

OIL LAND CASE WON BY SOUTHERN PACIFIC

\$421,000,000 in Patents Held by Court Not Fraudulent.

165,000 ACRES INVOLVED

Government to Appeal; Litigation in Federal Courts for Last Seven Years.

LOS ANGELES, Aug. 28.—Holding that the evidence of fraud was inconclusive, Federal Judge Benjamin F. Bledsoe here today dismissed six consolidated suits filed by the government against the Southern Pacific company and 221 other companies and individuals, seeking to have set aside patents to valuable oil lands in the west side of the San Joaquin valley, the majority of the land being in Kern county.

The land in litigation consists of 165,000 acres of oil-bearing land valued at \$421,000,000.

The government alleged that the Southern Pacific company secured patents to the land on affidavits declaring it to be agricultural land and non-mineral bearing.

First Case Filed in 1912.

The first suit was filed by the government in 1912, additional suits being filed from time to time since then, the cases being before the federal courts practically continuously.

In his opinion Judge Bledsoe reviewed the evidence, declaring that the government surveyor had returned the lands in question as non-mineral bearing and that for several years the Southern Pacific company sold these lands at prices ranging from \$2.50 to \$5 per acre.

These points, Judge Bledsoe held, were strong evidence of the absence of fraud in the Southern Pacific company's application for patents.

Counsel for the government took exception against the dismissal and indicated an appeal would be taken to the United States circuit court of appeals.

HISTORY OF LEASES REVIEWED

Government Contends Filers Knew Land Held Mineral.

SAN FRANCISCO, Aug. 28.—The six cases were brought to cancel Southern Pacific company's patents to 165,000 acres of land in the oil fields on the west side of the San Joaquin valley and an area of about 250 square miles extending from the Coalinga oil field in the north through the McKittrick and Lost Hills fields to the southern end of the Sunset Midway field, a distance of about 112 miles.

The sections affected were patented to the railroad under the congressional act of 1866, giving it the odd numbered sections each side of the track for a distance of 20 miles. The grant excluded all lands known, when patented, to be mineral lands, except coal and oil.

The cases were consolidated and tried before Judge Benjamin F. Bledsoe, who personally heard all of the testimony, moving his court from place to place for that purpose, an innovation in federal practice. Testimony was taken in New York, Washington, San Francisco, Los Angeles and Fresno and covered a period of more than a year. About 16,000 pages of testimony were taken and several thousand exhibits introduced.

The government contended that the railroad selected the lands with an actual knowledge on the part of its owners and officers that they were valuable oil lands, not mineral, and that actual fraud was committed. These officers, C. P. Huntington, Leland Stanford, Charles Crocker, owners and directors; A. N. Towne, general manager; Jerome Madden, land agent; and William Singer Jr., land attorney, were all dead at the time the suit was filed. All their surviving associates denied there was any such knowledge or the statements or conduct of the officers accused.

The company also offered testimony to show that up to and after the discovery of oil in the Kern river field in 1935 it publicly offered for sale all of its lands on the west side of the San Joaquin valley at prices ranging from \$2.50 to \$10 per acre.

The government then argued that even if there was no actual fraud there was conduct amounting to it because the company should have known from the geological structure and surface indications that the lands were oil bearing. The Southern Pacific replied that leading geologists of that period had examined the lands for oil and reported evidence of none.

The case was known as the "billion-dollar oil suit," probably from the fact that the government asked for the restoration of the 165,000 acres and an accounting of the proceeds of all oil taken during the period of nearly 30 years.

BAIL IS DENIED TO I. W. W.

NEAL GUINNEY, ALLEGED AGITATOR, NOT FREE.

Appeal of Charge of Circulating Anarchistic Literature Pending in San Francisco.

Another effort to obtain the release on bail of Neal Guinney, former secretary of the Portland I. W. W., failed yesterday in the federal court.

George F. Vandever appeared before Judge Wolverson and asked the release of the man on bail, but the petition was denied.

Guinney is being held for deportation by the department of labor on a charge of having participated in the circulation of literature advocating the overthrow of the government. He is a native of Canada and was to have been returned to that country.

The matter is now pending before the United States court of appeals at San Francisco.

Deputy United States Attorney Goldstein opposed the release of Guinney yesterday on the grounds that he was a menace to government and property.

SILISIAN JOB IS OPPOSED

Indiana Representative Asks That U. S. Army Be Kept Out.

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Company Offers Argument at State Hearing.

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Reply in Substantiation of Rise in Charge, to Be Asked Within Ten Days.

Congressional Telegram to Daniels

Also Urges That Battleships and Cruisers Be Included.

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Winnemucca Business Men's Association Interested in Proposal of Chamber of Commerce.

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ELKS WANT MONUMENT

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Othine \$1.10 Stillman Freckle Cream, jar \$1.10 Anita Cream \$1.10

Malvina Freckle Cream \$1.10 Kintho Freckle Cream, jar \$1.10

Velvetina Freckle Cream \$1.10 Peerless Almond Cream, 16-oz. bottle \$1.10

Mt. Hood Cold Cream \$1.10 Cucurber and Elder Flower Cream \$1.10

Milena Nail Polish \$1.10 Wood-Lark Shampoo Cubes \$1.10

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