

Coos Bay Times Your Paper

The Coos Bay Times is proud of its title "The People's Paper," and it strives at all times to live up to its name by devoting its energies to promoting the people's interests.

Coos Bay Times

A Southwest Oregon Paper

That's what the Coos Bay Times is. A Southwest Oregon paper for Southwest Oregon people and devoted to the best interests of this great section. The Times always boosts and never knocks.

VOL. NO. XXXVIII.

Established 1878 As The Coast Mail.

MARSHFIELD, OREGON, MONDAY, JUNE 21, 1915—EVENING EDITION

A Consolidation of Times, Coast Mail and Coos Bay Advertiser.

No. 284

RAILROAD WINS O. & C. LAND CASE

Supreme Court Today Decided Against Government in Famous Suit Involving Millions

BIG LOCAL EFFECT

Several Hundred in this County Had Filed in Hopes of Getting 160 Acre Claims

MEANS THEY WILL LOSE

Ownership of 2,500,000 Acres Stands With Southern Pacific and Land Is Not to be Forfeited—Road Enjoyed From Selling

MANY LOCALLY ARE INTERESTED The decision is of great local interest owing to the fact that several hundred in Coos County had made application in the expectation of the government winning.

WASHINGTON, D. C., June 21.—The government today lost the suit in the Supreme Court to forfeit unsold portions of the Oregon and California railroad land grant amounting to 2,500,000 acres valued at more than \$30,000,000. The railroad company was enjoined, however from future sales in violation of the conditions of the grant until congress has a reasonable time to act.

Solicitor General Davis asked the court to reconsider and restore the case to the docket for re-argument. The application was taken under consideration.

Started in 1908 The suit was instituted in accordance with a resolution of Congress in the federal district court of Oregon, on September 4, 1908. The government claimed that the railroad had forfeited its rights by having violated a provision which required it to sell in not more than 150-acre tracts for not more than \$2.50 an acre, and only to actual settlers. The government sought to prove that the company had sold in large tracts to timber companies at more than \$2.50 an acre, and had adopted a policy to sell no more to any purchaser for the time being.

Tried to Force Sales About 85 persons who went upon the lands and claimed to be actual settlers, within the meaning of the law, brought a cross complaint, asking that the railroad company be held to be a trustee for actual settlers and required to sell to them. Some 6,000 persons who have not come upon the land to make settlements but who have applied to the railroad company to purchase 160-acre tracts intervened with a petition that the company be required, as a trustee, to convey lands to them.

State Intervenes The State of Oregon intervened with the claim that the state levied nearly half a million dollars taxes a year on the lands and asked that the lands not be forfeited to the government, in which case, the taxes might be lost, but that the railroad be required to sell them for the benefit of the government.

The Union Trust company of New York, trustee under a mortgage given on the land to secure \$20,000,000 of bonds used in building the railroad also intervened.

The district court declared the lands forfeited, and the case was taken to the Supreme Court of Appeal. It was argued late in April.

Effects Many Locally The Oregon and California railroad is now a part of the Southern Pacific System.

Many local people, numbering several hundred at least, are affected by the decision. For several years past applications have been made to purchase the land for \$2.50 an acre by many different persons. They alleged to be settlers who wanted to buy the land under the conditions named. In such cases the \$400 for the land would be forfeited and refused and this would be recorded and it was expected that there would later be a decision against the railroads these persons could buy for \$400.

Others homesteaded on the land and some went to the expense and work of building cabins and making improvements. They figured on having prior rights as squatters should the land be forfeited.

Acted Through Agents Most of these applications were made through agents. A year or more ago William Pater secured the power of attorneys from many here and made tender for land for which he received \$25 from each. It is

PARTY NEAR DEATH

15 IN AUTO, TIPS OVER ABOVE ALLEGANY

Backs Down Grade, Tire Bursts, and Machine Pitches Over Bank—Several Knocked Unconscious

OCCUPANTS OF CAR

Mr. and Mrs. L. L. Thomas, Mr. and Mrs. M. A. Monson, Mr. and Mrs. Fred Larson, Mr. and Mrs. Joe Josephson, Mr. and Mrs. F. White, Miss A. Underhill, I. Kenney, Hans H. Adolphson, driver, D. Fawcett, George Herron.

Fifteen persons miraculously escaped death Sunday evening when a machine in which they were riding, and driven by Hans Adolphson, went over an embankment eleven miles above Allegany. The machine is one owned by D. L. Foote and had been chartered for the outing.

The machine went down nearly 100 feet. It turned over twice and the occupants were thrown out landing in the brush and the trees at different points down the steep embankment which is almost perpendicular.

Engine Stopped The accident happened on a side road near the Nees place. The party had been for a day's outing and was returning to Allegany. When the auto almost reached the top of a long hill the engine went dead and the brakes refused to hold. Ten feet the machine backed when Adolphson tried to turn it into the bank. The outside rear tire burst at the same time and the machine tipped sideways and went hurtling down the mountainside. Four members of the party were knocked unconscious and Mrs. M. A. Monson was severely injured.

Occupants Thrown Out The first leap of the car was at least 30 feet, according to L. L. Thomas. Through the brush and over stumps the heavy Cadillac fell, dumping the occupants, excepting the driver out at the first turn. The machine rolled over again and landed, so the autoists state, about 90 feet below the road.

Mr. Thomas believes they owe their lives to the brush which aided materially in keeping the car from crushing them as it made the first turn. So heavy was the weight that he said his watch was crushed and a tobacco can in his hip pocket was flattened like a board.

Mrs. Monson Thought Dead Mrs. M. A. Monson was at first thought dead as she was picked out of the underbrush unconscious. Several of the party were stunned and practically every one of them bruised and their clothes torn though no bones were reported broken.

So steep was the grade that the members after recovering formed a human chain and worked their way up to the road. Mrs. Monson was carried up still unconscious and paralyzed.

Help was secured at a farm home about a quarter of a mile away and wagons were secured to carry them to Allegany from which place they left about midnight for Marshfield.

Boat Hits Log Less than two miles below their starting place the gasoline boat Mae, which brought the picnicers up yesterday morning, ran onto a log, and was held there for close to two hours and it was not until after four o'clock this morning that Marshfield was reached.

In a machine Mrs. Monson was immediately carried to her home on Seventh street and is there now under the care of a physician. Mr. Monson said that there was an understanding that there was to be a sharing of the profits if the land was eventually secured. Others charged much higher fees and in some cases the charge made was \$150 for locating settlers on the land or for making tender to purchase. It is said that filings of some kinds have been made on practically all of the valuable land in this county held in the O. & C. grant.

Other Campaigns E. L. C. Farrin was attorney for a large number of those who attempted to secure the land. Some years ago Attorney Reeder who formerly lived here acted for quite a number who sought to get land. Others conducted campaigns of a similar nature and had large numbers of clients.

DAY TURNED INTO NIGHT

Pillar of Fire and Dense Smoke From Sea Obscures Light of the Sun

VOLCANO AT SEA

Terrified Mariners South of Japan But Vessels Escape Any Damage

SEVERE EARTHQUAKE FELT

In Japan Is Worst Known There in Years—Incoming Vessels Say Huge Rocks and Lava Rained Down and Sea Was Boiling

TOKIO, June 21.—Reports of a terrifying volcano eruption at sea south of Japan two days ago were brought into Yokohama by incoming steamers. A pillar of fire and dense smoke obscured the sun and turned day into night. Huge rocks and a quantity of lava rained down into the sea and the waters were described as "Red and boiling." The observing steamers were struck by a tidal wave but escaped damage. The most severe earthquake in years was felt in Japan yesterday.

PORTLAND CORRESPONDENT IS IN PRISON IN RUSSIA WASHINGTON, D. C., June 21.—John Reed, of Portland, Oregon, American war correspondent, and Board Robinson, artist, are under arrest at Kholm, Russia for having entered the military zone without permission. The American ambassador at Petrograd has asked for information to establish the status.

son is suffering from an injury to his back.

The party went to Allegany on a picnic yesterday, leaving here about five o'clock aboard the Mae and on reaching there got into the big machine for a trip. They turned off the road to the right of the Golden Falls road and after enjoying the day, started back as it was growing dusk.

Can Be Repaired Adolphson extricated himself from the auto before it made its second turn and was not badly injured. It is said that the machine is not damaged irreparably and can be brought back up the grade again.

The owner, D. L. Foote, left last night with another machine for Goseburg and is not expected back at least until late this afternoon.

Lose Watches That none of the party were killed is viewed as miraculous as Mr. Thomas states the machine came crashing down over them. He believes it was the brush and stumps that kept its great weight from mashing any of them. Mr. White and Mr. Monson lost watches and money in the wreck which they were unable to find later, and Fred Larson lost his pocket book.

Thought All Killed Miss Underhill was the first one to strike the ground after the auto turned and she cannot understand how it happened as she was between two others in the rear seat and three others were seated above her on the hood. She found herself higher up on the embankment than any of the others and when she looked down she says that she expected to find all of the others dead.

Struck a Tree Mrs. Larson says that she felt herself fly out of the machine and strike in a tree. She received a bad bump on the head and the mark still shows on her forehead. A few minutes later she fell out of the tree onto the ground. Beside her was a tin cup which in the crash had been cut into four pieces, yet she had not sustained any serious injuries herself.

Others Hurt While Mr. White was not hurt his wife had her leg bruised and as she had only recently recovered from a surgical operation the experience was a severe one for her. It is feared that Mrs. Monson has two ribs cracked.

Fred Larson is suffering from a sprained back. Miss Underhill escaped with nothing more than a bruise. George Herron had his ear cut.

D. Fawcett and I. Kinney who are employed on the Larson dredge joined the party on the way up the river. They escaped injury as did also Mr. and Mrs. Josephson. There were fortunately no children of the families in the party.

CONFIRMS REPORT

U. S. CONSUL SAYS FOUR MEXICANS LEFT CABINET

Carranza States That Report That He Had Break With Obregon Is Untrue

DENIES HAVING SERIOUS BREAK

WASHINGTON, D. C., June 21.—U. S. Consul Sullivan at Vera Cruz has confirmed the Carranza agency reports of acceptance of the resignation of four members of the Carranza cabinet and added that their successors will be appointed this week. Previous advices said General Obregon demanded that the officials be retained. This development is regarded as widening the breach between Carranza and Obregon.

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ATLANTA, Ga., June 21.—Leo M. Frank's death sentence was commuted to life imprisonment today by Governor Slaton. Announcement of the governor's decision came several hours after Frank was secretly taken from jail here and hurried to the state prison farm at Milledgeville. Frank had been sentenced to hang here tomorrow for the murder of Mary Phagan in April, 1913.

Makes Statement In making his announcement, the governor dictated this statement: "Feeling as I do about the case, I would be a murderer if I allowed this man to hang. It means I must live in obscurity the rest of my days, but I would rather be plowing in a field than feel for the rest of my life that I had that man's blood on my hands."

CAPTURE A TOWN

GERMANS TAKE RAWA RUSKA FROM THE RUSSIANS

Further Success in Drive Against Lemberg is Made by Berlin War Office

BERLIN, June 21.—Further success in the Russo-German drive at Lemberg was announced by the war office today. It says the town of Rawa Ruska, 32 miles northwest of Lemberg, was captured from the Russians.

QUITS FOR SUMMER

SUPREME COURT ADJOURNS AFTER IMPORTANT DECISIONS

WASHINGTON, D. C., June 21.—The Supreme Court today adjourned for the summer without deciding the International Harvester Oregon Minimum Wage and other important cases pending. It will not meet again until October.

NEGRO GIVEN VOTE WASHINGTON, D. C., June 21.—The Oklahoma constitutional convention today voted to restrict the negro vote today was annulled as unconstitutional by the Supreme Court.

GOVERNMENT WINS WASHINGTON, D. C., June 21.—In a far reaching decision which crowns with victory the government's fight to compel railroads to disincorporate themselves from coal companies, the Supreme Court today ordered the Lackawanna railroad to be enjoined from transporting coal of the Lackawanna Coal company under the so-called 1905 contract, and reversed the decision of the lower courts which was against the government.

MINE OR TORPEDO

NEW YORK, June 21.—Fragments of the hull of a torpedo which damaged the American steamship Nebraska were in possession of the state department at Washington today. They arrived here yesterday from the American embassy in London. They will be examined by experts in an attempt to determine whether they are parts of a mine or torpedo.

Marksmen Shoot.—Members of the Marshfield Gun Club shot yesterday at the traps, though they found it quite windy. Out of 75 birds the following scores were made, William Ekblad, 60; Dr. Dix, 52; Fred Slagle, 52; Don Gardner, 48; W. J. Conrad, 46 and Dr. Houseworth shot 14 out of 25. Both Mrs. Conrad and Mrs. Gardner shot before the men went after the birds.

FRANK ESCAPES DEATH PENALTY

Georgia Governor Commutes to Life Imprisonment Sentence Day Before Hanging

MAKES STATEMENT

Would Not Have Man's Blood On His Hands Whatever Cost May Be

EXCITEMENT AT ATLANTA

Crowds Gather In the Streets and Extra Police Are Put On Duty to Prevent Violence—Prisoner Taken from Jail

ATLANTA, Ga., June 21.—Leo M. Frank's death sentence was commuted to life imprisonment today by Governor Slaton. Announcement of the governor's decision came several hours after Frank was secretly taken from jail here and hurried to the state prison farm at Milledgeville. Frank had been sentenced to hang here tomorrow for the murder of Mary Phagan in April, 1913.

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Crowds Gather When the early reports of Frank's sentence commutation began to circulate, crowds gathered in the downtown streets. The arrest of one man who attempted to dismount a policeman by grabbing the horse's reins stirred one crowd to excitement and they followed the policemen to the city hall. Speakers started to harangue a crowd from the city hall steps but were stopped by an extra force of policemen.

Extra Policemen Although the crowds on the streets did not appear so excited as the day wore on, the police ordered all near beer places closed shortly before 11 o'clock and an extra hundred policemen were put on duty. Orders were issued for the arrest of anyone attempting to incite violence. It is reported a delegation is coming from Marietta, the former home of Mary Phagan.

CITY ELECTION HELD AT BANDON

Three Councilmen Elected and New Measures Proposed are Acted Upon by the People

BANDON, Ore., June 21.—The people of Bandon at the city election carried the proposition to issue \$10,000 in bonds to take up outstanding warrants and also the proposition to issue bonds for the improvement of the water works.

The people defeated the amendment to increase the city tax limit to 15 mills. There was a heavy vote against the purchase of a fire engine. The amendment to make interest on bonds payable annually carried, but the one tending to correct ambiguities in the charter which have caused much expense and trouble in street improvements was defeated.

Councilmen Chosen J. W. Mast and Nels Rasmussen were re-elected councilmen from the east ward and C. C. Johnson from the west ward.

PUBLISHER IS DEAD

William H. Rand, of National Fame Passes Away

NEW CANNAN, Conn., June 21.—William H. Rand, for many years head of the printing and publishing house of Rand, McNally and Co., died here last night at the home of his daughter, Mrs. Henry W. Chapell. He had been ill for some time.

ELKS NOTICE All Elks whether visitors or members of other lodges who reside here, are expected to attend the Birthday Ball given by Marshfield Lodge 1160 B. P. O. E. next Wednesday evening, June 23, without receiving a formal invitation.

Come, Brother Bill, a cordial welcome waits at our birthday party. By order of DANCE COMMITTEE

ELOPES WITH WIFE

CHARLES TOWER CAPTURES HIS SPOUSE AT POINT OF GUN

Fights With Her Companion at Midnight and Whizzes Away Towards Roseburg in Machine

HAD LIVELY CHASE

The taxi was recognized and Tower took up the chase. All over North Bend, so witnesses state, the two machines whizzed in their wild race, the taxi endeavoring to throw off its pursuer.

Woman Objected The woman was drawn into the waiting machine, from which, screaming, she attempted to throw herself. She was stopped and the machine whizzed away bound for Roseburg.

Since the last kidnapping Charles Tower has been working in the barber shop at the foot of Market avenue. Several times he has told his friends that "it was not all over yet." Friday he came again into prominence when he jumped from the dock near his shop to rescue young Jimmy Hoskinson who had slipped from a barge and was close to drowning.

Constable Cox was hurriedly called out of bed last night when Ben Hyde, Mrs. Tower's companion, sought the arrest of Tower for using firearms. The officer told him, according to the constable's statement, that Tower had a right to take his own wife and then went back to bed again.

This morning Hyde asked Judge Penneck for a warrant and was referred to District Attorney Lillqvist. Hyde is a sealer at the C. A. Smith mill. He is a young man. He has called a number of times at the Poole home and it is said that Tower sometimes ago warned him (Hyde) not to pay so much attention to Mrs. Tower.

Several Were Present Phil Emery says that D. L. Foote was not mixed up in the fracas but that Andy Erickson held Hyde while Tower bodily lifted Mrs. Tower from the Lambeth taxi, which Emery was driving, to the Foote car.

Late yesterday afternoon Emery took Tower to North Bend. Tower is said to have broached the proposition of taking him and his wife to Roseburg in the taxi but Emery would not accept his offer. Then Tower is supposed to have arranged with Foote for it.

District Attorney Lillqvist is said to have been appealed to today in the case.

NOT A CANDIDATE

Arthur McKeown Declines Invitation to Run for Director

To the Voters: Having been approached to run as a candidate for school director in Marshfield by some of my friends, I wish to state that under no circumstances will I be a candidate and while appreciating the compliment implied, will not accept it.

ARTHUR McKEOWN

HARD FIGHTING NEAR LEMBERG

The Austro-German Forces are Closing in On the Capital of Galicia

KAISER IS THERE

Personally Directing Campaign Which Generals Think is Nearing Successful End

NEW VICTORY IS CLAIMED

Series of Successes in Fight Against the Russians Said to Still be Unbroken—Petrograd Claims that Czar's Troops are Holding Own

BERLIN, June 21.—Emperor William, it was announced officially today, was present at the battle of Beskid, for possession of Grodek, west of Lemberg.

LONDON, June 21.—According to reports the Austro-German forces are closing in on Lemberg, the capital of Galicia, Rawa Ruska, 32 miles northwest of Lemberg, was captured and Emperor William is directing the campaign which his generals believe is near a successful conclusion.

STILL SUCCESSFUL BERLIN, June 21.—This city and Vienna record a series of successes still unbroken in Galicia. The latest Austria report announces a "New and complete victory." Petrograd admits that the Teutons are further in advance in the Dniester district and north of Lemberg, but says the Russians are still fighting obstinately before the Galicia capital. In the west further successes north of Atras and in Lorraine and the Vosges are reported by Paris. On the Italian front bad weather is interfering with the movements.

MARSHFIELD WINS VICTORS OVER NORTH BEND IN 13-INNING BATTLE

Game is Hotly Contested and Ends 8 to 9—Norway Wins From Powers at Powers

Marshfield won a 13-inning game from the North Benders yesterday by an eight to nine score in one of the most hotly contested games ever held on the bay. Two umpires were worn out and the crowd of 200 fans yelled themselves hoarse encouraging their friends.

In the games of this season the local nine has not lost a game, though the North Benders were "loaded for bear" when they clashed yesterday and it took 13 frames to take out a slender victory. The line ups follow:

Table with 5 columns: Name, AB, R, H, E. Rows include G. Johnson, Burke, Wilson, Fisher, Sneddon, M. Kruger, H. Kruger, Davis, N. Johnson.

Fisher relieved Johnson in the fourth. Struck out, by Johnson, 4; by Fisher, 12; Stolten bases, Sneddon, 1; Burke, 1; G. Johnson, 1; Wilson, 1.

Table with 5 columns: Name, AB, R, H, E. Rows include Gaffney, Harrin, Hyde, Surbeck, Lillebo, Denmore, Murphy, Thomas, Merchant.

Struck out, by Thomas, 4; by Hyde, 4; Stolten bases, 8.

NORWAY WINS

Before a large crowd at Powers the Norway nine is said to have walked away with a 14 to 4 victory.

At Lakeside the team from North Lake came down and defeated Lakeside eight to five in an interesting game.

The Daniels Creek Eastside name was cancelled on account of the death of William King.

KING IS BETTER WASHINGTON, D. C., June 21.—The most optimistic statement of the condition of King Constantine since the operation reached the Greek legation today. He passed a tranquil night and his general condition is very satisfactory.

Big Dance and Basket Picnic in Simpson's Pavilion, Sunday, July 4.