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OLD DOCUMENT AS EVIDENCE

Important Discovery Made in Oregon Land Grant Case by Prosecutor.

WASHINGTON, March 20.—After a search of more than six months, B. D. Townsend of Portland, Ore., special assistant attorney general of the United States, has discovered and will soon submit as evidence documents 40 years of age which have a bearing of tremendous import on the government's prosecution of the Oregon and California Railroad Company, which the United States is suing for the nullification of a grant of approximately 2,600,000 acres of Oregon land.

Among the documents unearthed by the special assistant attorney general is the most important piece of evidence yet secured in support of the government's contention that the railroad company violated the terms of the grant in that it disposed of lands under the grant in larger quantities than the terms of the grant permitted, and at prices far above those quoted in the grant.

Railroad Attorney Writes Opinion.

This new evidence shows that in 1872, before the railroad company had disposed of more than 1000 acres of its Oregon grant, it induced the late George H. Williams of Oregon, then attorney general of the United States, to present to the secretary of the interior a written opinion of an attorney of the railroad company to the effect that the restrictions on the sale of granted land applied only to lands that were in possession of actual settlers at the time the grant took effect. The railroad company endeavored to secure a formal official opinion from the secretary of the interior to the same effect and even prepared a written opinion for the secretary to sign.

This request was presented to the secretary of the interior department by Attorney General George H. Williams, who was a resident of Oregon and a great friend of Ben Holladay. In the hope that through the influence of the attorney general the railroad company might secure a construction of this provision favorable to it, in that it would destroy all restrictions put upon the sale of granted lands.

Vigorous Opinion Given.

In a vigorous opinion the secretary of the interior refused to place this construction on the law. He held that the restriction upon the sales of land meant just what it said. He held the manifest purpose of the restriction on the sales to settlers was to prevent the holding of lands by the company for speculative purposes or the disposition of them in monopolistic quantities, and that to restrict the application of this provision to the lands in the possession of settlers at the time the grant took effect, would defeat the manifest purpose of congress. This opinion was a great disappointment to the representatives of the railroad company and an effort was made to persuade the secretary of the interior to withdraw his opinion.

Attorney General Williams wrote a letter requesting that this be done but the secretary replied, refusing to withdraw his opinion, and insisting that it should stand as a construction

placed on this provision by the interior department. Thus, as early as 1872 the railroad company had notice of the effect of this provision, as is now contended by the government. The railroad company took no further action then, but acquiesced in the action of the interior department, and it has since applied for patents, knowing these facts. The railroad people have let the subject slumber for nearly 40 years, apparently hoping that it would be overlooked.

Correspondence Filed Away.

In the meantime this old correspondence has been filed away in an obscure place, and was unearthed as a result of several months of search by the special attorney and his assistants, through the old records of the department for documents relating to the grant. Besides this particular piece of evidence, a large number of documents long since forgotten have been found and introduced in evidence.

Taking of testimony has ended here, and in about two weeks it will be resumed. The government hopes to be able to conclude the taking of evidence soon thereafter. Attorney Townsend expects to remain here about 10 days longer on other cases.

Asks Secretary to Withdraw.

While digging through the files of the interior department in search of documents relating to the Oregon land grant, Mr. Townsend ran across the letter of Mr. Williams to the secretary of the interior, asking the secretary to withdraw his opinion placing a construction upon the provision not favorable to the railroad company. This letter started a search for the other documents in the matter, documents which were not discovered until after a search of nearly six months.

These letters and the opinion of the secretary of the interior are taken to show that as early as 1872 the railroad company had knowledge that by selling lands under the grant, in monopolistic quantities and at prices higher than permitted, it was deliberately violating the terms of the grant. It is the first direct evidence got by the government to show that the railroad company, although apprised at an early date of what construction the government would place upon this restricting provision, nevertheless continued selling lands under the grant, in large quantities and at prices twice or three times as large as permitted under its terms.

BARNARD GETS AUTOS

Eight Machines on Roseburg-Myrtle Point Route

The Roseburg Review says: "The coming summer will see at least eight automobiles in operation on the Roseburg-Myrtle Point stage line, according to the plans of Contractor C. P. Barnard, who left this morning for Eugene and Portland to arrange for the shipment of five new machines to this city. Mr. Barnard has bought for delivery at once three five-passenger Buick automobiles and two National combined passenger and baggage automobiles, with made-to-order bodies which will arrive a little later. Added to the machines already on hand, the new consignments will bring the total up to eight, representing an investment of approximately \$15,000. Mr. Barnard says that automobiles are cheaper than horse vehicles in the long run, because they can perform a greater amount of work."

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TALKS ABOUT LINE

Promoters Doyle and Farren in Portland Now

The Portland Journal prints the following concerning the promoters of Coos Bay's most recent railway project, an electric line here from Roseburg:

"J. Arnold Doyle, railroad promoter, who promises to build an electric line from Eugene to Ashland, is in Portland, accompanied by H. M. Farren, vice president of the company.

"We will be in Portland probably one week," said Mr. Doyle, "and before we leave we may have some definite information as to when actual construction work will begin. I can assure you that the contract will be let, and that a firm well known in Oregon and Washington will handle it.

"We have completed preliminary surveys from Eugene to Roseburg. The survey from Roseburg to Grants Pass is permanent, as is the line from Medford to Ashland. We will very soon have fixed up the right of way from Grants Pass to Medford. Our men have been in the field surveying and gathering data since last September, and we have never once given up the idea of pushing the line through. Our visit here now is in connection with some final details of the work. From here we will go to Roseburg to pick up some other ends and get under way."

"Mr. Arnold said he could not at this time give information as to who is backing the undertaking, further than that the finances are being handled by bond issues."

The operating company, Doyle says known as the Oregon and Southern Railway company, filed articles of incorporation at Olympia, Washington, October 28, 1911. It has a capital of \$2,000,000. The officers are J. A. Doyle, formerly with the Great Northern and Electric Interurban, of Spokane, president; H. M. Farren, Boise, Idaho, formerly with the Boise Interurban Railway company, vice president and director of maintenance; L. N. Rosenbaum, Seattle, general counsel; George Godfrey, Spokane, treasurer; William Morton, of Spokane, secretary; C. R. Acres, Spokane, general manager; C. R. Mitchell, Spokane, chief engineer.

The promoters have asked the town of Roseburg for a \$100,000 bonus, conditional on construction of a line to the coast. Roseburg is considering.

EUGENE RAILWAY NEWS

The Eugene Guard says:

"Eight wagons, 36 head of stock, a compressor, dynamo, engine, etc., started this morning for the tunnel for Twoby brothers.

"C. K. Cull, the engineering crew working in connection with the Utah Construction company, came in today on his way to Portland for more workmen, as some sixty-five employees of the company quit this morning. Asked how many men were employed on the entire work, Mr. Cull said that there were employed on the entire line anywhere from 550 to 700, as there were many quitting every day. He said that it was possible to start in the morning with 700 and wind up with 300."

The Wrestling Match between the champions of the world, J. Ralovich and Anglo, the black giant is a picture worth seeing at the ROYAL TONIGHT.

After the show try a Turkish Bath Phone 214-J

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FINE RIVER BOAT

Steamer Coquille Rebuilt for Coquille River Traffic.

The Bandon Recorder says: The steamer Coquille, which is being rebuilt in the local shipyard, will probably be ready for running again by April 1, and she will certainly be a beauty when completed. A whole new deck is being added and will be used for cabin room. The room will be furnished with Morris chairs, lighted with electricity, and everything that goes to make up a modern boat will be found in the Coquille. The middle deck will also be used for cabin purposes, and will be equipped with settees and other modern furnishings. There will be a row of windows clear around both the upper and middle decks, thus furnishing plenty of light. In fact, the boat will, in every way be as convenient and comfortable as a parlor car.

New boiler and engines are also being added; the engines will have 275 horsepower, and the boat will easily have a speed of 20 miles an hour, which will be going some.

The inspectors in looking over the plans said she would be the finest river boat in the northwest district, which includes the Columbia river and all other harbors along the upper coast.

BIG DANCE in ECKHOFF HALL, NORTH BEND, SATURDAY NIGHT, MARCH 23. TOELLE'S ORCHESTRA—NUFF SED.

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