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Medford Daily Tribune.

The Weather Fair weather is promised for tonight and Wednesday; north to east winds.

THIRD YEAR. MEDFORD, OREGON, TUESDAY, NOVEMBER 10, 1908. No. 201.

STANDARD OIL CASE REHEARING DENIED

COURT OF APPEALS DECIDES FOR THE SECOND TIME AGAINST UNITED STATES

BELIEVED THAT BONAPARTE WILL ATTEMPT TO CARRY THE CASE INTO SUPREME COURT

Fine of \$29,240,000 Will Never Be Paid Unless Highest Tribunal in Land Reverses the Court of Appeals--Fined For Accepting Rebates

CHICAGO, Nov. 10.—The United States court of appeals here today denied a rehearing in the case of the government against the Standard Oil company, in which the fine of \$29,240,000 was assessed by Judge Landis.

The denial is another defeat for the government in the famous case and, according to the counsel for the government, is a hard blow for the interstate commerce act.

It is believed that Attorney General Bonaparte will take the case before the supreme court of the United States on a writ of certiorari.

This was the second time the United States court of appeals had acted in the case. The case was originally taken to the appellate court by the Standard Oil company after Judge Landis in the district court had fined the company \$29,240,000, following a trial replete with sensationalities.

Accepted Rebates. A jury in Judge Landis' court had found the company guilty of accepting rebates from the Chicago & Alton Railroad company. The Alton company had been indicted by separate juries on 6128 counts charging violations of the Elkins anti-trust law, which prohibits the granting or accepting of rebates on oil or other products.

The trial began March 4, 1907, and lasted six weeks. United States District Attorney Sims represented the government and Attorneys John Miller, Virgil P. Kline, A. D. Eddy and M. W. Martin appeared for the Standard Oil company.

The specific indictments on which the authorities elected to make their fight numbered 1462 and charged the acceptance of rebates aggregating \$223,000 from the Chicago & Alton railroad on shipments of oil from Whiting, Ind., to East St. Louis, Ill.

Verdict of Guilty Rendered. The trial ended in a verdict of guilty on each indictment, and on each count in each indictment. The maximum fine was \$29,240,000, with the provision that it could be less should it be shown that the Standard Oil company of Indiana, a \$1,000,000 corporation, was not subsidiary of the Standard Oil company of New Jersey.

After conviction and before he pronounced sentence, Judge Landis expressed a curiosity to have this latter point cleared up, and he subpoenaed John D. Rockefeller and lesser lights to explain the connection between the two companies. On August 4, 1908, Judge Landis fined the company the maximum, \$29,240,000 in an open opinion scoring the company

C. Powell and son Henry of Boise, Idaho, are visiting with J. N. Powell and family of this city.

WEST WINS FROM WELSH IN WRESTLING

Local Man Shows Science--Welch Injured Arm by a Fall From Stage

By taking three out of four falls, though one was by default, W. H. West of Medford Monday evening wrestled new laurels from Jack Welsh of the Twin cities in a wrestling match in the Anglo opera house.

Both of the men proved their aptness at the game, and local sports got a good run for their money. West is all that is claimed for him, and Welsh made good his assertions that he knew the game.

The first fall caused a slump in the stock of the local man, for Welsh showed early in the game that he was a big husky. However, West showed scientific form and repeatedly brought cries of approval from the audience by his tricky ways of getting out of tight holds.

Throughout the first Welsh was the aggressor and finally put West on his back after a go of 10 minutes and 48 seconds, employing a crotch and half Nelson to do so.

Over the Footlights. The second fall went to West by default after six and a half minutes of tussle. The two men did not realize how close they were to the edge of the stage and a sudden lift threw them over.

Welsh fell first and sprained his arm. He asked for ten minutes and West claimed the fall, which was granted.

In the following bouts Welsh favored his arm, saying he was unable to use it. However, changing his tactics to the defensive, he put up a great battle. However, after 10 minutes and 50 seconds of work with a far arm Nelson and a crotch, West put his man to the mat.

The final go was worth all of the admission fee. For 15 minutes and 45 seconds the wrestling continued, but finally West got a bar hold and half Nelson and put Welsh down.

The fans enjoyed the match and a movement is on foot to have a second go between the men.

Welsh proved superior in strength, but West offset this by his science.

Dr. E. R. Seely referred the bout and Jack Donahue and L. E. Whiting kept the time. The sport was clean and wholesome and thoroughly enjoyed.

WOULD LIMIT THE POWER OF EMPEROR BILL

Der Kaiser Is Ronndly Abused on Floor of the Reichstag by Leader

BERLIN, Nov. 10.—Demanding that Chancellor von Buelow introduce a bill limiting the kaiser's personal power and reciting a long list of what he termed indignities on the part of the emperor, Herr Wasserman, leader of the national liberals, today made a sensational attack on the monarch of Germany during a sitting of the reichstag.

He declared that reactionary forces were at work in the German empire that made the country more enlightened in many ways than Turkey or Russia.

There was the wildest excitement when the speaker denounced Wilhelm and the reichstag applauded again and again. The government ministers regarded the situation as critical and fear that a ministerial government similar to that of England will follow the agitation aroused in the German parliament.

"We want to state plainly and publicly to the world," cried Herr Wasserman, "that we are not afraid of yellow perils or any other perils, but the danger from an international policy based on the sudden moods of the kaiser is incalculable."

Germany's fate must no longer depend upon one man's impulsive temperament. The idea of personal absolutism is undermining our national security."

SPECIAL SESSION OF GRAND JURY IN COOPER CASE

NASHVILLE, Tenn., Nov. 10.—A special session of the grand jury has been called for tomorrow to consider the case of Colonel Duncan B. Cooper and his son, Robin Cooper, who shot and killed former United States Senator Edward Ward Carmack on the street yesterday, and it is expected that sensational testimony will be adduced.

It is understood that Colonel Cooper and his son will waive preliminary examination at the hearing and the case will go directly to the grand jury.

Though Colonel Cooper did not fire a shot, but stood by, revolver in hand, while Robin killed Carmack, the father and son are charged jointly with the killing.

Governor Patterson, a warm personal friend of Colonel Cooper, issued a statement today ending to defend Cooper. It was an account of editorials written by Carmack based upon the relationship of Colonel Cooper, the governor and other political leaders, that the trouble between the Coopers and Carmack arose.

The governor says that he was in conversation with Colonel Cooper yesterday a short time before the shooting and that Cooper gave no intimation that he expected trouble with Carmack. He says that Cooper did everything in his power to avert a tragedy.

It is said, however, that witnesses will be produced in an effort to show that the killing was premeditated. It is said that one testified that the Cooper's daughter telephoned him saying that her father had gone out to kill Carmack and asking him to find and disarm him. He was wrought up over the affair which resulted from the fight for the governorship.

NASHVILLE, Tenn., Nov. 10.—Editorial Carmack, editor of The Tennessean and ex-senator, was shot and killed yesterday on Seventh avenue by Robin Cooper, son of Colonel Duncan B. Cooper. Carmack met Colonel Cooper and son, and soon after they came in sight of one another the shooting began, Robin Cooper firing two shots and Senator Carmack one. Colonel Cooper drew his pistol, but fired not

DEMURRER IN RAILROAD SUIT ARGUED

Demurrer to Complaint in Case of J. F. Reddy, Receiver, vs A. A. Davis et al, thrashed Out

A demurrer to the complaint in the case of J. F. Reddy, receiver of the Medford & Crater Lake Railroad vs. A. A. Davis and 57 other stockholders and creditors, brought for the purpose of securing an accounting, and to force holders of watered stock to pay for the same, was argued Tuesday afternoon before Circuit Judge H. K. Hanna at Jacksonville.

Judge W. D. Denton of Portland, Judge W. M. Colvig of Medford and Attorney George H. Durham of Grants Pass represented A. A. Davis, the chief defendant, and Attorney A. E. Reames of Jacksonville the plaintiff.

The defendants' attorneys held that it was out of the receiver's province to go into the stock transactions of the company and that his duties consisted only in realizing upon the assets and paying the creditors from the proceeds, and that the receiver had no right to offset claims against those owned by creditors.

The receiver's attorney held that such an accounting was necessary for the distribution of the company's assets.

The receiver has on hand in the German American bank of Portland the \$81,500 received from the sale of the Medford & Crater Lake railroad to the Pacific & Eastern Railroad company, the present owners. This money was in the form of certificates of deposit in the Oregon Trust & Savings bank of Portland, and they were taken over by the German American bank of Portland along with the assets and liabilities of the former bank after its failure. The court allowed the German American bank two years in which to pay the claim.

The suit was brought to compel holders of unpaid stock to pay for the same and to offset their claims as creditors with the unpaid for stock, and the court was asked to segregate those entitled to share in the proceeds from the sale of the road from those holding watered stock.

WIDOW STOPS COOKING LONG ENOUGH TO WED

ST. LOUIS, Nov. 10.—Mrs. Augusta Hoffmeister, widow, was expecting that William Steffen would ask her to marry him some day, but she was not looking for it the other afternoon when he called to see her at her home, No. 1452 North Fifteenth street. She was cooking, and wore an apron, but when he came in and said: "Come on, Augusta, let's go and get married today," she wiped her hands on her apron and answered:

"All right, I'll be ready in fifteen minutes."

They went by trolley to St. Charles, and were married by a justice of the peace and back in St. Louis in time for supper, which the bride cooked.

Mr. Steffen is 63 years old and has four children, all married. He has been a widower three years. Mrs. Hoffmeister is 59 years old, and has been a widow two years. She has eight children, all married.

George A. Emery, agent for the New York Central and Vanderbilt lines, spent Monday and Tuesday in Medford.

Robbie Carmack fell, dying instantly. Robin Carmack was shot in the right shoulder, but was not seriously wounded. It is thought that the trouble was one of the results of the recent gubernatorial election in which Carmack was defeated. Carmack, editor of the Tennessean, criticized what he called the democratic machine. He printed several editorials about Colonel Cooper must serve. Another editorial referring to the colonel appeared and this is supposed to be the cause of the tragedy. Young Cooper is in a hospital and Colonel Cooper is held at police headquarters. He has made no state ment. Robin Cooper is an attorney, 27 years of age and single.

HILLCREST STANDS AS TESTIMONIAL TO FORE SIGHT OF J. H. STEWART

How the Dreamer's Dream Has Come True Only to Immortalize the Dreamer As the "Father of the Fruit Industry in the Rogue River Valley--174 Acres of Fine Orchard Meets the Eye

Some two decades ago a man who was that rare combination--financier and dreamer--dreamed a dream, and in his dream he said to himself: "I will plant an orchard of pears and apples--an orchard that shall yield me thousands for my toil. It shall prove at it, and will in turn plant fruit trees for themselves." So out of the soil of the Rogue River valley he dug it; and he dug it, and as he saw in his vision it lies today--an orchard that has brought him thousands. And the others he dreamed of have come, and have built a city with the wealth that they have taken from heavy laden orchards, and in that city, near the green country, with its warm suns of winter and its cool night breezes of the summer time, the dreamer, Hon. J. H. Stewart, is immortalized as "the father of the fruit industry."

Now it so happened that the father had a son, in whose mind was instilled the fact that to gain wealth one must plant orchards. And, accordingly, the son chose a place east of the little city upon the low rolling foothills, and obtaining 100 acres, set a portion of it out in Comice pears, brought from the distant shores of France. He, like his father, saw his orchard thrive, and after nine years sold the place, for which he had paid \$5,500, for \$21,500. In such manner did J. W. Stewart dispose of his place to J. W. Perkins, who gave the place the name "Hillcrest." But in the meantime Mr. Stewart had added a 40-acre tract to his original 100 acres. And upon the 200-acre tract he had 29 acres of Comice pears and between 50 and 60 acres of other fruit, leaving 100 acres bare.

Mr. Perkins in Charge. It was four years ago that Mr. Perkins first became the owner of "Hillcrest." The orchard, which was already famed in the little valley, was to become known throughout the marts and highways of a great world, where ever men dealt in fruit. It was to hold for two successive years the world's record for prices for pears and was to attract many fruit men to the Rogue River valley.

Mr. Perkins planted 54 acres of Newtown apples and 40 acres more in pears. He erected a splendid residence and spacious barns. And then in April of the present year, when his young orchard was three years old, and he had sold pears for \$7.60 a box in New York city, he was induced to sell to Seattle capitalists for \$76,000. Land which was first purchased for \$5,500 and sold for \$21,500 was to treble and again sell for \$76,000!

The last purchasers were Howard S. Dudley, John A. Torney and W. J. Martin of Seattle. Later they took in with them Worrell Wilson and R. H. Parsons of Seattle, and a corporation was formed known as the "Hillcrest Orchards company."

The new owners immediately began on improvements. Money was spent like water until today there is no finer orchard in all the valley. And its owners say that \$250,000 would be too low a figure to induce them to part with Hillcrest.

Visit to Orchard a Pleasure. A visit to the orchard is a pleasure. The approach is a gradual climb up the low rolling foothills, making the ascent an easy one, but enough to be able, when the orchard is gained, to get a magnificent panorama of the valley below. The approach to the hillside is along a well kept road bounded in on either side by well kept fences. When the farm house is reached the one impression gained is that of cleanliness. Not only is the house such a one that it could stand upon any city's street and not be an eyesore, but the barns, yards, packing house, bank house and other buildings, one and all, tell a tale of thrift. About the house rose bushes grow in profusion, and it is with reluctance that the home is left for the orchard.

In the cities fruit is a freight and a speculation. Slips of paper and broken boxes of fruit stand for carload after carload of it. Transportation facilities do all that is done to it. Man only handles wooden boxes as they do merchandise--and no man knows the fruit for what it is--the product of man's labor on the soil. But here it is to be found on its own stage. About one on the sloping ground of the foothills stands in perfect rows the trees that here it grows. Trees made more beautiful by the tinge of orange autumn has given to their foliage. Here man plowed, planted, pruned, cultivated, and harvested the fruit that was to bring prices breaking the world's records. Here man has toiled and every apple, every pear, in the nearby packing house was a fragment of a season's work--of someone's summer work--the visible symbol of effort wisely spent, the fulfillment of promise.

Young Newtowns Abound. One, upon leaving the ranch house, enters first into an orchard of young Newtown apples--54 acres in all. These Newtowns, three years old this season, imagined that they were equal to the bearing of a crop. In the spring time they planted their roots deep down and their buds were filled to bursting with the mystery of plant life. Throughout the summer their blossoms made their little corner of the world beautiful with color, the little apples were set and then man, in his superior wisdom, plucked the apples when they were first set, knowing that in doing so the Newtowns would make greater progress. But if man cheated the trees in their effort to be worth while, they made up for it by giving the young trees the best of cultivation. And the youngsters look hardy and well able to go through the approaching winter for which, even now, they give evidence of preparation.

Leaving the young Newtowns, one drives into the original 20 acres of Comice pears--the orchard that has fattened nearly every orchard in the valley. What tales they can tell of their native France land can only be conjectured. But they quickly adjusted themselves to local conditions and have given their owners returns beyond the wildest dreams.

Wonderful Fig Trees. Leaving these trees, one can wander through orchards all telling the same tale. Near the old homestead on the upper portion of the hill are three old fig trees from which hundreds of pounds of figs have been taken and still their branches are loaded with the fruit.

The Hillcrest orchards contain 174 acres in all planted, leaving but 26 acres upon which to grow feed. Of the 174 acres there are 17 acres of Bartlett's, Hawalls and Bose in one tract, 23 acres of Comice, seven and one-half acres of Bose, three acres of young Bartlett's, seven and one-half acres of Jonathans, 43 acres of Newtowns and Spitzenburgs, 34 acres of young Newtowns, 40 acres of d'Anjou, and 12 acres devoted to cherries, peaches and Bartlett's.

The one reason that the Hillcrest orchards are such a success is the attention to details. For instance, throughout the orchard are scattered boxes of bees, not for the honey, but that they might disseminate pollen. And as for care of the trees--each has a history and each is known, even as a large family.

Gravity Water Supply. A spring on the hillside above the orchard is the source of a gravity water supply, and, as a result, a truck garden is maintained, furnishing to the men fresh vegetables of the season. Returning from the orchard, a visit to the buildings is worth while. The bank house is an substantially built as an apartment house in a city. The men have each a private room, and are furnished with baths, a reading room, and the long summer evenings may be spent on the wide verandas surrounding the building. The cook has to herself her portion of the house entirely (Continued on page 4.)

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Not Yet But Soon WHOSE ADVERTISEMENT IS MISSING FROM THIS ISSUE? SEE NEXT ISSUE For Thanksgiving Sale

(Continued on page 4.)