr. Kellaher, who charged each other with fondness for making "grandstand plays" and for "talking for the purpose of seeing their names in print the next day," the application of Paul Zimmerman for the transfer of his license to H. Jacobson, was denied. Strong opposition to the proposed transfer was made by Fleischner, Mayer & Co., who have a large factory at Second and Couch streets, the location desired by the saloon-keeper.

When the matter came up for action yesterday it was recommended by the liquor license committee for passage, but Dr. Cottel, the chairman of that committee, himself moved to have it referred back for further consideration. A fight sprang up at this point, with Councilman Baker and Councilman Kellaher as the principals. Mr. Baker sought to have the matter sent back to the committee, but Mr. Kellaher said it should be settled for all time right there.

A statement from the superintendent of the factory of Fleischner, Mayer & Co. was read to the effect that the young women employed there had now but the one corner at which to wait for cars, and that it is impossible for them to go to and from their work without frequent insults, as matters stand. If another saloon is placed there, he explained, there will be no place for the women to stand while waiting for cars.

"If this state of affairs exists, there is no need for referring this matter back to the committee," declared Councilman Kellaher. "We ought to act now, so as to settle the whole thing. It is a shame these working girls cannot have the one corner free from a saloon."

"All this hot-air talk about poor working girls, and such stuff, is all bosh," retorted Councilman Baker. "You are simply talking for effect, because we have several newspaper men here within hearing of your voice. There is nothing in what you have said, and this continual talking for publication only makes me sick."

"I humbly beg your pardon, Mr. Baker, if I stole your thunder," quickly replied Councilman Kellaher. "I know you intended to parade here a while for newspaper effect, and it was truly ungracious of me to step in as I did and spoil the plan."

Baccalaureate Sermon by Gilbert.

UNIVERSITY OF OREGON, Eugene, Feb. 26.—(Special.)—The baccalaureate sermon for the 1908 graduating class will be preached by Rev. W. S. Gilbert, of Salem. Rev. Gilbert was formerly pastor of the Eugene Presbyterian Church.

Keeping Open House.

Everybody is welcome when we feel good; and we feel that way only when our digestive organs are working properly. Dr. Klugs New Life Pills regulate the action of the stomach, liver and bowels so perfectly one can't help feeling good when he uses these pills. 25c at Woodard, Clarke & Co.'s drug-store.

SEND SCENIC PHOTOS EAST. See Kiser's display. 248 Alder st.

Of course the most important thing on earth is the boy!

The round world over you can't find better school clothes and dress clothes than right here in our shop.

See our special display of Spring novelties

LION CLOTHING CO
Gus Kuhn Prop'
166-168 Third Street.

COUNCIL TO MEET WEEKLY

TWO MEETINGS A MONTH ARE NOT ENOUGH.

Business Accumulates to Such Extent It Cannot Be Disposed Of. Members Favor Change.

City Council meetings every week will soon be the order, it is now believed, for Portland has grown so rapidly and the volume of business has become so immense that it is impossible to transact it in a single afternoon. Therefore, Councilman George L. Baker has announced that he will introduce an ordinance in the near future fixing the meetings weekly. This will necessitate a change of committee meetings also, and these will likely be voted by the various committees at meetings immediately following the change of Council date.

Because of the great volume of business and the debates and arguments that always come up to retard business, it was necessary two weeks ago to hold the longest Council session in the city's history. The session began at 2 o'clock Wednesday afternoon and continued until 6 o'clock; adjournment was then taken until Thursday at 2 o'clock, and the session continued until 6 o'clock, when adjournment was taken until 7:30 o'clock; the night session lasted until 11:10 o'clock.

Yesterday it was necessary to adjourn at 5:30 o'clock until 2 o'clock this afternoon. There is a very large budget yet to be handled and it would not be surprising if it would be necessary to hold a night session. Some members of the Council are prone to talk a good deal and the efforts of the others to check them have met with failure. The "gag rule" has failed.

"The volume of business has become so great that the accumulation of two weeks is so large that it cannot be transacted in a single afternoon," said Mayor Lane yesterday. "I think it would be a good idea to meet weekly or at least as often as every 10 days."

The committee meetings are unsatisfactory, as at present arranged. On alternate Mondays there are four committee meetings at the same hour, with many Councilmen on several of these, making it impossible for the proper attention to be given business in each meeting.

TAXPAYERS ARE PROMPT

Sheriff Stevens Says Collections Are Coming In Rapidly.

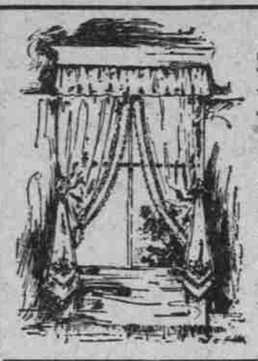
Sheriff Stevens reports that taxpayers are especially prompt this year in making payments. To handle the increased amount of business it has been necessary for him to keep a large force of deputies at work. Besides the regular force, which works during the day, two night shifts are at work on the books.

This week Deputy Sheriff Martin turned over to the County Treasurer $118,758. The funds are turned over to the Treasurer each week. Monday the collections in the tax department of the Sheriff's office amounted to $24,568. Tuesday about $32,000 was paid in taxes and yesterday the amount was $24,568.

In order to avoid a loss of time in waiting in line, taxpayers should mail to Deputy Sheriff S. B. Martin, at the County Courthouse, lists of their property, with requests for statements. These will then be mailed promptly. A 3 per cent rebate is allowed on taxes paid before March 15.

If Baby Is Cutting Teeth

Be sure and use that old well-tried remedy, Mrs. Winslow's Soothing Syrup, for children teething. It soothes the child, softens the gums, allays pain, colic and diarrhoea.



SALE of LACE CURTAINS

VALUES FROM $8.50 TO $12.50 FOR $5.00 PAIR

Today and Friday in the Drapery Department—sixth floor—A clearance selling of Lace Curtains in lots of from three pairs to six pairs—this assortment consisting of seven patterns—desirable window hangings from which a pleasing selection can be made. Take advantage of this two days' sale.

PORTIERE SPECIALS

Silk-finish Portieres in various shades of green, red, blue and rose—corded or fringed—very atractive door hangings—values from $8.50 to $11.50—your choice, at the special, per pair $5.00

COUCH COVERS FOR $1.25

Regular $2.75 values in fringed Couch Covers in Oriental patterns and colorings—three yards long and reversible. Today and Friday special in the Drapery Department—sixth floor.

BASEMENT SPECIALS TODAY AND TOMORROW

Fancy decorated English earthenware Teapots in highly glazed finish, four patterns, specially priced

75c Teapots for ..... 55¢
85c Teapots for ..... 60¢
90c Teapots for ..... 70¢
$1.00 Teapots for ..... 75¢

"The MALLEABLE" RANGE
RIVETED TOGETHER LIKE A BOILER

TULL & GIBBS
COMPLETE HOUSE FURNISHERS

ART WALL PAPERS AND HANGINGS IN THE DECORATIVE DEPT.

QUESTION LEFT UNSETTLED

COUNCIL TABLES EAST SIXTH-STREET FILL MATTER.

Contractor Will Not Proceed With Work in These Circumstances. Mill Company Still Fighting.

Action of the City Council yesterday afternoon in laying on the table the question of rescinding the East Sixth-street fill, leaves the matter in a peculiar condition. The question is not settled one way or the other, and may be brought up at any meeting. It is said that the Pacific Bridge Company, contractor for the fill, will not proceed with the work in these circumstances, and George S. Shepherd, representing the Inman-Poulsen Mill Company, declares he will carry the case to the Supreme Court of the United States before he will permit his clients to pay the required $25,000, their assessment for the improvement.

The Inman-Poulsen Company is seeking to have the contract for the East Sixth-street fill rescinded, and in lieu of this improvement, has offered to put in at its own expense a fill across the gulch on Grand avenue. This is offered, Mr. Shepherd states, because the company believes that the improvement on East Sixth street is not required at this time.

"There are some features of this improvement that will not bear investigation in the courts," said Mr. Shepherd. "Some things about it are irregular. The question of whether or not the Portland Daily Abstract is a newspaper, and whether it therefore can stand as the city official paper, will figure in the case, if it ever goes into court. It is a matter of great concern to the city and should be carefully looked into before final action is taken."

Councilman Rushlight is leading the forces opposed to rescinding the contract for the East Sixth-street fill, and is assisted by Councilman Kellaher. The mill people declare that the levy against them for the improvement amounts to the confiscation of the property, and have declared they will never pay for the work. George W. Simons, of the contracting company, has told the Council that he will not proceed with the fill until he is assured of pay for the work.

Application for the vacation of certain streets, on which the mill company is now located, was postponed until April 22, when the matter will come up for action.

Expect 500 Lumbermen.

TACOMA, Wash., Feb. 26.—(Special.)—The Western Retail Lumbermen's Association begins a three days' session here tomorrow. Delegates began arriving today, and it is expected fully 500 lumber-dealers will attend the convention.

GREAT SACRIFICE IN LADIES' NEW SPRING SUITS

OWING to the Reduction Sales that are being claimed in Portland on new Spring suits, we wish to emphasize the fact that for Thursday, Friday and Saturday WE ARE OFFERING REDUCTIONS — and actual bona-fide reductions. See our windows and be convinced.

NEW SPRING SUITS, values up to $25.00— $12.50

NEW SPRING SUITS, values up to $35.00— $19.75

NEW SPRING SUITS, values up to $45.00— $27.50

NEW SPRING SUITS, values up to $60.00— $37.50

IN OUR COAT DEPARTMENT—Military, Caracul, Velvet, Broadcloth and Fancy JACKETS
Values up to $37.50—TODAY ONLY
$7.50

IN OUR FURNITURE DEPARTMENT REED ROCKERS
Values up to $5.00—TODAY ONLY
$3.59
And $1.00 worth of Groceries Absolutely free.

WHOLESALE AND RETAIL J. M. ACHESON CO. FIFTH AND ALDER STS.

DO YOU DRINK T?

If you do, come to our store and get a sample of the Finest Tea that ever has been offered the Portland public (excepting none). Our customers have been straining their eyes for this ad, which is the signal that we are ready to give justice to a cause that has been grossly insulted in this city—namely, the tea business. Now you may think that this is just an ad, and that is all, but don't let it go at that, if you drink tea. We have our own demonstrator, who will give you a cup of tea that is tea. Would you believe that there are not 10 men in the City of Portland that are versed in teas? The average grocer does not know tea from hay, and the wholesale man is not much better; so they are placed at the mercy of unscrupulous dealers, who give them what they please. That is where our knowledge has come to the rescue, and we are going to prove to you that we have tea in America that will beat and win, as well as boats, and we don't have to say "your money back," because we know that we can please you. We have carefully blended what we wish to be known as the J. M. A. Co.'s English Breakfast. This tea is got up especially for Irish, English, Scotch, German and Russian trade. Then we have another for Americans and French, which will be known as J. M. A. Co.'s Spider-leg Blend. We also have a large assortment of straight teas to choose from.

COME TO TEA WITH US
DEMONSTRATION NOW ON.