COURT HAS ADJOURNED

Some Interesting Cases Were Tried, the Facts of Which are Found Below.

A number of cases of importance were disposed of at the recent session of the Circuit Court. The docket was a long and tedious one, but only four cases were tried. Three of these were criminal offenses, and one an action for damages. All were tried before the Hon. H.K. Hanna as Circuit Judge, and a jury of twelve men.

The first case tried was the case of the State of Oregon vs. L. J. Reinhart. In this case the defendant was accused of an assault with a dangerous weapon. The testimony disclosed that L. J. Reinhart, a contractor, was engaged in erecting a building in Medford under the supervision of an elderly architect by the name of Isaac A. Palmer. It appeared from the testimony that Palmer was a quarrelsome old man and that he did a great deal to annoy the defendant, Reinhart, in the prosecution of the work. In the month of July feeling became quite bitter between the two men and one day Palmer came to the building and began to abuse Reinhart in a very insulting manner. He called him names, which we do not like to mention here, because we are afraid of the statute of sending obscene matter through the mails. Reinhart endured it for quite a while and finally picked up a piece of scantling and knocked him down. The injured man insisted upon a prosecution in the maintainance of his rights. The testimony was submitted to the jury and the court instructed the jury that under the law words are not a sufficient justification for an assault. In charging the jury, however, the court observed that the words spoken, while not a justification under the law, would probably be more painful to a sensitive man than the blow which was given in retaliation. Under the law and the evidence the defendant was plainly guilty, but the state asked for an instruction to the effect that he might be found guilty of assault and battery, if the jury believed that the weapon used was not a dangerous one. The jury deliberated a few moments and returned a verdict against the defendant of assault and battery and the court imposed the minimum fine of fifty dollars.

The second case was tried Friday. This was an action for damages brought by R. S. Barker against the Southern Pacific Company by reason of the fact that one of the Southern Pacific's engines and trains at the Voorhies crossing, in March, got the best of the plaintiff's automobile. The plaintiff alleged in his complaint that the defendant so negligently managed its engine and train that it approached the crossing without giving any warning of its approach, and as the plaintiff was attempting to cross the railroad crossing, as was his right, and without any fault or contributory negligence on his part, the engine and train ran over the automobile and smashed it up, to his damage in the amount of $3000. His testimony was corroborated by the testimony of the girls from the Hotel Nash, who were with him in the auto, and they each testified that they did not hear the approach of the train. It really was a miraculous escape that the people in the automobile had, and it would seem that they would be so glad that Providence had favored them so much that they would have forgotten about the trifling damage to the machine, which is now worth about the proverbial thirty cents. Nevertheless, Mr. Barker thought that he ought to be reimbursed for his machine and brought the action. The defendant answered and alleged that its engine and train approached the crossing in a proper manner after giving due signals and warning of its approach, and that while it was approaching its crossing on its railroad track, as it had a right to do, the plaintiff ran into the engine with his automobile. The gist of the question was, did the engine run into the automobile or did the automobile run into the engine? The plaintiff testified that he was approaching the crossing and first saw the train when it was about thirty feet from the crossing and when he was about twenty feet from the crossing. That at this time he was going about six miles an hour and the engine was going about forty miles an hour. There were mathematicians on the jury who figured out that under these circumstances, the automobile would have hit about the middle of the train. The engineer told a straightforward story and also the fireman and one of the company's construction superintendents, who was also on the engine. They testified that the engine was running at a low rate of speed and gave all the necessary railroad signals upon approaching the crossing, and the plaintiff used absolutely no care whatever on his part. This was also substantiated by the testimony of five disinterested witnesses who each testified that they heard the whistle blown and the bell rung for the crossing. Under the law the engineer of a train is not compelled to stop his train at every crossing and look up and down the wagon road to see whether or not a team is coming, and when he sees one coming or any other vehicle or pedestrian, he has the right to presume that such vehicle or pedestrian will stop at some place of safety and not run up on the train. The jury were out only a few minutes and brought in a verdict for the railroad company, as it could not do anything else under the law and circumstances, as it was one of the most one-sided cases ever tried in our court.

The next thing of interest appearing upon the docket was the case of the State of Oregon vs. Clara Reynolds accused of running a bawdy house in Medford. She entered a plea of guilty through her attorney, and the court imposed a fine of $100 and costs which she paid and left for more peaceful scenes.

In the case of the State of Oregon vs. C. P. Kiso, the defendant was charged with having feloniously stolen from the person of Hamilton Watkins the sum of $120 in currency, of which the state was able to identify two twenty dollar bills, one of them by reason of the fact that it was torn and the other because a saloon keeper in Medford, who handled it, remembered its peculiar number. The saloon keeper in the good old days when gambling used to be allowed, had played craps and the number on the bill was one designed to catch the eye of any ardent lover of the crap game. It was numbered 11071167, and the saloon keeper observed as he first handled it, that it was a very lucky one, being numbered seven come 'leven. Defendant Kiso was passing in Medford under the name of King. He is the same individual who four or five years ago got all the saloons in Ashland to trust him for whiskey up to the amount of his credit and when they would not trust him any more he prosecuted them for running blind pigs. He, for a time, was in the employ of the Anti-Saloon League of Ashland, but his actions were so disreputable that he finally lost the respect and confidence, not only of the

(Continued on fourth page.)