

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.

GEORGE PUTNAM, Editor and Manager

Entered as second-class matter at 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, .50; Per month, delivered by carrier in Medford, Jacksonville and Central Point, .50; Sunday only, by mail, per year, 2.00; Weekly, per year, 1.50.

SWORN CIRCULATION: Daily average for six months ending December 31, 1910, 2721.

Full Leased Wire United Press Dispatches.

The Mail Tribune is on sale at the Perry News Stand, San Francisco; Portland News Stand, Portland; Newman News Co., Portland, Ore.; W. O. Whitney, Seattle, Wash.

PEAR SEASON TO OPEN NEXT WEEK

Bear Creek Orchard Will Ship First Car This Season August 10—Season Two Weeks Later This Year Than a Year Ago.

The harvesting of the 1911 crop of pears in the valley will open next week, the Bear Creek orchards shipping their first car on or about August 10.

The season at Grants Pass will open about August 10. Last year the Pass shipped the first car on July 29.

CERTIFICATES GIVEN JACKSON TEACHERS

Successful applicants at teachers' examination held June 21-24 1911, Jacksonville. Papers were corrected at Salem at a meeting of county school superintendents:

Lou Wright, 5 year certificate; Myra Roberts, 5 year certificate; Mae B. Nealon, 1 year certificate; Estella Phiester, 1 year certificate; Bernice B. Carder, 1 year certificate; Louise Henry, 1 year certificate; Della Noffsinger, 1 year certificate; Anna V. Childwell, 1 year certificate; Ruth W. Hensley, 1 year certificate; Florence S. Herriek, 1 year certificate; John C. Hart, 1 year certificate; Alma Gould, 1 year certificate; Rose L. Nealon, 1 year certificate; Eva Mae Hall, 1 year certificate; Marie Foster, 1 year certificate; Bertha Ditsworth, 1 year certificate; Mildred Ware, 1 year certificate; Esther Beery, 1 year certificate; Leta Peelor, 1 year certificate; Rosabelle York, 1 year certificate; Sarah Van Meter, primary certificate; Mand Philbrook, primary certificate; Kate Stine, primary certificate; Evelyn Merrill, 1 year certificate; Ruth York, 1 year certificate; Olive G. Davis, 1 year certificate; Alvie E. Scott, certificate; Eunice L. Smith, 1 year certificate; Leila Eaton, 1 year certificate; Clara Elmer, 1 year certificate.

State Swaps Land. BOISE, Idaho, Aug. 3.—Information from Washington reaching here today in effect says that the department of agriculture and the state of Idaho have arrived at a tentative agreement by which the state will receive approximately half a million acres of land in a compact body in exchange for its scattered holdings within the national forests boundaries.

SANTA FE, N. M., Aug. 3.—The territory of New Mexico is a defendant in a suit for 50 cents brought by the city of Santa Fe as the result of a dispute over which shall pay for the permit to erect a garage on the grounds of the executive mansion in Santa Fe.

The territory officials say that the fee is a tax and therefore the territory is exempt and an injunction has been obtained preventing the city from making collection.

Final hearing in the matter will be had August 10.

Haskins for Health.

APPLEGATE IS FREE OF PESTS

Chief Inspector Myers Returns From Inspection Tour of Applegate Section and Reports Everything In Splendid Condition.

The Applegate orchard district is entirely free of pests or disease of any kind according to Chief Inspector Myers, who has just returned from an inspection trip throughout that section. Mr. Myers was accompanied by his assistants.

MRS. NAPOLITANA HAS BABY DAUGHTER

ROSEBURG, Ore., Aug. 3.—All Mrs. Angelino Napolitano who was recently reprieved from death after conviction of the murder of her husband, today gave birth to a robust girl in the jail hospital here. The Children's Aid Society will take charge of the child. In case the woman for whose pardon thousands have memorialized the Ottawa government is later set free the child will be returned to her.

NEBRASKA AND KANSAS BENEFITED BY DELUGE

LINCOLN, Neb., Aug. 3.—Torrential rains throughout northern Kansas and southern Nebraska are doing immeasurable good to the corn crops. Damage to property is reported from many places and the roadbed of railroads has been washed out in several vicinities.

BIG STICK FOR HIGHER COURTS

People of United States Will Not Endure Reactionary Methods of Dispensing of Questions Asserts Roosevelt—Interpretations Outgrown.

LYONS, N. Y., Aug. 3.—That the people of the United States will not endure the reactionary methods of the courts with regard to the constitutionality of laws in which they are deeply interested is the substance of Former President Roosevelt's attack on the United States court of appeals decision on the workman's compensation law. Letters written by Roosevelt to Editor Betts of the Lyons Republican, who had criticized him were made public today. The former president says:

"It is simply nonsense to suppose that the country will permanently tolerate a line of action such as the court followed in declaring the compensation act unconstitutional. Four federal judges who have written me regarding the decision agree that the action of the United States court of appeals is utterly reactionary and in invitation to revolution. My plea is that the courts act with ordinary statesmanship and ordinary regard for the constitution as a living aid to growth—not as a strait-jacket. The interpretation of a hundred years ago must not be held immutable."

CAMPAIGN PUBLICITY BILL SENT TO CONFERENCE

WASHINGTON, D. C., Aug. 3.—The house campaign publicity bill today was sent to conference with the senate. Senators Gamble, Dillingham and Johnson will represent the upper chamber.

The senate today also agreed to a request from the house for a conference on the wool bill and named Senators Penrose, Cullom, LaFollette, Bailey and Simmons as conferees.

Miss Caldwell "Elated." VANCOUVER, Wash., Aug. 3.—"I am elated," said Miss Lillian Caldwell today when informed that she was the first woman to sit as a judge of an election in the state of Washington since the passage of the equal franchise law.

Miss Caldwell officiated as judge at the city hall in yesterday's special bond election.

Hitchcock a Witness. NEW YORK, Aug. 3.—Postmaster General Frank Hitchcock was the first witness before the federal commission which is investigating second class postage rates. He insisted that magazines should pay higher rates on their advertising pages than on their news and features, and that all classes of matter should be graded and charged for according to the cost of handling.

Haskins for Health.

NELSON'S QUIET SENSE OF HUMOR

Minnesotan's Rescue From Flood Stalled Car Occasion for Jibes From President Whom He Is Opposing—Joins Against Taft.

WASHINGTON, Aug. 3.—Senator Knute Nelson, of Minnesota, who is a solon only incidentally and a farmer by profession, has a brand of quiet humor in his make-up that is unique in officialdom. The Minnesota Viking was a member of the party that recently accompanied President Taft on his memorable automobile trip to Manassas.

When rescued from Senator Brandegee's car, which was stalled in the middle of a ford, swollen by the afternoon rains, Senator Nelson was taken into President Taft's car. The senator, known for his determined opposition to reciprocity, must come along, said the president, as his vote was needed.

The senator came, and sat silent while the president and members of his party joked him about his rescue by the administration he was opposing. Senator Martin spoke of John Hays Hammond, special ambassador to the coronation of George V., and re-told the story of how he had nudged the king, to the dismay of the English courtiers.

Senator Nelson made no comment. Just then the car lurched as it went over the rough road, and Senator Nelson was thrown against President Taft.

Without a vestige of a smile, Senator Nelson remarked dryly: "I suppose now they will say of me out in Minnesota that I have been nudging the president."

IS DOUBLE TO VICE PRESIDENT

William P. Chambers of Corwith, Ia., Disgusted by Being Mistaken for Sunny Jim Sherman All Over National Capital.

WASHINGTON, Aug. 3.—"This is a pretty nice town, but I'm never going to come back until Jim Sherman ceases to be vice president."

This is the private opinion of William P. Chambers of Corwith, Ia., publicly expressed after a day of nerve racking experiences in the course of which he was mistaken for "Sunny Jim" by about two out of three persons who spoke to him.

Chambers arrived in Washington after a motor trip from his home town and started in to see the sights. Leaving his hotel he strolled down Pennsylvania avenue about noon and almost immediately met a tall individual in a frock coat and silk hat who inquired:

"Ah, Mr. Vice President aren't you a little late for the session today?"

Mr. Chambers thought it a little strange that anyone in Washington should know that he was vice-president of the Farmers' and Merchants' bank at Britt, Ia., but he did not protest.

A little later he wandered up to the Capitol to see the two senators from his native state, but, after spending a strenuous half hour answering questions addressed to him by persons who mistook him for the presiding officer of the senate, he left in disgust.

WEBB HEARS "YOU MUST HANG" AGAIN

PORTLAND, Or., Aug. 3.—Though Jesse P. Webb, the trunk murderer, for the second time has heard the sentence of death passed on him, it is generally believed here today that an appeal will be taken to the supreme court again and that William Johnson's slayer will not hang September 5.

Before Judge Morrow sentenced him, Webb made a strong plea for life, contending he killed in self defense.

Big Strike Near. DES MOINES, Ia., Aug. 3.—With 400 employees of the street car company preparing to strike tomorrow and the company threatening a lock-out, serious trouble is feared here. The Interurban company, whose lines are affected by the threatened strike, has sent to Chicago for 300 strike-breakers.

A mass meeting of citizens will be held tonight to advise the mayor how best to handle the situation.

Haskins for Health.

Oregon Offers Most Opportunity, Says Lawson

Author of "Frenzied Finance" Gives Result of His Two Months' Investigation of State.

(By Thomas W. Lawson, author of "Frenzied Finance," in the Portland Journal.)

Oregon—Earth's paradise. For a language juggler to so string words that his audience will see things in the easiest stant of the writing game. To biograph his pictures so that they will Corot the imagination, engrave the memory and etch the very soul of his readers' mentality is another and a rarer feat, one which can only be flagged with the lantern of fact swung with the fist of truth.

If it were—if it only were—a penitentiary offense to overstate, what an easy job you Oregonians would have turning your God-favored state into one unvacant-lotted city; if it were only in the power of mortal to vision to the indolent capital-harnessed hordes of the east and Europe what I have actually seen and hit into during the past two months, inside of five years Oregon's marvelous strides would be the wonder of the world.

I came into Oregon over eight weeks ago—came to stay three or four days. If it were possible I would stay on and on and longer. Quite a fat statement for a very busy man to honestly make. Interpreted, it reads, "Oregon is the best country I have ever seen." An even fatter statement, but I mean every word of it.

Qualified to Judge. It is common belief—amongst surface thinkers—that a stranger is not as well qualified to size the advantages of the place he visits as the

dweller thereof. All wrong. Familiarity with the advantages and the outs of a locality blurs the vision to the goods and acutes it to the bads.

Let me tell you why I say Oregon is the best place I have ever known, but before I start in I must preliminarily state a bit—I have no self interest in saying what I do—"in more or less an expert on the "unusual" of man and nature—I've hunted 'em, studied 'em, and high-low-jacked 'em in all parts of the world and under all conditions. Which means I know the "unusual" when I see it.

I have seen, as good people as Oregonians; I have tubbed in as exhilarating a climate; I've seen as wonderful woods, as marvelous mountains, as beautiful valleys, as exquisite rivers and shores and beaches; I have seen as rich farms and ranches and orchards and as refined cities and have touched finger tips to as remarkable money making possibilities as those I have conscience I say, unqualifiedly, I believe there is no place in all the world which holds forth within 40 per cent the advantages to man, be he young or old, be he rich or poor, triple refined or in the raw, as Oregon.

Ready to Prove It.

And more, my belief is as firmly rooted that there does not exist in all the world, a country which holds for capital—small capital or bloated capital—50 per cent the advantages of Oregon. I mean 50 per cent of the all round advantages. Yes, I realize the tremendousness of my state-

ment, but I make it not because I have to, or because it is to my personal advantage, but solely, because I deem it my duty to humanity, particularly the sweating, crushed, despairing hordes of the crowded east, to hand my pointer to the fast multiplying sign boards which face toward an easily attainable paradise, and more, I stand ready, with pen or voice, to prove that my belief is soundly founded.

You will note that in singing the praises of your wonderful country, I make no qualifications, absolutely none. There is not—that I have been able to find—a single out; the grandeur of Switzerland, the luxuriosness of Italy, the sturdy industrial possibilities of Germany, the horticultural and agricultural state of France, the romance of Ireland, the muscle riber breeding advantages of Scotland, the maritime, manufacture, and general-man-woman-and-child conditions of England, and the all round best on earth Yankee dollar health and comfort probability which is native to all America—all those I have found in the most delightful and fascinating combination in your Utopian state.

Glad He Found Place.

Would to the Lord I had found them earlier, but I thank Him that I have found them in time to point them to my children and I pray that he will let me live long enough to see with my eyes the fulfillment of the vision that is as clear to me as your-der snow capped mountain.

Monthly Digest Important Land Decisions

The Following Important Law Points Have Recently Been Decided by the Secretary of the Interior.

Homesteads. The swamp land grant to the several states is a grant in present and an entry improperly allowed must yield to the older grant. It is well settled law that neither settlement or filing constitute separately or jointly a sale or disposal of public land. An equitable title does not rest in a claimant until final receipt, or tender of payment, or of final proof, which should of right be accepted. Until such condition exists, public land is not disposed of.

Intervention by private parties filing contest after the expiration of two years from date of final certificate cannot be allowed under the decision in the case of Chandler vs. Haynes et al. 37 L. D. 663.)

Where the entryman sells his improvements and accompanies such sale by a relinquishment of the homestead entry, he is barred from making another entry, and the act of February 3, 1911, (36 Stat. 896), providing for allowance of second homestead entries, will not apply to give relief.

Prior to final proof and upon the death of the entryman patent will issue in the name of the heirs, and not in name of a devisee named in a will made by the entryman. Citing Knight vs. heirs of Knight (29 L. D. 262), it is the well settled rule of the department that residence is established from the moment the settler goes upon the land with the intention, in good faith, of making it his home to the exclusion of one elsewhere, provided such intention is

followed by actual inhabitation of the land in good faith. Good faith is the essential foundation of all claims under the homestead law. Citing Gilbert Strang (37 L. D. 683.)

Isolated Tracts. The department regulations governing sales of isolated tracts contemplate that the sale be actually opened and held for the term of one hour, to enable competitive bidders to make bids. Mere offering of the land and then the dismissal of the bidders to assemble shortly thereafter as an adjournment of the sale. An offer of a check by the purchaser does not comply with the regulations requiring cash. However, a reasonable time should be given to allow purchaser to cash check and tender the money.

If a bidder, through a misunderstanding, bids upon one tract when he intended to bid upon another, he should be allowed to correct his bid to cover the tract he intended to bid for, and the other tract should be reoffered, the object in view being to obtain the best price possible for each tract offered.

Timber and Stone. The government may appraise the land any time before the applicant has made deposit for the minimum price for the same. Section 19 of the regulations of November 30, 1908, amended accordingly.

Furthermore, a protest or adverse report may be lodged against an application or entry at any time within two years from the issuance of the final receipt.

Mining. Work performed under and for the benefit of one location cannot be utilized as a patent expenditure for the benefit of a maximum location in which is included the old area, together with the tract of new ground. This would evade the statute requiring expenditure of \$500 in labor or improvements for the benefit of the location for which patent is sought. Distinguishing the rule in Clark vs. Taylor (20 L. D. 455).

As a general rule final certificate and patent for a mining claim should issue to the applicant in whose name the patent proceedings were initiated and prosecuted; and in the event of his death, certificate and patent should nevertheless issue in his name and not to his heirs. The formal rule in Trip vs. Dunphy (28 L. D. 14) reversed.

Under provisions of act of congress, March 2, 1911, (36 Stat. 1015), patent will not be denied because of any transfer or assignment of interest of the original locator to any qualified person or corporation prior to discovery of oil or gas there-in.

Deposits of gravel and sand suitable for concrete construction, but otherwise having no special value, except that derived from proximity to a town, do not render the land in which they are found mineral in character within the meaning of the mining laws, or bar entry under the homestead laws, notwithstanding the land may be more valuable on account of such deposits than for agricultural purposes.

NOTICE TO BRIDGE CONTRACTORS.

Sealed proposals will be received by the county court of Jackson county at his office in the court house at Jacksonville, Oregon, to be opened August 28, 1911, at 10 a. m. for the construction of a concrete bridge across Bear Creek in the city of Medford, Jackson county, Oregon. Plans and specifications are on file in the office of the county court also in the office of W. W. Harmon county road master in the court house at Jacksonville. All bids must be accompanied by a certified check for 10 per cent of the bid. The court reserves the right to reject any or all bids. Signed.

J. R. NEIL, County Judge.

NOTICE TO JAIL CONTRACTORS.

Sealed proposals will be received by the county court of Jackson county at his office in the county court house at Jacksonville to be opened August 28, 1911, at 10 o'clock for the construction of the cell work in the new county jail at Jacksonville, Jackson county, Oregon. Plans and specifications are on file in the office of the county court, also in W. W. Harmon's office in the court house in Jacksonville, Oregon. A certified check of 10 per cent of the amount of the bid must accompany same. The court reserves the right to reject any or all bids. Signed.

J. R. NEIL, County Judge.

NOTICE.

There will be a meeting held on Monday evening, August 7, at 8 o'clock in the office of J. W. Dressler in the Mail Tribune building to decide whether or not the business men will support a fair this fall.

A. W. WARE, Chairman.

Look for the "help wanted" ad that seems like a "prospect"—and answer it promptly.

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Our 30 Cent Coffee

Is the kind you have been looking for all this time. It makes a meal worth having and ends the coffee argument.

White Carnation Flour

Is the aristocrat of the flour family and is a genuine bargain at— \$1.65

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Where to Go Tonight

Jaroy Theatre

TONIGHT 4—GOOD ONES—4 THE STAR SPANGLE BANNER Patriotic Drama.

RELATED BRIDEGROOM Good Comedy.

THE SLEUTH THE MUSKETEERS A War Story. PRICE 10 CENTS

THE ISIS THEATRE

A BIG WINNER THE ALIAMO TRIO Singing—Dancing—Talking

Greatest of all attractions that has ever appeared at the ISIS is the above billed trio singers, dancers and comedians who have won fame on both sides of the world from their wonderful make up which has deceived the public for the past ten years—to the man who made that great song famous—"Casey Jones" he will by special request sing it for three nights—Don't miss seeing this wonderful act.

Miss Catherine Mears

Teacher of Pianoforte For the past ten years teacher in the suburbs of Boston. A pupil of Mrs. Frances A. M. Bird and Mr. Arthur Foote of Boston, Massachusetts. Residence 506 South King Street, Medford, Oregon.

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