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RUSSIANS DRIVEN BACK FIFTY MILES FROM CRACOW FORTS TODAY

Austria and Germany Relieves Siege of Famous Fortress Which Czar Sought to Capture as Entering Wedge to Germany Across Silesian Frontier.

PETROGRAD ASSERTS RETIREMENT WAS FOR PURPOSE OF GETTING STRATEGIC POSITION

Claims To Have Captured Country South of Luchow, Which Separates Two Austrian Armies Operating Against Poland—Germans Relax Assaults.

LONDON, Dec. 28.—The Russian forces which have been attacking the Galician forts of Cracow have been driven back 50 miles and Cracow is free from immediate menace. It is asserted in Petrograd that the Russians improved their strategic position by falling back. The capture of Cracow, however, has long been sought by the Russians, being regarded as an important step on the way to the invasion of Germany across the Silesian border.

Petrograd claims the Russians have succeeded in crossing the Biala River in Galicia and have taken possession of a twenty-mile strip of territory south of Luchow, thereby separating the two Austrian armies. Elsewhere in the East few changes occurred, the Germans having relaxed for the present their assaults on the Russian line west of Warsaw.

The French War Office says further progress was made by the Allies, particularly in the Meuse region. Admission is made, however, that a trench south of Ypres was lost to the Germans.

Berlin states Nieupoort was again under bombardment by the British warships and a few civilians killed. It is asserted that the attacks by the Allies have been unsuccessful.

ALLIES GAIN AND LOSE IN BELGIUM

French Report Advances Some Places and Slight Loses Elsewhere

PARIS, Dec. 28.—The official statement this afternoon says: "In Belgium we continued to advance. West of Lombaert we are actually on the foot of the sand dunes on which the enemy has established his line of resistance. South of Ypres we lost a section of trenches near Collebeke. In the Lens region, near Carency, the enemy yielded 50 yards of their first line trenches. Near Rhoims and Perthes artillery fighting is particularly severe. On the Vesle Heights there has been slight progress by our troops along the entire front. In the Vosges, the enemy bombarded the railroad station of St. Die. In Upper Alsace, northeast of Steinbach, a counter attack of Germans was repulsed."

OUR LOSE LIVES IN FIRE TODAY

City Home at Cambridge, Mass., Destroyed Early This Morning

CAMBRIDGE, Mass., Dec. 28.—Four deaths and the probable fatal burning of another inmate in a fire which trapped the occupants of a city home early today was established when officials made a careful checking up of the register. The inmates were mostly aged women and men, and many suffered from smoke and exposure.

BERLIN'S HEAVY DEATH TOLL

Majority of Its 70,000 Fighting Citizens Killed at the Front.

AMSTERDAM, Dec. 28.—Berlin newspapers reaching here say that a majority of the 70,000 residents of Berlin who went to the front have lost their lives. Other statistical information given by these papers is that of the organized workers of Germany, who number 4,000,000, about 31 per cent are now in active military service. The German Federation of Workers has given more than \$3,750,000 for the relief of the unemployed and to assist needy women and children.

Exporting county records by Portland accountants has doubled the cost to nearly every county. The Marion county tax levy is reduced three and six-tenths mills.

Germany Will Oust Some of U. S. Consuls in Belgium

PRESIDENT OF MEXICO STILL THERE

WASHINGTON, D. C., Dec. 28.—Reports early today to the Carranza agency here, saying that Gutierrez had resigned and left Mexico City were contradicted by dispatches to the State Department from the Brazilian minister in Mexico City, who yesterday conferred with Gutierrez.

TRAINS CROSS ARIZONA.

PHOENIX, Ariz., Dec. 28.—Eight westbound transcontinental trains, marooned in southern Arizona by the floods of last week, left here today with 800 passengers, some of whom have been stalled since Christmas.

CANADIANS KILL U. S. DUCK HUNTER

One Man Dead and Another Wounded Near Buffalo—Evading Hunting Laws

BUFFALO, N. Y., Dec. 28.—One American was instantly killed and another wounded by Canadian troops patrolling the Canadian border opposite here today. The men were hunting ducks out of season in the Niagara River and in Canadian waters. When ordered to come ashore they started rowing for the American side and were shot. Walter Smith was shot through the head and Charles Dorsch was shot through the shoulder.

LEO M. FRANK IS GIVEN APPEAL

Atlanta Manufacturer, Under Death Sentence For Murder of Girl, Gets Reprieve

WASHINGTON, D. C., Dec. 28.—Justice Lamar of the U. S. Supreme Court granted an appeal today from the decision of the Georgia Federal Court, which refused to release Leo M. Frank on a habeas corpus petition. Frank is under sentence of death for the murder of Mary Phagan, a factory girl at Atlanta.

GERMAN SPY BRAVE

GENEVA, Dec. 28.—The story of how a German spy braved a met death, as told by a French officer, is published by the Journal de Geneve.

When Von Kluck's army was near Paris, a large number of artillery pieces were collected in the north of the capital to resist the attack. Early one morning the French colonel in command was shaving, when the sentry entered his room saying an officer who had forgotten the password had pushed him aside and entered the military park. The "officer" said he would soon return and said not to disturb the commandant. After dismissing the sentry, the colonel, who had already his suspicions, hastily finished his toilet and walked out to the grounds where there were about a hundred guns of all calibers. There he met the stranger and asked him his regiment.

"You see by my uniform (which was new) I belong to the military staff and I am attached to the headquarters at Paris," he replied. "Well, let us count the pieces," the Frenchman said. "Un, deux, trois....." the spy started. "No, no," said the French colonel, "let us say it 'first, second, third.'" The French officer had a purpose. It is a well known fact that sometimes a German, however, well educated, has difficulty in pronouncing in French the words 'vingt-neuvieme' (twenty-ninth) without revealing his nationality. The two 'v's with the 'i' between them prove a stumbling block. When the staff captain pronounced the words the colonel drew a revolver and ordered the sentry to arrest him. "Send these things home to my parents," said the spy to the colonel. "I will," said the latter. "Good-bye" both said. A few hours later the German was shot.

Berlin Formally Notifies State Department Officials Must Be Acceptable to Them

MILITARY AUTHORITIES IN BELGIUM CONTROL

Intimates That Withdrawal of Some of Those There is Desirable for Present at Least

WASHINGTON, D. C., Dec. 28.—The German government has formally notified the American State Department that American consuls in Belgium must be acceptable to the German military authorities and that it is desirable for some of the consuls to be withdrawn for the present at least.

WANT CONGRESS TO END MARCH 4

Leaders Assemble at Washington to Expedite Business—Prevent Extra Session

WASHINGTON, D. C., Dec. 28.—Senators and Representatives returning to Washington today from a holiday recess for the re-assembling of Congress tomorrow. With their return evidences of activity began to appear on both sides of the capitol and Democratic leaders are still determined to expedite the passage of all necessary legislation so as to avoid an extra session after March 4.

REMOVE TURK REFUGEES

WASHINGTON, Dec. 28.—The cruiser Tennessee, with the permission of the Turkish government and at the request of American Ambassador Morgenthau, is transporting 500 refugees of various nationalities from Jaffa, Syria, to Alexandria, Egypt.

FILIPINO REVOLT IS THOUGHT OVER

Governor - General Harrison Minimized Disorders on The Islands.

WASHINGTON, D. C., Dec. 28.—No further reports from Governor-General Harrison on the insurrectionist disturbances in the Philippine Islands had come to the United States State Department today and officials declared that Harrison's cable yesterday, giving details of scattered disorders and generally minimizing their importance, was all they expected unless there were new developments.

The Swope Mill Co. has purchased and will operate a sawmill at Downs. Grant county tax levy was reduced four mills. The Gresham cannery plant of the Fruit Growers Association is completed. Mr. and Mrs. Earl Metz have established a glove factory at Eugene.

CUXHAVEN IS ATTACKED BY AN AIR FLEET

LONDON, Dec. 28.—The initiative in military operations apparently has been left for the time being to airmen. Aerial raids across the channel to the lower Thames by the Germans and an English raid on the German naval base at Cuxhaven, and air attacks on Freiburg, Metz, Nancy and Sochauechew, Russian Poland, inflicted considerable damage in the aggregate.

The details of the Cuxhaven expedition are still lacking and although Berlin asserts the British accomplished nothing, it is said in Hamburg, that some damage was done. It is evident, however, that a heavy fog prevented the British from carrying out fully their plans.

PRES. WILSON IS 58 YEARS OLD

Receive Congratulations From Many on Birthday Today—Never Felt Better

WASHINGTON, D. C., Dec. 28.—The diplomatic representatives, practically all of the Senators in the city and many Representatives called on President Wilson today to congratulate him on his fifty-eighth birthday. The President told his callers that he had never felt better. The cabinet was to pay its respects in a body tonight.

KILLS WIFE AND ENDS OWN LIFE

William Loth, Spokane Butcher Commits Double Crime While Children Sleep

SPOKANE, Dec. 28.—William Loth, a butcher, and his wife, were found dead in their home this morning. The evidence indicated that Loth had beaten his wife to death and then shot himself while their three children slept. Mrs. Loth had filed suit for a divorce on the grounds of cruelty.

SINGS AT HIS OWN FUNERAL

Records Made by Len Spencer Played Beside His Bier.

NEW YORK, Dec. 28.—When funeral services, conducted by the Masons, had been completed in the Frank E. Campbell Funeral Church over Len G. Spencer, an old-time actor, singer and theatrical manager, who dropped dead last Tuesday in his banking office, 245 West Forty-second street, a phonograph was rolled beside the bier. Mr. Spencer had decreed in his will that two records should be played at his funeral and suddenly through the room sounded the dead man's voice chanting the Lord's Prayer and then the Twenty-third Psalm.

Some of the fifty present, among them Mrs. Elizabeth Spencer, the widow, and Michael, Ethel and Clara, children of Mr. Spencer, had known in advance of Mr. Spencer's plan, but to the others it came as a surprise which moved most of them to tears. After the others had left the church Mrs. Spencer and the children remained, hearing the records over and over again, until midnight. Then, in accordance with the wish expressed in Mr. Spencer's will, the records were locked up and will not be played again for ten years.

Outside of its use for fence posts, black locust finds its principal utilization in insulator pins and brackets for telegraph and telephone lines.

MEXICAN FORCES AGREE NOT TO FIGHT NEAR BORDER ANY MORE

Gov. Maytorena and General Hill Expected to Close Formal Agreement With General Scott This Afternoon to Put an End to Trouble Near United States Boundary

VILLA AND CARRANZA BOTH SAID TO HAVE APPROVED OF AGREEMENT TO END STRIFE

Maytorena to Withdraw Force and Allow Hill to Unite His Naco and Agua Prieta Forces—Will Eliminate Menace to American Territory

NACO, Ariz., Dec. 28.—The Mexican border peace pact negotiations between Maytorena and Hill with General Scott may be concluded today. The final agreement of both factions must be secured by General Scott before the terms proposed by him become operative. Agents of Maytorena left here today for his camp, ten miles southeast of here, and they are expected to close the matter. General Scott has received confirmation of the assent of both Villa and Carranza to the terms of peace, which provide Maytorena should retire, allowing Hill to consolidate forces here with the Agua Prieta forces, both agreeing to avoid further border fighting.

GOV. WEST MAY BE APPOINTED

President Wilson Said to be Considering Him for Federal Trade Commission

WASHINGTON, D. C., Dec. 28.—President Wilson expects to send to the Senate this week the nominations of five members of the Federal Trade Commission. Among the men whom the President is considering are Governor West of Oregon and Governor Hodges of Kansas.

COUNTY JUDGE PROBLEM ENDS

FULL TEXT OF OREGON SUPREME COURT DECISION SHOWS THAT EVERY PHASE OF IT WAS PASSED UPON.

According to the full text of the Oregon Supreme Court's decision in case of County Judge Cleeton of Multnomah, James Watson has no chance to go into office as county judge next month although he won by a big majority in the November election.

His only chance in the possible resignation of Judge John F. Hall. He had previously made up his mind that he would be out of office the first of January, and it is likely that he will get out by resigning as soon as Gov. West is out of office as he has made up his mind that Gov. West will not name his successor.

Gov. West has raised the point that the law extended the terms of judges to six years did not take effect until the governor proclaimed its enactment at the election but the Supreme Court, it is shown in the full text of the decision, decided otherwise, passed on the point which Gov. West claimed was overlooked.

The court in its decision says: "It appears that Thomas J. Cleeton was duly elected county judge of Multnomah county November 8, 1910, at which time the organic act of Oregon was amended, making the term of the judges of all courts in this state six years. This amendment was ratified and he was elected when the polls closed on the evening of the day of election. Counting the ballots cast for candidates for the several offices to be filled and upon the question of the adoption or rejection of the measures submitted to the qualified electors and declaring the results was only a ministerial act."

This disposes of any legal claim Mr. Watson may have, practically eliminating the necessity of the proposed test case or submission of the question to the court. However if Judge Hall resigns, Mr. Watson will undoubtedly be appointed by Gov. Withcombe.

One hundred shade trees will be planted by the Massachusetts forestry association in cities or towns of four population classes which win prize contests for excellence in street tree planting.

YAQUIS ATTACK MEXICAN TOWN

Wild Indians Pillage Village 64 Miles North of Guaymas—Appeal to Maytorena

ON BOARD U. S. S. SAN DIEGO, Guaymas, Mexico, Dec. 28 (by Wireless).—Wild Yaqui Indians from the mountains attacked and pillaged the town of Torres La Colorada, 64 miles north of here, yesterday. As far as can be learned no lives were lost, but the foreign consuls have appealed to Governor Maytorena to send troops to take the situation in charge.

ATTACK ON TUXPAN.

Gen. Villa's Forces Concentrate Battle Near Seaport. WASHINGTON, D. C., Dec. 28.—General Villa's forces have suspended attacks on Ebanu, near Tampico, and concentrated their attack on the seaport of Tuxpan, where fighting is in progress today, according to advices to the State Department.

GERMANS DECLARE ALLIES REPULSED

Announce Non-Combatants at Westende Killed by Combined Attack

BERLIN, Dec. 28.—The German statement today says: "In the western theater of war the enemy unsuccessfully renewed attacks on Nieuport, supported by warships, which did no damage to us, but killed or wounded a few inhabitants of Westende. An attack on the hamlet of St. George also failed. South of Ypres we captured one of the enemy's trenches and a few prisoners. Several violent attacks by the enemy in the region of northwest of Arras was repulsed. Southwest of Verdun the enemy repeated attacks with success, a similar result occurred when he attempted to recapture the heights west of Senheim for which we fought yesterday. There is no news from East Prussia or Poland. North and South of Vistula our attacks are developing, notwithstanding unfavorable weather."

WATERFRONT NEWS

The Adeline Smith, which arrived in last night from Bay Point, is scheduled to sail for Bay Point at 7 o'clock in the morning. First Officer Gus Lundquist will act as master of the Adeline while Capt. Olson takes a thirty-day lay-off. The Hardy arrived in from the South today and will load at the Simpson mills. The Daisy Putnam sailed today for San Francisco. Boxmakers in the United States use more than four and a half billion board feet of lumber cut of the country.