

DID BOOTH GET TIMBER BY FRAUD?

Did the Booth-Kelly lumber company acquire timber lands through fraud?

Two United States courts have said yes. Their decision has not been reversed.

Judge R. S. Bean, of the United States district court, entered a decree on October 9, 1911, cancelling the Jordan timber claim on the ground of fraud. Judge Bean said in part:

"He (Jordan) took the land not for his own use and benefit but for the defendant company. His testimony in this respect is confirmed by the entries in the books and the circumstances attending the entry. Mr. Kelly says there is no previous arrangement between himself and Jordan by which the land should be conveyed to the company. He admits, however, that Jordan filed on the land in pursuance of telephone message from him and that before doing so Jordan asked him what he was to get out of it and he says that he explained that he could not make any agreement at that time as it was against the law. It may be and I think it is quite probable that there was no agreement in express terms between Jordan and Kelly that the land should be entered for the defendant but the entire circumstances, together with Jordan's testimony, leave it practically unquestioned that whether such an agreement was made or not, Jordan understood that the land was not to be taken for himself but for the defendant and that such was the understanding of Kelly."

The United States circuit court of appeals, consisting of Judge Gilbert, Judge Ross and Judge Morrow, held that the four La Raut claims as well as the Jordan claim were acquired through fraud. All were ordered cancelled.

The decision (Federal Reporter Vol. 203, p. 423) was in part as follows:

"The following facts are undisputed: The La Rauts, together with Jordan, who was in the employment of the lumber company, made their applications for timber claims at the same time, and the company paid their traveling expenses to and from Roseburg, and all incidental expenses. The company paid for all publications of notices and charged the expense thereof to the stumpage account, and made no charge therefor at the time in its books against the individual entrymen. The company paid the purchase price of the land and all the fees, traveling expenses, and other expenses incidental to final proof. The final proofs were made in May, 1902, and in July following, each of the entrymen executed and delivered a deed of the land. Jordan's deed and probably all of the deeds, were executed to the company. The deeds from the La Rauts having been

subsequently destroyed, the testimony leaves it uncertain whether they were executed to the company or to R. A. Booth. At the time when these deeds were executed, each of the entrymen received the sum of \$100.

"No explanation is made of the fact that the deeds so taken were not recorded. No satisfactory reason is given why the deeds were destroyed. No explanation is given of the fact that for a year and a half after the destruction of the deeds neither Booth nor the lumber company had any conveyance from the La Rauts.

"The theory that R. A. Booth advanced the costs and expenses and purchase price for the entries in order to assist his relatives who were in poor circumstances and that he thereafter advanced money to them for the same reason and took the deeds as security illy comports with certain significant facts that appear in the record."

R. A. Booth's answer to the decision of this United States court was a bitter attack upon the integrity of Judge W. H. Gilbert who wrote the opinion.

The government was represented in this case by United States Attorney John S. McCourt, a republican. From his printed brief, which is a part of the court record, the following quotations are made:

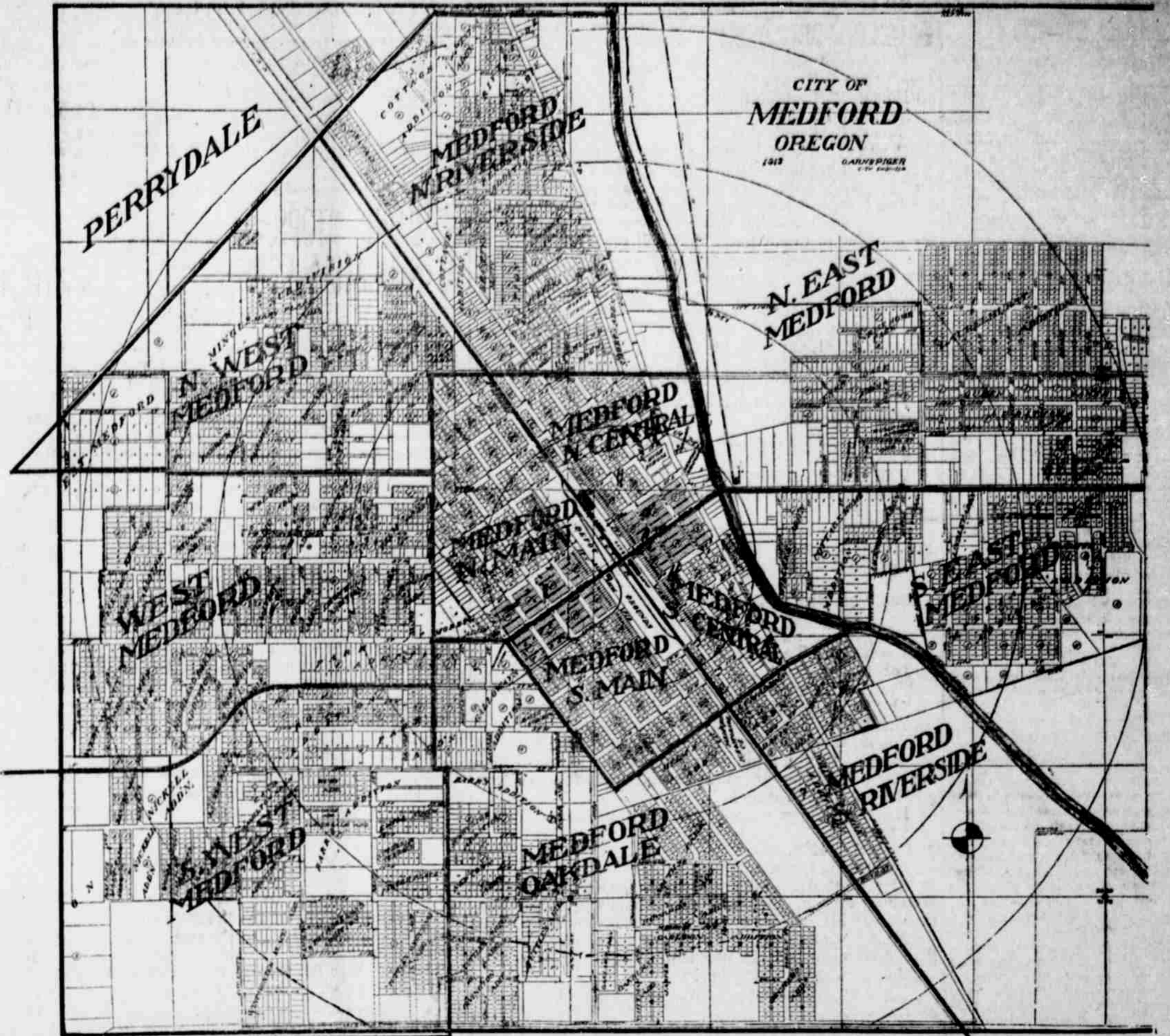
"Just think of it: R. A. Booth in the exercise of his pretended generosity for the purpose of assisting his poor relations, was willing to take, and, by his own testimony, did take from them for a timber company worth eight or ten million dollars, timber claims of the approximate value of \$14,000, for the paltry, insignificant sum of \$200. Is it likely that a man, who would do what he says he did do, would not make a prior agreement with an entryman to take a timber claim?"

"Every other fact, and circumstance, and act in this case contradicts Booth's denial. Booth is a wealthy man, takes an interest in public affairs, is a pillar of the church, is interested in the Booth-Kelly Lumber company, and, by reason of all these things, had a strong incentive to make denial."

"A case can hardly be conceived where the acts of the parties and the circumstances and conditions surrounding them point so conclusively to fraud as they do in this case."

The foregoing quotations are from the court records of the civil suit which the government brought to cancel the fraudulent claims. This suit was commenced in May, 1910, five years after the indictment of R. A. Booth by a federal grand jury. Mr. Booth was acquitted in the criminal case, but the judgment in the civil case has not been reversed.

Map Showing Voting Precincts in City of Medford



GRIFFIN CREEK

The Medford voting places have been named as follows:

Northwest Medford precinct— 609 West Jackson street (Home of J. L. Demmer).	North Main precinct— 120 North Grape St., Smith's Hall.	Southeast Medford precinct— 528 East Main street.	Residence at corner of Orange and Main streets.
South Riverside precinct— 603 South Riverside.	Southwest Medford precinct— 829 West Eleventh street.	South Central precinct— 21 South Central (Directly back of Daniels' Store).	Oakdale precinct— 605 West Main street.
North Riverside precinct— 635 North Central avenue.	Northeast Medford precinct— Pacific & Eastern depot.	West Medford precinct— City Hall.	North Central Precinct— City Hall.

Geography of the War Zone

POPERINGHE or POPERINGEN—Vast hop fields surround this town of West Flanders in Belgium, 19 miles southwest of Dunkirk, seven miles west of Ypres and two and a half miles from the French frontier.

MIDDLEKERKE—A town of about 1000 inhabitants in West Flanders, Belgium, five miles southwest of Ostend and one mile from the sea coast. Here is the starting point of a submarine cable to the English coast, a watchman's hut on a sand-hill being the only marker of the spot. Nearby is an institution for invalid children.

large herds of cattle and horses. The inhabitants trade in corn, stock, hops and dairy products. The town is six miles west of Newport, and is three miles from the coast.

With Medford trade is Medford made

SIGNALS OF DISTRESS

Medford People Should Know How to Read and Heed Them

Disordered kidneys give many signals of distress.

The secretions may be dark, contain sediment.

Passages are sometimes frequent, scanty, painful.

Backache is often present day and night.

Headaches and dizzy spells may occur.

Weakened kidneys should receive quick help!

Don't delay! Use a special kidney remedy.

Doan's Kidney Pills are for weak kidneys, backache and urinary disorders.

Medford evidence proves their worth.

Frank Turngate, C St., Jacksonville, Ore., says: "I have used Doan's Kidney Pills personally and they have been used by another of my family. I can say they are a fine remedy. Doan's Kidney Pills did me a great deal of good, when I was suffering from kidney weakness. They deserve public endorsement."

Price 50c, at all dealers. Don't simply ask for a kidney remedy—get Doan's Kidney Pills—the same that Mr. Turngate had. Foster-Milburn Co., Props., Buffalo, N. Y.—Adv.

ADVICE TO VOTERS ON MARKING BALLOTS

I would like to offer a few suggestions that may assist the voters in saving time when they get in the booth to vote. There are probably a number that plan to have their sample ballot prepared before and take it into the booth to assist them, but they will find that when they attempt to spread out the sample ballot and the regular, they will find the booth too small to handle both. I would suggest that they take a piece of cardboard and mark the numbers

that they wish to vote for on it, and then when they get ready to vote they can follow the numbers through the ballot and will make less mistakes and vote in less than one half of the time that they would if they try to take it from a sample ballot. In some precincts in Medford there will undoubtedly be 400 ballots cast, and unless the voters work fast there will be some of them that will not be able to vote. I would suggest also that start to vote early and then you will be sure to get your vote in.

W. T. YORK,
Chairman Medford Oakdale Precinct.

KUBANEYS ROUT ATTACK OF TURKS

LONDON, Nov. 2, 11:40 p. m.—The Petrograd correspondent of Reu-

ter's Telegram company sends the following dispatch: "The Russian gunboat Kubanets put up a fight against two Turkish torpedo boats which entered Odessa harbor and attacked merchant ships. The Kubanets finally drove the Turkish boats off."

"The torpedo-boats entered the harbor and fired all their guns. Shells struck the Kubanets, tearing away her wooden super-structure, while steamers in the harbor and warehouses on shore were damaged. The Turks strove to torpedo the Kubanets but failed."

"The passengers and crew of the steamer Yalta, which was sunk, were saved, and most of the crew of the Kashech, which also sunk got away on rafts."

CARTER ADVISES ALL TO SEE MILESTONES

E. V. Carter of Ashland was so much pleased and enthused over the production of "Milestones" that he phoned his friends in Medford to be sure and not fail to see this play. Mr. Carter says, "Milestones" is a most interesting comedy. Its presentation is exceptionally good, the English company playing it very strong and well balanced. A play one should not fail to see, and of a class and character seldom seen except in the larger cities."

LADIES! SECRET TO DARKEN GRAY HAIR

Bring back color, gloss and thickness with Grandma's recipe of Sage and Sulphur.

Common garden sage brewed into a heavy tea with sulphur and alcohol added, will turn gray, streaked and faded hair beautifully dark and luxuriant; remove every bit of dandruff, stop scalp itching and falling hair. Mixing the Sage Tea and Sulphur recipe at home, though, is troublesome. An easier way is to get the ready-to-use tonic, costing about 50 cents a large bottle, at drug stores, known as "Wyeth's Sage and Sulphur Hair Remedy," thus avoiding a lot of fuss.

While wispy, gray, faded hair is not sinful, we all desire to retain our youthful appearance and attractiveness. By darkening your hair with Wyeth's Sage and Sulphur, no one can tell, because it does it so naturally, so evenly. You just dampen a sponge or soft brush with it and draw this through your hair, taking one small strand at a time; by morning all gray hairs have disappeared. After another application or two your hair becomes beautifully dark, glossy, soft and luxuriant and you appear years younger.

WITHYCOMBE OPPOSES THE PUBLIC MARKET AS STEP BACKWARD

That Dr. James Withycombe opposes public markets and does what he can to prevent their establishment is proven by the following letter written the Mail Tribune in January, 1912, following a speech he made at a local banquet against the market. This speech was criticized by the Mail Tribune, which was conducting a newspaper campaign for the market which ended in its establishment, and the letter below is Dr. Withycombe's reply to the criticism:

OREGON EXPERIMENT STATION, James Withycombe, Director, Corvallis, Oregon, Jan. 27, 1912.

To the Editor:
Through the kindness of a friend I am just in receipt of a copy of the Mail Tribune containing an editorial criticism of my position on the public market. Permit me to say in reply thereto that I stand first and at all times with the farmer, but POSITIVELY OPPOSE THE SO-CALLED PUBLIC MARKET UPON THE GROUNDS THAT I DO NOT CONSIDER IT TO BE THE BEST INTERESTS OF THE FARMER. THE PUBLIC MARKET IS AN UNORGANIZED, CHAOTIC METHOD OF DOING BUSINESS—IT NEITHER AFFORDS AN OPPORTUNITY FOR STANDARDIZING VALUES OR QUALITY OF PRODUCTS, NOR OFFERS AN IMPETUS TO IMPROVEMENT.

The allusion to the fruit growers' organization is simply begging the question, as there is no parallel whatever between the two systems. These organizations are thor-

oughly organized business units, where the grower is not bothered with the problem of distribution but leaves this with a board of directors who establishes standards and employ thoroughly trained business men to attend to the market end of the organization.

IF THE BEAUTIFUL AND PROGRESSIVE CITY OF MEDFORD ESTABLISHES THE ANTIQUATED PUBLIC MARKET IT IS MY PREDICTION THAT IT WILL PROVE TO BE A LONG STEP BACKWARD.

The problem of production is entirely different from the problem of distribution and are two distinct fields of endeavor. THE FARMER SHOULD DEVOTE HIS TIME AND THOUGHT TO THE ART AND SCIENCE OF PRODUCTION AND LEAVE THE SUBJECT OF DISTRIBUTION TO THOSE TRAINED FOR THAT CLASS OF WORK.

It would be far better if the farmers would effect an organization, elect a board of directors, empowered to employ a thoroughly trained business man to take charge of a central market and to whom all products for sale are consigned. In the absence of this, the next best thing is to trust to the local merchant and develop if possible a closer business co-operation so as to reduce the marginal difference between what the producer receives and the consumer pays to the lowest possible limit.

Very truly yours,
(Signed) JAMES WITHYCOMBE
Mail Tribune, Medford, Oregon.

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