



UNCLE SAM STARTS \$45,000,000 SUIT

3,000,000 Acres Oregon Land Involved.

GRANT FORFEITURE SOUGHT

Action Against Oregon & California Road Bitter.

SAYS TERMS VIOLATED?

Government Contends Parts of Valuable Property Have Been Sold at High Prices—Victory Will Mean Public Opening.

After 14 months of preparation, B. D. Townsend, special prosecutor for the United States, yesterday filed by mail a brief containing the case of the United States in its suit against the Oregon & California Railroad Company, et al. a suit by all odds the most important ever filed in Oregon, and one involving the ownership of about 3,000,000 acres of Oregon land valued at between \$45,000,000 and \$50,000,000. This brief is, in effect, a thesis covering every possible phase of the point at issue and contains 820 pages of the history, argument, etc., of the case. In a word, the suit of the Government is to set aside the grants of 1865 and 1870 to the railroad, consisting of about 3,000,000 acres of land, and to regain possession of the 3,000,000 acres of unsold lands on the contention that the railroad company has flagrantly violated the conditions of the grant which were that the land be sold to actual settlers only in quantities not greater than one-quarter section to one purchaser and for a price not exceeding \$2.50 per acre.

Forfeiture of Lands Sought.

The contention is that with this alleged violation the lands remaining unsold have been and are forfeited to the United States.

The railroad company makes no assertion that it has not sold the lands in larger quantities than blocks of quarter sections, nor that it has not sold the lands at prices above the figure of \$2.50 an acre. That great quantities of this land have been sold to the great mill companies at prices of from \$25 to \$1000 an acre is openly admitted, but the railroad company makes the contention that the lands are its own in fee simple owing to the fact that the patents have been issued already. The gigantic suit originated on February 11, 1907, when the Legislature of Oregon adopted a memorial addressed to the President complaining of the violations of the act of April 10, 1869, by the withdrawal of the lands from sale. On April 26, 1908, Congress passed a resolution providing for the prosecution of the necessary suits at law in reference to the violations of the act. This resolution was amended in March, 1909, the case was argued by Mr. Townsend, the special prosecutor, before Judge Wolverton, the presentation of the argument requiring an entire week, this was followed by a reply from Judge W. D. Fulton and P. P. Dunne, general attorney for the Southern Pacific Railway Company. The court then asked for written briefs, allowing the Government 90 days to file its brief, and the railroad 30 days more for its reply. Mr. Townsend immediately went to Washington, where he conferred with the Attorney-General and with whom he has been in consultation ever since in the preparation of the voluminous document which was filed late last night.

Vast Acreage Covered.

The greater part of the lands involved are located on the line of the Southern Pacific Railroad between Portland and Ashland, being 20 and 20 miles back from the right of way on each side of the alternating and consisting of the alternating and consisting of a checkerboard. The lands along the Willamette Valley were settled and sold, regardless of price, and these sold lands are not at issue in the present suit.

The remaining lands involved in the grant are those in the alternate sections within the 20 and 25-mile limits on the line from Portland to McMin-nville by way of Forest Grove. These lands are those acquired by the railroad company in the grant of May 4, 1870, while the original grant was that of July 25, 1868, which was amended by an act of April 10, 1869.

The vast acreage held by the company, for which tenders of \$2.50 an acre have repeatedly been refused by the company, comprise a great wealth of timber lands in Oregon, as well as some decidedly valuable agricultural land. It is said that since the Oregon & California Railroad Company has held these lands the railroad has paid no attention to the provisions of the

HORSE RACE ENDS IN JOCKEY'S DEATH

LANGAN KILLED INSTANTLY IN LAST RACE AT GRAVESEND.

Horse Falls Over Two Prostrate Animals, Throws Him and Falls Upon Him.

GRAVESEND, N. Y., June 2.—Jockey Fred Langan, mounted on Stalwart Lad, was instantly killed when his mount fell on the home-stretch turn in the closing race. The race was for 2-year-olds at five and one-half furlongs, and 13 horses faced the barrier. The start was good and the field went off in a close bunch to the stretch turn, where Warwick, Butwell up, stumbled and fell Muff. Immediately following was Langan on Stalwart Lad. He turned a complete somersault over the prostrate forms of the two horses and his mount fell on top of him, killing him instantly. When the big crowd saw Warwick fall, a cry of dismay and horror went up that was immediately followed by another when Muff and Stalwart Lad stumbled over him. Davis jumped up at once, but Butwell lay still until he was picked up, and Langan never moved. Butwell broke his nose, but Davis escaped unharmed. Langan was under contract to R. F. Carman and rode with good success at the Jacksonville meeting last Winter. He had been with the thoroughbreds only about a year. Gold of Ophir easily won the race by three lengths.

BLOW GIVEN PROHIBITION

All Petitions Filed With Secretary of State Irregular.

SALEM, Or., June 2.—(Special.)—H. H. Corey, chief clerk of the Secretary of State's office, says nearly all the petitions submitted to the voters of the state-wide prohibition question do not comply with the law and cannot be filed and the question submitted until the defects shall have been remedied. The lists of names are not sworn to and are not copied on the back of the sheets, as required. Also, many have been sent in by mail by unknown persons, and not consecutively numbered, as the law requires. Grant Keillogg, editor of a local prohibition weekly paper, this afternoon called at the Secretary's office for the petitions, which will be made to conform to the law before being again offered for filing.

WIFE SEES SPOUSE KILLED

Man's Body Dangles from Wire While Woman Seeks Aid.

NORTH YAKIMA, Wash., June 2.—(Special.)—Killed within sight of his wife, who was watching him at work, Jeff Brouillette, 30 years old, met his death this afternoon while repairing the high power wires which supply the pumping station for Terrace Heights, 2 1/2 miles east of this city. The accident occurred about 6 o'clock and the man's body was left hanging on the pole for an hour, while the distracted wife telephoned to the city for help. His body was supported by the leather brace which he wore about his waist. He is survived by his wife and several brothers and sisters. An inquest will be held on Friday.

LABOR UNIONS EXEMPTED

House Bars Prosecutions Under Anti-Trust Law.

WASHINGTON, June 2.—An amendment to a sundry civil appropriation bill adopted by the House today stipulates that no part of the \$100,000 provided in the bill for the enforcement of the Sherman anti-trust law can be used in the prosecution of labor organizations. The amendment, which was introduced by Representative Tamm, received little support from his colleagues. The amendment was adopted by a vote of 81 to 52, indicating that 32 members present failed to vote. The Democrats voted solidly for the amendment and some Republican "insurgents" joined them.

WORKING GIRLS DEPRIVED

Captain of Volunteers of America Used Funds for Self—Sentenced.

ST. PAUL, June 2.—Timothy Murphy, formerly a captain of the Volunteers of America here, was today sentenced to serve seven years in the State Prison by Judge Halam in the District Court. Murphy was convicted of converting \$1250 collected on March 17 for a working girls' home on behalf of the Volunteers to his personal use. A stay of sentence until June 4 was given to permit the accused to perfect an appeal to the Supreme Court.

SUFFRAGE GOES ON BALLOT

Oklahoma to Settle Question at November Election.

GUTHRIE, Okla., June 2.—Whether women will be granted suffrage in Oklahoma will be decided at the regular election to be held in November. The last obstacle in the way of voting on this question was removed yesterday when the State Supreme Court sustained the action of Secretary of State Cross in overruling objections to the petition of the suffragists asking that the question be submitted to the voters.

CHANNEL CROSSED TWICE BY AVIATOR

Biplane Makes Voyage in 90 Minutes.

FRENCH RECORD IS EGLIPSED

Briton in American Machine Does Double Feat.

SWIFT CRAFT DISTANCED

Captain Rolls Flies from Dover to Calais and Returns Without Alighting—Motor Does Not Once Miss Spiking.

DOVER, England, June 2.—In 90 minutes, and without alighting, Captain the Hon. Charles Stewart Rolls, of the London section of the British army motor service, sailed a Wright biplane from Dover to Calais today and returned without alighting. His motor never missed spiking once. The flight was sensational. Great crowds lined the cliffs as the start was made. Three of the swiftest torpedo craft of the British navy were stationed at different points in the channel, and as the aeroplane approached them they steamed full speed in the effort to keep within convenient distance in the event of mishap. But the flying machine easily distanced them. Frenchemen's Feet Doubled. Rolls left Dover at 6:30 P. M. bent on eclipsing the channel record heretofore held by France, Louis Bleriot and Count De Lesseps had crossed the channel, but only in a single direction, and neither had made the return voyage. Flying at a height of 300 feet, which he attained at once upon taking the air, Captain Rolls accomplished the feat so easily that he is today the hero of all Britain. The fact that his machine is of American make makes it a vindication of the Anglo-Saxon in aeronautics. Weather conditions were perfect. There was almost no breeze blowing. For this country, the air was clear. The aviator skimmed like a bird as he rapidly grew fainter and fainter in the distance, racing the torpedo boats stationed in the channel. From the shore it could be seen that he was distancing them easily. With powerful glasses the watchers on the cliffs followed the course of the great winged ship until, when within two miles of the French coast, it disappeared from view. Message Dropped From Sky. Soon the Sandgate Cliffs were reached. Passing over them Captain Rolls dropped a paper bag tied with tri-colored ribbons and containing the message: "Greetings to the Aero Club of France; dropped from a Wright aeroplane crossing from England to France. Vive l'entente." Rolls circled over the cliffs, and, without diminishing his speed, headed straight for sea in the opposite direction. He was going 30 miles an hour, his motor running smoothly. Soon a black speck became visible to the watchers on the Albion Cliffs. A great cheer went up and the peo-

AUGUST BELMONT IS HURT IN POLO GAME

MALLET BECOMES ENTANGLED IN PONY'S FEET.

Family Says Wrist Is Broken. Neighbors Hear Injuries Are More Serious.

NEW YORK, June 2.—August Belmont was thrown from his horse this afternoon when playing polo at the Meadow Brook Hunt Club. There were rumors that he had been seriously injured, but at his home it was said tonight that he had only been severely shaken up and would be about, as usual, in a day or two. At the Meadow Brook Club it was said that a wrist had been broken. Belmont was following the ball and made a forward stroke with his mallet, which entangled itself with his horse's fore feet. The animal was in full gallop, and in tripping turned a complete somersault. Fortunately Mr. Belmont was thrown clear. The horse rolled over several times, but did not strike Mr. Belmont with his feet or roll on him. Mrs. Belmont, who was Eleanor Robson and is a bride of only a few months, was informed immediately by telephone and hurried out to the club in an automobile. At Hempstead, Long Island, where Mr. Belmont has his country place, it was said that his injuries were more serious than his family were willing to admit in New York. Reports there were that Mr. Belmont had suffered a broken rib, that his scalp was torn and his face bruised and lacerated.

INDEX OF TODAY'S NEWS

The Weather. YESTERDAY—Maximum temperature, 59 degrees; minimum, 29 degrees. TODAY'S—Fair and warmer; northwesterly winds. Foreign. British army officer in American aeroplane crosses from Dover to Calais and returns without alighting in 90 minutes. Page 1. National. Taft favors appointing Roosevelt chairman of World's Peace Commission. Page 1. Roads in East and Middle West file notice of increased rates, making practically every road in country advancing. Page 1. Senate amendment to railroad bill regulates injunction proceedings involving state laws gaining Democratic support for administration bill. Page 2. Politics. Ex-Governor Folk, of Missouri, wants Democratic nomination for president in 1912. Page 5. Domestic. President tells Bryn Mawr students that educated women make best companions, and that unmarried women are not necessarily failures. Page 5. Purges for great airplane flights are augmented; aviators' enthusiasm grows. Page 2. Indictment of Illinois legislators expected to result from fish bill inquiry. Page 1. Sport. Pacific Coast League results: Sacramento 4, Portland 0; Oakland 1, Los Angeles 1; San Francisco 5, Vernon 4. Page 8. Johnson's new auto too great temptation; while staff shirks training for spin. Page 8. Jeff bolts over with rage at alleged interference with Gillett's riding. Page 8. Gillett repudiates interview. Page 8. Pacific Northwest. Attendance large at convention of Oregon fishermen, at Albany. Page 6. Boise now holds Idaho's three-cornered political fight for Governorship. Page 7. Spokane postoffice clerk, confessed thief of \$2000 letter, caught with goods as he is hoisting train on honeymoon trip. Page 7. Portland and Vicinity. Portland police force is reviewed at armory. Page 15. Charles Frost, hotel burglar, captured by Portland detectives. Page 12. Williamie Baptists declare for state-wide prohibition. Page 20. Mayor Simon still opposed to acquisition by city of Council Crest park. Page 14. Arthur J. Finley withdraws as bondsman for W. Cooper Morris. Page 13. Armory chosen for race show, to restore harmony among women. Page 15. George H. Thomas says Democrats should not support "non-partisans." Page 12. Federal government starts gigantic suit involving 5,000,000 acres valuable Oregon land. Page 1. (Continued on Page 2.)

MORE ROADS FILE INCREASED RATES

Government Attitude Does Not Daunt.

ACTION ALMOST UNANIMOUS

Attorney-General Does Not Outline His Course.

BLAME LAID TO SHIPPERS

Injunction Extends Only to Those Commodities Called to Attention of Government—Middle West and Eastern Roads Advance.

WASHINGTON, D. C., June 2.—Undaunted by the Government's proceedings under the Sherman anti-trust act, by which a part of the proposed increase in freight rates in territory west of the Mississippi River was suspended by injunction, railroads in the East and Middle West today filed with the Interstate Commerce Commission tariffs of increased rates. Attorney-General Wickersham declines to indicate what course he will pursue in behalf of the Government. The Senate, just on the verge of passing the Administration rate bill, hesitated and finally postponed action until tomorrow. Every Road Files Increase. Practically every railroad system in the North from the Atlantic to the Pacific tonight has filed with the Interstate Commerce Commission the legal notification of proposed increases in commodity rates. The increases range from 3 to 31 per cent. The day started with the filing of schedules of increases by the New York Central, the West Shore and the Delaware, Lackawanna & Western. Then the official proposal from the roads traversing the territory from Chicago and Milwaukee to Indianapolis and Ohio River points—23 in all—was brought in. During the afternoon increased tariffs from the Atlantic seaboard to Chicago, St. Paul and intermediate points were filed. Central Freight Roads Join. Like the revised schedules filed by the roads west of the Mississippi, the increased tariffs from the Central Freight Association territory were filed in concert. On the other hand, the other roads filed their reserved tariffs individually. The increases proposed by the roads in the Middle West range from 4 to 31 per cent. Those from the Seaboard to the West vary from 2 to 20 per cent. The Baltimore & Ohio's increases on rates from Chicago to the Seaboard average about 10 per cent. The time set for the increases to go into effect on the Eastern roads was generally July 5. On the roads in the Middle West, July 1 was the date fixed. Before the revised tariffs began to pour into the offices of the commission, Attorney-General Wickersham was receiving telegrams from Western shippers asking him to take action to have the injunction, issued by the Federal Court in Missouri, (Continued on Page 2.)

ROOSEVELT TO TOUR WORLD FOR PEACE

PROPOSED HE HEAD COMMISSION TO SEEK NATIONS' HELP.

Appointment Favored by Taft and House Committee—Limiting of Armaments Is Scheme.

WASHINGTON, June 2.—Ex-President Roosevelt is expected to head a peace commission provided for in a resolution which was favorably acted upon by the House committee on foreign affairs today. President Taft has indicated, it is said, that he would appoint his predecessor as chairman of the commission in case it was created by Congress. The commission would be directed to visit the world in all foreign countries in the interest of securing cessation of armament of nations and of preserving international peace. The committee today instructed Representative Bennett, of New York, to combine a resolution providing for such a commission to be composed of five members, with a similar resolution introduced by Representative Bartholdt, of Missouri. The resolution which the committee will report will provide for a commission empowered to "consider the expediency of utilizing constitutional agencies for the purpose of limiting armament of the nations of the world by international agreement and of constituting the combined navies of the world as an international force for the preservation of universal peace." It is said President Taft regards the ex-President as the one man in the United States to lead such a movement, launched by this nation. DETECTIVE BACKS DOWN "Golden Rule" Chief's Prosecution Gets Double Setback. CLEVELAND, O., June 2.—(Special.)—The third day of the trial of "Golden Rule" Chief of Police Kohler on charges of immorality and drunkenness brought a prosecution's most important witness, which it had been asserted he would give. The witness was a detective, who, it was said, would testify that he had been paid by Chief Kohler to "beat up" a newspaper reporter, but today the detective swore that Kohler had never instructed him or even intimated that such a thing should be done. The prosecution also received a setback in respect to another important charge of immorality. They had declared that Kohler had paid \$500 to a man to disregard a certain class of offenses, but on cross-examination of witnesses it was shown that the chief's words were part of a lecture on the "Golden Rule."

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HORSE KILLS SELF IN WELL

Elk City Animal Found Sitting Upright in Cave-In.

ELK CITY, Or., June 2.—(Special.)—Jim, the old family horse belonging to W. W. Morris, of this place, slipped while grazing near the house of his master and fell in a sitting position, to the bottom of a well 25 feet deep. Members of the family, who were attracted to the scene of the accident, found the horse sitting upright and able to whinny for assistance. The horse was 12 years old and had a mark of 2:40, hitched to a road wagon. A sloping trench was dug into the well so that the animal might walk out but just as the last necessary shovelfuls of earth were being removed from about the horse's shoulders he floundered and struggled, knocking his head against the rock sides of the well and causing his death. The fish license bill under fire was Senate bill No. 112, substituted for a similar House bill. Senate Bill Favored. The Senate bill was repeatedly before the committee of which Representative Foster was chairman and finally was reported out of the House with a favorable recommendation and passed a third reading but, was disposed of in the flurry at the close of the Legislature without being voted on directly. In addition to the expected developments in the fish investigation, the programme tomorrow includes the appearance of Representative Beckmeyer before the grand jury. The net result of a visit of Mr. Burke to Governor Deenew was an understanding that the prosecutor would have the hearty cooperation of the Governor in any matter where the Chief Executive could be of service, particularly in giving Mr. Burke access to the office records of complaints concerning legislation in the last General Assembly. Governor Deenew will not be subpoenaed before the grand jury. GRAIN CROP NEEDS RAIN Dayton Farmers Are Alarmed by Continued Dry Weather. DAYTON, Wash., June 2.—(Special.)—Farmers here are anxious over the condition of growing grain, which they say is badly in need of moisture. It was asserted today that thousands of dollars' worth of damage was done by hot winds of yesterday and the day before. Continued winds are drying the surface soil and preventing early Spring growth. No rain of consequence has fallen for over a month, and ranchers are puzzled over the unprecedented weather conditions. While there is plenty of subsoil moisture, the top ground is devoid of dampness, and unless rain falls within a week it is feared Columbia County's grain crop will be no more than 50 per cent of normal.

FISH INQUIRY TO HAVE SENSATIONS

Money Given to Legislators, Charge.

ONE MAN HELD OUT CASH

Suppression of Measure Motive for Alleged Bribes.

GOVERNOR PROMISES AID

As Result of Progress of Investigation, Illinois Grand Jury Is Expected to Return Indictments Against Lawmakers.

SPRINGFIELD, Ill., June 2.—That the grand jury questioning concerning the fish bill, which failed to pass the 46th General Assembly, will be productive of more important results than have developed since the legislation inquiry began is the expectation of State Attorney Burke of Sangamon County. Information given the prosecutor today, he said, has completed a chain of evidence from men who paid sums of money to defeat the bill, to the man who collected the amounts and up to a legislator who is charged with having "held out" the sum given him, instead of having passed it along to the "jackpot." State Attorney Burke said he had the name of a fish dealer who was alleged to have said in the presence of witnesses that he gave \$300 to the fund to kill the bill, naming the man to whom he paid it. The man is to be subpoenaed. Other information in the hands of Mr. Burke is that a man interested sent a telegram to another interested person then out of the state, that his share needed to insure the defeat of the bill would be \$300. Licenses Provided For. The bill provided for licensing fishermen, the amount of the license depending upon the number and character of the nets used. Mr. Burke has been informed that one man figured that under the licensing bill he would be obliged to pay \$50 to continue in business and accordingly paid \$300 to avoid the payment of the larger sum. The state's attorney said he had been given the name of a state legislator who was given \$2000 and \$5000, collected to defeat the bill and \$500 to turn the money over to the "jackpot," which was its designed resting place. The witnesses examined today by Mr. Burke were Fish Commissioner Cohen, Fishwarden Caldwell and Representative M. M. Foster, chairman of the Fish and Game Commission. Twelve or 15 witnesses are to be subpoenaed in connection with the fish bill inquiry. Most of the additional facts that came to the state's attorney today were furnished by Fish Commissioner Cohen and Fishwarden Caldwell. Additional testimony that fitted into parts of the fish inquiry came from Representative Beckmeyer. If the fish witnesses are at Springfield, they will be taken before the grand jury and more indictments may follow. The fish investigation is in line with the intention of Mr. Burke to go after the "jackpot" and of legislative accusations and ignore for the present the Senatorial bribery phase, which is holding the attention of the Cook County prosecutor at Chicago. The fish license bill under fire was Senate bill No. 112, substituted for a similar House bill. Senate Bill Favored. The Senate bill was repeatedly before the committee of which Representative Foster was chairman and finally was reported out of the House with a favorable recommendation and passed a third reading but, was disposed of in the flurry at the close of the Legislature without being voted on directly. In addition to the expected developments in the fish investigation, the programme tomorrow includes the appearance of Representative Beckmeyer before the grand jury. The net result of a visit of Mr. Burke to Governor Deenew was an understanding that the prosecutor would have the hearty cooperation of the Governor in any matter where the Chief Executive could be of service, particularly in giving Mr. Burke access to the office records of complaints concerning legislation in the last General Assembly. Governor Deenew will not be subpoenaed before the grand jury. GRAIN CROP NEEDS RAIN Dayton Farmers Are Alarmed by Continued Dry Weather. DAYTON, Wash., June 2.—(Special.)—Farmers here are anxious over the condition of growing grain, which they say is badly in need of moisture. It was asserted today that thousands of dollars' worth of damage was done by hot winds of yesterday and the day before. Continued winds are drying the surface soil and preventing early Spring growth. No rain of consequence has fallen for over a month, and ranchers are puzzled over the unprecedented weather conditions. While there is plenty of subsoil moisture, the top ground is devoid of dampness, and unless rain falls within a week it is feared Columbia County's grain crop will be no more than 50 per cent of normal.

