OIL LAND CASE IS BEFORE CAL. COURTS AGAIN

VISALIA, Cal. Aug. 12.—Another chapter in the story of ten years' litigation over Elk Hills oil land, near here, worth from $20,000,000 to $35,000,000, opened in the local court last week, when United States land office officials begin rehearing an action of the federal government against the Buena Vista Land and Development company of Kern county, with the state of California and the Honolulu Consolidated Oil company as intervenors.

One year ago the case was decided by John Barton Payne, then secthe matter was closed. In March of retary of the interior, in favor of the government, and it was thought this year, however, there came a United States supreme court decision upsetting Payne's ruling, and resulting in a rehearing here.

The land in question, consisting of eighteen sections of oil producing Kern county territory, was originally selected by the state of California in lieu of school indemnity selections which fell in federal reserves. The state sold the land to the Buena Vista company, but in the meantime the Honolulu firm had prospected the land for oil, and had filed applications with the land office here for patents. Next came a federal government geological survey's decision classifying the land as oil and gas "known producing fields." Under this classification the government contended the state had no right to the property, and thereupon sued the Buena Vista company to quiet title, with the Honolulu people acting as intervenors, claiming they had a vested right to the land if the state did not, by reason of their patent applications.

For several years this three-cornered legal battle waged, and finally was passed up to Franklin K. Lane, then secretary of the interior. Secretary Lane after a year finally decided the Honolulu company had a right to thirteen of the eighteen sections and the federal government right to the remaining five.

When the Lane decision became

public, Josephus Daniels, then secretary of the navy, and A. Mitchell Palmer, attorney general, told President Wilson that under the Lane ruling the government would lose millions of dollars, as the government had practically completed plans plans for leasing its oil land in naval reserves on a 25 per cent royalty basis. The president thereupon asked Lane not to file his opinion. Later Secretary Lane resigned and John Barton Payne succeeded him. A few days after Mr. Payne took office he made a new decision, giving the government sole title to the property. The Honolulu company accepted the ruling and prepared to accept the government's offer to lease the land on the royalty basis. The leases were prepared, but never actually signed.

Then came the unexpected decision in the Wyoming case. Secretary Payne had held that the state had no vested right to the land under the school indemnity act because it was oil producing land, but the supreme court, in the Wyoming matter, held that if the state had made its selections before the land was so classified, the state held the vested right and the government had no power to eject it.

When this ruling was announced the Buena Vista company asked for a rehearing. Secretary of the Interior Albert B. Fall ordered the case heard anew, and August 10 was set for the rehearing.

An interesting sidelight was a suit filed by the Honolulu company in Washington against Woodrow Wilson as president, in which the court was asked to hold that the president had exceeded his authority when he "interfered" with Secretary Lane by not allowing him to file his decision

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