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Medford Daily Tribune.

The Weather Showers and thunderstorms tonight or Thursday; cooler Thursday except near the coast; south to west winds.

THIRD YEAR.

MEDFORD, OREGON, WEDNESDAY, JULY 22, 1908.

No. 106.

STANDARD OIL ESCAPES PAYING BIG FINE

COURT OF APPEALS SAVES TRUST \$29,240,000 PENALTY FOR REBATING

JUDGE LANDIS CENSURED IN SCATHING ARRAIGNMENT FOR RULINGS AGAINST TRUST

Penalty Was Imposed When Company Was Not Even Indicted or Upon Trial, Asserts Appellate Court Bench in Banc --- Decision Great Shock to Government Lawyers

CHICAGO, Ill., July 22.—The federal court of appeals today reversed the decision of Judge Landis in fining the Standard Oil company of Indiana \$29,240,000.

The higher court orders that the case be given a rehearing and remands it for the present. The decision is scathing in its arraignment of Landis, stating that he imposed the fine on the company while it was not indicted and not even on trial. It was the greatest fine in the history of jurisprudence; it was the sensation of the day.

Landis assessed the highest possible fine in each separate alleged offense, making the enormous total. The decision today came as a great shock to the counsel in the trust busting cases, as they appeared confident yesterday that Landis' decision would be affirmed in every particular.

The federal court of appeals, which handed down the decision today, is composed of Judges Peter S. Grosscup, Francis E. Baker and William L. Seaman.

Opinion Delivered by Grosscup.

The Standard Oil company of Indiana is one of the subsidiary companies of the Standard Oil company of New Jersey. It has a capital stock of only \$1,000,000, but the government investigations showed during some periods it has earned more than 1000 per cent profits.

Judge Grosscup delivered the opinion, which was in part as follows: "The reason for imposing the sentence was because after the conviction and before the sentence it was brought on by the examination of witnesses in the case and stockholders of the Standard Oil company of New Jersey that the stock of the Standard Oil company of Indiana was owned by the New Jersey corporation. That corporation was not before the court for trial, the court in adding up, found the record, but on no information specifically referred, found that the Indiana concern and not the New Jersey concern was the 'virgin' offender. Passing the fact that no word of evidence supporting the sentence was found, if evidence was to be found in the records of the case, no court could convict a party that was not on trial.

"Can an American judge, without abuse of judicial discretion condemn anyone who has not had his say in court?"

"That to our mind is a strange doctrine of an Anglo-Saxon jurisprudence. No monarch, no parliament, and no tribunal of western Europe for centuries has pretended to have the right to punish except after due trial under the forms of the law."

"Can that rightfully be done here on the basis of the judge's personal belief that the party marked by him for punishment deserves punishment? If that is so it is because the man who happens to be judge is above the law."

Smaller Fines in Prospect.

The decision was unanimous, being signed by all three judges of the court, United States District Attorney Sims, who led the prosecution of the case, today said:

"The effect of the decision, if the case is retried, is that the fines imposed must be materially less than the Landis fine."

"If the fines are assessed according to the number of shipments involved, the maximum penalty would be about \$10,000. If they are assessed according to the number of settlements involved, the maximum would be about \$75,000. The minimum in both instances would be one-fifth of the maximum."

"Including this case, there are 6000 cases against the Standard Oil company waiting trial in this federal district alone, and about 15000 counts outside this district."

"The decision leaves the case as if it had never been tried. Nothing will be done toward a beginning of a new trial until Attorney General Bonaparte is consulted."

WILLIS POLK, ARCHITECT, JOINS STONECUTTERS

SAN FRANCISCO, Cal., July 22.—After cutting stone for three hours to prove that he knew how and undergoing the formal examination required by the rules, Willis Polk, architect, and clubman, is today an active member of the stonecutters' union. He says that he did not join for political reasons, but because he likes the stonecutters and they know he is their friend.

Polk is a member of the Pacific Union, University, Bohemian, Cosmos and Burlington clubs, but says his election to the stonecutters' union gives him more pride than all the others put together. He says he will strictly adhere to the rules of the organization and parade with his union brothers on Labor day.

William F. Vilas Very Ill.

MADISON, Wis., July 22.—William Freeman Vilas, 68 years old, is in a critical condition as the result of a hemorrhage of the brain. He was postmaster-general of the United States from 1885 to 1888 and secretary of the interior from January, 1888, until March, 1889. He held the office of United States senator from 1891 until 1897, and has been prominent in public life for many years.

JAPANESE PROGRESSIVES WIN GREAT VICTORY

TOKYO, July 22.—The first of the policies of the progressives to be inaugurated in Japan was announced today, when an imperial order was issued directing that the affairs of the South Manchurian railway company and the administration of the Kwang Tung province will be controlled hereafter by the minister of commerce.

This takes the control of the much disputed region of Port Arthur from the hands of the minister of war and puts the control with what corresponds to the secretary of state in America. It is regarded here as one of the biggest victories for the progressives since the other Katsura cabinet was dissolved before the Russo-Japanese war and is but the beginning of an era of retrenchment on the part of the new Katsura cabinet.

The imperial order is the first also late indication that Japan will keep faith with Russia, England and China in the administration of the Manchurian railway, as the army will no longer be able to control the districts. The tangled affairs of the railway have been the subject of much diplomatic discussion since the end of the war with Russia.

POWER PLANT AT GOLD HILL AUCTIONED OFF

Indiana Capitalists Purchase High Line Ditch and Lighting Plant

The Gold Hill Canal company property was sold at auction at Gold Hill Wednesday morning to the Marion Trust company of Indianapolis, Ind., for \$9500, at foreclosure sale brought by the bond holders, who secured judgments totalling about \$129,000, through default in interest. The successful bidders were represented by Mr. Pickens of Indiana. The Marion Trust company is acting for W. E. English, W. R. McKee and Frank M. Emore of Indianapolis, three of the leading stockholders in the Gold Hill Canal company. The intentions of the purchasers are not known, but it is reported that they will reorganize, having got rid of a non-progressive element in the company.

For Bonds and Interest.

The judgments were secured last March and are for \$112,086, for bonds and accrued interest, \$5634 and \$29 and costs. The property sold comprised all that was owned by the Gold Hill Canal company, including the dam in the Rogue river, the power and lighting plant and franchises, the high line ditch from Prospect, all rights of way and water rights, the grist mill, warehouse, stamp mill and water plant at Gold Hill, and lot 1 section 17, lots 6, 7 and 8, section 15, township 36 south, range 3 west, and 140 acres on the Rogue at the power plant.

Attempted a Merger.

The company attempted a merger with the Condon Water & Power company last summer, and the Rogue River Electric company was formed as the holding company, the stockholders in the Gold Hill concern agreeing to take the bonds of the Ray company, the new concern having a monopoly of power in southern Oregon in lots of \$50,000 each. They acquired \$100,000 of the bonds when the October panic put a stop to the deal. Dr. Ray states that the deal is entirely off.

The high line ditch water rights conflict with those of the Condon Water & Power company at Prospect, hence the desire for combination on the part of the Gold Hill concern.

BRITAIN GOES AFTER AMERICAN BEEF TRUST

LONDON, July 22.—Suspecting that the American beef trust is responsible for high prices of meat in Great Britain, Premier Asquith is in conference today with some of the most powerful political leaders in the United Kingdom discussing a project to remove the restrictions on livestock importation from Canada and other countries against which a quarantine is unnecessary.

Asquith has been consulting experts on the meat question ever since a formidable delegation of union working men called upon him July 8 to ask him to come to the aid of the poor people by causing a government investigation into the price of food. The question is one which would ordinarily be referred to the board of agriculture, but the premier has become interested and decided personally to probe the matter. He has interviewed scores of meat dealers, from the smallest to packers doing an international business, and while he refused to express an opinion for publication, it is reported that he believes the American trust is responsible for prevailing prices.

In discussion with political friends a few days ago, Asquith admitted that it would be difficult to regulate corporations operating principally in the United States, but he hoped to find some solution of the problem. Since then it is learned on good authority that he has looked favorably upon the project to admit Canadian livestock into England without importation restrictions.

WATER FROM APPLGATE IS OFFERED CITY

Blakeley to Submit New Proposition--Engineer Inspecting Wasson Creek

Fred J. Blakeley of Roseburg partner of Jeff D. Heard in the Sterling mine, is in Medford to make the city another proposition for water, this time from the Little Applegate, which has its source in the snow-capped peaks of the Siskiyou. There is no question regarding either quantity or quality of this water and the project will probably be reported on by Engineer Roberts.

Must Be Gravity System.

W. P. Bullock of Kansas City, consulting engineer for John Nyeen & Co., bankers of Chicago, who purchased the project, he left this noon with Engineers Roberts and Cummins to inspect Wasson canyon. He states that his firm will not take the bonds except in a gravity system as provided in the bond election call, and that any other system than a gravity system would invalidate the issue.

"We are as much interested in the water system selected as the city," said Mr. Bullock, "and you can be sure that we will be satisfied on all points. I have personally inspected and reported upon 45 city-owned water systems, 35 of which have proved money makers. Water is the great need of Medford, and if the money is wisely used, will be the means of making the city."

Slinger's Ranch Also.

It is reported that M. F. Hanley has secured an option on the Dick Slinger ranch for \$7500 and will supply the city water enough from the Slinger rights to make up the deficiency in Wasson canyon. It is practically conceded that not over 200 inches will be the minimum in Wasson canyon at low water stage.

EUGENE NOW OWNS ITS WATERWORKS

EUGENE, Or., July 22.—Eugene owns its own water works now and the citizens are happy, for they have been striving for a municipally owned water system for years.

The price paid for the works was \$140,000. The city now proposes to issue \$500 bonds for improvements to the system, and action on this matter will be taken at the next council meeting.

The people are satisfied they struck a good bargain in acquiring the water system, as valuable property, including Skinner's Butte, which will make a beautiful park some day, goes with it.

SLAYS NINE BEARS IN THREE SUCCESSIVE DAYS

REDDING, Cal., July 22.—Hunters of Tehama county today proclaimed Lee Green of Red Bluff champion bear slayer of California, his record being nine bears in three days, three of the animals having been killed in each of the three days. Green collected \$45 bounty from the county clerk, \$5 for the scalp of each bear.

While hunting in the Mount Tom Head country last week Green saw a bear devouring a calf. He fired at the animal and it ran up a tree, where its two cubs were already perched. Green killed all three. On the following day he saw three more bears less than a mile from the same tree and killed all three. The third day Green saw four bears. Three of these ran up a tree, while the fourth made its escape in the brush. Green killed the three which remained within range.

Guardian Robert Whipple et al.; or made to sell real property. Guardian Carl B. Beeson; final report filed.

ROOSEVELTS' SHIP SINKS SCHOONER

Yacht Mayflower Collides Off Coast of Maine With Manawa, Which Is Sent to the Bottom

NEWPORT, R. I., July 22.—The yacht Mayflower, with President Roosevelt on board, ran down and sank the schooner Manawa, owned by C. E. Pemberton of Sileton, Me., in a heavy fog at 1:15 o'clock this morning.

The president was in his berth and did not learn of the accident until he arose at daylight.

The Mayflower lost her bowsprit, but sustained no other damage. The captain of the schooner and the five men of his crew were rescued by the crew of the Mayflower, and after a hard struggle were put aboard the yacht.

The boats came together with a heavy impact, but President Roosevelt was not sufficiently shaken to arouse him from his slumber.

The fog was so heavy that the lookout on the Mayflower could not see the form of the schooner until they were almost together.

The sharp bow of the Mayflower crashed through the wooden bulk of the schooner and she filled with water rapidly, sinking in a very short time. She is a total loss.

The president complimented the crew of the Mayflower for their work in saving the crew of the wrecked vessel and made the minutest inquiries as to how the accident took place. He seemed to regret that he had not been awake and had a chance to take part in the exciting scene.

The collision occurred on Long Island sound between New Haven and New London.

THOUSANDS WELCOME PRINCE OF WALES

QUEBEC, Que., July 22.—Thousands of visitors thronged into the city early today to witness the arrival of his royal highness, George Frederick, prince of Wales and heir apparent to the throne of the United Kingdom and the British domain on the fast cruiser Indomitable, the mystery ship of the king's navy.

The streets are filled with enthusiastic Canadians, singing, shouting, cheering and laughing, every one from the youngest to the oldest entering into the spirit of the occasion.

Formal welcome, the civic address, will not be delivered to the prince until tomorrow afternoon, but late in the evening of today the governor-general, Vice-President Fairbanks and a number of the more important Canadian officials will be received on board the Indomitable. His royal highness is accompanied by a brilliant staff, and the meeting this evening, though called informal, will be ceremonious.

Elaborate Ceremonies. Many elaborate ceremonies have been planned, and the prince will participate in some of the most spectacular events in recent history before taking his departure from Canada next Wednesday. One of the most notable features will be the great review on the Plains of Abraham Friday, followed by the dedication of the Quebec battlefields. The temporary regiment will be the principal features Saturday and on Sunday the prince will attend religious services. Tuesday there will be a tree planting, and early Wednesday morning the Indomitable will sail.

Great curiosity has been aroused by the "mystery ship," and she is the center of interest of everyone interested in maritime affairs. The secrets of her construction have never been made public, although it is generally known that she embodies some radical ideas in naval construction.

Probate. Guardian Robert Whipple et al.; or made to sell real property. Guardian Carl B. Beeson; final report filed.

ABROGATES DESPOTISM IN TURKEY

Sultan Grants Constitution to End Revolt Which Is Spreading Through Ottoman Empire

CONSTANTINOPLE, July 22.—Against the advice of his council, Sultan Abdul Hamid today decided to grant a constitution to the people of Turkey. This is understood to be the only means of checking the Macedonian revolt, which has spread until it has affected the whole northern portion of the Turkish empire. The sultan is said to fear the intervention of Russia and France, which was decided upon yesterday at St. Petersburg.

It is reported that when the sultan's council made objections to the granting of the constitution, Abdul Hamid said: "It will be easy to annul the constitution when order is restored."

Sultan Is Determined. Abdul Hamid held the consultation with his councilors early today and it is reported that the session at the imperial palace was stormy.

The sultan's councilors pointed out that Turkey is the only remaining despotism in northern Caucasus and that the sultan should put forth a strong effort to maintain this form of government and thus give moral support to the sultan's fight in Persia.

Abdul Hamid is ill and peevish, and is said to have flown into a rage and asserted that Russia and France were planning to interfere in Macedonia. He said he also feared England and did not want war in his old age, which would deplete his coffers.

Kaiser Is Cause of It.

A note from Germany discourages Turkey's overtures for an alliance with the kaiser is said to have been responsible for the decision of the sultan. It is said that Emperor William wants an alliance with Turkey, but is afraid of an open treaty with the "Bloody Turk."

It is understood that the sultan is sending orders today to General Djavit Bey to cease his operations on the Turkish-Persian border and to use all attempts to pacify the people.

Abdul Hamid is convinced that he has not long to live, and wants to pass the remainder of his days in peace. He has announced his intention of appointing his third son, Mokeddum Barhan-Ed-Din his successor to the throne, although this is contrary to all precedent.

The sultan's rightful successors are his three brothers in order according to the tenets of Turkish custom, which dictates that the throne shall descend to the male descendants of Imperial Harime of Orhan, the founder of the empire.

BEECHER'S GRANDSON WEDS BERKELEY BELLE

BERKELEY, Cal., July 22.—Mr. and Mrs. Henry Ward Beecher left here this morning for northern California to spend their honeymoon. Beecher is the grandson of the famous divine of the same name and is a graduate of the University of California.

Mrs. Beecher was Miss Blanche Cameron, prominent in the society of the college town. Rev. Mr. Hodgkins of St. Mark's Episcopal church performed the ceremony.

The young people will live in Berkeley on their return from the north.

PINCHOT WARNS PEOPLE AGAINST POWER MONOPOLY

SAN FRANCISCO, Cal., July 22.—Gifford Pinchot, chief forester of the United States, went to Berkeley today after making an appeal to the people of California to protect the watersheds of the state and stop ruthless destruction of forests.

Declaring that the question of allowing a giant monopoly of the power will come before the people next winter, Pinchot warned California people that such a combine must be prevented. He said the monopoly will attain such proportions that the Standard Oil company will look small.

Mrs. Elizabeth McKenzie, who has been away from Medford for nearly a year, returned here today from Hood River.

ENLARGING PLANT AT GOLD RAY

Rogue River Electric Company Begin Work for Increasing Power--High Line Ditch Is Sold

Work has begun upon the enlargement of the Rogue River Power company's plant at Gold Ray from 2000 horse-power to 3000 horse-power at a cost of \$100,000. Colonel Frank Ray, president of the company, also vice-president of the American Tobacco company and chairman of the board of directors of the California-Nevada Power combine, has left for New York after giving final orders for the enlargement, the expensive machinery for which has been purchased.

New Pelton wheels will be installed, a new building built and a new water channel below the dam constructed. The work will be done with the view of increasing the capacity another 9000 horse-power as soon as market for the power is found. At present the entire output is marketed during the night.

Work is also to be done on the Prospect ditch for the proposed power plant. This conduit spills the waters of the Upper Rogue over 600 feet of precipice and will generate 100,000 horse-power, the greatest power development of any project in Oregon.

LARGE ATTENDANCE AT UNIVERSITY PROMISED

UNIVERSITY OF OREGON, Eugene, Or., July 22.—The freshmen class entering the University of Oregon this fall will be by far the largest in its history. Every indication points to a freshmen registration of 250, and a total enrollment of nearly 600 students, not including the departments of law and medicine. Last year one-fourth of all the high school graduates of Oregon entered the University of Oregon, and there is every reason to believe that an even greater percentage will enter this fall, though the number of graduates is nearly a half larger than last year. Another source that will help swell the number very materially is the large number of eastern people coming to the state. The registrar's office receives many letters each week asking if credits from eastern high schools will be accepted. The demand for catalogues has been unprecedented, and unless all signs fail next year's enrollment will be a record breaker.

STAGE ROBBER SECURES TWENTY-EIGHT THOUSAND

RENO, Nev., July 22.—The state police are today watching every station on the main line of the Southern Pacific in the northern part of this state on the lookout for two bandits, who held up the stage coach between Likely and Alturas, in Modoc county, Cal. The men held up the stage late Monday night about five miles from Likely and secured a Wells-Fargo strongbox containing \$28,000.

The bandits evidently knew of the box, for they stopped the stage and ordered the Wells-Fargo messenger, who sat on the seat with the driver, to throw down the box. Then they ordered the driver to whip up his horses and move on. None of the passengers knew of the holdup, so quickly was it accomplished.

The strongbox contained the money for the payroll of the Nevada-California Oregon railway and the payrolls of several stock camps.

Word of the robbery was brought to this city last night.

CITY TREASURER'S NOTICE

Office of City Treasurer, Medford, Oregon, July 20, 1908. Notice is hereby given that there are funds in the city treasury for the redemption of light and water fund warrants Nos. 1327 to 1352, inclusive, protested December 5, 1907. Interest on same will cease after the above date.

L. L. JACOBS, City Treasurer.

THINKS HE IS CHEIST AND RESISTS DEPORTATION

BINGCARD, Man., July 22.—C. W. Speers, colonization agent of the dominion government, is here looking after the Adamites who are armed with rifles and revolvers here encamped near the town.