

NO RIGHT TO SEIZE WATER

Supreme Court Holds in McMinnville Case That Municipality Cannot Exercise Right of Eminent Domain Without Receiving Authority.

SALEM, Or., June 8.—A legal question has been decided by the supreme court in an opinion written by Justice King, in the case of City of McMinnville vs. Frederick G. Howenstein et ux, that is presented for the first time, as far as the court can learn, for the consideration of any court in this country. The question is: "Can a municipal corporation appropriate, by right of eminent domain, waters flowing across an owner's land situated outside the corporate limits, without first having received from one of the legislative branches of the state express or specific authority therefor?" This is the principal point introduced by the defendants and appellants in an action brought by the City of McMinnville to appropriate spring waters flowing from their lands, and which resulted in a judgment for the city in the lower court.

Justice King cites various authorities wherein a municipality exercise the power of eminent domain within the corporate limits, but never under such circumstances as presented in this case, and on account of the question being very undecided as to whether this prerogative may be exercised at all by municipalities without legislative authority, the judgment of the lower court is reversed and the case remanded for further proceedings. Considering the case, Justice King holds that the people are the paramount source of all legislative powers within the state, and whether they may invoke this power through direct legislation, either in the manner provided by the initiative and referendum amendment, they are limited only in so far as their powers may be abridged by the federal constitution is a sufficient guard against any legislative system that might become subversive to the principles of a republican form of government, and the people, through the direct method provided, may enact general or special laws for special beneficial purposes.

Justice King held that to compel the cities and towns in this state to await the action of the legislature before being permitted to exercise the right of eminent domain, would mean that no city may exercise such a right without the same privileges being extended to all incorporated towns, such course never being pursued by this state. In deciding the point forcibly argued by the defendant's counsel, to the effect that the amendment to the state constitution granting the legal voters of every city the power to enact and amend their charters which shall not be amended or repealed by the legislature, being insufficient to authorize a municipality to exercise eminent domain, the writer says:

"If a city or town were suffering from, or threatened with a pestilence, it would be powerless to take steps essential to the alleviation of such and other dangers, real or threatened, but must await the initiation and submission of a bill to a vote of the people of the entire state, entailing a delay of from 12 to 24 months thereby, rendering fruitless, in many instances, all efforts to that end. Manifestly such irrational consequences were not intended by this change in our fundamental law. To so hold would be to say that it was intended by this change to embarrass and not to aid municipal governments."

Other cases handed down are as follows:

Nina B. Lathrop, respondent, vs. Modern Woodmen of America, appellant, appealed from the circuit court of Josephine county on petition for rehearing; denied by Justice King.

C. R. Elliott, appellant, vs. Wallowa County, respondent, appealed from Wallowa county, J. W. Knowles, judge; an appeal from an assessment of damages; affirmed by Justice McBride.

W. J. Funk & Co., appellants, vs. Lillian A. Stevens, respondent, appealed from Wallowa county, J. W. Knowles, judge; an action for goods sold and delivered; affirmed by Justice McBride.

Modern Woodmen. Attention.
Camp 6013 will hold picnic at Little Butte, on P. & E., at railroad bridge, Saturday, June 11. Bring your family or best girl; also a well-filled lunch box and come with the crowd. Train leaves at 8 a. m., returns at 6 p. m. Don't forget the date. Invite your friends. Sixty cents round trip fare and children half fare.
(Signed.) COMMITTEE. 70

CENTRAL POINT NEWSLETTER

The Ladies' Civic Improvement club had a called meeting on Tuesday afternoon at the Commercial club rooms for the purpose of completing the details of the work connected with the flower show.

Miss Maude Lee left last Saturday evening for Portland, where she will remain for the summer.

The finest Logan berries in the state of Oregon are grown in and near Central Point. They are incomparable for size and flavor.

Eighteen of Central Point's representative young men made a public profession of conversion at the tabernacle last Sunday afternoon and evening.

Frank Thompkins and wife, who recently sold their ranch west of town, are at present occupying the I. C. Robnett ranch, out in that same locality. They have not yet decided as to their future movements.

Central Point may have a Y. M. C. A. in the near future.

The Central Point hotel now has three stories and the interior of the hotel is being rapidly put into shape to use. Twenty new sleeping rooms are to be added, with five baths; also toilets and lavatories on all floors. When finished this old hostelry will present a very different appearance and will, in fact, be as commodious and up-to-date as any hotel in Southern Oregon.

Mr. and Mrs. Holt are struggling against many obstacles at present in trying to look after the needs of the traveling public, and are to be commended for the manner in which they are accomplishing that end.

There is a movement on foot, started by the pastors of the churches and supplemented by some of the business men, to let the big tabernacle stand through the summer and hold union meetings in it on

Sunday evenings. The idea is quite a popular one and may be adopted. Mrs. J. B. Holmes, wife of our city marshal, is expecting her mother and sister from Philadelphia to visit her a little later in the season.

Mrs. Nancy Obenchain, one of Central Point's charming old ladies, entertained the Mail Tribune representative the other day with the story of the earthquake of '73, when this valley was badly shaken up. Mrs. Obenchain has a store of fascinating stories of early days in the Rogae River valley and she knows how to tell them.

F. F. Cooper talks of starting a gymnasium this summer, and if given the proper encouragement will probably carry the project through. It seems quite an undertaking for a small town, but Central Point has a splendid lot of boys, all the way from 4 years to 40, and a gymnasium would certainly meet the physical requirements of a large number of these. Why not a girls' department, too?

The Portland rose carnival has attracted but few of the citizens of Central Point, and most of those who are attending it went to Portland on other business and took in the rose show as a side event. Not to disparage Portland's effort, the Central Point Civic Improvement club hopes that the townspeople will save their dollars and their enthusiasm for their own flower show, which will occur on the 23d-24th of the present month.

Mrs. Robert Kyle and Mrs. J. V. Anderson drove to Medford on Tuesday, returning in the evening.

Mrs. W. P. Twomey expects soon to leave Central Point for a visit with her mother in Pennsylvania. Her mother is 84 years of age and in poor health.

IS FINED FOR MAIL DELIVERY

Portland Man Who Bucked Uncle Sam Pays the Penalty and Goes Out of Business—Delivered Bills For Mercantile Establishment.

PORTLAND, Or., June 8.—Charles P. Neth's private mail service with which he connived with the government delivery monopoly went out of existence today despite the fact that Neth was bucking the "government trust" at reduced rates.

Neth pleaded guilty in the federal court to having organized a private mail service. He paid a fine of \$25 and learned that the delivery of mail is reserved exclusively for the government.

Neth is the head of a debt collecting agency. In order to increase the efficiency of his service by securing acquaintance with business men he undertook to contract with large wholesale houses to deliver their monthly statements.

Neth charged one cent for the delivery of each letter. He had acquired a large patronage. The venture was proving extremely lucrative when the federal officials nabbed him.

If the store ads were not worth your while they would not be published at all.

In two minutes you can find in the some fact that is important to you.

The "bargain hunter" who studies the ads is also a bargain finder!

A CITY PARK OF 100 ACRES

Barneburg Heights Owners Will Lay Out Scenic Tract and Present City With Hundred Acres in Center for Park Purposes.

E. C. Aylor of Aylor & Barnett left Wednesday for Portland, where he will close with Portland capitalists on the Barneburg Heights park proposition. It is the intention of the new company to create a park out of 100 acres, commanding the most beautiful view of the valley, and later donate it to the city.

The balance of the tract adjoining the park site will be subdivided into small tracts and sold as residence property.

TO THE PUBLIC.

We Are Agents for Parisian Sage, and We Know the Guarantee is Genuine—Chas. Strang.

Parisian Sage, the quick-acting hair invigorator, is guaranteed—
To stop falling hair,
To cure dandruff,
To cure itching of the scalp,
To put life into faded hair,
To make harsh hair soft and luxuriant,
To make hair grow, or money back.

It is the most delightful hair dressing made, and is a great favorite with ladies who desire beautiful and luxuriant hair.
Price 50c a large bottle.

In Case of Sickness

—PHONE 3641—
MEDFORD PHARMACY
Near Post Office All Night Service Free Delivery

For the Finest Bakery Products Staple & Fancy Groceries

TRY US

We can boast of hundreds of satisfied customers—people who know that they are getting full value for every cent spent in this store. ARE YOU ONE? Give us a trial and you'll become one.

Allen & Reagan

CORNER MAIN AND CENTRAL AVENUES.

STREET WORK DONE DURING MONTH OF MAY

The street commissioner's report for May, accepted by the council Tuesday evening, shows Main street cleaned 11 times, Oakdale three

times, all old lines of sewer flushed and three repaired. Two crossings were put in and all crossings moved from four graded streets. A number of streets and alleys were filled with earth from grading.

FORMER MEDFORD MAN HURT BY VICIOUS HORSE

YONCALLA, June 7.—Sunday morning while Richard Mahen was engaged in hitching a team of horses to a wagon he received a heavy kick upon his right knee, resulting in a fractured kneecap. Dr. George Knoot was called and the injured man was made as comfortable as circumstances would permit. It will probably be several days before Mr. Mahen will be able to venture out with the aid of crutches.

Mahen is well known in Medford as a horsebreaker and trainer, having lived here from boyhood until a few years ago.

"The Powers That Be."

As great a play as "The Lion and the Mouse," "The Man of the Hour" or "Paid in Full." This was what Allan Dale, the greatest of American dramatic critics, said of "The Powers That Be," which will be the first production to be given by the Athon company here Monday, Tuesday and Wednesday of next week. The play shows what political graft will do to a community. Had it not been for "graft" in politics there would never have been an Iroquois theater fire in Chicago, where hundreds of lives were lost. The recent street car strike in Philadelphia would not have occurred; there would have been no scandal in San Francisco, which resulted in the mayor being sentenced to the penitentiary.

"The Powers That Be" brings the grafting before the audience in a most powerful manner. It shows the schemes and tricks that are resorted to by political thieves in electing their man to office. It shows the struggles a young man seeking re-election to the office of prosecuting attorney goes through in being elected. The end of the third act, showing the returns coming in on election night, is one of the most exciting and realistic scenes ever put into a play. When the play was first produced in Chicago it is an actual fact that men throw their hats in the air and women stood up and yelled themselves hoarse. In fact, we positively guarantee this play to be one of the best and most powerful productions ever seen in Medford. We venture the assertion that if you see this great play by the strong Athon company you won't be satisfied until you have seen it again. See if you are not right.

Mills College

The Only Woman's College on the Pacific Coast Exclusively for Young Women
Located among the beautiful hills near Oakland, California, close to San Francisco and the great Universities of the West. Full collegiate course leading to degree. Entrance and graduation requirements equivalent to those of Stanford and University of California. Training fits students for teaching regular lines of academic work, and offers special advantages for music, art, library study and home economics. Well equipped laboratories for science. Special attention to health of students. Modern gymnasium thoroughly equipped. Outdoor life and amusements in the ideal California climate. Alumnae in every city on the Pacific Coast.
FOR CATALOGUE ADDRESS
PRESIDENT LUELLA CLAY CARSON, LL. D.
MILLS COLLEGE P. O., CALIFORNIA

ASTORIA MACHINISTS JOIN GENERAL STRIKE

ASTORIA, Or., June 8.—The machinists of the Astoria iron works are on strike today in sympathy with other metal trades workers on strike in various cities of the Pacific coast.

The men went out after serving their employers with a demand for an eight-hour day and a minimum wage increase of 10 cents per day. Until they struck the machinists were being paid \$3.50 for a nine-hour day.

Officials of the company refused the demand, but announced that the strikers could return to work whenever they desired under old conditions.

R&G CORSETS

Every pair guaranteed.

GOODFRIEND HOTEL

SAN FRANCISCO I. GOODFRIEND, Manager
Formerly Hotels Stanford and St. Bern. Powell Street, near Geary, adjoining Hotel Manx. Take Hotel Manx Bus, or Market Street Cars, transfer to Powell. Ideal house and location for ladies visiting the city alone.
RATES, \$1.00 PER DAY AND UP

Pure Drugs

There are good, bad and indifferent drugs sold every day—all may be pure. So is all candy or other foodstuffs, but some is a great deal better than others. We handle only the best.

Stop in a moment and see the new fancy goods, postcards, toilet articles and other sundries. Very complete assortments in every line.

We Want Your Prescriptions

All Night Phone Service. Tel 3641

MEDFORD PHARMACY

Near Post Office

For Sale

160 acres, close in, fine dairy and stock ranch, easy terms.
10 acres, income \$750 this year.
4 homesteads.
Restaurant, a snap.
Bakery, fine buy.
24 horses, from \$75 up.
115 acres, 5 miles out, \$2200.
West Walnut Park lots, terms.
6-Room bungalow, \$500 off price for quick sale.
2 lots and 2-room house, \$850.
160 acres, \$1000.
Rooming house, a money-maker.

FOR SALE OR TRADE.

4 automobiles.
10-Room house, 2.3-4 acres; close in.
Fruit land, close in.
7 horses.

FOR RENT.

Housekeeping rooms.
6 rooms, bath, modern, \$35.
5 rooms, modern, \$12.
7 rooms, \$20.
4 rooms, modern, \$12.50.
5 rooms, modern, \$15.
2 furnished houses, \$25 and \$35.

WANTED.

15 men for ditch work, \$2.50.
Men, \$2.50 per day, and board \$4.50.
Sawmill man, \$2.50.
Chicken ranches.
Ranch hands, \$35 per month.
Hay men, \$1.50 per day.
Girl for general housework.
40 woodchoppers, \$1.50 cord.

E. F. A. BITTNER

Medford Employment Bureau.
Business chances, real estate, all kinds of help furnished and business chances handled.
Room 208, Taylor & Phipps Bldg.
Phone 4141 Main.



Do You Own a Block in OAKDALE PARK ADDITION?

If You Want a Block of This Addition See Any Agent or

W. H. EVERHARD

HOTEL MOORE. MEDFORD, OREGON.

For Store Lighting MAZDA Lamps Are Unrivaled

They enable any store to use electric light at a cost which is less than would have to be paid for any other illuminant on the market.

We Furnish MAZDA Lamps

to our central station customers at very liberal terms. The General Electric Company is supplying us with the GE MAZDA lamp in all sizes suitable for all lighting needs. Every merchant should look into this question of more light for his business. We have several interesting propositions for merchants.

ROGUE RIVER ELECTRIC COMPANY