

"THE LURE OF THE MASK" By Harold Mac Grath, a Fascinating Romance by One of the Most Popular Novelists of the Day. Will Begin in The Tribune in a Few Days

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MUST AWAIT INDEFINITELY FOR APPEAL

City of Medford Cannot Take Suit for Right of Way to Supreme Court Until Hanna Gives Final Decision

IT MAY BE FOR YEARS, IT MAY BE FOREVER

Merits of Case Not Yet Gone Into—History of Litigation Up-to-Date Decision Causes No Surprise.

Judge Hanna's verbal ruling rendered Monday refusing to dissolve the injunction restraining the city from entering the premises of M. F. Hanley and laying the gravity water pipe does not give the city a right to appeal the case to the supreme court, and the city must await Judge Hanna's leisure in rendering a final decision before an appeal can be taken. This decision may be forthcoming at the conclusion of the jury trials now in progress, or it may be indefinitely delayed, according to the pleasure of the court.

In his verbal ruling Judge Hanna evidently refused to dissolve the injunction on general principles, as he did not enter into the legal merits of the case, admitting that he had rendered his decision on the pleadings, and had not had time to fully investigate the point at issue. Judge Hanna's ruling and Attorney Reames' success in further delaying for his client, M. F. Hanley, the city in the completion of its gravity water system, aroused no surprise in Medford. It was expected, in view of the uniform character of Judge Hanna's rulings, but disappointment is expressed on all sides that it is not yet possible to appeal the case and that an indefinite delay must still follow.

The history of the legal efforts of the city to secure a right of way over the Hanley ranch is as follows: A motion was made early in June to fix the amount of deposit the city should make as a condition to their entering Hanley's premises. Judge Hanna denied this, holding that the city charter provision under which the application was made was invalid.

A motion was then made, pursuant to section 5000 of the statutes, to have a bond approved, with the same end in view. This was denied by Judge Hanna on the ground that the statute did not apply to a municipal corporation, but only to irrigation companies.

The city then asked Judge Hanna to call a special term of court to try the condemnation case. This application was denied by Judge Hanna, who stated that he wanted to enjoy his vacation and that the city should have brought the action sooner.

The city then appealed to the governor, asking that an outside judge be appointed to try the case. Governor Benson sent Judge Coke of Marshfield, who tried the case and gave the city a judgment for the appropriation of the right of way, the amount the jury awarded Hanley, \$600, having been deposited in court.

Judge Hanna then immediately issued an injunction against the judgment given by Judge Coke, although it was still vacation time. There the matter rests and will rest until such time as a final decision can be got out of Judge Hanna that can be appealed.

CRANE IS RECALLED AS CHINESE MINISTER
WASHINGTON, Oct. 12.—The state department this afternoon announced the resignation of Charles R. Crane as minister to China. Crane was recalled from San Francisco a week ago as he was about to embark. It is thought the state department deemed he talked too freely.

APPLES SELLING AT \$2.25 A BOX

Effect of Winning Capital Prize at Spokane Apple Show on Wenatchee District.

"Wenatchee apples are selling at from \$2.25 to \$3 a box on the tree," states W. D. Finley, assistant manager of the national apple show at Spokane, who visited Wenatchee last week. "The high price is due largely to the fact that a Wenatchee orchard carried off first prize at the Spokane apple show last year, and the consequent advertising has made a demand for fruit from the prize region.

"This is one of the reasons why the Medford and Rogue River valley district cannot afford to be unrepresented at the apple show this year. The Washington districts are filled with cash buyers this year, largely as a result of the displays they made last year."

Prospects favor several displays from this section. A. D. Helms has signed up for a car of Yellow Newtown Pippins for the sweepstakes prize and Tronson Guthrie a car of Spitzenbergs for the same. F. H. Hopkins will send a car, provided the buyers consent. J. A. Perry may send one. Smaller displays will be made by C. E. Whisler, A. D. Helms and other growers.

MANHUNT BEGINS FOR BILLY BOY

Three Heavily Armed Poses Leave Banning, Victorville and Redlands in Search of Desperado.

SAN BERNARDINO, Cal., Oct. 12.—Before nightfall three poses, composed of the best marksmen in San Bernardino and Riverside counties, including many who have spent the greater part of their lives in the deserts of southern California and Nevada, will be on the trail of Billy Boy, the murderer of Indian Mike Boniface and his daughter Mary Nita, known among desert Indians as Isola. Under the leadership Deputy Sheriff Ben De Crevoeur, the first party of man hunters left Banning early last night. It comprised a dozen plainsmen, hastily sworn in as deputies, two Indian trailers and ten pack mules carried the provisions.

At sunrise today a second party moved from Victorville. Twenty-four mules carried the provisions of this party. Deputy Sheriff George Hewins, familiar with every part of this section of the desert, will head a third posse from Redlands late this afternoon. The three parties will meet in The Pipes country, where under the command of Sheriff Ralphs, the real hunt begins.

TWELVE HUNDRED LOSE LIVES IN HURRICANE THAT SWEEPS KEY WEST AND GULF COAST

All Wires Down and but Meager Reports Received Concerning Disaster by Wireless—Fears Entertained for Safety of Three Thousand Workmen on Florida Keys—Loss of Life Is Greater Than Was First Reported.

PROPERTY LOSS EXCEEDS TWO MILLION DOLLARS: CITY OF KEY WEST REPORTED COMPLETELY RUINED

Four Hundred Railway Builders Reported Drowned—Only a Few Ships Left Out of Hundred in the Harbor—Substantial Buildings Are Twisted to Kindling Wood by the Storm.

NEW ORLEANS, Oct. 12.—Not less than 1200 hundred persons lost their lives in the hurricane and cyclone which yesterday swept over Key West, according to a wireless received here this morning from Tampa. The property loss will exceed \$2,000,000.

The city of Key West is reported almost totally wrecked. All substantial buildings in the town were twisted by the tornado and reduced to kindling. All wires are down. It is believed the loss of life will be greater than at first reported. Four hundred men engaged in building a railroad on Florida Keys are reported among the dead. Hundreds of others are injured.

THIRD TRIAL OF WALWORTH BEGINS

Jury Selected to Hear Testimony Against Man Accused of Slaying James Mankin.

The third trial of Charles H. Walworth for the murder of James Mankin in December, 1908, is on at Jacksonville. The first trial resulted in a conviction for manslaughter, but a retrial was granted by the supreme court. The second trial came to an end through a juror's illness last month.

The following accepted jurors are hearing the evidence in the case: J. V. Carnahan, E. E. Gore, H. J. Taylor, H. G. Myers, Jeff Neil, N. D. Brophy, Welborn Beeson, Meriam Hartley, Jeff Hodges, W. D. Vincent, R. P. Little and F. U. Allen. District Attorney Mulkey is assisted in the prosecution by C. L. Reames and the defense is represented by Robert G. Smith and Judge E. E. Kelly.

NEW COPPER WIRE IS BEING STRUNG NORTH

The Western Union is stringing a new copper wire from Ashland north. Work began today and the wire will reach Medford in a week's time.

It is reported that the Western Union has lost the Associated Press business and that the Postal will hereafter lease a wire to the Associated Press.

NOTICE.

Tuesday evening, October 12 being social night with chrysanthemum circle No. 84, W. of W., all members of the camp are invited to be present at 9 p. m. By order of the committee.

Three thousand men were working on the railroad on the Keys, and fears are felt for their safety. Of the hundred ships anchored in the harbor only a few are left. A number of these were driven to sea and have not been heard from.

A wireless message from a vessel near Key West states that 800 lives were lost on the Florida Keys. This brings the reported list of dead to 2000. After this message came a jumble of words, few intelligible. This leads to the belief that the operator was endeavoring to describe the panic which occurred during the tornado. The name of the vessel has not been ascertained.

GRAND JURY WILL AGAIN CONVENE

Court Orders Same Jurors to Probe Case Against Robbers of Deuel & Kentner's Store.

Judge Hanna Tuesday morning ordered the grand jury to again convene to probe the charges against the suspects bound over by the justice court for robbery of Deuel & Kentner's store. The thieves are accused of having got away with \$3000 worth of merchandise, which they have cached somewhere.

OREGON'S GROWTH SHOWN IN TREASURER'S OFFICE

SALEM, Or., Oct. 12.—Business in the secretary of state's office during the past year has grown almost beyond comprehension. The fees paid in to the treasurer between October 1, 1908, and September 30, 1909, were \$63,334.58 as against \$53,052.06 between October 1, 1907, and September 30, 1909. This is aside from the insurance business, which was considerable and which has been deducted from the fees of the secretary of state's office since March 1, 1909, when the new office of insurance commissioner was created during the first nine months of 1909, 1064 automobile licenses were issued as against 643 for the same period in 1908.

The state treasurer's statement for the same period shows a greater amount of loans of school funds outstanding than ever before. Every month a greater number of applications are approved.

Mrs. H. S. Buckmaster has a fine turn cucumber on exhibition which she raised without irrigation.

DIAZ SPEEDING TO MEET TAF TAT BORDER
MEXICO CITY, Mex., Oct. 12.—President Diaz is speeding northward on the first leg of his journey to meet President Taft at El Paso, Tex., on the bridge midstream over the Rio Grande. He left here last night and will be given a reception at Chihuahua.

DETROIT VICTOR IN FOURTH GAME

World's Championship Series Now Stands Two and Two—Four Umpires in Game for First Time.

DETROIT, Oct. 12.—With the series for the world's championship standing Pittsburg 2, Detroit 1, the Tigers and Pirates battled this afternoon for the fourth game. The Pittsburg lineup was unchanged with the exception of Liefeld pitching. Detroit's lineup is the same, except Stange relieved Schmidt behind the bat and Mullin is pitching. Umpires: Klem of the National league behind the bat, Evans on the field, Johnstone and O'Loughlin on the outskirts of the crowd. Four umpires for the first time in the history of the game.

Both Detroit and Pittsburg scored ciphers in the first and third. Detroit started the scoring in the second, piling up two runs and three more in the fourth.

Score by innings:
Pittsburg000000000—0
Detroit020300000—5
Hawley, for Detroit, fanned nine men.

EAST SIDERS ATTEMPT TO PREVENT WASHOUTS

A short time ago work was begun by Thomas Collins and T. Kuytor, two East Side property owners, on cribs designed to keep Bear creek from cutting into adjoining property. Eight of these cribs have been completed at a cost of about \$20 apiece. Kuytor and Collins footing the bill. This covers their holdings along the creek, but will not prevent further washouts unless those who own property above theirs take up the work. Mr. Kuytor says that if the East Siders who are interested will buy the lumber and fill the cribs, he and Collins will put them together.

The need of such protection is great, as not only will the creek cause loss to those who own property bordering it, but property values will lower materially in the entire precinct as a result of such loss.

SUIT FOR LOWER RATES BEGUN IN PORTLAND

PORTLAND, Oct. 12.—Interstate Commerce Commissioners Knapp, Cockrell, Lane, Clements, Clarke and Harlan today begin hearing evidence in the important case of the chamber of commerce of this city against the O. R. & N. and its connections for lower distributive rates out of Portland. An array of legal talent will appear for the railroads, while J. N. Teal will guard the interests of the manufacturers and shippers.

PRESIDENT TAFT VISITS ANGEL CITY AND SUBURBS

LOS ANGELES, Cal., Oct. 12.—Although President Taft did not retire until late last night after the banquet in his honor at the auditorium, the president was abroad early today. He visited the veterans' home at Sawtelle in the morning and then visited Los Angeles suburbs.

15,000 ACRES OF FRUIT TO BE PLANTED

Last Year's Record Will Be Exceeded During the Coming Winter by New Orchards in Medford District—Big Orders.

SHORTAGE OF PEARS AMONG PREDICTIONS

All Nurserymen Report Demand Exceeds That of Record Year—More Pears Than Other Varieties.

Approximately 15,000 acres of fruit trees will be planted during the coming winter in the Medford district, according to the estimates of Fruit Inspector G. W. Taylor and the various nurserymen. Some of this acreage will be replant, but indications are that last year's acreage of new orchards will be exceeded.

Estimates made show that at least three-quarters of a million trees will be planted. Pears are in a majority apples second, peaches third. There promises to be a shortage in pear stock and it looks as if pear trees from every locality will be shipped in.

Every nurseryman reports increased orders over those on hand at this time a year ago, and the big demand is for pears of all varieties, but principally Bartlett's, d'Anjou, Comice and Winter Nelis, and for Newtown and Spitzenberg apples, with a sprinkling of Jonathan, Winesaps and Baldwin.

For the first time in the valley's history there will be an adequate inspection of nursery stock this season and the importation of pests is at an end.

This year's planting will make a total of over 50,000 acres of orchard tributary to Medford.

WILLAMETTE PRUNES NOT BIG ENOUGH

SALEM, Or., Oct. 12.—According to the packers in this city the contracts for the bulk of the prune crop in this vicinity made by the Willamette Valley Prune Growers' association with eastern buyers are practically valueless, for on the drying the sizes have so shrunk that very few are of sufficient size to meet the terms promised by the growers. Such is the predicament in which the Salem prune growers find themselves, the crop is big and is almost gathered, but the quality is not such as will allow the eastern contracts to be filled.

When it was seen that the prunes this year would not reach the quality desired to fill the biggest contracts the eastern buyers were wired and asked if they would accept the smaller sizes in lieu of the 30's contracted for.

"Certainly," answered the buyers, "but not at the price our contract calls for. If we must accept an inferior grade we cannot be expected to pay the highest price."

There is no contract practically for the bulk of the Willamette Valley prune crop as this situation reveals. The growers may be able to sell their prunes to the contractors at a reduced price, but many will undoubtedly be compelled to seek a new market.