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Medford Daily Tribune.

The Weather

Showers tonight or Saturday in south and east portions. In northwest portion, cooler. Southwesterly winds in east.

THIRD YEAR.

MEDFORD, OREGON, FRIDAY, JULY 3, 1908.

No. 91.

FIREWORKS KILL FIVE; INJURE HUNDRED

PATENT TORCH EXPLODES IN CROWDED BUILDING

SHOP GIRLS CRUSHED BY WILD PANIC

Demonstration Throws a Spark Among Fireworks, Which All Go Off at Once in Oakland Store

CLEVELAND, O., July 3.—Fourth of July celebration cost the lives of five women, one boy and the injury of probably 100 girls and women today, when a patent torch exploded during a demonstration of fireworks in the Five and Ten Cent store here at noon today.

The store was a five-story brick building and employed 100 girls. It was crowded with customers, who were attracted particularly to the fireworks department.

One of the girls engaged in the demonstration overturned some fireworks on a table; at the same moment the torch popped and a spark flew into the combustibles. The fireworks let go and other fireworks sent streams of flame into the crowd and about the room.

Wild Panic Follows. The women and girls immediately were thrown into a wild panic and in the dash for exits many were knocked down. Twenty-five women escaped by way of the fire escape.

More than 20 girls spring from the windows of the upper floors and fell unconscious on the sidewalk. The firemen rigged up their nets as quickly as possible and caught many who had feared to jump before, but were cut off from escape.

The stores in the neighborhood were turned into hospitals, and it is estimated that at least 100 women and girls were injured more or less seriously.

When the firemen finally were able to enter the building after the dense smoke had cleared away, they found the bodies of five women and one boy in the basement. They were so badly burned they could not be identified. The women and boys are supposed to have rushed into a doorway leading to the basement by mistake and to have plunged downstairs and rendered unconscious by the fall. Death evidently resulted from suffocation.

Distressing Scenes Follow. Most distressing scenes prevailed about the fire during the time when the firemen were unable to enter the building and it was not known whether all the occupants had escaped.

The fire starting in the combustibles, spread with great rapidity, and the firemen consider it a miracle that more were not killed.

Among those who were injured in the rush were small children who had gone to the store to buy fireworks for tomorrow.

The fire inspectors have gone over the building and decided that the persons who died in the basement are the only ones who did not escape.

The Heavers' losing streak continues at San Francisco, where the Seals have already beaten their three straight games. McCredie's gang would have been among the leaders in the race for the pennant if he had had a better pitching staff.

HANNA FILES WET DECISION

Circuit Court Judge Overrules Demurrer in Case of Wets Vs. Drys and Gives Reasons For Sustaining Medford Charter And Permanent Injunction

Circuit Judge H. K. Hanna late Thursday afternoon at Jacksonville overruled the demurrer filed by Attorney W. M. Colvig for the prohibitionists in the case of J. C. Hall vs. G. W. Dunn, in which the county court was permanently enjoined from declaring prohibition in effect in Medford, because the Medford charter exempted the city from the operation of the local option law. The case will now be appealed to the supreme court. Judge Hanna filed a written opinion defining his position in the case as follows:

Quotes City Charter. "The Medford charter reads as follows:

"Section 19. To license, regulate or prohibit barrooms, drinking shops, billiard rooms, bowling alleys, dance houses, and all places where spirituous, malt or vinous liquors are sold or kept for sale, irrespective of any general law of the state on this subject enacted by the legislature or by the people at large; provided, that no license for the sale of spirituous, malt or vinous liquors shall be granted for any less amount than is or may be provided by the general laws of the state in force at the time of granting thereof; and further provided, that the city shall not at any time license drinking shops or other places wherein intoxicating liquors are sold to sell intoxicating liquors on Sunday."

"It has been contended that the legislature was without authority to grant the power embraced in said charter to the city. An examination of our constitution as it existed at the time of granting said charter shows that but few restrictions or limitations were placed upon the legislature in its granting charters to municipal corporations, and it would seem that if it is constitutional to grant the people the right to amend our constitution and enact all other laws by initiative it would be equally so to grant the powers it has attempted to do under the charter.

Legislature Had Power. "The defense conceding that the legislature had the power to grant the charter, the next question is, has it been repealed? This local option law was passed in June, 1902, and before the net granting said charter. It must be presumed from the wording of said subdivision 19 and from the enactment of the repealing clause embodied in section 315 that the legislature had in mind and were directly referring to the existing local option law. In fact, it has not been contended by the defense that the charter has been repealed by either the legislature or by vote of the people, but it is contended that subdivision 19 is suspended by vote of the people taken under the local option law. But the defense does not point out, nor do I find where the people have been granted the power to suspend any of the provisions of said charter.

"In June, 1906, the people amended section 2 of Article XI of the constitution thereof in \$15,000 in face value of the regular issue of its negotiable water bonds, bearing interest at the rate at which the balance of said regular issue of water bonds are to be issued, or in lieu thereof, cash in the sum of \$15,000, at the option of the second party, then the first party will make, execute and deliver to the second party his good and sufficient deed of conveyance of all of the rights of the first party to the use of the waters of Wasson canyon and of Long canyon not herein reserved, the same being for not less than 300 miners' inches, etc.

"We regret to announce the death of the venerable mother of Dr. H. P. Hargrave, which took place at her home in Winnipeg, Canada, June 27. She was highly respected by all who knew her.

TWO KILLED, TEN HURT IN OIL TANK EXPLOSION PHILADELPHIA, Pa., July 3.—Two men were killed and ten injured by an explosion of an oil tank of the steamer Shenango here today. Several of the injured will probably die. The cause is not known.

ODDS FAVOR GANS 10 TO 4 Both Fighters Pronounced in Pink Condition for Battle Upon the Fourth For Championship

SAN FRANCISCO, Cal., July 3.—Thousands of inquiries at the camps of Gans and Nelson regarding the condition of the two fighters who will meet at 2:30 o'clock tomorrow afternoon for a forty-five round battle for the lightweight championship of the world make it necessary for the managers to shut down on information except to those having some legitimate claim. Betting is brisk, today showing the first lively laying of money on the fight. The odds offered today at 10 to 4, with Gans the favorite, and so much Gans money in sight that there was a probability of forcing the odds up another point.

Relief by Injunction. "It is urged that the plaintiff has mistaken his remedy, that he is not entitled to a hearing in equity. It is true that a party is not entitled to relief by injunction where he has a plain, speedy and adequate remedy at law. But, conceding plaintiff's contention as to the rights and powers conveyed under said charter, has he a plain, speedy and adequate remedy at law? If the order against which he is moving should be made by the county court the law would not come to his defense or relief until he has been arrested, indicted and placed upon his trial. I am compelled to think the complaint states a cause of suit and that the plaintiff is entitled to be heard in equity. Under this rule of the law the demurrer must be overruled.

TEXAS IS DELUGED BY A HEAVY CLOUDBURST EL PASO, Tex., July 3.—This city today is undergoing the effects of the worst cloudburst that ever visited this section of Texas. The downpour occurred last night and two persons are known to have drowned, while five others are reported missing and it is believed they have perished in the raging waters that rushed through the streets and overflowed the lower sections of the country and suburbs. The torrent washed out the roadbeds of three of the railroads entering the city, and it will be fully 24 hours before repairs can be completed. Street car tracks also are washed out, and the water is standing four feet deep in the basements of some of the business houses in the heart of the city.

LABOR ASKS FOR PLANK AT DENVER Leaders Arrive on Scene and Demand Anti-Injunction Platform in Return for Support by Unions

DENVER, Col., July 3.—Labor is here to make its fight, around which will center the chief interest of the democratic convention next week. The contest for an anti-injunction plank that will "get results" at Chicago was a mere skirmish, compared to the battle that is to be fought here. The democrats are facing the open threat and attack by the strongest indications of sincerity that failure to incorporate in the platform a strong, plain, conclusive plank plugging the party, if successful, to enact laws that will prevent the use of courts "by corporations against the labor unions" will mean the immediate launching of a labor party.

LABOR LEADERS PRESENT. Among the labor leaders who are here today are: H. B. Perham, president of the railway telegraphers; P. H. Morrisey, grand chief of the Brotherhood of Railway Trainmen; A. B. Garretson, grand chief of the Order of Railway Conductors, and James O'Connell, president of the Machinists' union; Samuel Gompers, president of the American Federation of Labor, is also here.

NEW YORK OPPOSES PLANK. Labor is not fighting its battle alone, either. Many of the advance delegations arriving here bring support to the anti-injunction plank. The main opposition is expected from New York and the east.

FORECAST OF PLATFORM. Bryan gave me assurance that when the platform is adopted by the democratic national convention it will contain the following: "A plank declaring strongly against injunctions in labor disputes."

HEAVY TICKET SALES FOR 4th AT ASHLAND The depot here has been very busy all day selling the Fourth of July excursion tickets. To accommodate the people of Medford, tickets have been on sale all day, and Mr. Rosenbaum says indications are that 1000 people will take advantage of the low rates and visit Ashland, not including those who will go in private rigs and autos.

PERSIAN TROOPS CAPTURE REBEL CITY OF TABRIZ ST. PETERSBURG, July 3.—Advices received today from Tabriz state that the revolutionists today surrendered the city to the shah's troops under command of Enshin Khan. After holding out for two days. The fighting was stubborn, between 2000 and 3000 people being killed on both sides.

GROSS THE CONTINENT WITH AN AUTOMOBILE LOS ANGELES, Cal., July 3.—G. N. Bliss and H. N. Bliss of Boston have just completed a transcontinental automobile trip, after traveling 16,263 miles during the past eight months.

BRITISH GOVERNMENT CONSIDERING INTERFERENCE LONDON, July 3.—There was a hurried conference between the heads of the department of war and the foreign secretary and the state department this afternoon when the news was received here that Tabriz was being sacked by Cossacks of the shah's army. The government is seriously considering intervening to put a stop to the outrages. The shah will be forced to admit the intervention of British troops, or else he has deliberately broken the compact between Raehin Khan and the British legation at Tabriz before the Persian forces entered the city. The other alternative would prove unpleasant for the shah.

BISHOP POTTER CHEERFUL UPON HIS DEATH BED COOPERSTOWN, N. Y., July 3.—Bishop Potter is weaker than he has been at any time since he was stricken with what is feared to be a fatal illness. He is conscious, but it is apparent that he is very near death. Despite his weakness the famous cheerfulness has not deserted him.

CALIFORNIA EARTHQUAKE Tremor Shakes Southern Towns and Shatters China Ware in Los Angeles and Pasadena California

LOS ANGELES, Cal., July 3.—An earthquake shock of considerable force was felt in southern California at 5 o'clock this morning. The tremor did no damage beyond shaking china from shelves. In Pasadena two shoels were reported, each lasting more than a minute.

PASADENA, Cal., July 3.—At 5:30 o'clock this morning a tremor that lasted for a minute and a half shook this city and a number of suburban towns from which reports have been received.

RIVERSIDE, Cal., July 3.—A distant earthquake shock was felt in this city at 4:58 o'clock this morning. The undulations being from west to east. No damage has been reported beyond the breaking of some glass and chinaware.

NEWBURY IS GRANTED SEPARATION Compromise Ends Divorce Case—Custody of Children and Points That She Contested For.

After four days of trial before Circuit Judge Benson of Klamath Falls at Jacksonville, compromise Thursday afternoon brought the Newbury divorce case to an end. Mrs. Newbury winning the points she had contested for, the custody of the children in her own home. She withdrew her cross-complaint and Mr. Newbury was granted the divorce on grounds of desertion, dropping the charges of cruelty first preferred.

Twenty-Five Dollars' Alimony. By the decree, Mr. Newbury is to pay to the county clerk on the six day of each month, payable to the order of Mrs. Newbury, until the youngest child shall reach the age of 18 (nine years), \$25 per month as alimony, but in the event that Mrs. Newbury remarries, payment ceases.

The decree gives the care and custody of the children to the joint control of both parents, but they are to live at Mrs. Newbury's home in Jacksonville, Mr. Newbury having the right at all proper times to visit with them and the children the right to return the father's visit.

Neither party recovers any costs from the other, though the court had already allowed Mrs. Newbury \$150 as attorney's fees and costs, which was paid by Mr. Newbury.

On account of the prominence of the parties involved, the case has attracted great attention. Over 50 witnesses were subpoenaed to give evidence. Both the plaintiff and defendant gave dramatic recitals upon the stand, both frequently breaking down, necessitating court adjournment.

The defendant's story sounded like a chapter from a realistic novel, and her narrative was straightforward and absorbingly interesting. The plaintiff also made a good witness for himself.

The defendant admitted she had not lived as wife with the plaintiff for a year, although occupying the same house.

Attorneys C. L. Reames and W. M. Colvig were attorneys for the defendant, and Attorney Norton of Grants Pass represented the plaintiff.

NO MONEY YET PAID FOR WASSON CANYON RIGHTS Though the time under the contract made between the city council and M. F. Handley expired July 1, there has been no money paid by the city, and it is not known definitely when the money will be paid—probably not until the water committee definitely decides whether or not the water sold and guaranteed is actually there.

M. F. Handley and his attorney, A. E. Reames, met the water committee yesterday afternoon, but no definite action was taken and it is understood that none will be for a time at least. The contract reads in part as follows: Witnesseth, That the first party, for and in consideration of the sum of one dollar, and of other good and valuable considerations, to him in hand paid, and the receipt of which is acknowledged hereby, and the covenants and agreements as the part of the second party, city of Medford, to be by it kept and performed, undertakes and agrees that if, on or before July 1, 1908, the second party shall cause to be paid to the first party or his order, the sum of \$25,000, \$10,000 thereof in cash and \$15,000 thereof in face value of the regular issue of its negotiable water bonds, bearing interest at the rate at which the balance of said regular issue of water bonds are to be issued, or in lieu thereof, cash in the sum of \$15,000, at the option of the second party, then the first party will make, execute and deliver to the second party his good and sufficient deed of conveyance of all of the rights of the first party to the use of the waters of Wasson canyon and of Long canyon not herein reserved, the same being for not less than 300 miners' inches, etc.

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THE SHAH'S TROOPS HAD BEEN CAMPED before the city for two days and three nights, during which time fighting between the revolutionists entrenched in the city and the troops of the ruler was continuous.

Baehin Khan made repeated attacks on the city both by infantry and cavalry sallies, but was repulsed every

time by the revolutionary troops. The revolutionists had a well drilled army and were in a practically impregnable position. Had not their food and ammunition run low it is thought that they could have held out indefinitely.

Baehin Khan's cavalry early today reported to the commander of the shah's troops that the revolutionists would surrender the city upon a guarantee of personal safety, and after some deliberation Khan finally accepted the offer.

When the English representatives heard of the terms of surrender, a despatch was dispatched to the shah's commander to warn him that if he per-

mitted his victorious army to repeat the Teheran massacre Great Britain would intervene. The English fear that the Russians are acting in bad faith and are preparing to seize the large section of Persian territory. They do not want any pretext for this to be given by ruthless slaughter on the part of the shah's troops.

Baehin Khan assured the British representatives that the city would be peacefully governed, but that resistance would be summarily treated.

According to the latest advices from the captured city, there has been no pillaging so far, but the city is in a state of turmoil.