

MEDFORD MAIL TRIBUNE

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GEORGE PUTNAM, Editor and Manager

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SWORN CIRCULATION. Daily average for eleven months ending November 30, 1911, 2761.

Full Leased Wire United Press Dispatches.

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MEDFORD, OREGON. Metropolis of Southern Oregon and Northern California, and the fastest growing city in Oregon.

Population—U. S. Census 1910—8840; estimated, 1911—10,000.

Five hundred thousand dollar Gravity Water System completed, giving finest supply pure mountain water, and 17.3 miles of streets paved.

Postoffice receipts for year ending November 30, 1911, show increase of 19 per cent.

Banner fruit clip in Oregon—Rogue River Spitzenberg apples won sweepstakes prize and title of "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.

First Prize in 1911 at Spokane National Apple Show won by carload of Newtowns.

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

Write Commercial Club, enclosing 6 cents for postage for the finest community pamphlet ever published.

WOULD BE THE RAILROAD'S DARLING.

EUGENE has refused to join the other cities of western Oregon in the struggle for more equitable freight rates. President Duryea of the Eugene Commercial club has issued the following letter:

"The time is not ripe for Eugene to enter such a movement. From the present indications Eugene is to be something of a railroad center, with two, if not three, competing roads. We have every reason to believe we will have lines from the east, connecting with our line to the coast. If this materializes, we will be in a position to ask for terminal rates, and we believe we will get them."

In other words, Eugene thinks to enerv favor with the railroads by refusing to join her sister cities in their efforts to force a square deal. By subserviency and fawning, Eugene expects to become the railroad's darling, the recipient of tariff favors not vouchsafed other cities.

Vain hope and idle longing! Admitting that Eugene's dreams come true—and all hope they will, and the branch railroad to tap Wendling's Siuslaw timber is really completed to the sea, and the Natron cut-off is eventually finished, will Eugene get any lower freight rates thereby? No. History has yet to show an instance where a western railroad materially reduced rates without being forced to—and history repeats itself.

Albany has a branch road to the sea. Has it made any lower rates? Were rates reduced any when the Great Northern entered Portland? Or when the Milwaukee entered Seattle? Not a cent.

Eugene can secure reduced tariffs if the present rates are inequitable, not through competing lines, but by presenting her case to the interstate commerce commission and the state railroad commission, and fighting for her claims in the courts if necessary—and that is the only way. Otherwise it is all the traffic will bear, and the Eugene Commercial club knows it is.

Eugene will receive the benefit of the efforts being made by the other cities for reform in rates and should share the burden of the cost. Even if the railroads desired to gratify her selfish desires, Eugene cannot be singled out for rate favors without similar favors to other cities—that era of railroading has forever passed away.

COMMUNICATIONS.

THE THIRD DEGREE.

Dr. Sun Yat Sen, president of the new republic of China, presents to the bar of the world an indictment of ten counts against the late government of that nation. These counts, more or less modified, seem to apply to some other countries. Let us take our own, for instance, as to one of them.

Count 8 in Dr. Sun's indictment reads: "They practice the most barbarous tortures in the trial of alleged offenders for the purpose of compelling him to give evidence to incriminate himself." Third degree, to-wit, heathenly applied.

A practice somewhat similar is exercised in the United States. Excluding some of the Latin nations and the unspeakable Russ, ours is the only Christian nation on earth that does torture suspects or witnesses favorable to the suspect.

One difference between the Tartar and us is that he had statute law to back him in its exercise; in the United States there is not a scratch of law for its exercise. And every time it is practiced the constitution of the Union and the states wherein perpetrated, and the proudest boast of the Anglo-Saxon race, from the Magna Charta down; given the lie. See amendments to the constitution 4, 5 and 6.

Fortunately for glant business interests, it is ever and always the citizen without purse or influence who is thus deprived of his rights. He must be further humiliated by being mauled and clawed of the meanest and lowest of the human race; the successor of the equally low bum bailiff of the English slums—the average detective in pursuit of the reward hung up for conviction and procurement of a "voluntary confession."

Perhaps the average citizen may say that it is nothing to him. The stories in the press as to it are not healthy reading. The small boy of past ages aspired to be a clown; of this age to be a sleuth. Or, in some cases, he thinks he would rather be a Jesse James and fight the sleuth. Note in the papers, children shot, and in some instances tortured by their mates.

Prior to 1878 a citizen arrested for any offense was, if without bail, imprisoned. The purpose of the imprisonment was to detain him for hearing or trial. He was otherwise entitled to all the rights of a free-man; he was not guilty until after trial in court found him guilty. His cell was his castle. He could decline to receive visitors. A habeas corpus issued in his case had to be obeyed by the jailor, as were all orders of the court that was to try him.

All of these rights and conditions have been swept away, as to most states. The officer arresting a suspect (or as usual with scoundrel who might be found to know something about the case), either locks him up where he cannot be found or turns him over to the jailor. In that event he may, in collusion with that officer, take him from the jail. Or if after hearing and commitment for trial, he may take the prisoner to his torture chamber.

But the sneaking shadower and detective must look to their laurels—and their job. The district and state prosecutors, wise men of the law, are taking a hand. A couple of years back a little girl was found murdered in New Jersey. The reward for conviction was some thousands of dollars. Somewhere about a dozen parties were arrested, "questioned," and discharged. Shoals of detectives participated in the search that was to end in connecting the prisoner and fingering the reward. The district (prosecuting) attorney took charge of the inquisitorial chamber in person. A simple boy was fixed on. He was made to put on the girl's bloody dress and to hold her dead hand. He confessed a "voluntary confession." The case was taken before the grand jury and by it thrown out. The boy, then clearly crazy, insisted that he was guilty, and was taken to an insane asylum.

As said, we get much of our law from the common law of England. Our rights herein touched on are part of it. It is not on any statute book, but like "turn to the right" on public roads, it's law because it is so old one does not ask who made or first practiced it. This is called also prescriptive law. The "third degree" is on that path. Its history is even now unknown; failure of the press to give us information as to it or to denounce it. The judge of some of the courts sometimes notice the outrages perpetrated and set aside verdicts of guilty when procured by the voluntary confession or a detective's oath.

ROGERS.

To the Editor: Will you please give me space in the Mail Tribune to make an appeal in behalf of the brute creation. In the first place, there are a number of lame and crippled horses worked on the streets of Medford every day, which is cruel and inhuman and should not be al-

lowed. The city charter gives the police power and it is their duty to arrest every man that mistreats a dumb brute.

Another abuse that should be looked after is the way some of the milk cows in Medford are treated, not only from a humane point of view but from a sanitary view. There are a number of cows kept in the city that are tied up all day and night in filthy and unsanitary stalls, and never get any exercise. I think if the people who are getting milk from cows kept in such condition would go and see the cows and their surroundings they would hesitate to use the milk.

You may say, Well, why don't the humane society correct the evils complained of? I will say in reply to that, that we have been trying to remedy the evils, but public opinion is against us and if we were to make arrests, which we have done in the past, you could not get a jury to convict. There should be a city ordinance so framed that any person keeping a cow or cows should be compelled to have a corral large enough so that cows could get exercise, and it is to be hoped that the council will take some action.

W. J. DRUMHILL.

\$25,000 PAID FOR ORCHARD

J. W. Kirkpatrick of Urbana, Illinois, Buys Mitchell and Boeck Orchards—Tract Lies Just East of Coker Butte.

J. W. Kirkpatrick of Urbana, Ill., has purchased the Mitchell & Boeck orchards, near Medford, for which he paid \$25,000.

This orchard tract lies just to the east of Coker Butte, in fact is a part of the famous Coker Butte, which tract has made so many flattering records in its fruit products. There are 26 1/2 acres in the tract purchased by Mr. Kirkpatrick, and all of it, save a building site, is in bearing orchard. There are 19 acres of Newtown apple trees, 11 acres of Bartlett, winter Nellis and De Anjou pears, three acres of Ben Davis apples and two acres of apricots. All of the trees on the place are nine and ten years old and some of them have been in bearing for a couple or three years. Fruit from this orchard took medals at the Seattle-Yukon fair, and in many of the district fairs of southern Oregon it has taken several first prizes.

There are exceptionally good buildings on the place and the site is a good one, being so situated as to command a splendid view of all parts of the valley. Everything considered, soil, location, condition of trees and varieties of fruit, this is one of the very best orchards in the Rogue River valley.

Mr. Kirkpatrick left Thursday morning, accompanied by his mother, Mrs. G. Kirkpatrick, for Urbana, Ill., and as soon as he can dispose of his household effects for moving he will return to Medford with his family and will reside at the orchard. His mother, however, will reside in Medford. Mr. Kirkpatrick is a graduate of the University of Illinois and for the past four years has been engaged in the retail coal business in Urbana.

There is a little story in connection with this tract of land which is worth printing, showing as it does how values in real estate have advanced in the valley in the last few years. Ten years ago Mitchell & Boeck, blacksmiths and wagon makers in Medford, purchased from Hamilton & Palm 79 acres of land of which this recent sale is a part, for \$1600. A few years later they sold 20 acres of the unimproved land for \$2000; on the 8th of January, 1909, they sold another tract of 32 1/2 acres for \$17,000, and now they sell the remaining 26 1/2 acres for \$25,000, making a total of \$44,000 which they have received on their investment of \$1600 10 years ago.

This recent sale to Mr. Kirkpatrick was made by Charles W. Hoy, a real estate dealer of this city.

FOUND DEAD WATCHING MOVING PICTURE SHOW

SAN FRANCISCO, Cal., Jan. 11.—Bolt upright and dead, Dr. Edwin W. Bennett, 65, was found seated in a moving picture theater here. The corpse was found by the janitor. Dr. Bennett is thought to have entered the show house last night and succumbed to an attack of heart failure.

SAN FRANCISCO.—"Gyp," a St. Bernard dog owned by Mrs. Charles Ermonger, for years carried meat from the butcher's. Yesterday he stopped to watch a dog fight, lost the meat, and substituted a package of refuse he got from a garbage can.

SOCIALISTS WILL GAIN IN GERMANY

Much Interest Is Displayed in the General Elections of a New German Reichstag, Which Will Be Held Tomorrow.

BERLIN, Jan. 11.—A substantial victory for the social-democrats is generally predicted and expected in the general elections of a new German reichstag which take place Friday. It is conceded by even the government and conservative organs that the social-democrats will have a much larger representation in the next reichstag. There is considerable difference of opinion as to just how great the gains will be. The figures vary from 70 to 120 members, and, strange to say, the socialists themselves are the most conservative in their estimates, the solution to this being that some of the newspapers of the opposing parties are predicting a tremendous victory for the socialists for the sole purpose of whipping up their respective parties to greater efforts by picturing the danger of such a large socialist representation in the reichstag.

The socialists had 52 in the last reichstag and have elected seven members since. Conservatives' estimates are that they will elect a representation of 80 to 90 members.

MONARCHS ON THEIR WAY HOME

King George and Queen Mary Are Immensely Pleased at the Result of Their Visit to India—Due at Home February 4.

BOMBAY, Jan. 11.—Immensely pleased with their durbar visit, which ended without mishap, King George and Queen Mary today are sailing for England on the royal liner-yacht Medina. The royal couple left India late yesterday in a blaze of glory. The entire Bombay garrison was under arms and all the local princes and British and native officials were on hand to make the final procession to the Apollo Bunder landing an imposing spectacle.

Viceroy Lord Hardinge and Lady Hardinge, Governor Sir Sidiemhan Clarke of Bombay and other notables saw their majesties into their boat. The Medina is due at Portsmouth February 4, where a big welcome is being arranged.

SAN FRANCISCO.—A mysterious voice over the telephone telling Chauffeur George Scott to come to 545 O'Farrell street saved Mrs. Barbara Allen's life. The taxi driver found her unconscious from gas fumes.

CONSOLIDATING NEWSPAPERS.

THE three papers of Crescent City, California, have merged and the consolidated plant is publishing "The Triuplicate," instead of the Del Norte Record, the Crescent City News and the Coast Times. The idea is to concentrate the support given three papers and thereby enable the publication of one unusually good paper.

Crescent City needs a strong newspaper and it can become a powerful factor in the development and upbuilding of the community. It is to be hoped that the merchants will adhere to their agreement and patronize the one paper exclusively, thus enabling the creation of a property profitable alike to the community and publisher.

The chances, though, are that it will be the old story over again. The Triuplicate will have to ask rates enabling it to live. Some fly-by-night irresponsible printer will drift into the town, some ambitious sorehead will stake him to a little money, the supply houses will sell him the needed equipment on nothing down and a dollar a month. With nothing to lose, he will start a paper, cut rates to get business and the shortsighted merchants will tumble over themselves to give him patronage—just because it is cheap, and they hope thereby to hammer down the legitimate living prices of the established concern. Just as the sheriff is about to close the doors the adventurer may make a sale or the supply house protect its interest by securing some one with sufficient coin to make a few payments.

The new venture may fail or it may narrowly escape a series of failures, find an angel and eventually, like a cat of nine lives, survive. Then, when responsible management comes, the clever merchants find themselves compelled to support two papers instead of one—and the cut prices evaporated like the mists of the morning—also some of the accounts against the irresponsibles whom they encouraged.

The Triuplicate will find that age, circulation, ability, integrity, reputation, influence, all those things that go to make a valuable newspaper property and enable the publisher to give full value to the advertiser, count as naught with many a merchant, providing he can save a penny or two by purchasing something at less than cost of production.

DON'T FAIL TO VOTE.

GREAT interest is manifested in the straw ballot being conducted by The Mail Tribune for presidential nominee. Tomorrow is the last day to vote. If you have not cast a ballot already, do so at once.

As an indication of public sentiment in Jackson county, the count of the first hundred votes received is given. It is as follows:

La Follette 40, Taft 5, Roosevelt 19, Wilson 5, Harmon 3, Clark 18, Bryan 8, Debs 2.

Close to 500 votes have been received so far, though no count of them will be made until noon Saturday, when the polls close.

"AUSTRALIAN MACK" FREED, IS REARRESTED

NEW YORK, Jan. 11.—John McNamara of San Francisco, said to have been known as "Big Mac" and "Australian Mack," who was arrested here charged with being one of the yeggmen who robbed the Bank of Montreal in New Westminster, B. C., of \$258,000, was discharged here today by Magistrate McAdoo. McNamara, however, was no sooner

at liberty than he was re-arrested on a United States warrant issued at the request of the British consul general. He was charged with being a fugitive from justice, and was held for examination. Canada demands his extradition.

Battles With Maniac.

OAKLAND, Cal. Jan. 11.—Beaten over the head with his own handcuffs, Deputy Sheriff George Gales, after fighting for his life with Edwin Fitzpatrick, a maniac, in a baggage car, is today suffering severe lacerations of the scalp and possible internal injuries.