

# GOVERNMENT GIVES REASONS FOR FORFEIT OF RAILROAD GRANT

## Southern Pacific Has No Right at All to Great Tract in Oregon.

### THE HEARING IS DELAYED

Hearing Set for Today Goes Over Until the Last of the Week Before Supreme Court.

Washington, April 19.—Hearing set for today in the United States supreme court of the appeal from the findings of the United States district court at Portland, Or., which forfeited to the government 2,375,000 acres of land because of the alleged failure of the Oregon & California Railroad company to sell the lands in tracts of 160 acres to settlers at \$2.50 per acre, as required by the government grant, has been postponed until later in the week in support of their appeal, the attorneys for the railroad have filed briefs containing nearly 1600 pages of printed matter.

The government is asking for the forfeiture to itself of 2,375,000 acres of land in western Oregon, in accordance with the decree of Charles E. Wolverton, rendered in the United States district court for Oregon July 1, 1912.

The government's brief denies that the Oregon & California Railroad company, of which the Southern Pacific is successor in interest, has any right at all to the lands.

The railroad company contends that the land should not be forfeited for the following reasons: That all rights under the provisions of the grant regarding the manner of selling the lands have been acquiesced in by the government; that the suit is barred by the act of March 3, 1896, limiting the time within which suits may be instituted to cancel patents erroneously issued, and that the suit is barred by laches or undue delay on the part of the government in asserting its rights.

The government's brief in opposition to the railroad company's brief is a law as well, inasmuch as such may be enforced as written, if possible.

Full Compliance With Law. The law should not be impaired or minimized in any wise by construction, says the brief. "All parts should be given effect."

Follow Common Sense Reading.

Further insistence on the literal construction of the act which resulted in the railroad company's getting the lands, the brief says that "the language of the act must be construed to control, unless the plain meaning thereof leads to results so absurd as to force the conviction that the government could not have intended them."

The contention of the brief is that the railroad company has failed to comply with the terms of the grant throughout, and that therefore the act making the grant has been violated, and the grant should be forfeited.

"It is urged that the action of the government in prosecuting this suit is inexecutable," said the brief in conclusion, "because of the delay which has elapsed. But delay is not a defense which can be raised against the government in an equity suit."

Lead Used By Railroad.

It is contended that the government has performed promptly, fairly and fully every stipulation of its contract, while the railroad company has failed to discharge the contractual obligations assumed by it.

"For more than 45 years," says the brief, "the railroad company has used the lands as a security upon which to raise substantially every dollar which

# Montana Millers Complain on Rate

## Assert That Milling in Transit Charges to Portland Should Be Out in Two Parts.

(WASHINGTON BUREAU OF THE JOURNAL) Washington, April 19.—The Royal Milling company of Great Falls, Mont., in an interstate commerce commission complaint against the Great Northern and North Bank roads charges that the 2 cent milling in transit charge on shipments to Portland is excessive. It asks that the charge be made 1 cent a hundred and seeks \$3500 as reparation.

# CAR WRECKED AND WOMAN PASSENGER HAS QUEER ESCAPE

## Mrs. J. R. Dillow Drops Through Car Floor When Trap Is Sprung.

Oregon City, Or., April 19.—A head-on collision between a passenger car and a heavy electric freight engine on the Portland, Eugene & Eastern railroad in West Linn, today, resulted in the passenger car being demolished and Mrs. J. R. Dillow, the only passenger, narrowly escaped death or serious injury.

# AUTO SPEEDERS FINED

Mrs. David Campbell, widow of the Portland fire chief who lost his life four years ago in the Union Oil company fire, was fined \$10 in the municipal court this morning for speeding her Buick sedan on the Sandy road. H. L. Keats, automobile agent, was fined \$10 for speeding on the Sandy road.

# GUN SHOT ENDS ILLNESS

Albert Eckman of 1069 East Thirty-third street, north, yesterday ended his life by shooting himself through the heart while his wife was in the yard feeding the chickens. He had been ill 12 years and confined to his bed for four weeks. Deputy Coroner Smith believes that he has had the gun secreted under his pillow for several days, awaiting the chance to commit suicide. Mr. Eckman was 47 years old. Inquest will be held. The widow and daughter are survivors.

# Use of California License One Charge

Leo Ferry accused of misuse of license tag and of speeding; four others arrested on Powell road.

# Autoists Must Use Mufflers and Dim Lights, Says Albee

Directions have been given by the police by Mayor Albee to drivers of automobiles.

**ROSE CITY PARK**  
This darling 5-room bungalow, only \$3100!  
Easy terms. Let us take you out today.  
**Hartman & Thompson**  
Cor. 4th and Stark

# LEADER OF GANG OF CHECK FORGERS HAS ELUDED THE OFFICERS

## Marshfield and North Bend Flooded by Bad Paper Distributed by Austrian Gang.

### SCHEME WORKED BEFORE

Marshfield, Or., April 19.—The leader of the gang which cashed many checks in Marshfield and North Bend Saturday night is still at large. Officers believe he has left the country. Four Austrians were arrested. One, who gave the name of Joe Davis, it was learned today, is Mat Match. Officers say he gave the checks to others to cash, promising them half the money. The others arrested claim they thought they were doing nothing wrong. They are: Joe Sawchik, who informed the police; Sam Lohar and John Tonovich.

# Reception Parade Will Be Feature of Entertainment for I. I. Boak.

About 40 members of the Woodmen of the World met yesterday and perfected plans for the reception of I. I. Boak, head consul, who will arrive in Portland from San Francisco next Sunday afternoon at 1:50.

# Eastern Woman Wins Suit in Court

Miss Minnie Steed given verdict for \$400.—Defendant Aligned He Gave No Snob Steed.

# Each Listed to Trouble of Other

Railroad men heard the troubles of the other Siders heard the troubles of the railroad men today at the weekly luncheon of the East Side Business Men's club held at the Sagamore club hall, 381 1/2 Morrison street.

# Will Start to Raise F-4 Today

Because Death Lurks Near Sunken Submarine, No More Divers to Be Sent Down Near Honolulu Harbor.

# Elected Head of Automobile Club

C. C. Overmire is the new president of the Portland Automobile club. He was elected by a vote of 12 to 8.

# Autoists Must Use Mufflers and Dim Lights, Says Albee

Directions have been given by the police by Mayor Albee to drivers of automobiles.

# Man Stubbed Toe and Drops Lamp With Disastrous Result

E. Over, of 874 East Sixty-eighth street, stubbed his toe on a rug while carrying an oil lamp last night, and the accident cost him his home. He had trouble also in rescuing his wife and two children.

# MAYOR TO WELCOME HEAD OF WOODMEN WHEN HE ARRIVES

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# MONKEY RUNS WHEN CITY'S PARK OFFICIAL WOULD SHAKE HANDS

Others Passing Along Street Are Given Hearty Greeting by Little Simian.

# PET RUNS FREE ON STREET

James O. Conville Believes That Little Animal Remembers Having Met Him in Zoo.

# Chapman School Closed; 5 Cases Diphtheria Found

As a result of five diphtheria cases discovered among the pupils of the Chapman school, Twenty-fifth and Wilson streets, the school was closed today and will remain closed until Wednesday. It will be thoroughly fumigated.

# Fashion Plate Man Succeeds as Burglar

Residence of W. M. Wilder Robbed of Silverware Valued at Several Hundred Dollars.

# Chaplain Touring Southern Oregon

Rev. W. G. MacLaren, chaplain of the Oregon penitentiary and superintendent of the Pacific Coast Rescue and Protective society, is making a trip through the southern portion of the state.

# Dorothy B. Morton Is Accused of Theft

Warrant Out for Girl, Aged Eighteen, Who Claims to Be a Friend of Well-Known Families.

# Charles Zueblin to Speak Here Tonight

Publisher Editor and Authority on Municipal Development Will Speak on "The Common Life."

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# SADLER MAY JOIN CANTINE

State Will Probably Engage City's Chief Bridge Inspector.

# TO GIVE SOLDIERS JOBS

Civil Service Board Makes New Rule to Make Entrance Easier.

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A complaint charging the theft of \$95 worth of property, including \$10 in groceries, is the basis for a warrant issued out of the municipal court for Dorothy B. Morton, aged 18 years, who claims to be a member of the Mulholland club and an intimate friend of the late John H. Mulholland.

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President of the Canadian Pacific to Pay Visit.

# Sir Thomas O'Shaughnessy Is Expected to Arrive Here Next Friday in Private Car.

Sir Thomas O'Shaughnessy, president of the Canadian Pacific, who has been visiting the San Francisco, will arrive in Portland in his private car Friday morning on his way back to Montreal.

# Germans Attack French Fortress

No Serious Damage Follows Bombardment of Belfort; French Gain Ground on Drive Toward Rhine.

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# SLUGGERS BUSY IN CARPENTERS' STRIKE

## Police Called When Attempt Is Made to Attack One Employer.

### ARBITRATION ATTEMPTED

Lathers Imported to Take Place of Strikers and Police Prepare for Keaps of Trouble.

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# Woman Wants to Adopt Baby Boy Two Months Old

Have you a baby boy, under 2 months of age, that you want to give away?

There is a well-to-do farmer woman living near Portland who has promised that she might adopt a baby about two weeks ago, and last week she was almost broken hearted when she learned that the youngster had been given to someone else. So she has appealed to Mrs. Wilham Chandler-Crouse, assistant superintendent of the women's protective division of the department of public safety, and says that she will not rest until she has succeeded in adopting a baby. So Mrs. Crouse has issued a broadcast call for help, and asks that mothers with infants that come up to specifications apply to her in the division offices at police headquarters at 9 o'clock tomorrow morning.

# AMUSEMENTS

**TONIGHT IS MUTE'S NIGHT**  
HEILIG...  
**TONIGHT \$11-ALL THIS WEEK**  
**BARGAIN MAT-WED.**  
Floor, 31; Bal., 75c, 50c, 35c, 25c.  
**ROCK and FULTON**  
In the Musical-Comedy Hit.  
**CANDY SHOP**  
Excellent stock stationing chorus. Rehearsal lower floor \$1.50; balcony \$1.75, 50c; gallery 50c.

**BAKER**  
THEATRE  
Geo. L. Baker, Mgr.

**DANTAGES**  
MATINEE DAILY 2:30  
THE EIGHT ENGLISH FORGET-ME-NOTS in the Latest London Act.

**EMMA CARUS**  
Would heal all your worries. This woman is a Real Comedienne with a bundle of new songs.

**EAT! DRINK!**  
**Dr. Albert's Scientific Health Food and Drink.**  
This new and valuable food is now within the reach of the public.

**Tonight, Tuesday Wednesday**  
Emma Carus, Harry Cooper, Tracey & Stone, The Marvelous Manchurians, Lee & Cranston, Two Carletons.

**TURNER AND TURNER**  
50-CENTS--25  
Matinee Each Day

**WOLFE THEATRE**  
FARK, WEST PARK, NEAR WASHINGTON.  
Open Daily, 7:00 to 11 P. M.  
Sunday 10:30 to 11 P. M.

**IMPORTANT**  
The National, as usual, presents for the beginning of the week a bill of unusual excellence.

**TODAY AND TUESDAY THE WHITE MASK**  
Three-act feature drama, with Lilite Leslie and a coterie of stars.

**AMATEUR NIGHT TONIGHT**  
Featuring an unusual galaxy of local celebrities. Don't miss this. 10c—WORTH MORE—10c