

CLEARINGS
Bank clearings today were
\$47,000.00.

MEDFORD MAIL TRIBUNE

WEATHER
Clear—Max. 72, Min. 52,
Mean 52.

FORTIETH YEAR.

MEDFORD, OREGON, WEDNESDAY, MARCH 22, 1911.

No. 311.

COUNCIL TO KILL TROLLEY FRANCHISE

ORDERS CITY ATTORNEY TO DRAW PAPERS

Council Holds Special Session and Adopts Resolution Instructing City Attorney to Start at Once on Action Necessary to Annul Franchise.

RECENTLY ATTEMPTED TO HOLD RIGHT WITH TIES

Franchise Was Granted Over a Year Ago to John R. Allen of New York Who Failed to Build.

At a special meeting of the city council held this morning a resolution was adopted instructing the city attorney to draw up a resolution annulling the Allen electric trolley franchise. The city attorney was given a number of days to prepare the resolution to be prepared by him will be acted upon as soon as it can be drawn. Councilman Miller moved the resolution instructing the city attorney, which found a second in Councilman Watt. The matter was passed unanimately.

Some months ago the time limit on the franchise expired, but an effort was made to hold it by placing a number of ties upon the streets of the city. The city maintains, however, that the necessary work to hold the franchise had not been done and that the present holder of the franchise, A. Welsh of Eugene, was not acting in good faith when he placed the ties upon the streets of the city. The franchise was granted John R. Allen of New York city, who revived the defunct Pacific & Eastern railroad, at the same time that he secured franchises in Grants, Pass and Ashland. Mr. Allen planned at that time to construct a trolley line throughout the valley, but his plans went astray.

The action of the city follows a long delay, in which the company now holding the franchise was given every opportunity to construct the road. As they do not seem to be preparing to play ball, the council would wipe out the old franchise in order that one might be granted to any person who made an application for a franchise in good faith.

TAFT TO BOOKER: I'M VERY SORRY

President Sympathizes With Leader of Black Race for Misfortune Which Has Overtaken Him in New York.

NEW YORK, March 22.—Sympathy by the president of the United States for Booker T. Washington and confidence in his integrity were expressed today by William H. Taft in a letter to the negro educator, who was beaten here by Albert Ulrich, a contractor, who accused Washington of being a "Peeping Tom."

"Dear Dr. Washington," Taft wrote, "I am greatly distressed at your misfortune, and hasten to express my sympathy. I hope you soon will recover from the wounds inflicted by insane suspiciousness or viciousness, and I desire to assure you of my confidence in you, your integrity, your morality, your character and to express my appreciation of the fact that you are of the highest usefulness to your race, as well as to all the people of the country. It would be a national loss if this untoward incident in any way impaired your great power in the solution of one of our most difficult problems. I want you to know that your friends are standing by you in every trial. I am proud to subscribe myself as one."

HUMES MAKING READY TO TEST PEOPLE'S LAW

Investigations Now Under Way by Hume Attorneys Which May Result in a Battle in the Court—Have Been Active of Late in Salem.

ROGUE FISH PROTECTIVE ASS'N WILL PUT UP FIGHT

If Case is Carried Into Court It Will Be Carried Through Every Court Before River is Reopened.

SALEM, Or., March 22.—To test the validity of the act passed by the people at the last general election in which the waters of the Rogue river are closed to all kinds of fishing except by hook and line, it is understood on good authority that attorneys for the Hume interests are making investigations which may result in a fight in the courts.

Grounds for the contest will be found in an alleged unconstitutionality of the people's act. It will be contended that the provisions of this act fall under the police power of the state. It will also be contended that the police power is to regulate and not to prohibit and that the act as passed by the people is plainly an inhibition.

With these contentions in view it will be declared that neither the legislature nor the people have a constitutional right to pass an act of this nature, which is plainly and simply inhibitory in its nature and in its construction.

Members of the Hume family have been in the city recently investigating questions of this character. Whether the state could be made a party to an action of this kind is a question that has not been determined, but it is considered possible that the master fish warden might be included should such an action be commenced.

Members of the Rogue River Fish Protective association have been expecting such a move on the part of the Humes since Governor West vetoed the Pierce fish bill, passed by the legislature, which would have annulled the people's law passed in November. They are prepared to fight the case through all the courts if necessary in order to determine whether a monopoly of natural resources can be maintained in defiance of the will of the people at large.

DAVENPORT ASKS A SEPARATION

Says His Wife Called His Father a "D—d Old Fool" and That She at All Times Treated Him in a Cruel and Inhuman Manner.

SALEM, Or., March 22.—Charging that within two months after they were married when his aged father applied to him for a small loan that his wife flew into a fury and called his father a "damned old fool" and a "hayseed" and other names too indecent to spread upon the records of the court, and that from that time she began a course of systematic, cruel and inhuman treatment consisting in treating with disrespect an aged aunt, the slamming of doors in the faces of friends and in accusing him with infidelity before his children and friends, Homer C. Davenport, America's greatest cartoonist, today commenced divorce proceedings against his wife, Daisy B. Davenport, in the circuit court of this county.

MANIAC KEPT IN CAGE BY MOTHER, 30 YEARS

CHICAGO, Ill., March 22.—Six husky deputies today snared George Odetta, a raving maniac through the bars of a steel cage in the garret of his mother's home near Waukegan today preparatory to placing him in the Elgin insane asylum. The man had been kept in the cage for nearly 30 years and his commitment to the asylum follows the death of his mother, 92, who had remained by his side since she was 62, seldom leaving the garret where she prepared his food and attempted to lighten the burden of his miserable life.

NINE KILLED IN MINE ACCIDENT

Eight Hundred Men Were Imperiled—Tons of Slate Crash Down on Miners Crushing Their Bodies Almost Beyond Recognition.

PITTSBURG, Pa., March 22.—Nine miners were killed early today by a fall of slate at the Hazel mine, near Cannonsburg.

One American—David Bonley—was among those killed. Eight hundred men were at work when the accident occurred. According to reports, the victims were entering the mine on a coal car, when it jumped the track, demolishing the posts supporting the roof. With the caving in of the roof, tons of slate crashed down on the miners, crushing their bodies almost beyond recognition.

Officials of the Pittsburg-Butte Coal company deny that the car jumped the track and assert that the slate fell from the roof of the car. The mine was closed following the accident and work will not be resumed until after the funerals of the victims.

SOCIALISTS ARE GIVEN DRUBBING

Women, at School Board Election in Milwaukee, put Socialist Candidates to the Bad—Women Were Spurred Into Action by Clergymen

MILWAUKEE, Wis., March 22.—Defeating the socialist candidates for the school board, the hotbed for socialists, Milwaukee women are recognized as a political power which had nullified all precedents. They polled 10,990.

When two socialists were nominated for the school board, the women named 12 non-partisan candidates to oppose them. Four of the 14 candidates were to be elected and the women concentrated their political power against the socialists. In some of the residential districts the women outnumbered the men, but at all the polls throughout the city the women were outnumbered by the male voters two to one. Their solidarity, however, won the day.

One of the reasons for the women's opposition to the socialists was bitter denunciation of the socialist control of the city by Catholic and Lutheran clergymen.

Davenport prefaces his complaint with the statement that since his marriage he has been a wanderer; that he has lived in San Francisco, New York and Orange, N. J., but that he has always looked upon Silverton, Ore., as his home. He was born and reared in this little Oregon town and considers it his home in filing his action for separation from his wife.

MODEL LIQUOR LICENSE LAW IS APPROVED

Council Adopts Ordinance Which Will Strictly Regulate Sale of Liquor in City—Saloons to Close at Midnight and at 11:30 on Saturday Night.

SOCIAL CLUBS MUST PAY ANNUAL LICENSE OF \$200

Must Not Sell Liquor on Sundays or After Hours—Much Other Business Transacted by Council.

The city council at its meeting Tuesday night adopted a model liquor license law which provides for a more strict regulation of the local saloons than ever before enforced in the city. The ordinance was passed despite protest by liquor dealers, expressed by William M. Colvig, their attorney.

The salient points of the new ordinance are as follows:

Closing of saloons at 12 midnight and at 11:30 Saturday nights, to remain closed Sundays and until 5 o'clock in the morning.

Removal of screens above five feet from the sidewalks.

Removal of all cards and dice or other gambling devices.

Chairs and tables must go. A license of \$200 a year for social clubs.

Clubs must not sell liquor on Sunday or after closing hours, which are fixed in accord with saloons.

Clubs must not sell liquor to be carried from the club rooms nor to non-members.

Druggists may sell liquor on a prescription but only once on a single prescription.

Wives or members of the family of a habitual drunkard may serve notice to the chief of police not to allow liquor to be sold to the drunkard and saloons when notified must not sell to them.

The ordinance with a few minor changes was passed.

Other Business.

The council transacted much other business, chief among which was the appointment of Oleu Armspiger as city engineer.

W. M. Holmes would have the city limits extended to embrace territory east of Oakdale avenue south to the county road and east to Bear creek. He addressed the council to that effect and was told to get out petitions.

An ordinance carrying out the provisions of the amendment to the city charter, adopted at the recent election giving the council power to issue bonds to the amount of \$38,000, was passed. The bonds to the amount of \$30,000 are for the purpose of paying indebtedness incurred for trunk storm and sanitary sewers, for replacing East Main street wooden pipe with iron pipe, and \$8000 for the purchase of new fire-fighting apparatus. The bonds are to become due and payable April 1, 1921.

Plat of Burdick addition was presented. Moved by Wortman that it be accepted when properly signed up. Motion adopted.

Liquor application of J. W. Slinger presented and granted.

G. E. Marshall asks that Holly street be extended from city limits to county road and offers to pay expense of engineering, to be reimbursed when street is finally part of city. This will be done under arrangements covering cases of this kind.

Scott V. Davis was granted a permit to erect a fireproof garage on Front street between Eighth street and Ninth street.

T. W. Thomas was granted permission to erect addition to rear of building on West Main street now occupied by the B. and C. cash store. The application was made through Power and Reeves, architects.

TAFT ASSURES JAPS OF FRIENDLY FEELING

WASHINGTON, D. C., March 22.—To personally assure the Japanese ambassador that the present relations between Japan and the United States are entirely satisfactory, President Taft invited Baron Uchida to call at the White House this afternoon. The president wished to inform the ambassador that there was no ground for the belief that the present military maneuvers on the Texas frontier were unfriendly to the Japanese nation, but that the immediate cause for the mobilization was the apparent danger of a crisis in Mexican international affairs.

AUSTRALIA NOW FEARS JAPANESE

Latest Display of Activity of Yellow Race as Settlers Has Been Discovered in New Caledonia—Will Soon Outnumber the French.

MELBOURNE, March 22.—The flow of Japanese immigration southward in the Pacific ocean continues to give rise to apprehensions in Australia. The latest display of the activity of the yellow race as settlers has been discovered in New Caledonia. Visitors to the island who have returned here declare that the number of Japanese there has increased so rapidly that they bid fair to outnumber the French. The orientals are chiefly war veterans who have completed their term of service with the army. It is believed that Japan is preparing for a possible eventuality of warfare and desires to be in a position to seize the island at any time necessary in order to utilize it as a naval base. While there is, of course, no proof of any such intention on the part of Japan, the Japanese who are so rapidly peopling the islands of the Pacific are regarded as constituting a menace to the policy of a "white Australia."

BEEF BARONS ARE HANDED A JOLT

Judge Carpenter Overrules Demurrer to Indictments and Declares That Immunity Baths of 1903 Do Not Apply—To Jail if Convicted.

CHICAGO, March 22.—Ten Chicago beef barons were brought measurably nearer to jail here today in case of their conviction for alleged violations of the Sherman anti-trust law, when United State Judge Carpenter overruled a demurrer to indictments against them and declared that the "immunity bath" of 1903 did not apply.

The packers affected are: Louis, Edward and Charles Swift, Edward Tilden, J. Ogden Armour, Francis Fowler, Arthur Meeker, Thomas Connor, Edward Morris and Louis Heyman.

The indictments charge a criminal conspiracy by the packers, who are personally accused. On conviction they would be liable to prison terms.

Women Win Small Favor.

LONDON, March 22.—Suffragettes are having a hard time winning their cause with British politicians but the ever gallant naval officers have capitulated. For the first time in England's history a British battleship will be christened by a woman. Mrs. Lewis Harcourt, wife of the secretary of state for the colonies, will crack a bottle on the prow of the large dreadnaught Monarch, which will be launched March 30.

FILIBUSTERS AT WORK NEAR MEXICAN BAY

This is Believed to Account for Recent Activity of United States Ships in That Section—Magdalena Bay is Said to Be Base.

MANEUVERS HELD FOR THEIR MORAL EFFECT

At Least So Says Washington—Same Reason as That Which Sent U. S. Navy Around the World.

SAN DIEGO, Cal., March 22.—Filibustering at Magdalena bay has been going on ever since the outbreak of the border warfare, according to two Mazatlan concession holders, who have arrived here on the Mexican steamer Manuel Herrerrias. According to their statements, the filibuster is a three masted schooner rigged vessel with the funnel aft of the mainmast and a register of about 3000 tons.

There is every reason, they say, for filibustering at Magdalena bay, as that location is the most practical one on the Pacific side for landing men and munitions for Mexico. The mouth of the Gulf of California is too closely guarded for vessels to enter there, and the ocean coast all along the west side is too open for prolonged operations, but at Magdalena there is an inland coast extending northward 150 miles from the southern point of Magdalena bay, which contains so many hiding places that a fleet of swift torpedo boats would be necessary to patrol it. From any of the landings along that inland coast there are good trails to the gulf side, 40 miles across, where the munitions of war could be taken and re-shipped safely for the Mexican mainland.

WASHINGTON, D. C., March 22.—That the United States mobilized troops on the Mexican border to prove its preparedness to cope with an event which that very preparedness would prevent is the explanation given out here today in official circles of the present situation along the Rio Grande.

The maneuvers are a notice to all nations, the officials declare, as the world cruise of the battleship fleet was a notification to Japan, that the United States is prepared to maintain peace, if necessary, by war. It is stated that from the very first the administration did not expect any immediate exigency.

CRATER ROAD IN HANDS OF COUNTY

Commission Meets and Formally Turns It Over to County—Will Be Completed by June 1 Past Pumice Hill—Ray Underwrites Notes.

At a meeting of the Crater Lake highway commission at the rooms of the Medford Commercial club, March 21, attended by Messrs. Root, Davis, Ray, Waterman, Putnam, Westerland, W. M. Colvig and Colonel Frank H. Ray, the following motion was made by J. A. Westerland, seconded by E. B. Waterman and unanimously passed:

"Whereas, the county court of Jackson county has agreed to assume charge of the Pumice hill grade now being constructed under contract and to complete the same by the first of June under direction of its engineer, providing a fund of \$10,000 is turned over to the court by the Crater Lake commission of the Medford Commercial club, the county

GAVE WIFE AWAY TO LOVER; THEN TAKES HER BACK

Chico Man Who Once Waved a Fond Farewell to Wife and Gay Lothario as They Left on Speeding Train—Comes to Medford; Takes Her Back

LOVER FOLLOWS COUPLE TO THEIR CHICO RESIDENCE

Wife Tired of Life With Lover When Funds Are Gone, Wrote Husband, Who Comes After Her.

With a fervor equally as ardent as that which filled him on the day that he took his wife to the Southern Pacific depot at Chico, Cal., and gave her to another man and saw them swing out of sight on the rear platform of the train as he stood in the tracks waving a fond adieu, O. J. Eller, section boss of the Butte County railroad, has taken his wife to his home again after her many wanderings with the other man. In fact, Eller has done more than this. When he learned that his recreant spouse and her lover were flat broke in this city he came here and took her home with him.

But if Eller imagined that in taking his wife back to Chico that he had rid her of the man to whom she gave herself last November he was mistaken, for Alexander Bowen, the gay Lothario in the case, left this city for Chico three hours after Eller left with his wife.

Eller gave up his wife without a qualm to his best friend, Bowen, a fellow worker for the Butte County railroad. Bowen came to the Eller home as a boarder. His friendship for Mrs. Eller ripened into love. They decided they would elope, but with Eller's permission. Eller readily gave it. He helped his wife pack her belongings and on the morning that Bowen and Eller's wife went away Eller was there to bid them a hearty farewell. This was last October.

Bowen and his friend's wife, since their departure from Chico, have not traveled a pace that has led through milk and honey. There were many thorns in their path. Finally they got to this city. They lived for some time on the West Side as Mr. and Mrs. Bowen. Funds ran out and Mrs. Eller felt as though she would like to heed the fleshpots of her home in Chico. She wrote her husband and he did the unconventional thing again. He came to Medford for her and took her back to his home in Chico last Friday.

Three hours later Bowen was on his way south.

AMERICANS FEAR FOREIGN MINERS

Martial Law is Declared in Mining Town—Soldiers Ordered Not to Spare Bullets if They Are Found Necessary.

BENLD, Ill., March 22.—Fearing the vengeance of armed foreign miners who are on strike here, more than 1000 American workers today refused to resume their places in the mines despite offers of protection by the troops who are here to preserve order.

All last night the militia camped in the center of the town, which was declared under martial law by Colonel Lang, in command, and who ordered his soldiers not to spare bullets if they were necessary to quell the expected outbreak.

"Shopping" that is based upon adreading is usually a profitable use of one's time.

(Continued on Page 1.)