

Medford Daily Tribune

Associated Press Dispatches

THE WEATHER
Cloudy; probable showers tonight and Friday.

VOL. II.

MEDFORD, OR., THURSDAY, DECEMBER 12, 1907.

No. 224.

RAISE ELECTION ISSUE

Attorney Phipps Says Reddy's Term Expires Next Month - Council Puzzled.

Attorneys and politicians are still discussing the question as to whether or not Mayor Reddy's term expires next month. The city council has asked the city attorney for an opinion, which will be given tonight, and several councilmen have sought other legal advice on the same point.

Attorney Phipps, who is reported to be a candidate for the office of mayor, has written the following letter on the subject:

Medford, Or., Dec. 10. - Editor Tribune: Yesterday's Tribune contained a local item to the effect that I am a candidate for mayor of this city, and further, that the term of the present mayor does not expire until January, 1909. I am sorry that I cannot agree with either statement. I am not now nor have I ever been a candidate for any office. This, however, is of little consequence, but the question as to the term of office of the present mayor is of great importance.

The charter of 1905, among other things, provides: "The mayor shall be elected and hold office for a term of two years, or until his successor is elected and qualified." And further, "All the elective officers of the present town of Medford shall remain in office and shall hold the same offices in the city of Medford until the third Tuesday in January, A. D. 1909, or until their successors are elected and qualified." etc. Another and a very important provision for the consideration of this question reads: "Vacancies in an elective office may be filled for the balance of the unexpired term at any session of the council by a majority vote of all the council."

History of Office. Mayor W. H. Bradshaw was elected the third Tuesday in January, 1905, the beginning of the regime under the present charter, for a period of two years. He resigned after having served some seven months, and J. S. Howard was by the council appointed to fill the balance of the unexpired term, which expires or would have expired January, 1908. It is not necessary to consider whether Mayor Howard could have held office until the expiration of the term, that is until 1909, for he voluntarily abandoned any claim thereto, when he officially concurred in the call for an election of his successor in 1907.

The charter having fixed the first election for 1908 and made the term two years, it appears clear to me that Mayor Reddy could have been elected only for the unexpired term of Bradshaw.

Under the law, if there is any uncertainty in such a matter, the doubt is resolved in favor of the shortest term. "Where a constitutional or statutory provision is uncertain or doubtful in its construction as to the duration of the term of a public officer, the interpretation will be adopted which limits the term to the shortest time." (19 Am. & Eng. Enc., 1st Ed., 562.)

Outside of Council. The city council must act within the authority granted by the charter, and can no more transcend its limitations than the legislature can those of the constitution. The act of the council in calling for the election of a mayor for a term of two years in January of last year, if such be the case, would simply be outside of their authority so far as the second year is concerned.

The last case involving this question decided by our supreme court, so far as I have been able to find in the limited time I have had for investigation of the subject, is State vs. Ware, 15 Or. 380. In this case the court held: "The term of office of a circuit judge, under the constitution of this state, is six years, and when a vacancy occurs within the term is filled by election, the person so elected holds office for the full period of six years, but only for the remainder of the unexpired term."

At any rate, the safe thing to do is to elect a mayor at the coming election. W. E. PHIPPS. Phipps Quoted Syllabus. The language quoted in the above is not the language of the supreme court.

PHONE LINE TO MINE

Poles Here for Telephone to Perkins Ranch -- Financial Condition Better.

Poles continue to arrive for a telephone line to the Pacific Coal company's mine, the Western Oregon Orchard company's property, and Hillcrest orchard," said the Hon. J. W. Perkins, who has returned from a visit to Portland. "The line will be six miles in length. The poles are 25 feet cedar and will carry six wires."

Asked what the financial situation in the metropolis was, Mr. Perkins said that a readjustment was rapidly taking place and that conditions would soon be normal.

Portland banks want the holidays to end on December 14, but the county banks are bringing strong pressure to bear upon the Governor to continue them, in spite of the fact that, relatively, the quarterly statements showed that country banks had greater gold reserves than the city banks.

"The other morning I saw \$250,000 in gold delivered to the First National of Portland and similar shipments are being received by all the banks right along."

out of the writer of the "Habits. If Mr. Phipps had read the opinion of the court in the Ware case, he would have discovered that the constitution of the state expressly provides for the election of such judges for the unexpired term. In that case, the court said: "But when the constitution fixes a definite term of office, as for six years, without any limitation or reference whatever to unexpired terms, then, when a vacancy occurs, the common law interpretation, meaning vacancy in office, must be received and applied in the construction, and when filled, the incumbent is vested with a full term of six years."

PRESIDENT WITHDRAWS BRISTOL'S APPOINTMENT

The department of justice announces that the nomination of William C. Bristol, United States attorney for the district of Oregon, which has been sent to the senate, will be withdrawn, in accordance with the department's recommendations to the president, because Bristol's course with reference to the land fraud prosecutions in Oregon has been unsatisfactory.

The withdrawal of Bristol's name means the appointment of a new United States district attorney for Oregon. Mr. Bristol could not be found after the receipt of the news this afternoon, but he has declared repeatedly that he was ready to proceed at any time with the land fraud trials as soon as the cases were turned over to him by Henry. This Henry has not done.

Low Rent. 160 acres, 3 1/2 miles from Jackson office house, barn, bearing orchard; good water; ten acres fenced. 1 box 225, Medford.

The Good Guernsey. A man may well think three or four times before he pays a large price for a pedigreed animal. When the pedigree is true and the animal traces back to noted ancestors a cattle owner cannot do better than introduce pure blood into his herd. There are plenty of honorable men in the business who would no more think of substituting an inferior animal for a good one than they would of committing forgery.

Here is a picture of a good Guernsey bull. He is an important animal and when photographed was two years old. He is well marked and colored, a fine specimen of the breed, says Rural New Yorker. The Guernseys are very popular with those who know them. They have never been imported as largely as the Jerseys, and their owners have not attempted to breed them by spectacular methods. The Island of Guernsey is smaller than that of Jersey, with fewer cattle on it. The Guernsey is a larger framed cow than the Jersey, with a quieter disposition and averaging even better as a butter producer. The Guernseys have remarkable power to give high color to milk and better fat. In many Holstein herds where milk is sold a few Guernseys are kept to give a good color to the product. As the Guernseys are often selected it is under the microscope of their markings, and the Guernsey Cattle club is very careful of its records.

He dyspepsia or indigestion for years. No appetite, and what did eat distressed me terribly. Took his tea cured me." - J. H. Walker, Sanbury, O.

BOOM MEDFORD IN EAST

Railroad Press Agent Sends out Articles Praising Productiveness of Valley.

Mayor J. E. Reddy has received the following from Irv L. Lee of the Hariman press bureau, New York city, who visited Medford last summer:

"We enclose herewith an article we are sending out about Medford. This goes to a number of papers with pictures, and we hope the publicity we shall gain for it will be of some value to Oregon."

The article is as follows: "Besides keeping up the reputation of its fruit products by stringent rules that prevent the shipping of all fruits that do not come up to the highest standards of quality, Medford pear growers have resorted to a science the methods of fighting insect pests."

"To discover just the right time to attack the coming moth, one of the greatest foes of fruit trees in this part of Oregon, a selected tree is completely surrounded by a wire cage, in which the moths are confined. By careful observation of their development it is possible for the grower to know almost to an hour when he should begin to spray all his trees so as to destroy the moth without injuring the fruit."

"By methods of this kind Oregon fruit growers have raised the quality of their product to a point where they now command the highest prices in the world's markets. Oregon pears have brought as much as \$6.50 per box in New York during last season. One Central Point orchard of 16 acres produced pears worth \$20,000. The highest record for production by a single tree was made by a D'Anjou pear tree in the Medford district that yielded 45 boxes this season, which sold for \$5.00 a box, netting the grower \$225.75. "Oregon's entire fruit crop for the year shows an increase in value of 53 per cent over last year, or \$4,275,000 for all fruits, including prunes."

SENDS REVENUE CUTTER TO PATROL COLUMBIA

Senator Fulton has sponsored a prompt order from the treasury department to send the revenue cutter McCullough to the Columbia river. The cutter is now at San Francisco and will be kept there a month until the Bear is repaired, when it will go to Oregon.

Tomorrow Fulton will offer a bill for a new postoffice building at Portland to cost \$2,000,000. The present one will be turned over to federal uses. He will also introduce bills for public buildings to cost \$100,000 each at Pendleton, La Grande, Oregon City, Albany, The Dalles and Astoria.

Fulton will introduce a bill similar to that for the Portland postoffice.

Fulton has a bill for \$12 a month pension for Indian war veterans. Judge Beck left for Portland today. It is understood he will file a bill against the Southern Pacific in the land grant case.

Writing from Marin county, Cal., a correspondent says in Board's Dairyman: One great quantity of oat hay in this part of the county and little alfalfa. In conversation with a valley farmer living a considerable distance from the coast he stated that in his locality the soil does not seem to be adapted for it, as it failed to thrive. During the long wet season from November to May water stands on the bottom lands much of the time, and the alfalfa is killed out, otherwise it might do well.

But the oat hay seems well adapted for the purpose of provender, and it proves an exceedingly good crop. It is cut with an ordinary mowing machine when in the soft dough stage and is cured the same as hay. To an easterner it looks like straw, and the man who upon being asked to help himself to hay for his horse, replied later that he couldn't find any hay, but fed the animal some straw, might easily have been pardoned for the mistake.

Some idea of the money value of the crop may be gained when a man can grow, as one rancher here has done the present year, \$3,000 worth of it from a 160 acre farm. Prices are high this year, ranging from \$17 to \$20 per ton, and the yield is good. But it is high also, setting for 55 cents per pound brick at the present time. But it is good quality.

"He dyspepsia or indigestion for years. No appetite, and what did eat distressed me terribly. Took his tea cured me." - J. H. Walker, Sanbury, O.

JURY TO MEET ON MONDAY

Sheriff Notifies Members to Report Although Proceedings May Be Illegal.

The fact that last Friday and Saturday were not legal holidays brings the state face to face with a special of the legislature. The only other possible alternative is for every county to call special sessions of the courts, if they expect to transact any judicial business within the next several months.

Sheriff Jackson has notified members of the grand jury to report at Jacksonville Monday, though there is a question as to the legality of the grand jury. In some counties recourse has been had to the old law covering special court sessions, and no difficulty has resulted, but Portland lawyers declare this law is confusing, and in order to make it effective every item of business that is to be transacted during the special term must be designated in the call for the extra term.

Governor Chamberlain does not think such serious consequences as indicated above are likely to follow his mental lapse, and he is inclined to let the courts work out their own salvation in the matter as best they may.

WOULD FEED PEOPLE OLD OREGON GOATS

"This is the time for farmers who want goats to clear their lands of weeds and other pernicious growth and get rid of their accumulation of tin cans to get into the market," said a commission man today, says the Oregonian.

"The Angora market has gone the way of the New York stock market; values are down to the sacrifice point; many sections of the valley are overrun with the animals, and the growers are anxious to unload their surplus."

"On many of the farms in the Willamette valley there are thousands of the animals that are past the period of usefulness for the production of the wool that has made them valuable in the past. They are too old now to produce the fine grade of wool they once did, and their owners, rather than keep them through the winter and feed them everything in sight, would kill them and put them on the fresh meat market. Unfortunately for them, the demand for goat meat is at all times very limited."

Yesterday a farmer from up the valley offered to sell 300 goats in Portland, killing and forwarding 50 a week. I told him it would be better to kill two or three and send them as a sample shipment; that it would be wiser to test the relish of the Portland meat-eating public before committing any large consignments. Today he sent in a small lot and the demand the meat met with is not sufficient to encourage the killing of goats in a large way. They drag at 4 to 5 cents a pound."

BARNUM WAIVES PRELIMINARY IS HELD TO GRAND JURY

W. S. Barnum, president of the Rogue River Valley railroad, was arrested last evening, charged with assault with a dangerous weapon for attacking Mayor J. E. Reddy with an ax. The warrant was issued by Deputy District Attorney Stevens and sworn to before Justice Stewart. The arrest was made by Sheriff Jackson. Mr. Barnum waived preliminary examination and was held to appear before the grand jury, which meets at Jacksonville Monday under \$250 bonds.

fat of the truth more than nine times in ten.

(a) For farrow cows when their condition does not follow abortion any combination of the fourth or fifth month's test with that of either the thirteenth or fourteenth month makes, with that of any month from the seventh to the eleventh inclusive. The outcome is likely to be within 30 per cent fat of the truth seven times in eight.

In each case add the results and divide by the number of tests to be three, as the eyes may be, for an estimated average test for the year.

Restraining the Hickeys. Some of the doctors recommended for preventing a cow from licking her udder to prove poisonous to the animal. Commenting upon one who writes in the Breeder's Gazette, Chicago, says:

"I incline to think that I will give you a little more than you ask for. I have seen a cow lick her udder for the last three weeks, and it will be the possible for the animal to rub her leg on the side of the man who is milking her."

NO SALE FOR FINE APPLES

Fancy Fruit Put in Cold Storage to Await Higher Prices - Astbury's.

R. C. F. Astbury, who last summer purchased the Riverside ranch, near Gold Hill, has raised and shipped this year some of the finest Spitzenberg apples that ever left this valley, or any other section. One car of this fruit reached New York right in the midst of the panic, elicited much praise on account of quality and packing. Offers of \$2.50 per box were made at a time when other Rogue River apples were being sold as low as \$1.25 per box. Rae & Hatfield refused to sell and placed the apples in cold storage to await a better market. The following letter tells the story:

New York, Nov. 29. - Mr. R. C. F. Astbury, Gold Hill, Ore. - Dear Sir: We are pleased to report the arrival of your car of Spitz that you consigned to us, and want to congratulate you on the quality and pack of your fruit. It is surely A-1. We regret, however, that on account of the demoralized condition of our market, which has been the case now for the last three weeks, or in other words, since the Roosevelt panic struck us, it is impossible for us at this time to dispose of this car at its true value. We are therefore putting them in cold storage, awaiting a better market, which is sure to materialize in a short time, or, in other words, until the timid dealers in our trade overcome their timidity. The banks have gotten over their trouble here, and we hope that the commercial interests will assume their equilibrium in as quick a time.

We could have sold this car today without adding any expense to the way of cartage and storage at \$2.25 to \$2.50. This is in sharp contrast to the Rogue River Spitz, which are being sold here at from \$2.50 down to \$1.25. These are being sacrificed, but do not mind to sacrifice a car of fruit that is of as good a quality and pack as yours. You can rest assured that we are going to handle this car to your very best possible advantage, and move the same at as early an opportunity as we possibly can, and report promptly. Yours very truly,

RAE & HATFIELD.

Veteran Actor Dead.

NEW YORK, Dec. 12. - James Henry Stoddart, the veteran actor, is dead at his home in Sorrento, N. E. Mr. Stoddart was born in England in 1827 and first appeared on the stage in Scotland. He came to America in 1851 and soon won distinction here. During his career he supported Joseph Jefferson and other notable players. For 20 years he was under the management of A. M. Daborg. Later he starred for several seasons in "The Bohemian Brute" and "The Bohemian Brute" and the management of the late Kirk Landells.

GREAT CHANCE FOR HIGH SCHOOL TEAMS TO SECURE UNIFORMS

Twenty Five Yearly Subscribers Will Outfit Baseball or Basketball Teams-- Many Valuable Prizes Offered in Tribune's Great Contest.

For securing 25 new yearly subscribers to The Tribune we will outfit the high school baseball team with a complete set of new uniforms, belts, caps, baseballs, bats, mauls, catcher's pads.

Or for the same number of subscribers we will furnish the girls' basketball team with a complete outfit of uniforms, balls, etc. Club together, and by a few hours' work you will be able to secure this grand offer. Call at the Tribune office for receipt books, etc.

Prizes are on exhibition in the show windows of the following stores:

- Elgin gold watches and diamond rings--Medford Jewelry & Optical company. Solid gold fountain pens, ladies' gold writing sets, gold-handled umbrellas and ornamental clocks--Elwood's Jewelry store. Winchester rifles and shotguns--Boydlen's hardware store. Suits of clothes--Daniels' clothing store. Rosewood manure sets, music rolls--Medford Pharmacy. Birdseye maple parlor writing desks--Medford Furniture company. Smoking jackets--The Model Clothing company. Teddy Bears, manure sets--Medford Book Store. Fancy stationery--Russell's candy store. Carving sets, chafing dish sets--Shorty Garnett's.

is now on and as large numbers of the students are busily engaged in securing new subscribers for The Tribune so as to obtain one of the beautiful prizes offered, high school students should avail themselves of this opportunity to secure a diamond ring, gold watch, suit of clothes or Winchester rifle.

A little effort on your part and you will be able to earn most any prize you desire within a few days.

Call at The Tribune office and get a receipt book. Visit your friends, relatives and acquaintances, induce them to subscribe for the best newspaper in southern Oregon, and you will get the prize you desire before you have half started.

Each 50 cents secured as a subscription entitles the contestant to one vote. If he gets a new subscriber for one month he gets one vote. If he gets a new subscriber for two months, he gets two votes. Three months entitles him to three votes, and so on.

Now is your chance to earn a beautiful Christmas present for yourself or your friends. Look in the show windows of the Medford Pharmacy, Daniels, the Model and Toggery clothing stores, Boydlen's hardware, and Shorty Garnett's, Medford Jewelry and Optical company, Elwood's jewelry store, Russell's and store, Medford Furniture company and King's candy store, Haskins' drug

FORMING JOINT PARTY FROM TWO OLD ONES

TACOMA, Wash., Dec. 11. - Mayor Wright and leading democrats of Tacoma and Pierce counties are nursing a movement for the formation of an independent party that shall next spring attempt to wrest control from the republicans.

A declaration of principles embodying much of the political faith of William J. Bryan and which has been approved and in some instances acted upon by President Roosevelt, is being circulated for signatures and is being largely signed by leading democrats and republicans.

SEVENTY-ONE KILLED BY HUNTING ACCIDENTS

Seventy-one persons were killed--most of them by carelessness--during the hunting season of 1907, now about to close. This is slightly below the record of last year, when 74 persons lost their lives in pursuit of game.

The number of injured this year, however, as in excess of that of last season, 81 hunters having been hurt this season, compared with only 70 during 1906.

The board of equalization of Jackson county has returned an assessment valuation for Ashland for 1907 of \$2,938,747. This is a little over a million in excess of the valuation as returned by the city assessor for 1906.

Hedricks, the man arrested at Portland several days ago on suspicion of being the man who shot Office Sweavinger at Grants Pass in September, has been taken there for trial. Hedricks was identified by the officer. He was held in Roseburg on a charge of safe burglary, but was taken there to answer the more serious charge.

SPECIAL INDUCEMENT TO HIGH SCHOOL STUDENTS.

Call at or write to The Tribune office for subscription blanks and get busy with your friends and relatives. They will help you along.

Some of the prizes are as follows:

- \$5.00 Stetson hats 35 votes \$5.00 dress shoes 35 votes \$10 Waterman fountain pens 50 votes gold mounted 50 votes \$2.00 purses 10 votes \$10 manure sets 100 votes \$18 overcoats 100 votes \$7.50 Plover rifles 50 votes \$4.00 air guns 25 votes \$20 Elgin gold watch 100 votes \$50 Rambler bicycle 300 votes \$18 Winchester repeating rifle 100 votes \$18 Winchester shotgun 100 votes \$14 single barrel shotgun 75 votes \$40 Victor phonograph 200 votes \$7.50 embroidery outfit 75 votes \$2 pocket knives 10 votes \$15 furs, muff and throw 75 votes \$5.00 pyrography outfit 25 votes \$5.00 roller skates 25 votes \$20 suit of clothes 100 votes \$100 Oliver typewriter 1000 votes \$3.50 Teddy bears 25 votes \$20 Elgin gold ladies' watch 100 votes \$20 silk dress 100 votes \$10 chafing dish set 50 votes \$10 carving sets 50 votes and many other valuable prizes.

POULTRY FAIR TO BE HELD AT GRANTS PASS

The first annual Rogue River Valley poultry show will be held in Grants Pass on January 30, 31 and February 1. The show will be under the auspices of the Grants Pass Poultry Keepers' association, which organization is making every endeavor that it shall be a credit to the valley and a strong factor in the development of the poultry industry in this part of Oregon.

Elmer Dixon, the well-known poultry judge of Oregon City, has been engaged to pass upon the merits of the fowls on exhibit. Professor James Dryden of the Oregon agricultural college will also be present and will supervise the proper arrangement of the exhibits. From the interest that is being taken by poultry-keepers in all parts of the Rogue River valley it is certain that a very large and complete exhibit will be made and entries will be made from Grants Pass, Ashland, Medford, Jacksonville, Gold Hill and the other towns and by many of the farmers of Josephine and Jackson counties. There are many poultry fanciers in southern Oregon and every breed of fowls is to be found here.

Stoppers in Grants Pass.

The Stoppers of the World, an organization only of mining men, has been organized in Grants Pass, with a strong membership. This makes 28 secret orders in Grants Pass.

SAYS LODGE GOAT HURT HIM \$20,000 WORTH

NEVADA, Mo., Dec. 11. James Smith filed suit in the Vernon county court today against the Modern Woodmen of America for \$20,000. He alleges that while being initiated by the Eric, Kan., lodge his leg was broken.