

THE MEDFORD MAIL

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ANNUAL TEACHERS' INSTITUTE.

County Teachers Hold Convention Last Week.

The annual teachers' institute for Jackson and Josephine counties convened at the Baptist church yesterday morning. During the day addresses were made by J. H. Ackerman, superintendent of public instruction; L. R. Alderman, L. R. Traver of the training department of the Monmouth Normal school, and Cornelia Marvin, secretary of the library commission. During the day 167 teachers were enrolled and it is expected that the number will reach 175 tomorrow.

At 8 o'clock last evening Dr. J. Whitcomb Broucher of the First Baptist church, Portland, gave a popular lecture that drew a capacity house, on the subject, "The Chief Idea in Education." There is only one Dr. Broucher and it is always difficult to tell whether those who have never heard him before or those who have listened to him often are most entertained with his inimitable wit, dry humor, endless store of anecdote, that all serve to impress great moral and ethical truth.

After exalting the high office of the teacher and impressing the duty of holding the highest possible ideals he touched on the recent decision of the Supreme court in the local option case and proceeded to urge upon all teachers the importance of making a boy realize that he can rise above an adverse heritage, unfavorable environment and become a noble, strong-minded citizen. He cited the case of Baron Burr to show that every advantage of wealth, education, position and honor could not deter a man from living a low, mean, despicable, dishonest life. "Study to know the environment and the heritage of the body and help him live above it. Further, study to know his special gift and help him cultivate it. Cultivate his individuality, develop that which differentiates him from every other boy. Train his talent so that he may have power to win out in life's struggle." In enlarging upon the true nature of education, Dr. Broucher did not claim to advance new ideas, but only to emphasize the old. The all-round education embraces physical training as well as intellectual and moral. Dr. Josiah Strong was quoted as saying: "Train the body and soul without the mind and you have an idiot. Train the mind and soul and not the body and you have a dwarf. Train the body and mind without the soul, you have a criminal."

Many great lives have been ruined because a man lacked the moral strength to do right. No one can long succeed and do wrong. It is the sin one loves that ruins him. Break the laws of nature and they break you. Education should give will-power sufficient to make a man master of his own life.

The sessions of the institute will continue tomorrow and Friday with general sessions at the Baptist church and the department work at the High school building.

SUICIDES AT BREAKFAST.

Wife Drinks Poison When Husband Complains About Food.

SEATTLE, Wash., Nov. 3.—Stung to the quick by her husband's criticism of the breakfast she had prepared for him, Mrs. Mary M. Timm of 2832 West Sixty-eighth street, Portland, this morning sprang from the table, drained the contents of a bottle of carbolie acid and an hour later was dead. When he remonstrated against the breakfast this morning she said: "That's the last word you'll ever hear from me."

Before Timm could divine her intention, his wife had drunk the poison.

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MEDFORD CHARTER.

Made Basis of Decision in Liquor Case.

SALEM, Or., Oct. 28.—That the charter of the city of Medford, enacted by the legislature in 1905, permits the city to license the sale of liquor notwithstanding the county of Jackson voted "dry" at the election of 1908, was declared by the Supreme court yesterday in the case of J. C. Hall against the County court of Jackson county. Justice F. A. Moore wrote the opinion of the court, affirming the decision by Circuit Judge H. K. Hanna.

Special Charter for Medford.

Briefly stated, the facts are that the local option law was adopted in 1904 permitting the people to vote by precincts or by counties on the liquor question. In 1905 the legislature amended the Medford charter authorizing that city, among other things, to license the sale of liquor "irrespective of any general law of the state on this subject enacted by the legislature or by the people at large." In 1908 the liquor question was submitted in Jackson county as a whole and the county went "dry" by a vote of 2138 to 1881. At that time J. C. Hall held a saloon license in Medford and when the County court was about to enter an order prohibiting the sale of liquor in Jackson county he brought an injunction suit to enjoin the County court from so doing so far as the mandate might effect the city of Medford. A demurrer interposed by the defendants was overruled and the injunction made permanent, whereupon the County court appealed. After stating the facts at some length, the opinion of the court holds that this is a proper case for the exercise of jurisdiction by an equity court and then says:

Exempt from Local Option Law.

"The legislative assembly, when not interdicted by amendments to the organic law of the state, is a law-making body of co-ordinate authority with the people when the latter exercise the initiative power which they have reserved. The legislature, evidently reaching this conclusion, at the next session after the enactment of the local option law, granted to several municipalities charters, in some of which it was provided that the power conferred, to license the sale of intoxicating liquors, should be subject to the provisions of the local option liquor law. A clause to that effect appears in the charter of Brownsville, of Halsey and of Junction City. Other charters were granted at the same time, containing clauses which were evidently intended to exempt certain municipalities from the operation of the provisions of the local option enactment. Thus the charter of Condon stipulates:

Specific in Condon's Charter.

"No provisions of the law concerning the sale of . . . liquor in Gilliam county or any law of the state of Oregon now or hereafter enacted, shall apply to the sale of the same in the city of Condon."

"The charters of Estacada and Medford contain similar provisions.

"It is quite probable that the attempt thus to exempt the cities of Condon, Estacada and Medford from the provisions of the local option law, and to prevent any further encroachments thereon impelled the amendment (in 1906) of section 2 of article 11 of the organic law of the state, so as to prohibit the legislative assembly from enacting, amending or repealing any municipal charter, and also induced the granting of such power to the legal voters of every city and town, but limiting their authority; in such enactments as might contravene the constitution or subvert the criminal laws of the state. The local option liquor enactment has been held to be a criminal law, the provisions of which cannot be violated by the electors of a municipality in legislating in respect to a city charter."

The opinion also holds that the amended Medford charter expressly repeals the local option law so far as it applies to Medford, and that it would have such effect by implication if it did not expressly.

Decision Not of Wide Effect.

The decision of the Supreme court in the Medford liquor case is not of very wide effect, since the decision can apply only to Medford, Condon and Estacada. These were the only cities that had charter bills passed in 1905 giving them control of the liquor traffic, and since that time it

has been impossible for any other city to secure a charter of that kind. In 1906 the amendment was adopted giving cities exclusive power to adopt their charters, "subject to the constitution and criminal laws of the state."

The Supreme court has held that the local option law is a criminal law, and no city charter adopted since 1906 can evade the local option law. Even these three cities can be voted "dry" by an amendment to their charters.

The anti-saloon people have taken great interest in the Medford case, assuming that the decision that would be rendered by the Supreme court would be of sweeping effect. It is said that the anti-saloon people spent considerable money fighting the case and that they are considerably wrought up over the decision. As a matter of fact, the decision is of consequence and can be of consequence in only the three cities mentioned. To illustrate the situation under the law and the decisions that have been rendered:

Special Privilege Limited.

Albany is a city in a "dry" county. If the city should attempt to amend its charter so as to authorize the sale of liquor, the charter would be invalid in that respect, because in contravention of that section of the constitution which provides that city charters must be "subject to the constitution and criminal laws of the state." In the case of Fouts vs. Hood River, the Supreme court held that the local option law is a criminal law. If a large number of cities had obtained charters in 1905 granting them the power to license the sale of liquor, regardless of the local option law, the decision would have had a wide effect, but a search of the records shows that only these three cities, whose charters were enacted in that year, contained the clause granting this power. There were several cities whose charters of that year authorized the licensing of saloons, but they did not expressly annul the effect of the local option law, and the Supreme court holds in the case of Renshaw vs. the City of Eugene, that these charters were merely reenactments of existing charters and did not take the cities out from under the limitations of the local option law.

All charters enacted prior to 1905 were superseded by the local option law, so far as control of the liquor traffic is concerned in a town in "dry" territory. All charters enacted since 1905 are controlled by the provision that all charters must be "subject to the criminal laws of the state." Only those charters enacted in 1905 which expressly exempted the cities from the provisions of the state liquor laws had the effect of evading the local option law, as shown above, there were three of these, Medford, Condon and Estacada. The people of these three cities can make them dry by amending their charters, so as to make them subject to the criminal laws of the state.

DROWNED IN TANK OF OIL.

Workman Was Repairing Roof of Tank, Which Gave Way.

NEW ORLEANS, Nov. 3.—Thom Cooper, 28 years old, was drowned in a tank of oil at a refining company's plant on the outskirts of the city this afternoon. While repairing the roof of the tank, part portion upon which he was standing gave way and Cooper fell into the oil. He managed to keep afloat until other workmen threw him a rope, but was overcome by the gases from the oil and drowned before he could be rescued.

NEW EASTERN STAR LODGE.

New Charter Organized at Central Point.

When the members of the Eastern Star lodge start out for a good time and enjoy a pleasant evening there is never a sidetrack between themselves and the object sought.

The Medford members, it seems to us, are exceptionally adept in this line, and when a sister lodge or chapter send out an invitation for a little assistance there is never a falter until the assistance asked for has been given. On Tuesday evening of this week the members of Medford chapter were invited to go to Central

Point and there install a chapter—and to that place they went fully 60 strong.

Mrs. Jennie Reames, grand worthy matron of the state, and a resident of Klamath Falls, was present and duly initiated a chapter at Central Point. She was assisted in this work by W. H. McGowan, acting as grand worthy patron. Mrs. W. H. McGowan, who is grand Ruth, acted as grand marshal for this occasion, while Mrs. Lillian was deputized grand secretary, Mrs. J. E. Watt, grand chaplain, and Mrs. H. C. Kentner, organist.

After the initiation of the chapter the Medford team exemplified the work.

The Central Point ladies had prepared a splendid banquet, which was very daintily and lavishly served—and all Medford people voted them entertainers of the kind with which it is a pleasure to mix.

Among those in attendance from Medford were Mr. and Mrs. H. C. Kentner, Mr. and Mrs. H. C. Garnett, Mr. and Mrs. J. A. Perry, Mr. and Mrs. J. E. Watt, Mr. and Mrs. W. H. McGowan, Mr. and Mrs. W. I. Vawter, Dr. and Mrs. E. B. Pickel, Mr. and Mrs. Charles Strang, Mr. and Mrs. Ralph Woodford, Mr. and Mrs. T. J. Williamson, Mr. and Mrs. M. L. Alford, Mr. and Mrs. F. E. Merrick, Mr. and Mrs. Charles King, Mr. and Mrs. S. A. Nye, Dr. and Mrs. F. C. Page, Mr. and Mrs. A. S. Rosenbaum, Mrs. A. M. Woodford, Mrs. L. Hamilton, Mrs. E. D. Elwood, Mrs. H. C. Stoddard, Mrs. J. H. Butler, Mrs. H. L. Orr, Mrs. V. T. McCray, Mrs. L. J. Sears, Mrs. Benj. M. Collins; Misses Gertrude Weeks, Beattie and Fannie Haskins, Inez McCray, Helen Watt, Hazel Enyart; Messrs. J. F. White and H. F. Platt.

FARMER KILLED SON.

Threw a Small Stone at a Mule and Hit Little Child.

RUSSELVILLE, Ky., Nov. 3.—A sad and unusual accident occurred at the home of James Thorn, four miles west of here, on the Belgreen road. Mr. Thorn, who is a prosperous farmer, was attempting to run a mule out of the yard and picked up a small stone and threw it at the animal. He missed the mule and instead hit his small 2-year-old son, killing him instantly.

Mr. Thorn was not aware that his son was anywhere near and when it was discovered that the boy had been killed there was much grief.

ACTRESS DIES OF POISON.

Ada Beamer Commits Suicide Over a Love Affair.

OAKLAND, Nov. 3.—Miss Ada Beamer, an actress, died today at a sanitarium in Alameda from the effects of an overdose of morphine. It is thought by the police that the woman committed suicide because of a love affair. It is believed she belonged to a wealthy family in Philadelphia.

PRESIDENT WILL PASS FIRE.

His Train Will Run Close to the Burning Lumber Yards.

PHILADELPHIA, Pa., Nov. 2.—A spectacular fire destroyed the lumber yards of R. A. and J. G. Williams in the northwest section of this city tonight. The loss is \$750,000. The yards were close beside the tracks of the Pennsylvania railroad. The train on which President Roosevelt is traveling to Oyster Bay will have to pass the scene of the fire, and the railroad officials are trying to keep the track open so as there will be no delay. It is believed the fire is of incendiary origin.

FIGHT TO DEATH IN TUNNEL.

Italian Workman Carved to Death After Desperate Struggle.

NEW YORK, Nov. 3.—In one of the galleries connecting the tubes of the Pennsylvania railway tunnel in East Thirty-second and Thirty-third streets was found yesterday the half nude body of an Italian workman who, the police investigation shows, was murdered after a desperate resistance. Except that he was known to his fellow workmen as "Jim" and that he had been saving money with which to return soon to Italy, nothing is known of him.

The motive for the crime was robbery and the man's throat was cut by his murderers. His clothing was torn off by them in efforts to find if money was secreted on it, but they overlooked several hundred dollars hidden in a pocket.

SHOOTS ASSAILANT DEAD.

Woman Defends Herself Against Licentious Stagedriver.

GLOBE, Ariz., Nov. 3.—J. W. Weaver, a stagedriver, was shot and killed this evening by Mrs. Emma Caslin, who alleges that she was defending her honor. Weaver, who was shot in the head, fell in the hall of the lodging house conducted by Mrs. Caslin's mother. The woman, together with her brother, Emmet Gaynor, was arrested on a charge of murder.

All of them carefully avoided discussion of a deep waterway via Salt river.

Mail Want Ads Bring Results.

OVER NIAGARA FALLS.

Wealthy Buffalo Merchant Leaps Into Holling Current.

NIAGARA FALLS, N. Y., Nov. 3.—Charles A. Hengerer, ex-vice-president of the William Hengerer company, one of the largest department stores in Buffalo, committed suicide here today by jumping into the river and going over the falls. No cause for the act is known.

BEHEADED BY RED-HOT WIRE.

Singular Accident to Workman in a Mill at Cleveland.

CLEVELAND, O., Nov. 3.—Erick Els, a wire drawer, was decapitated at the American Steel & Wire company's mills. While he was drawing a red-hot wire it broke.

The end struck his neck, and the wire, released from tension, suddenly coiled about his neck. His neck was burned through in a few seconds, completely severing his head from his body.

SUFFOCATED BY FLAMES.

Man Dies, 32 Families Homeless in Theater Fire.

NEWARK, N. J., Nov. 3.—David Olingwood met death by suffocation early today in a fire that destroyed Starr's auditorium, a vaudeville theater, at Fifteenth street and Morris avenue. Olingwood lodged in a tenement adjoining.

Thirty-two families, mostly women and children, were carried from the tenement by firemen.

INTO DRY COLUMN.

Three Counties Voted Against Saloon by Large Majority.

COLUMBUS, O., Nov. 3.—Temperance forces won three county option elections today as follows: Greene county dry by 750, 27 saloons; Williams county dry by 1726, 19 saloons; Trumbull county dry by 900, 72 saloons. A total of 1045 saloons have been voted out under the new county option law to date.

PISTOL DUEL IN DEPOT.

One Southerner Fatally, Other Slightly Wounded in Virginia.

ROCKY MOUNT, Va., Nov. 3.—As the result of a pistol duel in the Norfolk & Western depot between Dr. J. Semple Cahill and Robert Smithers, both prominent, the latter probably will die, while Cahill received a bad flesh wound. H. L. Davis, a bystander, received a wound in the ankle from one of the shots.

NEW THIS WEEK.

COAL ENTRY.

Land Office at Roseburg, Ore., October 30, 1908. Notice is hereby given that Abijah Wines, of Medford, County of Jackson, State of Oregon, has this day filed in this office Application to Purchase, under the provisions of section 2347, U. S. Revised Statutes, the E. 1/2 of N. W. 1/4; S. W. 1/4 of N. W. 1/4; N. W. 1/4 of S. W. 1/4 of Section 14, Township 37 South, Range 1 West W. M.

Any and all persons claiming adversely the lands described, or desiring to object for any reason to the sale thereof to applicant should file their affidavits of protest in this office on or before the 19th day of December, 1908, otherwise the application may be allowed.

BENJAMIN L. EDDY, Register.

NOTICE OF SALE.

Huldah Colver Estate, Executor's Notice of Sale of Real Property. Notice is hereby given that in pursuance of an order of the County Court of the State of Oregon, in and for the County of Jackson, made and entered on the 30th day of October, 1908, in the matter of the estate of Huldah Colver, deceased, the undersigned, the executor of said estate, will from and after the 5th day of December, 1908, at the premises and his residence near Phoenix, Oregon, in said Jackson County, proceed to sell at private sale to the highest bidder for cash in hand, subject to the confirmation of said County Court all the right, title and interest the said Huldah Colver had at the time of her death in and to the following described real property, situated in Jackson County, Oregon, to-wit:

Beginning at a point which bears north 44.70 chains and east 16.30 chains from the southwest corner of donation land claim No. 42, in township 28 south of range 1 west of the Willamette Meridian, and running thence east 45.15 chains; thence north 51.95 chains; thence west 39.24 chains; thence south 19 degrees west, 31.67 chains; thence north, 71 degrees west, 3.49 chains; thence north 15 degrees and 45 minutes west, 19.38 chains; thence north at 9.50 chains; thence north, 21 degrees and 45 minutes east, 10 chains; thence west 9.82 chains thence south 21.59 chains; thence south 27 degrees east, 13.79 chains; thence south, 53 degrees west, 4.59 chains; thence south 37 degrees east, 2.94 chains; thence south 46 degrees and 5 minutes east, 5.63 chains; thence south 49 degrees east, 5.45 chains; thence south, 37 degrees east, 1.82 chains; thence south, 40 degrees east, 4.54 chains; thence south, 53 degrees west, 0.23 chains; thence south, 37 degrees east, 0.91 chains; thence south, 53 degrees west, 1.21 chains; thence south, 37 degrees east, 1.04 chains to the place of beginning, containing 260.94 acres; also a tract of land 50 feet wide and 300 feet long on west side of the block No. 8, village of Phoenix. Will be sold in tracts from 25 acres down in size.

Dated and first published November 6, 1908.

ELMER G. COLEMAN, Executor of the Estate of Huldah Colver, deceased.

W. I. VAWTER, M. PURDIN, Attorneys for Estate.

New Line of Gloves

For Men and Women



New Dress Gloves for Men at \$1.50 pair.

Men's Heavy Work Gloves in regular lengths and gauntlet style at \$1.50 pair.

Horsehide Working Gloves at \$1.00 pair.

New colors and lengths in Centemeri's kid gloves for women.

Those clasp light weight dress gloves in new shades of grey, tan, brown, red and taupe at \$1.50 pair.

12 and 16 button lengths in dress and everyday wear at \$3.50 and \$4 pair.

All gloves fitted and guaranteed.

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