

SUPREME COURT RULES AGAINST CITY

TRAIN 16 DERAILED BY ROBBERS WHO FLEE AFTERWARDS

Lives of Hundreds of Passengers In Jeopardy When Engine, Express and Three Baggage Cars Leave Track -- Railroad Tie Was Placed Across Tracks Near Switch -- Engineer Injured.

RED BLUFF, Cal., April 19.—An attempt was made today to derail and rob train No. 16, the Oregon express, at Corning, near here, today. The lives of hundreds of passengers were placed in jeopardy when the engine, express and three baggage cars left the tracks.

hundred yards of tracks were plowed up by the overturned engine and cars. Engineer Gardner and a tramp on the "blind" baggage were injured. Railroad detectives have been ordered to investigate the attempted train robbery.

HEIDEL'S CREW LEAVES FOR WORK

With Ten Men, Government Engineer Starts for Prospect—Will Make Camp Near Pumice Hill and Get Ready for Letting of Contract.

Engineer B. F. Heidel and a crew of ten men left Tuesday morning for Prospect, to begin work on specifications preliminary to the letting of a contract for the building of that section of the Crater Lake road near Pumice Hill.

Mr. Heidel expects to establish camp just this side of Prospect and will rush the work. A contract is then to be let.

Three wagons loaded with supplies were taken out today, starting at 7 a. m. Mr. Heidel followed on horseback.

"I intend to work Sundays and every other day," said Mr. Heidel, "in order that a contract may be let as soon as possible."

FAMILY FEUD LEADS TO BUNCH OF DEATHS

LYONS, Ga., April 19.—Two men are dead, two are thought to be dying and another is seriously wounded as the result of a desperate battle among the members of the Collins and Lewis families.

The Collins and Lewis families are among the oldest in this section of the state. They have been bitter enemies for many years. While A. S. Collins and one of his sons were walking along a business street here last evening they were made targets by members of the Lewis family.

The Collinses returned the fire. During the fight that followed they both were killed. Marion Lewis and another member of the Lewis family were wounded, perhaps fatally, and a third received a bullet in the shoulder.

Gleason Favors Welsh.

CHICAGO, Ill., April 19.—Jack Gleason, of the fight promoting firm of Rickard & Gleason, today said that he favored Jack Johnson's selection of Jack Welsh for referee of the big scrap. Gleason showed plainly that he feared a row over the choosing of the referee.

COKE HAD NO AUTHORITY TO HOLD SPECIAL TERM IN JACKSON COUNTY

ASHLAND SETS \$10,000 ASHER GIFT TO ROAD

Highway Commission Given Warm Welcome at Largely Attended Meeting of Ashland Commercial Club—Plans for Road Set Forth by Members of Commission.

HARMONIOUS RELATIONS OF CITIES IS URGED

Fruitgrowers' Association Is Also Given a Boost—Ashland to Work Hard for the Benefit of the Highway.

Members of the Medford Commercial Club Crater Lake highway commission were given a warm welcome at a largely attended meeting of the Ashland Commercial club Monday evening, and a committee was appointed to work with the Medford committee in securing subscriptions for the proposed highway.

ASHLAND BOOSTERS TALK

Talks advocating the co-operation of Ashland were made by Judge C. B. Watson, president of the club; C. H. Gillette, F. G. McWilliams and other prominent citizens of Ashland, and a motion that the Ashland club endorse the project and appoint a soliciting committee was unanimously carried.

A point made by all speakers was the necessity for harmonious relations existing between the two chief towns of the valley, Ashland and Medford, and how each of them occupied a sphere of its own, not in conflict with the other.

GOOD ROADS NEEDED

A strong feature of the reception was the good roads movement and the necessity of having a strip of good road constructed in order to convince all by object lesson of the need of good roads, and so secure the co-operation and support of all the people in the valley.

Judge Watson told how he had been one of the first white men to visit Crater Lake; how, in 1873, he forced his way through the brush and over the mountains to the lake, whose existence was then doubted by most people, and how for nearly 40 years he had been a Crater Lake crank.

At the conclusion of the meeting Mr. Gillette made a strong plea for the newly organized fruit exchange, urging the people of Ashland to interest themselves in its success by

CASE MUST BE HEARD AGAIN

Supreme Court Holds That Act of 1909 Speaks Only of Duties and Judicial Labors and Not of Power and Authority—Says Term Held by Coke Was Devoid of Authority.

The course now open to the city is to have the condemnation proceedings against M. F. Hanley set down for trial in the circuit court. The decision rendered by the supreme court today nullifies all action since Judge Coke heard the case. A complaint is on file, together with a demurrer of Mr. Hanley. This was the status of the case when Judge Coke called a special term of court, overruled Reames' demurrer and proceeded to trial. The city now can go back and proceed as if no special term of court had ever been held.

SALEM, Or., April 19.—Judgment of condemnation procured against the property of M. F. Hanley by the city of Medford for the purpose of laying a pipeline across his farm on Little Butte creek, which was obtained in a special session of the circuit court, presided over by Judge J. S. Coke, was declared void by the supreme court today, in an opinion written by Associate Justice Slater and the restraining order made by Judge H. K. Hanna enjoining the city from proceeding with its pipeline is affirmed.

The act of 1909 authorizing the appointment of J. S. Coke in the second district and conferring upon him authority to hold court in another district when so directed by the governor, was not, according to Associate Justice Slater, sufficient, under the constitution and laws of this state, as laid down by the supreme court, to clothe him with the judicial power necessary to call a special term of court to hear these special proceedings.

"The act does not authorize the governor," says Justice Slater, "to require him to perform some judicial act which, previous to enactment was not within the judicial power of any circuit judge."

The court holds that the act of 1909 speaks only of "duties and judicial labors," and not of judicial power and authority. Therefore, the court concludes that at the time of the entry of the supposed judgment.

COMMERCIAL CLUB MEETS TOMORROW

The regular meeting of the Commercial club will be held Wednesday evening. Important business will be transacted and a full attendance is desired.

Among other subjects to be discussed is the distribution of pamphlets and the entertainment of the Portland visitors next week.

Tonight the Rogue River Fish Protective association holds its annual meeting for election of officers and the protection of fish.

ROD AND LINE IN ROGUE ONLY IF PLANS CARRY

Rogue River Fish Protective Association Will Hold Annual Meeting Tonight and Map Out Program to Close River to Commercial Fishing From Its Mouth to Headwaters.

RESTOCKING OF STREAMS WILL BE CONSIDERED

Fishways Over Dams Will Be Discussed in Order to Keep Rogue Up to Its Standard as Best Trout Stream in the West.

The Rogue River Fish Protective association will at its annual meeting at the Commercial club rooms at 8 o'clock tonight, inaugurate the campaign to close the Rogue river and its tributaries to commercial fishing. Funds will be raised to secure the needed signatures to an initiative bill, which will stop all fishing except with rod and line in the Rogue river and its tributaries.

In the opinion of all who have studied the subject or investigated it, such a measure is all that will preserve angling in the Rogue, and the time has now come when the Rogue will mean more commercially to this state as a tourist attraction as the finest fly fishing stream in the country, than it will as a salmon producer for a monopoly at the mouth of the river and a few fishermen who make a steadily diminishing income further upstream.

TO RESTOCK STREAMS

Among other subjects to be considered at the meeting will be the restocking of the streams, the inauguration of an effort to turn the hatcheries into trout hatcheries, and the effective screening of irrigation ditches and conduits. The fishways over the dams will also be considered, as it is reported that fish are unable to longer pass the Ament dam, the floods of last winter having partially destroyed the structure, washing out the intake and rendering the new fishway built by the state last year inadequate and useless.

WARDENS TO ATTEND

Deputy Fish Warden Edward Clanton as well as Charles Gay and other local game wardens will be in attendance at the meeting, and give information of the conditions existing. Master Fish Warden McAllister, who was expected to be present, finds it impossible to attend, but will be represented by Mr. Clanton. About the first of the month the master warden will meet the club and personally inspect the fishways and conduits in this section.

S. S. LURLINE LOSES HER RUDDER IN MID-OCEAN

SAN FRANCISCO, Cal., April 19.—The Matson liner Lurline is heading for this port today with her steering gear patched with spars and hawsers. The vessel is 350 miles from port and proceeding slowly. The rudder stock was broken off completely. She carries a heavy cargo and 70 passengers.

TEAM DASHES MRS. BYRUM TO DEATH NEAR TABLE ROCK

With Infant In Arms Mrs. Byrum Leaps From Carriage and Is Hurlled to Death—Child Escapes—Companion Suffers Broken Ankle and Other Injuries—Was On Way to Medford.

Mrs. W. R. Byrum was instantly killed and Mrs. Garrison severely injured in a runaway accident near the Table Rock schoolhouse Monday afternoon.

The two ladies had started to drive to Medford. One of the tugs broke and the team, a rather fractious pair, ran away. Mrs. Byrum, who had a young child in her arms, leaped from the vehicle when she saw the team was beyond control, and was thrown against the fence bordering the road with such force that she was instantly killed. The babe escaped with just a few scratches.

Mrs. Garrison stayed in the rig until it was overturned, when she was thrown out, suffering a fractured ankle, and other minor injuries. It was first reported that she had been fatally injured, but she is now resting easily and will recover.

Mrs. Byrum was a daughter of Mrs. A. B. Saltmarsh of Applegate, and her errand to this city was to meet her mother and take her to her home for a visit. When Mrs. Saltmarsh reached Jacksonville on her way to Medford she was met with the intelligence of her daughter's death.

Mrs. Byrum leaves a husband and three small children.

BRYAN IS NOT SEEKING TOGA

Nebraskan Returns From Brazil and Says He Has No Intention of Seeking Election to Senate—Comments on Retirement of Aldrich.

WASHINGTON, D. C., April 19.—William Jennings Bryan reached Washington today, having just returned to the United States from Brazil.

"I think many will feel about it as a man once expressed himself about the death of a man with whom he radically differed," said Bryan, discussing the retirement of Aldrich.

"While we ought not to rejoice in another's death, yet this is one of the dispensations of Providence to which one can easily reconcile oneself."

Bryan declared that he had no intention of becoming a candidate for the senate from Nebraska. He said he was gratified over the insurgent victory in the rules committee fight.

Regarding his free silver reference in his letter read at the Jefferson day banquet here, he said that the criticism the reference had received was totally unwarranted.

"The Republicans," he said, "should not begrudge us our pleasure in the fact that their own president has been compelled to admit that the scarcity of money made low prices."

TRAIN ROBBERS GIVE OFFICERS THE SLIP

MARTINEZ, Cal., April 19.—The deputies under the leadership of Sheriff Veale and his chief deputy, John Birmingham, returned here today after a futile attempt to catch the Good-year train robbers.

The Contra Costa officials lost the trail of two suspects in Redwood canyon at dusk last night and, although they endeavored to regain the scent at daybreak, they could find no trace of the men they believe to be the bandits.

The supposed train robbers are nearing the border of Alameda county and the sheriff's office here has communicated with the authorities at Berkeley, Oakland and Alameda.

FORTY KILLED IN LANDSLIDE

Workmen on Grand Trunk Pacific Meet Death in Disaster While Constructing New Line—Eight Bodies Recovered From Debris.

QUEBEC CITY, Que., April 19.—Forty men killed in the landslide which caught a work train on the Grand Trunk Pacific yesterday according to reports which have just reached here.

Eight bodies have been recovered, and those working in the mass of earth and boulders expect soon to unearth more corpses.

The men killed were working on a ballast train. A mountain of sand and rocks swept down upon them and buried them in the bottom of a creek 75 feet below a bridge over which the train was running at the time of the slide.

CHINESE PRINCE TO STOP BUT FEW HOURS AT FRISCO

SAN FRANCISCO, Cal., April 19.—The extensive preparations to welcome Prince Tai Tao of China on his arrival here Friday were stopped today when it was learned that the prince will remain in San Francisco only a few hours before proceeding eastward.

Arrangements had been made to receive him with all honors due his rank. Troops of cavalry and infantry stationed at the Presidio had been ordered to meet him at the dock and escort him to his hotel.

In the local Chinese quarter comprehensive arrangements for his welcome had been made.

SISTERS GREET EACH OTHER AFTER TWENTY-SIX YEARS

Last Wednesday Mr. and Mrs. James Allen of the garden section above Phoenix, received a message from Medford that their niece, whom they had not seen for 26 years, was in this city. Mr. Allen came down and took Mrs. Smith to his home. The next day Mrs. Smith's sister, Mrs. William Campbell, came over from Jacksonville, and a happy reunion was held. Mrs. Smith is entranced with this part of the valley.