

ASSERT POWER COMPANY LOST FRANCHISE RIGHTS

Attorney Gus Newbury today filed in the United States district court the city's answer in the case between the California-Oregon Power company and the city of Medford.

The allegations of defendant's answer are a history of the transactions between the parties with reference to their respective rights, the answer of the defendant city sets up that in 1907 the parties attempted to enter into contractual relations, the Condor Water & Power company, which was the predecessor in interest of the present electric company, endeavoring to obtain a franchise within the city of Medford for a period of twenty-five years and also endeavoring to obtain a lease of the city's lighting plant.

Franchise History in City

An election was had in 1907, in which it was alleged by the electric company that by resolution of the city council an ordinance was submitted to a vote of the people granting to the electric company a franchise for twenty-five years and instructing the council to enter into a contract with the electric people for the leasing of the city's plant under certain conditions, one of which was that the light company should pay into the city 5 per cent of the gross earnings of the company within the city unless it exercises its option to purchase the property leased within five years from June 7, 1907, in which event it would be required to pay \$20,000 to the city, and thereafter the 5 per cent of the gross earnings need not be paid by the electric company to the city.

The company paid the 5 per cent of the gross earnings down to June 5, 1912, at which time they made a tender of \$20,000 for a conveyance of the plant owned by the city, and the city at that time refused to accept the \$20,000 because the light company demanded a ratification of the franchise for a period of twenty-five years, which was plainly in violation of the city charter that would permit the city council to grant a franchise for ten years only.

Technical Point Raised

The allegations of the answer show that after the city had refused to accept the \$20,000 in December, 1913, it reconsidered the matter and made a demand on the electric company to make the tender of \$20,000 and the city would make a conveyance of the light plant in accordance with the terms of a certain contract. The light company refused to tender the money and now the city alleges that, having refused and failed to keep its tender of \$20,000 and having refused to pay the \$20,000 to the city for the plant owned by the city, that it has lost its option to purchase and is required to pay to the city 5 per cent of the gross earnings of the company from June 5, 1912, down to the present time.

The testimony will probably be taken before a mastery in chancery and by Justices Wolverton and Bean and the argument be had before one or the other of the judges in Portland.

SMITH GUILTY OF MANSLAUGHTER

Thomas G. Smith, accused of the murder of Link River Beal, the father of his sweetheart, during a quarrel last June, was found guilty of voluntary manslaughter by a jury in the federal court Thursday. The verdict was brought in at 11 o'clock at night, after five hours' deliberation. The government had hoped for nothing less than second degree murder, while the defense asked for an acquittal.

The defendant received the verdict with a smile, and seemed to be happy that a heavier penalty was not meted out. The present charge carries with it a prison term of from two to ten years. Sentence will be imposed by the court in the morning. A week was granted the attorneys for the defense in which to prepare an appeal.

RUSSIANS CAPTURE 10,000 PRISONERS

PARIS, Oct. 9, 3:05 p. m.—In the recent battles along the east Prussian frontier the Russians took 10,000 prisoners and forty cannon, according to a dispatch from Petrograd to the Havas News agency.

Geography of the War Zone

BAPAUME—A small town of northern France, 15 miles south of Arras and 25 miles northwest of St. Quentin, the scene of the great battle of January 3, 1871, as a result of which the Germans fell back behind the Somme. The town also figures in the peace of the Pyrenees, in 1659, by which it was ceded to Louis XIV by his father Louis XIII. The son, just turned 21, had been strongly attracted to one of the nieces of Mazarin, but, by the peace of Pyrenees, it was agreed that the new friendship with Spain should be cemented by the marriage of Louis to his cousin, the Infanta Maria Theresa. The marriage took place at once. Bapaume is an artillery station, possessing considerable strength. It has extensive cambric, calico, thread and sugar factories and spinning mills. Surrounding district is extremely arid, a single fountain affording its chief water supply. The town's population of about 2500, has not varied perceptibly for more than half a century.

BEAUMONT—A picturesque town of northern France, near the left bank of the Meuse, 12 miles east of south of the famous battlefield of Sedan and the same distance from the Belgian border. It was here on the 30th of August, 1870 that 3000 men under General de Failly guarded the passage of the Meuse, but were defeated and captured by the Saxon troops. The French columns, yielding to the force of numbers combined with superior moral, were driven upon Sedan, and during the next day the retreat practically became a rout. On September 1, the French were crowded around the little fortress of Sedan and by noon were completely invested.

NETLEY—A village in England, three miles southeast of Southampton, on the east shore of Southampton Water. Henry III founded a Cistercian Abbey here in 1237, and its extensive ruins are the chief point of interest in the town today. The gatehouse was transformed into a fort at the time of Henry VIII. Netley Hospital for wounded soldiers, one mile southeast of the Abbey, was built in 1856 after the Crimean War.

CHALONS TO VERDUN—The country lying between Chalons Sur Marne and Verdun is now being fought over by the allies and the Germans. Eleven miles north of Chalons is St. Hilaire au Temple, the junction point between Reims and Verdun. Three miles further on is the large military camp De Chalons, and three miles beyond this a great circular entrenchment, known as Atilla's camp. It was near here that Atilla the Hun was defeated in the battle of Chalons—a battle which Sir Edward Creasy reckoned among the fifteen decisive battles of the world, in which was successfully checked Atilla's mighty attempt to found a new anti-Christian dynasty. Thirty-three miles be-

yond Chalons is the town of Valmy, where the allies under the duke of Brunswick were defeated by the French in 1792. This was the famous "cannonade of Valmy," wherein, according to Carlyle, the French Sank-culottes "did not fly like poultry." A pyramid on the battlefield contains the heart of Kellerman, one of the French generals in that battle. Eastward of Valmy lies the fertile valley of the river Aisne, which runs midway between Chalons and Verdun. In this valley is situated the town of Sainte Menchould, of about 3000 population, and noted for its pork. It was here that Louis XVI was recognized by "Old Dragon Drouet," on his attempted flight from France in 1791. Beyond this place lies the picturesque country which contains the famous forest of Argonne, well known from the campaign of 1792. After ransacking through this forest, Verdun is reached, 174 miles out from Paris.

ALBERT—A French town, 18 miles east of northeast of Amiens, on the Marne. Its ancient name was Aneve, which it changed after the death of the Italian adventurer, Concino Concini, Marshal d'Anere, who had purchased the marquisate of Anere. His unwise management as minister of Louis XIII of this and the governments of Amiens and Normandy drew upon himself the hatred of all classes and he was apprehended on the bridge of the Louvre and was killed by the guards in April, 1617. His wife was accused of sorcery and sent to the stake in the same year. The town has a population of about 7000.

WAYRE—A Belgian town, 15 miles southeast of Brussels, where Grouchy gained a useless victory over the Prussians while Napoleon was being defeated at Waterloo. Before Grouchy reached Wayre, at the head of 34,000 men, the opening roar

of the cannonade at Waterloo was heard. He was urged by his generals to march toward the south of the firing, but he refused to take their advice and pushed on to Wayre, where he found Thielemann's corps of 16,000 Prussians holding the passages across the Dyle. The Prussians were victorious at first, but toward noon the next day, overborne by sheer weight of numbers, they were forced to retire toward Louvain. Grouchy's victory was barren. Wayre has a population of about 10,000. Its manufactures include leather, cotton, yarn and hats.

LIERRE—A Belgian town, ten miles southeast of Antwerp and eight miles north of northeast of Malines, at the confluence of the Great and Little Nethe. The fortress of Lierre guards the south bank of the Nethe and covers the railroad coming from Aerschot, 15 miles to the southeast. The town is well built and is one of

the most ancient towns of Belgium. It was considerably increased in size during a "boom" in 1385. Its population today is about 25,000. It manufactures silk, calico, printed muslins and lace and has spinning-mills, oil mills, breweries, gin distilleries, salt refineries and tanneries.

SYLT—The largest German island in the North sea, nearly 23 miles long and having an area of about 35 square miles. It lies from 7 to 12 miles from the continent and is irregular in form, consisting of three narrow tongues of land, extending north, south and east. The peninsula of Lyst on the north forms a roadstead in which vessels find safe moorage. The soil is marshy. The inhabitants, about 4000 in number, devote their time to fishing, oyster dredging, seafaring and the hunting of aquatic birds. Stockings and gloves are made there.

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The Wardrobe

PROHIBITION'S DISMAL RECORD OF FAILURES

FIFTEEN SPLENDID EASTERN STATES HAVE EXPLODED FALSE THEORY

Maine has just elected a governor and a majority of legislators upon a platform opposed to statewide prohibition and pledged to submit to the people at the next general election a local option law. Opposed to these successful candidates were aspirants seeking office on a statewide prohibition platform

AFTER SIXTY-FOUR YEARS OF PROHIBITION MAINE IS CRYING FOR LOCAL OPTION

State	Adopted prohibition in	repealed it in	"tried it" years
Vermont	1850	1903	53
New Hampshire	1855	1903	48
Michigan	1855	1875	20
Connecticut	1854	1872	18
Rhode Island	1852	1863	11
Massachusetts	1869	1875	6
South Dakota	1890	1896	6
Alabama	1908	1911	3
Nebraska	1855	1858	3
Illinois	1851	1853	2
Iowa	1881, (by mulct law)	1893	12
New York	1855, statute was declared unconstitutional		
Indiana	1855, statute was declared unconstitutional		
Ohio	1851, and annulled it by License Tax Law		
Wisconsin	1855, statute vetoed by governor		

Is there any reason why Oregon should experiment with this freak legislation?

Register before Thursday, October 15

Defeat of the proposed prohibition amendment has no effect on the present efficient local option or home rule law.

VOTE 333 X NO

(Paid Advertisement—Taxpayers and Wage Earners' League of Oregon, Portland, Ore.)

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