

STIMSON'S CHOICE GIVES ROOSEVELT SIGNAL TRIUMPH

Republican Convention in New York Makes Nominations for State Offices

COLONEL LEADS IN THE FIGHT

United States Senator Root Selected as Permanent Chairman at Saratoga

(Associated Press) SARATOGA, N. Y., Sept. 28.—The Republican state convention tonight named Henry L. Stimson of New York as its candidate for governor.

The nomination of Mr. Stimson was one more victory for Colonel Roosevelt, who personally led the fight for the nomination of his candidate. The rest of the ticket follows:

For lieutenant governor—Edward Sheehey.

For secretary of state—Samuel S. Koenig, renominated.

For state comptroller—James Thompson.

For state treasurer—Thomas F. Fennell.

For state engineer—Frank M. Williams, renominated.

For attorney general—Edward R. O'Malley, renominated.

For associate justice, court of appeals—Irving G. Vann, renominated.

The vote for governor follows: Henry L. Stimson, 684.

William S. Bennett, 242.

Thomas B. Dunn, 28.

James E. McEwan, 23.

Scattering, 23.

The slate, as made up this morning by Mr. Roosevelt, Senator Root and their advisers, went through without a hitch.

United States Senator Root was named as permanent chairman of the convention by the committee on permanent organization.

The report was adopted and Col. Roosevelt appointed Charles S. Francis of Troy and Speaker Vandewater of the assembly to escort Mr. Root to the chair. There was loud laughter when Col. Roosevelt started to leave the platform without introducing Senator Root. Secretary Gleason hustled after the colonel and brought him back.

"As I understand you may not identify the man I am about to introduce, I am called back to present the permanent chairman of the convention, the Hon. Ellihu Root," said Col. Roosevelt.

SENATOR ROOT'S ADDRESS

"No prepared slate of which I have heard bore my name for permanent chairman, and no prepared speech lurks in my pocket or in my hand," said the senator.

"You by any extended remarks from the work which you have before you and from addressing yourselves to the performance of that work, so that the deliberations of the convention may be finished this day and the delegates be able to return to their homes this evening."

The chairman said there was passing over the country a revolt against the time-worn form of political organization.

"Initiative and referendum, recall, direct election of judges, direct nominations," said the chairman, "all are evidence that the people of our country feel that our forms of political organization do not adequately furnish the voters of our political parties means to give effect to their political will."

When nominations were called for and Nassau county was reached, Col. Roosevelt took the platform to nominate Henry L. Stimson of New York. He said he held a very genuine regard for Congressman Bennett, but the situation called for the nomination of another man. He then nominated Stimson.

"Now we have taken high and advanced ground in our platform today," continued Col. Roosevelt, "and our words will reflect credit or discredit on us accordingly as they are backed up by our deeds."

"When as president it became my duty to appoint a district attorney of New York, I felt that I had to choose an officer who needed to display qualities as great as those of any member of the cabinet."

COMMENT ON SUGAR TRUST

Col. Roosevelt said he had consulted with Mr. Root and that "we came to the conclusion that the very best man we could name for a task as difficult and as important as that to be performed in my administration was the man whom I now nominate. We put him in and he made good."

"It was his business to bring to justice the sugar trust, one of the greatest corporations in the country, which, by a most elaborate system of collusion with government officials, had defrauded the government out of literally enormous sums, representing a vast fortune. Mr. Stimson got justice. Mr. Stimson convicted man after man in the employ of the sugar trust."

"He secured a restitution, he secured punishment. We have said on this platform that we stood for justice, that we would punish men in public life and in business life alike, and that the highest social or political or business affiliations should not save the offender."

"Those have been our words and those have been Mr. Stimson's deeds. What we have said has been done."

"I feel that we should put on the platform that we have adopted a man whose past career is in itself an absolute guarantee that he can and will do the particular work for which he is to be elected to do, and therefore I nominate for the high position of governor of the Empire state to head the Republican ticket, Henry L. Stimson."

Colonel Roosevelt was warmly applauded as he concluded.

The roll was called by assembly districts.

William Barnes, Jr., cast 23 votes for Mayor James B. McEwan of Albany, one delegate not voting.

Stimson was nominated on the first ballot, receiving 684 of the 1015 votes cast. Bennett received 243, State Treasurer Dunn 28 and Mayor McEwan 23.

On motion of Mr. Foster, who had nominated Bennett, the nomination was (Continued on Page Three)

MAN NOMINATED BY N. Y. REPUBLICANS FOR GOVERNORSHIP



H. L. STIMSON

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For Los Angeles and vicinity: Cloudy Thursday; light south wind. Maximum temperature, 73 degrees; minimum temperature, 55 degrees.

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Saturday the luxurious new engine house at Fifth and Maple will be commissioned. PAGE 9

Residents along Arroyo Seco protest against building of railroad dirt fill. PAGE 9

Government agents plan campaign against Los Angeles dealers who sell liquor to Indians. PAGE 9

Director Holmes of federal bureau of mines addresses delegates on preservation of resources. PAGE 1

Plant of American Olive Oil company destroyed by fire early this morning. Loss estimated at \$450,000. PAGE 1

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Recall finds Red and Blue armies even in mimic warfare at Atascadero. PAGE 9

Coroner's jury formally charges Dr. Stimson with murder of Eva C. Swan. PAGE 2

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H. L. Stimson, sugar trust prosecutor, nominated by New York G. O. P. for governor. PAGE 1

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State Senator D. T. Holstlaw tells of receiving Lorimer money. PAGE 3

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Wisconsin Republicans adopt radical platform. PAGE 4

No candidate had been selected to head New York state Democratic ticket when leaders' conference closed. PAGE 3

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At Chicago Aviator Brookins makes trial flight over lake front. PAGE 2

CROCKER STEP-CHILDREN PREVENT SALE OF HOME

NEW YORK, Sept. 28.—Justice Gavan, in the supreme court today, ruled favorably on the application by the three step-children of the late George Crocker, the California millionaire, restraining his executors from selling the Crocker home in this city to carry out the provisions of his will, giving \$1,500,000 to Columbia university for research in the cause and cure of cancer, from which he had long been a sufferer.

According to the plaintiffs, their mother devised the house to Crocker for life, with a remainder to them, and they made over their interests to him with the understanding that each would receive \$300,000 under his will.

When the will was read, it was found they had received only \$100,000 each.

AMERICAN OLIVE CO.'S PLANT BURNS; LOSS IS \$450,000

Early Morning Fire Sweeps Biggest Institution of Its Kind in World

ORIGIN OF FLAMES UNKNOWN

Hundred Thousand Gallons of Oil Stored in Tanks Probably Was Burned

The plant of the American Olive company at Twenty-fifth street and Long Beach avenue—the largest concern of its kind in the world—was totally destroyed by fire shortly after midnight this morning, entailing a loss of \$450,000. The plant had been shut down for several months; there was no fire in the boilers, and the origin of the flames is a mystery.

The building comprising the plant covered an area of more than two blocks square. There were several separate structures, all of which were built of steel, lath and concrete. The fire is thought to have started in the main building, where 100,000 gallons of olive oil is stored in concrete tanks, and spread to the adjoining buildings.

The plant was constructed seven years ago. The building cost \$75,000 and the machinery was valued at \$150,000. C. H. Sessions is president of the corporation, and W. O. Johnson is manager. The directors and stockholders are prominent citizens of Southern California.

There were 100,000 gallons of olive oil, valued at \$1 million, and \$25,000 worth of olives in the buildings at the time of the fire. The olives were destroyed when the buildings collapsed. The olive oil in concrete tanks sunk in the ground and some of it may be saved.

The company was considered the largest packer and manufacturer of olive oil and by-products in the world. The concern prepared the oil from olives grown in California and handled the entire output of the coast.

According to Manager Johnson insurance in the sum of \$125,000 was carried on the plant.

PASSEBY GIVES ALARM

The fire had gained great headway before it was discovered shortly before 12 o'clock Monday morning.

When a sheet of flame burst through the roof, a passerby telephoned the alarm to the fire department, and apparatus was hurried to the scene.

Because of the distance from the main fire stations, the fire had spread to the buildings adjoining the main structure, and the entire plant was ablaze when the firemen arrived.

The engine house and the office were the last two to burn. The inflammable nature of the wooden crates soaked with oil, made quick work for the flames, and streams of liquid fire hindered the work of the firemen.

The plant is closed during the summer months, the workmen reporting early in October. Manager Johnson stated that he was having the place cleaned up and placed in condition for the coming season. He declared that there has not been any fire in the furnaces since the place was closed more than two months ago.

The beach lines of the Pacific Electric railroad which border the olive plant were tied up for almost three hours as a result of the fire. The high power wires are strung nearby and as a matter of precaution the current was turned off.

Manager Johnson stated last night that the stock is an entire loss.

"We had 100,000 gallons of olive oil stored in concrete vats," said said Johnson. "This oil is worth \$2 million and probably will be valueless even if some of it is saved. The heat was so intense that it unfit for any purpose. There was \$25,000 worth of olives stored in crates in various parts of the plant."

"I am unable to even guess as to the origin of the fire. I will see that a thorough investigation is made."

HALSEY JURY RETURNS VERDICT OF NOT GUILTY

Clear Former Telephone Company Official of Bribery

SAN FRANCISCO, Sept. 28.—After several hours of deliberation the jury in the case of T. V. Halsey, formerly an official of the Pacific States Telephone and Telegraph company, who was charged with offering a bribe to a member of the board of supervisors under the Schmitz administration, returned a verdict tonight of not guilty.

Halsey, it was charged, sought to influence the board to vote against the granting of a local franchise to the Home Telephone company, the case being one of the great number of similar actions which arose out of the bribery great investigation in this city after the earthquake and fire.

Immediately after his indictment by the grand jury Halsey disappeared. He was located in Hawaii a few months later and brought back. Because of ill health of the defendant the case was repeatedly postponed, finally coming before the court about three weeks ago.

TELEPHONE ABSORBED

YOUNGSTOWN, O., Sept. 28.—The dissolution of the Independent Telephone company of Seattle, Washington, was announced here today.

The company was capitalized at \$1,000,000, nine-tenths of which was held by Youngstown investors. All the stock has been sold out and the money was deposited today in the First National bank of this city.

A unanimous report makes the Bell telephone interests the purchaser.

Southern Pacific Has No Title To Oil Lands

The Government Patent Under Which It Claims Title to These Lands Expressly Excludes All Mineral Lands from Its Operation

The Law in the Case

The oil lands in California now claimed and held by the Southern Pacific Railroad company by virtue of grants from the United States government were obtained by that company as follows:

The United States government, by act of congress, made a grant to the Southern Pacific Railroad company of each alternate section of government land in a certain area on each side of its right of way. The law making this grant contained the provision that all mineral lands excepting iron and coal lands were excluded from its operation.

In the case of Barden vs. the Northern Pacific Railroad company, decided by Justice Field at the October, 1893, term of the United States supreme court, it was held that while titles to mineral lands were not passed by a similar act granting lands to the Northern Pacific Railroad company, yet when the government patent had been issued for lands the patent "not merely operates to pass the title but is in the nature of an official declaration by that branch of the government to which the alienation of the public lands under the law is intrusted, that all the requirements preliminary to its issue have been complied with. The presumptions thus attending it are not open to rebuttal in an action of law. The land department, as we have repeatedly said, was established to supervise the various proceedings whereby a conveyance of the title from the United States to portions of the public domain is obtained, and to see that the requirements of different acts of congress are fully complied with. Necessarily, therefore, it must consider and pass upon the qualifications of the applicant, the acts he has performed to secure the title, the nature of the land, and whether it is of the class which is open for sale. Its judgment upon these matters is that of a special tribunal and is unassailable except by direct proceedings for its annulment or limitation."

In pursuance of the rule above quoted, the court holds that the government should examine lands granted to railroads where the grant contained the exception as to mineral lands previous to issuing any patents, and that when the patent was issued it would be held by the court that the examination had been made and the land decided to be of a non-mineral character, and therefore subject to the grant. This holding is in the following words:

"The grant, even when all the acts required of the grantees are performed, only passes a title to non-mineral lands; but a patent issued in proper form, upon a judgment rendered after a due examination of the subject by officers of the land department, charged with its preparation and issue, that the lands were non-mineral would, unless set aside and annulled by direct proceedings, estop the government from contending to the contrary, and, as we have already said, in the absence of fraud in the officers of the department, would be conclusive in subsequent proceedings respecting the title."

The patent under which the Southern Pacific Railroad company holds its oil lands in the state of California bears date of December 1, 1894, which is subsequent to the decision of Judge Field above referred to.

This patent contains a peculiar exception which appears to have been put into the patent by the officers of the government executing it for the purpose of guarding, if possible, against the effect of Judge Field's decision on lands which, when the patent was issued, had not been discovered to be mineral lands but which might thereafter be discovered to contain mineral. This exception is as follows:

"YET EXCLUDING AND EXCEPTING ALL MINERAL LANDS, SHOULD ANY SUCH BE FOUND IN THE TRACTS AFORESAID, this exclusion and exception, according to the terms of the statute, shall not be construed to exclude coal and iron lands."

The Southern Pacific Railroad company, of course, can have no moral right to oil-bearing lands because congress when it passed the law granting it certain government lands specifically excepted from the grant all mineral lands excepting lands bearing coal and iron.

Oil lands under the classification of lands made by the government are mineral lands. If patents have been granted to the Southern Pacific Railroad company for oil lands it was evidently on account of an error made by the department of the interior in classifying the public lands. It is also evident that it was the intention of the officials who framed the government patent under which these lands are now held by the Southern Pacific Railroad company to provide against errors of just this kind when the patent under which the lands are granted provided, "YET EXCLUDING AND EXCEPTING ALL MINERAL LANDS SHOULD ANY SUCH BE FOUND IN THE TRACTS AFORESAID."

This exception is evidently intended to provide against just what has occurred, to wit: The discovery after the patent had been executed that some of the lands included in it are mineral lands. Such discovery having been made in the case of the oil lands described in the patent to the Southern Pacific Railroad company, this exception should take effect and the title to these lands held under the patent should be declared void and the land returned to the government. This is morally right, and it ought to be legally right. Whether it is or not, no man can say until the supreme court has passed upon this peculiar clause in the Southern Pacific Railroad company patents, a clause which ground for an attempt on the part of the government to right which, if permitted to stand, would be a great wrong to the people of the United States.

The Southern Pacific Railroad company has recently had an expert go over the lands which it holds in the state of California by virtue of the government patent founded upon a grant which expressly provides that no land of this character shall pass by its terms. This expert has reported to his employer, the Southern Pacific Railroad company, that its oil lands in the state of California are conservatively valued at more than \$50,000,000. In point of fact, if its lands in the Midway fields alone produce anything like the other lands of similar character adjoining them, the oil in them will be worth several times \$50,000,000 when the same comes to be developed.

If the interior department is ever relieved from Mr. Ballinger's presence and a man is put at the head of it who is more interested in protecting and securing the rights of the people than he is in serving special interests, proceedings will no doubt be promptly undertaken to test the effect of the provision of the patent above quoted under which the Southern Pacific Railroad company holds its oil lands. That such proceedings should be had, and had promptly, no one can doubt. It may be said that it is the opinion of many good lawyers who have investigated the matter that by virtue of the exception above quoted these oil lands, which were undoubtedly patented to the Southern Pacific Railroad company through error, can be recovered to the United States, as they should be by every consideration of right and justice.

MINERS WILL GAIN BY FEDERAL PLAN, DECLARES HOLMES

Director of Mines Delivers Significant Address Before Congress in Session Here

VAST WORK OF NEW BUREAU

Dr. Christy of University of California Predicts Establishment of National Dept.

Table with 2 columns: Time and Program Description. Includes 'TODAY'S PROGRAM' and 'EVENING SESSION'.

BY JAMES WYNNKOP

Conservation in the highest sense of the term will be, according to Joseph A. Holmes, director of the United States bureau of mines, in an address before the American Mining congress last night, the chief object of that newly created agency of the federal government.

Dr. Holmes, who was from the start the miners' choice for the position of first director of the bureau, was an active body they ever have had at Washington, has shown that he is in full accord with the requirements of the miner and will labor for his good in every respect, and most important of all in an endeavor, with the assistance of the government and the mine operators, to lessen the loss of life in the mines and in preservation of the natural resources for the best and most general use of the people.

Dr. Holmes, however, was particular to emphasize that this bureau was not a political proposition, and that in so far as political conservation is concerned, if such a thing exists, the bureau of mines would do nothing to do with it. What might be considered a commercial conservation and a humane conservation were the kinds that were discussed by Dr. Holmes. Referring to the creation of the bureau of mines last spring, Dr. Holmes said that the whole country recognized the fact that the American mining congress was responsible for bringing the necessary influence to bear at Washington and to its great credit was due.

POLICY OF NEW BUREAU

As to policies of the bureau, Dr. Holmes said that one of the most important will be the development of greater safety and efficiency in mining, and to prevent so far as possible the loss of life in mines. The chief purpose of conservation, as Dr. Holmes sees it, is that the loss of human life shall be minimized and that the resources be used in the most careful manner possible, removing the greatest amount of waste not only in the raw products, but in the semi-refined and the refined products as well.

To do the latter means that the government has a great task before it, but one which, if successful, will cause probably nine-tenths of the cost of the raw products, thus refining, whereas, at the present time, in the case of many of the minerals, nine-tenths is wasted.

The test of explosives has been one of the first tasks of the bureau of mines, and Dr. Holmes said last night that the powder men themselves are applying for permits to have their explosives tested, thus showing how eager men connected with the mining industry are to co-operate with the bureau.

With respect to publicity, Dr. Holmes said that the bureau would see to it that everything of interest to the people would be given them direct from the bureau in the best and most honest way possible, thus removing any doubt as to the workings in mines.

The bureau will work for the good of all the states and will seek, therefore, the full co-operation of them all, so that the loss of human life may be lessened and that the individual and general problems of mining may be worked out to the satisfaction of all concerned.

SYSTEMS TO AID MINERS

A statement that won applause from the audience was that the bureau of mines will work for the interests of mining men and the mines and that it will be most vigilant in defending the mining men's cause at Washington and elsewhere to the extent of its authority.

Dr. Holmes denied that the bureau would be in advancing intelligent conservation, in any way advocate or work for curtailment in the development of the natural resources. Waste, and its elimination so far as possible, (Continued on Page Six)