

UNITED PRESS DISPATCHES
By far the largest and best news report of any paper in Southern Oregon.

Medford Daily Tribune.

The Weather
Generally fair tonight and Thursday; southerly winds.

THIRD YEAR.

MEDFORD, OREGON, WEDNESDAY, OCTOBER 21, 1908.

No. 184.

PERTINENT QUESTIONS ANSWERED

Crater Lake Lumber Company Replies to Queries Regarding Their Water Offer to the City

In order that the public may understand better the Big Butte Springs water proposition, the following answers to queries are made by the Crater Lake Lumber company:

Will lumber be floated in the city flume?
No. Lumber will be floated in the city flume. Our proposition calls for two flumes, one a covered box flume, which will carry the city's water supply, and another an open V flume in which we will float sawed lumber, but not logs. Does the city pay the cost of the lumber float?
No. The total cost of the two flumes is approximately \$165,000, two-thirds of which will be expended in constructing the covered box flume for the city. The Crater Lake Lumber company will pay the difference, approximately \$55,000, which will represent the cost of the V flume. In no sense can it be construed that the Crater Lake Lumber company is asking the city to build it a flume and present with the same. The company constructs both flumes, turns them over to the city for \$110,000.

What is the capacity of the city's flume?
The capacity of the city's box flume is approximately 700 inches, and this amount can be delivered at Eagle Point covered and protected from the sun.

Does the city secure title to the water and flume?
The title to the entire system, both the box flume and the V flume, is to rent in the city of Medford. The Crater Lake Lumber company merely has the privilege of floating lumber through the V flume as long as it pays the expense of maintenance. All damage and wear and tear due to the use of the V flume is to be borne wholly by the Crater Lake Lumber company, which is also bound to pay one-third of the damages to the box flume occasioned by the acts of God, the elements or other causes without control of either party.

How is the flume to be patrolled?
The Crater Lake Lumber company agrees to employ not less than three patrolmen whenever using the V flume, and any damage caused to the city's flume due to the use of the V flume will be repaired wholly at the expense of the Crater Lake Lumber company.

Water Needed.
How much water does the Crater Lake Lumber company take from the city's flume to operate the V flume?
The Crater Lake Lumber company only takes sufficient water from the city's flume to make up for evaporation or leakage in the open V flume.

Does the city secure title to the water?
Yes. The Crater Lake Lumber company agrees to put up sufficient bonds to guarantee title to the water. The water fillings made by the Crater Lake Lumber company at Big Butte Springs call for 800 inches of water, though the filing by the company on the stream calls for a much greater amount.

When will the flume be completed?
If the contract is awarded to the Crater Lake Lumber company it gives bonds that the flume will be completed by the first of next July.

Total Cost.
What will be the total cost to the city of securing the Big Butte Springs water?
The Crater Lake Lumber company will build the flumes, costing \$165,000, and turn it over to the city for \$110,000. The Jacobsen-Hale company bid on constructing the pipeline, reservoir and city distributing system extensions is \$152,410, making the total cost to the city \$262,410, within the limit of the amount available.

How will the acceptance of this proposition benefit the city?
It will give Medford the purest supply of water of any city on the continent at a nominal cost. It will mean the building of an immense box, saw and door factory in Medford with an annual payroll of \$150,000; it will mean the opening up of the Crater Lake timber belt, and an annual expenditure in wages of at least \$15,000 more per year. It will provide a common carrier for the lumbermen of the Crater Lake timber belt, as a nominal price will be asked for transportation of the lumber to the railroad.

Farmers here have been enabled to plow, also put in their fall grain, by the recent rains. Gathering and packing the apple crop is progressing rapidly.

JONES WILL BRING COSS BACK AGAIN

Met With Ooder of Supreme Court Granting Stay of Execution--Coss Was Taken up Tuesday

SALEM, Or., Oct. 21.—Sheriff W. A. Jones of Jackson county was stopped with his prisoner, H. M. Coss, at the gates of the state penitentiary this morning by the sealed order of the supreme court and ordered to take his prisoner back to the county jail in Jackson county. Counsel Reames was on hand with the order, and the warden of the penitentiary was acting under the instructions of Governor Chamberlain. Sheriff Jones immediately took steps to take his prisoner back to the Jackson county jail.

On Tuesday, when the supreme court granted a stay of execution in the case of State vs. Coss, the order was transmitted to Sheriff Jones in Jacksonville by telephone. Jones immediately consulted Judge Hanna, who informed him that he could not pay attention to any order of the supreme court until it was delivered into his hand, and he could recognize the authority conveyed by the seal. Jones started for Salem Tuesday evening with his prisoner.

In the meantime Colvig and Reames were notified that the prisoner would be brought north. So they "hied away" to the governor's office and told him the particulars. The governor immediately ordered the warden of the penitentiary to not admit Coss if Jones should turn up with the prisoner, but to order them back to Jackson county.

Mr. Colvig returned home Wednesday morning, Mr. Reames staying in Salem in order to place the sealed order of the supreme court in the hands of Sheriff Jones before the prisoner was taken to the penitentiary. The party is expected back in Medford before long.

JAPANESE FRIENDSHIP IS GENUINE

Believed That America and Japan Will Amicably Solve All Problems Between Two Nations

TOKIO, Japan, Oct. 21.—Any doubt of the genuineness of the felicitations exchanged by America and Japan that may have lingered last night are utterly dispelled today.

It is believed universally that the result of the meeting of Admiral Sperry and the mikado yesterday at the palace means the cementing of the ends of friendship.

It is believed that Japan and America will solve amicably all the problems which the two nations are jointly interested within the next ten years at least.

The enthusiastic expressions of friendship on the part of the Japanese are continuous, and the Nipponese are displaying their good will in a thousand different ways. These people of Japan have shown that they know how to play the host, and visitors were not over-courteously entertained than the American officers.

DYNAMITE KILLS FIVE ON THE PANAMA CANAL

NEW ORLEANS, La., Oct. 21.—Five men were blown to atoms by the explosion of a hidden charge of dynamite which was hit by a steam shovel in the Culebra cut, according to a cable dispatch from Colon, Panama, today.

The men were riding on the gigantic arm of the steam shovel, which was charged when the dynamite was hit. The charge had been placed behind a rock for use when the blasts were set off at night, and the shovel man was unaware of its existence.

The explosion scattered the bodies of the five men over a half mile.

BY WAY OF ANSWER TO MR. BLITON

Dr. C. R. Ray Answers Medford Mail and Asks Some Pertinent Questions on Own Account

(Will the Medford Mail copy answer?)

MEDFORD, Or., Oct. 21.—Open letter to the editor of the Medford Morning Mail:

In your paper of the 21st inst. you ask the following questions:

"See here, Dr. Ray, how does it happen that this water pumping proposition of yours is submitted by the Condor Water & Power company and not by the Rogue River Electric company? Is it not true that several months ago the concern now known as the Rogue River Electric company took over all of the holdings of the Condor Water & Power company? If this be true, why was not the water pumping proposition submitted in the name of the Rogue River Electric company and not in the name of the Condor Water & Power company? What are the assets of the Condor Water & Power company at this time?"

In reply, allow me to inform you that the assets of the Condor Water & Power company consist in part of \$564,000 of the first mortgage bonds upon the power plant and dam at Gold Ray and all the transmission lines connected with same and now owned by the Rogue River Electric company. Is this not enough?

The two companies, as you observe, are practically the same. Both are Oregon corporations and the only reason that the proposal was made by the Condor Water & Power company is that I and my associates wish if an opportunity is offered to continue to develop Jackson county by supplying water for irrigation, and for business reasons believed it would be better to separate the water and irrigation business from the electric business. This was done for the reason that we would be thus enabled better to keep the accounts of the two classes of business and the articles of incorporation of the two companies are different in that respect.

While you are asking questions, will you kindly answer two for me:

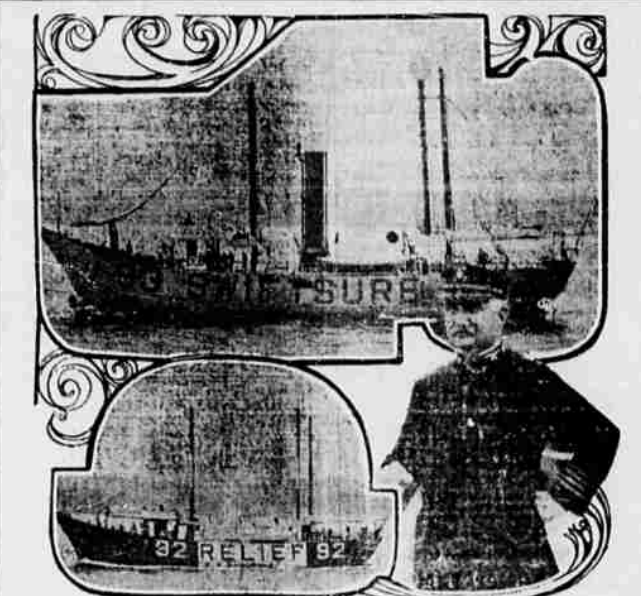
First—Why does not the Fish Lake company make a proposition instead of L. L. Hamilton? And what are Mr. Hamilton's assets?

If you want to be fair, as you claim, why don't you treat all people alike? Why don't you ask the same questions of all competitors in the water proposition?

An early reply will oblige me and no doubt will be eagerly expected by your readers!

C. R. RAY.

NEW FLEET OF AMERICAN TENDERS AND LIGHTSHIPS WELL ON THEIR 14,000 MILE TRIP TO SAN FRANCISCO



TWO OF THE FLEET AND CAPTAIN HERTZ.
SAN JUAN, Oct. 21.—The six vessels comprising the new fleet of tenders and lightships who are on a 14,000-mile voyage to the Pacific coast by way of the straits of Magellan are well upon their way. This was the first part of call of the fleet. It is expected that they will be some four months in making the trip to San Francisco from New York. They are under the command of Captain Albert T. Hertz.

SMITH SAYS NO PARTNERS IN THE DEAL

Attorney R. G. Smith Gives Opinion Regarding Partnership of Condor Proposition and City

Dr. C. R. Ray throws the following additional light on the Condor Water & Power company proposition:

Question: If the Condor Water & Power company's proposition is adopted by a majority vote of the people, does the city of Medford get all the water that the pipeline will carry?
Answer: The city of Medford will get all the water that the Condor pipeline will carry, provided it uses the water. The Condor proposition plainly states that the Condor company is to have "all revenue derived from the sale of all surplus water (not used by the city of Medford) outside of the city limits."

This means that the city of Medford will get all the water that it has use for, which the Condor pipeline will carry, which is 50 per cent more water than that of any other water proposition.

Hence it follows that if Medford grows sufficiently to use all of this water that the Condor company would have to build additional pipelines at its own expense in order to supply the demand for water from irrigation customers and other water users outside of the city limits of Medford.

Question: If the Condor Water & Power company proposition is adopted by a majority vote of the people of Medford, would the city of Medford be in partnership with the Condor company?
Answer: It would not. The Condor company would simply act as agent for the city in operating the water system under the supervision of the city, and in consideration of its services and in consideration of furnishing electric power free for the operation of the pumps, the Condor company would get 75 per cent of the profits (if any) derived from the operation of the city plant and would also get the revenue derived from the sale of all surplus water (not used by the city of Medford) outside of the city limits.

The water rates could only be raised by the city council.

The operating expenses would be guaranteed lower under Condor management than under city management under like conditions.

Smith's Opinion.

The following opinion of Attorney R. G. Smith:

Condor Water & Power Company, Medford, Or.—Gentlemen: The water proposition submitted by you to the city of Medford is not in any sense a proposition for partnership, and could never be construed as such. In the first place, the intention of the parties entering into a contract of that kind is the most important factor in determining their legal relation. Second, under your proposal you simply undertake to pump water through a pipeline owned by the city, into reservoirs owned by the city, and you are to receive a contingent share of the profits.

The Condor company performs services, and for the same is to receive a part of the profits only, if there should be any. For the services rendered, the proposal made amounts to nothing more than a contract of hiring for which you are to receive a contingent compensation. The following authorities are in point:

Klatterman vs. Hayes, 17 Or. 325.
Bisbee vs. Taft, 11 B. L. 307.
Robinson vs. Bullock, 58 Ala., 618.
Brown vs. Jaquette, 29 Ala. 770.
Wilson vs. Edmonds, 139 U. S. 472.
Rando vs. Moffat, 75 Mich. 188.
Respectfully yours,
R. G. SMITH.

REPUBLICANS TO HEAR HUMPHREY

General Committee Named to Entertain Popular Congressman

On next Monday afternoon at 2 o'clock in the Redmen's hall, Hon. W. E. Humphrey, member of congress from Washington, will address Jackson county citizens upon the issues of the campaign. The address should be of more than ordinary interest as Mr. Humphrey enjoys an enviable reputation in congress, where, although a young man, he has attracted attention by his logic and manner of address. He will be accompanied by Hon. C. N. McArthur, secretary of the republican state central committee, member of the legislature, and who will in all probability be the next speaker of the house.

Upon their arrival in Medford the two distinguished visitors will be met and entertained by a committee consisting of Hon. Theodore Cameron and Hon. C. C. Bookman of Jacksonville, Hon. J. Von der Hellen of Wells, Hon. J. W. Merritt of Central Point, Hon. E. V. Carter, Hon. J. P. Dodgson and Hon. E. D. Briggs of Ashland, Hon. Joseph Hammerley of Gold Hill, Hon. W. I. Sawyer, Hon. W. M. Colvig, Hon. W. H. Gore, Hon. Herbert Anderson, Hon. J. E. Enyart, Hon. J. E. Watt, Dr. J. M. Keene and President F. M. Colvig of the local Taft and Sherman clubs.

The band will be engaged to play and a big time generally is promised.

FRISCO ANGLER PRAISES ROGUE

Chronicle Publishes Words of Praise, Spoken by Angler after Fishing Rogue

The following is from the San Francisco Chronicle of October 19:

"That will know and enthusiastic angler, David Sachs, who returned a few days ago from the Rogue river, stated that the anglers who reside at Medford and Gold Hill are contemplating a meeting, which will be held at Medford, for the sole purpose of arranging some plan with the object in view of calling the attention of the Oregon fish commissioners and the state game and forestry warden to certain dams in Rogue river, through or over which migrating fish cannot ascend to the higher waters."

"The Rogue river near Gold Ray," said Sachs, "is one of the finest fishing waters I ever had the pleasure of casting a line over, and some of the trout I hooked fought like demons. They run large, and I feel safe in saying that when the big fish that are hampered by obstructions in the river will have a chance to ascend the great water courses, there will be a rush of local anglers to the famous Oregon trout and salmon region in the vicinity of Gold Hill and Gold Ray."

TAFT WANTS VOICE LIKE STEAM WHISTLE

Republican Candidate Arrives in Cincinnati After Hardest Day of Campaign—Voice Almost Gone, Owing to Strenuousness of Speeches.

CINCINNATI, O., Oct. 21.—Judge Taft arrived here at 9 o'clock from Parkersburg, W. Va., on his special train, after the hardest day's campaign he has done since he was nominated at Chicago.

He was driven immediately to the home of his brother Charles P. Taft, where he will spend the entire day resting. The republican candidate is very tired today. His voice almost gave out last night after the day's speaking, and he will seek relaxation before starting on his final tour of Indiana, which is recognized as a doubtful state.

Taft is warming up the campaign more than he has at any time before. He said when he arrived: "I would like to have a voice like a steam whistle to reach all the people I can see at the places at which I speak."

Taft will start tomorrow on his tour of Indiana. The tour will culminate at Indianapolis, where a monster demonstration has been planned.

THIRD BIG TENEMENT FIRE IN THREE WEEKS

New York Suffering From Incendiarism—Three Persons Burned to Death in Third Fire Within Three Weeks—Inmates of House Panic-Stricken.

NEW YORK, Oct. 21.—The third big tenement house fire in as many flames was discovered early today, when flames burned three persons to death before the firemen controlled the fire. Several occupants of the house were seriously injured in the panic that followed the arrival of the engines and were rescued by the police with difficulty.

Scarcely had the first person been taken from the building by the police before the central office detectives were investigating suspicious circumstances tending to show that an incendiary was responsible.

Most of the occupants of the tenement were asleep at the time the flames were first discovered. The fire had its origin in the rear of the building in the basement. It shot up through the elevator shaft.

In an instant the inmates became panic-stricken and in all stages of fright rushed to the street. The narrow stairways became packed with fighting humanity and the police and firemen had to fight their way through to reach the upper floors.

Frightened women and children clambered out on the iron fire escape, where policemen reached them, and some jumped to the pavement. Some reached the scuttle hole and were helped to safety over the roofs of neighboring houses. The bodies of five victims were discovered by the firemen after the fire was extinguished.

MAY BE MONTH OF SUSPENSE

If Supreme Court Does Not Make Decision Tuesday Will Go Over For a Time

If the supreme court of the state does not return a decision in the Medford liquor case on next Tuesday it will probably be a month later before they make a return in the matter, as they leave at the latter part of next week for Pendleton to remain for some weeks.

Judge W. M. Colvig returned Wednesday morning from Salem, where he went in the case of State vs. Coss. While there he endeavored to learn when the decision might be expected, but could determine nothing further than the fact that the supreme court at the present time is very busy, hearing an average of two cases a day, with as many before them on the docket. They have not as yet had time to consider the matter, and the time when they will do so cannot be determined.

As the court goes to Pendleton at the end of next week it is probable that the decision will not be filed until after their return, which will not be for some weeks. There is of course the possibility that it will be filed next Tuesday.

FORMER MAYOR PASSES AWAY

W. H. Bradshaw, an Old Resident of Jackson County, Dies

W. H. Bradshaw, an old time resident of the Rogue River valley and one of its pioneer fruitgrowers, passed away at his residence in East Medford Tuesday evening, after a severe illness of several weeks. The end came not as a shock to relatives and friends, as it has been known for some days that there was no hope for his recovery.

Mr. Bradshaw was at one time mayor of Medford and also held the office of county commissioner. For the past six years he has resided in Medford, but previous to that he lived on his ranch near Brownsboro.

One of the first orchards planted in the Rogue River valley was that of Mr. Bradshaw. He became a firm believer in the productivity of Rogue River land when planted to fruit, and was one of the earliest demonstrators of the fact.

Mr. Bradshaw was 63 years of age and a veteran of the civil war. He leaves a widow and four grown children—Lee Bradshaw, R. H. Bradshaw, Mrs. G. W. Stearns and Mrs. Charles Terrell.

PREFERRED STOCK OF S. P. TO BE WITHDRAWN

NEW YORK, Oct. 21.—Wall street is interested today in the official announcement that the Southern Pacific company is shortly to retire its preferred stock, which amounts to about \$30,500,000. The officials of the Harbinger line have not yet decided what method will be used in the transaction except that it will not be by the issuance of common stock.

The preferred stock was issued in 1904, when the company was not paying dividends.

The stock is 7 per cent accumulative subject to call at 115 until July, 1910, and convertible into common stock at par at the holders' option.

The management of the railroad estimates that a million and a half a year can be saved by retiring the preferred stock.

CHIEF OF POLICE'S AUTO STRIKES A SMALL BOY

SAN FRANCISCO, Cal., Oct. 21.—Bernard Cole, the 12-year-old son of W. K. Cole, manager of the Mission branch of the Anglo-California bank, is little worse today for his misfortune when the auto of Chief of Police Higgby struck him. He was knocked down and badly bruised. He was taken to the emergency hospital by the chief, who was in the machine, and later carried to his home. Higgby's chauffeur was driving the chief along the streets on a flying tour of inspection, when the accident happened. Young Cole was crossing the street and ran from behind a streetcar directly in the path of the machine. The brakes checked the machine's flight and this, although the lad was hurled several feet, probably saved his life.

INSURANCE RATES ARE REDUCED ONE-THIRD

SAN FRANCISCO, Cal., Oct. 21.—Residents of the Western addition and other portions of the city today are taking advantage of the one-third reduction in insurance rates announced by the board of underwriters of the Pacific states yesterday. The action of the board was brought about by the competition the other insurance companies encountered from independent companies that entered the field.

Fun! Fun! Fun!
at Professor Reynolds' big, free, funny show tonight near the postoffice.