

# SMALL HOLDINGS OF LAND BOUGHT FROM O. & C. SAFE

## Owners of Tracts of Less Than 1000 Acres Will Not Be Affected by Suit Against Railroad Company, Belief.

In the opinion of United States officials and of those who have followed the Oregon & California land grant suit carefully the opinion of Circuit Judge Galloway in Albany last Thursday in the case of William George against the Curtis Lumber company effectually excluded 400,000 acres of land in western Oregon originally purchased from the O. & C. in quantities less than 1000 acres is perfect and will not be affected by the government's suit against the railroad and the large purchasers of railroad land.

In other words, the small purchasers of O. & C. land and the present holders of this land need have no fear of being themselves sued as have the railroad company and the large purchasers. About 5100 persons purchased land from the railroad in quantities under 1000 acres. Since then the land has frequently changed hands and now is owned by thousands of people. Much of it has been divided into small tracts and sold to farmers and orchardists.

**Part of Well-Laid Scheme.**  
There are many indications, it is said, that the Curtis Lumber company suit was in reality part of a well laid scheme on the part of some of the large purchasers of O. & C. lands to attempt to make the government land suits against the railroad company and against the large lumber companies a source of injury to the general public, with the hope of discrediting the government's litigation. The natural result of this discrediting, had it been successful, would have been to create a public sentiment in favor of the abandonment of the land grant litigation, including the main suit against the railroad. Among those prominently connected with the Curtis Lumber company case were attorneys for the Hammond lumber company and for the Southern Pacific railroad.

It transpired during the trial of the George-Curtis suit that "dummy" letters of inquiry had been written to B. D. Townsend, special assistant to the attorney general in charge of the land grant litigation for the government with the evident hope of securing some statement from him that would prejudice the rights of the government in the suits now pending. The general scheme by which this was to be brought about is said to have been something like this:

**General Scheme.**  
The Curtis Lumber company is one of the incorporations of A. B. Hammond. A. B. Hammond has purchased, through his various companies, about 60,000 acres of Southern Pacific lands, being probably the heaviest owner of lands affected by the government's litigation, outside the railroad. The lands purchased by him are now involved in suits instituted by the government to cancel title. William George, the plaintiff in the George-Curtis suit, was the owner of

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a one-quarter section adjoining some of the holdings of the Curtis Lumber company near Albany. The Curtis Lumber company entered into an agreement to purchase George's land.

W. S. Burnett, a son-in-law of A. B. Hammond and the San Francisco attorney for the Curtis Lumber company, is said to have written a letter to Mr. Townsend, making no mention of his connection with the Curtis Lumber company, in which he said his representative client was about to purchase 160 acres of land that had been sold by the railroad at a price exceeding \$2.50 an acre, and inquiring what assurance the government would give that the title was good.

**Second Letter Appears.**  
At about the same time Mr. George is said to have addressed a letter to Mr. Townsend, saying he had purchased 160 acres of railroad land which he was about to sell, and that his title was objected to because the land had been sold by the railroad originally at a price in excess of \$2.50 an acre. Mr. George's letter asked what assurance Mr. Townsend could give him as to the validity of the title, to enable him to proceed with the sale. The land was not described in the letters, and they were so written as to conceal the connection between the two correspondents.

The circumstance of the two letters is believed to indicate that it was the manifest purpose of the parties to put the government in the position of either questioning the title to these small holdings, so as to prove so much injury to Oregon land titles as to discredit the government's suit, or to force the attorney for the United States into statements that might be construed as a waiver of breaches of conditions, or grant, and thus defeat the suits now pending in the United States court.

**Reply Well Guarded.**  
The letters written by Mr. Townsend in reply are said to have been so guarded in their statements that the alleged scheme failed in both its objects. Thereupon the plan is said to have been devised to have suit instituted by George against the Curtis Lumber company in which Mr. Townsend should be called as a witness and the parties should revive the suit which failed through the medium of correspondence.

The suit was instituted, Mr. Townsend was subpoenaed, and appeared in Albany December 15. Apparently the opportunity to testify in the suit was exactly what Mr. Townsend wanted because while on the witness stand he stated he could have claimed his privilege as an attorney in the land grant suit and refused to testify. He stated, however, that it was the desire of the government to put at rest any uncertainty as to the land titles not involved in pending litigation, and that the department of justice had long desired to make public its attitude on this point, but doubted the propriety of communicating its views through the medium of a newspaper article.

Mr. Townsend then proceeded to testify and in most emphatic terms demonstrated that the titles of those who had purchased the railroad lands in quantities less than 1000 acres would never be attacked, and that this policy was adopted by authority of congress which vested the attorney general with discretion to determine which suits should be instituted, by the act of April 30, 1908.

At the same time Mr. Townsend declared with equal emphasis that the United States would not waive any violations of the conditions of the grant so far as the railroad company was concerned.

**Hammond's Scheme Not Approved.**  
It is regarded as of particular significance that at the time of the trial of the Curtis Lumber company suit the Curtis Lumber company was represented by W. S. Burnett, Mr. Hammond's son-in-law and by J. K. Weatherford of Albany, local attorney for the Southern Pacific company. The Portland attorneys for the Hammond companies did not appear in the case. According to a prominent lumberman, who is also heavily interested in O. & C. lands, the alleged action of the Hammond people is not approved by the majority of other purchasers, who, while resisting the government's contention, at the same time discountenance the resort to any trick or subterfuge designed to embarrass the government in this litigation.

At any rate it is thought that the outcome of the George-Curtis Lumber company suit, and the testimony of Mr. Townsend given during the trial, should allay all possible apprehension as to the validity of titles to land secured from the railroad in quantities under 1000 acres.

While B. D. Townsend when seen yesterday, would not discuss the attitude of the Hammond interests towards the government's litigation, he admitted having received the letters in question from both George and Burnett.

Present indications point to a lively three cornered contest for the Democratic nomination for governor of Illinois at the primaries next April. The prospective candidates for the nomination are Samuel Alschuler of Aurora, former Congressman Ben F. Caldwell and former Mayor Edward F. Dunne of Chicago.

# PENDLETON, OR., LODGE LOSES VETERAN MASON



**B. F. Beck.**  
(Special to The Journal.)  
Pendleton, Or., Jan. 18.—The Pendleton lodge, A. F. and A. M., lost its oldest member in point of connection with the order Wednesday, when B. F. Beck, a well known pioneer of the city, was called by death. His demise followed the amputation of one of his legs, which had become afflicted by senile gangrene. He had been a resident of Pendleton since 1887 and for many years had been in the hardware business. Besides being a member of the Masonic order, he belonged to the local post of the G. A. R., having served in the civil war as a member of Company E, Eighth Illinois. He leaves a widow and five children by a former wife, who died 16 years ago. His children are Mrs. H. O. Thompson of Portland, Mrs. George Pratt of Tacoma, Mrs. Gus Erns of this city and James and Fred Beck of this city.

# SCHOOL PRINCIPAL ASPIRES TO OFFICE

## G. W. Henderson of Ockley Green School Would Be County Superintendent.



G. W. Henderson, principal of the Ockley Green school, yesterday filed his declaration to become a candidate for the Republican nomination for county school superintendent. His slogan is, "Closer organization and closer supervision of school work."

He designates the following words to be placed after his name on the ballot: "Economy, efficiency, energy, progress. Frequent visits to schools. Constant help to teachers."

He outlines his policy and beliefs in the following statement: "The wealth and happiness of a community must be determined by the skill, dexterity and judgment with which its labor is applied, and by the relative number of men employed in useful labor and those not so employed. 'I believe that the schools should educate in those things that pertain to 'living' and to 'making a living.' 'We should educate away from luxury and idleness to plain living and usefulness as a means to happiness. 'The superintendent of schools should be a practical school man and should have no business, private school or literary relations to interfere with his work. 'I have been identified with the public schools in both high school and grammar school work for 30 years. 'My policy is: 'Closer organization and closer supervision of school work.' 'If nominated and elected to this office I shall be my study to so conduct the affairs of the office as to unite the highest degree of economy to the taxpayer with the greatest efficiency and energy on the part of teachers and pupils. 'I shall devote all my time and energy to educational work.'"

**Postal Bank at Brownsville.**  
(Special to The Journal.)  
Brownsville, Jan. 20.—The Brownsville Postal Savings bank opened yesterday morning. Several deposits were made.

The ballot for the election in Boston on January 9 will be the smallest ever presented for an election in that city. Only 13 names will appear on the ballot, — candidates for the city council and school committee.

Governor Harmon of Ohio for president and Governor Burke of North Dakota for vice president is the national ticket conceived by some of the Democratic politicians.

# GEORGE L. BAKER TO BE LITTLE EVA

## And Calvin Heilig to Play Part of Eliza in Uncle Tom Show Thursday Night.

When Eliza escapes over the ice and wash tubs of water at the first annual Follies at the Heilig theatre next Thursday night, the entire membership of the Theatrical Managers' association is expected to stand in the wings of the stage and sing "Shall We Gather at the River."

Those who will gather without fall will be the bloodhounds from the state penitentiary, and a few snakes who will be paid for the indignity of wet feet. The managers will probably be watching Cal Heilig (as Eliza) carrying Baby George Baker (as Little Eva) over the river that marks the stage pathway to freedom.

The foregoing is just an inkling of the fun that will be on tap next Thursday night when the first annual Follies is played in Portland, and incidentally the first Follies on the Pacific coast. The Portland theatre managers are going to give the first big show of the century, every act a feature, and every performer a star.

It is a compliment to the patrons of the show shops, and at the same time is intended as the beginning of a series of annual entertainments that will prove the great big event of every year.

There will be professional people without number at the Follies, the cleverest of their different lines, but the thing that will attract most attention will be a performance of Uncle Tom's cabin, the parts being played by the managers themselves. It is the first chance the managers have ever had to demonstrate how the various parts should be played,

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and the cast will be as follows:  
Uncle Tom ..... Frank Coffinberry  
Little Eva ..... George L. Baker  
Topsy ..... Larry Keating  
Mama Shelby ..... Milton Seaman  
Eliza ..... Calvin S. Heilig  
Mark, the Lawyer ..... John E. Cordray  
St. Clair ..... William E. Fungo  
Simon Legree ..... "Jack" Johnson  
Auctioneer ..... Charles E. Ryan  
Miss Ophelia ..... Dan Flood  
Aside from the play of "Uncle Tom's Cabin" as it will be played by the managers and as it has been written by prominent Portland newspaper man, there will be numbers of unique and clever features. Some of them will be on the stage, and others will be out in the foyer and in front of the Heilig. The theatre will be handsomely decorated, and then there will be a clever lot of stunts that will start people smiling as soon as they disembark from the street cars. As they progress up Seventh toward the Heilig there will be a general increase in hilarity—and when they enter the big doors of the Heilig there will be a reception that will be worth while.

Just what the features are the managers refuse to say. They would never have admitted the "Uncle Tom" stunt if they had not been caught in the act of rehearsal. Tickets to the Heilig for the big Follies will be at a premium before Thursday. They are now on sale at all the box offices at \$1 each and are exchangeable for Heilig box office Thursday morning for reserved seats. There are no passes.

**LARGE FORECLOSURE SUIT IN LANE COUNTY**  
Cottage Grove, Or., Jan. 20.—The case of the Trust company of America vs. the Oregon & Southeastern railroad, with F. H. Hall, W. B. Foster, G. T. Ellis and H. L. Brown as codefendants, is said to be the largest foreclosure suit ever brought in Lane county. The trust company seeks to foreclose a \$300,000 first mortgage on the railroad, which has a line running from here 20 miles up the Row river valley to Dinston. The case was also brought to establish the priority of the mortgage over the claims of Hall, Foster and Ellis, three of the codefendants, who were in-

# REFEREE'S SALE OF REAL PROPERTY

## The west 88 feet of fractional block 56 in Couch's Addition to the City of Portland, Oregon, and a tract of land 15 feet wide and 98 feet deep, lying immediately adjoining said fractional block 66 in Couch's Addition to the City of Portland, Oregon, said property being on the southeast corner of Tenth and Burnside streets in this city, will be sold by the undersigned at public auction at the front door of the courthouse in this city on Wednesday, January 24th, 1912, at the hour of 10 o'clock a. m. of said day.

This property is sold subject to the rights of the City of Portland in the extension and opening of Oak street through said real property.

**John H. Stevenson**  
SOLE REFEREE.

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