

ATTORNEYS GIVE THEIR VIEWS OF SUPREME COURT DECISION ALL CONTENTIONS OF PLAINTIFF IN SUIT SUSTAINED

Clarence L. Reames States That He Believes Governor West Should Call a Special Session of Legislature at Once.

(By C. L. Reames, Attorney for Plaintiff.)

The opinion of the supreme court rendered by Justice Burnett sustains every contention raised by the plaintiff against the validity of the proposed bond issue. The county is fortunate in this, that it has been enabled to secure an expression from the highest court of our state within so short a time after the questions were raised. The county is in a better position now than it was before the suit was instituted for the very good reason that until the matter could be passed upon by the appellate court no bond issue would have advanced a dollar upon them.

While the decision of the appellate court may bring a measure of disappointment to the progressive citizenship of our county, still, at the same time to have established a precedent that such a procedure could be validated without authority of law therefore, would have been far reaching and might have led to confusion.

Objections Raised.
The different objections raised by the plaintiff to the validity of the proposed bond issue were the following:

First, that as an affirmative grant of power the constitutional amendment was not self-executing.
Second, that the county court has no implied power to issue interest bearing, negotiable bonds and that it has no power to issue any form of county indebtedness other than county warrants.

Third, that the constitutional amendment adopted by the people in 1910 simply lays down and establishes a principle and that it does not contain any procedure whatever by which that right could be either exercised, enjoyed or protected.
Fourth, that the county has the right at a general election to legislate upon this subject under the initiative and the referendum and that by such legislation it has the right to determine whether or not the county shall issue bonds, the manner and form of their issuance, the particular roads that are constructed and all other necessary rules of procedure to safeguard the funds and to insure the carrying out by the county court of the expression of the people; I believe from an examination of the opinion of the appellate court that all of these objections have been by the court passed upon as well taken; in the majority opinion of the court, Justice Burnett, speaking for the court, says:

Circuit Court Reversed.
"In our judgment the distinction between incurring indebtedness and borrowing money for any specific purpose is well founded in reason; that in the absence of further legislation upon the subject, no county is authorized to depart from the rule already established in respect to evidence of county indebtedness and that the issue of negotiable interest bearing bonds is not authorized by the law in its present condition; for these reasons the decree of the circuit court is reversed and a decree here entered in accordance with the prayer of the complainant."

Again, in the majority opinion, and in regard to the question as to whether or not the county might have secured the approval of the voters under the initiative at a regular election, it is suggested that it is not really necessary to pass upon that phase of the question for the reason that it is admitted that the initiative procedure was not followed. Justice Bean, in concurring with the result reached by the majority of the court and in speaking of the right of the county to pass its own laws under the initiative, uses the following language:

"My views upon a kindred question are expressed in an opinion this (Continued on Page Two.)"

IF REHEARING IS GRANTED RESULT MAY BE CHANGED

It Seems, From a Reading of the Opinion, That Three of the Judges, or a Majority, Did Not Concur in the Opinion of Burnett.

(By A. E. Reames, Attorney for County.)

I have received from the supreme court a copy of the opinion in the bond case. The opinion of the court is by Justice Burnett. He seems to conclude that an act of the legislature or of the people of the state at large is necessary to enable the county to take a vote upon the question. Strangely enough this appears to be the opinion of the entire court, which consists of five members. However, appended to this opinion is a concurring opinion by Judge Bean in which he concurs in the result but takes exception to the statement that legislation by the whole state is necessary, and seems to imply that at a general election the county could vote its own law on the subject. Then follows the concurring opinion by Justices Eakin and McBride to the effect that the voters could, at a regular election held in the county, pass a county law which would define the manner in which such a vote should be taken. It seems, therefore, that three of the judges, which would have been a majority of the court, did not concur in the opinion of Justice Burnett, which appears to be the opinion of the entire court.

Bonds Alone Considered.
Much stress is laid upon the proposition that the only kind of evidence of county indebtedness is a county warrant under the law as it stands. However, the court overlooked the proposition, which had been anticipated by the county court, viz: that the people voted upon the question of incurring the indebtedness. This was expressly provided for in the order calling the election. It was likewise plainly stated in the ballot title which was before the voters. The question, therefore, voted upon was not necessarily the question of issuing the bonds, but it was a question of authorizing an additional indebtedness. The order and the ballot title then provided that such additional indebtedness might be evidenced by the 20-year bonds of the county. So that even under the views as expressed in the opinion it is probable that the court might, upon a rehearing, adhere to its distinction between warrants and bonds and still affirm the case. The effect of this would be to permit the county to continue its road building, issuing perfectly valid warrants therefor and then subsequently, when legislation should be had, provide by a new election for the issuance of bonds.

Impossible to Pass Own Law.
You will see that it is impossible for the county to have passed its own law providing the manner of voting upon this question. The constitutional amendment under which we were acting was passed at the last general election. Laws can only be voted upon at general elections. There has been no general election held since the amendment to the constitution authorizing indebtedness for permanent roads. It was, therefore, impossible for the county court to have followed that procedure even if it had thought it necessary.

When we have had a chance to read the opinion in the Clackamas county case handed down at the same time as the decision was rendered upon the bond case, we may then be able to determine whether it will be possible at the 1912 general election for the county to pass its own law providing how it shall issue its own bonds, as three members of the court in the concurring opinions seemed to indicate might be done.

It is really too early to form a definite opinion as to the best method to proceed.

PROTECT GOVERNOR FOSS.



EUGENE N. FOSS
Fears being entertained for his safety during the mill hands' strike at Lawrence, orders were given that Governor Eugene N. Foss, of Massachusetts, be afforded police protection not only at the State House but at his home.

LITTLE NEW WORK ON ROADS TO BE DONE THIS YEAR

County Commissioners Prefer to Wait a Year Rather Than Plunge the County Further into Debt on the Present System.

There will be but very little new road work done in Jackson county this year, according to the present outlook. The county commissioners dislike the idea of plunging the county further into debt under the present system and probably will decline to do so, preferring to wait such time as the county will be empowered to bond itself for the purpose of constructing good roads.
The county has the sum of \$152,000 to spend on road building this year. Of this amount, one-half, or \$76,000, is to be expended through the various road supervisors, for the repairing and up-keep of roads in their several districts. The court has pledged itself to build a new bridge over Bear creek in this city, which will cost \$25,000, leaving the county \$51,000. In addition to this two additional bridges in the county must be constructed, and will cost about \$25,000. This leaves the county \$26,000. The Central Point road contract is to be finished, taking another \$20,000, leaving \$6,000 for the county to spend. From this sum must come the convict camp expense and other like expenses.

"I do not see how we can do much road work this year," states Commissioner Davis, "without plunging the county further into debt. I would rather wait a year and then be able to bond the county and proceed."

SCHMITZ AGAIN PUT ON TRIAL

Judge Lawlor Unexpectedly Orders Immediate Trial and Jury Is Being Selected Although Defense Was Not Ready.

SAN FRANCISCO, Jan. 24.—Ex-Mayor Schmitz was unexpectedly ordered to immediate trial by Judge Lawlor today on the long pending charges of graft. A jury is being selected today, although the defense was taken entirely by surprise.
Schmitz is charged with acting with Abe Ruef to bribe a former member of the board of supervisors to fix low rates sought by the San Francisco Gas and Electric company.

MRS. KRAUSE WILL BE LAID AT REST ON THURSDAY
The funeral services of the late Mrs. Frank Otis Krause will be held at the Presbyterian church in Medford, on Thursday, January 25, at 1:30 o'clock p. m. Rev. W. F. Shields officiating. Interment will be made in the Jacksonville cemetery.

Italian Runs Amuck.
SEATTLE, Wash., Jan. 24.—Carlo Salvator, an Italian said to be of noble family, ran amuck early this morning, but all the damage he did was to burn clothing in a closet by throwing a lighted lamp into it. Officers chased him for several blocks and when he doubled and returned home they caught him.

ORDERS TO STOP WORK ON SPRAY TANK UNHEEDED

Work is Still Going On in Excavating for Foundation of Tank Although the Southern Pacific Has Ordered Work Stopped.

SECOND SPRAY TANK IS PLANNED FOR RIGHT-OF-WAY

Orchardist States That He Was Forced to Bury Spray in Order to Get Rid of Stench.

Although the Southern Pacific has ordered the Producers' Fruit company to temporarily cease work upon the spray material tank it is planning to build in front of its warehouse just south of Main, work is still going on in excavating the foundation. The railroad company has signified its unwillingness to offend the public.

A new spray tank is planned for erection a little south of the Producers' tank by the Rogue River Fruit and Produce association. This will make two tanks, enabling them to perform to high degree for the benefit of citizens generally and hotel guests especially.

Speaking of the tank orders, William Budget stated that he had to bury some of the spray he had left in order to get rid of the stench. Every orchardist who uses the spray admits its disagreeable odor.

The city council is being petitioned to revoke its permit.
The ladies of the Greater Medford club issued a statement Wednesday stating that they will continue the fight against spray tanks until success crowns their efforts, and that there will be no recession.
"We are in this fight to win, and are going to," said Mrs. Root, acting president, and her sentiments were echoed by Mrs. Reddy, Mrs. Vawter, Mrs. Kentner and a score of other club women.

FORCE USED TO SAVE INSANE FROM FIRE

DANVERS, Mass., Jan. 24.—Rattling with scores of insane persons to prevent them from leaping to their death from windows following a fire in the state insane asylum here early today, guards of the institution were compelled to use force.

Violent inmates smashed the windows and were prevented from jumping out only by the bravery of their nurses and attendants.
Firemen assisted the hospital attendants in removing the patients and it is believed that all are safe.

ALBERT WOLTERS IS TO BE EXECUTED

ALBANY, N. Y., Jan. 24.—Governor John A. Dix today refused to interfere with the execution of Albert Wolters for the murder of a young girl whose body he dismembered after she had answered his advertisement for a stenographer.

WILL HE RUN? SURE! JUST OPEN THE DOOR

LOS ANGELES, Cal., Jan. 24.—"I do not intend to become a candidate for the presidency, but if my country calls I will bow to the will of the people," remarked Charles Cottrell today to a physician at the receiving hospital. "Who the devil are you?" he questioned the patient.
"Hush," was the sibilant warning, "I'm Theodore Roosevelt. Please keep all those reporters out, will you. I have nothing to say."
Cottrell then turned to an attendant whom he addressed familiarly as Chauncey M. Depew. He next called for a stenographer. As he was led away the "colonel" turned to doctor and remarked:
"Just open that door a minute. I want to show you how fast I can run."
Cottrell will be examined as to his sanity.

Recently Released From Prison



Recent advices from Atlanta, Ga., are to the effect that Charles W. Morse, recently pardoned by President Taft, may never live to enjoy his freedom. He is very ill.

AFTER FIVE YEARS PATENT GRANTED FOR BLUE LEDGE

Land Ownership on 500 Acres of Blue Ledge—May Mean Development of Mine on Large Scale.

After five years a patent has been granted to Robert S. Towne by the United States, conveying title to the Blue Ledge copper mine. The patented land covers about 500 acres.
Over five years ago Mr. Towne applied for a patent, but it was delayed by different rulings of the land office. Three years ago Mr. Towne paid the government the \$5 an acre asked.

It has long been believed that the failure of the government to issue a patent has been a factor retarding the development of the rich copper deposits found there. It is now believed that development work will be undertaken on a large scale. F. W. Carnahan, manager of the property, states, however, that he has nothing for publication in regard to this matter.
The patent was issued on January 8, 1912.

WILDE CASE IS NOW UNDER WAY

Jury Is Selected and Attorneys Make Their Opening Statements—Malarkey Says Wilde Received Only a Commission.

PORTLAND, Ore., Jan. 24.—The opening statement for the state in the trial of Louis J. Wilde, the San Diego banker, for embezzlement, was made this forenoon by Special Prosecutor Clark. He completed his statement shortly before noon and this afternoon Attorney Dan Malarkey, chief counsel for the defense, made his statement.
Clark, in outlining the case, said that the state intended to show that Wilde and former Cashier W. Cooper Morris of the defunct Oregon Trust and Savings bank sold certain stocks of the bank at par, and then split \$90,000, the sum representing the difference between the market value of the stock and the par value.
In his opening statement Malarkey admitted that each defendant received a "commission," but said it was simply a business deal and not a criminal conspiracy as charged. Wilde, accompanied by his wife,

BODY OF YOUNG MAN IS FOUND IN TRUNK AT SEATTLE

Strange Odor Coming From Trunk Is Noticed—Was Shipped From Portland December 21 Over the Northern Pacific Road.

PORTLAND, Ore., Jan. 24.—Detectives working on the trunk murder, which became public today when the mutilated body of Seld Bong was found in a trunk at the King Street depot in Seattle, this afternoon wired to The Dalles to ascertain the whereabouts of a Chinese woman known as Sol San. She occupied the room here at 167 North Fourth street from which Expressman Joe Starfas removed the trunk December 20, for shipment to Seattle. The police suspect that she could throw much light on Seld Bong's death.

SEATTLE, Wash., Jan. 24.—The dismembered body of a young man of perhaps 25 years of age was found in a trunk at the King street station this morning by employees of the baggage department, who detected a strong odor coming from the trunk.
The trunk was shipped from Portland December 21 over the Northern Pacific road and bore baggage check No. 79039, and reached here at 5 o'clock in the afternoon of that day. It bore an excess baggage check and was stored away for the presentation of the duplicate check.
When discovered this morning the trunk weighed 175 pounds, indicating that the man weighed in the neighborhood of 135 pounds. It was cut in two in the middle and the legs and arms dismembered. The face was smooth shaven, and brown derby had was shoved down over the face. The hands were soft, indicating that the man had probably followed a clerical or business calling.

CHAPIN APPEALS FOR SUPPORT FOR PARTY

TACOMA, Wash., Jan. 24.—"The Anti-Saloon league has spent thousands of dollars and we are near wiping out the liquor evil than we were in 1858."
This was the emphatic charge of Eugene W. Chapin, prohibition candidate for president in 1908, last night in appealing for support for his party. Chapin attacked local option, regulation and other "compromises."
He was in court, and whispered frequently to his attorneys.

SAYS COURTS LAST BULWARK OF INTERESTS

C. P. Connolly, After Working on Expose for Past 15 Years, Declares That While People Have Worshiped Courts, Trusts Corrupted.

SAYS LAW BEGINS IN IDEALS, AND ENDS IN DEALS

Judges Are Said to Have Read Decisions Bought and Paid for in the Market Place.

NEW YORK, Jan. 24.—Red-hot denunciation of American justice and American courts, which he declares are to be the last bulwark of the trusts, is voiced in an article by C. P. Connolly, a well known lawyer and publicist, in an article which will appear in Everybody's Magazine tomorrow.

Connolly relates many particular instances of miscarriage of justice which he alleges he saw himself, and freely names many men high in American official life. After announcing that he has been working on the expose for the past 15 years, Connolly says in part:

"I am prepared to prove that big business interests have retreated into the courts and are going to make their last stand behind the judiciary.
Charges Corruption.

"While we have been giving to judges a reverence that men once gave to kings, the forces that corrupt in one branch of public life have been no more reverent to judges than to Aldermen. While we have worshiped, they corrupted."

"My investigations have carried me into every state in the union, into the records of both state and federal courts, high and low, and as a result I have unearthed an astounding tale of judicial perversion and malpractice. I shall prove that when the highest courts in certain states rendered their final decisions, in some cases unanimously, powerful leaders in Ohio, Pennsylvania, Colorado, Missouri and California have either in person or by attorney, made their entrance into court and that, therefore, the judges, like puppets at the end of a string, have in matters of vital importance turned complete and undignified somersaults, reversing their previous decisions."
Tells Own Experience.

Connolly then tells how in 1884 he went to Montana to take up law. He practiced before the bar of that state. Soon he saw, he says, that "the law began in ideals and ended in deals." He says that in Butte he repeatedly saw party conventions packed and judges named in the interest of the largest litigant in the state. "These judges," he said, "read decisions which were bought and paid for in the market place."

Continuing, he says: "I saw 15,000 wage earners thrown out of employment on the eve of winter to force the public into an attitude of consent to the sway of local judges by a great corporation.
"I know of a Butte judge being trailed at night like a beast or a felon and finally trapped in a hotel room, where from midnight until 6 o'clock in the morning he was beset by the bribe squad of a corporation, with \$250,000 finally offered him, in an attempt to buy him."

Judge Intoxicated.
"I was at one time an attorney in a suit involving title to certain mining land. Among our opponents, as an undisclosed factor, was a large copper mining company. When the evidence was in, the court instructed the jury to return a verdict against my client. When the judge rendered this decision he was intoxicated."

Dealing with the subject of state court decisions, Connolly says: "Evil decisions by the higher courts of any state do not poison the stream of law in that state alone; they flow from commonwealth to commonwealth, corrupting the entire legal system of the country. Once out of its environment, there is no suspicion that behind any decision was a foul influence."

Can't you write a want ad that will interest the person who is looking for a better place to live?