

UNITED PRESS ASSOCIATION
Full Leased Wire Report.

The only paper in the world
published in a city the size of
Medford having a leased wire.

MEDFORD MAIL TRIBUNE

THE WEATHER.
Tonight and Wednesday —
Cloudy.
Monday's Temperature—High
54, low 33, range 48.

FOURTH YEAR.

MEDFORD, OREGON, TUESDAY, FEBRUARY 15, 1910.

No. 283.

CRATER LAKE ROAD CASE KNOCKED OUT

SUPREME COURT DECIDES THAT THE BILL IS NOT CONSTITUTIONAL

JUSTICE KING IS LONE FRIEND SOUTHERN OREGON

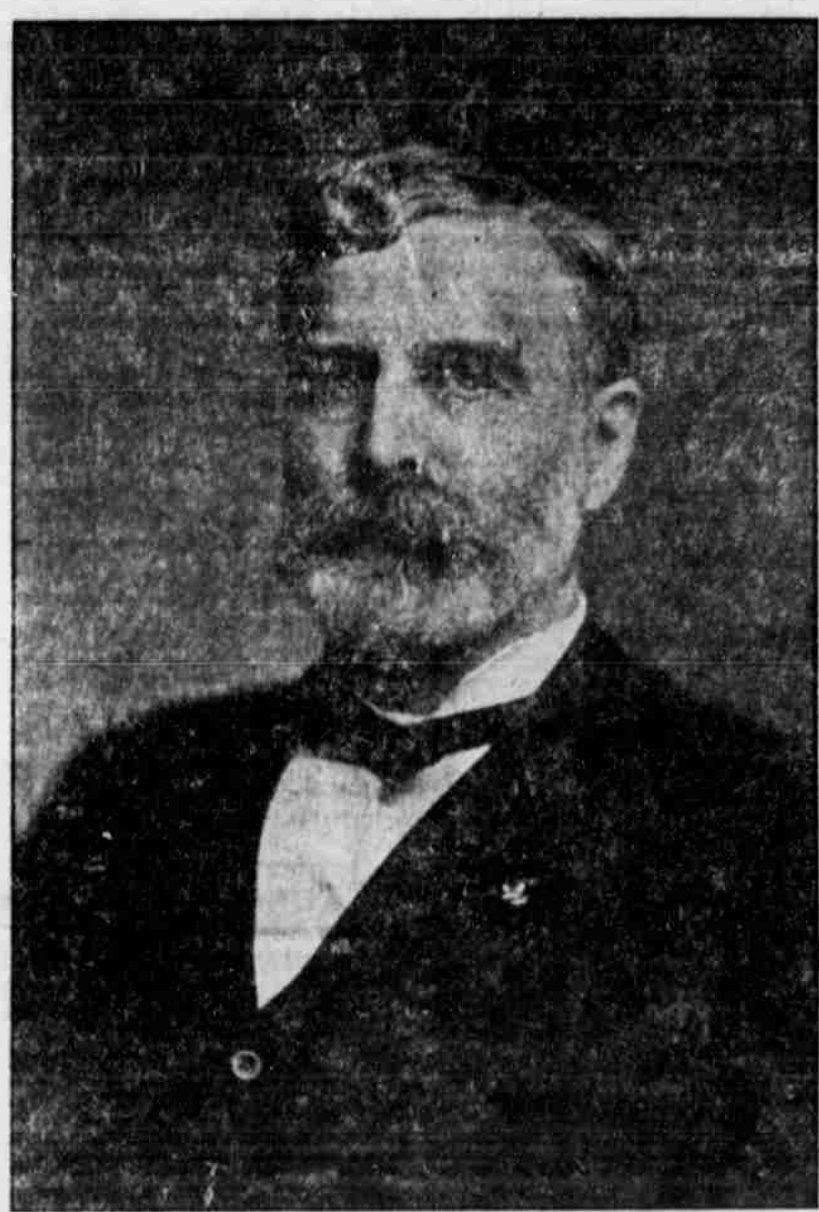
Files Dissenting Opinion in Case Against That of Other Four Justices—Opinion States Road Is Sectional and Not Benefit to State.

SALEM, Or., Feb. 15.—The supreme court of Oregon today sustained the decision of Judge Galloway of the circuit court of Marion county by declaring unconstitutional the legislative act passed at the last session appropriating \$100,000 for the construction of a road from the Pacific ocean to the boundary line of Idaho, known as the Crater Lake road.

Justice King filed a dissenting opinion, standing out against his associates.

The court based its opinion upon section 23, article 4, of the constitution, claiming that the road is a "special" or "local" one, and not one which would benefit the state at large.

(Continued on Page 5.)



JUDGE W. D. FENTON.

Who gave freely of his time and money to further the cause of the Crater Lake road. Judge Fenton before the supreme court delivered what is termed by attorneys the most able argument ever delivered before that body. To him the thanks of southern Oregon are due, and it was not due to any neglect or oversight on his part that the case was lost.

COMMERCIAL CLUB HOLD MEETING THURSDAY

President Colvig has called a meeting of the Medford Commercial club for Thursday evening to consider the Crater Lake road decision and provide ways and means of securing the highway.

As the president and many members of the club will go to Gold Hill Wednesday evening to help inaugurate the Gold Hill Commercial club, the regular meeting of the club for Wednesday is postponed.

A full attendance Thursday evening is desired, when a program will be set in motion that will make the people of Oregon sit up and take notice.

FIRE CHIEF WANTS NEW ALARM

Files Annual Report and Makes Recommendations to City Council—More Hose Requested—Fire Loss During Year Totaled \$12,000—Cost of Operating the Department Was Nearly \$2000.

Recommending that a compressed air whistle be installed for sounding fire alarms, to take the place of the bell, which is inadequate, inasmuch as it cannot be distinctly heard, on account of the trains switching and spotting freight cars, and asking that the department be equipped with 1000 feet more of hose, Eugene Amann, fire chief, has filed his annual report with the city council. He also further recommends that an ordinance be passed regulating exits and aisles in theaters and public assembly rooms, and also to require one or more fire escapes on all public buildings two or more stories in height.

The summary for the past year is as follows:
Number of alarms turned in, 21; total loss by fire, \$12,000; insurance on same, \$10,000; number of men answering alarms, 430; fires in residences, 8; fire in schools, 1; grass

fires, 3; false alarms, 4; fires in woodsheds, 1; fire in dye works, 1; fires in restaurant, 1; fire in drug store, 1; fire in telephone office, 1; total cost for maintaining the department, \$1970; total amount of hose (2 1/2-inch) on hand, 2500 feet; total amount of chemical hose on hand, 500 feet.

Powell-Memsic Fight Tonight.

LOS ANGELES, Cal., Feb. 15.—Each confident that the other is to leave the ring a beaten man, Lew Powell and George Memsic await the first gong which will call them together for their ten-round fight at Naud Junction tonight.

Both lightweights made the required 133 pounds easily. The odds which yesterday were even, today jumped to 10 to 7 in Powell's favor, following a strong showing of San Francisco money.

REHEARING WILL BE ASKED OF SUPREME COURT

Attorneys Preparing to Continue Fight—Indignation Runs High in Southern Oregon—Course of Willamette Mossbacks Condemned.

The attorneys conducting the fight in the supreme court for the Crater Lake road appropriation are already preparing to petition the supreme court for a rehearing of the case. Inasmuch as a dissenting opinion was filed in the case by Justice King, it is believed that a rehearing can be secured and with a rehearing, all hope is not as yet lost.

Feeling today runs high in Southern Oregon against the Willamette valley mossbacks who have for the time being at least blocked the building of the road which would make accessible one of the world's greatest natural wonders. Denunciation of an obsolete constitution generally prevails. And Southern Oregon is waiting with quiet determination the next general state elections.

It is generally believed that the long fight to secure a state appropriation for the betterment of this section of the state is at an end for the time being. The movement started over one year ago when Southern Oregon boosters visited the state capital in a body and demanded an appropriation of \$100,000 from the state. The legislature granted it; a commission provided in the bill was appointed; the federal government sent out an engineer and the work started. Then it was that one L. H. McMahon of Salem brought suit to enjoin the appropriation on the ground that it was unconstitutional. This case, being decided against Southern Oregon in the lower court, was carried to the supreme court, where it was lost.

POINDEXTER HAS NOT WITHDRAWN FROM RACE

WASHINGTON, Feb. 15.—Representative PoinDEXTER of Spokane, Wash., declared today that the story that he had withdrawn from the senatorial race in Washington was "made out of whole cloth."

"I shall not withdraw under any circumstances," he said to the United Press. "I am in the race to stay, and I expect to win."

"The situation is betting better every day. The circulation of the story that I have withdrawn is a favorable sign, because it shows every indication of my strength. It was made out of whole cloth, but it was sprung in the fight too early to have effect."

No Trace of Tug.

WASHINGTON, Feb. 15.—The navy department today ordered the vessels that are searching for the lost tug Nina, which disappeared with 32 men aboard her, to confine their search to the south of Fenwick island lightship, off the Delaware coast.

Judge W. M. Colvig has returned from Corvallis and Portland. At Corvallis he addressed a large audience telling them how Medford did things.

H. B. Patterson has returned from Peoria, Ill. He found many people talking about Oregon.

BALLINGER HAMPERING ATTORNEYS

Counsel for Glavis, Pinchot and Others Claim They Cannot Obtain Documents From Department Which They Need.

CROSS-EXAMINATION OF GLAVIS UNDER WAY

Angrily Declares That a "Frame-up" Had Been Made in Connection With Discovery of Letters.

WASHINGTON, D. C., Feb. 15.—Complaint by the attorneys for Louis R. Glavis, Gifford Pinchot and others that they are being hampered in obtaining copies of records of the interior department reached a culmination today.

Attorney Brandeis, on behalf of Glavis, told the congressional commission investigating the Ballinger-Pinchot controversy of his failure to get certain papers.

"I wish to renew my daily complaint," said Brandeis. "Many papers that I require the commission to have the interior department produce have not been delivered."

Senator Nelson, chairman of the commission, thereupon asked that they be sent in by the department.

Attorney Vertrees, on behalf of Ballinger, thereupon continued his cross-examination of Glavis. The men opposed to the administration of Ballinger in the interior department today were active following a veiled threat by Attorney Vertrees that there might be a sequel to the present investigation, with Louis R. Glavis in the courts accused of purloining papers from government files.

Glavis on the stand late yesterday angrily declared that the discovery of 24 letters, representing correspondence from the Juneau, Alaska, land office, regarding the Cunningham cases, was a "frame-up." The letters, after being missing for some time, were found in a room of the Seattle federal building with effects belonging to Glavis.

A. Christianson, who succeeded Glavis at Seattle as field agent, and G. W. O'Neill, assistant custodian of the federal building at Seattle, who are reported to have found the letters, have been subpoenaed at the request of Vertrees. They have been directed to bring the box in which the letters are alleged to have been found.

Attorney Vertrees also called upon the forest service to produce all letters sent to its officials by Glavis.

DOGS OF WAR ARE ORDERED UNLEASHED

BLUEFIELDS, Nicaragua, Feb. 15.—(By wireless to Colon.)—Bearing orders to General Chamorro to begin immediately the long-deferred attack upon Managua, a courier dispatched by Provisional President Estrada is hurrying toward Matagalpa today.

Estrada's order was wired to the telegraph nearest Matagalpa, where Chamorro lies. At this point it was entrusted to a courier. It was as follows: "Strike fast and hard."

General Mena, with 1000 men, is rushing toward Matagalpa, which is bombarded by the administration general, Lara, to relieve Chamorro.

The rebel leaders are confident, however, that Chamorro would be able to hold the city, despite the bombardment, or leave it should he desire.

"THE FOURTH ESTATE" IS NEXT IN LINE

The next serial story to be published by the Mail Tribune will be "The Fourth Estate," a powerful story dealing with the power of the press. The play from which the story is written will appear next season at the Medford. It is intensely interesting. See the announcement on page 5.

PAVING AND GAS PLANTS THEMES THIS EVENING

City Council Will Have Much Important Business to Discuss at This Evening's Session—Will Probably Submit Charter Amendment.

Paving, gas plants, bids for city improvement bonds and other important business will be considered by the city council when it meets in regular session this evening. Tonight is the time set to hear protests against paving, but it is unlikely that many property owners will be on hand to tender protests, as the city is almost unanimously in favor of more hard-surface streets.

The paving proposition will be considered and it is probable that a charter amendment will be referred to the people to give the council authority to grant a 30-year franchise. Several other important matters are to be considered aside from routine business.

TAXES ARE BEING PAID QUITE RAPIDLY

Taxpayers Are Coming Through in Good Shape—No More Rebate After March 15th.

While taxes are being paid with commendable rapidity, Sheriff Jones' office force is not overworked at present and could possibly handle a few more simoleons per day for the good of the county.

On March 15 the time for claiming the 3 per cent rebate will expire, and those who wish to save this amount on their taxes should come up to the captain's office before that time.

April 1 taxes for 1909 become delinquent.

Bad-Edd Vendor Fined.

LOS ANGELES, Cal., Feb. 15.—Because John McClintock, a groceryman, advertised eggs as fresh when in fact they had been in storage several months, C. L. Parry, the man who sold the eggs, pleaded guilty to a violation of the pure food law, and as a result is out just \$25 today, the sum which went to make up his fine.

The conviction of Parry is the first made since the recent meeting of the state board of health here, when the board filed a ruling that eggs held in storage or treated with preservatives were not to be considered fresh.

A number of store men are under arrest for selling ancient eggs in the place of fresh ones.

SEATTLE, Wash., Feb. 15.—The owners of the new nine-story Leary building at Second and Madison streets today confirmed the report that the yare planning to add 11 stories to the building, giving Seattle the highest structure on the coast. Work is to start in June or July. The foundations of the building were built to carry 20 stories.

JIM HILL'S RIGHT HAND MEN HERE

Three Leading Officials of Roads Owned by Hill Visit Valley—State That They Are Here Looking Over Orchard Properties.

HAS THEIR VISIT TO DO WITH PACIFIC & EASTERN?

They Claim Not—Will Leave This Evening for North, After Looking Over All of the Valley.

Three of James J. Hill's right-hand men—J. M. Gruner, general superintendent of the Great Northern; G. H. Emerson, superintendent of motive power, and J. Russell, superintendent of the North Bank—spent Tuesday in looking over the valley. While they stated that they were here simply to look at certain properties, their presence gave rise to much speculation in connection with the Pacific & Eastern, which Hill has been reported as backing. They disclaimed all matters tending to connect them in any way with the present activity in railroad circles.

The officials were taken to view different sections of the valley and plan to catch a train north from Ashland this evening.

The fact that Hill is building into Central Oregon and that the Pacific & Eastern is to be built to an eastern connection has given rise to a report that Hill plans to reach California by way of Medford and Crescent City. It is known that John F. Stevens, Hill's chief engineer, made the preliminary report on the P. & E., and hence the visit of other Hill officials lend color, although they deny any other motive than that of looking over certain properties.

G. H. Emerson, superintendent of motive power of the Great Northern railroad, met an old friend in G. H. Osgood of Medford. Years ago Mr. Osgood, as a locomotive engineer, gave Mr. Emerson some primary lessons in the way to run an engine. Mr. Osgood accompanied the party to Ashland this morning.

ELKS PLAN TO HOLD BIG ENTERTAINMENT

The Elks have kicked over the traces and are climbing into the minstrel band wagon. Elks pull well in the harness until you start a coon song or pick a ripe Newtown joke, then they always break loose and want to join in.

This is T. E. Daniels, who was driving the Elk wagon along smoothly until he was rash enough to start the coon ditty, "You Don't Know How Much You Have to Know in Order to Know How Little You Know," and the antlered brother expressed a desire to basso profundo for a few measures. He'll get him back in the harness after a few breaks like that and drive the wagon in triumph to the Opera house on the evenings of February 25 and 26, Friday and Saturday nights. Paste the dates in your sunbonnet. The rehearsals are starting off finely, with Gunson, Withington, Burgess, Andrews and Johnson sitting in the front pew and shouting "Glory!"

They want a chorus of about 60 voices and are welcoming male voices, whether Elks or not. If you would like to "join in" come to the high school auditorium at 7:30 this evening and you will get the glad hand and have more fun than at a St. Patrick's day picnic.

You can save the money to pay for a summer vacation by beginning to "buy advertised things."