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Notice.

Tom Aubrey wishes to announce to his insurance patrons that while absent during the next few weeks all matters of insurance requiring attention will receive prompt attention by applying to Veatch & Spencer. m22tf

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Popular Talks on Law

MARRIAGE

By WALTER K. TOWERS, A.B., J.D., of the Michigan Bar

The question, when is one married? was brought sharply to the fore by a dramatic incident occurring in the east not long ago. According to the reports of this incident, the marriage ceremony was under way and had proceeded to the point where the bride had been asked by the clergyman officiating, "Do you take this man to be your lawfully wedded husband?" "I do," she answered. Just then the groom dropped dead.

We need not here speculate as to the cause of this sudden demise; but a legal question was raised. The question asked is: "Had she not become the wife of the deceased and is she not entitled to a widow's share of his estate. It may be that the question will be placed before a court of law and it is, therefore, rather bold to hazard an opinion as to what the decision will be. Some of the principles of law controlling marriage, however, may cast some light on the probable outcome of the controversy, and give information as to the legal status of the marriage ceremony in general.

In the first place, marriage is an agreement between the parties—a contract. But it is something more than a civil contract; that is, the contract of marriage is. The contract of marriage must be carefully distinguished from a contract to marry, which is an entirely different thing.

The contract of marriage is within the power of the state to regulate. The state has an interest in the marriage, and society feels that it must lend its sanction by means of law before a marriage may be recognized as valid. Therefore a marriage is something more than a civil contract since it creates what the law terms a new status in society.

It follows that to be valid a marriage must be performed according to the requirements of law, and that until the formalities prescribed by law have been completed there is no marriage. The law of the state in which the marriage is contracted is the law which must be observed, and if the parties are legally married by the law of the state in which the ceremony took place they are legally married in whatever state they may go, generally speaking, even though the other states have a different law regulating marriage. The principal exception to this latter rule is where persons leave the state in which they reside and are married in another state under its different laws for the express purpose of evading the laws of their own state, which would not allow them to be married. In such a case, their own state may refuse to recognize their marriage, should they return to it.

The statutes of the state usually specify who may marry. It is required that the parties be above a certain age. Under the old common law this age was fourteen for males, and twelve for females; but most of our states have fixed a considerably higher age by the state. It follows from the fact that marriage is a contract that parties to a valid marriage must be of sound mind, else there could not be the meeting of the minds which is essential to every contract.

Certain physical infirmities have long been recognized by law as incapacitating a person for marriage. Until recently, however, the law took no effective means to enforce its requirements as to physical capability. Now, what are known as eugenics laws are beginning to come into favor among the states, and persons who desire to marry are required to secure a certificate of physical fitness from a physician.

Notice of Road District Meeting.
To Whom It May Concern:

Notice is hereby given by the undersigned taxpayers of Road District No. 15, constituting over 10 per cent of the taxpayers of said Road District, that a meeting of the resident taxpayers of said Road District will be held on the 22d day of November, A. D. 1913, at 11 o'clock a. m. at Hebron Church House in said District for the purpose of voting an additional tax for road purposes.

N. W. White,
Wm. T. McCoy,
W. D. Garoutte,
A. M. Harris,
A. D. Thacker,
C. Hopman,
O. H. Robinson,
J. A. Powell,
W. T. Jones,
Geo. Taylor,
C. E. Gilham,
O. P. Wills,
J. E. Banton,
F. C. Fuhrer,
C. L. Powell,
Geo. Sutherland,
Levi Geer,
W. G. Massey,
Thos. Orr,
T. J. Geer,
J. G. Powell,
J. N. Hogue,
Edw. Tullar.

It is usual for the state laws to require that a license be secured from a designated officer before a ceremonial marriage can take place. In most states the law simply requires a license, but does not state that a marriage performed without one is void. It is only in the very few states whose law specifically declares a marriage without a license to be void that it is absolutely essential, though it should always be secured.

Statutes regulating marriage usually specify the officers who may solemnize the contract. Regularly ordained clergymen, justices of the peace and other magistrates are usually designated. Usually no particular form of words is specified, it being sufficient that the words used show the entering into the status of marriage at the time of the ceremony. In the usual form of the ceremony the affirmative answer by each party to the question as to whether the other is taken as a lawfully wedded spouse is the evidence of the meeting of the minds that concludes the contractual element. Later the presiding official—be he clergyman or magistrate—authorized by the law of the state to perform marriages declares the parties man and wife, thus adding the necessary consent of the state and completing the union. Then and not until then the parties are married. Thus in the case first stated, where the bridegroom dropped dead during the ceremony, it would seem that no marriage had been concluded because the ceremony was not completed prior to the party's death, and therefore the woman was not married and could not assume the rights of his widow.

When the ceremony of marriage has been properly concluded under the statute, both parties having entered into the agreement with serious intent, the marriage is complete and the parties are man and wife, nothing further being necessary to complete the relationship.

There is another kind of marriage, which is of more ancient origin than the ceremonial marriage designated by law, and which is still recognized as valid in most of the states. This is what is known as the "common law marriages." Unless some state law specifically requires it, no particular ceremony is necessary to conclude a valid marriage. All that is necessary, where common law marriages are recognized by law, is an actual agreement to enter into a matrimonial relation at that present time, made by parties capable of marrying under the law, and followed by their living together in the relation of man and wife.

In upholding a common law marriage a Texas judge recently said:

"Marriage was not originated by human law. When God created Eve, she was a wife to Adam; they then and there occupied the status of husband to wife and wife to husband. When God turned the first pair out of the garden, He gave the command: 'Multiply and replenish (people) the earth'—which was enjoined upon their expulsion from the garden. When Noah was selected for salvation from the flood, he and his wife and his three sons and their wives were placed in the Ark; and, when the flood waters had subsided and the families came forth, it was Noah and his wife and each son and wife, and God repeated to them the command: 'Multiply.' All of the duties and obligations that have existed between those husbands and wives before civil government has grown out of marriage; marriage by cohabitation, not by contract, which created homes, and population, and society, from which government became necessary to settle differences in matters of private interest, to protect the weak, and to conserve the moral forces of society, to the support of religion and free government."

(Copyright, 1913, by W. K. Towers.)

Coal Found at Florence.

Florence.—Wednesday afternoon the men working at railroad tunnel No. 3 between South Slough and Maple Creek found a nice vein of coal where they are blasting out for the tunnel. The vein is about 10 inches thick and is clear coal of a good quality.

The entrance to the tunnel is on the Ferguson ranch at Alder Ridge, and is only a short distance from where Mr. Ferguson has been opening a tunnel into the same hill in the hope of finding coal in paying quantities.

The head of the tunnel is now about 65 feet under ground and the bench is in about 10 feet.

Southern Oregon to Hold Important Rally.

An urgent invitation is being sent out to officials and members of all Southern Oregon commercial bodies to attend a great "booster" convention at Grants Pass on Thursday, November 6. The Grants Pass commercial club, assisted by the business men of all Josephine County, will be in attendance

Underwear Time Is Bargain Time Here!

Women's North Mills Wool Vests and Pants—in white and gray, made with high neck, long sleeves and ankle-length pants. In regular sizes, priced, garment. **\$1.50**

Women's North Mills Silk Union Suits—in a medium weight, with high necks, long sleeves and in ankle length. Regular sizes only. Priced, garment. **\$4.00**

Woman's Wool and Cotton-Mixed Vests and Pants—in cream color. Made with high necks, long or short sleeves and ankle length pants. In regular and outsizes. Priced the garment, **\$1.20**

Women's Union Suits—in fine silk lisle, in light, medium and heavy weights. Made with high necks, long sleeves and in ankle length. Priced, the garment 50c to **\$1.25**

Women's North Mills Pants and Vests—in fleecelined cotton. All style Vests, and ankle length pants. In regular and outsizes. Priced the garment, 25c, 35c **50c**

Woman's North Mills Mixed Union Suits—in silk and wool and wool and cotton, medium and heavy weights. Low necks, sleeveless and ankle length. In regular and outsizes. The garment. **\$4.00**

Misses' Cotton Union Suits—medium weight, in white only. Made with high necks, long sleeves, ankle length and with drop seats. Regular sizes. The garment. 50c to **65c**

Wool, the garment **\$1.25**
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Women's and Children's \$1 Gowns at 78c

Child's \$1.00 Gowns 78c—Plain white or in neat stripe patterns in pink or blue. Regulation or sleepers in good full sizes. Our standard \$1.00 grades, on special sale at, **78c** each

Special sale Women's Outing Flannel Gowns in good, heavy weight with warm, soft fleece. Excellent assortment of styles with high or V collars or collarless; sizes 15, 16 and 17. Regular \$1, special for **78c**

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to welcome the visitors. There will be a morning session at 9:30, but the general convention will meet at 1:30 p. m. The arrangement of a program for this session is in the hands of a committee of fifteen, of which Judge Wm. N. Colvig of Medford is chairman. The principal object of this convention is to induce the people of every Southern Oregon community to concentrate all their efforts toward attracting the tourist army, which is certain to visit the Panama-Pacific exposition in 1915, to the Willamette, Umpqua and Rogue River valleys enroute. A great exhibit of all Oregon products is to be installed at Ashland for the purpose of entertaining and educating the traveling public, and strong efforts will be made, by the wide distribution of Oregon literature, to induce prospective visitors to this coast to purchase their tickets by way of Oregon either coming or returning.

SUMMONS.

In the Circuit Court of the State of Oregon for Lane County.

Ora G. Warner, Plaintiff, vs. A. G. Warner, Defendant.

To A. G. Warner, the above-named defendant:

In the name of the state of Oregon, you are hereby notified and required to appear and answer the complaint filed against you in the above-entitled court and cause, within six weeks from the date of the first publication of this summons, and if you fail to appear and answer said complaint, as herein required, for want thereof, the plaintiff will apply to the court for the relief demanded in plaintiff's said complaint, which is for a decree of said court, forever dissolving the bonds of matrimony existing between the plaintiff and the defendant; for the care and custody of the minor child of plaintiff and defendant, viz: Ora G. Warner, aged about three years and ten months, and for such other and further relief as to the court may seem equitable and just.

This summons is published once a week for six successive and consecutive weeks, in The Sentinel, a newspaper of general circulation, published at Cottage Grove, in Lane County, Oregon, by order of Hon. L. T. Harris, judge of the above entitled court, made on the 17th day of October, 1913.

The first publication of this summons is on the 22nd day of October, 1913, and the last publication thereof will be made on the 3rd day of December, 1913.

J. S. MEDLEY,
Attorney for Plaintiff.



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