

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

Medford Daily Tribune.

The Weather
Fair tonight. Minimum temperature tonight about 25 degrees. Northeasterly winds.

THIRD YEAR.

MEDFORD, OREGON, THURSDAY, DECEMBER 10, 1908.

No. 226.

WIRES NUVEEN TO PUT UP OR SHUT UP

WIRE FROM BOND BUYERS NOTIFIES CITY THEY WILL NOT PAY ACCRUED INTEREST

Reames Says City Has No Contract With Nuveen & Company--Dictates Conditions Which Must Be Accepted Within Forty-eight Hours--City Receives \$48,000

MEDFORD, Or., Dec. 10, 1908.—John Nuveen, Chicago, Ill.: If you think you have the city on the run, get it out of your system. City has no contract whatever with you. Hereafter bonds will be delivered to Jackson County bank and held there until money is received.

Such was the vigorous reply of A. E. Reames, special counsel for the city in connection with the sale of the gravity water supply bonds, to a telegram received from John Nuveen & Company, bond brokers of Chicago, saying that they would not waive any rights for the return of the accrued interest on the bonds.

Chicago, Ill., Dec. 9, 1908.—A. E. Reames, Attorney for the City, Medford, Oregon: In view of your violation of subsequent agreement by endeavoring to collect and still claiming more than par and accrued interest on fifty thousand Medford gravity water bonds numbers eighty-eight to one thirty-seven, both inclusive, which we are taking up and paying for today, we hereby notify you that in paying this accrued interest we do not waive our rights for the return of this accrued interest and the accrued interest on any of the remaining gravity water bonds which we may pay in the future, as not being in accordance with our official bid dated June twentieth, nineteen eight, and duly accepted by your city council at regular meeting of July seventh, nineteen eight.

JOHN NUVEEN & CO., Bankers. The interest accruing on the bonds between the date of the bonds, July 1, 1908, and the date of delivery, has been paid for the time being with the exception of \$831, which accrued on the first lot of bonds forwarded to them, but the telegram makes it clear that they intend to start suit later for the recovery of the interest which they claim is due them.

Attorney Reames says that the city will not pay the accrued interest. He states in decided terms that the company cannot recover and that the city can stop their handling of the bonds and issue a new lot, which can be sold to other parties. Nuveen & Company are getting a commission of over \$18,000 for the handling of the bonds and they are selling them for \$101 and it is hard to see why they should hold the city up for the accrued interest.

NO CONTRACT WITH BROKERS. As a matter of fact Nuveen & Company have no contract with the city, as much as they talk about holding the city to the terms of the contract. In order to have a contract an ordinance must be passed and published. No such ordinance has been drawn and therefore no contract can legally exist.

AS THE CAMERA CAUGHT ROSE MELVILLE IN "SIS HOPKINS"



ROSE MELVILLE As She Appears in the Renowned "Sis Hopkins" AT THE MEDFORD THEATER TONIGHT

RULING WILL AID RAILROADS

PORTLAND, Or., Dec. 10.—If the secretary of the interior follows out his recently announced policy, the timber business of the country will be driven into the hands of the scrippers, and poor men will be unable to take up a timber claim, according to authorities in Portland. Secretary Garfield has announced that after December 1 the price of timber land shall be subject to appraisal. Hereafter the price of timber land has been \$2.50 an acre. Under the ruling of Secretary Garfield there is no telling what the price may be—it may be appraised at \$10 or even \$20 an acre, which would be a prohibitive price to the average man.

Secretary Garfield has made his ruling by a new interpretation of the act of June 3, 1878, known as the timber and stone law. The secretary says that the law specified \$2.50 as the minimum to be paid an acre. He now makes sales of timber land subject to appraisal.

Bites Off Too Big a Chunk. An entryman generally specifies the value of the land at \$2.50 an acre. The entryman may specify it at \$10 an acre. According to Garfield's plan, the land will be appraised, and if it runs more than the amount specified by the entryman, the increase will be demanded. Should the government fail to make the appraisal within nine months the entryman secures the land at his estimate.

There are several thousand timber claims filed in the United States every month, and it would require almost the entire army to appraise all these claims. The government has about 60 special agents to do this work, and more than 30 of these agents are located on the Pacific coast. A single agent cannot appraise more than three or four claims in a month, and only then when the claims are in groups. To properly appraise a claim will necessitate a practical cruise of the claim, and this requires time. The force of special agents is entirely inadequate to keep up with the filings. The secretary says, however, that in the event of no appraisal being made within nine months, the land shall go at the estimate of the entryman. Owing to the small force of special agents, hundreds of claims cannot be reached in regular order within the prescribed time.

Beyond Poor Man's Reach. According to the timber dealers, the new ruling of the secretary of the interior will make claims run \$3000 and \$4000, and even higher, and this places them beyond the reach of the poor man. They contend that it will drive the sale of timber lands into the hands of scrippers, through purchase of Northern Pa-

CLUB APPOINTS A COMMITTEE

Permanent organization of the proposed business men's club for Medford was referred Wednesday evening to a committee of seven who will later report upon bylaws, constitution, financial arrangements, etc. The committee consists of E. E. Kelly, W. L. Vawter, G. Putnam, E. C. Kellogg, F. K. Donoh, J. E. Enyart, F. W. Miles.

About 60 of the 118 signers of the club petition were present at the meeting held at the Medford theater. Clarence Reames was unanimously chosen temporary chairman and T. W. Miles secretary. Plans were outlined and discussion followed.

HEARST PARTY MAN SKIPS WITH THE PARTY'S FUNDS TOLEDO, O., Dec. 10.—John Mulholland and all the state funds of the independence league are reported missing today. Mulholland is the national committeeman from Ohio in the Hearst party and had in his keeping all the funds and records. H. W. Mudge, the party's state secretary, is embarrassed because he can't pay the bills.

LIST LAND WITH BENSON INVESTMENT Co., Over the Bijou Theater. 254

RUEF JURY OUT, REPORT THAT THEY ARE DIVIDED

SAN FRANCISCO, Cal., Dec. 10.—Unverified rumors are current this morning that the Ruef jury stands two to three or ten to two, the majority favoring conviction. Ruef, pale but confident, paced the courtroom all of the morning. Every hour the jury stays out is considered favorable to Ruef. The prosecution expected a quick verdict of guilty when the jury asked that the evidence be read. It is apparent that they are divided, many thinking that a disagreement will be the result.

THIRTY ARE INJURED IN NORTHERN PACIFIC WRECK

FARGO, N. D., Dec. 10.—Thirty passengers were injured and a man reported dead as the result of a wreck of the North Coast Limited train on the Northern Pacific railroad a mile east of McKenzie last night. Six coaches were overturned when the train was running 35 miles an hour. Spreading rails are said to be the cause.

Have customers for small bearing orchard. See Benson Investment Co., over Bijou Theater. 254

SAYS ARMY NEEDS 612 OFFICERS

WASHINGTON, Dec. 10.—The total estimate of the war department for the next fiscal year, as shown by the annual report of the secretary of war, amounts to \$189,765,039, an increase of about \$52,000,000 over the appropriations for the present fiscal year. This increase is largely for river and harbor work, and other public works of a civil character, for which purpose about \$24,000,000 is asked. Of the balance, about \$10,500,000 is an additional estimate for the support of the army, military academy and the militia. For military public works, such as fortifications, arsenals, military posts, etc., the estimates call for an increase of \$17,800,000.

Secretary Wright especially recommends an addition of 612 officers to the army, and also approves a policy for the elimination from the service of all officers who fail to maintain the requisite standard of efficiency. Both of these propositions were before congress at its last session and will be strongly urged this year.

To provide for 612 additional officers the secretary states there will be added an annual cost of between \$2,000,000 and \$3,000,000.

Another method for increasing the efficiency of the army, he states, is to eliminate officers who have not the highest qualifications. The present law on the subject does not apply above the grade of captain, and, it is said, has utterly failed to accomplish its purpose except in cases of physical disability.

The secretary submits an estimate of \$500,000 to enable the signal corps to take up military aeronautics in a more effective way than it has done in the past. He reviews the progress of aerial navigation during the past year and gives it great importance as a military auxiliary.

40,000 ACRES OF BEARING FRUIT

District Freight C. E. Malboeuf of the Southern Pacific has been collecting statistics regarding fruit traffic and the planting of orchards in Oregon. Although the present was a very poor year for fruit, the prospects for the future of the industry are exceedingly bright, more and more orchards are being planted annually, and the fruit shipments in the coming years will grow as a snowball increases in size rolling down a hill.

There is no danger of over-production in fine fruit," states Mr. Malboeuf. "Though it is not generally known, approximately only 50 or 60 per cent of the apples are raised in the United States today that were raised a score of years ago. In spite of the many new western fruit orchards coming into bearing each year, there is an annual decrease in the total production of the country. The same is true with pears.

Figures Back 13 Years. "To be more exact, 13 years ago the apple crop was 300,000 cars. The average for the past 13 years has been 250,000 cars. This year there was an unusually heavy crop in most districts, and there were but 200,000 cars. Each year has shown a marked falling off in the general average. This is due to the abandonment of eastern and middle state orchards, so, no matter how large an acreage is planted in the northwest, the new orchard area does not keep pace with the abandoned orchard area of the east. At the same time the market for the fine apple is increasing remarkably fast. The demand has increased with the population, and to the old territory of the United States and Canada, with a small market abroad, is now added European, African and Asiatic markets, all of which are good buyers for northwestern fruit, but poor consumers of the product of eastern orchards.

Oregon Crop Smaller. "The fruit crop of Oregon," continued Mr. Malboeuf, "is smaller than usual this year, due to unfavorable weather conditions. It totals about 2900 cars, and it would have totaled 5000 under normal conditions. "From figures and facts collected I estimate the bearing acreage of orchards in Oregon at 40,000 acres, with 90,000 acres of young trees. I estimate 40,000 acres of orchard, old and young, in Jackson county, and 4000 in Josephine county. Conservatively estimated, the fruit shipments from the Rogue River valley should total 5000 cars a year within five years, and at least 10,000 cars within ten years, perhaps larger if the increase in acreage is maintained each year.

Heavy orchard planting is being done in the Willamette, Umpqua and Hood River districts, but the Medford district is holding its own and contains about a third of the orchard area of the state."

CUSICK TRIAL IS UNDER WAY

PORTLAND, Or., Dec. 10.—Albert L. Cusick, of Medford, who filed on four claims during the land rush at Roseburg, on April 14 last, is on trial before Judge Wolvorton, charged with making false affidavits. Cusick was not satisfied with trying to land one claim, but took a gambler's chance and filed on four that had already been filed upon by homesteaders, with the hope that he would get one out of the four.

During the morning session the time of the court was taken up in hearing arguments in the demurrer filed by James Cole. Attorney Cole brought up two points of law and the ruling that Judge Wolvorton made in overruling the demurrer establishes for all time the contention that some lawyers have held that an indictment for false affidavit under section 4746 R. S. because it was originally made to cover the making of false affidavits in pension cases. Judge Wolvorton, by his decision, held that the section covered any violation of the law in regard to making false affidavits under any one of the nine different departments of the department of the interior. He also held that the rules and regulations issued by the interior department adopted to cover violations of land matters, was a law, just as if it had been incorporated into the statutes.

Samson. The world's living Hercules, Samson, made his initial appearance at the Savoy theater tonight. It was due to a most fortunate state of affairs that this marvel of strength was secured for a four nights' engagement at the Savoy. Samson is direct from the London Hippodrome, en route to Australia, and while making a jump from Prisco to Portland, was enabled to stop in Medford for a short engagement. Among his marvelous feats is the lifting of a 1400-pound horse and six men at the same time.

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Medford Theatre! This is the One You've Been Waiting For THE ORIGINAL ROSE MELVILLE in Her Splendid Rural Comedy "SIS HOPKINS" One Night Only THURSDAY, DEC. 10

Useful Presents Now, really, what's the use of giving presents that are of no use? This store hasn't a thing to offer you in the way of useless articles but you can find thousands of little useful presents and at the Xmas sale prices you can afford to remember people whom you have never remembered before. Now listen—Doesn't it make one feel better to be remembered by a friend? then remember your friends this Xmas. We invite you to shop here. Santa Says Tell all the boys and girls to come to this store and get a card with his picture on one side and a blank space on the other on which to write your message. Then bring the message to this store after 4 p. m. any day, send it by "wireless" from this station and get an answer in ten seconds. Remember the Xmas Sales SEE OUR WINDOW AND INTERIOR TRIMS Medfords Progressive Ladies Shop Baker Hutchason & Co. Central Avenue Just North of Jackson County Bank.