

UNITED PRESS DISPATCHES
By far the largest and best news report of any paper in Southern Oregon.

Medford Daily Tribune.

The Weather
Fair weather is promised for tonight and tomorrow.

THIRD YEAR.

MEDFORD, OREGON, SATURDAY, JUNE 13, 1908.

No. 74.

LEGAL AUTHORITIES FOR KEEPING MEDFORD WET

DRYS ASK MORE TIME IN WHICH TO FILE BRIEF

Convincing and Brilliant Argument Made by Attorneys for Plaintiff Holding Medford's Charter Nullifies Local Option Law in City-- File Brief Wednesday and Decision Will Be Rendered Saturday.

The action brought by J. C. Hall in the circuit court to restrain the county court from declaring the city of Medford dry is attracting widespread attention all over the county. When the case came up before Judge Hanna yesterday a large crowd of interested spectators gathered to hear the arguments of the opposing counsel. The plaintiff was represented by R. G. Smith and Judge E. E. Kelly, while District Attorney A. E. Reames and Judge Colvig represented the defendants.

REAMES SAYS PROCEDURE ILLEGAL.

When Mr. Smith had concluded his argument Judge Colvig took up the defense for the adherents of a dry town. The judge admitted that the plaintiff had made a strong case and stated that he had been called into the case at a late hour and had had no opportunity to go into the law books for authority with which to combat plaintiff's contention. He requested and was granted until Wednesday in which to prepare and file a brief in reply to the brief filed by plaintiff.

CHARTER REPEALS LOCAL OPTION LAW.

Mr. Smith stated in his argument that the only question involved was the legal effect of the provisions of the charter of Medford relating to the prohibition and sale of liquors and whether the same superseded the local option law within the city. He quoted supreme court authorities to show that the injunction is the proper remedy for the plaintiff to invoke in local option cases.

Numerous authorities were quoted to sustain the various points made. The plaintiff contended that there is nothing in the constitution to prevent passing a local or special law prohibiting the sale of liquor within any city in the state, and that the language of the charter in effect repealed the local option law in the city limits.

Whenever two laws are conflicting, Mr. Smith stated that the courts have ruled that the one passed last repeals the earlier by implication, especially when it is plainly intended as a substitute for the old act as in the present case. From cases cited it appears to be settled without a doubt in this state that a prohibition law may be made a local law, or that a locality may be exempted from it and from its operation, said Mr. Smith. The decisions also show that the charter amounts to a repeal of the local option law as far as Medford is concerned. There is nothing in the constitutional amendment adopted in 1906, which gives cities the right to make their charter, and takes this power away from the legislature that in any way repeals or amends the Medford charter.

MEDFORD AND CONSTITUTIONAL AMENDMENT.

This constitutional amendment does not revive the local option law in Medford. There is nothing in the language of the amendment which repeals any general or special laws; all that it does repeal is the constitutional provision relating to the forming of municipal corporations. There is no inconsistency between the amendments of the constitution and the charter of the city of Medford. The local option law has been held to be a criminal law, continued Mr. Smith. "By act of the legislature, Medford is exempted from its provisions and it does not apply to the city as the constitutional amendment could only refer to criminal laws within the sphere of operation of the same. It does not extend to the operation of any criminal law. It does not carry any criminal law into any territory where it is not already operative. It does not affect the criminal laws relating to the sale of liquor by amending or repealing them any more than it does the criminal law relating to larceny.

The language of the Medford charter has reference to the local option law and no other law. As a result of an election held under the local option law one-half of the city was dry and one-half wet. This absurd condition was intended to be corrected by the new charter, and it was passed for that purpose, and the legislature, not content to confer upon Medford the power to license, regulate and prohibit the sale of liquor irrespective of any law enacted by the people at large, expressly repealed all laws of the state, general or special, that in any way restricted the power of the city of Medford. As a result, the city has since licensed the sale of liquor in that part of the city which voted dry.

CRIME IN ONE COUNTY, NOT IN ANOTHER.

The supreme court has held in the case of Potts vs. Hood River that the local option law might be a local one, that it could be made applicable by the legislature to any part of the state or any county or part of county. The constitution contains no language which inhibits the legislature from making laws relating to the sale of liquor applicable to towns, in the whole state or any part less than the whole state. In Oregon acts can be made criminal in different parts of the state that are lawful in other parts. Take the game and fish laws, when it is lawful to kill certain kinds of game in one county and prohibited in another. The local option law itself is a shining example of the right to make certain acts a crime in one locality which may be lawful in the adjoining precinct. If there was any inhibition against declaring any act to be criminal except by general laws, then the local option law would be unconstitutional and void in every part.

In the case of Reinslaw vs. Lane county, the supreme court said that the charter for the city of Eugene passed February, 1905, did not operate so as to repeal the local option law within the city limits of Eugene. For the reason that the new charter in so far as it related to liquor traffic was but a repetition of the earlier enactment, identical in language with the old charter. If the local option law could not be repealed so far as a city was concerned, by a subsequent special charter act, the court would certainly have so said in that case. The court based its decision upon the insufficiency of the language of the Eugene charter to show an intent to repeal the local option law. There is no comparison between the two charters.

BIG SUFFRAGE DEMONSTRATION BY 15,000 WOMEN IN LONDON

LONDON, June 13.—Fifteen thousand suffragists paraded along the Victoria Embankment today at Albert Hall to listen to addresses. Although the big demonstration attracted much attention, there was no disorder and no arrests were made.

ASSESSMENTS ARRANGED FOR STREETS AND ALLEYS

An ordinance prescribing measures by which assessments for street and sewer improvements may be made was passed by the city council Friday evening. Other routine matters of minor importance were disposed of. Dr. H. E. Morrison was appointed health officer.

BAKER CITY FEELS QUAKE

People Rolled Out of Bed by Shock Badly Frightened-- Felt Fifteen Miles from Town.

BAKER CITY, Or., June 13.—People living in this city or within a radius of 15 miles fear that a repetition of the distinct earthquake shocks that rolled some of them out of bed early Friday morning and rattled dishes from shelves in store for them. This fear is intensified by the presence today of heavy clouds of smoke hanging over the Cornucopia mountain range, which was severely shaken by the shocks. The people were so thoroughly frightened that they are ready to believe that even smoke is the forerunner of an earthquake. The shocks were the most severe in the eastern part of Baker county, though they were distinctly felt at Halfway, Richmond, Wallawa county, Ironton and other points. The sky over Halfway and Richmond was lighted up with a purple tint, which increased the fears of the populace. Minors at work at the time were so terrified that they ran to the open air and have refused to re-enter until they feel that all danger has passed. At first some older heads thought a magazine had exploded, but all of them were found intact.

THREE HUNDRED SURVIVORS OF OREGON INDIAN WAR

PORTLAND, Or., June 13.—There are 300 survivors of the Indian war left. Although the official count has not yet been made, it is figured that there were fully that many gathered in the convention hall of the veterans' association at the annual meeting this week.

Considering the fact that scarcely a man in attendance upon the convention is under 70 years of age, the number of survivors and their general health is a remarkable testimonial to the strength and hardihood of the early pioneer and the healthfulness of the north Pacific coast country. The first day the veterans devoted most of their time to a discussion of the Hayes pension bill putting Indian war veterans on a footing with those of the civil war. The delegates with their wives and the widows of Indian war soldiers were given an elaborate luncheon by the Sons and Daughters of Indian War veterans.

New officers elected—Grand commander, Alexander Coffey; senior vice commander, Harvey Scott; junior vice commander, Captain A. B. Sturt; grand adjutant, Otto Kleeman; grand paymaster, Charles H. Chamberlain; grand chaplain, W. D. Ewing; grand marshal, Captain Patrick Maloney; captain of the guard, John Storan.

ST. JOHNS WETS ALSO SECURE INJUNCTION

PORTLAND, Or., June 13.—What move, if any, shall be taken to break the injunction secured by the saloon interests of St. Johns, under which the county court is restrained from putting prohibition into effect in precinct No. 91, comprising the "wet" part of that city, is now up to District Attorney Manning and the prohibition leaders. The members of the county court have been served with the injunction, and they have referred the matter to the district attorney. A letter setting forth the service of the injunction has also been sent to Attorney F. B. Rutherford of Astoria, who represented the prohibition element when the local option petition were passed on.

In granting the injunction Judge Gantenbein fixed five days' time in which a motion might be made to set aside the restraining order. The district attorney is the legal adviser and defender of the county court, so the matter was promptly referred to him. The court itself is contemplating no action in the matter, since it is only nominally a defendant in the fight between the wets and the drys.

GUILD WILL MAKE NO ACQUISITION WITH \$4,000,000

BOSTON, Mass., June 12.—It was announced today Governor Guild will form no alliance either offensive or defensive with John Hays Hammond, in the race for the republican vice-presidential nomination. Governor Guild said that he expects the endorsement of Michigan besides that of all New England, and that it would be unfair to the delegates from those states to enter into an agreement with Hammond.

DOLLIVER FAVORITE WITH TAFT

Iowa Man Selected For Second Place by Big Bill--- Hammond Still Seeking It.

WASHINGTON, June 13.—That Senator Dolliver of Iowa is the man the Taft leaders really want for vice-president was indicated here today, when it was reported that a representative of Secretary Taft and the president would shortly go to Fort Dodge, the senator's home, and induce him to accept Senator Borah of Idaho, who probably will leave for Chicago, and who has predicted Dolliver's nomination, is believed to be sent to Fort Dodge.

CHICAGO, June 13.—Many are convinced today that Frank H. Hitchcock, the Taft manager, is slated to be chair man of the national republican committee when it is reorganized. Hitchcock says he is not running for anything except to nominate Taft.

Hitchcock for Chairman.

Nevertheless, observers say that Hitchcock is merely being a little coquettish, whereas if the full truth were known he practically has the appointment in his inside pocket. They point to the intimacy between Hitchcock and Taft and argue that he naturally is the man most desirable to the secretary of war, whose wishes will have much to do with the decision.

National Chairman Harry New said today that the demand for seats has been very great. Several tickets have been sold for \$165 each, it is said, and offers of \$100 are freely made. The officers of the committee are besieged by crowds seeking tickets, which now are unobtainable there.

Piles Respectfully Declines.

Senator Samuel P. Piles of Washington said to the United Press today: "I am grateful to my friends for mentioning my name in nomination for the vice-presidency, but I would not accept it if I could get it."

Thomas F. Walsh, the millionaire miner of Colorado, climbed on the Hammond hand wagon today by announcing that he would help the mining engineer to get the nomination for vice-president. "Hammond helped me when I was a miner, and it's up to me to help now," he said. "It seems to be quite the thing for men of wealth to get busy in politics. Look at Brother Charles P. Taft is helping his brother Will all he can. I'll help Hammond."

Hammond was entertained at luncheon by the Hamilton club today. He made a short speech setting forth his views of public questions.

Hammond Seeks Office.

Speaking of his candidacy at the Hamilton club luncheon today, Hammond said: "My friends assert that my connection with the development of various resources of the great western region has given me an exceptional familiarity with economic and political conditions of the west as with people of that section."

"This, it is said, will lend strength to the ticket on the Pacific coast and the western states, where the republican ticket will be strengthened."

NO SCREENS ON DITCHES ALONG THE LITTLE BUTTE

Deputy Game Warden Charles Gay has returned from a trip in the base of Mount Pitt. He notified ditch owners all along the Little Butte to remove their screens in the law requires, so as to prevent needless destruction of young fish in the irrigating trenches. He reports that the Fish Lake Ditch company have placed screens in their conduit. The worst offender is the Eagle Point ditch, which carries a large quantity of water and is not screened at all. At the Fish Lake division dam there is no fish ladder, as the law requires. Master Fish Warden McAllister is expected here to investigate local conditions next week.

Woman Shoots Companion.

RENO, Nev., June 13.—Mrs. George Winton, mother of five children and 60 known here, is in jail charged with having shot and killed James A. Beaty, a well known merchant of Reno.

CALEB POWERS PARDONED BY KENTUCKY'S GOVERNOR

JOHNSON MAY NOT EVEN RUN

Minnesota Candidate Says Name May Not Be Presented to the Denver Convention.

OMAHA, Neb., June 13.—"Affairs may so shape themselves within the next week or two that they will result in my name not being presented to the Denver convention." This statement was made by Governor Johnson of Minnesota in reply to a question as to whether he still was a candidate for the democratic nomination for president.

GILLETTE'S OPINION OF CHAMBERLAIN'S ELECTION

Ephraim Musiek, formerly of Crescent City, Cal., but now of Red Bluff, is visiting in Medford. He is a cousin of L. E. Whiting of The Tribune. Mr. Musiek traveled recently with Governor Gillette of California from the good roads convention at Santa Cruz, and the governor expressed himself forcibly upon the result of the election in Oregon. He said that while he esteemed Governor Chamberlain personally, the state had made a great mistake in electing him to the senate, because he was a democrat. Governor Gillette is the only chief executive of a state ever snubbed by President Roosevelt. The delegates the governor named from California to the congress of governors were rejected by the president as Southern Pacific operators, like Mr. Gillette, and others named by Mr. Roosevelt himself.

16-YEAR-OLD GIRL USES REVOLVER ON MASHER

MOSCOW, Idaho, June 13.—Grace Baker, the 16-year-old daughter of W. L. Baker, a theatrical man, is today the heroine of Moscow, for she put two "mashers" to flight with a revolver and forever discouraged them in their habit of annoying her and her younger sister.

After the girls had been annoyed on several occasions their father armed the older daughter with a revolver, and told her and her sister to go out walking. He followed them. As the "mashers" accosted them, Grace Baker quickly brought out her revolver and fired two shots at the fleeing men. Baker caught one of the men and gave him a sound beating. Miss Grace Baker today advised all girls who are placed in a similar position to carry a pistol.

HOP GROWERS RESENT PROHIBITION SUCCESS

S. J. Warren of Medford has received a letter from a friend working in the hop fields near Independence, Or., who states that the hopgrowers are most indignant over prohibition that has been forced upon them and that the country is torn by the factional fight. The letter states:

"The hopgrowers are turning off anybody that voted dry. McLaughlin has let some out, and Sherman Hays has lost his job. Three brewers have also quit trading with the merchants that voted dry. I don't know how many Messner lost, but enough to hurt his business materially. F. S. Wilson lost two hoppers that will mean \$1000 a year to him. Peireid has not had a prohibitionist work for him all summer, so he did not turn off anyone."

ITALIAN BIRTHDAY PARTY ENDS IN SHOOTING AFFRAY

PORTLAND, Or., June 13.—One man is dying today and another is injured from several knife wounds, inflicted in a general fight that sought festivities attending a birthday party celebrated at the home of Frank Riordan at an abrupt end shortly after midnight. In an effort to induce one of the guests to leave the party, James Desautels was shot below the heart and Tom Petarasso was stabbed.

PRISON DOORS OPENED FOR ACCUSED GOEBEL ASSASSINS

Jim Howard Pardoned as Well as the Man Who Stood Four Trials For Murder-- Republican Executive Exercises Clemency and is Loudly Praised by Fugitive Former Governor Taylor.

FRANKFORT, Ky., June 13.—America's most famous prisoner was set free today by the announcement of the new republican governor, Augustus Wilson, who with a scratch of his pen opened the prison doors for Caleb Powers after an incarceration of almost nine years on the charge of conspiracy to murder Governor William Goebel. The same pardon cleared Jim Howard, under life sentence of confinement with the assassination, but Howard is under other convictions and will not go free.

Four Trials for Murder.

Powers, then 39 years old, was arrested. Four times he was tried and each time he claimed the democratic authorities in the state-packed the jury with democrats. His case aroused sympathy in every corner of the country and he received donations of money from almost every city and postoffice in the state.

A WORD TO OUR FRIENDS.

The Taggery is a store entirely devoted to catering to all the clothing requirements of all men. Our aim has been to have everything complete, new and in advance of the general trade. Furthermore, we determined, above all else, to have pleased customers. We inaugurated a new era in the clothing trade of southern Oregon. We guaranteed satisfaction to all who traded here. If anything wasn't right, we were ready and eager to make it right. Our customers soon realized our guarantee meant something.

LIGHT SEISMAL RAINFALL IN KLAMATH COUNTRY

KLAMATH FALLS, Or., June 13.—According to the records kept by W. H. Heilman, who has charge of the amount of rainfall for the past three months is as follows: April, 55 of an inch; May, 1.08 inches; June up to 10th, 41 of an inch; total, 1.04 inches.

The dry land crops are not looking as well now as they did at this time last year, but still Mr. Heilman thinks that the indications are very promising for an average yield. The rainfall this spring has not been as heavy as it was last year, but the moisture has been distributed so that since the warm weather has set in the grains and grasses are going forward rapidly.

HEAVY SNOWS CAUSE LOSS OF SHEEP IN NEVADA

Reports state that in the northern part of Humboldt and Elko counties, Nevada, the snow has fallen to a depth of more than four feet in the past few days and that thousands of sheep have perished. Many bands of sheep, unable to reach the valleys, are starving and freezing to death. Many of the owners are having trails made by horses and are putting forth every effort to drive their sheep from the deep snow. Several brothers, who own many sheep in Nevada, Idaho and California, are reported to be the heaviest losers.

JURY ACQUITS STATE CAPITAL GRAPTERS IN PENNSYLVANIA

HARRISBURG, Pa., June 13.—After deliberating 22 hours in the capital graft trials, the jury today returned a verdict of not guilty in the cases of Congressman H. Burd Cassell and Archibald Hunter, who were charged with having defrauded the state in the contracts for metallic furniture, with which the \$13,000,000 building was fitted up. This makes five of the capital graft cases which have collapsed during the past 24 hours. The court yesterday instructed the jury to return a verdict of not guilty in the cases of former Treasurer W. L. Mathews, James Shumaker and W. N. Snyder.

He never gave up hope. In his darkest days, Powers dressed himself neatly, shaved and shined his shoes each day in his cell, as if he were going to his office. He has been called the American Dreyfus.

Taylor Praises Pardon.

INDIANAPOLIS, Ind., June 13.—Former Governor William H. Taylor of Kentucky, who sought shelter in this state immediately after the shooting of Goebel and was protected from sharing Powers' fate by two governors of Indiana, said today when the news of the pardons having been granted Powers and Howard reached him: "The pardoning of Powers and Howard is a most righteous act. Never before in the history of this country have two men suffered so much and so unjustly."

WOMAN SHOT AT RENO PROMINENT IN THE EAST

NEWARK, N. J., June 13.—A sensation has been caused here by the discovery that the young woman who was shot and instantly killed in Reno, Nev., on Wednesday was Mrs. Nan Harrison, wife of John B. Harrison, of Bloomfield, N. J., and the daughter of John Mitchell, a prominent business man of Orange, N. J.

SYMPATHETIC STRIKE OF ALL TEACHERS AT SANTA ROSA

SANTA ROSA, Cal., June 13.—The resignation of nearly the entire teaching staff of the schools here following the recent withdrawal of Supervising Principal E. Morris Cox, has caused popular indignation against the board of education.

At the school exercises held yesterday, the closing, Vice Principal O. A. Johnson announced his resignation to the gathering. This was followed by the resignations of Professors Charles L. Earey and Leander Good and Miss Anita Casey, Miss Sophronia Polhemus and Miss Margaret McGraw. It is understood that others will resign shortly. Professor Cox had conducted the schools for 12 years, but recently became disgraced at the treatment accorded him and resigned.

Grain Market Quotations.

SAN FRANCISCO, June 13.—Wheat—No. 1 California \$1.02 1/2 @ 1.05; white milling club \$1.02 1/2 @ 1.07 1/2; white Australian \$1.00 @ 1.07 1/2; northern bulwheat \$1.07 @ 1.13 1/2; inferior grades of wheat \$1.40 @ 1.25. Barley—No. 1 feed \$1.27 1/2 @ 1.30 1/2; with new at \$1.74.