

MEDFORD MAIL TRIBUNE

AN INDEPENDENT NEWSPAPER PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY BY THE MEDFORD PRINTING CO.

The Democratic Times, The Medford Mail, The Medford Tribune, The Southern Oregonian, The Ashland Tribune, Office Mail Tribune Building, 25-27-29 North Fir street; phone, Main 2621; Home 75.

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Entered as second-class matter at Medford, Oregon, under the act of March 3, 1879.

Official Paper of the City of Medford Official Paper of Jackson County.

WEST'S PRISON POLICY SPURS JADED PEGASUS

The Mail Tribune has received many verses regarding Governor West's prison policy since the attempted escape of three "honor" men. Two of the best are here produced:

The Trusty on the Mountain. The prison doors swing open and condemned men suffering there, March out into the country, where they toil in sun and air, With a chance to show the honor deep implanted in each heart, For it stirs the soul of trusties in the prison.

Secure in many comforts of a fortune quickly made, The oppressor blames the governor for the policy he laid, But the world has left behind it much stern judgment so unkind, And must work to help the fallen brother upward.

The acres in the valley, the timber on the hill, The salmon in the river and the deer he must not kill, Are alluring to the doctor, a temptation to the clerk, As well as to the trusty on the mountain.

The money in the coffers, the goods upon the shelf, The butter in the dairy and the sausage made of pel, Are a snare upon the banker and to the grocer grief, As well as to the trusty on the mountain.

For the baker and the butcher Judge Colvig had to pray, For the banker and the doctor he labored night and day; But he kept them from the honor of preceding to the "pen" The trusties that are living on the mountain.

The joy of home and dear ones give shelter from the foe; Will you shut a man in prison where his viciousness will grow? Let him live out close to Nature, the great healer of our wounds; He'll return to God and country from the mountains.

Do you think that you have finished when conviction is assured, When behind the bars of prison your brother is secured? He is yours when shut in prison; he is yours behind the bars; Will you not do something for him ere he perish?

Let him who has no error in his own soul unrepented, Cast a stone upon his brother for the sin the court revealed; He is struggling to do better, to efface the evil deed; He can do so as a trusty on the mountain. —H. W. G.

To the Governor. What earthly use has prison fear When more from each unhappy heart Of virtue it exalts each year? 'Tis use of hope-subduing cell To force decaying souls to bell. What use has prison fear?

What use of true remorse and cheer And hope to prove a suffering soul, With proper care each fleeting year May yet grow sound and free from scars When faith is crushed by iron bars? What use has prison fear?

No soul of man is wholly bere Of virtue, truth, sincerity, How grander far it is to clear A pathway to that spark that light Of faith may foster prospects bright And banish prison fear.

Oh, honor men, thank God that jeer And jibe and taunt of narrow foe Has never compelled from course to veer

The noble man who holds supreme His high resolve to souls redeem And end your prison fear.

All praise to him who grants you cheer, Assumes your pledge, esteems your word And fosters faith and conscience clear, Restores ambition, long since dead, And thrusts aside from path he'd tread

All use of prison fear. —Jack Prescott.

A RIDDLE AND AN ANSWER.

WHEN is an opinion not an opinion? When it is handed down by the supreme court. Then the majority becomes the minority and the minority the law. Judge Burnett wrote the Jackson county road bond decision. Justices Bean, Eakin and McBride dissented in the most important essential, holding that the county can, by a local law at a regular election, provide for the issuance of road bonds.

The ruling of the minority is handed down as the supreme court's decision—the decision of the majority is merely a dissenting opinion. Therefore the opinion of one justice stands as the court's expressed ruling—that of the three justices merely as memorandums.

But is the supreme court's action in this startling departure from formula according to precedent? If not it may reverse itself.

Every time southern Oregon tries to build roads, the supreme court stops it—and the people hereabouts are getting tired of it and want it ended. In the classic phraseology of the new Missouri state song

"The boys keep kickin' my dog aroun' Every time I come to town, Makes no difference if he is a hound, They got-a quit kickin' my dog aroun'."

FOR AUTO TRUCK LINE.

WHILE idling waiting for providence to dump a railroad to the sea in our laps, the people of the Rogue river valley can materially better their condition and lower the cost of living by establishing a motor truck service to Crescent City or Port Orford.

That the present road is a feasible and practical route, with needed construction and rebuilding, is the opinion of those who have considered the subject. The main line would run from Ashland to Crescent City, 132 miles, with branch lines to cover the Applegate and other tributary valleys.

George E. Boos, former secretary of the Commercial club, who has made a study of the auto truck business, states that the road could be placed in excellent condition for under \$100,000, and freight carried at a cost of 4 1-3 cents per ton mile, the latter figures being based upon auto truck lines now in operation. The cost of transportation from San Francisco by steamer to Crescent City thence by auto truck to Ashland is placed at \$7.30 per ton, to which a reasonable profit could be added, still leaving a reduction of 100 percent in freight rates.

It would not require a great deal of capital to operate such a line and the time seems ripe to make a start.

THE SLEEPY METROPOLIS.

THE Portland Journal has for some months been energetically striving to infuse a little life into Portland's commercial circles—endeavoring to secure the establishment of a steamer line to Alaska to seize trade there. So far the effort has been futile. The Journal exclaims in despair:

"Is Portland a live city or a dead city? Is it a live-wire town, or in the midst of a Rip Van Winkle sleep?"

Portland is the child of nature, not enterprise. Portland grows because its geographical location forces it to. It does nothing to help itself.

With a rich undeveloped territory tributary coming down grade to it, Portland does nothing, and never did do anything to develop this territory. Consequently Portland is half the size it might be—and Oregon is still sparsely populated.

Who would be benefited by the Alaskan line? Jobbers and manufacturers principally—but who ever heard of the Portland jobber doing anything except to try and prevent some other section from securing equitable freight rates? Once in a while a junket is taken through the interior and customers chucked under the chin—that is all.

Portland sits under the plum tree—so the plums continue to fall into her lap. She can't help it. But she is too lazy to reach out her hand and grab one—like Alaskan trade.

Nineteen Years Ago Today

Items from The Medford Mail of January 27, 1893.

It is altogether probable that the Rogue River Valley Short Line, running between Medford and Jacksonville has the youngest conductor in its employ of any railroad in the world. His name is John Barnum and he is a son of William Barnum, an engineer on the same road. His age is in the immediate surroundings of 12 years. The young man is said to be taking lessons in the guttural rendition of "Tiek-ets" and pays as little attention to questions asked by passengers as does the average real man conductor.

Contractor L. M. Lyons is putting in the ceiling at the new brewery. Mr. Lyons states that prospects were never better for a good run of building than right now.

There is considerable talk of erecting a German Lutheran church in Medford in early springtime. Messrs. Hamilton & Palm have very generously agreed to donate land upon which to put up the building.

There are at present few, if any, fish in Crute lake, but it is proposed to stock its waters with young trout next spring.

The Medford distillery is running to its full capacity.

Hotel Medford has a new office

and will be used in connection with the Medford.

If Medford isn't getting to the front every spot in the road, it is no fault of her people.

Fred Lay, Jr., and Miss Minnie Ida Bybee were united in marriage by Rev. Ennis at the home of the bride's parents, Mr. and Mrs. William Bybee, near Jacksonville, on January 23, 1893. The young couple will go to Tacoma to reside, Mr. Lay being engaged in business there.

Colonel Murry of Central Point was in Medford Tuesday.

Attorney Hammond of this city was in Jacksonville Monday.

J. L. Castle, a Portland stock buyer, is here buying fat cattle and hogs.

A Griffin Creek item of nineteen years ago: Just say papa to Harry Wortman and the smile that will illuminate his countenance will cast a ray of sunshine through a bank of fog.

Don't fail to hear Captain W. S. Crowell's lecture on "Chinese Scenes and a Yankee in the Celestial Kingdom." Mr. Crowell is a fluent speaker and us Griffin Creek folk are proud that he lives among us.

F. T. Fredenburg shipped two carloads of wheat to Port Costa, Cal., this week, which makes a total of 19 carloads shipped from Central Point by Mr. Fredenburg this winter.

A solid trainload of stock left Central Point for Portland Sunday. It consisted of 15 carloads of cattle belonging to William Hanley and one carload of hogs, the property of J. W. Hockersmith. The shipments of cattle, hogs and wheat from Central Point is no small item.

Station Agent Lipinott informs the Mail that the report that an additional passenger train is to be put on between Roseburg and Ashland is a mistake. He thinks no such action is contemplated by the company. (There was then one daily passenger train each way.)

Even so long as 19 years ago the Mail had a poet on its staff. Listen to him:

Dear council, give us street lights, And give them to us soon, Or we'll go over to Central Point, And skip by the light of the moon.

COMMUNICATION.

A Defense of the Supreme Court. To the Editor: We trust you will give us enough of your space to reply to your criticisms of our supreme court in last night's Mail Tribune.

Notwithstanding your strictures, we venture to assert that the decision in the bond case is based on a correct application of sound principles of constitutional law.

We have no doubt but that the members of our supreme court would have been glad to find a way to sustain the bond issue, but the court is not vested with power to make constitutions. Its duty and the limit of its authority is to construe the constitution as made by the people.

Moreover, in construing the constitution it has no right to depart from the established rules of constitutional construction.

It seems strange indeed that any intelligent man can fail to realize that for a court to assume the power to disregard the established rules of law in order to decide a given case in a particular way means the assumption of a power arbitrary, autocratic and unlimited. Such a court can have no place in a republic, for it must never be forgotten that the power to ignore the law to make a popular decision in one case implies the power in another to ignore the law to override the rights of the people. The czar of Russia possesses no greater power than this. Any court that asserts the power to ignore the established law in any case asserts the power of tyranny.

It is true that the common law is a living, growing system of jurisprudence and that altered conditions sometimes render established rules obsolete. Courts always seek to find the reason underlying the rule of law and when the reason no longer exists the rule no longer binds. But let us glance at the situation in the case under consideration and see whether there was good reason for disregarding the rules of law there held applicable.

The gist of the bond decision is that the people in exercising the powers they have reserved to themselves must act in the manner and at the times they have provided in their constitution or which have been provided for them by their legislature, to whom they have delegated that power.

It seems scarcely necessary to argue that the larger the lawmaking body, the more imperative it becomes that it act in an orderly manner and subject to clearly established rules.

A dictator might well act at any time and in any place. A law making body composed of a few men might safely act with great informality. When legislative power comes to be reposed in a legislature of a hundred or more members, it becomes necessary that an established time and place for its meeting be fixed by law, and that it adopt orderly rules of procedure.

This has led to the incorporation into our law of certain rules and principles that our courts are in duty bound to recognize and apply.

But when legislative power is reposed in the whole mass of the people—when the legislative body is increased from 1000 to 100,000—does not the reason for and the necessity of these rules become a thousand times greater and more imperative? And if this be true, by what right could a court sworn to follow and apply the established rules of law ignore and set them aside.

Mr. Editor, you wholly misapprehend the effect of the decisions of the supreme court if you think that the single tax amendment was held self executing and the county indebtedness held not self executing. What the supreme court held was that neither provision was, of itself, self executing, but that both amendments may be carried into effect under the initiative and referendum provisions of the constitution.

The majority of our supreme court in these decisions take advanced ground. In our judgment, the effect of these decisions will be of great and permanent value to the people of this state, and the supreme court is entitled to the approbation of every friend of direct legislation and local self government. Your criticism in this instance, at least, is uncalled for and wholly unjust.

Respectfully, PORTER J. NEFF, C. L. REAMES.

Let's Have Good Roads. To the Editor: As the good roads movement seems to be national, why not call a national good roads convention and each state to be represented by delegates to formulate some plan to have the government take a hand in building roads, as the public highways are socialized and belong to the people?

Why not have the government issue legal tender greenbacks (or money) and give each state a certain amount of money each year to be expended in building roads, under the supervision of some expert road builder appointed by the government? We could have good roads without having a bonded indebtedness and every man could have work. Or another way to get good roads and all other public improvements is to put the socialist party in charge of the government in 1912. Then the people will be able to get any public improvements they want without having to ask any court, for under socialism the people will rule, not corporations and courts.

Under a socialistic form of government (which the old party politicians, officeholders and grafters are so opposed to) the people would solve the railroad rate proposition by owning the roads and operating them for the public good, instead of for dividends for they few. They would also solve the problem of the high cost of living by collectively owning and operating all public utilities, thereby doing away with the profit system, which is the cause of nine-tenths of all crimes committed. For nearly every crime that is committed today can be traced to the profit system.

When the bond issue was passing here it was amusing to see how the old party politicians and office holders showed their love for the much despised socialists and labor unions.

Yes, they loved them in the superlative degree. Nothing was too good for them. They would grant everything they made a demand for, if they would only vote for the bond issue. And it was humiliating to all class-conscious socialists to see how easy it was to hoodwink a few so-called socialists, who are inexperienced in old party politics. In order to show you how they loved the socialists, you have only to look over the election board and jury list. How many socialists do you find? I can't name one, but I can name some that belong to the old parties that were convicted of perjury and some that took the immunity bath in order to keep out of the pen. Now, Mr. Socialist and Labor Union Man, you will probably have another opportunity to vote as your very dear friends want you to.

W. J. DRUMHILL, Socialist. Who adheres to the fundamental principles of "no fusion, no compromise and no political trading."

Rebekahs Will Entertain. The members of Olive Rebekah lodge No. 28 will give a box social on Tuesday evening, January 30, at 8 o'clock, at Odd Fellows' hall. All Odd Fellows, their wives and all members of their family are expected to be at this social. All ladies are asked to bring a box lunch for two.

JOSEPHINE P. CLARK, Recording Secretary.

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Seattle Appraisals Several Medford people have employed us to appraise Seattle real estate. Such appraisal is usually worth more than it costs. Ira J. Dodge of Medford was formerly connected with this office. Other Seattle and Medford references on request. H. C. ERSKINE & COMPANY 200 New York Bldg., Seattle (Charter Member Seattle Real Estate Assn.)

Medford Real Estate & Employment Agency FOR SALE: 9 acres 1 1/2 miles out, \$7500. 20 acres at Eagle Point, \$2100. 30 acres 3 miles out, 18 a. to nears, \$5500. 25,000 acres for colony or subdivision. 130 acres in orchard, a first-class proposition. 80 acres, 40 in bearing orchard, 4 1/2 miles out. 160 acres 4 1/2 miles out, \$150 per acre. TRADE Apartment house with 76 rooms in California. 40 acres 2 miles from Greeley, Colorado. Large dwelling in Grand Junction, Colo. 160 acres in Weld Co., Colo. I have land to trade in Kansas, Idaho, California, almost anywhere. List your property for sale or trade. I have parties who want furnished houses, also vacant ones.

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