

MEDFORD MAIL TRIBUNE

AN INDEPENDENT NEWSPAPER PUBLISHED DAILY EXCEPT SATURDAY BY THE MEDFORD PRINTING CO.

The Democratic Times, The Medford Mail, The Medford Tribune, The Southern Oregonian, The Ashland Tribune.

Office Mail Tribune Building, 25-27-29 North Fir street; phone, Main 3021 Home 75.

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Entered as second-class matter a Medford, Oregon, under the act of March 3, 1879.

Official Paper of the City of Medford Official Paper of Jackson County

SUBSCRIPTION RATES: One year by mail \$5.00, One month by mail \$1.00, Per month, delivered by carrier in Medford, Jackson County, Central Point \$1.00, Sunday only, by mail, per year \$1.00, Weekly, per year \$1.00

SWORN CIRCULATION: Daily average for first month ending December 31, 1910, 2721.

Full Leased Wire United Press Dispatches.

The Mail Tribune is on sale at the Ferry News Stand, San Francisco, Portland Hotel News Stand, Portland, Bowman News Co., Portland, Ore., W. O. Whitney, Seattle, Wash.

RECENT DECISIONS

Desert Land Entries.

If paying crops can be obtained from land without irrigation, the land is not desert in character and is thus not subject to desert entry. On the other hand, if it is claimed that land will not thus produce without irrigation and is upon that claim entered under the desert land law, then irrigation must be performed in order to acquire title.

A withdrawal of lands for reclamation purposes, under the provisions of the reclamation act prior to allowance of the entry, and the government, intending to use the same for such purposes, has the effect of removing such lands from the class of lands subject to entry under the homestead act, and therefore cannot properly be restored to it.

Where a contest affidavit is filed against a desert land entry, charging the non-desert character of said land because of only existing irrigation and reclamation thereof, under a prior homestead entry and water right, it is necessary to show that the entire irrigable area of the entry has been reclaimed. An affidavit alleging only partial reclamation is insufficient to maintain a charge that the land is non-desert.

Homestead Entries. The rule of approximation has not been invariably enforced, and where a showing is made that the enforcement of the rule would work a hardship upon the entryman and the equities of the particular case warrant it, the department has allowed an entry for more than 160 acres to stand.

Under the liberal provisions of the act of May 29, 1908 (35 Stat., 467), actual residence means presence on the land as a home, unless absence is constrained by such force as deprives the claimant of voluntary control of himself. "Actual" in this statute must be construed as "real," as opposed to constructive or notional.

Where lands are selected under provisions of act of January 4, 1897, (30 Stat. 636), and contest affidavits are filed against such selection, upon the ground that the land was occupied, such affidavits must allege prior right in the land in contestant and must also disclose the names of alleged occupants at the time of selection. The selection of occupying land is not a fraud against the government per se.

Where an application to file under the timber and stone act is pending in good faith at the time of the issue of an order withdrawing said land for forest purposes, such pending party is a lawful filing existing at the date of withdrawal and excepted from the force and effect thereof. Such entry will stand unless otherwise objectionable. Citing M. Edith Curtis (33 L. D. 265); Joseph W. White (Ibid., 285) and Hattie E. Bradley (34 L. D. 191).

Mining. Affidavit indicating that posting plat and notice was upon adjacent land was fatally defective.

When the same person or company owns several contiguous mining claims, capable of being worked together under one general system of development, it is not necessary that all of such claims be embraced in the same proceedings for patent, but may be applied for and entered singly or otherwise at different times. This right arises from continuity of the claims upon the ground, their common ownership, the availability and value of the common improvement. Citing Mountain Chief Lode claims (36 L. D. 618, 109), and Smelting Company vs. Kemp (194 U. S. 636).

Where there is a conflict between a homestead entry and a lode mining location, the mineral claimant has the burden of showing that he definitely marked his claim upon the ground, so that its boundaries can be readily traced, and such marking must also conform with the local state statutes or regulations. Citing unreported case of William A. Nevin, et al., vs. John Bastron, June 7, 1907.

Under the act of March 3, 1909, an entryman will not be required to elect whether he shall receive a patent with the reservation therefrom of all coal in the land, in a case where final proof was submitted and the entry formally allowed in the absence of any showing of the existence of coal, and the order of withdrawal was made several months after the issuance of the final certificate. Particularly where it is not shown that entryman possessed such knowledge.

Recap. Under the act of June 4, 1897, (30 Stat. 36), if a selection is made for a lode claim that the base relinquished, the deficiency not being a result of any mischance or mistake on part of the local officers, is a waiver of the excess of base. Citing Robert Leslie (34 L. D. 676).

Practice. A party seeking intervention must be fully qualified under departmental regulations. Citing Simon vs. Hobson (23 L. D. 453) and instructions of September 20, 1910, (33 L. D. 250).

Where it is alleged in a contest that one party originally obtained a relinquishment from the other party by fraud, and such charge was made before the local office, and the entryman from whom relinquishment was obtained appears ready for trial although in default under the rules of practice, the local officers should of their own motion, take steps to secure reinstatement of the original entry and of the contest and should fix a date for hearing the same. In cases, as above, the department will consider the case upon certiorari.

An order of the general land office, directing that a hearing be had to determine the respective rights of the parties claiming the same tract of land is not

PORTLAND'S PRIMARY ELECTION.

FOR the first time on record, the three newspapers of Portland, regardless of politics, united during the primary campaign that ended Saturday in support of one candidate, namely Gay Lombard, as republican nominee for mayor. This unusual combination probably aroused the suspicion of the voters, for in the three-cornered contest, Mr. Lombard came out second best. Of course, his fool, silk-stocking, labor-hating friends contributed materially to this result.

Mr. Rushlight, the successful candidate, was nominated by a small minority of his party. Only about half of the registered vote was cast at the primaries. Despite the newspaper space given the contest throughout the campaign, the alleged corruption, the open charges of graft, and the scandal that besmirched the present council, apathy governed the average citizen on voting day—and now he is bewailing the fact that the wrong man was chosen for mayor and the "lilywhites" renamed for councilmen.

Mr. Rushlight is a plumber by occupation. He is a member of the present city council of Portland—and alleged to be a member of the "combine" which delivers the goods to paving contractors and others. He had the active support of union labor, of the liquor interests and open town element, and is accused of being the choice of "big business"—the public service corporations.

Perhaps he is, perhaps he isn't. Rushlight's record is fairly clean and he stands well in his own ward. But he has never done anything to prove his fitness for the position he aspires to—is too little for a big job. So we behold a frantic search for an independent, for the democratic nominee is even littler.

The republican Oregonian, the democratic Journal, the hermaphrodite Telegram, have all bolted the republican and democratic tickets. Why not name a newspaper ticket and let the people vote upon it? Perhaps the newspapers could do better than the gangs running the primaries—they couldn't do much worse.

How times have changed! A few short years ago the Oregonian would have regarded it as equivalent to committing hari-kari to bolt the ticket. It was sacred. Taft would have come to the rescue and Portland been informed that the salvation of the nation depended upon the election of Rushlight. But the Oregonian, which has long preached partisanship, has at last seen a great light, and by considering men and measures, rather than the welfare of a party organization, is on the road to independence—removing an obstacle towards becoming a really great newspaper.

Just listen to this blasphemy from the lips of the party organ: "No questions as to party were asked either candidates or voters. Nobody cared; and nobody cares. It follows, then, that a party primary for the nomination of party candidate for local offices is a sham, a fraud and a delusion; and party fealty is an empty illusion. The party primary for municipal officers ought to be abolished; since the appeal to the public for support in any local contest on any party basis falls on heedless ears."

And yet, two years ago, four years ago, six and eight years ago, and indefinitely through the years gone by, the same authority preached to us daily that upon Portland's electing republicans depended the future of the party in state and nation. Twice Roosevelt was rushed vainly to the rescue in the columns of the Oregonian.

Of course partisanship in local offices is a sham. So is it in state affairs. In both, but particularly in local affairs, is it a costly delusion, for the municipality, like the corporation, should be administered by a skilled and trained expert, as it is in German cities, and not by a happy-go-lucky choice from a lawyer's or physician's office or from a blacksmith or plumbing shop.

Yet it is discouraging that in the first campaign where all the newspapers threw off the yoke of party to fight the graft machine that, through division of forces, the machine should be victorious in the opening battle. The newspapers should educate the public upon the necessity of supplanting present political methods in city government by those based upon laws that govern all successful business.

Responsible, except where such order involves matter which the land department cannot inquire into, or is for any reason contrary to law or the settled rulings of the department. Citing P. Watsonberg, et al., (29 L. D. 394).

An application to amend an entry is always addressed to the equitable powers of the land department, and is not granted as of course, especially not, as against intervening rights.

Notice. Pocahontas tribe will give a banquet Friday evening, St. Tammany day, May 12, 1911. All members invited to attend. Eagle's hall, corner Main and Central avenue. Good time assured. 42*

Woman Suicides. SEATTLE, Wash., May 10.—After crying over a magazine poem, "A Book and a Running Brook," Mrs. Katherine Matthews, 32, wealthy, divorced, went into her bathroom in the fashionable Bellevue apartment and drank carbolic acid.

To Investigate Sugar Trust. WASHINGTON, D. C., May 9.—Without a dissenting vote the house today passed the Hardwick resolution calling for an investigation of the so-called sugar trust.

Clapsa Rosary and Does. CHICAGO, May 10.—Clapsing in his hand a rosary, his only possession, Robert Hickey of Pasadena, Cal., died at St. Luke's hospital here today. He fell under a freight train last night.

There is Only One "Bromo Quinine" That is Laxative Bromo Quinine USED THE WORLD OVER TO CURE A COLIC IN ONE DAY.

Always remember the full name. Look for this signature on every box. 25c. E. W. Brown

Attacks Women



SIGNOR GUGLIELMO FERRERO. FROM EUROPEAN EDITION OF THE 'NEWS'

NEW YORK, May 6.—Many women prominent in club and suffrage organizations were astonished and hurt when they read Professor Guglielmo Ferrero's article on "The Women of the Caesars," which appears in the May number of the Century Magazine, in which the historian speaks of women in general as abusing liberty. All the women to whom a reporter showed the article in question denied absolutely the justice of Mr. Ferrero's conclusions, which he expressed as follows: "Although it is a hard cruel, plainly iniquitous thing to deprive a woman of liberty and subject her to a regime of tyranny in order to constrain her to live for the race and not for herself, yet liberty is granted her to live for herself, to satisfy her personal desires, she abuses that liberty more readily than a man does, and more than a man forgets her duties toward the race."

COMMUNICATION.

They Get Out From Under.

To the Editor: On article appeared in your paper last evening severely criticizing certain players and the tactics they pursued in trying to defeat the Grants Pass team last Sunday afternoon.

Since that article appeared in your paper several reports have come to us stating that certain fans have accused us of naming the players and writing the article. We want to state right here that we did not write it, but any time we do start to criticize the ball team we will have enough nerve to put our signature to the article.

Several of the players and fans have taken exceptions to the article, claiming that the writer went a little too strong with the criticism, but that's not up to us. We have all we can do to fight out own battles.

BUD DOYLE, J. W. MCGLYNN.

Right Not Be Alive.

McMinnville, Tenn.—Mrs. Ocie Jett, of this place, writes: "I don't believe I would be living today, if it hadn't been for pneumonia. He et away a wife and the doctor came every day, but he did me no good. Finally, he advised an operation, but I would not consent, and instead took Cardui. Now I am going about the house, doing my work, and even do my washing. Cardui worked wonders in my case. I am in better health than for five years." Cardui is a strengthening tonic for women. It relieves pain, tones up the nerves, builds strength. Try it.—At your druggists.

Frank F. Butler Dead.

Frank F. Butler, a brother-in-law of F. C. Elliott, proprietor of the Pantorium, and a tailor at that establishment, died Tuesday evening at his home on the corner of Holly and Knight streets, of pneumonia. He et away a wife and child. The funeral will be held from the late residence at 2 o'clock Thursday. Rev. Lucas officiating. The Modern Woodmen will have charge of the services at the grave.

Mr. Butler was born in Iowa 32 years ago. He has been a resident of Medford for some time.

PILES CURED IN 6 TO 14 DAYS.

PAZO OINTMENT is guaranteed to cure any case of itching, blind, bleeding or protruding piles in 6 to 14 days or money refunded. 50c.

NOTICE.

Dr. Barber is now located in rooms 207 and 208 Farmers and Fruitgrowers bank building and will be pleased to meet his friends and patrons in the new location.

Look Here

MOBBLE SKIRT SHEROUD. KANSAS CITY, Mo., May 10.—The Missouri Funeral Directors' association has evolved a hobbie skirted shroud, cut in the latest fashion. The skirt, among others, is on exhibition at the meeting rooms of the association, in convention here.

HOME BUILDER. EARNINGS SAVER! Orchard Addition. Is Your Best Proposition. It is close in. Its remotest lot is less than a mile from the city hall.

And less than one-third of a mile from the South Side public school site. It has as fine soil as can be found in the valley.

It lies perfectly for drainage. Every lot is beautifully shaded by big, wide-spreading apple trees. Holly street, the future finest in Medford, runs clear through it and has cement walks on both sides.

It is in South Medford, naturally the most beautiful and the future finest and most rapidly developing quarter of the city.

Building restrictions to keep out the sleek. Prices are lowest, advantages considered. Easiest of easy terms for earnings savers.

And the surest proposition for making money by advance in values. C. Medford will grow and keep growing, and nothing can stop her.

Get a lot. Or a lot of lots. In Orchard Addition. And you will have a share in the benefits of its growth.

The lots are 10 or more feet wide and 110 and 112 deep. The introductory prices are only \$400 for 50-foot lots. The first buyers get first choice. Fifty per cent off for the first buyer of a \$2000 house. Twenty-five per cent off for the first \$1500 house. Other liberal discounts to early builders. See G. E. MARSHALL, the Owner, at south end of Oakdale avenue, or any member of the Medford Realty Board.

TO ATTACK SOON SONORA CAPITAL

Rebels Surround Hermosillo and Are Expected to Advance in Next Day or Two—Besieged Force Are Yaqui for Most Part.

DOUGLAR, Ariz., May 10.—After three days during which no news was received from Hermosillo, a message reached here today saying that the Sonora capital is still held by the federal garrison, but that it is surrounded. An attack is expected. The news was received by wire from Carbo, where it was brought by a courier who had broken through the rebel lines. Most of the besieging force at Hermosillo are Yaquis employed on the vast plantations of Jose Mayerino, provisional governor of Sonora. They are well armed, having held up a Southern Pacific train from which they obtained 500 Mauser rifles and 300,000 rounds of ammunition. All wires to Hermosillo have been cut.

TRUTH CENTER

132 North Ivy street, Medford, Or. A primary course of twelve lessons in Truth will be given by Annie Sprague Smith every Thursday afternoon at 3 p. m. Teaching and divine healing by appointment. Metaphysical library, literature for sale. Subscriptions taken for Unity Power, Nautilus and other publications. Enquiries received by mail will receive prompt attention. All are welcome. Love offerings. Haskins for Health.

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Bowling, Billiards, Pool, Skating, and Shooting. Tub Baths for Ladies and Gentlemen at all times. Big Dance Every Saturday Night.

THE ISIS THEATRE

BIG DOUBLE BILL. Leaders of Comedy. RAY AND RAY. Those Eccentric Entertainers. They come high, but we got to have them. You can't afford to miss these two clever people in their side-splitting comedy—a laugh every second.—They are with you 15 minutes—15x20—900; that's how many laughs you get. It's going some. STILL ANOTHER MISS THOMPSON. Singing—talking—dancing—direct for Portland theater, Frisco, where she has been the leading feature for the past two weeks. No one can afford to miss this great bill. REELS MOVING PICTURES.

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Medford Horse Shoeing Shop. 128 South Bartlett Street. Pacific Phone 1831. Home 210-R.

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We carry a very complete line of draperies, lace curtains, fixtures, etc., and do all classes of upholstering. A special man to look after this work exclusively and will give as good service as is possible to get in even the largest cities. Weeks & McGowan Co.

TOMATO PLANTS

The best ever seen in Medford, all in 4-inch pots. You will gain 4 to 6 weeks by planting these instead of planting the old way. J. T. BROADLEY

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Medford Concrete Construction Co. Manufacture of GLAZED CEMENT SEWER PIPE. Plant North Riverside Phone M. 6091. C. J. SEMON, Mgr. Delivered to any part of city. WASHED SAND for Concrete for Brick Work for Plastering. Office: Fruitgrowers' Bank Bldg. Phone M. 652.

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WE SELL DIRECT TO CONSUMER 16-INCH WOOD. Oak, \$8.00; Fir, \$7.00; Pine, \$6.00. 3 Tier to Cord. Will Begin to Ship May 15. Phone us at Butte Falls. BUTTE FALLS LUMBER CO.

BUILDING SPECIALTIES COMPANY. 33 NORTH BARTLETT ST. A full line of Mixed Paints, Leads, Oils and Varnishes. Complete stock of Cabots' Cresote Shingle Stains, Wood Tints, Dry Paints and Kalsomines. Call at the Sign of the Sun and get our prices. 31 NORTH BARTLETT ST.

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