

LINCOLN- Famous



Capital City Far and Near

STORIES OF STATE-WIDE INTEREST

BY
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LINCOLN, THE CITY BEAUTIFUL

The artist's picture for the head of this department is nicely drawn, but it is none too pretty for the city it is made to represent; and the legend contained thereon, "Lincoln, Capital City, Famous Far and Near," is not overdrawn.

As a commercial and manufacturing center, Lincoln has a business of no mean proportions, as will be seen by perusing statistical and other information that will be found in these columns in later issues of The Herald; but it is as an educational center and attractive place of residence that she stands pre-eminent in the middle west.

It is doubtful whether there is another American city of the same population that is as far-famed as Lincoln. And her fame is well deserved. Among the things contributing to her popularity are beautiful and healthful location in the heart of an exceptionally productive and rich agricultural country, her citizenship, educational institutions and the seat of government of the great state of Nebraska.

STATE HOUSE INFORMATION

Every loyal and patriotic citizen of Nebraska desires reliable information from the state capitol, unbiased and uncolored by partisan prejudice, sufficiently condensed to be quickly read, to meet the demands of these busy times.

The average citizen believes himself competent to judge public issues on their merits for himself—and he is competent to do so when he is in possession of facts necessary to arrive at correct conclusions. This department is a good place to secure such information relative to the affairs of the state government, given "in-a-nutshell" style and from an independent viewpoint.

VINDICATION BY INVESTIGATION

With the public as the jury, an investigation has been going on before the board of commissioners of state institutions, which has been given the air of a "trial" by the employment of attorneys to conduct the case.

After serving many years as superintendent of the State Industrial School for Girls at Geneva, having been appointed and re-appointed by republican governors and continued in the position by their democratic successors, Miss Lydia J. McMahon was requested last winter by the board of commissioners of state institutions to resign. She seemed to be perfectly willing to vacate the place, as she had been thinking of accepting another position, but she did not like the idea of a compulsory resignation.

To vindicate herself before the public, Miss McMahon requested an investigation in the form of a hearing before the board. This the members at first declined to give, but later acceded to her request. To give a full account of the same would occupy too much space for this department and make a story so long that it would be read by only a comparatively few. Following is the gist of the most interesting features:

The beginning of the trouble—that is, the trouble serious enough to require a change in the management of the home, was the scandal caused by the allegation that J. W. Fagan, leader of the girls' band, had seduced Miss Grace Moore, an employe of the home and member of the band. He is now in jail awaiting trial. The investigation, which is not yet completed, has brot out statements tending to show that Fagan is a dissolute character, that his improper conduct reflected upon others at the home, teachers as well as inmates, that after getting Miss Moore into trouble he secured drugs at Lincoln which he furnished to her with the intention of producing a criminal effect; that failing, the superintendent of the home was informed of her condition, and that she and others persuaded a young farmer who was employed at the home to marry Miss Moore without knowing her condition. Before the marriage she went to Kansas City, on a "vacation" but with the intention of having her become an inmate of a maternity home; she remained there only a short while when she went to the home of her parents in Colorado, to

which place the young farmer went to marry her. Not until after the marriage had been consummated and they had retired was he informed of her condition. They lived together for a short while only.

The other interesting feature developed by the investigation was the cruel treatment of inmates practiced upon them by their "teachers." This included the use of a ball and chain that some of the girls were compelled to wear day and night for several days at a time, the use of handcuffs, whipping with buggy whip and "blacksnake" whip until the blood ran and wounds made that left scars that show plainly yet. The girls testified generally that Miss McMahon was kind to them herself but that she permitted others to inflict the punishments above mentioned and others of extreme cruelty.

The fact that J. W. Fagan, leader of the band, was permitted to remain in the employ of the home and draw pay therefor after it was known by the superintendent and others in charge that he had seduced Miss Moore, adds to the difficulty of securing the "vindication" desired.

A recess in the investigation was taken from last week until Wednesday of this week. It is expected that Miss McMahon will put on some witnesses that will represent her side of the controversy and possibly have the effect upon the public mind that she desires.

SCHOOL LANDS AND MINERAL LEASES

With charges and counter charges of unfairness, not to say dishonesty and downright misrepresentations, by parties interested in securing leases on state lands granting the right to prospect for and remove oil, potash and other minerals (potash in particular), no doubt many persons would like an unbiased statement of the facts bearing on the matter. Such a statement will shortly be given thru this department in the form of a history of the proceedings to date.

This history will be made as concise as may be consistent with a presentation of all the essential facts. In writing it, I shall endeavor to avoid expressing opinions and give only cold, bare facts. This, I think, is what the majority of the people who are at all interested would like to have. They are able to draw their own conclusions when they have the information that I am in position to give. I have neither time nor disposition to draw conclusions for them.

THE COMPLETE DRAFT OF THE POTASH BILL

(Continued from Page Six)

person shall be permitted to enter for such mineral purposes more than one section of land and no development company or association shall be permitted to acquire in the aggregate more than 10,000 acres of state land by assignment or otherwise. Leases shall be for a term of not to exceed three years, subject to renewal as herein provided.

Sec. 4. The owner of the permit shall be required, in the case of potash, salines, silica, volcanic ash, sand, gravel, clay, fuller's earth and tripoli, to report within thirty days after the issuance of such permit, and shall begin construction of necessary works or the installation of necessary machinery for the physical development of the area within ninety days after the issuance of a lease. In the case of minerals, substances not above enumerated, coal, petroleum and gas, permittee shall report within six months after issuance of permit, and development operations must be begun within one year from the date of the lease. Lessee shall make reports to the Commissioner of Public Lands and Buildings, showing the progress of the work, on or before December 1st of each year.

Sec. 5. Failure to progress with due diligence, or failure to make reports, regularly as provided, or special reports when requested, or the filing of a statement which is untrue as to material facts, will subject the permit to forfeiture, and the termination of the rights of the lessee upon an order of the state board.

Sec. 6. Upon the discovery of petroleum, gas, potash, or other ma-

terials or substances, in commercial quantities, the lessee shall report the same to the Commissioner of Public Lands and Buildings within thirty days, together with a statement showing how soon facilities necessary for production and marketing may be completed. If the Board of Educational Lands and Funds deems there is an unnecessary delay between the time of discovery and the time of production, a showing may be required as to the cause of the delay, and, if it be found to be out of proportion to a reasonable length of time, the board may demand more rapid development or the surrender or cancellation of the lease.

Sec. 7. The mineral prospector lessee may have a right to the renewal of the lease upon the same terms as herein provided so long as such minerals or other valuable substances are produced in paying quantities, provided said leases shall in no instance contain any provision abridging the rights of future legislatures to make such laws as may in their judgment be necessary to conserve the interests of the state. If lessee shall have made extensive tests, or a showing satisfactory to the Board of Educational Lands and Funds that he has proceeded in good faith, even though no successful production has resulted, the board may, upon such showing, grant an extension or renewal for further prospecting.

Sec. 8. The terms upon which mineral oil prospector's leases may be issued shall be to the highest and best bidder and one-eighth royalty in the case of petroleum or gas. In cases of potash or other substances the leases issued shall be to the highest and best bidder and the royalty shall be not less than five per cent, in addition to the bonus, the same to be determined by the state board after examination and report by the conservation and soil survey, and before leasing. Such minerals or substances shall be set apart in pipe lines, tanks or other receptacles, suitable for receiving the same, to the credit and benefit of the state, or, at the option of the state and by the approval of the Board of Educational Lands and Funds, the lessee shall pay each thirty days into the proper educational fund of the state through the county treasurer of the county in which the land is situated the gross market value thereof in cash. The state shall reserve the right to fully use and enjoy for tillage or other agriculture the area leased for minerals, except such parts thereof as may be necessary for mining and development purposes and a right of way over and across said premises to the place of mining, or operating, and for pipe lines. Lessee shall pay for all damages to growing crops, caused by his operations and for the use of the land necessarily occupied. The lessee shall have the privilege of using sufficient gas and water from the premises leased to run necessary boilers and engines incident to, and used in the operations of the drills, mines or development or products covered by the lease, the rights to remove the machinery, fixtures and buildings placed on said premises by said lessee, or those acting under him, and is not to put down any well for oil or gas or make any excavations or erect any buildings or structures, on lands leased, within ten rods of buildings already upon the premises, without consent from the Board of Educational Lands and Funds. Provided the state or its authorized agent, may pay for and retain any structure or improvements sought to be removed by the lessee upon abandonment, expiration or cancellation of the lease.

Sec. 9. Where two or more applications are received for the same land, the rights thereon may be awarded to the legally qualified applicant paying the highest and best bid to be determined by taking into consideration both the bonus and royalty, the award being made after proper legal notice in such manner as the state board shall determine best calculated to protect public interests.

Sec. 10. The right of the state, or its authorized agents, to enter upon its own lands, and to remove therefrom any substances necessary for road construction, or in structures of public buildings, or other public or general purposes, shall not be denied or abridged by any lease granted hereunder.

Sec. 11. No assignment shall be valid without it has the approval of the Board of Educational Lands and Funds and has been recorded in the office of the Commissioner of Public Lands and Buildings, and, if the grantee is otherwise legally disqualified, approval by the board, or recording, will not make such assignment valid. Any association, corporate or otherwise, operating on state lands, transferring its interests or capital

stock, or more than ten per cent thereof, to any association or copartnership which is legally disqualified for holding, or which has its full quota of state leases, will render the leases it holds void, upon an order of the state board, or act of the legislature, the purpose of this act being to prevent for all times, directly and indirectly, the monopolization of natural resources of the State of Nebraska.

Sec. 12. In case of alkali, potash or saline lakes, ponds or marshes, located partly upon state lands and partly upon private lands, such shall be measured, tested and analyzed by the State Conservation and Soil Survey, who shall report to the State Commissioner of Public Lands and Buildings, and the proportion of area and content to each owner determined from such report. If the state lessee and private owners or lessees are unable to agree for joint operation of such area, no alkali, potash or salines in solution, shall be removed from such ponds, lakes, or marshes until after thirty days' notice by registered mail to all parties concerned. Either party or all parties may then operate by rendering monthly an accounting to the state land commissioner and by paying to the county treasurer in the county in which the land is located, for the state educational funds, the royalty due the state as determined by the Board of Educational Lands and Funds; provided that the state shall, at all times, be permitted to examine the books and methods of bookkeeping with relation to the accounts in which the state is interested, and to furnish, if deemed necessary by the board, assistants to make analyses or for checking the quality of minerals or substances removed.

Sec. 13. Meandered lakes, and streams, the shore lines of which were meandered by government surveys and the beds thereof are de-

clared to be the property of the state for the benefit of the public, and revenues therefrom and resources therein shall be subject to such laws and regulations as govern common school lands. All moneys derived from the operation of this act shall be for the permanent educational funds of the state, and where it comes to the knowledge of the Commissioner of Public Lands and Buildings that waste or spoil has been committed upon any state land, he shall cancel the contract for such lands forthwith upon his records.

Provided, however, that nothing herein contained shall be construed as claiming title in the State of Nebraska to any lake or streams or that portion of a lake or stream located upon lands, patents to which have been issued by the United States to private individuals or persons.

Sec. 14. Any person operating pumps, or providing channels, or altering natural conditions in any way, by which the waters and valuable substances upon or in public lands and waters of the state are taken, drained or removed, without first securing approval of the Board of Educational Lands and Funds, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum of not less than \$25.00, nor more than \$1,000 for each offense, in addition to the value of the product removed.

Sec. 15. Rules may be adopted by the Board of Educational Lands and Funds found necessary for carrying out the purposes of and provisions of this act, and such rules, where not in conflict herewith, shall have all the force and effect of the act itself.

Sec. 16. The holders of mineral leases heretofore granted by the Board of Lands and Funds, which leases have been declared invalid, may apply, under the direction of this act, for new leases, and the board

may in its discretion determine if the bonus and royalty is equal or better than bona fide competitive bids. If the lessee has made extensive or expensive preparation and is prepared for proceeding with development, the board may in its discretion, consider the same and issue new leases to said lessee under and by virtue of this act.

Sec. 17. SAVING CLAUSE. Should the courts declare any section, or any part of a section, of this article unconstitutional or unauthorized by law, or in conflict with any other section or part or subdivision of a section or provision of this article, then such decision shall effect only the section or part or subdivision of a section, or provisions so declared to be unconstitutional, and shall not effect any other section or any other part or subdivision of a section or provision of this article. It is further expressly provided that each section and each part or subdivision of a section herein, so far as an inducement for the passage of this bill is concerned, is independent of every other section, and every other part or subdivision of a section, and not any section or any part or subdivision of a section is an inducement for the enactment of any other section or part or subdivision of a section.

Sec. 18. Section 5870 of the Revised Statutes of 1913 is hereby repealed.

Sec. 19. Whereas an emergency exists, this act shall be in full force and effect and after its passage and approval.

Sergeant C. F. Wykoff, of Alliance, has arrived in France. A card received from the sergeant, who is a member of the Alliance Volunteer Fire department, by The Herald says "I have arrived safely overseas."

The Eagle's Eye



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By William J. Flynn

Recently Retired Chief of the United States Secret Service

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