

THE WEATHER.
Tonight and Wednesday—Light frost; warmer tomorrow. Call central after 7 p. m. for further changes in temperature. No damage last night.

MEDFORD MAIL TRIBUNE

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.

FIFTH YEAR.

MEDFORD, OREGON, TUESDAY, MARCH 29, 1910.

No. 7.

CLARK-HENERY COMPANY GET PAVING WORK

Although Their Bid Was Higher Than That of Barber Asphalt Company, Council Decides That Specifications Make a Difference Justifying Acceptance of Higher Bid.

TOTAL CONTRACT WILL FIGURE NEAR \$450,000

Vote Was Unanimous With Sole Exception of Demmer, Who Stood Out for Granite on the Business Streets of the City.

At a special meeting of the city council at 5 o'clock Monday evening, the Clark & Henry Construction company of Sacramento was awarded the contract for grading, curbing and paving with asphalt nearly ten miles of Medford's streets, all councilmen voting for the award except Demmer, who favored "Granitoid" pavement upon certain streets. Ordinances were at once passed authorizing the signing of the contract. The grades of pavement for various streets will be determined later. In the business district, Class A pavement, consisting of 5-inch concrete base, 1-inch binder and 2-inch asphalt surface will be laid. In residence sections, probably a cheaper grade will be laid.

Clark-Henery Bid.
The city engineer estimates that there are 203,000 square yards of pavement to be laid and 50,000 cubic yards of excavation. The Clark & Henry company bid on Class A pavement, \$1.76 a square yard, on excavation 65 cents a cubic yard, on curbing 40 cents, on 6-inch cast-iron pipe \$1, on 6-inch "V" sewer pipe 50 cents, on 8-inch cast-iron pipe \$1.35, on 8-inch sewer pipe 65 cents, on catch basins \$21, on meter cases \$2, on meter boxes \$3.75. The total contract will probably figure from \$425,000 to \$450,000.

Barber Bid.
The Barber Asphalt company, on the same grade of pavement, bid \$1.77 1/2 a square yard, 50 cents a cubic yard for excavation, 45 cents for curved curb and 40 cents for straight curb, \$1 for 6-inch cast-iron pipe, 50 cents for 6-inch sewer pipe, \$1.30 for 8-inch cast-iron pipe, 50 cents for 8-inch sewer, \$25 for catch-basins, \$1.75 for meter cases and \$2.50 for meter boxes. On pavement, the Clark & Henry company was 1 1/2 cents a yard lower than the Barber, on excavation 15 cents higher, the same on straight curb, but 5 cents lower on curved curb, the same on 6-inch cast-iron and 6-inch sewer pipe, 10 cents higher on 8-inch cast-iron pipe, 10 cents higher on 8-inch sewer pipe, \$4 lower on catch basins, 25 cents higher on meter cases and \$1.25 higher on standard meter boxes.

Specifications Count.
The award was made to the Clark-Henery company, state the city officials, because its specifications provide a superior pavement to that specified in the Barber specifications. The concrete provided in the Clark-Henery company specification

SENATE VOTES TO SUSTAIN ALLDS

ALBANY, N. Y., March 29.—By a vote of 40 to 9, the state senate today decided that the charge against Senator Jotham P. Allds, that he solicited and accepted a bribe of \$10,000 had been sustained. The charge of having accepted a bribe was brought against Allds by Senator Conger, who alleged that Allds agreed to use his influence to kill legislation against the bridge trust while a member of the assembly in exchange for the alleged bribe.

NATIONALISTS RESENT SPEECH OF ROOSEVELT

However, Editors of Nationalist Papers Do Not Make the Attack Upon Him That Was Expected—Will Make Issue of Speech After the Departure of Teddy.

CAIRO, Egypt, March 29.—"Roosevelt has joined hands with the English and endorses the work of the oppressor." The Shabba, the most radical of the local newspapers, today issued an extra with the foregoing statement placed in a prominent position on the front page. Commenting on Roosevelt's speeches while here, the Shabba says: "He might have told us something beneficial out of his American experiences. We are surprised that he should have given no suggestion to those who are seeking a constitutional government. His mind, evidently, has been contaminated by contact with his hosts."

CAIRO, Egypt, March 29.—Contrary to expectations, the Nationalist press did not attack Roosevelt yesterday's speech. The Nationalist comment following the Khartoum speech was very bitter. Today there was no trace of bitterness.

The absence of severe criticism is attributed to the heart-to-heart talk Roosevelt had Sunday with the Nationalist editors, telling them men must have the courage of their convictions and that they must be lenient with those who differed in their views. Roosevelt is credited with a clever political stroke in coming here and telling the people what no other person has ever dared to tell them and being able to make the people listen to him.

Despite the fact that there is little open comment, the Nationalists keenly resent the speeches made here. They will not endeavor to make an issue of the speech until the colonel has departed, but it is believed here that later the Nationalist press will comment more freely than they have yet done.

The Roosevelt party today visited the bazaars and spent the morning buying souvenirs. Later Commander Tanaka of the Japanese fleet called.

75,000 PEOPLE ORDERED FROM THEIR HOMES

Civil Authorities Order All Inhabitants on South Slope of Mount Aetna and Vicinity to Abandon Homes and Flee for Safety—Order Based on Reports of Scientists.

BELIEVE ERUPTION DID AWAY WITH GREAT QUAKE

Already Thousands of Peasants Have Left Their Homes and Are Encamped in Fields—They Have Now Been Ordered to Vacate.

CATANIA, March 29.—The civil authorities today ordered 75,000 residents of the southern slope of Mount Aetna and vicinity to abandon their homes in anticipation of a great eruption of the volcano.

The action of the authorities was based on an official report by a party of scientists who risked their lives in climbing the mountain and making an examination of the craters. The scientists could approach only the lower fissures on the mountain, and this they did at the imminent risk of suffocation.

Aetna Is Choked.
The report that Aetna is choked with masses of rock and ashes which have become distended upward by great pressure from gases in the interior of the mountain, is verified. The constant recurring explosions within the craters lead to the belief on the part of the observers that Aetna will soon burst the temporary safety-valve and throw a tremendous fountain of volcanic matter from her depths.

Vesuvius Active.
The scientists also regard the actions of Mount Vesuvius as significant.

When Aetna recently subsided, Vesuvius became active. Now, save for a thick volume, Vesuvius is quiet. Aetna is in active state. This leads scientists to believe that the volcanoes have subterranean communication.

It is stated that the eruption of Aetna prevented a great earthquake. In view of this belief and the present choking of the craters on Aetna, observers here believe that unless the volcano throws off the clogging obstacles another great earthquake will shake Sicily. The orders to the inhabitants of the villages on Aetna's slope have caused sorrow among the refugees here. They believe that the destruction of their homes and farms is foreshadowed in the government's action.

Thousands Leave Home.
Already thousands of peasants have left their homes and camped in the open fields. Now they have been ordered to abandon these and proceed to a considerable distance from the volcano.

Uneasiness is felt here because of the reported broadening of the danger zone. The scientists report that the new crater at Volta, San Giacomo, is practically active and is unapproachable. This opening is one which partly ruined towns of Castello and Abanello.

Slight earthquake shocks in the vicinity of the mountain are felt from time to time, but these are inconsequential and have caused no loss of life.

The prefect of Catania, at whose instance the orders to abandon the towns on the southern slope were issued, today declared that more than a dozen mountain villages were involved in the orders.

The towns will be occupied by the military, and this duty places them in constant danger.

Vegetation in the vicinity of the mountain is destroyed. The orchards and vineyards have been beaten by a hail of hot stones and cinders, buried in lava or smothered in volcanic dust. The ruined area is many miles in length and has a desolate appearance.

MANY SETTLERS TO ENRICH CANADA

OTTAWA, Ont., March 29.—Some interesting figures regarding the movement of American settlers into Canada this year were given today by W. J. White, inspector for the Dominion government offices in the United States.

"In one train passing into Canada at North Portal the American settlers have in cash or checks \$225,000," said White. The total number of settlers entering Canada from the United States in the eleven months ending March 1 was 86,488.

STOCK HOLDERS DISAGREEMENT WRECKS STORE

Hutchason Company Forced into Bankruptcy Because Stockholders in Concern Are Unable to Agree on Policy of the Firm in Handling Business.

T. E. Hammersly, deputy United States marshal, on Monday served the papers in the bankruptcy proceedings in which the Hutchason company figures, they having filed a petition in bankruptcy a few days ago, after several ineffectual efforts to adjust matters so that the firm would not be forced into bankruptcy. The assets of the concern are given as \$26,000 and consist of stock and fixtures, while the liabilities, consisting of unpaid claims, amount to some \$26,000—one offsetting the other.

Almost from the founding of the Baker-Hutchason company there was disagreement among the partners. The firm did a good business, but, having started on a very small capital, it had hard uphill work in meeting the demands made upon it.

Starting in the fall of 1907, it was handicapped at the outset by the panic. The next spring it spread out and took more floor space and later, in 1909, opened shoe and millinery departments. It is believed that had no trouble existed among the stockholders that this firm would never have been in trouble.

About March 1 of this year the stockholders held a meeting and C. W. Zorn and A. W. Kessler voted 67 of the 100 shares of stock in favor of selling out to H. L. Smith for the benefit of the creditors. Mr. Hutchason refusing to vote, stating that he believed that trouble would come of it and instead offered to take the store and run it, believing from the assurances that he had from other parties that he could have entire control of the stock that he could secure capital and eventually pay all creditors in full and keep something out of the store for the stockholders. Mr. Hutchason's proposition was rejected and the stock was sold as voted previously, to H. L. Smith of the board of trade, San Francisco.

This was not looked upon favorably by some of the creditors, and suit was started against the former stockholders, which resulted in bankruptcy proceedings. Mr. Hutchason stated today that

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FROST HAS DONE NO DAMAGE AS YET - O'GARA

Orchard heating was resorted to by many fruitgrowers Monday night, for the first time this season. The thermometer fell as low as 27 degrees, but no damage was reported. Pear trees are in full bloom and quite heavily laden with blossoms. D'Anjou, the first pear to bloom, is the only variety far enough advanced to be damaged, should a heavy frost occur. As yet the crop prospects are uninjured.

CHAMBERLAIN FIRM FRIEND CONSERVATION

"Our George" States Before Senate That His Only Regret Is That President Has Not Used His Power of Withdrawal More Frequently in the Past—Makes Long Speech.

SAYS BALLINGER FIRST TO QUESTION AUTHORITY

Chamberlain Roundly Condemns Law Which Allowed Railroads to Select Finest Government Lands in Exchange for Those in Reserves.

WASHINGTON, D. C. March 29.—"While there has been conservation of natural resources at the presidential spot, there has been enormous waste going on at the congressional bung," declared Senator Chamberlain of Oregon today, in speaking on the bill empowering the president to withdraw public lands for forestry sites and other purposes. Chamberlain favors the measure.

The bill specifies that the president may withdraw land for water power sites, irrigation, forestry reserves, classification or other public purposes.

President's Right.
In giving his reasons for favoring the measure Chamberlain said that, first, the main principle involved, the right of the president to withdraw portions of the public domain from entry, settlement or sale, had been approved by every department of government from the earliest days.

The exercise of power necessary to protect from legislative improvidence what is left of the public domain made the bill advisable, he declared. He argued that it is necessary to conserve undisposed and unappropriated natural resources, and favored the bill as the best plan for accomplishing this purpose.

Cites Decisions.
He cited a number of federal court decisions upholding the president's power to withdraw lands, contending that the present measure is constitutional.

"I have not been able to find," he said, "any case in which the authority has been questioned unless the point was raised by the secretary of the Interior in his annual report of last year and later by the president himself."

"It seems to me that a policy which has proven salutary in years past and has resulted in the prevention of the monopolization of many natural resources ought not to have been lightly set aside by this or by any other administration."

"My own regret is that the president's power of withdrawal has not been more frequently and fully used in the past."

Regarding the improvidence of congress in land legislation, Chamberlain said that through lack of safeguards great tracts entered for speculative purposes under the original pre-emption law eventually were reported to be largely the cause of land frauds.

"The timber and stone act of 1878 proved three times worse," Chamberlain continued. "Over 12,500,000 acres were acquired under it. It is safe to say that very little of this was acquired for actual use by settlers."

"In Oregon 33,556,930 acres were acquired under this act, while in Washington 20,866,536 acres were acquired. "These frauds were known to all men and nothing has ever been done to make them impossible by repealing the law."

RUMORED THAT JIM JEFFRIES IS HURT

LOS ANGELES, Cal., March 29.—It was rumored on the streets today that Jim Jeffries had fallen from a cracker box at his ranch near Burbank and fractured his arm. No confirmation of the rumor could be found.

At the Burbank ranch it was strenuously denied that Jeffries has been near the place of the reported accident for a week. It was stated that he was not supposed to return from his hunting trip in Southern Inyo county until this evening.

JUSTICE BREWER DIES SUDDENLY IN WASHINGTON

Aged Jurist Stricken With Apoplexy and Dies Before He Can Be Carried to His Bed—Was Best Versed Man in Country on Corporation Law—Bowers Possible Successor.

WASHINGTON, March 29.—Justice Brewer of the United States supreme court died a few minutes after 10 o'clock last night from a stroke of apoplexy. He was stricken so suddenly that he died before he could be carried to his bed. Mrs. Brewer was by his side when he died.

The aged jurist had not been feeling well for several days. Yesterday he was apparently in good health. He spent the evening reading. He retired shortly before 10 o'clock. Later Mrs. Brewer heard a heavy fall. She investigated and found Justice Brewer lying on the floor of the bath room. He was unconscious and died before a physician could reach the house. He was 73 years of age.

Justice Brewer was the second oldest member of the supreme court. He came to the supreme bench from the federal court of Kansas. He was considered one of the best versed men in the country on corporation law.

His counsel will be missed greatly by other members of the court during the framing of opinions on the questions in connection with suits for the dissolution of the Standard Oil and the American Tobacco companies which are now pending.

"He was an able judge," said President Taft, when he learned of the sudden death of Assistant Justice Brewer of the United States supreme court last night, and today Taft's simple tribute was re-echoed by all who knew the venerable jurist.

The president was deeply affected by the death of the justice, whom he numbered among his close personal friends.

The death of Justice Brewer leaves only seven active members of the supreme court, as Justice Moody has been unable to serve since the beginning of the present session, owing to ill health.

It is freely predicted that Lloyd Bowers, now solicitor general, will be appointed by Taft to fill the vacancy on the bench. Bowers was considered the president's second choice when he appointed Judge Lurton recently to succeed the late Justice Peckham.

COMMERCIAL CLUB VOTES TO BUY HOME

Lot 50 by 100 Feet in Size at Corner of Fifth and Central Avenue Is Decided Upon as a Site for a Commercial Club Building—Cost Is \$8000.

TRUSTEES VOLUNTEER TO TAKE UP THE LOT

Club Will Ratify Action at Regular Meeting Wednesday Night, or, If It Fails, Trustees Will Purchase Lot for Themselves.

Ren H. Rice, manager of the Spokane Apple Show, is in Medford for the purpose of interesting the fruit growers of this district in the matter of exhibiting at the National Apple Show at Spokane next fall. The exhibit will be taken east afterward. A meeting will be held at the Commercial club rooms this evening at 7:30 o'clock, at which Mr. Rice will address.

At a special meeting of the Commercial club held Monday evening, the members present voted to purchase the 50x100-foot at the northwest corner of Fifth and C streets as a site for a Commercial club building. Those present voted to act as trustees for the club and put up the initial purchase money, and if the club does not ratify the purchase at its Wednesday evening meeting, to purchase the lot for themselves. The volunteer trustees are W. M. Colvig, J. A. Westerlund, John M. Root, F. V. Medinsky and Van Walters.

The price paid for the lot is \$8000.

ENGLAND HOPES TEDDY WILL SOON LEAVE EGYPT

LONDON, March 29.—England will breathe easier when Theodore Roosevelt leaves Egypt. That is the opinion today of many politicians who obviously do not deign to be quoted directly in view of the American's coming visit to Britain.

The diplomats have only praise for Roosevelt's fearlessness in expressing his conviction publicly and forcibly.

SITE AGREED UPON BY CITY COUNCIL

The city council Monday evening voted to permit the erection on the Barnum property, Oakdale and the car tracks, of a temporary pavilion to conduct the revival service in. The matter has been before the council for a week past, the evangelists seeking to erect a building on the city park. As the ladies plan the immediate improvement of the park, the request was rejected.

The site selected by the council was evidently not satisfactory for the churches today announced that the pavilion will be erected on North B street, next the Lawton residence.

DR. J. F. REDDY IS ALLOWED \$6390.15 IN PART PAYMENT OF HIS FEES AS RECEIVER

Judge F. M. Calkins has entered an order in the case of Edgar Hafer et al. vs. the Medford and Crater Lake railroad, a defunct corporation, in which he allows Dr. J. F. Reddy \$6390.15 in partial payment of his fee as receiver of the road. The order was not a final one, and the Judge determined upon the amount after he learned that A. E. Reames was out about \$2000 expenses, and Dr. Reddy an equal amount. This was allowed and \$1000 for each as partial payment of their services. Judge Calkin declined to pass further upon Reddy's petition until all of the claims against the road had been heard, one of which is that of A. A. Davis. This claim will in all probability be heard next Saturday. Following this, the Judge will pass upon the entire amount asked by Attorney Reames and Receiver Reddy, which amount to about \$14,000.

JUDGE CALKINS GREATLY EXPEDITES COURT WORK BY ORDERS TO GRAND JURY

Judge F. M. Calkins of the circuit court, the March term of which opened Monday, has greatly expedited court work by his orders to the grand jury delivered at the opening of the court that they report and be ready to adjourn by 6 o'clock Monday night. The grand jury immediately went to work and reported at 6, bringing in four indictments. The grand jury will reconvene a week before the September term, and this will save two weeks' time to the court. The indictments returned Monday evening were: State vs. J. C. Adkins, F. M. Wade and F. S. Jolly for obstructing a stream in the Applegate district; State vs. Henry Daley et al. for keeping an unclean slaughter house; State vs. Adolph Schultz, embezzlement of lodge funds, and State vs. John Doe and Richard Roe, for larceny in a dwelling.