

# ALIEN LAND LAW CASE WILL GO TO SUPREME COURT

THE McGonigle alien land law conspiracy case, which was on trial in Superior Court here for two weeks, passes now to the State Supreme Court for determination of unsettled legal issues affecting all prosecutions for its violation.

By an unusual legal action, the case is virtually in the position of never having been tried, although twelve jurors, who were unable to agree after twenty-three hours of deliberation, had heard its ramifications in a hearing lasting since February 10. Judge Calvin S. Hall, before discharging the jury, sustained a renewed demurrer to the information on which C. W. McGonigle, Algona town marshal, and fourteen Japanese defendants were tried, on the ground that it does not charge a crime.

## Judge Discharges Jury.

Then the jurors were called from their jury room, with evidences of their strenuous battle in the expressions of their faces, and formally discharged. They stood seven to five for acquittal, it was stated.

Judge Hall's action was taken as result of pre-arrangement with Prosecutor Ewing D. Colvin and Defense Counsel Wilmon Tucker so that the Supreme Court could pass on the sufficiency of the charge. Mr. Tucker renewed a previously denied demurrer to the information because it is too general. Judge Hall sustained it, and Mr. Colvin announced he would take an appeal to Olympia.

"The Supreme Court should have an opportunity to pass on this question," Judge Hall said. "I will, therefore, take the case from the jury. If the Supreme Court holds the information is proper I shall sustain a challenge as to the sufficiency of the evidence to convict."

McGonigle, the state asserted, entered into an involved arrangement with the Japanese by which they virtually leased eighty acres of his land in the White River Valley, which is a crime under the statute. The defense contended that the Japanese were merely McGonigle's employes, hired by him to till his soil.

The Algona officer faces two similar conspiracy charges in which other Japanese are implicated, but trial of these cases is expected to be deferred until the Supreme Court decides whether the form of the informations on which they are based is proper.