

# Rogue River Orchards Yield \$1000 an Acre Annually

# MEDFORD MAIL TRIBUNE

FOURTH YEAR.

MEDFORD, OREGON, MONDAY, NOVEMBER 1, 1909.

No. 193

## JURY BRINGS IN VERDICT FOR S. P. COMPANY

D. W. Hazel Loses Out in Suit for \$20,150 Damage Suit Against the Southern Pacific Company.

## MOTION FOR NEW TRIAL OFFERED BY PLAINTIFF

Lumber Suit for Breach of Contract Now Under Way in the Court.

The jury in the case of D. W. Hazel vs. the Southern Pacific company for personal damages in the sum of \$20,150 for personal injuries received by being struck by one of the defendant company's train in the fall of 1908, brought in a verdict late Saturday night in favor of the defendant.

The case occupied the attention of the federal court for the last three days of last week and was closely contested by the counsel on each side. The jury went out Saturday afternoon and their deliberations were only concluded at 11:30 that evening.

At the opening of the court Monday morning a motion for a new trial was made by the plaintiff and 30 days granted by the court in which to prepare and file the same.

The jury was comprised of R. H. Whitehead, J. M. Lofland, G. G. Briscoe, R. G. Grimmett, J. W. Dodge, G. R. Carter, J. L. McCohn, J. R. Mackin, S. L. Bennett, A. Coleman, H. H. Taylor, A. C. Hubbard.

**Lumber Case Is On.**  
The case of the LaMoine Lumber & Trading company and Griffin Kelly company vs. Kesterson & Silsby for damages for an alleged breach of contract on the part of defendants, is now under way in the court.

The complaint sets out that in 1905 the Griffin Kelly company contracted with the firm of Kesterson & Silsby for the entire cut of certain sawmills operated by defendants to be delivered at Woodville, the minimum cut to be 5,000,000 feet, which was afterward modified to 4,000,000 feet, which contract was not filled excepting in the delivery of some 840,000 feet.

The defendants deny and claim that through some faulty grading and other causes attributable to the action of the Griffin-Kelly company, the lumber was made to appear of greatly inferior value than it really was and that for these reasons the defendants were subject to a loss aggregating \$1000 an acre owing to the action of the plaintiff they were compelled to rescind the contract.

W. D. Fenton appears for the plaintiffs and R. G. Smith for the defendants.

Following the jury empaneled to try the case: Thomas Riley, A. H. Peachy, Thomas Perry, Sam Howlett, A. Grisom, J. W. Dodge, J. W. Cox, B. F. Hemstreet, W. H. Ramsey, S. L. Bennett, James Kershaw, Tyson Beall. This will be the last case to be considered at the present term of the court and on its completion the court will adjourn until the next term in October of next year.

W. H. Canon has been appointed deputy clerk for both the United States circuit and district courts.

Will Hendricks of Eutte, Mont., is spending a few days with Mr. and Mrs. C. W. Hendricks in West Medford.

## RECEIPTS LAST MONTH TOPPED EVERY RECORD

October Business Greatest Ever Known in Local Postoffice — Beats Last Christmas.

## LACK ONLY A FEW DOLLARS OF TOTALING \$2000

Increase in Year's Business Is Over \$2500—Another Clerk Employed.

The postal receipts for October were the largest ever known in the history of the local postoffice, topping by \$200 the Christmas month of last year. The receipts totaled \$1906.14. The receipts a year ago in October were \$1517.26, while for December, always heavy month, they were \$1733.49.

The receipts for the year ending October 31, 1909, were \$18,183.83. For the year ending October 31, 1908, they were \$15,733.63.

Rutherford Kerr, who recently took the civil service examination and passed creditably, started at work in the postoffice Monday.

## NEGRO KICKS AGED VETERAN TO DEATH

Accidentally Kicks Dice in Street Game and Is Kicked to Death by Negro.

TERRE HAUTE, Ind., Nov. 1.—A posse is searching for Sam Swope, a negro, who kicked to death Arthur Smith, a civil war veteran. If the negro is apprehended he will be roughly handled. Smith accidentally kicked over the dice in a street game. Despite his apologies, the negro knocked him down, kicked him to death and escaped.

## KILLS DEER ALMOST IN ASHLAND CITY LIMITS

ASHLAND, Nov. 1.—Saturday afternoon as Ves Grow was walking along the county road near Kingsbury soda springs just south of town, he saw a deer walking leisurely toward the road. Turning back to a neighbor's house, he borrowed a gun and returned to the spot. The deer had turned back across the creek but Grow located it but a short distance from the place he first saw it and planted a bullet directly between its eyes. It proved to be a fat five-pronged buck. What drove it so close to the line of travel is a mystery.

## ENGINEER SAWYER REPORTS WORK RUNNING SMOOTHLY

E. B. Sawyer, the locating engineer for the Pacific & Eastern railroad, came into Medford Saturday evening to transact business and visit his many friends. Mr. Sawyer reports work running smoothly, with two miles of new snow at headquarters which is located some 12 miles above Butte Falls. Mr. Sawyer left for the front on this morning's train.

## SURPRISED TO FIND MINE IS TIMBER CLAIM

Well Known Mining Property on Poorman Creek Is Filled Upon as Timber Land.

## OWNERS SURPRISED TO LEARN OF THE CLAIM

Neither Owner Aware of Filing Until So Informed by Special Agent.

In common with several other mining men in the southern Oregon district, J. D. Cook and G. E. Howland, who have operated a mine on Poorman creek near Jacksonville for the past 12 years, have found that a timber claim has been filed against it. They are in the city now looking the matter up.

"The Cook & Howland mine has been what you might call jump-d," said Mr. Cook. "At least a timber claim has been filed upon it, and the strange part of it is that neither Mr. Howland nor myself were aware of it until after the matter had gone to final proof. The mine has been worked for many years, for the past 12 by the present owners, and is one of the well known hydraulic mines of that district, and nothing was farther from our minds than the idea that anyone would attempt to acquire it as a timber claim, especially as the party who filed the claim knew the property almost as well as ourselves. Therefore we were very much surprised when we were informed by Mr. Davis, special agent of the land department, of who had been done. We do not apprehend any difficulty in establishing our right to the property, as we can bring ample proof that we have constantly worked the mine every season, and have proof positive in the presence of several men who are now at work on the mine."

Messrs. Cook & Howland are also connected with the Three Pines Lumber company of Jump-Off-Joe district in Josephine county, which has completed one of the largest milling plants in southern Oregon and will have it in full operation soon. They have just finished a log pond at their mills on Jump-Off-Joe, which is capable of holding 5,000,000 feet of timber, and they have also completed their lumber flume of 11 miles in length, through which the lumber will be floated from the mills to the Three Pines saw on the Southern Pacific, several miles north of Grants Pass. A steam logging outfit will also be put in at once, making the equipment of the mill complete.

## OPENING OF NATATORIUM PROVES MARKED SUCCESS

ASHLAND, Or., Nov. 1.—The opening of the Ashland Mineral Springs natatorium Saturday was a marked success. In the afternoon hundreds visited the big bath house to enjoy a plunge or watch the bathers. In the evening Bob Overdorf of Seattle gave exhibitions of swimming. The big dance pavilion was crowded until midnight with merry couples keeping time to the music of Jordan's orchestra. Fully two thousand persons visited the natatorium during the afternoon and evening. With the formal opening of the new bathhouse, Ashland now claims to have the biggest institution of the kind north of the Suto bath.

## ALL MAIL FROM SOUTH HELD UP BY BAD CAVE-IN

Conductor and Brakeman Killed in Accident Near Kennett—Traffic Temporarily Blocked.

## PROBABLY NO MAIL FROM SOUTH BEFORE WEDNESDAY

No. 12 Went Through This Morning, but Will Be Last One for Some Time.

Owing to a cave-in and wreck on the Southern Pacific line near Kennett, Cal., Sunday night, in which a conductor and brakeman of a freight were killed, there will probably be no mail from the south before Wednesday if then.

The accident occurred in a tunnel near Kennett. The tunnel, according to meager reports received here, suddenly caved in, catching the train and killing one of its brakemen and the conductor. The caboose was demolished.

The cave-in has completely blocked traffic and it will be two or three days before the line is cleared. A stub will probably be run out of Ashland tonight on 16's time.

## MARTIN BOUND OVER BY CANON

Bond Fixed at \$200—Taken to Jacksonville and Lodged in Jail.

Lewis Martin, the man who was captured Saturday night by Night-watchman Murdock, while in the act of relieving J. J. Fleury of his surplus change in the back yard of one of the saloons on Front street, was bound over to appear before the grand jury by Justice Canon this morning and was taken to Jacksonville and lodged in the county jail by Chief Shearer this afternoon. His bail was fixed at \$200, which he was naturally not able to furnish, having been interrupted in his endeavors to acquire wealth Saturday night, as before stated.

## MANY HALLOWEEN PARTIES ARE GIVEN IN MEDFORD

Miss Edith Lois Dobinson entertained a number of friends on Saturday evening. The rooms were decorated in red and gold and here and there a jack-o'-lantern was seen.

Those present were: Misses Mildred Corey, Helen Meade, Irene Norris, Emma Piel, Elsie Walters, Dorothy Baker, Louis Robinson, Edith Robinson, Marquett Fabrick, Lenore Godlove, Dotty Shoults, Agnes Robinson, Iva Matin.

The Junior Athletic club was given an All-Halloween party by Miss Johann Anderson Saturday evening. All of the rites of All-Halloween were observed. The seniors of the high school were given an All-Halloween party at the home of Miss Cordelia Goffe, near Central Point. The guests were entertained by music and All-Halloween games. At a late hour luncheon was served.

## HUGHES HOLDS WHIP HAND BY GAUS' DEATH

For First Time Since He Became Prominent Politically, He Takes Over Leadership of Party.

## GAINS CONTROL OF ALL PATRONAGE IN STATE

Enthusiastic Friends Putting Him Forward as Presidential Candidate in 1912.

NEW YORK, Nov. 1.—Governor Hughes through a chance today holds the whiphand in New York and is in a position to secure and hold the republican organization for both the state and national campaign. For the first time since he became prominent politically he takes over the leadership if he appoints a loyal man to succeed Comptroller Gaus, who died yesterday while on a hunting trip in Canada.

The appointment of a loyal man means that the entire state patronage is in the hands of the Hughes machine, as the comptroller has much patronage. Such a move will give the governor control of the legislature and make it possible to force a passage of direct primary measure. Enthusiastic friends are predicting today that he will be the candidate for the presidency in 1912.

## TAYLOR TO BECOME COUNTY ENTOMOLOGIST

George W. Taylor, who has been county fruit inspector for some time, will leave that office soon, if the plans of the executive committee of the Rogue River Valley Horticultural society do not miscarry. Mr. Taylor will become county entomologist and will make a collection first of codlin moth. By gathering these while in their cocoons and observing them, reliable data can be secured as to the proper time to spray. J. W. Myers will succeed Mr. Taylor as fruit inspector.

The executive committee met this morning in the office of Professor O'Gara. They have an appointment with the county court for Thursday morning, when the proposed change will be discussed.

## MAYOR KINNEY HEAVILY INVESTS IN REAL ESTATE

GRANTS PASS, Or., Nov. 1.—An important realty deal has just been consummated whereby Kittie Gray has sold her handsome two-story brick block to Mayor H. C. Kinney for \$12,000. Mrs. Gray is known to all the railroad men between Dunsuir and Roseburg, having kept a boarding house largely patronized by railroad men for a number of years. The brick is on Sixth street adjoining the Grants Pass Banking & Trust company, and is one of the valuable properties in the city.

## DELEGATES RUSHING WORK TO MAKE UP LOST TIME

NEW ORLEANS, Nov. 1.—Delegates to the waterways convention are rushing their work in an effort to make up the time lost Saturday due to the lateness of Taft's arrival. Today's session will be occupied by a report of the resolutions committee, which if adopted will advance a definite plan of deepening the Mississippi and also make an estimate of the cost.

## NO LULL BEFORE THE STORM IN SAN FRANCISCO

Fight for District Attorneyship in San Francisco Grows Warmer as Finish of the Fight Draws Near.

## BOTH FICKERT AND HENEY CONFIDENT

Outcome Means Close or Continuance of Graft Trials After Three Years.

SAN FRANCISCO, Nov. 1.—There is "no lull before the storm" to the campaign waging here, which will terminate tomorrow. The battle centers in the contest between Francis J. Heney and Charles M. Fickert for the district attorneyship.

Agents of each man are rushing about the city and are working feverishly. Orators are speaking wherever a crowd gathers. Both Fickert and Heney are guarded by armed detectives. Heney is fighting for an opportunity to finish the graft prosecutions, in which he has been engaged three years.

Both candidates are confident of the outcome.

## COURT CONVENES IN GRANTS PASS

Judge Hanna and District Attorney Leave for Two Weeks in Pass.

Circuit Judge H. K. Hanna left Monday morning for Grants Pass, where for the next two weeks he will hold court. He was accompanied by District Attorney B. F. Mulkey.

The docket in Grants Pass fairly bristles with cases having to do with the illegal sale of liquor in that city. The court will return to Medford at the end of two weeks and on November 16 will consider the Bradshaw case.

## SCHOOLS FORCED TO CLOSE OWING TO DIPHTHERIA

GRANTS PASS, Or., Nov. 1.—With the exception of the high school, the schools of Grants Pass will be closed for an indefinite period on account of several cases of diphtheria in the city. There has been only one death, the young child of L. L. Jewell, and none of the others are in a dangerous condition. Several of the business men are taking enforced boarding out spells, having been quarantined by the health officer from sleeping or taking meals in their homes.

## WATER FLOODS OUT THE WORKERS IN BASEMENT

When the workmen engaged in excavating the basement for the new building being erected on the corner of Central avenue and Eighth street arrived for their day's work Monday morning they found a full grown swimming pool. The old drain under the opera house had filled the pit with water. A force pump was installed.