

PIERCE AIDS OF LAND ARGUMENTS

First Assistant Secretary Interior Holds Final Session on Yard Decision

LEAVES FOR BAKERSFIELD

Nevada Men Defend Government Position, Which Is Held Specific Ruling

The decision in the Yard case is specific and not general and cannot apply to all placer locations; that it is based on a fraudulent location in the forest reserve under the allegations that the land contained mineral and that it should not prevail when a man had made a location in good faith and done his work to the point of discovery, was the chief argument of the opposition to the Yard case, the hearing of which was concluded yesterday by Frank Pierce, first assistant secretary of the interior.

There were some who argued that the Yard decision should be reversed, some that it should be upheld and some that the state laws and decisions of the supreme court of the United States were adequate to protect placer mining and should not, and could not, be disturbed by a decision of the interior or land departments.

The Yard decision, being based on a case involving fraud, states among other things that one man is entitled to only twenty acres, or if there is a party of eight locators, only 160 acres can be taken up on that same land and cannot be disposed of to an individual or company.

For this reason the opposition has been led by corporate lawyers, their argument being based on a decision handed down by the state supreme court and sustained by the United States supreme court. It is the case of Miller vs. Crisman.

PEOPLE BEING HOBBED

Miller was one of eight locators. The other seven transferred to him their right in the claim, and Miller in turn transferred to an oil company which made the first discovery. In every part of the decision, the right to constructive possession is upheld, thus acting in direct opposition to the Yard decision.

The Yard decision, based upon fraudulent transactions in the forest reserve, roused the government to the fact that the people were being robbed, and it aims to prevent the fraud in the future. In cases where work has been done in good faith it would work a hardship to enforce the terms of the decision, and for this reason, it is said, a modification of the decision is likely, or some legislation favoring possessory rights where the law has been complied with and a discovery made in good faith.

On the land grabber, who has never acted in good faith, the Yard case decision falls heaviest, for it is at him the decision is directed. The sole aim of the interior department, backed by the president, in writing this decision was to eliminate as far as possible from the public domain the practice of graft, dummy locations and fraudulent constructive possession. A cabin here or a broken down boiler there does not constitute such a possession, although many locations have held under such pretext.

CAN'T WORK HARM

It is the consensus of opinion among those who are in favor of letting the Yard decision stand, that it will do them no work harm, that it must invariably result in good to all the people and be a means of saving what is left of the public domain from devastation at the hands of greed.

The Yard decision was staunchly defended yesterday before Judge Pierce by C. O. Whittemore, representing C. L. Lyman and the Nevada men, who were ejected from lands now held by the Honolulu Consolidated Oil company in the Elks hills of the Sunset-Midway field. This is the William Matson company.

Mr. Whittemore submitted a petition to the interior department through Judge Pierce asking that an investigation be made to determine if the lands were ejected by gun men who now hold possession. The Honolulu Consolidated was the first settler on the disputed land, but Mr. Whittemore alleges that some ten square miles were located by those back of the Honolulu by dummies and that in view of recent rulings such locations are not legal. His eight locators went on the land at this time and located. He claims that the Honolulu gun men forced them off with neither legal nor equitable right to do so.

ARMY NOT NECESSARY

Judge Pierce interrupted to inquire what the remedy would be, adding, in somewhat of a jest, "Do you think it will be necessary to order out the United States army?"

"No," answered Mr. Whittemore. "It is a matter to be decided by either the interior department or the courts."

"Well," rejoined Judge Pierce, "you might wait a long time, for the interior department is almost as slow as the courts."

Mr. Whittemore cited the federal case of Hanson vs. Craig to show where the Miller vs. Crisman case was at error, and that therefore where Judge Francis Short, who argued against the Yard decision Monday on the strength of Miller vs. Crisman, was at fault. The Hanson vs. Craig decision holds that a man cannot sell what he does not own, and Whittemore constructed this to mean that the Honolulu people had no right to transfer holdings until a discovery had been made in good faith.

L. W. Anderson, counsel for the Union Oil company, opposed the Yard decision, arguing along lines similar to those of Judge Short on Monday. Both being for the corporation, they held to the old standards, and that the spirit of the law, or an equitable adjustment of land matters, should prevail.

E. L. Tolin, the last to appear before Judge Pierce, also opposed the Yard decision, basing his argument on facts brought by all who had preceded him. A summary of his argument was that the miner should be protected in his constructive possession, and that no law should interfere with that which he, through honest practice, had made for himself. In law that was adopted by congress long after it had been put into practice in mining camps.

INTAIATES ACTION ON CONSOLIDATION

Mayor Sends Message to Council on the Merging of City and County

WATER PROBLEM IS BIG ISSUE

Executive Asks Authority to Appoint Committee to Consider Question

(Continued from Page One) position of the Owens river water supply and the distribution of the power to be obtained from the generating plants to be constructed in connection with the aqueduct. It must be obvious, I think, from the public hearings that have been held recently, and are now in progress before your honorable body, that a number of legal difficulties are involved in the sale or distribution of water and power, either to neighboring cities for redistribution by them, or the sale by this city of such water or power directly to consumers outside of the city.

REMOVES DIFFICULTIES

Many of those who have addressed your honorable body regarding this matter have clearly pointed out that the difficulties surrounding the distribution of the city's power and water would be practically, if not entirely, removed by the expansion of the city limits to include the territory over which the water and power would be distributed. This would apparently lead to the conclusion that such territory should be under one governmental control, and that such governmental control should be exercised by what is known as "city and county government," modified, or specially framed, if necessary, to meet our local conditions.

Every one who has given this matter even superficial attention must realize that the management and disposition of the immense water and power surplus which this city is to have under its control in the immediate future, and the policy to be adopted by this city with regard thereto, are of the utmost importance, and upon their correct solution vitally depends the prosperity and well being of this community. The idea seems to gain strength, as we proceed further with the discussion of how best to deal with our water and power, that it is naturally and perhaps necessarily leads into the question of what form of government is best adapted to cope with the situation thus presented.

Our legislators have pointed out, with much force, that the same authority which owns the water and power, and is charged with the duty of distributing it for the public good, should also have political or governmental control of the territory in which the water and power are distributed and stored. If so, there is apparently, under the systems of municipal government existing in this state, only one form of government appropriate for the purpose, and that government, chiefly for the reason that territorial expansion is a necessary element to be taken into account.

QUESTION IMPORTANT

The question is, however, of grave importance, and should only be decided after most careful and exhaustive investigation. And even if city and county government be accepted as the form of government best adapted for our purposes and needs, it may be that legislation will be required before it can be carried into operation.

The next legislature will meet in January, 1911, and if we are not prepared by that time, or very soon thereafter, while the legislature is in session, to take up this matter, so as to be prepared to apply for the necessary legislation, the water and power will be on our hands, in all probability, before the following legislature convenes in 1913. Certainly nothing can be lost, and it would seem to me a great step in advance will be taken if we proceed now to consider this matter of city and county government in earnest. It should be examined in all its bearings, and public sentiment be given positive direction, and, if possible, a definite plan adopted, before we are confronted with actual emergencies which can even now be clearly foreseen.

I call the attention of your honorable body to this subject for the purpose of recommending that a commission of our representative citizens be appointed and requested to investigate the question of consolidated city and county government and the form in which it should be cast, in connection with, or as it may be applicable to, the administration of the water and power supplies, and make report thereon, through your honorable body, to the people of this city and its surrounding territory. By this means I believe a great deal of information can be placed before the people, so as to enable them to form an intelligent judgment upon this somewhat difficult problem. I would suggest that this commission should consist of not less than nine persons, representing, if possible, the various civic bodies of the city and its various enterprises, as well as the legal profession. The adoption of any form of government, while it must be guided to a large extent by the lessons learned in the law, should also have the counsel of those who can speak for business and industrial interests and for the welfare of the workers and people at large. I most sincerely recommend this matter to your careful consideration at this time. Respectfully,

GEORGE ALEXANDER, Mayor.

EXPECT GREAT CROWD

KANSAS CITY, Oct. 18.—Preparing to accommodate the largest crowd that has ever attended a football game here, W. C. Landson, manager of athletics at Kansas University, and W. G. Manly, the Missouri manager, were here yesterday completing arrangements for the Thanksgiving contest between Kansas and Missouri. Besides the fact that Missouri won the game last year, the other reason for expecting a banner attendance is that this will be the last game between the two universities to be played here. Hereafter the games will be held on the college grounds at Lawrence and Columbia.

GALIFORNIA TOURISTS' RECORD

1250 Colonists Come to Land of Sunshine Daily Over the Salt Lake Route

BREAK PREVIOUS RECORDS

End of Cheap Rates on Oct. 15 Marks High Tide of the Westward Rush

Colonists have been coming to California at the rate of 1250 a day on the Salt Lake railroad alone, according to the traffic report received yesterday by T. C. Peck, general passenger agent for that route. This breaks all previous records for daily travel on any one line into Southern California. It is believed that even this record will be shattered by the Santa Fe railroad when its reports are in, as it has one more overland train arriving each day than the Clark road.

Just what the Southern Pacific's daily arrivals will amount to is a conjecture at present, but owing to the fact that that road has seven trains on which tourists are accommodated arriving every day, the figure will be large, according to the traffic report. It is believed that fully 15,000 colonists and tourists arrived in Southern California during the period mentioned, it being the last days of the annual low water season. The Santa Fe and Salt Lake lines are in a quandary as to how to handle the Salt Lake City, where, it was stated yesterday, the tourists are arriving in crowds over the Denver & Rio Grande and Union Pacific routes to continue their way to Los Angeles via the Salt Lake. The road has run out of diners to accommodate the trains and every bit of rolling stock at the command of the road in which passengers can be hauled is being pressed into service.

The Santa Fe is also having troubles of its own, it is reported, the absence of sufficient motive power on the division out of Albuquerque hindering the rapid transportation of the colonists.

It is believed that the greatest rush will come today, when hundreds who left Chicago on October 15, the last day of low rates, are to arrive. It is believed that a new daily record will be set with today's arrivals.

CELEBRATE OPENING OF LINE TO OWENS RIVER

Valley Residents Hold Festivities to Mark Completion of Railroad Branch

The completion and opening of the Southern Pacific's new line from Mojave to Lone Pine, in the Owens river valley, was celebrated by citizens of the valley yesterday at Lone Pine, the day being given over to festivities in honor of the event. An old fashioned barbecue at noon; speeches by General Superintendent Platt of the Southern Pacific, Assistant General Passenger Agent T. A. Graham of the same company, J. E. Lippincott, representing the Los Angeles aqueduct, and a number of the most prominent citizens of the valley; a roping and tying contest between Indians and cowboys; and wild horse riding followed during the afternoon. During the evening a grand ball was given in the town hall, followed by a display of fireworks, which completed the day's program.

The sentiment expressed by several of the speakers from Los Angeles was to the effect that the success and prosperity of the valley depended largely upon the establishment of friendly relations with this city. Local speakers expressed themselves as realizing this, and maintained that their part such relations were in existence. As an instance of what the road has accomplished in the valley it was stated yesterday that land values have doubled during the past year as a result of the approach of means of rail communication with Los Angeles.

That the new road will open up to the commerce of Southern California one of the richest agricultural and mineral sections of the state was the statement made yesterday by James R. H. Wagner, a Los Angeles business man who has extensive interests in the valley.

Until the line was completed, the valley with its abundant water supply and fertile soil was one of the most isolated sections in the United States. With the new line to the west, it is within ten hours of Los Angeles by rail, and this city will be the distributing point for the large crops of apples, corn, potatoes, onions, grapes, berries, pears, garden truck and honey, in the production of which the valley is making great strides.

The new road connects the branch running out of Mojave to Olancha with Owens and Lone Pine the terminus of the narrow gauge road from Hazen, Nev. Hitherto, by using the narrow gauge, only goods which would stand a long shipment could be exported from the valley, and for this reason all perishable freight was excluded. With the new line, however, nearly every commodity raised in the valley can be sent to Los Angeles.

The regular operation of trains over the new line was commenced yesterday morning.

NUN DRIVES MAD DOG TO COVER; CHILDREN ESCAPE

CHICAGO, Oct. 18.—A mad bulldog caused a panic among the forty children in a classroom at St. Bridget's parochial school yesterday. The dog ran through the aisles, foam dripping from its jaws, and the children hastily climbed on their desks. As the animal came toward Sister Josephine, in charge of the room, she faced him and drove him under her desk, where he remained yelping and growling until the last child had escaped from the room. When a patrolman arrived the dog was in the worst stages of rabies, dashing about the room and biting at the seats. The officer drove the dog into the yard, where he shot it.

FARMERS INCREASE FIRE FIGHTERS

Mayor Recommends Addition of 2 Lieutenants and 15 Men to Department

MONEY IS ALREADY PROVIDED

City Executive Points Out Dangerous Condition in Congested Districts

Two lieutenants and fifteen firemen can be added to the fire department without additional cost, according to figures submitted to the council yesterday by Mayor Alexander. The money to pay these additional men has been appropriated in the budget and was to have been used to pay the members of engine companies 23 and 24, but there was a long delay in putting these companies in commission, and a portion of it was not used. The mayor explains this matter in the following message: At the present time a fire company in the congested district consists of but ten men. Each man is entitled to one day off each week and to fourteen days' vacation during each year. Thus during the greater part of each week there are but eight men on duty. Each man is entitled to one hour of annual leave. Dividing eight men into three shifts at meal time three times a day means that for two hours each meal time, or six hours each day, there are only four men on duty. This can be two hosemen, a stoker, a driver and two hosemen, which is sufficient in the residence districts, where the buildings are not high. With two hosemen only one line of hose can be handled, and it would be very slow work for two men to carry one line of hose to any height. This is a dangerous condition in the congested district. Moreover it would be necessary at times, with so few men, to shut off the water and use the engine crew to help raise ladders or to help man the life nets.

APPROPRIATION MADE

"Fifteen more men and two more lieutenants can be provided for the congested district without increasing the appropriation already made for the fire department for this fiscal year, in the following way: The amount saved to date in the salary fund of the fire department by General Superintendent Platt going into commission of engine companies Nos. 23 and 24, \$10,000. Two months' vacation for crew at engine 16 saved, as the truck will not be ready for delivery until about March 1, 1911, \$1,370.

Salary of fifteen men at \$80 per month for eight months, \$9,600. Salary of two lieutenants at \$105 for eight months, 1,650. \$11,320.

"This will leave an unexpended balance in the salary fund of the fire department for this fiscal year of \$300. "Believing it to be for the best interests of the city I would strongly recommend that you honorably be authorized to appropriate two more lieutenants for the fire department." The matter was referred to the supply and finance committees.

The Theaters

If James McCormack, who, with Eleanor Irving, is one of the best features of the new bill at the Los Angeles, could not talk so well he surely would be taken for the well-known Billy Gaston, for in manner, method, appearance and in the quality of his McCormack is a "double" for this well-known comedian. McCormack and Irving have one of the brightest offerings that has been seen at the Los Angeles. McCormack is a quartet of splendid voices, who offer an act far away from the beaten trail usually pursued by acts of this character. While the quartet is singing, Mr. McCormack with a high degree of excellence, their rather novel manner of presenting their act is partly responsible for their hit. They are all masters of harmony, and while one of the quartet is singing, the other three are dancing. McCormack's "Foolish Questions," while Miss Irving has a big voice and understands how to use it. They are both splendid dancers. The Free Setters Four is a quartet of splendid voices, who offer an act far away from the beaten trail usually pursued by acts of this character. While the quartet is singing, Mr. McCormack with a high degree of excellence, their rather novel manner of presenting their act is partly responsible for their hit. They are all masters of harmony, and while one of the quartet is singing, the other three are dancing. McCormack's "Foolish Questions," while Miss Irving has a big voice and understands how to use it. They are both splendid dancers.

MAUS WANTS GREATER GULF BETWEEN OFFICER AND MAN

WASHINGTON, Oct. 18.—Brig. Gen. Maus, commanding the department of the Columbia, in his annual report to the war department, recommends legislation for the elimination of inefficient officers. He expresses the belief that a general service corps would add greatly to the efficiency of the army, and in the end actually prove economical.

VIOLATING

"I have called," said the bank clerk to the president, "to inform you that I am made to be married." "Young man," replied his employer sternly, "how many times have I told you that you are an employee of this bank? Do you intend to refrain from all speculations?"—Detroit Free Press

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100,000 Empty School Houses. THROUGHOUT the United States there are over one hundred thousand school houses which are used not over five hours a day for five days each week during nine months of the year. The rest of the time these buildings, many of them costing thousands and thousands of dollars, stand empty and silent while boys and girls walk the streets seeking amusement and recreation.

Why should these school houses not be used as social centers for the city, town or neighborhood? Why should they not serve as great centers for many kinds of literary and amusement activities? Rochester, Philadelphia, New York, Cleveland, Springfield, Atlanta, St. Paul, St. Louis and many other cities have tried out the plan and it is proving wonderfully successful. Read Mrs. Richardson's article on "Getting Acquainted" in PICTORIAL REVIEW for NOVEMBER. 15c a copy. On Sale October 15th \$1.00 a year.

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RESOLUTIONS REGRET DEATH OF JUDGE NOYES

Resolutions were adopted yesterday at a special meeting of the New England society expressing regret over the death of the Hon. Charles J. Noyes, president of the society. The meeting was held in the office of the secretary, H. O. Wheeler Jr., room 414, F. P. Fay building. The resolutions follow: "Whereas, The Hon. Charles Johnson Noyes, the president of the New England society, has been removed from us by death; "Resolved, That while we feel assured that he is in a blissful state, removed from the ills that flesh is heir to, it is with deep sorrow that we part from him here.

LIFE IS TAKEN FOR A SMALL PIECE OF LAND

As a result of a dispute over the division of a small piece of property, John Stacey of 1827 Darwin avenue was shot to death in his home last night. Pete Carbone, who recently came to Los Angeles from San Francisco, is a prisoner in the county jail, charged with murder. It seems that Carbone and Stacey purchased several acres of land some time ago and have been quarreling about their holdings since that time. Last night Carbone visited the home of Stacey and while they were discussing the matter in the kitchen Stacey, it is alleged, drew a revolver and fired two shots at Carbone. The latter, according to his statement, grappled with Stacey. In the struggle Carbone seized the revolver and was about to wrest it from the grip of Stacey when the weapon was discharged and the bullet struck the latter in the neck, severing the jugular vein.

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