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Medford Daily Tribune.

The Weather Cloudy tonight and Tuesday. Variable winds. Warmer.

THIRD YEAR.

MEDFORD, OREGON, OREGON, MONDAY, JANUARY 25, 1909.

No. 264.

PEOPLE WILL HAVE VOTE TO DECIDE ANNEXATION

ESCAPES FROM ARTS OF FAIR BLACKMAILER

Fredrick Mercereau Who Owns Considerable Timber in Jackson County Awarded Judgement

Frederick B. Mercereau, a wealthy timberman, president of the Axle Lumber company, and the owner of some 4600 or 5000 acres of timber in Jackson county, one of the Wheeler syndicate, who was the victim of a black-mailing suit brought against him by Helga Farrett, a Swedish, masseuse, has been awarded a \$2500 judgment against the fair blackmailer by the federal court at Portland.

Mr. Mercereau, whose local agent is Mr. Porter, is well known in Medford, where he spent a week last autumn with other members of his syndicate. His property lies about Prospect and in the Big Butte district.

The suit brought in May, 1908, was by Helga Farrett, who said she was a subject of the king of Sweden, in the sum of \$50,000. Her bill of complaint included breach of promise to marry.

In Mr. Mercereau's answer he denied all allegations made in the complaint. As the time for the plaintiff to reply expired and no reply was filed, nor any other action taken, her attorney, who was present in court, told the court that the reply in the case was to have been drawn by an attorney in New York state, where the woman now resides. All communications and information in the case, including the defendant's answer, had been sent to her there. Judge Workerton rendered judgment for Mr. Mercereau.

The woman is said to be about 33 years old and in the time it came out that her foreign record had been looked up and contained some evidence of actions not entirely creditable to her. She is now under indictment for assault with a dangerous weapon, the charge being that she once threatened the life of a son of Mr. Mercereau in the latter's office.

TO ERECT MONUMENT TO THE IMMORTAL LINCOLN

WASHINGTON, Jan. 25.—The erection of a monument in this city to the memory of Abraham Lincoln is recommended in a resolution introduced by Senator Dick of Ohio. He proposed that it be provided, "shall be worthy of his great fame, his service to humanity and to his country, and fittingly commemorative of the grandeur of character, the nobility of life and the epoch-making career."

The senate committee on appropriations has taken action on the resolution and has referred it to the committee on library. Partly in recognition of the fact that the centennial of the birth of Lincoln, the 12th of next February, be set aside by all Americans, all municipalities and towns and all associations and organizations to honor his memory.

Emphasis is placed on the fact that as Lincoln had most of his drawbacks in his early years and compared them, it should spur on the youth of today, and in view of this fact it is set forth that appropriate exercises should be held in all parts of the country.

MAY BE ROMANTIC, BUT IS NOT PLEASANT TO HEAR

CHICAGO, Jan. 25.—Engineers on the Pennsylvania line have come to the conclusion that the residents of Brookline and Park Manor are unwise. The people of these suburbs have entered an objection because the engineers living there "whistle their wives" as they pass through in the night.

The engineers say they have only been following a little traditional custom. It has been the custom of engineers, night or day, to pull a long and having which the wife may know her husband has pulled his pants leg behind his back.

The engineers say the noise makes the night hideous.

Shirley Baker, the representative of the Redwood Manufacturers' company, has returned for a short time to San Francisco.

LEGISLATURE HAS NO POWER TO MAKE CHANGE IN CHARTER

Wrong Method Proposed—People of Annexed Territory and of City Will Vote on Matter of Coming Inside the City Boundaries.

The attempt on the part of the city council to procure legislation annexing a large territory contiguous to Medford is a movement that under no circumstances could have been well considered. The boundaries of the city of Medford are outlined and defined in the city charter, and could not be extended except upon an amendment of that charter. The following amendment to the state constitution sufficiently explains the inability of the city charter or to extend its boundaries:

Article 11, Section 2.—Corporations may be formed under general laws, but shall not be created by the legislative assembly by special laws. The legislative assembly shall not enact, amend, or repeal any charter or set of incorporation for any municipality, city or town. The local voters of every city or town are hereby granted power to enact and amend their municipal charter, subject to the constitution and criminal laws of the state of Oregon.

Adopted in 1906.

The above section was proposed by initiative petition and adopted by a vote of the people June 6, 1906.

The citizens of Medford, however, are not left without procedure to extend its boundaries, as the state code provides the most equitable as well as simple method of annexing territory. Section 28, page 90, Vol. 2, Codes and Statutes of Oregon, provides the following procedure:

"The boundaries of any municipal corporation now existing in this state or which may hereafter be incorporated here, in may be altered and new territory included therein after proceeding as required by this section. The common council or other legislative body of such body shall upon receiving a petition signed therefor, signed by not less than one-fifth of the qualified electors of such corporation as shown by the vote cast at the last municipal election held therein, submit the question to the electors of such corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such council or legislative body shall give notice thereof, by publication in a newspaper of general circulation in such corporation and such territory as proposed to be annexed, for the period of four weeks prior to such election; also by posting notices thereof in four public places within such corporation and four public places in such territory for a like period. Such notice shall distinctly state the proposition to be so submitted, and shall designate clearly the boundaries of the territory to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballot the words 'for annexation' or 'against annexation,' as words convenient there to. Such council or legislative body shall also designate the place or places the polls shall be opened within such corporation and such territory proposed to be annexed, which places shall be those usually used for that purpose, within such corporation and also within such territory, if any such there be. Such council or legislative body shall also appoint and designate in such notice the names of the judges and clerks of the election.

Such council and legislative body shall meet on the Monday next following such election at five o'clock p. m., and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be first canvassed, and if the majority of all such votes in such territory are in favor of annexation, then the votes cast with in such municipality shall be next canvassed, and if a majority thereof are also found to be in favor of annexation, the council or legislative body shall by an order entered upon their records, declare the territory annexed.

In all probability there will be a majority of voters in favor of coming into the city, if they will get the benefit of dry water and sewage.

Y. Allen, a former resident of Medford, has returned to this city after a three years' stay in South Bend, Wash.

Colonel F. L. Tom Velle is planning to erect a cozy bungalow on his affairs ranch near Central Point.

DUCK HUNTING ABOUT RUINED BY THE FLOODS

Water in Low Lands Furnish Plenty of Feed--Guns Are Being Put Away by Local Nimrods

Duck hunters are thinking of cleaning up the guns to put away for the rest of the season, for the sport has been about killed. The flood spreading over such a large area of low land has scattered duck hunting to the winds and even the most optimistic of the tribe of local nimrods have little hopes of the sport picking up after the freshets go down.

The flood came at a time when there was every prospect of duck hunting picking up. A full flight of canvas backs had yet to arrive and populate the tules of the Rogue, although there have been some fair bills on stray bands.

With ponds of water everywhere in the low sections and the sloughs and tules well supplied the birds from now on until the season closes will have abundance to feed on.

Old Jupiter Pluvius had an awful time satisfying the hunters this year. For the first month or so of the season he held off his offering with a surprising bashfulness and as a result the birds went elsewhere to get fresh feed and water. Then the rain bag was opened just a trifle and enough water was let out to start tender shoots to grow. This brought hunting to a fairly high standard and for a time limit bags were secured with more of a frequency than any time previous and the hunters were smiling. But those conditions lasted but a few weeks when copious showers falling steadily put too much wetness in the marshes. This was the beginning of the end, for the recent storm took a footing about then and has since played havoc.

The Talent literary society meets every Thursday night now, says the Bulletin. At their last meeting they selected a new set of officers: Charles Chapman, president; J. N. Manning, vice-president; Miss Olive Hearing, secretary; F. Works, treasurer; Jay Terrell, sergeant at arms, and N. O. Powers, judge.

The question that was debated upon was: "A man will do more for love than money." The affirmative side won the argument, being J. N. Manning, J. A. McDonald and G. A. Gardner; the negative side was composed of S. F. G. Maness, B. B. McBride and Jay Terrell. The question caused quite a heated debate and judging from the actions of one of the parties in the audience, some of the points were pretty well taken, as he remained strayed with the speaker forcibly when one statement was made and command of him to stop. The society is well attended each evening and affords a great deal of amusement for those who attend.

Mrs. L. Waterman of Talent returned home last Friday evening from her trip to Oklahoma. She experienced one of the most disagreeable trips in all of her traveling, says the Bulletin. Coming from Fresno, Cal., to Stockton the track was almost completely hidden by water, the train just creeping along the able to tell whether they were on rails or not from within. Crossing down the slickyons on the Oregon side the brakes were not working very well and at times the train would run at the rate of about 20 miles an hour, and then stop with a jerk that would almost throw the passengers off the seats. In places the water from the banks would splash onto the car windows.

Fred Baumgard, a nephew of Mrs. T. J. Bell, was visiting his aunt in Talent several days last week, says the Bulletin. He lives near Medford.

TWO BANDITS KILL THEMSELVES TO ESCAPE MOB

LONDON, Jan. 25.—Surrounded by a mob and policemen, two bandits lay shot themselves in the hands, dying instantly, in order to escape the many congresses on the part of the infuriated populace. They had just killed a policeman and wounded five others in an attempt to escape with the post on escape for factory purposes.

"I haven't made a penny since election," states Chief of Police Shafter, which goes to show that the riotous men are obeying the law.

UNCLESAMIS AFTER MUCH LAND

Government Institutes 35 Actions in Equity to Cancel Sale of 300,000 Acres of Land

Suit has been filed in the federal court at Portland by B. D. Townsend, special assistant to the attorney general, against 35 and over 100 other defendants, owners of railroad lands to recover possession of the land included in the grant to the Oregon & California Railroad company. Among these made defendants are the Big Bend Milling, of which Messrs. Vawter and Davis of Medford are majority owners, the Butte Falls Sugar Pine Lumber company, controlled by Dewing Bros. of Michigan, and B. H. Harris of Medford, and numerous other Jackson county timber land owners, who purchased land from the railroad in bygone years. Those who purchased from them, like the Craters Lake Lumber company, are also involved.

These suits are supplementary to those previously filed against the Harriman companies and are for the purpose of recovering land included in the grant and already sold by the railroads, where title to the land cannot be regained, or securing for the government all moneys paid for the land in excess of \$2.50 an acre, the price at which it was stipulated in the original grant the land would be sold. Besides the railroads, the defendants in the suits are those who have purchased land from these companies. The suits involve more than \$15,000,000 and also more than 353,288 acres of land. All of the land is located in Oregon.

Regard Suit as Bluff. Local defendants, along with others interested, regard the suit as a bluff on the part of the government to carry out its policy of recovering grant lands and attach but little importance to the suit. All were innocent purchasers and it is not generally believed that the suit can affect them, as the lands were purchased in good faith. The fact that manufacturing operations are carried on to some extent already, shows that much of the land was not purchased for speculative purposes, though the suit have the effect of closing transfers.

Land Sold High. While the terms of the land grant are that the land is to be sold at \$2.50 an acre to actual settlers, it seems that in most of the cases cited in the complaint the purchasers, who are not secured by any means, were made for from \$7 an acre upward. The land involved, aggregating 353,288 acres all told, is estimated to have brought the railroad company in the neighborhood of \$2,000,000.

The largest single sale is that to A. B. Hammond of California, and Charles J. Winton of Wisconsin, of land most of which is in Tillamook county. This land alone has been assessed at \$139,100. That land, owned by these two, which is not in Tillamook, is nearby in Yamhill and Washington counties. The largest purchasers are the Booth Kelly Lumber company, which has purchased from the railroad company more than 70,000 acres of land, much of which is timber. In several instances land was bought from the railroad company, among them being Stewart R. Eakin and 102 acres sold by J. P. and George H. Kelly, taken over by the company in which they are interested.

Ask for All the Money. In the complaint the government also asks that the railroad company and all five or joint defendants deposit with an officer to be designated by the court any and all sums of money which either of them has retained or in any manner obtained by virtue of the sale of the land involved. The complaint specifies further, shall be deposited as the amount shall direct and amounts that it shall be awarded to any other party that the court may deem equitably entitled to the amount in question.

Among the joint defendants is William M. Ladd of Portland. In addition there are many others who are mentioned in the suit who reside here. Other suits in the east and middle west, including persons in Minneapolis, Detroit, Chicago, Grand Rapids, St. Louis, Du Suth, Milwaukee and Wisconsin.

The joint defendants in the 35 suits filed by Mr. Townsend involved and the addresses of those concerned are as follows:

- Big Bend Milling company, W. L. Harkness, Butte Falls Sugar Pine Lumber company and Edwin Woodbury, Washington, 7500 acres.
- Stewart R. Eakin (individually and as trustee of Booth Kelly Lumber company and Orin Robinson, Eugene, 2422 acres.
- Wills H. Gilbert (individually and as trustee), West Coast Timber company, Peninsula Lumber company, Chicago Wisconsin, 14,216 acres.
- J. P. Kelly and George H. Kelly, Eugene, 1042 acres.
- Fred A. Krebs, Pillsbury Lumber company, Portland, Minnesota, 2470 acres.
- Charles H. Chick, Contracting Martin and Everett P. Lewis, Portland Grand Rapids, Mich., 3160 acres.
- Charles A. Smith, C. S. Smith Timber company, Central Trust company of Illinois and A. Ueland, Minneapolis, Chicago, 26,491 acres.
- Jacob Rubin, Douglas county, Ore., 2560 acres.
- J. L. Washburn, Aberdeen, Wash., 1142 acres.
- Oregon Land company, Olean, N. Y., 2127 acres.
- Charles E. Spaulding Logging company, Portland, 1818 acres.
- Albert C. Hopkins, Leek Haven, Pa., 15,861 acres.
- Charles G. Forrester and Forrester Lumber company, Milwaukee, Wis., 1475 acres.
- Clifford Coggins, L. Y. Coggins, Mary F. Coggins and Leah Coggins, Jackson county, Ore., 2673 acres.
- Justin Wentworth, George K. Wentworth, William L. Beach and Beach Timber company, Portland and Chicago, 14,921 acres.
- Evelyn Fowler, Cleveland, O., 1909 acres.
- Pakagona Sugar Pine Lumber company and Weverhaus Land company, 13,222 acres.
- Carlisle Lumber company, Oregon, 482 acres.
- A. M. Stearns, Portland, 1422 acres.
- Louis Goring, Christian Burkhardt, George W. Cane, Siletta Timber company, Charles E. Spaulding Logging

EXPERIMENTAL STATION PITTS OUT PA

LADIES PROVE ADEPTS WITH THE HAMMER

Mrs. Murphy Carries Off First Prize in Nail Driving Contest--Carpenters Have Pleasant Time

In order to determine which one of the lady members of Local Union, No. 1840, United Brotherhood of Carpenters and Joiners of America, was the most adept with the hammer, a nail driving contest was arranged for the social gathering of the union held Sunday evening in the Rodmen's hall. There were a goodly number of the fairer sex in the contest and a royal good time was had during the exciting moments of the contest.

Each contestant was furnished with a hammer and a number of nails and given a certain length of time in which to drive nails into a plank. Mrs. O. W. Murphy won first prize, a fountain pen and box of stationery; Mrs. W. Thompson took second place and received a lady's shopping bag, while Mrs. Johnson took third place and was awarded a box of chocolates. The contest was one of the most novel and enjoyable that has instituted in a long time.

A Speaking Contest. The union also arranged a speaking contest for the children. A number of contestants entered and the result was most entertaining. Miss Mamie Seale won first place and was awarded a post card album, while second place and a box of chocolates went to Miss Ethel Murphy.

Refreshments were served during the evening and a most enjoyable time was had by all. There was a large attendance and all voted to have the social evenings of the union come in faster order.

FIRST DOG PRISONER ARRESTED IN DELAWARE

HUMBOLDT, Del., Jan. 25.—The first dog prisoner ever taken into custody was arrested here by Sheriff Pridgett and taken to the county jail in Georgetown, where it will be kept until the farmers here can agree as to which owns it. The dog is a valuable hound, and the two claimants will try the case in court to decide the ownership.

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KILLED WIFE AND... CLEVELAND, O., Jan. 25.—When Carl Hillburn, aged 19, accompanied by his sweetheart, Miss Carrie Williams, returned to the Hillburn home last night he found his father and mother dead. Hillburn evidently killed his wife and then blew out his brains. Hillburn announced he intended killing his wife and committing suicide in a sealed note addressed to Miss Williams, which was carried to her by the son, who did not know of its contents. When she read the startling lines they ran to the Hillburn house, where the couple lay dead.

ROOSEVELT RECEIVES RESIGNATION OF ROOT

WASHINGTON, Jan. 25.—President Roosevelt today received the resignation of Secretary Root to be effective as soon as his successor qualifies. The nomination of Bacon as secretary of state and John C. Laughlin as assistant secretary were sent to the senate today without debate.

WRIGHT BROTHERS WILL BE PRESENTED WITH MEDALS

WASHINGTON, Jan. 25.—Furaker's joint resolution authorizing the secretary of war to present gold medals to the Wright brothers in recognition of their aerial feats was adopted by the senate today without debate.

(Continued on page 4.)