

ILLINOIS VALLEY RECEIVES ROYALLY

GRANTS PASS BUSINESS MEN ON TWO DAYS' VISIT.

BETTER ROADS ADVOCATED

Railroad to Coast, Owned and Operated by Local People Advocated.

Pilgrimage No. 1 for 1911 of Grants Pass Commercial club members proved a gratifying success and brought in closer touch the people of this city and the people of town and country in the rich Illinois valley. From the arrival in Kerby at 11 o'clock Monday morning, to the departures from that place the next afternoon the entire party enjoyed every minute of the stay in the valley, with the exception of the hours of misery spent in the hills in the night wandering in autos hunting a road from the Grange hall to Kerby, all of which risk to costly machines and human life could have been avoided by sign boards costing five cents on trees where roads forked.

The outcome of the pilgrimage is that lively interest has been awakened over the county as to the necessity of better roads, and especially of a real road from Grants Pass to Crescent City. Much interest was added as a result of the presence of Judge Childs and Attorney Donahue, of the coast town.

The first day the party took in Kerby, there for dinner, then to the Deep Gravel mine and Logan mine, near Waldo; then to Holland for supper, where the crowd inspected J. M. Smock's new creamery and took supper. Then to Grange hall for the speaking and booster meeting at night. Tuesday was spent at Kerby, where the people of that town had prepared a sumptuous feast in the form of an outdoor dinner. This was in honor of the Grants Pass shouters and to which the people of the valley had been invited. The day proved a pleasing one for all concerned.

Addresses at Grange hall were all of an optimistic nature, and the word "improvement" was the keynote. The various speakers proposed that Josephine county and Del Norte county, Cal., build a wagon road from Crescent City to Grants Pass, the road to be on railroad grade and to be built in such a manner that it will endure throughout the years. It was also proposed that the people of Illinois valley form an association for the purpose of fostering improvement and for the purpose of getting more people to settle on the unoccupied and untitled lands. Judge Childs of Crescent City, surprised all by proposing that the people of the Illinois valley build a railroad themselves, and tie it up so that no corporate interest should ever get control, but that the people hand it down to their posterity.

Mr. Babcock, of the grange, introduced President Sabin of the Grants Pass Commercial club, who then presided. Mr. Sabin, before calling for speakers, addressed the assembly briefly. He said in part:

"I want to say that it is a pleasure for the members of the Commercial club to be here, and all the members would have made the trip if that had been possible; but various interests and reasons prevented. We are glad to make your acquaintance more fully, as we are all neighbors; and these little pilgrimages to the valley will make us all better acquainted.

Mr. Sabin then introduced L. L. Herrick of the Grants Pass Banking and Trust company.

"It has been charged," said Mr. Herrick, "that the towns of southern Oregon are ahead of the country. If this is true, let us make the country grow up to the towns. I wish to endorse what Mr. Sabin said in regard to railroads, and assure you that we, of Grants Pass, will do all we can to help in this regard."

"The time has come when all the residents of Josephine county should get together and build up the interior of the county, especially the Illinois valley. We of Grants Pass have a part in this, as Grants Pass is the natural railroad center and distributing point. There is only one way that we can bring this about, and that way is for every man to put his shoulder to the wheel. And you should not get discouraged because a railroad has not been built. It will come, I believe, in the near future.

"We should all be optimistic," said Mr. Gilkey, "People with tales of woe are not wanted. If some older ones can not get in line then younger ones and new blood will take up where we leave off.

"We of Grants Pass Commercial club appreciate this welcome here and hope to entertain you likewise at some time in the future."

Judge J. L. Childs of Crescent City, was introduced and stated that he was not a stranger in Illinois valley, that he had made periodical visits to friends there, but that it had been five years since his last visit—but regardless of the lapse of five years he felt at home.

"Crescent City has much in common with the Grants Pass country," said the speaker. "When we talk harbor or you talk railroad it is a mutual affair. All of you who own property here do not realize your inheritance. Under water and in alfalfa your land would be worth from \$250 an acre upward. The dairy business could be made a great industry here. I see you have entered it to some extent, and I hope you will continue to extend the business. There was no creamery here five years ago.

"Now, to get \$250 an acre for your land, you must get more people here. To get more people you must have more improvements."

Judge Childs called attention to the great feat of Los Angeles in procuring water and dwelt at some length on the way the people of that city stood together in the effort to turn Owens lake into a canal and send millions of gallons of water to the city, more than 200 miles distant. He used this as an illustration of what can be accomplished by united effort and called attention to other things which the people of southern California have accomplished, and all as a result of standing together.

"Just so can the three counties of Del Norte, Josephine and Jackson and parts of Idaho and Nevada, accomplish much in the way of railroads, a harbor and other improvements if they get together and stay together," said Judge Childs, and continued: "We want a wagon road from Crescent City to Grants Pass, a road with a foundation that will last a thousand years. Del Norte county will do her part. We want this wagon road to your railroad at Grants Pass and you want the wagon road to the sea."

The speaker then dwelt at some length on the benefits this road would bring, in his opinion, by reducing freight rates.

"Del Norte people hope to bond the county for the purpose of building this road if you people will take it up and continue it to Grants Pass."

The addresses of the Grants Pass and Crescent City speakers were received with much interest, and there were many who prophesied that the people of the Illinois valley would become loyal supporters of substantial improvements in the way of a county road and in other things which would be of mutual advantage.

Those who went on the pilgrimage were: Isaac Best, William Best, H. L. Gilky, L. L. Herrick, T. P. Cramer, A. McLean, Arthur Conklin, F. Bucholtz, W. R. Nipper, J. M. Isham, J. O. Gibson, T. K. Murray, L. L. Jewell, L. D. Jewell, N. E. Townsend, R. L. Coe, W. B. Sherman, L. R. Steelhammer, H. E. Gale, W. P. Weren, R. E. Krob, C. E. Selleck, J. H. Morris, H. R. Moses, J. Rornes, A. C. Holcomb, Frank S. Torrey, E. L. Coburn, E. E. Roropaugh, H. T. Hall, J. T. Logan, W. F. Horn, J. C. Mattison, Dr. H. C. Dixon, H. C. Robzien, George R. Riddle, H. M. Axtell, A. C. Hough, Geo. S. Calhoun, F. Reynolds, Stanton Rowell, W. C. Lockett, F. W. Reid, G. A. Gibson, H. L. Andrews, Fred Cutler, Geo. C. Sabin, T. B. Cornell, Geo. H. Carner, J. L. Calvert, Dr. Stricker, Bert Barnes, Dr. Walker, E. V. Ingels, J. B. Ingels.

COLONEL BIDDLE VISITS THIS CITY

TOUR OF INSPECTION AT COAST FOR GOVERNMENT.

WILL REPORT ON HARBOR

Data Supplied Showing Developed and Undeveloped Resources of Country.

Col. John Biddle and three other officers of the engineering corps of the United States army, together with a delegation representing the Del Norte County Commercial club arrived in Grants Pass yesterday afternoon from Crescent City, and in the evening Col. Biddle and the Crescent City residents met with a group of the Commercial club members at the club rooms to discuss matters regarding the Crescent City and Woolleyport harbor projects.

Coming from Crescent City were Col. John Biddle, U. S. A.; Major J. F. McIndoe, U. S. A.; Major J. J. Morrow, U. S. A.; Major C. W. Kutz, U. S. A.; Superior Judge John L. Childs, Attorney D. G. Donahue, George M. Keller, superintendent Hobbs-Wall Lumber company; Eugene Cummerford, chairman board of supervisors Del Norte county; Mr. and Mrs. H. S. Woolley, jr.

Major J. J. Morrow, Major C. W. Kutz and Mr. and Mrs. Woolley took the 6:35 p. m. train for Portland. The two army officers have been on harbor work on the California coast independent of Col. Biddle's work at Crescent City and were returning to their stations, Maj. Morrow to Portland and Major Kutz to Seattle. Colonel Biddle and Major McIndoe went south today, returning to their stations at San Francisco. Major McIndoe was with Col. Biddle on his work at the Woolleyport and Crescent City projects.

It had been understood that Col. Biddle would leave for San Francisco immediately on arrival here, but such was not the case. He wanted to meet representative men of Grants Pass in order to find what the sentiment here was regarding a harbor at either of the two points under consideration. At the meeting in the club rooms last evening the matter was discussed and the army officer was made to know that Grants Pass was vitally interested in a harbor project

either at Crescent City or at Woolleyport, that Grants Pass had no favorite, that the best one, or the one recommended by Col. Biddle was the one Grants Pass wanted, that a vast territory of rich natural resources was available.

Colonel Biddle had been supplied with data regarding the territory affected. What he particularly wanted here was an expression of the people. He stated that Mr. Donahue had supplied him with the data on resources covering the territory "all the way from the coast eastward to about the margin of the Mississippi river." Mr. Donahue acknowledged the corn.

Col. Biddle made a statement of some length. He described the routine through which such matters must go. He stated that his work at the Crescent City and Woolleyport sites was what was classed as merely preliminary, or a birdseye view; that he would send in this report to the war department and on the strength of this report the department would decide whether it would or would not order a survey; that if his report was favorable, and a survey was ordered that the final report and recommendations would be sent to congress and congress would then, or rather would be expected to make, an appropriation. Colonel Biddle stated, however, that it has been the practice of late years for congress to look with much more favor on appropriations such as this would be, where the people interested, would contribute toward the expense, in other words put up some thousands themselves. He asked if Grants Pass people would be willing to help out in this matter. His question was addressed to President Sabin, of the Commercial club. President Sabin replied that he could not speak authoritatively on that question; that if it was a matter of voting bonds or done in some legal form that he believed the people would endorse it heartily, but that taking up the matter in a subscription way would possibly fail of satisfactory results; and the bond or taxation form was out of the question, as Oregon and the people could not vote bonds for California improvements.

The question of railroads was discussed from the standpoint of actual accomplishment so soon as a harbor was assured; that Hill, regardless of all denials from certain sources, would extend his Oregon Trunk, taking in the Pacific and Eastern at Butte Falls to the sea, and that his competitors would do likewise.

It was decided that whenever the harbor question is settled, then Grants Pass will throw moral and financial aid that way, so will corporations, timber and other kinds, and people generally over a wide region.

LIQUOR INTERESTS LOSE TEST CASE

THE SUPREME COURT SUSTAINS JUDGE CALKIN'S DECISION.

COUNTY CONTINUES DRY

Effect of Former Dry Vote Not Abrogated by Home Rule Amendment.

In the case of the state vs Hearn, going up from Josephine county, the state supreme court yesterday affirmed the decision of Judge F. M. Calkins of the circuit court here. In other words the supreme court holds that prohibition is in effect in Grants Pass, that an amendment to the state constitution, as the home-rule amendment, can not abrogate a former vote of the people of Josephine county, or any county. The opinion was given in the case of Schuler, from Josephine, Wallowa county, though the court at the same time affirmed the decision of Judge Calkins in the Hearn case.

The case of Schuler involved the same question presented to the supreme court in state vs Hearn, and involved the operation of the home-rule amendment in the city of Josephine in eastern Oregon.

The Joseph case being the first one decided discusses the legal aspects of the case at length, and this decision is not yet available, except as reported through the Portland papers; and the decision in the Grants Pass case is brief, referring to the more extended findings in the Joseph case, so that it is difficult at this time to state with any certainty just how far reaching the decision is as against the home-rule amendment.

However, this much is certain: the court holds that the effect of a former dry vote in any given territory is not abrogated by the home-rule amendment as to any portion of the territory embraced within the limits of an incorporated town, and the effect of the dry vote continues in accordance with the provisions of the local option law the same as though the home-rule amendment had not been adopted.

Whether or not another vote could be had within the limits of territory voting dry within two years from the time of the election was not in issue in either of these cases, nor necessary for a determination of the matters involved in either case; but the general trend of the decision, as reported through the papers, indicates, that the local option law being still in full force and effect, territory voting dry must continue dry for two years at least, and that on election can be held on the subject within that two year period, and such would doubtless be the holding of the court should this specific question come before it.

Judge Burnett's concurring opinion in the Joseph case, as reported in the Portland papers, would indicate that he goes further than Judge Moore in rendering the main decision, in that, the report of Judge Burnett's opinion seems to indicate, that notwithstanding the fact that incorporated towns are separate units, and may vote within their own limits independent of the surrounding territory law is not so changed as to prevent the incorporated town from being combined with country units or precincts, and thereby becoming affected by the vote of such country district. This being the result which would follow his statement that the term "exclusive power," as used in the home-rule amendment, is to be construed not in an unrestricted sense, and that inasmuch as "that somewhere in the analysis of almost every criminal prosecution, liquor appears as a factor. The county as a whole pays the expense of such litigation from both sides, from its inception before the committing magistrate to the final judgment of the supreme court. If, in the analogy to the frank pledge of the common law, every incorporated municipality, large or small, was responsible for such litigation originating 'within its limits', it might as well be given free rein under the 'executive power' phrase. Hence, the people have said: 'If we must foot the bill while the towns take the revenue by our local option law, with its county unit we will retain some control of this matter as against the town, even within its limits.'"

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SALEM, Ore., June 1.—That persons in an incorporated city or town in this state cannot sell liquors in violation of the local option law covering the entire county where the city or town is located, and that section 2 of article 11 of the constitution was not so amended by the initiative enactment of the "Home Rule Law" as to exempt any municipality from local option within its city limits or municipal territory, is the sense of an opinion handed down by the Supreme court yesterday, and written by Associate Justice Moore, in the case of The State, respondent, vs. E. T. Schuler, appellant, the latter being charged with selling intoxicating liquors in Wallowa county on March 10, 1911, in violation of the local option law which was then in force in the entire county.

According to the supreme court, Justice Burnett concurring, no municipal government can change its charter so as to violate the constitution or criminal laws of Oregon, and since all felons and general misdemeanors are necessarily comprehended in the phrase, "criminal laws," the home-rule law enacted by the people infringes upon the constitution for the reason that it is a misdemeanor in this state to violate the local option law.

Justice Burnett concurs with Justice Moore, but not with the same reasoning. He holds that the phrase "exclusive power" contained in the home-rule amendment means nothing more than has already been vested in every incorporated city or town, nor do the words "within its limits" change the conditions in existence before the revision of 1910. Justice Burnett writes:

"They only serve to intensify what has already been said in general terms that the city boundaries present no obstacle to the supremacy of the criminal laws of the state over any internal regulation of the municipality. Where else then 'within its limits' could a city be subject to either constitution or any criminal law of state? The logic of appellant's contention is that the words 'exclusive power' are to be construed in their unrestricted sense. At the last he maintains that the effect of the amendment is to repeal the local option law so as to exclude rural voters of the county from all elections which would otherwise affect the liquor traffic in the city. With this as his major premises established on the day of election, the minor premise, the wet vote in Joseph, was made good at the same time, and his exemption from prosecution ought to follow as a conclusion with the certainty of a syllogism."

In conclusion, Judge Burnett says: "It is a well-known fact, within common observation, that somewhere in the analysis of almost every criminal prosecution, liquor appears as a factor. The county as a whole pays the expense of such litigation from both sides, from its inception before the committing magistrate to the final judgment of the supreme court. If, in the analogy to the frank pledge of the common law, every incorporated municipality, large or small, was responsible for such litigation originating 'within its limits', it might as well be given free rein under the 'executive power' phrase. Hence, the people have said: 'If we must foot the bill while the towns take the revenue by our local option law, with its county unit we will retain some control of this matter as against the town, even within its limits.'"

State, respondent, vs. Dan Hearn, appellant; appealed from Josephine county, F. M. Calkins, Judge. Affirmed by Justice Moore.

Appellant in this case was convicted of selling intoxicating liquors in a dry county, and appealed on similar grounds of appeal as those Schuler based his case on. Court made same ruling.

Grants Pass Champion Ball Team.



Reading from left to right, top row: Cole, team coach; St. Cyr, rf; Riggs, cf; Williams, 3b; Dykes, 1b; Fred Roper, manager. Middle row: Faubion, extra catcher; Wickler, 2b; Smith, lf; Cook, 1b. Bottom row: Osborn, pitcher; Baker, catcher; Faubion, ss; "Pal," the club's thoroughbred bulldog and mascot. The team has made an enviable record and has run Medford into a hole five out of six games in a running series of six. They play Medford again today. Manager Roper is increasing the team's strength by daily practice. Invitations will be sent out to other parts of Oregon to meet with other league teams. The pitching and batting have been the best and strongest features of the boys' work.