Oregon Historical Society
City Hall

SECOND EDITION

MEDFORD MAIL TRIBUNE

WEATHER
Probable rain. Max. 63, Min. 30.

Daily—Sixth Year.
Forty-First Year.

MEDFORD, OREGON, TUESDAY, FEBRUARY 20, 1912.

No. 285.

DUMMY ENTRYMEN FOR PUBLIC LANDS LEGALIZED BY UNITED STATES COURTS

Federal Judge Gilbert Upholds the Right of Corporations to Utilize Fake Settlers in Acquiring Timber Lands From Government—Neither Party Liable to Charges of Fraud or Conspiracy as Result of Agreement, and Corporation May Be Declared Innocent Purchaser.

WORST BLOW TO CONSERVATION OF LANDS TO ACTUAL SETTLER AS YET DELIVERED

Case Is One Brought in Idaho Fraud Cases Where an Attempt Was Made to Set Aside Title to Lands Acquired by Use of Dummies.

Upholding the right of corporations to use "dummy" entrymen for the acquisition of public timber lands, so long as they don't "know" that the entries are a fraud on the government, Judge W. B. Gilbert of the United States circuit court of appeals is on record in San Francisco today. In his decision denying the appeal of the government against a grab of lands in Idaho, Judge Gilbert said:

"The decision of the present case is ruled by the legal principles announced in the Budd case and the Clark case. Those decisions are authority for the proposition that a person or corporation desiring to acquire title to a large body of timber lands of the United States under the timber and stone act may express that desire to another and may enter into an agreement with him to buy the lands upon his obtaining title thereto; and may loan him money with which to acquire title, and may inspect and select the lands, and that such person or corporation is not bound to inquire into the method by which the other party to the contract acquires title and is not chargeable with knowledge of any fraud upon the land laws that he may resort, and that in taking titles based upon the issuance of final receiver's receipts to the entrymen without actual knowledge of such fraud or of facts sufficient to put one upon inquiry, such person or corporation is an innocent purchaser of the lands.

SAN FRANCISCO, Cal., Feb. 20.—"The worst blow conservation of public lands to the actual settler has received in many years."

This is the verdict of conservationists here today on a decision handed down by Judge W. B. Gilbert of the United States circuit court of appeals, in the case of the Barber Lumber company, former Governor Frank Steunenberg of Idaho and others, for alleged conspiracy to defraud the government of large tracts of timber lands in Idaho. Judge Gilbert's decision practically allows the use of "dummy" entrymen by land grabbing corporations in unlimited numbers, this use to be limited only by the proviso that the corporation must not "know" that their entries are fraudulent.

The decision handed down by Judge Gilbert came as an affirmation of a ruling of the United States circuit court in connection with the filing of applications of 240 entrymen on Boise basin, Crooked river and Six-Four lands in Idaho in 1901 and 1902. Investigating the entries, the government instituted proceedings against the Barber Lumber company, James T. Barber, Sumner G. Moon, William Sweet, John Kinkaid, Louis M. Pritchard, Patrick H. Downs, Albert E. Palmer and Horace S. Rand, in which it was charged they had conspired to defraud the government by conspiring with former Governor Steunenberg of Idaho, John I. Wells and others to gain unlawfully large quantities of public lands by the use of dummy entrymen.

After a long hearing the United States circuit court decided in favor of the Barber corporation and dismissed the government's complaint on the ground that there was not sufficient evidence to connect its officers, Steunenberg and the others named with the alleged conspiracy.

The government then appealed from the United States circuit court's decision to the United States circuit court of appeals and it was in a final finding for the Barber company, the appellees, that Judge Gilbert's decision was handed down.

MISSOURI DEMOCRATS FOR CHAMP CLARK

JOPLIN, Mo., Feb. 20.—Champ Clark will be endorsed by the democratic committee late today and eight delegates at large will be instructed to vote for him at Baltimore convention. It is believed an attempt will be made to have Woodrow Wilson named as second choice.

1000 BRIGANDS ARE BEHEADED

Chinese Robbers Terrorize Country—Four Thousand Still Remain—Citizens Forced to Seek Protection in Walled Cities.

TIENTSIN, Feb. 20.—The town of Macheng, some distance in the interior, is besieged by brigands. Strong armed bodies are able to get in and out, but except when accompanied by escorts running into the thousands, the citizens dare not venture outside the walls and are compelled to be continually on the alert to prevent the brigands from breaking in.

In the various attempts that have been made to stamp out the outlawry, the authorities have lately captured and beheaded nearly 1000 men, but it is estimated that fully 4000 brigands remain.

MEXICAN REBELS DEFEATED IN BATTLE

MEXICO CITY, Feb. 20.—Reports received here today say that a big battle was fought near Cuerna Vaca. No estimate of casualties is given. A report received here says that the rebels also were defeated near San Pedro, north of Torreon.

Central League Meeting.

FT. WAYNE, Ind., Feb. 20.—The magnates of the reorganized Central league rounded up here today to adopt a schedule and put the finishing touches to all other arrangements preliminary to the opening of the season of 1912. The club owners are looking forward to a prosperous year. Since the close of last season the organization has expanded from an eight-club to a twelve-club league. The circuit is regarded as a compact and well-balanced one, comprising South Bend, Terre Haute, Wheeling, Dayton, Ft. Wayne, Zanesville, Grand Rapids, Canton, Springfield, Akron and Erie. According to the present plans, a schedule of 132 games will be played, the season opening the third week in April and closing labor day.

BRANDT'S TALE DESCRIBED AS WICKED PLOT

Effort to Free From Prison Schiff's Former Valet Is Alleged by Attorneys to Be Base Conspiracy Designed to Reflect on Women.

DEMAND BROAD INQUIRY, EXPOSE STORY'S ORIGIN

Brandt Says That Rather Than Have the Women Involved He Will Stay in Prison.

NEW YORK, Feb. 20.—Charging that the efforts to free from prison Folke E. Brandt, former valet to Millionaire Mortimer Schiff, "is a conspiracy, a wicked tale, designed to reflect on the honor of a virtuous wife and mother," Delancey Nicoll, attorney for Schiff, declared in open court today that he would prove his assertions to the world and would drag into the light a certain newspaper publisher who had used Brandt to strike at the millionaire.

At the hearing before United States Commissioner Hand, who was appointed by Governor Dix to investigate the Schiff-Brandt case, Nicoll said:

Demand Broad Inquiry.

"We demand the broadest inquiry. We want every detail of the shameful story made part of the record to be submitted to the governor. I will drag it all into the light and show that Brandt said he was in the house on an invitation from Mrs. Schiff. I will show how the story was conceived and also those who aided him in publishing it. Schiff intends that the entire story be made public so that the responsibility may be shown."

Myraheau Towne, who is representing Brandt, resented Nicoll's statements, declaring that rather than the woman should become involved, Brandt was willing to spend the remainder of his term in prison.

Detective Joseph Woolridge, who arrested Brandt, testified regarding the alleged manufactured record, on the strength of which Judge Rosalsky sentenced Brandt to 30 years imprisonment.

Detective Reopened Case.

The case against Brandt was reopened when a detective who is alleged to have figured in a statement to send the valet to prison to save a woman member of the Schiff household, admitted that the confession signed by Brandt to robbery charges was a "frame-up." The understanding was, according to the detective, that Brandt was to be given "a chunk of money" and sent out of the country.

Special Commissioner Hand ruled that Governor Dix must decide whether Schiff and his wife and Attorney Gans be allowed to testify, thus securing immunity. The hearing was adjourned pending the governor's decision.

YUAN SHI KAI WAITS RECOGNITION

PEKIN, Feb. 20.—Yuan Shi Kai today is awaiting recognition by the world powers of his election as president of the Chinese republic. He has prepared a notification of his election and asked recognition. It is not believed that recognition will be accorded him until a cabinet has been appointed.

MASKED BANDITS SECURE $3500 PAYROLL CASH

MOGOLLON, N. M., Feb. 20.—Posses from Silver City today are in pursuit of masked bandits who robbed the Mogollon Mercantile company's store here, killed C. A. Freeman, its manager, and William Clark, a clerk, and fled with $3500 in cash, the payroll of the Mogollon mines.

Both Freeman and Clark showed fight when the bandits entered the store and were shot dead in a struggle over the cash.

PITTSBURG, Pa., Feb. 20.—Four persons were killed and ten seriously injured here today when a three story brick building partially collapsed.

TAILORS IN NATIONAL CONVENTION DISCUSS SPRING STYLES AND ARGUE AS TO WHICH CITY CAN BOAST OF BEST DRESSED MEN

Spring styles for mere man are being discussed at the National Association of Merchant Tailors, now in annual session in New York. They incidentally have waxed warm as to which city can boast of the best dressed men, but at the last bulletin they had not come to any definite conclusion on that score. They are arranging the styles for us poor men, however, and whether fat or lean we will have to be satisfied.

COMPENSATION ACT TO BENEFIT RAIL EMPLOYES

President Taft in Special Message Urges Passage of Law Provided for Establishment of Scale for Injuries Received by Workmen.

WASHINGTON, Feb. 20.—In a special message to congress President Taft urges the passage of laws providing for the compensation of railroad employes for accidental injuries, to be fixed in accord with the positive scale recommended by the employers' liability and workmen's compensation commission. The message declares that the theory of the commission is that each employe be insured against injury sustained in work, without reference to contributory negligence and without common law limitation on the liability of the employer. The message says:

"The details of the measure are admirably worked out. They provide medical and hospital service for the injured man, notice of injury to the employer where such notice is not obviously given by the accident itself and the fixing of compensation by agreement. The amount of recovery is regulated in proportion to the amount of wages received, the compensation to be made in form of annual payments for a fixed number of years or for life. The fees paid to attorneys are to be specifically remedied, and the remedies offered are exclusive of any others."

President Taft declared that the greatest evil the law would destroy is the multitude of suits under the common law, which now clog the courts, postponing final adjustment through the law's delay.

SCHMITZ JURY FILLED EVIDENCE WEDNESDAY

SAN FRANCISCO, Cal., Feb. 20.—The Schmitz jury was filled by the selection of John Otten, a retired grocer, and the trial of the former mayor of San Francisco on a charge of bribery in connection with the gas rate ordinance will proceed tomorrow morning.

The first witness called probably will be former Supervisor Andrew M. Wilson, whom Schmitz is specifically charged with having bribed.

Ad Men Meet in Leavenworth.

LEAVENWORTH, Kan., Feb. 20.—The annual convention of the Southwestern division of the Associated Advertising clubs of America began in this city today with a large attendance of prominent advertisers and agents from Missouri, Oklahoma, Kansas, Texas, Arkansas and several other states.

SEEK HIGHWAY TO HUCKLEBERRY MOUNTAIN SIDE

Ashland Man Endeavoring to Secure Indorsement of Commercial Clubs of Valley Asking County Court to Construct Road for Tourist Travel.

H. Hurn of Ashland spent Tuesday in Medford, interesting citizens in an effort to construct a highway into the famous huckleberry patch on Huckleberry mountain. He seeks the endorsement of the Medford Commercial club and will present the matter to every commercial club in the valley, Gold Hill already having endorsed the project. He said:

"Huckleberry patch is one of the attractions of southern Oregon. Several thousand persons visit it each year, and many more would, if it were made accessible.

"The road will leave the Crater Lake highway in the forest reserve and follow the present road as far as it goes. Its total length will be two and a half miles. It will cost about $1400.

"Citizens of Klamath county have raised $500 to help construct the road. We will ask the county court of Jackson county for the balance. The forestry service will brush the road for us and keep it in shape when it is once constructed."

INDICTMENTS FOR THREE RAILROADS

Federal Grand Jury at Chicago Accuses Officials of Rebating in Transporting Theatrical Companies by Advertising Upon Programs.

CHICAGO, Feb. 20.—The United States grand jury today returned indictments against three railroads, two passenger agents and a number of theatrical concerns charging them with rebating in the transportation of burlesque companies by a scheme whereby the railroads paid excessive prices for advertising on theatrical programs.

Indictments were returned against the Big Four, Michigan Central and Lake Shore railroads and Passenger Agents Harry Rhein and William Underwood; Rud Hyneka of Cincinnati, a lieutenant of George B. Cox, former political boss of that city; James Fennessy, a manager of a burlesque company; the Houck Opera company of Cincinnati; the Enquirer circuit company of Cincinnati and the Columbus Amusement company of New York. It is alleged the companies rebated 25 per cent of railroad fares.

CHALONER TRIES TO PROVE HE IS NOT LOONEY NOW

Because a Man Thinks He Resembles Napoleon Is No Reason to Doubt Sanity, Urges Attorney—Seeks Recovery of Inherited Astor Millions.

NEW YORK, Feb. 20.—Because a man thinks he resembles Napoleon is no reason to declare him insane, was the reasoning of John Armstrong Chaloner's attorneys here today when the re-named scion of the house of Chaloner began suit before United States Judge Holt to recover millions inherited from his "Astor ancestors" and which have been withheld from him since he was declared insane by the New York courts.

Chaloner, whose original name was John Armstrong Chanler, was prominently before the public years ago when his brothers, former Lieutenant Governor Chanler of New York, and "Sheriff Bob" Chanler, husband of Lina Cavalieri, had him declared insane. Chaloner fled from New York and has since been living in exile in Virginia. He came notably into the public eye again when "Sheriff Bob" was reported to have signed over half his fortune to the singer. Chaloner then wired to Paris: "Who's loony now?" and the expression became a slang classic.

Chaloner probably will come to New York under the protection of the court to tell during the present suit how he was declared insane. When the suit was opened today Attorney Ware, for Chaloner, introduced photographs to show his client's resemblance to Napoleon Bonaparte in the effort to show his alleged halucination on that subject was not a hallucination at all. He offered as evidence an affidavit of Princess Troubetskoy, Chaloner's divorced wife, declaring him sane, but the court refused to admit this.

MISSOURI FROZEN TO KANSAS CITY

KANSAS CITY, Mo., Feb. 20.—The Missouri river today is frozen practically all the way from Kansas City to Fort Benton, Mont. A sudden movement of the ice would result in the demolition of many bridges. River boats here and at Dewitt, Mo., are in danger from ice gorges.

JULIA MARLOWE ILL AND OPERATED UPON

WASHINGTON, Feb. 20.—Julia Marlowe, famous actress, is in a hostion for a slight affection of the tion fo ra slight affection of the throat. The operation, while painful, was not dangerous.

DIAZ PLEASED WITH REVOLT MADERO FACES

Deposed Perpetual President Watching Revolution Against Madero With Keenest Satisfaction—Says Army May Desert.

DEAREST WISH IS PEACE FOR DISTRACTED COUNTRY

Living Contentedly With Wife in France, and Views Mexico From Afar.

TOULON, France, Feb. 20.—Porfirio Diaz, who is watching the revolt in Mexico with much interest, finds keen satisfaction in his belief that Francisco I. Madero, who succeeded him as president and who drove him from power and "stole his hitherto uncontested popularity," is now paying dearly for his thirst for power.

The aged ex-president and his beautiful wife are living in seclusion at Cape Dial. Long walks in the sunshine and the bracing air from the Mediterranean seem to have restored his health. Diaz is in excellent spirits and does not attempt to conceal the satisfaction he derives from President Madero's troubles. He insists, however, that his greatest desire is that peace should be speedily restored in Mexico.

Likely to Be Deserted.

According to Diaz, the followers of Madero believed when they made him president that Haciendas would be partitioned among them and they would soon enjoy an era of great prosperity. When they found Madero would not do this they became disgruntled and the present revolution resulted. If Madero attempted a dictatorship, Diaz said, both the army and the people would forsake him.

"However," said Diaz, "my peculiar position probably prevents me from forming a correct opinion. My dearest wish is that peace will be promptly restored. I have no desire to take a hand in Mexican affairs. My reason for quitting the presidency when I had every facility for crushing my enemies, was my desire for peace and my unwillingness to oppose the national will.

Is Living Contentedly.

"I am living contentedly here with my wife. I do not know that I shall ever return to my native land, for while I shall always have the greatest reverence and love, I would be greatly pleased if Mexico succeeds in shaking off the evils that beset her and is speedily restored to the state of peace and prosperity which her people should be able to enjoy."

MARKET DECLINES AND THEN RALLIES

NEW YORK, Feb. 20.—Trading was light and declines small at the opening of today's stock market. Canadian Pacific was exceptionally weak, being off 138. The metal stocks were also heavy. Later the market stiffened and Bethlehem Steel preferred rose 2, General Electric 1¼ and Westinghouse 1. The rest of the list was sluggish.

The market closed steady.

Bonds were firm.

Schedule Makers at Providence.

PROVIDENCE, R. I., Feb. 20.—With reports of all the baseball clubs in the circuit present, the schedule meeting of the International league, formerly known as the Eastern league, began here today. While the gathering of the club owners and managers is primarily to adopt a schedule for next season and the arrangement of the playing dates will be the chief topic, several other matters of more or less importance are expected to come up for discussion. Among other things, it is said, a plan will be proposed and discussed for the league to buy out the Montreal franchise next year, unless the attendance in the Canadian metropolis shows a big improvement in 1912.