

Four years ago the Republican party in national convention submitted the record of its achievements to the American people, announced its policies for the future, and, invoking continuance of public favor, placed in nomination for the office of president and vice-president of the United States, Theodore Roosevelt and Charles W. Fairbanks, who were elected, and the platform approved by a popular vote of 7,623,485, a record unexampled in the history of political parties since the foundation of the government, receiving the endorsement of 32 states out of the 45, with but 13 in opposition.

In view of this endorsement, it becomes pertinent and opportune to inquire, What has the Republican party done in the last four years of governmental control—in many respects, the most remarkable and brilliant in the history of the party and the country—to forfeit public confidence or create distrust in its capacity for future administration? Although some untoward and unforeseen conditions have beset the republic during the last four years, yet these have been met and overcome with alacrity and courage, and the country has marched steadily onward in its matchless course of industrial triumphs. The wise and beneficent legislation of the Republican party during the long years of its ascendancy and administration of national affairs laid the foundation for the public weal so securely that no disquieting condition, not even a temporary panic, which necessarily touches the mainpring of all industrial life, could arrest the country's resistent advance.

Since the last national Republican convention, four years ago, our population has increased from 81,500,000 to 87,500,000, while 4,000,000 of immigrants from every quarter of the globe have found welcome to our shores and protection under our flag.

During the last four years our flocks and herds have increased in value from \$2,998,000,000 to \$4,331,000,000.

The value of our farm products from \$5,917,000,000 to \$7,412,000,000.

The output of coal from 314,000,000 tons to 420,000,000.

Our product of gold from \$74,000,000 to \$90,000,000.

The accumulation in savings banks of \$2,815,000,000 in 1903 was augmented to \$3,495,000,000 in 1907.

The deposits in all banks in 1905, aggregating \$9,553,000,000, reached the fabulous sum of \$12,000,000,000 in 1907, an increase of \$2,546,000,000 in four years.

Two millions of spindles in our cotton mills were added, and the domestic cotton used in our factories in 1907 amounted to over 5,000,000 bales as against 3,224,000 bales in 1903.

The importations of raw silk to supply our mills increased from a little over 15,000,000 pounds in 1903 to nearly 19,000,000 pounds in 1907.

In spite of the disquieting conditions incident to the regulation of rates on interstate railroads, 20,000 miles of new trackage have been added in the past four years.

The tonnage of vessels passing through the Sault Ste. Marie canal has increased from 28,000,000 in 1903 to 44,000,000 in 1907.

The output of pig iron, the barometer of trade, in 1907, was 25,781,000 tons, as against a little over 18,000,000 in 1903, and our exports of iron and steel increased from \$36,642,000 in 1903 to \$181,531,000 in 1907.

The cotton fabrics wrought in American mills from our domestic fiber consumed in 1903, 3,224,000,000 bales, while in 1907 they required more than 5,000,000.

Our exports of manufacture advanced from \$468,000,000 in 1903 to \$740,000,000 in 1907.

Our imports of raw material for use in domestic manufacture increased from \$30,000,000 in 1903 to \$477,000,000 in 1907, while our exports in the calendar year of 1907 were nearly \$2,000,000,000, an increase of 50 per cent over those of four years ago.

The mills and factories temporarily closed by reason of financial disturbances are rapidly resuming operations, calling labor back to profitable employment.

This record of material activity in field and forest, factory and farm, mines and mills during the last four years might be indefinitely extended, but this is quite sufficient to show the development and robust condition of our industrial life.

Say, you knocker? Does it do yourself or anybody else any good to whine about hard times, real or prospective? And would it require less effort or be a less agreeable task to help the fellows who are trying to improve conditions, to build up instead of tear down? Good times and bad are the result largely of the temperament of the people, who seem to take spells of being grouchy and despondent for no apparent reason. It

A COMPLETE RECORD

Put your money on deposit with the Jackson County Bank and pay your bills by check. In this way you have a complete record of money paid out, and in the cancelled check you have the best legal form of receipt. A check is a safeguard against disputes as to the amount and date of payment. We very cordially invite you to avail yourself of the advantages of paying by check by opening an account with the Jackson County Bank.



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is to offset these periods that the philosophers of good cheer and good times form their "booster" clubs and "don't worry" societies—and you ought to be initiated into both before you become a chronic malcontent.

In the approaching election, a president and vice-president of the United States, a full membership of the house of representatives, consisting of 393 members and delegates and 30 United States senators from as many different states, are to be chosen. The result, involving as it does the control of both the executive and legislative branches of the national government, with the opportunity for a change of parties and policies, is of transcendent importance and far-reaching consequences, involving the states and the nation.

The parents of that 2-year-old New York girl that weighs 110 pounds and is still a-growing, need not worry. She's growing up to be the first woman president. Before she is eligible a constitutional amendment will provide that no candidate for the presidency shall weigh less than 250 pounds.

OUR NATIONAL RESOURCES.

Particular value attaches to any statement by Mr. J. J. Hill on the subject of the natural resources of this country; for there are probably few, if any, men who have given the subject deep study or considered it from so broad and statesmanlike a point of view. As one of the principal speakers of the recent conference at the White House, after drawing attention to the fact that the sum of natural resources of a country is simple and fixed, he asks: How stands the inventory of property for our own people? And he answers his own question categorically, as regards the wealth that may be taken from the sea, the mine, the forest and the soil to sustain the life of man. The resources of the sea furnish less than 5 per cent of the food supply of the United States. As to the forests of the country, the most reliable estimates reckon our standing merchantable timber at less than 2,000,000,000 feet, yet we are cutting annually about 40,000,000,000 feet, and the amount of lumber cut rose from 18,000,000,000 feet in 1850 to 24,000,000,000 in 1905.

Compared with other countries, we are using annually 500 feet of timber per capita as against an average of 60 feet for all Europe. The New England supply is gone; the Northwest furnishes only small growth; the Southern production is declining; and on the Pacific coast alone is there any considerable body of standing merchantable timber. We consume yearly three or four times as much timber as is restored by the annual forest growth. Some varieties will be gone in ten years' time, and unless reforestation is restored to, other timbers will be exhausted during the present century. So also in the iron industry, the amount of iron ore mined in the United States doubles once in seven years. The figures as here given by Mr. Hill are truly startling. In 1893 less than 12,000,000 tons were mined. This had risen to 24,000,000 tons in 1899; 47,700,000 tons in 1906 and over 52,000,000 tons in 1907. Our stores of coal are similarly threatened with early exhaustion. As to the only remaining resource, the soil itself, we are told that there are but 50,000,000 acres of surveyed, and 26,500,000 acres of unsurveyed land remaining unappropriated, and 21,000,000 acres were disposed of in 1907. Fortunately, there are two well-established remedies for the already greatly exhausted soil, namely, rotation of the crops and the use of fertilizers. In the presence of these statistics, Mr. Hill may well say that the era of unlimited expansion on every side, of having but to reach out and seize any desired resources, provided for us by the hand that made the foundations of the earth, is drawing to a close.

SANITATION.

(From Wednesday's Daily.) Since yesterday's issue of The Morning Mail no less than three property owners of this city have spoken to us regarding the cleaning up of the city, which we urged yesterday in this column. They all say back of their places cleaned; that they are willing to have the work done at their expense, but that the city scavenger cannot remove the filth and rubbish owing to the fact

that there is no suitable dumping ground available on which to dispose of the matter removed. Hence they are forced to allow the filth to lie where it is at present.

Truly, this is a serious matter and one that should be remedied at an early date. To think that there is, at this time, no place in which such filth can be disposed of, in a city of this size, is to realize that the city's health is not properly safeguarded. The fact that they wish to have the filth matter should receive early attention at the hands of the city officials.

We are pleased to be able to say that at the present time there is nothing serious the matter with the health of the city. There are absolutely no epidemics of any kind and this city enjoys an enviable record as to health, but should an epidemic get started, how soon would that record be blotted?

There is but one proper way in which to dispose of the filth of a city of this size. And that is to burn it. The city council, we understand, is becoming interested in the matter of establishing a crematory for such matter and we will hail with gratification an announcement to the effect that active steps have been taken toward the building of one for this city's use. That burning is the only absolutely safe manner in which to dispose of germ-laden filth is a conclusion arrived at by sanitary engineers the world over.

We are aware, of course, of the amount of money this city is bonded for at the present time. We have been told that the city is not large enough to bear a much larger bonded debt. But, on the other hand, the expense is not by any means prohibitory. And what is a matter of a few thousand dollars compared to the life of one citizen lost by the neglect of proper sanitary conditions in this city?

We trust that The Morning Mail will soon be able to announce to its readers that the city of Medford is soon to have a proper incinerating plant.

CHILDREN'S DAY.

Special Services at the Presbyterian Church.

Last Sunday was children's day in the Presbyterian church. A good audience greeted the children at the hour for the commencement of the exercises. The church had been beautifully decorated by the young people, superintended by some of the ladies of the church. The faces of the children were bright in the morning hour and in the expectancy of the occasion. Visiting ministers present were Rev. Ward W. MacIntyre of the Presbyterian church of Ashland, and Rev. J. K. Howard of Medford, the evangelist of the presbytery of Southern Oregon. The little folks had been well trained by those who had that work in hand, and acquitted themselves with honor.

One of the most beautiful things of the services was the baptism of four children and the reception of three adults to the membership of the church. The offering to the Sunday school work was very good, amounting to \$15. The children and all present went away at the close of the hour wishing for the oft return of children's day. The program was as follows:

"The Children's King," primary department; Invocation; Scripture reading; "The Golden Harps Are Sounding," school; "Our Battles," Andrew Kerr; Forget-Me-Not drill, primary department; "Gifts for You and Me," primary department; "Rose Maidsen," six girls; "June Song," intermediate department; baptism of children; "God's Care," primary department; offering for Sunday school work; reception of members; Aet, "The Star of the East," Ethel and Marie Elfert; "If at First," Elmer Loomis; "Countless Blessings," Francis York; responsive reading page 8; "The Little Boy and His Dream," George Kerr; "If I Knew," Marie Elfert; "Life's Mirror," Ethel Wheeler; "What He Would Be," Jessie Fletcher; "Without Christ," Edna Gore; "Hosanna," solo and chorus, the solo by Aletha Emerick; benediction.

Notice.

Beginning July 1, 1908, Rural Route No. 1 will be enlarged, taking in all those living between the Vohles place and George W. Taylor. All those living between these places, please send their names to the postmaster at Medford, Or.

A. N. WOODFORD, Postmaster.

MR. COLVIG'S ARGUMENT.

The following is the brief submitted by William M. Colvig, counsel for the prohibitionists, in the matter of J. C. Hall vs. George W. Dunn et al.; a petition for a permanent injunction to prevent the county court from closing the saloons in this city: "To the Hon. H. K. Hanna, Circuit Judge:

"At the time of the hearing in the above cause, I had not had the opportunity of looking into the questions involved, and was unable for that reason to aid the court in the matter. But your honor kindly gave me a few days' time in which to present my argument in writing. I now respectfully submit the following brief as the result of my investigations.

"I have tried to avoid bringing before your honor a mass of case law, as it is not difficult in these modern days to find from the reported cases, which embrace decisions from all the states, almost any kind of law that is needed to fit a particular theory. "The controversy herein is not free from difficulties by any means. Local option relating to the sale of intoxicating liquors is of modern origin, and the law governing the various propositions that may arise in relation thereto is not yet well settled, and the courts of the several states have not been unanimous on all points connected with its operation. Again, we find upon examination that the local option law is not the same in the several states which have adopted it. Hence, we have to be careful when considering the decisions made by the courts of another state, for it may be that the law of that particular state is quite different from the law in the State of Oregon.

"This is a suit for an injunction to restrain the county court of Jackson county, Oregon, from making the order required of it by section 10 of the local option law. The plaintiff's counsel, Mr. R. G. Smith, in his written argument, bases his whole claim for such relief on the decision rendered in Marsden vs. Harlocker, 48 Oregon 90. (See page 2, plaintiff's brief.)

"That case and the one at bar are not on 'all fours' as to the facts. In the Marsden case an injunction was sought to restrain the county court of Coos county from making such order, and a general demurrer to the complaint was sustained by the Circuit court, whereupon Marsden refused to plead further, and a judgment for costs was entered against him. He appealed to the Supreme court, where the action of the lower court was reversed.

"A careful reading of the opinion handed down will convince anyone that the Supreme court was not very confident of the position taken by it therein. Another case, from Coos county, involving the same questions, and arising under the same state of facts (McPherson vs. Harlocker), was considered at the same time, and decided by the same opinion; notwithstanding the fact that it was a review proceeding, and not a suit in equity. The court very cautiously concludes its decision as follows:

"It would seem, therefore, that equity has jurisdiction to afford the relief prayed for in the Marsden case; but however that may be (those words are not very decisive) the same questions are presented in the review proceedings instituted by McPherson, and in any event are properly before the court for determination. In view of the fact that the County court did not, as required by law, order the election in question, such an election was invalid.

"This opinion does not by any means settle the question involved herein. Its language is not decisive, and was not intended to be.

"Then—it would seem that when there has been no valid election, the County court may be enjoined from making an order declaring prohibition in effect. The County court, under such circumstances, would be entirely without jurisdiction in the matter.

"The facts in the case at bar are quite different. The plaintiff admits that the question of prohibition was duly submitted to the voters of Jackson county as a whole, and that it carried by a majority of 257, and we may therefore assume that every jurisdictional fact and the condition

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required by section 1 of the local option law, was before the County court at the time the order for the election was made.

"Will this court say that on account of the Medford city charter, no election on the question of prohibition can be called for the entire district of the county, that Medford must be excepted on account of its 'later law.' If plaintiff's contention is correct, we may as well come out flat-footed and say that the people of Jackson county, as a whole, cannot have the benefits of the local option law. If the late election was called for the whole county as a district, and upon a proper petition, why should the County court not make the order? If the order does not embrace Medford, will it be binding on Gold Hill and other precincts? I do not think it would be under the provisions of section 10 of the law.

"The court will bear in mind that the 1047 votes of Medford people on the subject affects the results all over the county. If the charter exempts Medford from the operation of the law, a call for a vote of the people of the whole county is illegal, especially in those divisions of the county, or precincts, where the question was not locally considered.

"The local option law, as a means by which the sale of malt, vinous and spirituous liquors can be prohibited in any subdivision of the state, went into effect on the 24th of June, 1904. But as an actual prohibition of such sales, it is not in effect in any locality until the results of an election sustaining prohibition thereof has been declared. It is not, and will not, be in effect over Jackson county until the County court makes the order declaring it so. (Vol. 23, Cyc. of Law, p. 94.)

"The local option law of itself does not prohibit the sale of liquor at any place in the state; it is simply an enabling act which gives to the people of each locality the right by popular election to prohibit it whenever they may choose to avail themselves of the privilege.

"The people of Jackson county as a whole, by proper petition, asked to have the question of prohibition submitted to them at the general election held June 1, 1908. It was done, and prohibition was carried by a majority of 257 votes—the people of Medford helped to decide the question by furnishing 1047 of the votes, pro and con. But now comes the plaintiff and says that this decision by the people of the whole county does not apply to Medford, because the city charter is a later law on the subject, and that it gives to the city council the right to license the sale of liquor within the limits of said city. And plaintiff's counsel argues that on all matters pertaining to the sale of liquor therein, that the local option law is expressly repealed by the city charter, insofar as it affects Medford.

"I do not think his position tenable. The power of the council to license the sale of liquor is simply suspended by the election of the people; and if at some future election the same question is again submitted, and prohibition is not sustained, then the council may again legally issue such licenses under paragraph 19, section 25 of the charter. "At the time of the adoption of the local option law, cities and incorporated towns were governed in the matter of such licenses by their several charters and ordinances. These provisions remain operative and in full force and effect until the people suspend them by a majority vote of the county, or other subdivision thereof.

"Fouts vs. Hood River, 46 Or. 505. "Sandy vs. Williams, 46 Or. 327. Cyc. of Law, vol. 23, pp. 82, 93, etc.

"Is the local option law repealed by the provisions of the charter insofar as it affects the city of Medford?"

"If the two statutes can be reconciled the court ought not to imply a repeal of the general law which seemingly conflicts with the later special act. There is a rule of interpretation of statutes which applies the presumption that the legislature did not intend an unreasonable or an absurd act.

"Endlich on Int. of State, 324, etc.

"And when this charter was granted it is unreasonable to presume that the legislature intended to repeal the operation of the local option law in Medford. If it did so intend, such a radical and well-considered statute would certainly have been expressly mentioned in the repealing clause.

"Ladd vs. Gambell, 35 Or. p. 400. "The Bancroft bonding act was passed in 1893. It, like the local option law, is of general application. While the charter of Oregon City is a later law on the subject of assessments for city improvements and seemingly in direct conflict with the said prior general law, and has a repealing clause which concludes as follows:

"And all other acts or parts of acts in conflict herewith are hereby repealed."

"Yet the Supreme court, in reconciling the conflict between the two, said in Stratton vs. Oregon City, 35 Or. 413: "It was manifestly not the intention of the legislature, by the use of this clause, to repeal any general act that might have application to the city or its regulations."

It appears that the county court submitted the question of prohibition to the voters of Jackson county as a whole.

"That said court acted within its

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thing pertaining to the whole matter until after the election had been thus held. The returns have been received and compared, and the results ascertained by the board, and now the effort is made to prevent them from announcing the result and giving notice thereof, as required by the statute. The board of supervisors are simply endeavoring to perform a duty enjoined on them by law—to announce the result of an election which in good faith they believe to have been duly ordered and legally held; and we think it would be a most dangerous interference by the courts to prevent them from performing a legal duty, and, in effect, to determine the result of a contested election, in this action for an injunction.

"The County court of Jackson county has a legal duty to perform in making the prohibition order required by section 10 of the law. It has perfect jurisdiction in the matter. No objection has been interposed to any of the steps taken in the matter until the election was over, and nothing remained except to declare the result. The plaintiff, if his theory is correct, could have enjoined the call for an election embracing the whole county, and in such suit could have saved many complications and much expense by raising the question at that time the Medford was exempted from the law. I suppose he thought the county would reject prohibition, and he would not need the remedy which he is now asking to have applied.

"The local option law is a law 'of the people, for the people and by the people,' and should not be nullified by the courts unless the reasons therefor are irresistibly overpowering.

"The law was certainly intended to prohibit the sales of malt, vinous and spirituous liquors in any county of the state whenever the people have elected such result, and we believe that if the court should deny the injunction in this case it will be in accord with reason, justice and the law, and will wrong no one.

In submitting the foregoing argument, I deem it but justice to myself to say that numerous other cases have intervened since the oral argument and have prevented me from making such a thorough examination of authorities as I would like to have done. I regard the question more as a question of logic, reason and argument than I do one that is established by precedent, for when we examine the reports, we find nothing more than argument along the lines of common sense and reason.

"Respectfully submitted by "WM. M. COLVIG "Of Counsel for Defendant."

Supplementary Brief. "Hon. H. K. Hanna, Circuit Judge. "Since submitting to you my brief in the above case I have been served with an amended complaint therein, and on account thereof I wish to add a few words supplementary.

(Continued on 8th page)