

**"Polly of the Circus"** By Margaret Mayo, illustrated by Ryder, novelized from the play that is the rage in New York and Chicago, is the new serial that will begin in the Tribune this week. One of the most fascinating and attractive stories ever written. Watch for it—the hit of the year, both as play and novel.

# MEDFORD DAILY TRIBUNE

FOURTH YEAR.

MEDFORD, OREGON, TUESDAY, AUGUST 31, 1909.

No. 140.

## TIME IS TAKEN BY HANNA TO GIVE HIS OPINION

Expected That Hanna Will Make Ruling in Hanley Case About the First of Next Week—Argued at Length.

BOTH ATTORNEYS PREPARING BRIEFS TO SUBMIT TO JUDGE

At Conclusion of Argument on Motion to Dissolve Injunction Matter Was Taken Under Advisement.

After a lengthy argument on the part of both attorneys in the case of the city vs. M. F. Hanley over a motion to dissolve the temporary injunction restraining the city from entering upon the Hanley premises on Little Butte creek, Circuit Judge H. K. Hanna announced Monday afternoon that he would take the matter under advisement for a few days, and requested both of the attorneys in the case to submit briefs in regard to the matter. This will be done within the next two days and a ruling is expected by the first of next week.

Considerable interest is shown by citizens regarding the case, and Judge Hanna's decision is awaited anxiously, for it means that the city will either be allowed to get at work on the completion of the gravity water system or that the case will go to the supreme court.

## WELL KNOWN FRUIT MAN PASSED DIVIDE

In many ways one of the most remarkable men in the state of California expired Sunday while at dinner with his family at his home in Sacramento. George B. Katzenstein, one of the best known fruit men of California, and for many years general manager of the Earl Fruit company of that city. He was well known in Medford and throughout the valley, having addressed the Horticultural society here several times and often visited this section in the interests of his firm.

In 1898 Mr. Katzenstein took charge of the Superior California business of the Earl Fruit company. As vice-president and general manager of the company, Mr. Katzenstein has for years had practically full control, and he has certainly done wonderful work in his position.

He was a firm friend of the Rogue River valley and the news of his demise comes with somewhat a shock to local people.

### DIED.

STONE—In Medford, August 31, 1909, Charles A. Stone, aged 30 years, 11 months. The remains will be taken to Portland Wednesday afternoon for cremation. Services will be held in Portland. Private.

## BELIEVE THAT VAWTER AUTO WENT NORTH

Policeman in Eugene States That Machine Answering Description Passed Through That City.

WIRES HOT TO NORTH TRYING TO LOCATE AUTO

All Willamette Valley Towns Have Been Notified to Keep Sharp Lookout.

It is believed that those who are searching for the Vawter automobile, stolen from the circus grounds last Saturday evening, have at last a clue to the missing machine. A Eugene policeman states that a car answering the description passed through that city Sunday evening going north.

As soon as word was received from Eugene the wires were kept hot with messages to Willamette valley towns in an endeavor to locate the car.

If it was Vawter's machine that passed north the net is closing and it will probably be located within the next 24 hours.

## COURT TERM OPEN SEP. 8

Session Promises to Be of More Than Ordinary Interest.

The circuit court for Jackson county convenes Tuesday, September 7, and the session promises to be of more than ordinary interest. Three cases remanded for new trial by the supreme court are: The state against George Putnam, editor of the Medford Tribune, criminal libel; the state versus H. M. Coss, statutory offense, and the state against H. C. Walsworth and Norval Walsworth, father and son, murder.

Aside from the foregoing cases the docket is a long one and includes the case of Harrington against Attorney W. E. Phipps, Elizabeth Snyder and County Judge Neil for \$20,000 damages for alleged false imprisonment in a contempt of court proceeding.

### CIVIL SERVICE EXAMINATION FOR NEW MAIL CARRIER

An examination for clerk and carrier will be held at the postoffice in this city on September 17, 1909. Age limits, 18 to 45 years, on the date of the examination. Married women will not be admitted to the examination. Unmarried women will be admitted to the examination, but are eligible for appointment only as clerk. Applicants must be physically sound, and male applicants must be not less than 5 feet 4 inches in height without boots or shoes, and weigh not less than 125 pounds without overcoat or hat. For application blanks and for full information relative to the examination, qualifications, duties, salaries, vacations, promotions, etc., address immediately William J. Warner, Postoffice, Medford, Or.

## ROGUE BARTLETTS BRING \$3.70 PER BOX IN BOSTON

Cars of Local Fruit Bring Good Returns in Markets of the East ---\$3.40 in New York

CHICAGO, Aug. 31.—(Special to The Tribune.)—The Stewart Fruit company sold in New York on Monday one car of Bartletts, consigned by the Bear Creek orchards, and averaged \$3.40 for full boxes; half boxes \$1.50.

One car was sold in Montreal consigned by the Burrell orchard averaging \$3.30.

One car was sold in Boston, consigned by the Burrell Orchard company, averaging \$3.70.

One car was sold in Pittsburg, consigned by the Burrell orchard, averaging \$3.25.

A car of Bartletts consigned by the Bear Creek orchards and handled by Rae & Hatfield, sold in New York, averaging \$3.38 and for half boxes \$1.50.

Gibson sold a car, account Marshall orchard, consigned by the Rogue River Fruit Growers' association, averaging \$2.80.

Advices received late this afternoon show that a car of Bartletts from the Bear Creek orchards sold this morning in New York averaged \$3.25. A car from Hillcrest averaged \$3.

prices should go very close to it. Never was a crop of Bartletts more uniform or of higher quality as a whole.

Fruit men throughout the valley are jubilant over the constant advance in prices paid for Rogue River Bartletts in markets east. Every car so far has sold at prices that net the growers splendid returns for a splendid crop. While the record price paid for Rogue River Bartletts—that of \$5.05 in Montreal—has not by any means been reached, it would not be surprising if, later in the season,

Every advice that is received from the eastern fruit brokers is full of encouragement for local growers. They are unanimous in their demands for fruit and in stating that the outlook for prices was never better. This week sees the last of the California fruit off the market, and then Rogue River fruit will alone be offered. With the decline of offerings from California the prices began to increase, and it is believed that prices for the season will average \$4.

## ROBBERS, WRECKERS BUSY

Bandits Hold Up and Loot Pennsylvania Express—All Escape.

HARRISBURG, Pa., Aug. 31.—Bandits held up and looted Pennsylvania train No. 39, known as the Pittsburg & Northern express, while passing the Lewiston Narrows 52 miles west of here at 1:30 a. m.

The Adams express car was looted and many passengers were robbed. Conductor Isaac Pfenberger was shot through the hand.

Menger reports say that red lights on the track stopped the train. Others say an explosion of dynamite succeeded in stopping the train.

### SEVEN CHILDREN BURNED TO DEATH

NEW YORK, Aug. 31.—The bodies of seven young children, burned beyond recognition, were found today in the ruins of the St. Malachi's home for children in Rockaway park. Firemen are seeking others. The discovery of the bodies came as a shock, the police having reported after the

Wreckers Surprised at Their Nefarious Work—One Killed, Watchman Dying.

MINERAL CITY, O., Aug. 31.—A plot to wreck the Cleveland and Pittsburg passenger train this morning between here and Canal Dover was frustrated by Watchman John Mace, who is in a dying condition.

Mace interrupted wreckers working in the tunnel and a hand-to-hand encounter ensued. Four bandits followed Mace. He shot one dead, wounded another and received wounds himself. The bandits fled, one leaving a trail of blood. Attempts are now being made to identify the dead bandit.

fire that all the children were safe. The courage of the Sisters of the orphanage with the prompt response of the children in a fire drill saved hundreds of little lives. It is unknown how the seven dead were separated from their companions. They were found in a huddled mass in a room on the second floor, apparently clinging together.

## OPTIMISM IS KEY NOTE IN RUINED CITY

Flood in Monterey Will Ultimately Be Beneficial—Barren Fields Will Now Be Fertilized.

CITY WILL COMMENCE TO REBUILD AT ONCE

Aid From United States Has Been Received and Is Appreciated.

MONTEREY, Aug. 31.—Optimism is the keynote of the situation in this city today. A feeling is prevalent that the effect of the tremendous floods will ultimately be beneficial. Several towns were destroyed, but the flood has fertilized thousands of acres of barren fields.

Aid from the United States has been received and is greatly appreciated.

The destroyed buildings will be replaced with modern structures. The authorities are still guarding against an outbreak of pestilence and as the dead bodies are rapidly being disposed of it is thought that they can handle any disease that makes its appearance.

### OLD RIVER BED SITE OF NORTH YAKIMA

NORTH YAKIMA, Wash., Aug. 31.—It has just been discovered that the flooded condition of the basements of this city is not due to irrigation seepage, as has been believed, but to the fact that this city is located over the old course of the Natches river, and that the water of which complaint is made flows through the gravelly soil from that river. This has been almost positively demonstrated.

Following this discovery the city engineer is preparing to build a concrete dam across this old course near its source, believing that this will put an end to all trouble. No end of inconvenience and annoyance and much damage has been caused by this water in the past. It has been almost impossible to lay sewer, water or drain pipes below the city in summer heretofore, and those that have been laid in the water soon develop leaks, adding large expense for repair.

### MILLINERY DEPARTMENT MANAGER ARRIVES

The Hutchason company is to be complimented on securing the services of Miss Robertson of Chicago to take charge of the millinery department of their establishment. Miss Robertson has had years of experience as forewoman of some of the most exclusive millinery establishments of Chicago and other eastern cities, and was personally recommended to Hutchason company by one of the leading wholesale houses of the United States. Miss Robertson, speaking on behalf of the firm, states that she will handle the Gage line of millinery exclusively, which is considered by those who are supposed to know as one of the leading lines shown on the coast.

Oak Grove, Woodlawn Heights, Mountain View and Tutherlin Terrace additions. Lots from \$250 to \$450, car service. They will be worth more. Benson Investment Co. 139.

## RATES TOO HIGH ON THE P&E TO PLEASE VISITOR

G. A. Benedict Lodges Complaint With Railroad Commission Regard Fare Paid to Eagle Point.

SORE ALSO BECAUSE HE HAD TO WALK A WAYS

Is Recent Arrival From Roseburg and Is Looking Over Land in Valley.

SALEM, Aug. 31.—G. A. Benedict has filed a complaint with the railroad commission in which he declares that the Pacific & Eastern Railroad company charges a fare of 50 cents for a ride of 12 miles, which is in violation of the state law making it a misdemeanor for a railroad to charge more than 3 cents a mile.

The Pacific & Eastern runs out of Medford to Eagle Point and has only lately come out of the hands of a receiver. Benedict also complains that on August 27 the train did not stop at the station at Medford and consequently he was compelled to get off on a side track and carry his baggage quite a distance to the depot.

Mr. Benedict is at present stopping at the Moore hotel in this city. He is a visitor from Roseburg, and has spent several days in the valley looking over land values.

### MT. HOOD RAILROAD NEARS COMPLETION

HOOD RIVER, Or., Aug. 31.—The six-mile extension of the Mount Hood railroad, under construction for several months past, is nearing completion. The line has been extended in a southerly direction from the present terminus, Dee, and will tap one of the richest orchard sections of Hood River valley, consisting of approximately 10,000 acres. The grading of the new line is completed, and the ties are being laid rapidly by a large crew of men. As soon as the new line is completed the company expects to run two trains daily.

### FINDS WALLET WITH \$6220; REFUSES REWARD

ASTORIA, Or., Aug. 31.—Some unknown honest man picked up a wallet on the beach at Seaside on Sunday containing \$6220, and immediately took it to the A. & C. R. agent, Mrs. F. I. Ellis, and turned it over to her. The finder only asked to receive a receipt for it, and refused to give his name. A little later it was learned that C. M. Knox of Apina, N. D., had such a purse, and it was returned to him. Mr. Knox tried to find the unknown honest man to reward him, but was unable to do so.

### FAMOUS CLOWN DIES IN HERMIT HUT IN WOODS

NAUTON, N. J., Aug. 31.—William Shafer, famous for 50 years as a clown with Rice's and Barnum's circuses, is dead in the little hut in the woods near here in which he had lived as a hermit during the last 20 years since the death of his wife.