

TOWNSEND FLAYS HARRIMAN GRANT

Federal Prosecutor Continues Vehement Polemic in O. & C. Land Case.

GOES DEEPLY INTO DETAIL

Government Agent Continues Arraignment of Railroad Usurpation—Quotes From Many Decisions in Support of Ideas.

At the afternoon session yesterday of the Oregon & California land-grant case before Judge Wolverson in the Federal Court, B. D. Townsend, special assistant for the United States Attorney-General, renewed his argument against the railroad company's position. The courtroom was crowded with spectators, who followed the various steps in Mr. Townsend's argument with the closest interest.

The session was opened with a continuance of the contention in opposition to the construction of the provisions that relate to the settlements made upon land between the date of the grant and the date of the filing of the map of location. It was contended that land settled upon between those two dates by homesteaders or pre-emptioners was treated by the company and by the Government as excluded from the grants and selection of indemnity lands. Considerable time was devoted to a review of the question of patents and to the law for the issuance of patents under the grant, and their status.

Analyzes in Detail.

Mr. Townsend devoted his efforts at the morning session to his contention that the grant to the Oregon & California Railroad Company was not one in present, but that there were a sufficient number of checks upon it to prohibit the railroad corporation from disposing of the lands embraced therein, excepting under specific restrictions, the features of which were that the lands should be disposed of only to actual settlers in quantities not exceeding a quarter section to each purchaser for a maximum consideration of \$2.50 per acre.

After citing numerous authorities to sustain his contention, Mr. Townsend denied opposing counsel's claims that the railroad company could have acquired the grant without assenting to the provisions of the act of April 19, 1869. He asserted that it was never intended that any previous act should nullify a subsequent one, notwithstanding that a clause in the act of April 19, 1869, specified that it should not impair any rights heretofore acquired. Mr. Townsend again referred to the debates in Congress at the time of passage of the different measures in support of the idea that it was always the intention to make the settlement clause a permanent feature of all grants, although he did not consider that it was the intention of Congress to place any more limitations on the sale of the granted lands than the public interest demanded.

Wants Immigrants to Come.

The proper method of disposing of these lands, Mr. Townsend declared, was the system first adopted by it, that of inducing immigrants to make their homes on the grant.

With regard to the contention of opposing counsel respecting the lands that had already been sold, Mr. Townsend claimed that the Supreme Court has held repeatedly that any alienation of lands in conflict with the provisions of the granting act conferred no title upon the grantee.

Respecting the railroad company's position as to the statute of limitations Mr. Townsend contended that it does not purport to change the conditions of the grant.

SAWMILL COMPANY DEFENDANT

Inman-Poulsen Charged With Purchasing Government Timber.

Complaint was yesterday filed by United States Attorney McCourt with the clerk of the Federal Court against the Inman-Poulsen Lumber Company, of this city, demanding damages in the sum of \$3046 for the alleged purchase of 677,829 feet of fir logs said to have been cut on Government land in violation of the law.

The complaint alleges that George W. Keith and Herman I. Potter, in 1908

and 1901, trespassed on Section 29, Township 4 north, Range 7 east, Washington County, this state, taking therefrom the above amount of timber and selling it to the local lumber firm. Interest at 6 per cent from August 25 last, the date the demand for restitution was first made, is also asked by the Government attorney.

WAS NATIVE OF OREGON

Mrs. Samantha Sheldon Passes Away After Four Years' Illness.

Mrs. Samantha Sheldon, wife of Kirk Sheldon, a native-born Oregonian, died at her home, 115 East Twelfth street South, Wednesday of heart disease, after an illness of four years. Mrs. Sheldon was attacked with heart weakness in 1905



The Late Mrs. Samantha Sheldon.

and was an invalid till death. She was well known and highly respected in Portland, where she had lived since 1872. Mrs. Sheldon was born on Sauvie's Island in 1824, her parents being the well-known pioneers, Mr. and Mrs. Joseph Charlton, who came to Oregon in 1845. She was married to Mr. Sheldon in 1872, and has two children, Kirk Sheldon, Jr., and Mrs. Arthur N. Derby, of Portland. The funeral will be held today at 1 P. M. from St. David's Episcopal Church, East Twelfth and Belmont streets, and the interment will be in Lone Fir Cemetery.

Gamblers Will Be Jailed.

Gambling Chinamen will go to jail hereafter. Municipal Judge Van Zante announced this some days ago, and when the first nine heathens arrested for fan-tan-playing since the edict went out were called in court yesterday morning there was no response. Not even their legal champion, B. S. Fague, was on hand. They forfeited their bail of \$50 each, thus adding the sum of \$450 to the city's wealth, inasmuch as stiff fines there was no effect on Chinese gambling, the system of sending gamblers to jail will be tried for a while. The gamblers hope to beat that system by jumping their bail, but as the bail is never less than \$50, that is an expensive way out of the dilemma. The nine Orientals who kept away yesterday for fear of being locked up were arrested in a raid at 62 Second Street.

Seventh Ward Wants Parks.

At a meeting last night of the Seventh Ward Improvement League in the Brooklyn Republican Club Hall, corner Mill, Franklin and Powell streets, the question of public parks in that section was discussed at length and a special committee appointed to head a delegation which will attend this morning's meeting of the Park Board and ask that various tracts in that district be purchased for park purposes. The number of acres is to be left to the judgment of the Park Board. The committee is as follows: Chairman, Ben Reinland; R. D. Merchant, L. E. Rice, L. W. Darling, Rev. Father Gregory, W. L. Bolse.

Concert Tonight for Seamen.

The First Congregational Church will give a concert this evening at the Seamen's Friend Society, corner Third and Flinders streets. The programme will be as follows: Piano solo, Miss Brough; vocal solo, Miss Sabat; reading, Mrs. H. J. Miller; violin and piano duet, Wayne and Earl Coe; reading, Hazel Young; solo, Stuart McGuire. Several songs will be given by the sailors, who will also sing chorales holding the top-sail. The concert will begin at 8 o'clock and all friends are cordially invited.

Webfoot Oil Blacking (a shoe grease), softens leather, weatherproofs shoes.

MAYOR ON CARPET

Grand Jury Likely to Put Lid on "Moral Squad."

OFFICIALS ARE SUBPENAED

Reckless Operations of "Peeping Toms" in Routing Out Married Couples is Frowned Upon by Board of Inquisition.

Arbitrary operations of the police "moral squad" will doubtless cease as a result of the calling to account yesterday by the county grand jury of Mayor Harry Lane and Police Commissioner T. G. Green. These two officials were on the carpet in the District Attorney's office for something like an hour early yesterday afternoon explaining their views on the moral wave launched by them some time ago. Members of the so-called "moral squad" are likewise set down for examination, Captain Slover and Sergeants Klenen and Keller having been instructed to appear at once.

While the grand jury's views of such conduct will not be officially set down until the final report is made at the end of the month, in effect, the law says yesterday that the jurors object to the "moral squad" way of doing business. Deputy District Attorney Fitzgerald, upon whose shoulders really falls the task of directing the affairs of the District Attorney's office, has pointed out to the grand jury the law relating to raids, so it was learned. In effect, the law says that no officer has any right to invade the private premises of any person except in the manner and under the circumstances prescribed by law. In other words, an officer may not make arbitrary invasions, and any officer who attempts to forcibly enter a room where he has not sufficient reason to believe the law is being broken, and when he has no search warrant or warrant of arrest, then he may be treated in the same manner as an ordinary intruder, burglar, robber or sneakthief. Thus such measures may be adopted to prevent his exclusion as may be necessary.

Just what took place when the Mayor and Green were on the carpet is not officially divulged, the law requiring that the grand jury proceedings must be supported by sworn testimony from an authentic source, however, that the two officials contended that an occasional mistake cannot be avoided, but that the general effect of "moral squad" operations is good. It is said, too, that the officials said the direct instruction of the squad in its duties was a matter left in the hands of the Chief of Police. The chief had previously been before the jury.

Although the present inquiry is in the nature of an investigation of the raid by Sergeant Klenen several nights since on the room of a married couple, whose 7-year-old child was sleeping with them at the time, yet the whole "Peeping Tom" system is involved. The grand jury's report on the subject will probably settle the matter, for if admonition does not suffice, it is likely that the next grand jury may try indicting a few officials.

Mr. and Mrs. James Madison, subpoenaed by the grand jury in connection with the Walpole raid, have not yet been located, and are said to have moved from their residence at 390 Everett street.

AMUSEMENTS

WHAT PRESS AGENTS SAY

Paul Gilmore Popular as Ever.

The well-known actor, Paul Gilmore, is creating a splendid impression at the Baker this week in his new play, "The Boys of Company B," which by most hearers is considered to be even better than his original success, "The Minny and the Hummingbird." It is filled to the brim with the cleanest kind of comedy.

"The College Widow" Tonight.

There are still good seats to be had for Baker Stock Company's latest production of "The College Widow," at the Bungalow tonight, tomorrow matinee and night. It affords unlimited opportunity for Maribel Seymour, James Olmson, Howard Russell and others.

AT THE VAUDEVILLE THEATERS.

McDonald & Huntington—Orpheum. One of the neatest and classiest musical comedies that has appeared at the Orpheum in a long time are McDonald & Huntington, who introduce in their act both Irish and American songs. Their rendition of the character song as a newboy and his sweetheart is exceptionally good, and there is humor as well as sentiment in their offering.

Send Children Tomorrow.

Do not forget to send the children to the Grand tomorrow to see Colin's dogs. "It Happened" tonight is his best-acted animal act in vaudeville. The children will be delighted with the doggies and it will be a rare treat for the little ones. The Boreal troupe from Germany are novelty acrobats who have something new.

LISZT AND HIS PIANO

How the World's Greatest Pianist Acknowledged Supremacy of American Pianos

The following appears in Everybody's for February: Liszt's old home in Weimar, which is still preserved as he left it, and is visited by musical pilgrims, stands the Chickering piano which he loved to use. It occupies the place of honor in that silent household, and is still in splendid condition. The story of how Liszt became the possessor of this instrument is one of the little classics of musical history. This instrument was shipped to him to Rome in 1841 from the Paris exposition, and was followed by Mr. C. F. Chickering's personal visit in company with Joseph Poznanski, who represented the house of Chickering at the exposition. The story is best told in the letter which Mr. Poznanski wrote his wife regarding the event:

"Yesterday, immediately after mailing letter to you, I went to the custom-house, whence I took the piano and caused it to be transported at without delay to Liszt's residence. As soon as the piano was on its legs the celebrated pianist seated himself before it, and the harp-like arpeggios, the bird-like trills, the thundering octave passages which rolled from the noble instrument were marvelous. The maestro, in this tremendous test of the piano, ceased playing and spoke thus (I give you his words verbatim): 'C'est un grand plaisir de jouer sur un piano qui possede de telles qualites!' (It is imperial! I never thought like playing the piano, such qualities!) Then, taking Mr. Chickering by both hands, with most hearty handshakes, he said to him: 'Cela vous fait honneur, monsieur! Ce piano me donne envie de toucher de piano.' (This instrument does you honor, sir! This piano makes me feel like playing the piano. I thank you for it, and will take most joyful notice of it.)" Chickering pianos exclusively represented in the West by Eilers Piano House, 353 Washington street.

Capacity Houses at Pantages.

Here is a list of the acts that are drawing capacity houses to the Pantages Theatre, commencing next Thursday. The stars, Gabriel and his company, the famous Keaningtons, Somers and Barker, The Two Blossoms.

COMING ATTRACTIONS.

"The Red Mill" Next Thursday.

The attraction at the Heliog Theatre, Fourteenth and Washington streets, for three nights, beginning next Thursday, March 11, with a special matinee Saturday, will be the big musical comedy success, "The Red Mill." This big organization is presented by Charles Dillingham, who has given the brilliant offering of Victor Herbert and Henry Blossom a most magnificent cast of principals, a big and beautiful band and a superb production.

Daniel Sully Opens Sunday.

The sale of seats is now open for the engagement of Daniel Sully in his latest success, "The Matchmaker," at the Baker, opening Sunday night. For all next week this promises to be one of the most important dramatic offerings of the season, as Mr. Sully is a strong favorite here and his new play is said to be his best.

"Society and the Bulldog."

Paul Armstrong's late play, "Society and the Bulldog," will be seen for the first time at the Bungalow all next week. Mr. Armstrong having secured the rights to present it here in stock in advance of all other attractions. Armstrong is the author of such big successes as "The Heliog Theatre" and others, foremost on the American stage today.

Great Cat Act at Orpheum.

Bring the children without fail to the Orpheum, where for Hilton's Novelty Circus, with a number of trained cats, dogs and ponies, will please the little ones. There are some of the prettiest cats ever seen on a stage, and all are well trained. It is wonderful the way these animals are trained by kind treatment and patience.

Kid Sullivan and Kilrain Next Week.

John L. Sullivan is perhaps the greatest figure in the world of sports the past 25 years, whose glory today is little dimmed, although over 15 years have elapsed since he relinquished the world's heavyweight championship. He will appear next week at Pantages Theater with his old enemy, Jake Kilrain.

SEASIDE IS GIVEN HEARING

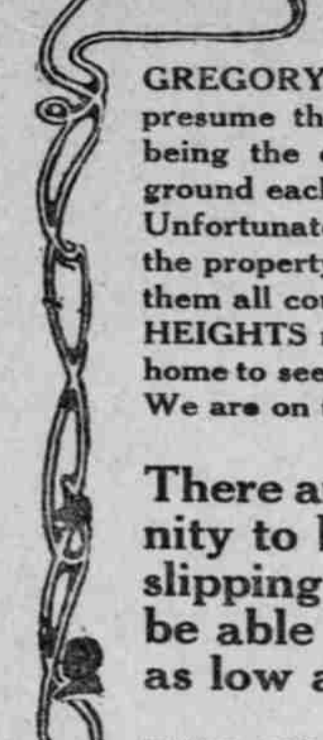
Shippers Allege Rates on A. & C. Railroad Are Excessive.

SALEM, Or., March 4.—(Special.)—Upon complaint of Alex Gilbert, of Seaside, the Railroad Commission will investigate the reasonableness of all freight rates on the Astoria & Columbia River Railroad between Portland and Seaside. Gilbert alleges that the rates are exorbitant.

Floathbuilder Coming.

J. W. Harper, for more than 25 years superintendent of construction

BULLETIN NO. 2 ABOUT THE CROWDS TO GREGORY HEIGHTS



There have been all the way from 800 to 3000 people visiting GREGORY HEIGHTS on Sunday, ever since the tract opened. It is fair to presume that they take the ride with the idea of seeing the property. Such being the case, we have endeavored to have enough representatives on the ground each day to show a vast number of people the lots we have for sale. Unfortunately, however, most of the large crowds have insisted upon visiting the property in the afternoon, making it utterly impossible for us to accommodate them all courteously. We merely ask those who intend to visit GREGORY HEIGHTS next Sunday and are seriously interested in the ownership of a home to see us in the morning. It will be better for you and better for us. We are on the ground every day from morn till eve.

There are less than 300 lots left unsold. Your opportunity to buy your own home for \$10 a month rapidly slipping away and it is a certainty you will never again be able to buy a building site in the city of Portland for as low as \$100, payable \$5 down and \$2.50 a month.

TAKE CAR MARKED AS ABOVE AT THIRD AND YAMHILL TO END OF LINE

GREGORY HEIGHTS

started a crew with a steam shovel to work cutting down the grade between the bridge over the Willamette and the bridge over the Columbia. The stretch of track between the two bridges is level, save for about half a mile, where there is a 2 per cent grade. The entire line between the two rivers will be made level. The largest room under a single roof in the world is the passenger concourse of the new Union Depot at Washington, D. C., having an area of 96,500 square feet.

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FOR MEN	FOR WOMEN
\$2.50 A PAIR	\$2.00 A PAIR

North Bank Cuts Out Grade. VANCOUVER, Wash., March 4.—(Special.)—The North Bank Railroad has

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Sixth Floor Oregonian Building Rooms 600-601

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A well-made, skillfully fitted Truss is life insurance—it prevents strangulation, it aids a cure and often obviates an operation.

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We fit Trusses right, as thousands will testify—our prices are low. We send Trusses to any address on approval—no pay if you're not satisfied. Write for our illustrated list.

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Shortens your food—Lengthens your life

If you knew that lard was unhealthy, would you still eat lard-soaked food? Even lard manufacturers admit that there is only enough pure leaf lard made to supply one-tenth the lard consumption. How do you know that you are not one of the other nine-tenths who are taking grave chances?

Cottolene is a pure vegetable product, which contains no hog fat. It makes wholesome, digestible, healthful food. Why take chances with swine fat?

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