

## RAILROAD MULCTED OF 2,300,000 ACRES OREGON LAND BY FEDERAL COURT

### ESPEE LOSES LAND GRANT BY COURT DECISION

Federal Judge Wolverton Holds That 2,300,000 Acres Left in O. & C. C. Railroad Grants Forfeited Account of Non-Compliance.

Appeal Taken to Court of Appeals at Once—Attorneys For Railroad Decide Not To Argue Case.

PORTLAND, Ore., April 29.—United States District Judge Charles S. Wolverton this morning announced that the 2,300,000 acres of lands left of grants made in 1866 and 1870 made by the government in order that the Oregon and California might be constructed is forfeited because of failure on the part of the company to comply with terms of the grant. The decision came when attorneys for the railroad company decided not to argue the case, which was set for this week. It will be appealed to the United States circuit court of appeals at once.

The Oregon & California suit has been pending in the federal court for over a year, following an act of congress authorizing the government to sue for the balance of the land that has not been sold from the grants of 1866 and 1870. The railroad company received the lands on a condition that they would be sold to prospective settlers at \$2.50 an acre, and this, the government charges, they did not do.

The lands involved in this suit are located in practically every county in Western Oregon and northwestern California, and should Judge Wolverton's decision be upheld in the court of appeals, will throw the land open to settlement.

Judge Wolverton's decision ends all litigation for the present in Oregon in the famous land grant suit which has been pending for five years. The action of the defense in not arguing the case came as a surprise.

The principal action in the suit came in 1909, with the arguing and overruling of a demurrer filed by the defendants.

In his decision the judge held that the Oregon and California violated the law of the land grant in selling the land to people in quantities in excess of 160 acres each, and at prices exceeding \$2.50 per acre.

### CANADIAN PACIFIC PLANS NEW LINE TO PUGET SOUND

TACOMA, Wash., April 29.—Recently published reports that the Canadian Pacific railway intends building a new line from the Rocky mountains to Puget Sound are strengthened today by the receipt of a cable message from Sir Thomas Shaughnessy, president of the company, now in London. Sir Thomas' message says that the company is prepared to spend \$100,000,000 instead of \$50,000,000 heretofore reported to be the amount. This money already has been raised.

"Since my arrival in England," says Sir Thomas, "my attention has been called to a published report that an expenditure of \$50,000,000 is contemplated this year in laying double tracks, constructing branch lines and putting a tunnel through the Rocky mountains which would provide an alternative route with a much easier grade than now exists, and through which electricity could be used, if required.

"The report can only refer to western Canada for, as a matter of fact, our contemplated expenditure over the whole system for the near future will be more like \$100,000,000, exclusive of expenditure on rolling stock."

### RUSSIA BACKS MONTENEGRO IN AUSTRIAN WAR

Speedy Declaration of War Indicated at Vienna—Prince Danilo Prepares To Bombard Austrian City—Conflict May Involve All Europe.

Turkey Supports Essad Pasha For King of Albania French Advised Montenegro Will Give Up.

VIENNA, April 29.—Following a two hour's conference with the emperor tonight, Foreign Minister Von Berchtoldt, semi-officially stated that Austria would deliver a twenty-four hours ultimatum to Montenegro tomorrow morning.

The ultimatum will command Montenegro to evacuate Scutari. If the Montenegrins have not evacuated by Thursday morning, Austria will immediately move troops across the frontier and formally declare war, it was said.

VIENNA, April 29.—Speedy declaration of war between Austria and Montenegro is indicated here today in a statement by Emperor Franz Joseph, by the slumping shares on the Bourse and by continued consultations between the emperor and Grand Duke Franz Ferdinand and the cabinet and the army generals. The optimists are hopeful, but the emperor declares he is determined to drive the Montenegrins out of Scutari.

Reports from the Balkan States are alarming. Prince Danilo of Montenegro is on the march to occupy the heights dominating Cattus an Austrian city, and it is reported may bombard that place. Danilo also will be in a position to avoid the Austrians landing at Antivari.

There is apprehension that the conflict will involve the rest of Europe. Russia is not participating in the London conference and is reported to be secretly aiding Montenegro. It is feared that if Austria follows on her threats Russia will openly defend the smaller nation. Such a move would involve Germany and what would happen thereafter is problematical.

PARIS, April 29.—Turkey is backing Essad Pasha's claims to the throne of Albania, according to a despatch from Constantinople to a news agency here today. It is stated that the Porte has instructed the Turkish diplomats in the various European capitals to support Essad Pasha. It is reported that Essad Pasha proclaimed himself king of Albania in order to retain the Turkish suzerainty over that country.

The French government is secretly advised that Montenegro will ultimately abandon Scutari without a fight, it is reported.

### ESPEE REQUEST EXTENSION OF TIME

WASHINGTON, April 29.—Extension of time for the Harriman merger decision to become operative is asked in a memorandum filed by attorneys for the Union Pacific and the Oregon Short Line with the supreme court today. The memorandum declares that the extension until July 1, as Attorney General McReynolds proposes, is inadequate. It suggests that the Utah federal judges be allowed to use their discretion in fixing the time for the decision to go into effect.

### FROST IS PREDICTED FOR ALL OREGON TONIGHT

PORTLAND, Ore., April 29.—Oregon: Showers tonight or Wednesday. Light frost west, heavy frost east portion tonight. Westerly winds.

### BRYAN AWAITS WILSON'S ORDERS AT SACRAMENTO

No Further Conference To Be Requested Before Night—Morning Spent As Guest in Senate Chamber Listening to Debates.

Appreciates the Treatment Received Since Arrival—Visit a Genuine Pleasure Declares Nebraskan.

SACRAMENTO, Cal., April 29.—Indications this afternoon were that no further conference with the legislature would be requested by Secretary of State Bryan before tonight. Bryan spent the entire morning as a guest in the senate chamber. During lulls in the business he held informal receptions on the president's stand, chatting with the legislators. It is evident that Bryan is awaiting further messages from Washington.

Bryan announced that he would return here from San Francisco tomorrow night.

"I am not certain when I will return east," he told a United Press representative. "I cannot state at this time what further action will be taken by President Wilson or whether I will have a statement to make before leaving for Washington.

"I appreciate very much the attitude of both these favoring and those opposing anti-alien legislation among the legislators, both toward me and my mission here since my arrival. My visit to Sacramento has been a genuine pleasure."

Bryan was greeted with hearty applause as he entered the senate chamber shortly before noon today, during an argument over the anti-capital punishment bill. Bryan took a seat at the president's desk and listened with intent to the proceedings.

### POLICE CAPTAINS STAND TRIAL ON CHARGES OF GRAFT

NEW YORK, April 29.—Charged by the state with graft and the subsequent bribing of witnesses to stay out of the jurisdiction of the courts, the trials of former Police Inspectors Dennis Sweeney, James Hussey, James Thompson and John Murtha began here today.

The charges under which the men are being tried come under the general heading of "conspiracy to obstruct justice." If the conspiracy charges fail to hold, the men probably will be tried later on a direct graft charge.

### WILSON TO CONFER ON WOOL AND SUGAR

WASHINGTON, April 29.—President Wilson today arranged for a conference Thursday with western and southern senators who are opposed to his free wool and sugar plans.

### CHARLEY HORN VICTOR OVER GEORGE BROWN

TAFT, Cal., April 29.—Charley Horn, an easy victor today over Geover Brown, following five rounds of one-sided milling here. The men were scheduled to box twenty rounds. After having his man all but out on two previous sessions, the San Francisco heavy applied the sleep wallop in the fifth and Brown went down to defeat.

### JAPANESE PREMIER, RADICAL LEADER, AND GOVERNOR JOHNSON, CHIEF FIGURES IN THE PRESENT TROUBLE.



Count Yamamoto, Count Okuma, Governor Hiram Johnson.



Trouble between the United States and Japan over the proposed anti-alien land ownership act of California has brought into notice again Count Yamamoto, the premier; Count Okuma, who has done much to stir up the trouble, and Governor Hiram W. Johnson of California, late candidate for vice-president on the progressive ticket, will become important figures in the situation.

While the Japanese premier has done much to restrain anti-American feeling in Japan, the populace there has looked largely to Count Okuma. He answered the other day with the statement that nothing but the influence of Christianity could prevent war between the two countries. He said he hoped the influence would be exercised. He has addressed several large meetings where much anti-American feeling was shown.

### CALIFORNIA TO KEEP ON HANGING ALONG OLD LINES

SACRAMENTO, Cal., April 29.—With Secretary of State Bryan looking on, the state senate today defeated Senator Bryant's anti-capital punishment bill, fifteen to twenty-three.

The action of the senate means that capital punishment will not be abolished in California by the present legislature.

Senator Gates, declared, in a long speech that until the Los Angeles explosion he had always stood and fought for the abolition of capital punishment. He contended that it was the shadow of the gallows alone that forced "those responsible for the destruction of life," to confess, and for that reason said he was in favor of retaining capital punishment.

### LAUNCH OVERTURNS; NEWSIE LOSES LIFE

VENICE, Cal., April 29.—Eddie Willis, 10, a newsboy was drowned and sixteen sailors of the battleship Maryland narrowly escaped death when one of the ship's launches overturned off the breakwater. The launch became fast on the breakwater and capsized after it had been pulled from its position by a second launch. The sailors, clinging to the overturned craft, were rescued by lifesavers.

Willis had gone aboard the ship to sell papers. His body had not been recovered late today.

### WILSON STANDS PAT; SO DOES GOLDEN STATE

President Insists That Words "Ineligible To Citizenship" in Bill Now Pending Violates Treaty—Governor Johnson Also Stands Pat.

Bryan's Mission a Failure, So Far As Changing Result of Legislation—Public Sentiment Demands It.

WASHINGTON, April 29.—President Wilson is standing pat on his attitude in the California anti-alien land law matter. He insists that the words "ineligible to citizenship" contained in the bill now pending before the California legislature violates the treaty now existing between Japan and the United States.

This was the only announcement from the white house following today's meeting of the cabinet. John Bassett Moore, counselor for the state department, occupied Secretary of State Bryan's chair at the meeting. The cabinet listened to telegrams exchanged between President Wilson and Secretary Bryan and decided that Bryan had handled the situation satisfactorily.

### Governor Stands Pat.

SACRAMENTO, Cal., April 29.—Governor Hiram W. Johnson and the California legislature are standing pat, a bill excluding all aliens ineligible to citizenship will be passed, and the mission of Secretary of State William J. Bryan will result in failure.

This in a word is the situation in the Japanese imbroglio here today, so far as anyone can tell from the outside. From the hour when it was first known that President Wilson desired to send Bryan to California it was predicted that Johnson would not recede from the stand he and his administration had taken. It was declared that the pressure of public opinion in the state called for a law excluding the Japanese, in such strong form that Johnson simply could not resist, whether he wished to or not. Today it seems as though these predictions have been fully fulfilled, and unless President Wilson, in messages to Bryan today, can set forth some stronger argument than Bryan has yet presented, there is hardly a doubt that action directed almost specifically against the Japanese will be taken by the California legislature.

### Wait Word from Wilson.

At present, the situation halts pending receipt of some further message from Washington, in answer to telegrams sent by Secretary Bryan last night. It was expected that the president's ambassador to California would hear from his principal and immediately afterwards a conference with the legislature would be held. Unless at this conference Bryan is able to impress the legislators with a necessity for delay, it is not probable that there will be further efforts made, through his means, to block California's expected action.

The secretary probably will go to San Francisco tomorrow as the guest of the Panama Pacific exposition.

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### BRYAN LAYS Y. M. C. A. BUILDING CORNERSTONE

SACRAMENTO, Cal., April 29.—After laying the cornerstone of the local Y. M. C. A. building today, Secretary of State William J. Bryan received a long eulpher message from President Wilson believed to be an answer to Bryan's reports on the attitude of the California legislature regarding pending anti-alien land laws.

The message, it is said, contains further instructions for Bryan and another executive conference is expected during the day, when Bryan again will take up the discussion of anti-alien legislation with the legislators.

### WAREHOUSES RIGHT-OF-WAY TO BE REMOVED

Notice Served on T. B. Theiss to Vacate and Wreck Building Just North of Main Street—Other Buildings To Go Soon.

Southern Pacific at Work on Plan of Beautifying Property Owned by Them in Heart of City.

That all of the buildings and warehouses on the Southern Pacific right-of-way for a block north and south of Main street are to be removed, and that the officials of the company at work on some plan for the beautification of the two blocks, became known today. The next warehouse to go will be the former home of the Medford Grocery company owned by T. B. Theiss. Notice has already been served on Mr. Theiss to vacate and wreck the building. Other notices will follow as rapidly as leases expire. The wrecking of the Davis warehouse is nearly completed.

The plans of the company for the beautification of the two blocks are not yet determined but it is believed that they will be parked and shrubbery and trees planted.

For several years past the old warehouses, erected when the city was in its infancy, have been eyesores and several attempts have been made by citizens to have them removed. The railroad company however failed to take any action until recently.

With the parking of the two blocks the heart of the city will be made far more attractive to strangers passing through on trains.

### DEMOCRATS WILL DICTATE TARIFF SAYS UNDERWOOD

WASHINGTON, April 29.—Representative Oscar of Alabama, leader of the majority in the house, today served notice on the republican minority that the democratic members propose to dictate the tariff and will stand responsible for the results.

Speaking in the house, Underwood said:

"It's our business to frame this tariff bill and we alone are responsible. We don't propose to let you republicans write this bill."

### YOUNG JAP SUICIDES AS PROTEST OVER BILL

CHICAGO, April 29.—As a protest against proposed legislation unfavorable to his race in California, Lar Kie Kum, a young Chicago Japanese, put a bullet in his brain in his quarters here and is dead today. It is believed he went insane as the result of brooding over the proposed anti-alien land laws in California.

### MILLIONAIRE'S SON HELD FOR FORGING A CHECK

SAN FRANCISCO, Cal., April 29.—Charged with signing a fictitious check on a St. Louis bank to pay a \$60 taxicab bill here, Myron M. Friede, twenty-one, who says he is the son of J. M. Friede, vice-president of a wholesale jewelry firm in St. Louis and multi-millionaire, is under arrest here today. Following his booking at the police station Friede is said to have admitted the authorship of the worthless paper.

Friede came here several weeks ago, and lived at hotels. Up to the time of his arrest he was seen frequently with an actress whose name is withheld.

### BULLET IN HEAD FOLLOWS AUTO TRIP

RENO, Nev., April 29.—Following an automobile trip with his wife and friends, Thomas J. Kirk, Jr., of Sacramento, Cal., son of a former state superintendent of California schools, put a rifle bullet through his head and is dead today.

Kirk had the automobile party wait outside. Then he hastened into a room and blew out his brains. Alarmed at his long absence, members of the party investigated and found him dead. Marital troubles are said to have caused his act.