

MEDFORD MAIL TRIBUNE

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GEORGE PUTNAM, Editor and Manager

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

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

Full Leased Wire United Press Despatches.

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

MEDFORD, OREGON. Metropolis of Southern Oregon and Northern California, and the fastest-growing city in Oregon. Population—11,800. Estimated, 1911—10,000.

Five hundred thousand dollar Gravity Water System completed, giving finest supply pure mountain water and sixteen miles of street being paved and contracted for at a cost exceeding \$1,000,000, making a total of twenty miles of pavement.

Postoffice receipts for year ending March 31, 1911, show increase of 41 per cent. Bank deposits a gain of 23 per cent.

Banner fruit city in Oregon—Rogue River Spitzbergen apples won sweepstakes prize and title.

"Apple King of the World." at the National Apple Show, Spokane, 1909, and a car of Newtowns won First Prize in 1910.

at Canadian International Apple Show, Vancouver, B. C.

Rogue River pears brought highest prices in all markets of the world during the past six years.

Write Commercial club, enclosing 8 cents for postage for the finest community pamphlet ever published.

500 REFUGEES DYING DAILY

Chinese Troops Concentrating in Flooded Districts—Small Effort to Relieve Famine—Pillaging and Looting Continue.

SHANGHAI, Sept. 11.—Chinese troops today are being rapidly concentrated in the flooded districts of the Yang Tse Kiang valley and serious fighting there is expected.

Small efforts are being made to relieve the distress of the homeless and starving refugees, 500 of whom are dying daily, part of them from starvation and the rest from disease or exposure.

Looting and murder are on the increase throughout the districts, bands of plunderers sweeping over the whole extent and rifling from the victims of the disaster the few possessions remaining to them.

There is as yet no indication that the floods are subsiding.

ROYALISTS TO INVAD CAPITAL OF PORTUGAL

LISBON, Sept. 11.—As soon as a loan of \$2,500,000 arrives from Brazil and England this week, the Royalists, who are today gathering at Orense, will march on the capital.

They have 5000 men armed, forty pieces of heavy artillery and two aeroplanes, from which bombs are threatened to be dropped.

The republic, however has 22,000 soldiers loyal to the new government and who eagerly await an attack.

CHAUFFEUR'S HEIRESS BRIDE MAKING GOOD AS COOK

NEWPORT, R. I., Sept. 11.—Chauffeur and Mrs. Jack Geraghty are today enjoying the comforts of a pretty cottage here in Everett street, where the heiress has taken charge of the culinary department of the house.

The many friends who have called state that "Mrs. Jack" is making good as a housekeeper. Personal friends have been seeking to induce the girl to go to her mother for a reconciliation but Mrs. Geraghty says that when she is bidden to her home the invitation must also include her husband.

WALTERS TO BUILD HOME AMONG THE OAKS

Mr. Walters of this city has purchased five acres of F. S. Carpenter and sons, a part of the Thomas place at Berrydale on the Jacksonville road.

He will build a model home among the oaks. This place is bound to be one of our most popular suburbs.

Look for the ad that describes the place you would like to own.

APPEAL TO REASON.

In the editorial of the Oregonian of September 8th, entitled "Rate-making by Prejudice," occurs the following: "It is sad indeed that this rate expert was not discovered years ago by the interstate commerce commission or some of the state railroad commissions which have been wrestling with the railroad rate problem by day and sweating over it by night."

If the Oregonian refers to the rate counsel which Medford has employed in her various rate suits, and for the purpose of this article it will be assumed this is the individual about whom the quoted reference is made. The Mail-Tribune is glad of this opportunity to acquaint its readers with this individual whose work alone is sufficient and oiy commendation needed. In the search of a rule for fair and reliable judgment as to the worth of an individual no better one is found than the one laid down by the Master who spoke of himself as "the way" wherein he recounted his works and not his doctrine when questioned by the messengers of another, and he always relied upon his deeds to support his words which were merely the outgrowth of those deeds.

The Oregonian has a heart-ache over the fact that this rate counsel was not discovered years ago by the interstate commerce commission, but by referring to history of the interstate commerce commission it is found that Spokane began as early as 1891 to prosecute suits before this body for an equitable adjustment of the intermountain rates, and in this suit, Portland at the instigation of the railroads as an ally of them, intervened against Spokane, as she has done ever since and against interior points in Oregon in the same alliance with the railroads. The outcome of the original suit giled by Spokane in the Supreme Court of the United States deprived the Commission of any rate making power, and the Commission speaks of itself during subsequent years, until its rate making power was restored in August, 1906, as only an advisory board with no need of a rate counsel or traffic expert. State Railroad Commission in most states are of recent date, therefore they had no need to make a discovery "years ago." It is then found that the public had really no need of a rate counsel until very recent years, or only since 1906, and the interstate commerce commission and the State Railroad Commissions being created for the purpose of rendering decisions upon complaints supported by evidence filed by the public upon whom the burden is imposed to prove a reasonable rate were not under the pressure of discovering a rate expert, but the public was, and did as the following will show:

From the records of the interstate commerce commission it is gathered that the rate making power of the interstate commerce commission was restored on August 28th, 1906, on which date Spokane giled her now famous suit, which was the first suit filed under the amended act, and this suit came to its first hearing January 15th, 1907. The first witness called in that suit was Frank H. McCune about whom and his work the files of the interstate commerce commission show: "F. H. McCune was sworn and testified on behalf of complainants. . . . testified concerning transcontinental tariffs and territories. . . . showing the discriminations in practically the entire commodity list. . . . defendants did not in any way attack these schedules or the testimony of Mr. McCune. . . . an examination of the schedules so printed will show most of the discriminations at a glance. . . . there is little, if anything, to be said about these discriminations that has not been set forth in the exhibits introduced. . . . in connection with Mr. McCune's testimony. . . . the defendants have kindly printed these exhibits. . . . Mr. McCune was not employed by complainants until long after the petition was filed. . . . as soon as Mr. McCune was employed, it was discovered that no accurate results can be obtained by taking a few selected articles, hence, a complete commodity list was made up by Mr. McCune and put into evidence," and of these exhibits the files of the Commission show that the defendants said of them that they contained information "wherein is furnished the necessary data to ascertain the EXACT extent of Spokane's exclusive jobbing territory on practically every article in the transcontinental tariff."

Herein is monumental proof of the ability and the obsalute fairness of this expert about whom even the defendants use the word "Exact" to the extent of showing the "exclusive jobbing territory" of Spokane when the defendants had not figured it out themselves. No injustice or deception attempted to be practised here. So much for the interstate commerce commission. Now how about the state railroad commissions as to discovery of this man.

Again referring to the files of the interstate commerce commission it is found that the Railroad commission of Nevada began an action in the year 1908 for a readjustment of transcontinental rates into Nevada to remove the discriminations practised against her commerce since the opening of the Pacific railways in 1869. It is found that the action of the Nevada Commission was commenced in May of 1908, and referring to the second annual report of that body for the years of 1908-1909 the following extracts are taken:

"Mr. McCune was employed by the Spokane Chamber of Commerce in the preparation of the case made by the Merchants' Association of Spokane against the Great Northern and Northern Pacific Railroad Companies. He began the preparation of the Nevada case in October, 1908, and worked without interruption up to the date of the first hearing of the case on March 29, 1909. . . . the work of Mr. McCune, the only expert employed to assist the commission in preparing the case, was truly admirable. Combined with intelligence of high order, he possessed a most thorough knowledge of the whole system of rate making throughout the United States. . . . he was an indefatigable worker, frequently toiling late into the night, and being, moreover, always ready with suggestions of detail which presented themselves at all stages of the case until the close of the hearing at Reno. . . . the commission was fortunate, indeed, in securing the services of such a man." From the files of the interstate commission regarding this case the following is taken from the briefs of the complainant: "We feel that we have made such a case clearly, conclusively, and in the only way possible. With a clearness, fullness and accuracy which leave nothing to be desired in those particulars, the witness F. H. McCune, has assembled all the necessary data upon the subject of the rates complained of. The witness's work was a marvel of energy and intelligence. The mass of testimony prepared by him is unchallenged in the smallest material matter."

Turning again to the files of the interstate commerce commission it is found in case 2897, filed by Baker, Oregon, that this case was put in charge of Mr. McCune as attorney, and from the petition in that case the following extract is taken: "That the proportionate mileage basis used in fixing passenger fares. . . is just, reasonable, equitable. . . and that the same basis, system or scheme should be adopted and employed in fixing freight rates. . . and that an order be entered commanding defendants to . . . establish . . . class and commodity rates from eastern shipping points to Baker. . . proportionate to the distance intervening between the said eastern shipping points and Baker compared with Portland." And from the brief filed in that case the following is reproduced: "Cost of freight transportation. It is not within the province of a complainant to give exact figures of the cost of the difference units in which the railroad business is expressed. In the matter of apportionment of expenses between freight and passenger business by the railroads it has to be made to a considerable extent upon an arbitrary basis on account of joint usage" but the contention is made that cost of service is primary to rate making by law.

What has been the effect of the work of McCune? His proportionate mileage basis for determination of equitable rates is endorsed by the interstate commerce commission, rates having been established from Denver, Colo., to eastern Nevada of \$2.90 the hundred as against the railroad rate of \$4.75%, or a reduction of 58 per cent and from New York of \$3.50 as against the former rate of \$4.72%, and a general readjustment of the commodity rates ordered on the same basis. Endorsement of cost basis as primary to rate making by law by the interstate commerce commission in the following words of that body in opinion 1509 which was issued subsequently to case 2897: "while we find the carriers contending uniformly that the making of a reasonable rate the cost of service is practically a negligible factor, yet the contention is herein made that the carriers should be allowed to increase their rates upon that ground. . . . of the total operating expense on most of the roads substantially 50 per cent is chargeable to conducting transportation, 25 per cent to maintenance of way and structures, and 25 per cent to maintenance of equipment. . . . there is no difficulty in segregating the cost of maintenance of equipment as between passengers and freight. Likewise the 50 per cent under the head of conducting transportation is easily segregated. . . . thus practically 75 per cent of the entire expense is taken care of. The expense of maintenance of way and structures cannot be allocated, and this has to be divided arbitrarily. Moreover, that it is not impracticable to estimate cost of railway service is evidenced by the fact that we have before us the cost

figures of both the Santa Fe and Burlington. . . . these figures as a whole are among the most suggestive to which the consideration of the Commission has been directed. They appear to make it possible to overcome the one hitherto insuperable objection which has been raised against the primary basing of rates upon cost. . . . once we have learned the comparative costs for various services, it is not fanciful to say that a schedule of rates may be made which will approach justice as between services."

Such is the character and standing and working of the individual which Oregon has brought into her midst to advise in the matter of an equitable adjustment of her domestic and interstate freight rates. His work stands unchallenged by the railroads who even have found him to be "exact" in showing up the rate situation, highly commended by a state railroad commission and endorsed by the decision of the interstate commerce commission. His coming to Oregon was not a discovery but an evolution, and if the Nevada commission found him to be a safe counsellor and that it considered itself "fortunate" in securing his services, has not Baker and Medford rendered a service to the State of Oregon by bringing such a man here to work out from the unparalleled rate situation in this state a just and equitable system of freight rates? What this man has accomplished before the commerce commission has been secured in face of the most bitter opposition of Portland and its mouth-piece, the Oregonian. The Oregonian refers to the Washington Railroad Commission spending months in an effort to determine the cost of freight service in that state and argues this point as proof that it is an intricate problem, but of this it is found by referring to the files of the Washington Railroad Commission that, as stated by the Mail-Tribune, it was a simple mathematical calculation by the following excerpt: "By referring to finding No. 73 you will ascertain that the average cost of moving a ton of freight one mile in this state, as the same does move, is the sum of .4795 cents. This is easily ascertained. It is simply found by dividing the total tonnage into the operating expenses." This is the exact language of the Commission and involved only the simplest rule of division. Nothing intricate in that; nothing laborious when the carrier should be made by law to keep a record of the expense of the different items or units of cost.

The Oregonian says "there has been no suggestion of the recall of any members of the Commission," but from this statement it may be implied that the Oregonian has thrown out such a suggestion in the hope that the movement for initiation of equitable rates may be sidetracked. The railroad commission law was drawn in a law office in Portland, and one of the members of the Commission is a resident of Portland, and the acts of the Commission shows it has served Portland well, now the Oregonian comes along with the suggestion propose to loan itself to a conduct that defrauds the integrity of the office-holder and when no longer able to serve a polluted interest turn and cast the victim of its prostitution upon the street?

In another editorial the Oregonian commends rate making by conference between the various railroad commissions and the interstate commerce commission. What does the federal constitution say about this? Why this: "No state shall enter into any treaty, alliance or confederation and no state shall, without the consent of Congress, enter into any agreement or compact with another state." According to the columns of the Oregonian such a conference has taken place, and this is without the consent of Congress, as Congress has not given such right to the interstate commerce commission who must determine the reasonableness of freight rates "after full hearing upon a complaint" either by a complainant or upon its own motion, and not by "executive session", as in the case of the reported rate conference referred to by the Oregonian. Treason is defined in the constitution as "adhering to their enemies, giving them aid and comfort", and is not such "executive sessions," as commended by the Oregonian, as ends to fixing reasonable freight rates in enmity to the United States, therefore treasonable?

The initiation can be exercised in its purity and it is the proper method to pursue as against the methods encouraged by the Oregonian of declaring malfeasance of office of present incumbents of the Railroad Commission and calling on the prejudice such a charge would excite or to hold "executive sessions" with other gate making bodies in enmity to the constitution of the United States. The statute creating the Railroad Commission of Oregon provides: "Before entering on the duties to an oath or affirmation to support the constitution of the United States, and of this State," and that "upon complaint. . . that rates are unreasonable. . . the commission may proceed to investigate same. . . and if found unreasonable" to substitute reasonable rates therefore, but provides "all hearings shall be open to the public", but there is no provision that reasonable rates shall be determined by "executive sessions" with other railroad commissions.

The date of the Shippers Congress is September 28th, Salem, Oregon, where pure methods for fixing reasonable and uniform freight rates may be discussed. Don't forget the place and date, and be there.

CITY NOTICES.

ORDINANCE NO. 565. An ordinance authorizing the issuance of \$34,250.00 of the improvement bonds of the City of Medford, Oregon, for the purpose of financing the improvement of streets and laying of sewers in incorporated cities and for the payment of the cost of such improvements, filed in the office of the Secretary of State February 22nd, 1909, as amended by an act entitled "An Act to provide for the issuance of bonds for the improvement of streets and laying of sewers in incorporated cities, and for the payment of the cost of such improvements" filed in the office of the Secretary of State February 22nd, 1909, and approved February 28th, 1909, and is an

obligation of the City of Medford, Oregon, and is not to be deemed or taken to be within or any part of the limitation of law as to the indebtedness of said city, and it is further certified that all the requirements of law have been fully complied with by the proper officers in the issuing of this bond, and that the total amount of this issue does not exceed the limit prescribed by said Act.

This bond is redeemable at the office of said treasurer at the option of the City of Medford upon the payment of the face value thereof, with accrued interest to the date of payment at any semi-annual coupon period, or at any one year from the date hereof, as provided in said Act.

For the fulfillment of the conditions of this obligation the faith and credit of the City of Medford are hereby pledged.

In witness whereof this bond has been signed by the mayor and attested by the recorder of said City of Medford and the corporate seal of the City of Medford hereto affixed this . . . day of . . . A. D. 1911.

Attest: Recorder of the City of Medford. Section 2. Each of said bonds shall have attached thereto twenty coupons, each of which shall be in the following form:

CITY OF MEDFORD, STATE OF OREGON. Will pay to the bearer . . . dollars in gold coin of the United States of America, at the office of the treasurer of said city, on the . . . day of . . . being six months interest on improvement bond No. . . . unless said bond is sooner redeemed as herein provided, when said redemption will render this coupon void.

Attest: Mayor. Recorder of the City of Medford. Said coupons shall be numbered from one to twenty respectively.

Section 4. The mayor of said city is hereby authorized and directed to sign said bonds and the city recorder to countersign the same by attaching thereto the seal of said city, all on behalf of said city.

Section 5. The recorder of said city is hereby directed to register said bonds and number the same on the blank provided therefor in the foregoing form in accordance with section 2739 of said codes and statutes of the State of Oregon.

Section 6. The recorder of the City of Medford is hereby directed to advertise said bonds for sale and that the same will be sold for the highest price obtainable, not less than par and accrued interest, and in said advertisement he shall announce that he will receive sealed proposals for the purchase of said bonds of any portion thereof at his office at any time before 4:30 p. m. on the 12th day of September, 1911. He shall publish said advertisement three times in a daily newspaper published in this city, to-wit: on the 10th, 11th and 12th days of September, 1911, by the following vote, to-wit: Merrick, aye; Watt, aye; Wortman, aye; Emerick, absent; Eifer, aye, and Millar, aye.

Approved September 6th, 1911. W. H. CANON, Mayor. ROBT. W. TELFER, City Recorder.

Haskins for Health.

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Haskins for Health.

Draperies

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.

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Modern, electric fans, steam heat, best beds and coolest rooms in town, by day or week, single and ensuite, 218 West Main, entrance St. Marks Building; phone 541.

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New and Up-to-Date—Modern in every particular, gas cooking, etc. Women and girls must bring references. W. M. SMITH, Home Phone 84K.

RANCHES

280 acres, \$85 an acre, fine subdivision 2 acres Perry subdivision, easy terms. 18 acres, close in, beautiful view; fine soil; \$250 acre; very easy terms. 4-1-2 acres; bearing orchard; water right; store; also lease on good pasture and hay land; sale or trade. TRADE 11-2 acres, 4-room house, 1650. 140 acres in Wild country, Colorado; trade for ranch here. 140 acres, 1-1-2 miles from town in Willamette valley, rich bottom and upland, 100 acres cultivated, good improvements, \$125 acre. Income property, rentals, \$125 monthly; take good acreage. 20 acres, 15 in pears, close in fine building site and view. 150 acres stock and alfalfa ranch; 150 acre tillable; under ditch; \$75 per acre; take income property. 120 acres raw land; all fine fruit land; take any good property. 80 acres, tillable; \$2000; take town property. 30 acres, cleared; take residence in trade. 30 acres Bear Creek bottom for Dakota land. 30 acres, Pallada, California in orchard, take dairy or stock ranch and city property. Income property, Twin Falls, Idaho, for good acreage.

WANTED

2 carpenters. Hoisting engineer. Jobs for general housework. City and ranch property to list. Cutoff men, box factory, \$3.00. Tailor cut men, \$2.50. Bucklers, \$2.75.

E. F. A. BITTNER

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APPLES FOR EUROPE

We are appointed agents for— J. B. THOMAS, Covent Garden, London and Southampton, England, whose charges are 5 per cent and 6 cents per box. JAS. LINDSAY & SON, Ltd., Glasgow and Edinburgh, Scotland, 5 per cent and 10 cents per box. RAWSON ROBINSON, Hull, England, 5 per cent and 8 cents per box. These are the oldest and largest firms in their respective towns, and their reference as to financial abilities can be had at Medford National Bank, Medford, Oregon. Cash can be cable day after sale if required, and highest market prices guaranteed. Red Faced Men smoking BIG CIGARS talking "HOT AIR" don't always live on air, hence our remarks on charges. The clap-trap about private sale does not prove remunerative, except for some curio of a small nature. All sellers by private sale have to wait until auctions are over so as to know what to ask, and in the case of large supplies they often get left. For further particulars, address W. N. White & Co. 76 PARK PLACE NEW YORK

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You can't afford to do without this splendid, refreshing drink. Call up and order a case sent to the house. The purest, most healthful drink known is SISKIYOU MINERAL WATER. P. C. BIGHAM, Agent.

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BIG SPECIAL ATTRACTION Sam Dalton and Lillian Travelle, English Comedy Artists. Introducing comic songs and light ballads, songs with which they have met with the greatest success throughout Europe; and this being their first American appearance only the very latest of songs and witty sayings can be looked for. Their comedy alone is a scream, and when combined with their other clever work it makes theirs one of the strongest acts that Europe has ever sent over here. Some of the quick changes are said to be the quickest ever seen on any vaudeville stage. No one should fail to see them. Doors open 7:15 p. m.

UGO Theatre

TONIGHT'S SUBJECT The Best Motion Pictures and Music. Change of Program Tuesday, Friday and Sunday 5c and 10c. GASOLINE ENGAGEMENT (An uproariously funny comedy) A COWBOY AND O LORD (A good lively drama) THE ANGEL (Drama)

Rock Spring Coal

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