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# UTAH MAY RECOVER MILLIONS OF ACRES

**Attorney General Believes That Government Holds Illegally Enough Coal Land to Support Schools of State.**

Now that the circuit court of appeals has clearly ruled that the enabling act granting Utah statehood granted without reservation four school sections in each township—no matter whether coal lands or not—all that is necessary for Utah to secure clear title to all the millions of acres of valuable land in the state comprised in these sections is to have the matter finally decided by the supreme court of the United States.

With this accomplished—and state officials are certain of victory there as well as in the court of appeals—Utah will have, free of government interference, not only all the school sections whose title is now in controversy, but will either get back from the government all the lands taken away by the interior department in the last ten years on the grounds they were coal lands or, failing of this, the government must make cash payment for them.

This is the school land situation as it exists at present, according to Attorney General Barnes, and since he began the fight for Utah's rights to this land and the revenue it will bring, in 1907 when deputy attorney general, Barnes declares he never felt the situation to be more hopeful.

**Determined to Clear the Matter Up.**

The attorney general is determined that the matter shall be cleared up as soon as possible. He is eager for the fray. The case in which the state won the big victory through the court of appeals was that of the government against the estate of Arthur A. Sweet. The government "threatens" to appeal the case. That is just what Utah wants. To demonstrate the eagerness with which the attorney general awaits an appeal by the government, he has a trump card in his hand which he asserts he will play in the event that the government doesn't appeal. That trump card is the case of A. T. Miller, in which Miller was granted coal land near Castle Gate in Carbon county. The state protested on the usual grounds that the land was state land. The state was beaten in the Salt Lake City land office, in the general land office and before the secretary of the interior. Now the case is being held on a petition for a rehearing.

"If the government doesn't appeal the Sweet case, if we cannot get this land matter before the United States supreme court, then I shall take the Miller matter or a similar one directly into the United States supreme court, and in an equity proceeding seek to enjoin the department of the interior from ever interfering with the state of Utah in its school lands."

That is the attorney general's trump. In explaining his eagerness to get the highest tribunal to act in the matter, Barnes explains the magnitude of the Sweet victory and what it will mean to the state if sustained.

**Will Support the Public Schools.**

"It means that Utah will have, in coal lands alone, enough land—millions of acres of it—to support the common schools without taxation, merely using the interest on the money derived.

"It means we will have clear title to land that today is worth three hundred dollars by government estimate and some of which will in ten years be worth a thousand dollars an acre.

"It means we will either get back all the lands taken by the government in the past or we will get a consideration, and a large one, in lieu."

To demonstrate the strength of Utah's case, Attorney General Barnes quotes the syllabus of the court of appeals decision in the Sweet case, some of the most material passages being as follows:

"The enabling act of Utah grants the lands valuable for minerals as well as all other lands in Sections 2, 16, 32 and 36 in each township, not expressly excepted from the grant in Section 6 thereof.

"Where the terms of a statute are clear and their meaning certain, construction has no place or office. The legal presumption is that the legislative body meant what it said and it is the duty of the courts not to amend or revoke, but to give effect to the enactment.

"Where a legislative body makes a plain grant or provision and makes no exception to it, the legal presumption is that it intended to make none, and it is not the province of the courts to do so.

"The grants of land to Utah for school purposes was not a sale, and neither Section 2318 Revised Statutes, nor the act of May 10, 1872, 17 Stat. 11, Chap. 152, reserving mineral lands from sale, is applicable thereto. Neither of them disqualify the congress subsequently to grant public lands valuable for minerals for school or other public purposes, or modify or restrict the effect of such an absolute grant."

**Secretary Lynch Is Highly Elated.**

William J. Lynch, secretary of the state land board, like the attorney general, is highly elated over the victory in the Sweet case, and asserts that this is the biggest victory and most important one to the people at large ever won by the state. It affects everyone, he says, for it means eventually a big reduction in taxes. He calls attention to the fact that the circuit court held Utah's enabling act, by which congress granted statehood and school lands, to have no reservations, and that Section 10, granting these lands for school purposes only, and Section 20, repealing all former statutes, meant what it said and did not mean coal lands should be exempted.

As Attorney General Barnes expresses it: "Utah's skirts are clear as regards opposition to the government's taking away of coal lands. Since 1907, when the Sweet case was first begun and when the state first voted an appropriation to defend its title to state school lands, the attorney general's office has consistently fought the government. Every time the interior department attempted to grant patent to a piece of school land for coal purposes, the state interposed and carried the case right through the various land office and interior department tribunals. Each time the state has lost its case. It is estimated that more than a hundred of these have been fought out since 1907."

**Makes Several Trips to Washington.**

The Sweet case is the only one the state was ever permitted or enabled to get before the courts. So strong has been the attorney general and other officials' interest in the matter that Barnes has taken four trips to Washington and Governor Spry one or two. It was planned for a time to try and prevent the interior department or the general land office from having jurisdiction in land disputes. If the Sweet case is brought before the United States supreme court, this will be unnecessary, as there will be no more disputes.

# SPRY DISCUSSES ANIMAL SANCTUARIES



GOV. WILLIAM SPRY

Gov. William Spry last Saturday came out strongly against the national movement for the establishment under federal control of bird and animal sanctuaries in all the states. He regards it as a new "federal usurpation of control of the lands in the chosen so-called public land states of the West." The movement for these government sanctuaries in all the states is headed by Dr. W. T. Hornaday, head of the New York zoo, who visited Salt Lake City the latter part of the summer to create interest here in the cause. The governor sent a reply Saturday announcing his opposition to the plan and giving his reasons. The governor told Dr. Hornaday that he was in accord with the purpose of the movement—to furnish refuges for birds and animals, looking toward the preservation of wild life in America—but that his serious objection to the method proposed by Dr. Hornaday and others interested.

**Governor Gives Views.**

"For a number of years I have been actively opposed to federal usurpation of control of the lands in the chosen so-called public land states of the West. Vast land withdrawals for various purposes and the extension of federal supervision within the boundaries of states through congressional enactments have led to a condition which is intolerable to the people of the West. The establishment of game preserves or sanctuaries on the public domain, to be under the direction and control of the secretary of agriculture after being taken from the forest reserve, simply means that the control, supervision and policing of such sanctuaries as established will be taken from the states and vested in federal bureaus."

On the other hand, the governor heartily approves of sanctuaries controlled by the states, such as the plan for these retreats in every county in Utah, announced by State Fish and Game Commissioner Fred W. Chambers several days ago. These sanctuaries will supplement the two the state by legislative enactment created two years ago, all of which shows that Utah was looking to the preservation of wild life before the national movement started. How Utah regards the question of the preservation of wild life, the governor said.

**Attitude of the State.**

"The fish and game department of this state is maintained through the expenditure of the fund derived from the sale of fish and game licenses. In other words, this department belongs to the sportsmen of Utah. It has been my observation, and I am pleased to report, that in every movement of

# PURCHASE 17,000 ACRES OF LAND

**STEPHENS BUYS BIG TRACT OF LAND FROM THE STATE.**

Several Others Are In On the Deal—Sum Paid Is Thirty-Five Thousand, Four Hundred and Thirty Dollars—Japanese Application Was Denied Previously by the Land Board.

SALT LAKE CITY, Nov. 14.—Seventeen thousand acres of state land in Millard county was yesterday sold by the state land board to Frank B. Stephens, local attorney acting for a group of Salt Lake City and Millard county buyers. The transaction represents approximately \$35,430 to the state. The tract includes three thousand acres which a Utah Japanese corporation sought to buy and whose application was rejected by the board.

This transaction has been pending for some time and has been in controversy, both Stephens claims and a number of California people, represented by Mrs. Jean Bakeman of Los Angeles trying to get the land. Also applications have attracted attention because of the efforts made by E. D. Hashimoto company and Japanese residents associated with him to secure a parcel of the tract.

**Japanese Are Barred.**

The land board, it will be recalled, denied the applications of individual Japanese buyers, and also of a Japanese corporation formed by Hashimoto and his associates, whereupon they assigned their application to Attorney Stephens. The attorney general's office has given an opinion that the Japanese corporation was within its rights to apply for the land, but still the board declined to sell, the declaration carrying with it the suggestion that the Japanese might test the point in court if they chose. But they preferred, as said, to assign to Stephens, which was agreeable to the board on the premise of Stephens that he would not turn the land over to the Japanese. Of course, after the land board has received complete payment for the land, and the title is vested in Stephens, he may dispose of it to whomsoever he pleases.

**Whole Tract Is Sold.**

There were a number of bidders for part parcels of the land, but the land board was desirous of placing the entire seventeen thousand acres. Mrs. Bakeman wanted ten thousand acres. The Japanese company wanted three thousand acres. Various Salt Lake City and Millard county people wanted other parcels.

Stephens had a number of local and Millard county applications assigned to him and informed the board that he was an applicant for the entire tract. If the various applicants were willing to arrange private contracts with Stephens, the board was agreeable. Stephens yesterday filed the blanket application, carrying with it the assignments of some thirty odd applicants—Ray A. Greenwood, Salt Lake City; A. O. Pierson, Oats, and others.

As the land board had previously approved, the filing of the blanket application yesterday automatically entitles Stephens as the purchaser of the land. The price to be paid is \$3,500 an acre for ten thousand acres; \$2,500 for some sixty-four hundred and forty acres and seven dollars for an adjoining tract of forty acres, amounting to \$35,430 in all.

**DISTRESS IN THE STOMACH.**

There are many people who have a distress in the stomach after meals. It is due to indigestion and easily remedied by taking out of Chamberlain's Tablets after meals. Mrs. Henry Padgham, Victor, N. Y., writes: "For some time I was troubled with headache and distress in my stomach after eating, also with constipation. About six months ago I began taking Chamberlain's Tablets. They regulated the action of my bowels and the headache and other annoyances ceased in a short time." Obtainable everywhere.—Adv.

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