

SUIT TO RESTORE LAND GRANT LOST BY GOVERNMENT

Unsold Portion of O. & C. Land Grant Amounting to 2,300,000 acres. Valued at \$50,000,000, Kept by Railroad—Congress Given Six Months to Regulate Future Sales.

Approximately \$150,000 in taxes for the past two years is due Jackson county from that portion of the O. & C. land grant within its borders.

WASHINGTON, June 21.—The government today lost its suit in the supreme court to forfeit the unsold portion of the Oregon & California railroad land grant, amounting to some 2,300,000 acres and valued at \$50,000,000.

The railway company was enjoined, however, from future sales in violation of the conditions of the grant, until congress has had reasonable time to act.

Justice McKenna, for the court, held the government's position in claiming the conditions to the grant about sale were conditions for which a violation worked a forfeiture, was untenable. The court held the conditions were in the nature of enforceable "covenants." He said congress would have six months for action in the case.

Reconsideration Asked

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

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 160-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.

The railroad contended that the provision was not effective, because the lands were unfit for settlement, and furthermore, urged that the government was stopped from raising the question of forfeiture because of long acquiescence in the company's disregard of the selling provision.

Squatters Intervene

About sixty-five 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 6000 persons who have not gone upon the land to make settlements, but who have applied to the railroad company to purchase 160 acres, intervened with a petition that the company be required, as a trustee, to convey lands to them.

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 bonds used in building the railroad, also intervened.

YAQUIS DEFEAT MEXICAN TROOPS

NOGALES, Ariz., June 21.—Mexican soldiers sent to protect foreigners in the Yaqui valley have been defeated by the Indians in two battles, according to Mrs. Herman C. Luffler of Los Angeles, who arrived today from Cocahu, near the scene of the fighting. In one of the battles the Mexican soldiers lost twenty-five men. Yesterday in a fight near Juri, 60 kilometers south of Empalme, they lost forty men and a machine gun.

LEO M. FRANK AND PRINCIPLES IN HIS LONG FIGHT TO ESCAPE THE GALLOWES WHICH WAS WON TODAY LEO M. FRANK'S DEATH SENTENCE IS COMMUTED



UNITED STATES TO PROTEST USE OF FLAG BY BRITONS

WASHINGTON, June 21.—New representations to Great Britain on the use of the American flag by English steamers probably will be made in the note which is being prepared to deal with further interruptions to neutral commerce. It was stated officially today that as individual complaints of such instances had come to the state department they had been laid before the London foreign office, but that the next note would again deal with the subject generally.

At the state department today it was said no official information was at hand on the German charge that the submarine U-29 was rammed and sunk by a British steamer flying the Swedish colors. American officials, while not admitting that the case has a bearing on the negotiations with Germany, are anxious to know how the German admiralty got its information, inasmuch as everyone on the U-29 was reported lost.

PRESIDENT PREPARES TO MOVE TO CORNISH

WASHINGTON, June 21.—Preparations for opening of the summer white house at Cornish, N. H., were begun today in anticipation of the arrival of President Wilson, Servants and motor cars went forward.

The president will go to Cornish by way of New York to see Colonel E. M. House, his personal friend, who recently returned from Europe. By present plans he will leave here Wednesday and spend Thursday in New York with Colonel House.

NEW BRITISH LOAN PUT OUT AT PAR TOTALS A BILLION

LONDON, June 21.—Announcement was made today by Reginald McKenna, chancellor of the exchequer, that the loan of 250,000,000 pounds authorized by the house of commons last week for war purposes would be issued tonight.

The new loan will be put out at par and will bear 4 1/2 per cent interest.

Mr. McKenna's announcement was made in the house of commons. The chancellor said the state would have the right to repay the loan at par in 1925, but in any case it must be repaid in thirty years.

The chancellor emphasized the fact that, in addition to putting forward a business transaction he wished to appeal to the patriotism of the country to "use its gigantic resources to carry on the war successfully for ourselves and our allies."

The chancellor said the total realized deficit between revenue and expenditures up to last Saturday amounted to 518,000,000 pounds. The daily war expenditures now amount to nearly 3,000,000 pounds, and is still increasing.

WASHINGTON, June 21.—Constitutionality of the Illinois pure food law prohibiting in effect sale of a food preservative containing boracic acid was upheld today by the supreme court.

LEO M. FRANK, center, in the upper left hand picture, 14 year old Mary Phagan, for whose murder Frank was convicted; below, Sheriff C. Wheeler Mangum. In the upper right hand corner, Mrs. Leo M. Frank, whose long fight saved her husband, and below her, Gov. John M. Slaton of Georgia, who commuted Frank's sentence.

GRANDPA CLAUSE OKLAHOMA VOID SAYS U. S. COURT

WASHINGTON, June 21.—In a decision so broad as probably to annul "grandfather clause" enactments in every southern state, which has adopted such laws, the supreme court today held invalid Oklahoma and Maryland legislation aimed at restricting the negro vote. The decision was unanimous.

The decision in short was that it is a violation of the Fifteenth amendment for a state to select arbitrarily a date such as 1865, and provide that persons not qualified to vote on that date or whose ancestors were not qualified, are barred from voting or must submit to voting tests not required of others.

The court further held that election officials who sought to enforce such clauses could be held amenable to law for denying persons a right to vote and that such officials could not disregard the fact that the Fifteenth amendment had stricken out of the state law the word "white" as a qualification of voting.

NEGRO TRUSTY IS HELD FOR MURDER OF WARDEN'S WIFE

JOLIET, Ill., June 21.—A negro trusty, a product of the "honor system" among convicts at Joliet penitentiary, was held in solitary confinement today pending investigation of the murder of Mrs. Edmund M. Allen, wife of the prison warden, whose body, fearfully burned, was found on a blazing bed in her apartments yesterday.

Joseph Campbell, convict of killing a negro in Chicago five years ago and sentenced to serve an indeterminate sentence of from one year to life, was the convict under guard. So far as is known, Campbell, chosen as Mrs. Allen's personal servant under the honor system, is the last person known to have seen Mrs. Allen alive. Campbell is one of the five trusted convicts who had access to the warden's apartments.

Officials believe Mrs. Allen was burned to death as she lay unconscious on her bed, as her skull had been fractured by a blow, which physicians said had not caused her death. Evidence also obtained indicates the slayer had sprinkled the bedding and Mrs. Allen's night clothing with alcohol before touching a match to it.

Warden Allen was in West Baden, Ind., when the murder was committed. He was to have been joined by Mrs. Allen today.

RAILROADS MUST SEPARATE FROM COAL COMPANIES

WASHINGTON, June 21.—In a far reaching decision which crowns with victory the government's fight to compel the railroads to disassociate themselves from their coal companies, the supreme court today ordered that the Lackawanna railroad be enjoined from transporting coal of the Lackawanna coal company under the so-called 1909 contract, and reversed a decision of the lower courts which was against the government.

Department of justice officials said the court's decision was a clean cut victory in the government's long fought case to compel disassociation of the railroads and their coal companies. Its effect they said, is far-reaching.

The government charged that the contract by which the railroad sold to the coal company its coal was not a bona-fide transaction and violated both the anti-trust law and the commodities clause of the Hepburn rate law. It is the second suit of the government against the railroad company under the commodities clause.

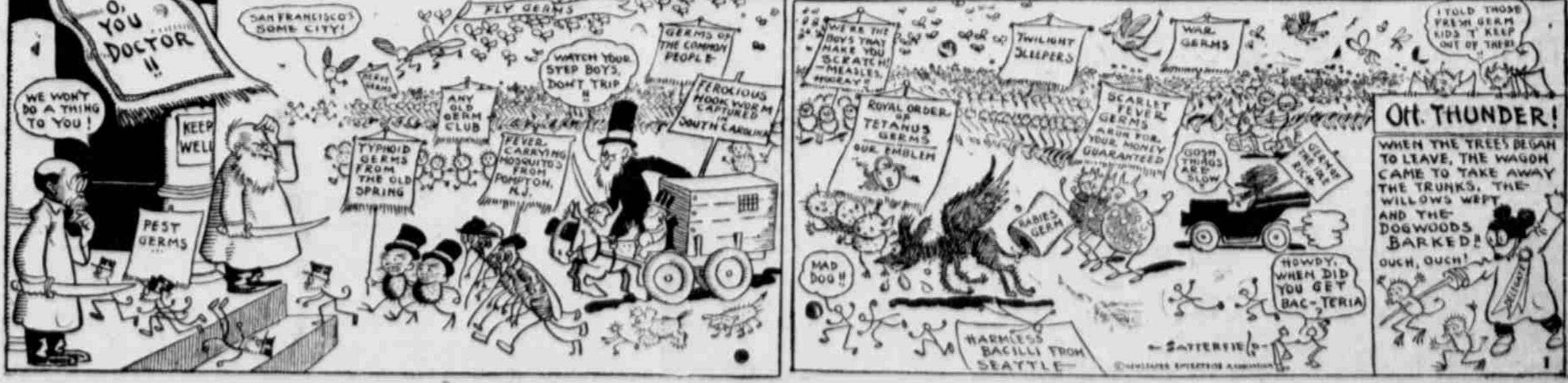
Justice Lamar announced the court's unanimous decision and sent the case back for further proceedings.

HARVESTER CASE RESTORED TO DOCKET

WASHINGTON, June 21.—The supreme court adjourned today for the summer without deciding the International Harvester, Oregon minimum wage and other important cases pending. It will not meet again until October.

Extra! The Docs and Germs Are Mobelizing

By Satterfield



(News item—The annual session of the American Medical association opens today in San Francisco.)