

Tried For One Of- fense and Convict- ed of Another

By F. A. MITCHEL

When the wild and woolly west was passing from a condition answering this description to one of civilization, there were many failures in the substitution of law for the more drastic measures of Judge Lynch. There is a town in New Mexico called Worthington, the courthouse of which is now an imposing edifice. Many of the citizens of Worthington remember when there was no courthouse and no court to put in one. They can also tell you the story of the first attempt to dispense with Judge Lynch and establish law and order.

Shooting had been pretty well squelched under the judge, whose decrees were swift and sure, and some of the most prominent citizens thought the time had arrived when a regular court might be established, not for the shooters and horse thieves especially, but for the settlement of disputed points connected with property. So a committee worked out the problem, organized a court, elected a judge and sent east for a couple of recent graduates from a law school—the one to be made prosecuting attorney, the other to represent those having cases.

All the desperadoes in that region on hearing that Worthington was to dispose of its cases by a court of law flocked into the town. Shootings became frequent, and the town, having dispensed with Judge Lynch and organized a court, found itself paralyzed between the two. However, after much delay the first trial came off, and Jim Bunker, having shot down and killed Andy Winfield in cold blood, was brought before the regularly constituted judge.

The first witness was a young girl who had seen the shooting. Counsel for the defense objected to her testimony on the ground that she was under age. The point being referred to the judge, he adjourned the court till the next day in order to look the matter up.

That night there was another shooting.

The next morning court opened, and the judge admitted the girl's testimony. But counsel for defense badgered her to admit that at the hour of the shooting she was in bed buried under the cover and could not see anything. A man who had been nearly killed by one of the bullets fired by the prisoner at the man who was murdered was proved to be cross eyed, and it was impossible for him to tell which man shot the other. A woman who was carrying a bucket of water from the well, hearing the firing, had looked in the direction from which it came and in a few minutes more saw the prisoner walking away from his victim, who lay on the ground weltering in his blood. Counsel for defense proved that the ear is not capable of determining the direction of sound and that the woman had been drinking at the time of the shooting.

The jury was much perplexed by all this testimony, which was proved to be worthless before a court of law. They knew the witnesses were telling the truth, while the attorney for the defense proved that they were lying. The prisoner, who had no fear of conviction by a regular court, guffawed every time his counsel broke down the testimony of the witness for the prosecution.

"Jim Bunker," said the judge severely, "if you do that again I'll adjourn this court and try you before a committee."

The threat was quite enough to cause the prisoner to restrain himself, and his merriment was not again heard in the courtroom.

The prosecutor summed up the case, after the testimony was all in, but all of his witnesses having proved useless he was obliged to direct the attention of the jury to the prisoner's personal appearance as indicating that he would sooner commit murder than eat. This argument had no effect on the jury, some of whom were not as good looking as Bunker. The prosecutor was followed by counsel for defense, who made a thrilling speech picturing the feelings of Bunker's mother on seeing the one she had nursed as a babe swinging off.

The judge was reminded by counsel for the defense that he must instruct the jury to find in accordance with the evidence, and when the judge asked the only other lawyer present, the prosecutor, if this was correct, he felt obliged to admit that it was. So the judge gave his instructions in accordance with the evidence, and the jury retired to a back room for consultation. It was not long before they returned with a verdict which was announced by the foreman as follows:

"In accordance with your honor's instructions we find that Jim Bunker hasn't been proved to have done the killing; however, we therefore find him not guilty of the killing, but 'cause he larked at the prosecutor's we find him guilty of contempt of court."

The judge looked nonplussed at this decision and was about to apply to the two lawyers for their opinion when Cy Mudge spoke up:

"Sich bein' the verdle, your honor, I suggest that we order that the law be followed with due respect, the prisoner be turned over to a committee to impose the penalty for contempt of court."

"That's first rate law," replied the judge. "Gentlemen of the late victim's committee, the prisoner is yours."

Within thirty minutes Bunker was swinging to a tree.

Followed Suit.

On the day of the admission of M. Rostand to the French academy the author of "Cyrano" and "L'Alceste" gave a breakfast to a few of his friends, the guest of honor being Mme. Bernhardt. The actress was dressed in a handsome gown, which had been made expressly for the occasion. At the end of the breakfast she arose and in an impressive manner took a glass, held it high and said, "I drink to the greatest of French dramatists, M. Rostand, and I drink after the Greek manner!" She then poured the contents of her glass over her head and gown.

Two of Rostand's small sons were sitting at a side table wearing new velvet suits, also made for the occasion. In the silence which followed Bernhardt's dramatic tribute the elder of the boys arose and, imitating her manner, said, "I drink to the greatest of poets, my papa, and I also drink in the Greek fashion!" and straightway deluged himself and his small brother with the contents of his glass.

A Curious Army Toast.

Of all the British regiments the Welsh fusiliers have the most curious army toast. It forms part of the ceremony of the grand dinner given annually on St. David's day. After the dinner the drum major, accompanied by the goat, the mascot of the fusiliers, bedecked with rosettes of red and blue ribbon, marches around the table, carrying a plate of leeks. Every officer or guest who has never eaten one before is obliged to do so, standing on his chair with one foot on the table, while the drummers beat a roll behind his chair. He is then considered a true Welshman. All the toasts are coupled with the name of St. David. It is in much this way that the toast with highland honors is drunk. Each guest stands with one foot on his chair and one on the table and the pipers, a-piping, parade the room.

"Inn" and "Hotel."

The Saxon word "inn," taken in its present sense, was probably in use before the conquest, whereas the purely French word "hotel," as generally applied to "an inn of style and pretension," dates only from about the time when officers of the British army of occupation returned from Paris with enthusiastic accounts of Meurice's and a dozen other hostilities of the Rue de Rivoli and the Rue St. Honoré which quite threw the humbler accommodation offered by the average British inn of that period into the shade. At the commencement of the nineteenth century Frenchmen taught the London innkeeper the science of hotel keeping, before the beginning of the twentieth the Englishman had begun to return the compliment.—Country Life.

The Palm Tree of Capri.

I knew a palm tree upon Capri. It stood in select society of shining fig leaves and lustrous oleanders. It overhung the balcony and so looked, far overhanging, down upon the blue Mediterranean. Through the dream mists of southern Italian noons it looked up the broad bay of Naples and saw vague Vesuvius melting away, or at sunset the isles of the Sirens, or in the full May moonlight the oranges of Sorrento. And from the Sorrento where Tasso was born it looked across to pleasant Posillipo, where Vergil is buried, and to stately Ischia. The palm of Capri saw all that was fairest and most famous in the bay of Naples.—George William Curtis.

Burton's One Book.

Robert Burton, who was buried in Christchurch cathedral, Oxford, was an author of one book and one book only. His "Anatomy of Melancholy" has been a favorite of many celebrated authors. Milton, Byron and Lamb were impressed by it; Sterne was greatly indebted to it, and Dr. Johnson avowed that this was the only book that could tempt him out of bed two hours before his usual time of rising. Such praise, coming from so great a worthy, stimulated public interest in a deservedly valuable work which had been allowed to fall into obscurity.

Too Often.

George Ade in his quality of cynical bachelor said at the Chicago Athletic club:

"I was sitting with a little girl of eight the other afternoon. She looked up from her Hans Andersen and said: 'Does m-r-r-a-g-e spell marriage, Mr. Ade?'"

"Yes, my child," said I.—Exchange.

A Tragedy in Clothes.

Husband—Did that dress suit case come? Wife—The one full of dreadful clothes from the office? Yes, and they came just in time to give away to the missionary society. Husband in a sepulchral voice—It belonged to an Englishman I have invited home for dinner. Life.

The World is Learning.

Briggs—Do you believe that the world is divided into two classes, those who borrow and those who lend? Griggs—No, sir. My experience is that two other classes are much more prevalent—those who want to borrow and those who won't lend.—Life.

Hospitality.

"Use one teaspoonful of this concoction but water every day. The can will last thirty days."

"But suppose there's company, missus?"

"Why, then, of course, use more hot water."—Fliegende Blätter.

Developers.

"What is the best way to teach young people to develop?"

"Get 'em a job in some good photo graph gallery."—Baltimore American.

Greek Meets Greek.

A careful mother whose baby had fallen asleep in his carriage in the park found in seeking to make him comfortable that the sun was shining from one direction and a cold wind blowing from another. After careful consideration and numerous turnings she decided to risk his tightly closed eyes to a little sunshine rather than to expose him to the chilly breeze.

As she seated herself a stern voice spoke.

"I don't know who your mistress is," it said, "but I shall make it my business to find out and report you to her. The idea of your risking this baby's eyes in that sunshine! I am a doctor's wife!"

Several times did the careful mother attempt vainly to interrupt and explain. Then "I am grateful for your interest, madam," she said, "and I happen to be this child's mother. Also I, too, am a doctor's wife and a nurse as well."

As the stern voice moved on she turned to another careful mother on the bench.

"I knew this coat was old," she said. "But do I look as bad as that?"—New York Post.

The Arms of Glasgow.

The explanation of the coat of arms of Glasgow is curious. On it are an oak tree with a bell hanging on one of its branches, a bird at the top of the tree and a salmon, with a ring in its mouth, at the base.

St. Kentigern, in the seventh century, took up his abode on the site of the present city of Glasgow. Upon an oak in the clearing he hung a bell to summon the savages to worship, hence the oak and bell.

A queen, having formed an attachment to a soldier, gave him a precious ring, which the king had given her. The king, aware of the fact, stole upon the soldier in sleep, abstracted the ring, threw it into the Clyde and then asked the queen for it. The queen, in alarm, applied to St. Kentigern, who went to the Clyde, caught a salmon with the ring in its mouth, handed it to the queen and was thus the means of restoring peace to the royal couple.—Pearson's Weekly.

Man's Possibilities.

Man is the crowning work of God on earth; but, though so nobly endowed, we must not forget that we are the lofty children of a race whose lowest forms lie prostrate within the water, having no higher aspiration than the desire for food. And we cannot understand the possible degradation and moral wretchedness of man without knowing that his physical nature is rooted in all the material characteristics that belong to his type and link him even with the fish. The moral and intellectual gifts that distinguish him from them are his to use or abuse. He may, if he will, abjure his better nature and be veritable more than man. He may sink as low as the lowest of his type, or he may rise to a spiritual height that will make that which distinguishes him from the rest far more the controlling element of his being than that which unites him with them.—Agassiz.

Valor.

Blowhard sat discoursing upon valor to his ragged cronies.

"I," he blew, "fear no man who lives."

"But thou fearest me," rasped a midget vixen. "Home with thee!"

Blue gilled, he followed his wife, the crowd loud jeering.

Within she turned to those who soon filled the doorway.

"Mark ye," she blew, "that it is I who fear no man!"

"But thou fearest me," squeaked the flittiest mouse in the county.

With a shriek of mad terror Dame Blowhard leaped chairward.

Whereupon the merry beggars held their aching sides.—Lippincott's.

Near a Decline.

"I'm rather afraid Clara Vere de Vere is going into a decline."

"Why do you think so?"

"I'm going to propose to her this evening if I get a chance." Judge.

Halfship is not an unmitigated evil. It is the native soil of manhood and self reliance. John Neri.

Order to Show Cause.

IN THE COUNTY COURT OF OREGON, FOR THE COUNTY OF JACKSON.

In the Matter of the Estate of Annie E. Wakeman, a Minor. Order to show cause on petition of guardian for order to sell real estate.

It appearing to this court, from the petition this day presented and filed by L. E. Wakeman, the guardian of the estate of said minor, Annie E. Wakeman, praying for an order for the sale of certain real estate belonging to the said estate, that it is expedient and for the best interests of said estate and said ward, and for the benefit of said ward that said real estate should be sold.

It is hereby Ordered, that the next of kin of the said ward and all persons interested in the said estate appear before this court on the 29th day of May, 1914, at ten o'clock A. M. at the Court room of this Court, at the County Court House in the County of Jackson, Oregon, and there to show cause, if any there be, why an order should not be granted for the sale of such real estate, situated in said Jackson County and described in said petition as follows:

The north half of Lots eight (8) and nine (9), and the north half of the West One Hundred Fifty-five and by feet of Lot seven (7), all in "L and N Subdivision Number One" as the same is platted and recorded in the records of Jackson County, Oregon, containing 11 and 60-100 acres more or less, together with all and singular the hereditaments, and appurtenances thereto belonging or in any wise appertaining.

And it is further ordered that a copy of this order shall be personally served on the next of kin of said ward and on all persons interested in the estate, or, shall be published three successive weeks in the Jacksonville Post, published at Jacksonville, in said county.

Dated May 1, 1914.

F. L. TOUVELLE,

County Judge.

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Order Appointing Day for Final Settlement.

IN THE COUNTY COURT OF JACKSON COUNTY OREGON.

In the Matter of the Estate of John Toepfer, Deceased.

W. T. Grieve, administrator de bonis non of the estate of John Toepfer, deceased, having rendered and presented for settlement, and filed in this Court his final account of his administration of said estate.

It is Ordered, that Saturday, the 23rd day of May, A. D. 1914, being a day of subsequent term of said Court, to-wit: of the May term thereof, A. D. 1914, and 10 o'clock A. M. of said day, be and the said is hereby appointed for the settlement of said account; and that notice of said settlement be published in the Jacksonville Post, a newspaper published in Jacksonville, Oregon, as often as once a week for four successive weeks prior to said day of settlement.

Dated at Jacksonville, Oregon, this 25th day of April, A. D. 1914.

F. L. TOUVELLE,

County Judge.

Notice of Sheriff's Sale in Foreclosure.

The Jackson County Bank, an Oregon Corporation, Plaintiff.

vs.

John D. McArdle and Margaret McArdle, Defendants.

Notice is hereby given that under and by virtue of an order of sale and decree of foreclosure and an execution thereof issued out of the Circuit Court of the State of Oregon, in and for the County of Jackson, in a certain cause therein wherein the Jackson County Bank, an Oregon corporation, is plaintiff, and John D. McArdle and Margaret McArdle are defendants, which said execution is of date the 13th day of April, 1914, and was issued by virtue of a decree of said Court in said cause, which said decree was duly rendered and docketed in favor of the said plaintiff and against the said defendants on the 24th day of May, 1913, and recorded in Volume 19 of the Circuit Court Journal on pages 626-627-628 thereof.

I am commanded to sell and will at the hour of 9:30 o'clock A. M. on

MONDAY, MAY 18th, 1914, at the front door of the Court House, in Jacksonville, Jackson County, Oregon, offer for sale and will sell at public auction, to the highest bidder for cash, subject to redemption as is by law provided, all the right, title and interest that the said defendants had on the 24th day of May, 1913, or at any time thereafter in and to the following described real property, to-wit:

Beginning at a point 20 feet South of the Northwest corner of D. L. C. 83, Township 37 South, Range 2 West of the Willamette Meridian and running thence South on the West line of said Donation Land Claim 83, 942.3 feet; thence East 1274.8 feet, thence North 0 degrees 10 minutes East, 946.5 feet; thence South 89 degrees 50 minutes West, 1277.5 feet; to the point of beginning.

All of said property or so much thereof as may be necessary will be sold to satisfy the judgment in favor of the Jackson County Bank, an Oregon corporation, plaintiff, said judgment being for the sum of Two Thousand Two Hundred Seventy-four and 40/100 (\$2274.40) Dollars, with interest thereon from said 19th day of May, 1913, at the rate of 8 per cent per annum, and Two Hundred (\$200.00) Dollars attorney's fee, and the further sum of Thirty-one (\$31.00) Dollars costs, and accruing costs of said sale.

Dated at Jacksonville, Oregon, this 14th day of April, 1914.

W. H. SINGLER,

Sheriff of Jackson County, Oregon.

By E. W. WILSON, Deputy.

Notice of Sheriff's Sale

G. C. Garrett and Frances M. Garrett, husband and wife, Plaintiffs.

vs.

Sarah J. Erdman, Defendant. Suit to foreclose a Mortgage.

Notice is hereby given that under and by virtue of an order of sale and decree of foreclosure and an execution thereof issued out of the Circuit Court of the State of Oregon, in and for the County of Jackson, in a certain cause therein, wherein, G. C. Garrett, and Frances M. Garrett, husband and wife, are plaintiffs and Sarah J. Erdman is defendant, which said execution is of date April 9th, 1914, and was issued by virtue of a decree of said Court in said cause, which said decree was duly rendered and docketed in favor of the said plaintiffs and against the said defendant on the 2nd day of April, 1914, and recorded in Volume 21 at pages 176-177 of the Circuit Court Journal.

I am commanded to sell and will at the hour of 9:30 o'clock A. M. on

MONDAY, MAY 18th, 1914,

at the front door of the Court House in Jacksonville, Jackson County, Oregon, offer for sale and will sell at public auction, to the highest bidder for cash, subject to redemption as is by law provided, all of the right, title and interest that the said defendant had on the 2nd day of April, 1914, or at any time thereafter, in or to the following described real property, to-wit:

West Half of the West Half of the Northeast Quarter of Section 8 in Township 37 South, Range One West of the Willamette Meridian, containing 40 acres more or less, subject to a right of way for Fish Lake Water Canal.

All of said property or so much thereof, as may be necessary will be sold to satisfy the judgment and decree in favor of G. C. Garrett, and Frances M. Garrett, husband and wife, said judgment being for the sum of Thirty-one Thousand Six Hundred Fifty and no/100 Dollars, with interest thereon from the 27th day of February, 1914, at the rate of 6 per cent per annum, and the further sum of Twenty-four and 40/100 Dollars costs.

And said property and the whole thereof will be sold if necessary, at said time and place to satisfy said judgment contained in said decree.

Dated at Jacksonville, Oregon, this 9th day of April, 1914.

W. H. SINGLER,

Sheriff of Jackson County, Oregon.

By E. W. WILSON, Deputy.

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NORTH BOUND TRAINS.

14 Portland Passenger.....8:27 A.M.
24 Grants Pass Motor.....10:22 A.M.
32 Grants Pass Motor.....4:27 P.M.
16 Oregon Express.....5:20 P.M.
12 Shasta Limited (Mail only) 2:44 A.M.
Extra fare train.

SOUTH BOUND TRAINS.

23 Ashland Motor.....8:35 A.M.
13 California Express.....10:52 A.M.
31 Ashland Motor.....2:24 P.M.
15 San Francisco Express.....4:00 P.M.
11 Shasta Limited (Mail only) 5:22 A.M.
Extra fare train.

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