

CITY CHARTERS SALE OF LIQUOR

Medford Exempt From Local Option Law, So Supreme Court Decides.

SPECIAL CHARTER CLAUSE

Estacada and Condon Only Other Oregon Towns Enjoying Special Privilege Granted by Legislature in Session of 1905.

SALLEM, Or., Oct. 27.—(Special.)—That the charter of the city of Medford, enacted by the Legislature in 1905, permits the city to license the sale of liquor notwithstanding the county of Jackson voted "dry" at the election of 1905, was declared by the Supreme Court today in the case of J. C. Hall against the County Court of Jackson County. Justice F. A. Moore wrote the opinion of the court, affirming the decision by Circuit Judge H. K. Hanna.

Special Charter for Medford.

Briefly stated, the facts are that the local option law was adopted in 1904 permitting the people to vote by precincts or by counties on the liquor question. In 1905 the Legislature amended the Medford charter authorizing that city, among other things, to license the sale of liquor "irrespective of any general law of the state on this subject enacted by the Legislature or by the people at large." In 1908 the liquor law was amended to give the County Court a whole and the county voted "dry" by a vote of 2183 to 1881. At that time J. C. Hall filed a saloon license in Medford, and when the County Court was about to enter an order prohibiting the sale of liquor in Jackson County he brought an injunction suit to enjoin the County Court from doing so. The court granted the injunction, but the mandate might affect the City of Medford. A demurrer interposed by the defendants was overruled and the injunction made permanent. Whereupon the County Court appealed. After stating the facts at some length, the opinion of the court holds that this is a proper case for an equity court, and thus by an equity court, and then says: Exempt From Local Option Law.

The Legislative Assembly, when not interrupted by amendments to the organic law of the state, is a law-making body of co-ordinate authority with the people when the latter exercise the power which they have reserved. The Legislature, evidently reaching this conclusion, at the last session after the enactment of the local option law, granted to several municipalities charters, in some of which it was provided that the power conferred, in license the sale of intoxicating liquors, should be subject to the provisions of the local option law. The charter of Brownsville, of Halsey and of Junction City. Other charters were granted at the same time, including to exempt certain municipalities from the operation of the provisions of the local option enactment. Thus the charter of Medford stipulates:

Specific in Condon's Charter.

No provisions of the law concerning the sale of liquor in this county or hereafter enacted, shall apply to the sale of the same in the City of Condon. The charter of Estacada and Medford contain similar provisions. It is quite possible that the attempt to exempt the cities of Condon, Estacada and Medford from the provisions of the local option law, and to prevent any further encroachments thereon impelled the amendment (in 1906) of section 2 of article II of the organic law of the state, to prohibit the Legislative Assembly from enacting, amending or repealing any municipal charter, which includes the granting of such power to the local voters of every city and town, but limiting their authority, in such enactments as might contravene the Constitution or subvert the criminal laws of the state. The local option liquor statute has been held to be a criminal law, the provisions of which cannot be violated by the electors of a municipality in legislating in respect to a city charter.

The opinion also holds that the amended Medford charter expressly repeals the local option law so far as it applies to Medford and that it would have such effect by implication if it did not expressly.

Decision Not of Wide Effect.

The decision of the Supreme Court in the Medford liquor case is not of very wide effect, since the decision can apply only to Medford, Condon and Estacada. These were the only cities that had charter bills passed in 1905 giving them control of the liquor traffic, and since that time it has been impossible for any other city to secure a charter of that kind. In 1906 the amendment was adopted giving cities exclusive power to adopt their charters, "subject to the constitution and criminal laws of the state."

The Supreme Court had held that the local option law is a criminal law, and no city charter adopted since 1905, which gave local option law, even though these cities can be voted "dry" by an amendment to their charters.

The Anti-Saloon people have taken great interest in the Medford case, assuming that the decision that would be rendered by the Supreme Court would be of sweeping effect. It is said that the Anti-Saloon people spent considerable money fighting the case and that they are considerably wrought up over the decision. As a matter of fact, the decision is of consequence and can be of consequence in only the three cities mentioned. To illustrate the situation under the law and the decisions that have been rendered:

Special Privilege Limited.

Albany is a city in a "dry" county. If the city should attempt to amend its charter so as to authorize the sale of liquor, the charter would be invalid in that respect, because in contravention of that section of the Constitution which provides that city charters must be "subject to the Constitution and criminal laws of the state." In the case of Renshaw vs. the City of Eugene, it was held that these charters were merely re-enactments of existing charters and did not take the cities out from under the limitations of the local option law. All charters enacted prior to 1905 were superseded by the local option law, so far as control of the liquor traffic is concerned in a town in "dry" territory. All

charters enacted since 1905 are controlled by the provision that all charters must be "subject to the criminal laws of the state." Only the charters enacted in 1905 which expressly exempted the cities from the provisions of the state liquor laws had the effect of evading the local option law, as shown above, there were three of these, Medford, Condon and Estacada. The people of these three cities can make them dry by amending their charters, so as to make them subject to the criminal laws of the state.

SAYS IT'S AGAINST BRYAN

Socialist Sympathizer Concedes Mr. Taft's Election.

PORTLAND, Oct. 27.—(To the Editor.)—I venture to comment on the returns of the coming Presidential election and The Oregonian's editorial of Tuesday, regarding the vote of large cities, etc., as some others see it. The present industrial depression will find a more decided far-reaching result than "Bryanism." The drifting vote that is lost to Mr. Taft will not find its final analysis in Mr. Bryan, but in Mr. Debs and socialism. Mr. Taft's loss cannot be Mr. Bryan's gain, as was Harrison's to Cleveland. Only a minority of the Socialist agitation, and disintegrated will drift into the Democratic party. There ever remains too vivid a remembrance of the panic of '34, to which was coupled the Socialist agitation, that has come since the election of Cleveland, who had no Socialist party to reckon with. In this campaign and the very probable event of the election

LEWIS STUYVESANT CHANLER ADDRESSING NEW YORK AUDIENCES IN HIS WHIRLWIND CAMPAIGN FOR GOVERNOR



NEW YORK, Oct. 27.—(Special.)—Lewis Stuyvesant Chanler is making a whirlwind campaign in New York State against Governor Hughes, and his backers feel confident he has a good chance of election. The feeling against Governor Hughes among the "personal liberty" people in New York City is very strong. It is not enough to say that representing the gambling and sporting element. There is a large element outside sporting circles which believes in personal liberty and which has always resented the restrictions of the Sunday liquor law and other legislation made for the special regulation of the big city by lawmakers from the country. This element is opposed to Governor Hughes, and will in some measure offset the large class of decent citizens of both parties who are always opposed to all that Tammany represents.

of Mr. Taft, the Republican party should not be deceived into basing their victory upon their own virtues, but to the existence of a class-conscious Socialist party and a general political reconstruction. The questions The Oregonian asks and accusations made regarding the working man, fail to satisfy the enlightened Socialist, who is always on the alert to fill the listening ear with class-conscious argument that seldom fails to reach him. As for the "congregation of cities," let me ask if the farm work is undone? Is the country who read your reply, would be in possession of the facts rather than being in the position of having been misled by the President of the United States. The most important of Mr. Taft's labor record is conspicuous by its absence from your reply, and it is to supply this deficiency that I wrote this letter.

Mr. Taft Approved Reduction.

Mr. Fuller then refers to the decision of Judge Taft in the United States Circuit Court for the Southern District of Ohio, April 30, 1894, declining the petition of the employees of the Cincinnati, New Orleans & Texas Pacific Railroad, that an order of the receiver reducing wages ten per cent be rescinded. He quotes at length from the decision in which Judge Taft states that "from a strictly legal standpoint the receiver would be no standing in this court to call for an adjudication of any rights. The court is limited in the exercise of its discretion to such action as may be consistent with the preservation of the property and its administration in the interests of those who own it." The reduction was approved.

Cut Pay for Overtime.

May 21 following, Mr. Fuller's letter states, the employees petitioned the court to direct the receiver to modify the wage scale, which Judge Taft declined to do. The decision on this portion is quoted at length, including reference to a change in pay for overtime, which virtually was a reduction, in that the overtime pay had been paid over time late, but by a ruling of the receiver this was changed to overtime for two hours or more late, the receiver alleging that under the old rule trains were unnecessarily delayed. The decision upheld this change. It also recites, "The white men of the railroad in the same district were paying higher wages for similar service, others were paying the same or less." Mr. Fuller contends that it is an injustice to compel employees to work overtime without compensation. He then cites decisions of other Federal judges in what he contends are similar cases, others proposed reductions in wages by receivers are prohibited by the court.

EMPEROR KWANG SU ILL

Daily Bulletin Tells Daily Medicines Prescribed Ruler.

PEKIN, Oct. 24.—(Special.)—Three doctors here are in attendance on the Emperor, who is suffering from noises in the ears, pains in the back and a great inclination to sleep. A daily bulletin is sent by the chamberlain to the various boards and to the Viceroy and Governors of provinces, together with a copy of the remedies prescribed. A Hankow newspaper states that two enterprising young Chinese girls have left that city on a pleasure trip to England and America. They will study domestic life in those countries, and on their return will lecture against the conditions of woman's life in China and their cruelty to which Chinese women have to submit.

Gresham Wants Kourly Service.

GRESHAM, Or., Oct. 27.—(Special.)—A petition is being circulated asking the Portland Railway, Light & Power Company to give hourly service between Portland and Gresham and over the Troutdale branch from Linnehan Junction. Instead of every two hours, as at present. The petition has already received more than 1000 names and will be presented to the company at an early date. The petition asks for a late car every night, instead of Saturday night only, as at present.

Hutnutt's Full Line at Eysell's Pharmacy, 289 Morrison.

The municipality at Buena Vista is now giving aid to the mission work there.

Wire open today. Long-distance. Read about it on page 11.

ONE POINT SETTLED

Fuller Says Roosevelt Miss-leads About Taft.

REDUCED RAILROAD WAGES

Trainmen's National Executive Writes to Roosevelt on Judge Taft's Orders Approving Receiver's Action in 1894.

PITTSBURG, Oct. 27.—H. R. Fuller, of Beaver Falls, Pa., National executive representative of the National Brotherhood of Locomotive Engineers, Firemen and Railroad Trainmen, gave the Associated Press tonight a copy of a letter which he mailed yesterday to President Roosevelt, commenting upon the President's letter to P. H. Grace, financier of lodge No. 26, Brotherhood of Railroad Trainmen, who in behalf of

job, and Treasurer Latourette is not likely to have any opposition. The terms of Councilman Anderson and Jack, in Ward No. 1, League, in Ward No. 2, and Michels, in Ward No. 3, expire and their successors will be elected for three-year terms. Councilman Jack has two years yet to serve, but has submitted his resignation, to take effect January 1, 1909, when he assumes the duties of County Assessor. City Attorney Campbell, Councilman Anderson, Rudolph Koerner, Franklin T. Griffith and Joseph E. Hodges have been named as a commission to draft amendments to the city charter. It is stated that the objectionable features in the amendments last December will be eliminated. One change that was then advocated, that of giving publicity to proposed ordinances by posting them on billboards instead of publishing them, was vigorously antagonized, as was the amendment to change the manner of making street assessments. It is understood that the new charter commission will present some plan, different from the one now in force, for the cost of improving streets. It has been suggested that the number of Councilmen be reduced from nine to five, electing two at large and one from each ward, instead of choosing three from each ward, as is done at present. This change would demand relinquishment of the members of the commission and a copy of the proposed amendments, after being passed upon by the Council, will be placed in the hands of every registered voter before the annual city election.

DOGS FIND KLOEBER'S BODY

LOST HUNTER HAD FALLEN HEADLONG OVER LOG.

His Head Struck in Such Manner as to Break Bones of Neck—Was Former Newspaper Man.

TACOMA, Wash., Oct. 27.—(Special.)—A special to the Ledger from Hot Springs, Wash., says:

Living face downward beside a fallen tree about one and one-half miles from the spot where the body of his companion, Julius Kloeber, was found Sunday, the body of Fred W. Kloeber was discovered by bloodhounds this afternoon on Rooster Comb range.

Mr. Kloeber came to his death as the result of an accident. The position of the body indicated that he stumbled over the log and falling struck the body of his companion, Julius Kloeber, was found Sunday, the body of Fred W. Kloeber was discovered by bloodhounds this afternoon on Rooster Comb range.

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Mr. Kloeber was born in Marion, Va., in 1872, and his early work in the newspaper field, he being connected with the Washington branch of the Associated Press and the United States Commercial League. He said that after years of intimate association with Mr. Taft in President Roosevelt's Cabinet he did not know where he could find a man more devoted by character, experience and public service to the President of the United States than Mr. Taft. Then he accused Mr. Bryan of taking up and supporting policies, only to drop them when he believed they had become untimely.

LIBERALS SWEEP DECKS

Party's Victory Complete With Majority of 50 Certain.

TORONTO, Ont., Oct. 27.—The result of yesterday's election shows that the Liberal government was sustained by Parliament with a 139 Liberal and 75 Conservative, a majority of 54. Two elections are to be held later in Quebec, three in British Columbia, one in Alberta and one in Yukon. G. F. Root, who was running in Red Deer, Alberta, was overwhelmingly defeated by Clark, Liberal. Root is a cousin of E. H. Root, the American Secretary of State.

After Hotel Site in Hillsboro.

HILLSBORO, Or., Oct. 27.—(Special.)—William Reid, of Portland, was here the last of the week in the interests of a hotel company, looking for a site for a hostelry. Reid at one time owned valuable property in the business portion of the city, but let go of his holdings during the hard times a few years ago.

Knabe Piano—Wiley B. Allen Co.

Trustee Under Will

Estates can be devised under will and this company made trustee to carry out its specific provisions.

Government Candidates Lose Owing to Feeling Against Asiatics.

WINNIPEG, Oct. 27.—Late returns from Western Canada show Clifford Sifton was elected in Brandon by 54 votes; W. A. Templeton defeated in Victoria, B. C., by five votes. Ralph Smith, Liberal, was elected in Nanaimo, B. C., over Hawthornthwaite, Socialist, is shown by later returns. In Vancouver and New Westminster the government candidates were defeated, owing to the feeling that the government had not been firm enough in excluding Orientals. The result in provinces west of the Great Lakes is: Liberals, 19; Conservatives, 14.

Steamer on Fire at Sea.

NEW YORK, Oct. 27.—Information was received in this city that the Insular Line steamer Luckenbach, carrying 30 passengers from New York to San Juan, Porto Rico, was on fire at sea off Cape Hatteras last night. The steamer Philadelphia, of the Red D Line, also bound from New York to San Juan, was standing by the Luckenbach and reported by wireless telegraph that the fire was in the Luckenbach's hold and was under control. Both steamers left New York last Saturday. A wireless dispatch today stated that the passengers of the Luckenbach were taken off by the Philadelphia, which then proceeded to San Juan. Captain McLean and 29 members of the crew of the Luckenbach remained on board that steamer.

Decide Many Questions

ELECTION AT OREGON CITY TO BE IMPORTANT ONE.

Charter Amendments, as Well as Officials, Will Be Voted Upon in December.

OREGON CITY, Or., Oct. 27.—(Special.)—With the approach of the Presidential election residents of Oregon City have nearly all forgotten about the coming municipal election, which occurs early in December, when a Mayor, Treasurer and four Councilmen will be chosen. It is apparent that little interest will be taken, unless an unexpected contest springs up. Mayor Carll will no doubt succeed himself, providing he wants this thankless

HIS SECOND ARREST

Scriber's Bondsman, Alarmed, Brings Charges.

COOLIDGE SEEKS RELEASE

Accuses Defaulting Cashier of Accepting Deposits When He Knew Bank Was Insolvent—Prisoner Gives Bonds for Hearing.

LA GRANDE, Or., Oct. 27.—(Special.)—Fearing he might be burdened with his \$2000 portion of the \$15,000 bonds on which J. W. Scriber is at liberty, pending disposal of the embezzlement charges in the Federal Court at Portland, O. E. Coolidge, of this city, swore out a warrant for the arrest of Scriber on a charge of receiving \$500 on deposit when he knew the bank to be insolvent.

Armed with this warrant, Sheriff Childers arrested the defaulting cashier and he was taken before the Justice Court, where he asked until tomorrow to plead. This was allowed, and a \$500 bond demanded. In less than two hours Scriber was in the hands of the bondsman—Mrs. T. N. Murphy and Julius Roesch, who are also on his Federal bond. Scriber will be arraigned tomorrow afternoon.

It was thought this morning that Coolidge and others of the original bondsmen would demand relinquishment, but it seems that nothing will be done until District Attorney McCourt has been heard from. Coolidge wired McCourt, asking to be relieved, but no immediate answer coming, the arrest of Scriber followed.

War Nester of St. Louis, is now in full charge of the bank as receiver. Bank Examiner Claud Gatch is still in the city.

MEN OF SHORT MEMORIES

BRYAN AND GOMPERS NOT SAFE, SAYS BONAPARTE.

Taft Best Fitted for President, While Bryan Takes Up Policies Only to Drop Them.

NEW YORK, Oct. 27.—William H. Taft was praised and William J. Bryan denounced today by Attorney-General Bonaparte at a noonday meeting of the Commercial Travelers' Sound Money League. He said that after years of intimate association with Mr. Taft in President Roosevelt's Cabinet he did not know where he could find a man more devoted by character, experience and public service to the President of the United States than Mr. Taft. Then he accused Mr. Bryan of taking up and supporting policies, only to drop them when he believed they had become untimely.

Referring to Samuel Gompers' friendship for Mr. Bryan and suggesting that Mr. Gompers might be made Secretary of the Department of Commerce and Labor if Mr. Bryan is elected, Mr. Bonaparte said:

"Are they the sort of men that you would want to have at the head of the Government? In case there should be a serious business depression and thousands of men thrown out of work, would you want men to deal with such a crisis, who are liberal in making promises but who are not liberal when the time comes for fulfillment?"

BRANDENBURG GIVES BAIL

Leaves Dayton for New York in Charge of Detective.

DOES NOT REGRET CRIME

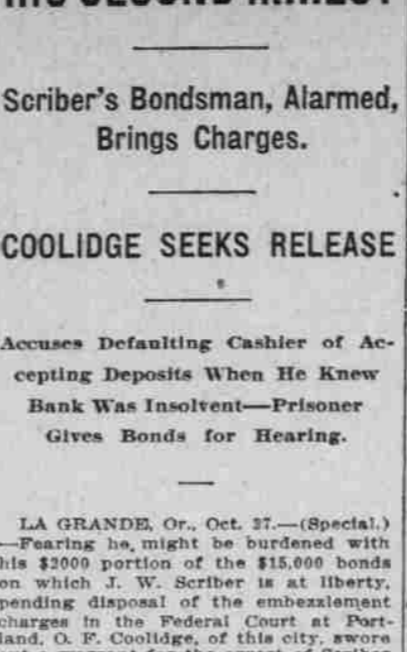
Insane Man Who Killed Wife Says It Was for Best.

DAYTON, Oct. 27.—Broughton Brandenburg, of Cleveland letter fame, who has been under bond in this city for several days, appeared in police court today, when his bond was raised from \$500 to \$2500, and secured by his attorney. He will leave here tomorrow for New York in charge of a detective.

Long distance telephone bulletin—See page 11 and then "Home-Phone It."

See page 11 for announcement of "Home-Phone" service to Puget Sound.

THE HOT BLAST



The heating stove that produces more heat with less fuel than any other stove in the world—an actual saving of thirty-eight per cent—an item of no little importance in the heating expense of your home—made possible through scientific construction of draft. In the wonderful "Hot Blast" can be burned the cheapest coal—slack or screenings, producing as much heat as where high-grade fuel is used. All gas, smoke and soot is consumed in a "Hot Blast." In the ordinary straight-draft heater these are permitted to escape through the chimney. We show the several sizes in which these efficient and handsome heaters are made. They are priced from \$21.50 up and are sold on the liberal payment terms—\$1.00 week.

TULL & GIBBS COMPLETE HOUSEFURNISHERS

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Advertisement for Tull & Gibbs Complete Housefurnishers, featuring a Hot Blast stove and various household items.

Advertisement for Oregon Electric Railway Co., detailing train schedules between Portland and Hillsboro, Salem and Hillsboro, and South Bound and North Bound routes.

Advertisement for an extraordinary announcement on Friday, October 30 at 8 A.M., featuring Royal Sample Shoe Shops and Ladies' and Men's shoes at \$2.00 and \$2.50 respectively.