

The Daily Astorian.

ASTORIA, OREGON: WEDNESDAY FEB. 1, 1882

J. F. HALLORAN, Editor.

Unjust and Illegal.

APART from any political consideration, it is evident that the logic by which the Interior Department pretends to justify the issuance of patents to the Northern Pacific Railroad company, for lands on account of portions of the road constructed long after the time allowed by Congress, is one of the many peculiar things that have in late years and in a prior Administration distinguished the methods of that department in matters affecting the interests of powerful corporations and especially the Northern Pacific Railroad company.

The logic is this: All railroad grants are present grants, and vest in the grantee the legal title to all the land contemplated by the grant; and the title does not revert to the United States on breach of condition without a declaration of forfeiture by Congress. Although the Northern Pacific Railroad company failed to complete the road within the time allowed, yet there has been no declaration of forfeiture by Congress on account of this breach of condition, therefore the company still has title to the land, and the Department may lawfully issue patents to the company for the land.

No one but a railroad lawyer, or a partial Secretary of the Interior and subservient subordinates, could have perceived any relation between the premises and the last clause of the conclusion. The acts of Congress authorize patents to issue on account of such portions of the road as were completed before July 4, 1877; and not for such lands as the company may possess the legal title; for if this were the case and the premises were patentable, they would be issued immediately after the passage of the granting act. But the premises are false, the grant was not a present one. The Department knows that under a similar grant, the Union Pacific Railroad company evades the payment of taxes on millions of acres of land in Kansas and Nebraska fully earned by the construction of the road years ago, but for which land they do not call for a patent until the same is sold to a tax-paying farmer. The company is able to evade the payment of taxes on the lands which it holds for higher prices, because the Supreme Court of the United States has three times decided that the title did not pass by the granting act; that the title and ownership is in the United States until patents issue; that the condition was a condition precedent and not subsequent.

In every case where it has been held necessary for a declaration of forfeiture to cause the title to revert to the United States, it has been held that the title had already passed from the United States and vested in the grantee, and that the condition was subsequent and not precedent. Every reason assigned by the court for holding that title did not vest by the grant to the Union Pacific company, but vests only when the patents issue, is equally applicable to the grant to the Northern Pacific company; and several other valid reasons exist, not mentioned by the court. No court has ever decided that a declaration of forfeiture is necessary to terminate the rights of the grantee in case of breach of condition precedent. Whatever credit is due for making such a decision belongs to a Secretary of the Interior who is now understood to be the recipient of a portion of its logical results. It is one of the achievements of the Interior Department, which department has solved the problem of re-investing the United States with a title of which it was never divested. That department has recently, by its railroad decisions, made many

equally meritorious contributions to the science of jurisprudence. The Northern Pacific Railroad company has no claim to patents on account of portions of the road completed since July 4, 1877, that is valid by the rules of law or equity. There are no acts of Congress and no judicial precedents that authorize or justify the issuance of such patents.

The Walla Walla Statesman does not rise to a sense of the requirements of the section it represents, and in repeating the parrot-like cry of "robbery" and "perjury," exhibits less a spirit of desire to know the truth than a willingness to believe a falsehood. There is no legalized robbery on the Columbia river bar, nor exclusive privilege of running tugs on the bar. The editor of the Statesman has the privilege of putting on as many as he chooses. On the other hand, vessels loading on Puget Sound have to pay, and do pay pilotage and tonnage in going to sea; probably as much as in crossing the Columbia river bar. If there is any one part of the farming community that needs the Columbia river bar improved, it is that part around Walla Walla. After a railroad is built from Walla Walla to the Sound the rates to Astoria will always control the rates by rail to the Sound. So our friends there should always advocate a free river and a deeper entrance.

A WASHINGTON dispatch says it is stated with much positiveness that President Davis, of the Senate, favors the admission of Dakota into the Union. He thinks, it is said, the southern portion of Dakota is entitled by reason of population and other considerations to admission, and that it is not a question for partisan consideration. Judge Davis' vote, combined with that of the Republicans, would give the bill a majority, and as Republicans control the House, it would appear that the measure has a good prospect of becoming a law the present session.

Eight hundred tons of silver coin have accumulated in the federal treasury in New York. This coin has not yet been forced into circulation, and will not come into general use if the people can have certificates representing the coin instead of the bullion itself.

BOYS. In Upper Astoria, January 20, 1882, to the wife of B. Gallagher, a son.

NEW TO-DAY.

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E. Detrick & Co., Sole agents on the Pacific Coast for Tower's celebrated

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(Send for price list.) Importers, manufacturers and dealers in Twines, Tents, Hose, Cotton Sail Duck, Belting, Waterproof Tar-paulins, Waterproof Covers, Patent Solid Cotton Belting.

Nov. 5, 7 and 9 California, and 108, 110 and 112 Market Streets, SAN FRANCISCO, CALIFORNIA

Notice. THE FIRM OF PAGE & ALLEN is this day dissolved by mutual consent; the business hereafter will be continued by A. V. Allen. All persons indebted to said firm are hereby notified to set their accounts without delay. C. H. PAGE, A. V. ALLEN, Astoria, Oregon, Jan. 1, 1882.

B. B. FRANKLIN, UNDERTAKER,

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MAKES UP FIRST CLASS STOCK INTO Harness and Saddles.

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Administrators Notice.

NOTICE IS HEREBY GIVEN THAT the undersigned has been appointed by the County Court of Clatsop county, Oregon, Administrator of the estate of Aaron Morton deceased. All persons having claims against said estate are hereby notified to present the same to the undersigned at Astoria, Oregon, within six months from this date. G. G. SMITH, Administrator. Astoria, Jan. 25, 1882.

Sheriff's Notice.

THE STATE COUNTY AND STATE School Taxes for the year 1881, are now due and can be paid at my office at the Court House. A. M. TWOMBLY, Sheriff and Tax Collector.

School Tax Notice.

TO THE TAX PAYERS OF SCHOOL District No. 1, Clatsop county, Oregon: You are hereby notified that the assessment roll for the school tax in district No. 1 for the year 1881, is completed and will be in my hands at my office at Brown & Co's dock for the next sixty days from date hereof. Pay your taxes in time and save costs. J. G. HUSTLER, Clerk of School District No. 1, Astoria, Oregon, Dec. 16, 1881.

MISCELLANEOUS.

A. V. Allen,

(SUCCESSOR TO PAGE & ALLEN.) Wholesale and Retail Dealer in

GROCERIES,

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GROCERIES,

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San Francisco Chemical

WORKS.

ASTORIA, OREGON.

CHICAGO BREWERY,

J. STRAUSS, AGENT. Is now ready to supply the public with the

Celebrated Chicago Beer

In any quantity to suit. I have also this Celebrated Chicago Beer in Bottles,

Which is now very popular among "all families and saloons." Please send in your orders and they will have my best attention.

J. STRAUSS, Astoria, Oregon. Agent for Oregon and Wash. Ter.

Piles! Piles! Piles!

A Sure Cure Found at Last! No One Need Suffer!

A sure Cure for Blind, Bleeding, Itching and Ulcerate Piles has been discovered by Dr. Williams' (an Indian Remedy), called Dr. Williams' Indian Ointment. A single box has cured the worst chronic cases of 25 or 30 years standing. No one need suffer five minutes after applying this wonderful soothing medicine. Leucias, hemorrhoids and piles do more harm than good. Williams' Ointment absorbs the tumors, always the intense itching, particularly at night of getting warm in bed, acts as a poultice, gives instant relief, and is prepared only for Piles, itching of the private parts, and for nothing else.

Read what the Hon. J. M. Collinburry of Cleveland, says about Dr. Williams' Indian Ointment: "I have used scores of Pile Cures, and it affords me pleasure to say that I have never found anything which gave such immediate and permanent relief as Dr. Williams' Indian Ointment. For sale by all druggists or mailed on receipt of price, \$1.00."

HENRY & CO. Prop's. Cleveland, O. Hodge, Davis & Co., Wholesale Agents, Portland, Oregon.

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DEALERS IN Iron, Steel, Coal, Anchors, Chains,

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Nails, Copper Nails and Burrs, Shelf Hardware, Paints and Oils

Rubber and Hemp Packing of all Kinds. PROVISIONS, FLOUR AND MILL FEED.

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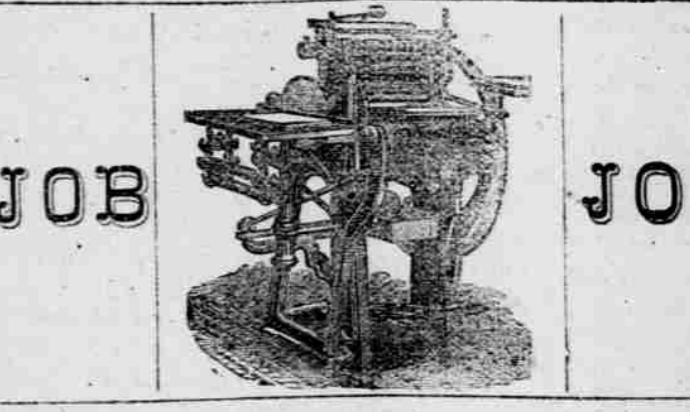
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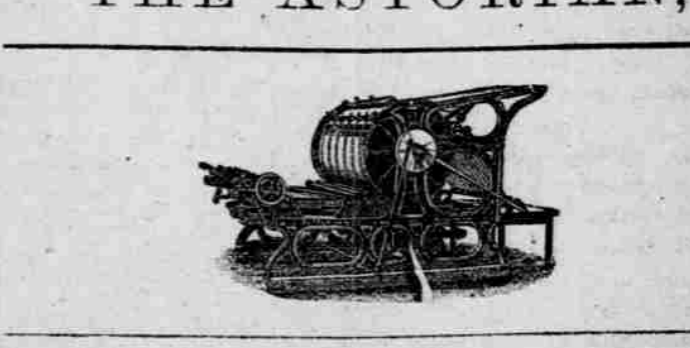
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