

The Message of the Flags. White—Fair weather. Blue—Rain or snow. White and blue—Local showers. Black triangular—Above white, warmer; below white, colder. White with black center—Cold.

MEDFORD MAIL TRIBUNE

Christmas and Otherwise by Reading Ads in Today's Issue.

JULIAN A. MOCK'S FATE NOW IN HANDS OF JURY; CLOSING ARGUMENTS HEARD

EARLY VERDICT IS EXPECTED; DEFENSE STRONG

Prosecuting Attorney Leaves No Stone Unturned to Show Jury That Mock Was Deliberate in His Killing—Judge Kelly Makes Strong Plea.

At 2:50 o'clock this afternoon the Mock jury had not returned.

After a trial of three days' duration the Julian A. Mock case was handed to the jury at 12:45 Monday afternoon. An early verdict is expected. The trial was a bitterly fought legal battle, a stubborn prosecution conducted by B. F. Mulkey left no stone unturned to show to the jury that Mock went deliberately to the McMullen home for the purpose of creating a row with Smith. The witnesses for the prosecution were not extremely strong, none but the small boy were willing to swear that Mock struck the first blow, but the argument of the prosecution both in the opening and closing was strong. The argument showed the friendly meeting and greeting of the men, the admission of Smith that Mock had treated him as a gentleman while on the hunt; the quarrel provoked by Mock, and finally the fatal blow struck by Mock with a deadly weapon while his adversary was unarmed.

Judge Kelly, for the defense, showed that Mock was of good character, that the men with whom he worked thought well of him, that his employer thought well of him and that he was in poor health and physically unable to battle with a strong man like Smith. Mr. Kelly showed the jury how Smith was in the habit of carrying a gun, that he had bragged of killing a man with a knife in Texas, that in his belief Smith had a gun on his person at the time of the fight, and could he have reached it, would have taken the life of Mock. Mr. Kelly showed how nobly Mock shielded his wife, that at no time had he brought her into the affair other than to say that she told him about the dog. That Mock had not intended to kill Smith, that had he had that intention he could have severed his head from his body. Mr. Kelly referred the jury to the straightforward story of the defendant and how utterly the state had failed in shaking that evidence in any manner; that his client had done as he said, defended himself and his wife's honor, that he believed Smith had a gun and "self-preservation being the first law of nature," pulled his knife and struck the fatal blow, not with the intention of murdering, but with the intention of defending himself against a dangerous enemy. Mr. Kelly's argument was calm, sound and unemotional. He held the closest attention of the jury, and all must admit that Mr. Mock received a fair and impartial trial and was defended ably and well.

TRUCE BETWEEN AUTHORITIES AND I. W. W. BROKEN

FRESNO, Cal., Dec. 19.—The truce between civil authorities and members of the Industrial Workers of the World, by which 74 Industrialists in jail here for vagrancy were to be released pending the hearing of a test case was abruptly ended today by officials of the Workers who notified the district attorney's office that the agreement was off.

CHRISTMAS IS KIDDIES THEME

Every Toy Shop in Town Is Now Great Center of Interest to the Little Tots—Great and Varied Display Offered.

"To Toyland, the Home of Santa Claus," is the rallying cry among the children these days. The toy shops at the local stores are the Mecca of all true Kris Kringle worshippers and thousands of pilgrims are there every day. The wide-eyed awe in which they speak to Santa Claus who walks about the store in a sight to see. His genial face and dancing eyes, sometimes draw them out, but in most cases they speak with downcast eyes, afraid to be too familiar with this annually important man who is expected to make glad their hearts when Christmas dawn calls them from their beds. Some of the wee ones.

GREAT NUMBER OF BUILDINGS ARE UNDER WAY

Regardless of Weather Conditions Conditions Building Continues Unabated in Medford—Much Improvement and Repair Under Way.

That Medford is rapidly forging to the front regardless of weather conditions; that here people are unshaken in their confidence of her future and that unprecedented prosperity has settled down to permanent business, is evidenced by a building census taken Monday morning. In the parts of the city visited. It was found that crews of workmen were busy on 98 different buildings and these buildings range from a modest bungalow to a skyscraper. Ninety-eight buildings are not all the buildings under course of construction, as not one-third of the town was covered, but there are 98 buildings under course of construction within a radius of eight blocks of the crossing of Front and Main streets. Farther out in the newer additions there are many new buildings under course of construction, these, however, have not been enumerated but it is a conservative estimate to say they are 50 in number.

Aside from the new buildings there is an immense amount of repair and improvement work. Houses are being moved to new locations and remodeled, the sound of the hammer and the saw is everywhere to be heard. Not only are new buildings going up, but new streets are being opened. Alleys improved, water pipes placed in residences, electric lights and telephones installed and the property in every way improved and modernized.

From estimates furnished by different contractors, it is learned that no less than 300 new buildings will be commenced as soon as material can be placed upon the ground. Some few of these are business buildings, but the greater portion of them are cottages, not cottages for rent, but homes for men who have located with their families within the past year. With the advent of good weather there will not be an idle carpenter, painter, plumber, bricklayer or plasterer in the city as the work already in sight is more than the present number of workmen in the city can do on contract time.

On every hand buildings are springing up as if by magic and although this is the poorest season for building work, the hum of the saw and sound of the hammer is hourly proclaiming that Medford is building into a permanent, progressive, prosperous and modern city.

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LOOKS FOR PLACE TO BUILD A CITY OF RETIREMENT

English Pastor Reaches Medford on Lengthy Trip to Choose Site for City in Which Quiet Alone Will Prevail.

Rev. Henry M. Johnstone, D. D., of Barton, England, the home of the world's largest brewing institutions, in which city he has preached the gospel for 35 years, was in Medford, Monday. Mr. Johnstone left England three months ago and since that time has traveled through Canada including the Northwest Territory and British Columbia then coming to the Pacific States. The white haired minister is of excellent address, scholarly and kindly disposed. When asked the object of his visit Mr. Johnstone replied.

"I am representing a large colony of people who desire to retire from active business life and build a city all their own. A city without a saloon, without a theatre, without a show of any kind; a city containing one central church, one general store; no trades, no business activities; just a quiet home in which a people well-supplied with the world's goods can live in perfect retirement. We do not mean by this that our people do not love the theatre, and other amusements, but that our aim is to locate near a city in which all this may be found. We do not claim to be building a holy city, for there is none holy by him that sent us, but we desire to build a quiet home city, where the aged may rest in peace and the young may pursue their studies without being interrupted by the environments of a busy business mart. We expect to erect and maintain the finest of schools, to have a perfect city government in which no contention shall arise. People may think this impossible, but not so with our people. We know each other and have maintained our organization in Barton, and Barton is one of the wickedest cities in all England, aside from London.

"Want a clean city, not only morally clean, but clean in a sanitary way. We want parks and drives, sidewalks, paved streets, and fountains, flowers and stamens and have ample means to provide them all. "Where we shall locate I do not know. Canada was preferred when I left England, but I find a better climate in the coast states and shall spend some months before reporting."

Rev. Johnstone took the 10 o'clock train for Grants Pass and will return here on Wednesday of this week.

FIVE MINERS ARE BLOWN TO BITS

Fifty Men Are in Mine When Explosion Occurs—Over 20 Are Burned—Premature Shot Is Responsible for Accident.

FAIRMOUNT, W. Va., Dec. 19.—Five miners are reported to have been killed and nearly 20 burned in an explosion in the Consolidated Coal company's mine at Chilton today. Fifty men were in the mine at the time of the explosion. It is believed that a premature shot caused the accident. The men were blown to fragments.

The store that makes its advertising valuable to you earns your support. Every day some store's advertising is particularly valuable to you—and you can discover which store and what advertisement in a few moments.

LAND FRAUD CASES SOON AT AN END

Decisive Action Is Expected Whether Cases Will End in General Fiasco or Not Rests With Hency—Is Non-Committal as to Course He Will Pursue.

PORTLAND, Or., Dec. 19.—The Oregon land fraud cases, which were prosecuted in the federal courts several years ago by Francis J. Hency, are about to terminate. Hency is in Portland today for the purpose of bringing the famous cases to a finish. Whether the finale will be a general fiasco of all cases pending, with the dismissal of the cases and a batch of pardons, or a renewed effort to convict former Congressman Binger Hermann and J. N. Williamson and to sentence Franklin Pierce Mays, Willard Jones and Thaddeus Potter to prison now rests with Hency. It is believed that decisive action will be taken this week.

Those in close touch with the situation hold to the opinion that a motion for the dismissal of the cases against Williamson and Hermann will be made. This opinion is based on an intimation from Hency that he does not intend to remain long in the northwest.

It is asserted that the cases have grown so antiquated due to the fact that Hency has made no effort to try them, that the witnesses are scattered. Mays, Potter and Jones were convicted and sentenced to pay heavy fines and serve short jail sentences. They appealed their cases to the court of appeals and lost. It is said they have agreed to pay the fines if pardoned. Strong recommendations for leniency have been made to President Taft by friends of the men, and it is understood that the pardons will be granted if Hency does not too seriously oppose them.

Hency is non-committal as to the course he intends to pursue. He declined to talk concerning the Hermann and Williamson cases, saying that he first wanted to refresh his memory on certain points.

Hermann was acquitted in the case tried in Washington and the jury disagreed at his trial for alleged land frauds in Portland.

NEILL IS TRYING TO AVERT GREAT RAILWAY STRIKE

Still Conferring With Engineers Employed on Sixty-One Roads to Prevent Them From Walking Out—Engineers Want Increase of 17 Per Cent.

CHICAGO, Dec. 19.—Charles P. Neill, commissioner of labor, is endeavoring today to avert the fulfillment of threats by President Warren S. Stone of the Brotherhood of Locomotive Engineers that unless the men employed on 61 western railroads get an increase of wages demanded a strike on the roads will be ordered before Christmas.

Neill conferred this morning with officials of the railroads, and prepared this afternoon for a conference with the engineers. The commissioner declined to predict what might be the outcome of the conference. The engineers assert that any offer of settlement of less than an increase of from 15 to 17 per cent will be unsatisfactory.

Every day some store-patrons who ought to come to your store go elsewhere—to their own and your disadvantage—because your advertising was not quite compelling enough.

CAR OF DYNAMITE EXPLODES IN HEART OF CROWDED GOTHAM; NINE KILLED

KERSH JURY IS STILL OUT; ARE UNABLE AGREE

Further Instructions Asked Yesterday Afternoon—Strain Is Telling on Woman—If Complicity Is Shown She Is Guilty Says Judge

PORTLAND, Or., Dec. 19.—Retiring for deliberations at 5:15 p. m. Saturday, the jury in whose hands rests the fate of Mrs. Carrie Kersh, charged with complicity in the murder of William Johnson, was still out at 1 o'clock today. The jury had been out 41 hours at this time.

Mrs. Kersh is very weak as a result of the ordeal through which she has passed.

Yesterday forenoon the jury requested further instructions from Judge Morrow, but it was not until 3 o'clock that all parties concerned in the trial had been brought together in the courtroom.

Several jurors asked particularly for instructions as to what constituted first degree murder. This point was not missed by Mrs. Kersh, and she showed every evidence of fear when she was half carried from the courtroom by the jail matron.

The instructions given Saturday were repeated almost in their entirety and the court made it clear that if the jury believed that a conspiracy existed between Mrs. Kersh and Jesse Webb to kill Johnson that a verdict of murder in the first degree should be returned.

The court said that four verdicts could be found—murder in the first degree, murder in the second degree, manslaughter or acquittal.

Want-advertise aggressively — if the need to sell that property is urgent.

MANY BACKING UP STAND OF SEATTLE STAR

SEATTLE, Wash., Dec. 19.—A storm of protests from the city and from the outside have piled into the Seattle Star office following the sentencing of two editors of the Star late Friday afternoon for contempt of court.

The Fremont Baptist church congregation yesterday unanimously passed a 10,000-word resolution commending the editors and pledging their utmost support in their fight for the people of the Duwamish valley, now at the mercy of the traction trust.

With store advertising so effective that every copy of this newspaper becomes a salesman for you, you'll find that business continues to improve—to the verge of your capacity to handle it.

REVOLUTIONISTS BLOCK TRAFFIC

Turn Back Railroad Trains—Fierce Battle Believed to Be in Progress—Widespread Indignation Follows Stopping of Trains.

EL PASO, Tex., Dec. 19.—Insurgents stopped all Mexico-Northwestern railroad trains at Pedernales today and ordered them to return. Telegraph and telephone lines beyond that point were cut. It was rumored that a fierce battle was in progress on the outskirts of Pedernales.

The action of the insurgents in interfering with the railroad traffic caused widespread expressions of indignation. Scores of American soldiers of fortune, on hearing the news, started for the scene, some of them offering to take the trains forward.

HOLIDAY RUSH KEEPING CLERKS ON QUI VIVE

Great Groups Gather in Different Stores and at Postoffice—Much Business Being Transacted at Postoffice and Express Office.

With Christmas day less than a week away the holiday rush is now in full swing at the local postoffice. All day long groups of people stand before the stamp, registry and money order windows, patiently awaiting their turn.

The Christmas business began about three weeks ago, with packages and letters going to foreign countries. From that time to this there has been a daily increase, and this daily increase will continue right up to the evening of the 24th of December. There is a good chance that previous records of the local postoffice will be broken this year.

The daily average of money orders to points in the United States during the past 20 days has been over \$100. This number does not include the foreign money orders, which have a large total. Orders paid, upon their receipt from outside points, have averaged 50 a day in the same period.

Stamp sales have been running over \$100 a day, and about 75 packages have been registered every day for the last three weeks. This number will greatly increase from now on.

In giving holiday pointers to the general public, Postmaster Woodford wishes it to be impressed upon the minds of the people that all Christmas packages should be carefully wrapped in good, tough paper; that in writing address the county as well as the town should be put on; that the return address should be placed on the packages, and particularly on every registered package, for a registered package cannot be accepted unless it bears the return address; that all addresses on registered mail to foreign countries positively must be in ink; that all parcels of merchandise take the fourth-class rate of 1 cent an ounce, counting the down weight as an ounce—that is to say, the smallest fraction of an ounce. Care should be taken to see that there is sufficient postage on all such packages. If the county as well as the city is placed in the address it will greatly facilitate delivery, and insure the Christmas mail being delivered on time. With only the town and the state there might be delay, so great is the volume of Christmas mail.

No return card is furnished with registered mail unless requested. The words, "Not to be opened until Christmas," or words to that effect, written on the outside of the package mailed, makes it necessary to place first class postage on the package.

At Lexington avenue and Fifty-first street school two pupils only had arrived. Both were injured by the shock. A portion of one of the walls fell out and heavy plaster from the ceiling struck both children. It was several minutes before they were found a sent to a hospital.

QUAKE SLAYS 200 PERSONS

Island Sinks Following Great Upheaval—Several Islands Uninhabited—Are Also Missing—Several Persons Escape in Boats.

PORT LIMON, Costa Rica, Dec. 19.—Seventy families, consisting of from 150 to 170 persons in all, were drowned when the island on which they lived was swallowed up by the sea during an earthquake Saturday. The sunken island was in the center of Llopago Lagoon. Word of the calamity reached here early today.

Llopago Lagoon is a lake southeast of the city of San Salvador. It is about five and a half miles in length. The lagoon is about 25 miles from the Pacific coast, in a mountainous country.

In the meantime 25,000 persons had surged around the blazing ruins and the police fought with the crowds to drive them back so that the work of rescue might go on.

The parochial school of St. Patrick's cathedral at Forty-ninth street and Lexington avenue was badly damaged. Several children were slightly injured by splintered glass. The Bible train school, in a ten-story building at Forty-ninth street, was also damaged by the blast.

BUILDINGS ARE SHATTERED FOR MANY BLOCKS

Gas Tank in Milk Depot Explodes setting Off Car of Dynamite—Every Man at Work in Power House Was Killed—Exact Cause Will Never Be Known.

NEW YORK, Dec. 19.—Nine persons were killed, eight are missing and believed to be dead, and more than 30 persons were injured in a terrific explosion today that wrecked the New York Central milk depot, the railroad's carpenter shop and the power house of the New York, New Haven & Hartford railroad at Forty-ninth street and Lexington avenue.

Cursory investigation gave rise to a police theory that the gas tank in the milk depot was fired by a spark from the third rail of the electric road of the New York, New Haven & Hartford railroad, which passed near the milk depot. On the track stood a car of dynamite, and the discharge of this explosion wrought the greatest havoc.

District Attorney Whitman, upon receiving the police report as to the cause of the disaster, at once ordered an investigation.

Within a few minutes after the explosion police and firemen were bringing maimed and bleeding bodies from the ruins, while wounded men, women and children within a radius of 12 blocks were being hurried to hospitals for treatment.

The explosion occurred shortly after 8 o'clock. The cause will never be known, as every man who was at work in the power house was killed. The disaster was so timed that hundreds of people were converging to the scene just before the boilers let go. A score of men were blown into the air and later found dead or dying. Two men passing near the plant were blown across Lexington avenue and the skull of one was pierced by a long splinter of glass.

A street car on Lexington avenue was hurled from the tracks and toppled over onto an automobile owned by Charles S. Shepard. One of the occupants of the machine and two passengers in the car were killed. Others were severely injured.

Within a minute after the explosion ambulances from every part followed firemen to the ruins that marked the big plant, and the work of fighting the flames and rescuing the dead and injured began.

With the nearby buildings in a shattered condition and threatening to topple over on the rescuers, firemen, police, physicians and newspaper men carried scores of wounded to the ambulances or placed the dead in an improvised morgue in the New York Central Railroad yards.

With the first shock of the explosion, 500 children, patients in the children's Mercy hospital, became panic-stricken and those able to leave their cots rushed for the doors. A score of the little ones were trampled in the wild rush for safety. Every window in the hospital was blown in and many of the children and nurses were cut with broken glass. The panic was checked before any of the patients was seriously hurt.

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Medford Mail Tribune want ads bring results.