

GRANTS PASS CITY NOT AUTHORIZED TO BUILD RAILROADS

Copies of the supreme court's decision in the Grants Pass railroad bonding case received show that the court holds that under the old law a municipality cannot issue bonds with which to do work outside of its limits. It is held that before doing such work a municipality would have to obtain permission through the passage of bills by the legislature.

A bill was passed at the last session of the legislature which gives municipalities the right to issue bonds for work outside of the cities, and Justice Eakin said that Grants Pass, if the people so willed under the new law, could amend its charter so as to make the \$200,000 bond issue legal. The bond election in December was held under the old law.

Old Charter Provision

The charter of Grants Pass provides that \$80,000 should be the maximum bond issue, and the court held that the residents could not amend the charter so as to provide for the proposed \$200,000 issue.

The opinion in part follows: This is a suit to restrain the City of Grants Pass from issuing and selling bonds of the city and from expending any money or incurring debts to purchase right of way, or building, owning or operating a railroad either within or without the city. An amendment to the city charter, known as section 93 A, provides the common council shall have authority and power and is hereby granted authority and power to incur indebtedness and pledge the credit of the city for the sum of \$200,000 in addition to other indebtedness of the city now outstanding for general municipal purposes in building bridges, roads or electric or tram roads or tramways within or without the City of Grants Pass in Josephine County, Oregon; to buy and hold real estate for municipal purposes.

An ordinance passed by the city provided for the issuing of these bonds. The questions considered by the court are:

Power of Amendment

The power of the city to amend its charter authorizing the council to bond the city to the amount of \$200,000 for the purpose of building a railroad to a neighboring city for profit and whether the act of the legislature of February 27, 1913, authorizing incorporated cities to build and operate railroads, operated to give validity to said charter amendment. The court holds:

A municipality cannot amend its charter to confer itself power or authority beyond what is properly municipal or governmental. The power of the legislature is unlimited when not restricted by the constitution, but such power does not extend to a city except as granted by the state. Section 2, or section 1 A, article 4, of the constitution do not confer such power. The rights there given are municipal. The effect of adding section 93 A to the charter was an attempt to ignore the state authority and to assume sovereign rights. Furthermore, such an amendment was only an attempt to enlarge the powers of a city in addition to those conferred in section 93 and not an attempt to legislate.

Beyond City's Power

We cannot recognize the attempted charter amendment as it was beyond the power of the city to assume to itself sovereign power that rests exclusively in the state. Defendants insist that the legislative act of 1913 gives validity to the charter amendment of December, 1912, but it can have no retrospective effect. It does not operate as an amendment of the city charter, but charters may be amended to take advantage of powers granted.

The attempted amendment of the charter was unauthorized when adopted and the legislative acts could give it no validity. Neither it nor the legislative act authorize a particular issue of bonds to build a particular railroad or purchase any particular real estate; but before the city can have the benefit of the statute it must act affirmatively by making its charter conform to it and then proceeding in the manner provided in its charter and ordinance. Section 2, article 11, of the constitution confers powers and authority upon cities to form their own charters and make their own laws within their municipal needs. That is in local and special municipal legislation. Authority beyond that must come from the sovereign, namely, the legislature, by general laws, or by the people by general or special laws.

Therefore, the court holds that the city is not authorized to issue or sell the bonds sought to be issued or sold.

With Medford trade is Medford made.

TRAINMEN HELD IN CONNECTION WITH FATAL COLLISION

NEW HAVEN, Conn., Sept. 4.—Engineer Miller of the White Mountain express and Flagman Charles Murray of the Bar Harbor express are held in jail here today in connection with the collision on the New York, New Haven and Hartford railroad near Wallingford, Conn., Tuesday, when twenty-one persons were killed and forty others injured. Neither man is permitted to make statements to the newspaper men.

Coroner Mix, a former employee of the New York, New Haven and Hartford railroad, is conducting his inquest behind closed doors. Even the names of the witnesses are not announced.

Newspapermen who attempted to interview Miller were told that Coroner Mix feared he would become excited if he talked. Both Miller and Murray will testify before the investigation of the inter-state commerce commission which starts here tomorrow morning.

Engineer Miller will be asked at tomorrow's investigation if he had been doing the work of two men at the time of the disaster. Railroad officials denied reports that Miller was ordered to make the run on the White Mountain express just after coming off duty, on account of the illness of the regular engineer.

STEINHARDT HANDLES HOOD RIVER APPLES

HOOD RIVER, Ore., Sept. 3.—Although he was here but a few hours, leaving during the afternoon for Mosier, Joe Steinhardt, senior member of the New York fruit firm of Steinhardt & Kellep, purchased 200 carloads of extra fancy commercial varieties of apples from the Apple Growers' Association. Neither Mr. Steinhardt nor the members of the local association felt free to give out the price paid for the fruit on an f. o. b. basis. Mr. Steinhardt said: "I feel sure that the local growers are going to be well satisfied when they get their returns from this season's apple crop."

The New York buyer came here from Wenatchee, where he had bought several hundred carloads of apples. He also made heavy purchases from the growers of the Yakima valley.

"I will confine my purchases in the northwest to these three districts," said Mr. Steinhardt. "I have been on a buying trip now for two weeks and in that time have covered 10,000 miles in my travels and bought approximately \$1,500,000 worth of fruit."

\$200 SET ASIDE FOR ANTELOPE REPAIRS

County Commissioner W. C. Leever, in reply to the complaint made by James Kershaw of Climax that the county court has not heeded the requests of the citizens of the Antelope valley for needed road repairs, states that court has appropriated \$200 for the repairs, double the amount requested, and that there is no cause for complaint.

"District roads in isolated sections cannot have a great amount of improvement," says Mr. Leever "until we get the money to make them. As long as we have to spend most of the road money in repairs to roads in the heart of the valley, there will be little to spend in remote sections. With the main highway and the postal roads cared for from other sources, we can turn our attention and money to the outlying roads."

PRUSSIA PAYS \$87,500 FOR GRAMME OF RADIUM

BERLIN, Sept. 4.—The Prussian government has just paid \$87,500 for one gramme of radium, according to announcement here today. A fund being raised by the government to purchase radium for hospital and scientific uses has already reached \$200,000.

WEDDING BELLS

John H. Darley and Nora L. Wilson, both of Griffin creek were married at the Methodist parsonage this morning at ten o'clock by the Rev. E. O. Eldridge. The couple left on the morning train for a honeymoon in California. Both are well known.

GRAFT SCANDALS IN FEDERAL SERVICE DISGRACE RUSSIA

ODESSA, Sept. 4.—Investigation of the accounts of the Amur railroad by Imperial Comptroller Kharitonoff has revealed the fact that during the last five years the officials in charge of the construction work on the western section of the line have drawn \$19,000,000 as pay for 12,000 convicts, mostly political prisoners, who have been compelled to work on the line. Naturally, the convicts never have seen a cent, but the payrolls list them as paid workers.

Despite the fact that some six hundred officers and officials of all grades have been convicted and punished for commissariat frauds amounting to \$165,000,000 in four years, graft is still rampant all over Russia, and another big scandal has been disclosed by the official investigation into the accounts of the Nicolaieff dockyards. Director in Chief of Naval Construction Dmitrieff, who received a salary of \$50,000 a year, has been summarily dismissed and it is expected that the defalcations will show a total of \$4,250,000, extended over a period of two and a half years.

FIREMAN INJURED BY TUMBLING CHIMNEY

A falling chimney fell upon Fireman Charles Roussam while fighting flames that Wednesday evening destroyed the bungalow at the corner of Jackson and Roosevelt occupied by Mrs. Tesky and daughter. He was rescued by other members of the department, badly bruised and one rib broken. His injuries received prompt treatment by Dr. Emmons. He was helping hold the hose inside the burning building when the chimney collapsed.

Origin of the fire is unknown. Mrs. Tesky and daughter were asleep on the rear porch. The alarm was turned in by Officer Mezo who saw the flames from the bridge. A pet dog lost its life in the blaze.

KING SEAL WINNER AT VANCOUVER RACES

King Seal won the first heat in the 2:14 pace at Vancouver, B. C., Monday, September 1, against ten starters; time, first heat, 2:11 1/4 on a half mile track, the fastest mile ever paced in B. C. in a 2:14 pace.

In the second heat he caught a gravel in his foot and cut his quarter, causing him to lose the race. He took first and fourth moneys. He beat the crack pacer, College Gent, that has done so well in Canada this year.

GIRLS WHO ARE PALE, NERVOUS

May Find Help in Mrs. Elston's Letter About Her Daughter.

Burlington, Iowa.—"Lydia E. Pinkham's Vegetable Compound has cured my daughter of weakness. She was troubled almost a year with it and complained of back-ache, so that I thought she would be an invalid. She was entirely run down, pale, nervous and without appetite. I was very much discouraged but heard of Lydia E. Pinkham's Vegetable Compound through friends and now I praise it because it has cured my daughter."—Mrs. F. M. ELSTON, R. D. No. 3, Burlington, Iowa.

Case of Another Girl. Scanlon, Minn.—"I used to be bothered with nervous spells, and would cry if anyone was cross to me. I got awful weak spells especially in the morning, and my appetite was poor. I also had a tender place in my right side which pained when I did any hard work. I took Lydia E. Pinkham's Vegetable Compound and my symptoms all changed, and I am certainly feeling fine. I recommend it to every suffering woman or girl. You may use this letter for the good of others."—Miss ELLA OLSON, 171 5th St., Virginia, Minn.

Young Girls, Heed This Advice. Girls who are troubled with painful or irregular periods, backache, headache, dragging-down sensations, fainting spells or indigestion, should immediately seek restoration to health by taking Lydia E. Pinkham's Vegetable Compound.

THAW'S BROTHER-IN-LAW WHO HOLDS BANKROLL



George L. Carnegie, with his wife, who is a sister of Harry K. Thaw, has gone to Sherbrooke, Canada, to take charge of the work of getting Thaw out of a Canadian jail free from claim by the New York state authorities. Mr. Carnegie has the Thaw bankroll, sent by the family for the highest priced Canadian lawyers called in to fight the case. He is at this moment probably authorized to expend as much money for lawyers as the greatest trusts have spent when haled into federal courts.

ARMY AVIATOR KILLED BY FALL

SAN DIEGO, Cal., Sept. 4.—Lieutenant Moss Love of the United States army aviation corps, was killed here today in a fall in an aeroplane. Love fell three hundred feet and landed on the hard ground in the center of North Island, San Diego bay, where the army aviation school is conducted. Sailors from the fleet in the harbor brought his body here. He appeared to have been instantly killed. He was flying in an army biplane.

Love apparently lost control of the machine. No reason has been yet assigned.

Yesterday Love made several successful flights, at time attaining a height of 1000 feet.

GERMANY REOPENS EXPOSITION QUESTION

BERLIN, Germany, Sept. 4.—Declaration that Germany is to reopen the question of representation at the Panama Pacific exposition is made here today. This is said to be due to the efforts of Count von Bornstorf, German ambassador to the United States.

POPE, THOUGH INDISPOSED, RECEIVES MILAN PILGRIMS

ROME, Sept. 4.—Though indisposed, the Pope today received in audience Cardinal Ferard and a party of pilgrims from Milan. The Pontiff's physicians have strongly advised him to take a complete rest.

German Aviators Killed.

BRIGG, Germany, Sept. 4.—Lieutenants Eckenbrecher and Prince, military aviators, were instantly killed here today when a monoplane turned turtle during the military manoeuvres. The men fell from an altitude of 300 feet.

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So sure are we that Stearn's Pile Remedy will benefit you that we will REFUND YOUR MONEY if you are not satisfied.

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Medford, Sept. 9 to 13

Liberal cash premiums for exhibits Fruits, Grasses, Grains, Poultry, Stock products of Kitchen and Pantry, Fancy Work, Etc. Prepare now to compete for these premiums, and help make this the best fair in the history of Jackson County

Children's Department a special feature this year.

Bucking Horses and Bulls to be ridden by some of the best riders on the coast.

Write the Secretary W. I. Brown for premiums list and particulars and prepare to make an exhibit.

Special Train to Grants Pass and intermediate points after Grants Pass day Thursday, September 11. Fare of one and one-third for every day during the Fair.

J. T. SULLIVAN, President **W. I. BROWN, Secretary**