

The Message of the Flags.
White—Fair weather.
Blue—Rain or snow.
White and blue—Local showers.
Black triangular—Above white, warmer; below white, colder.
White with black center—Cold.

MEDFORD MAIL TRIBUNE

Circulation
MAIL TRIBUNE'S CIRCULATION
YESTERDAY WAS
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FIFTH YEAR.

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IS BROOKS DEMENTED OR A MURDERER?

BROKE LAW, KILLED BIRD; WHIPPED

Foreman for E. B. Hanley Administers Drubbing to Man Who Shot China Pheasant—Doesn't Know Who Man Is—Warden Offers \$25 Reward for Him.

Because he broke the game laws of Oregon by shooting a China pheasant in the neighborhood of E. B. Hanley's orchard northwest of this city, a stranger was given a severe drubbing by Mr. Hanley's foreman before he was allowed to go. The foreman states that he does not know the law-breaker, but can identify him if he again should meet him. He reported the matter to Deputy Game Warden Charles B. Gay, who has offered a reward of \$25 for the arrest of the man.

Mr. Hanley's foreman observed the man shoot and kill the pheasant and he immediately set out to square accounts. From all reports he did so in a most satisfactory manner.

JOHNSON SAYS CORPORATIONS ARE OUT OF IT

Believes That the Individual Will Hereafter Control Matters Political in California—Progressive Laws Are Certain to Conc.

NEW YORK, Dec. 9.—That the individual, and not the corporation, will benefit by revived government in California was the assertion today of Hiram Johnson, governor-elect of that state, as he sat in the office of the Outlook awaiting Colonel Theodore Roosevelt.

"For ten years," said Johnson, "we seemed to have gone crazy over protecting the property of corporations. The individual has been a minus quantity. This will be changed. Hereafter in California at least the individual will be considered and not the 'machine.' Other states soon will follow our lead."

Johnson then discussed radical legislation that the California legislature is expected to enact at the coming session.

"The initiative and referendum," he said, "the recall, absolute control of public service corporations and a comparative liability law abolishing the fellow-servant clause will be among the measures considered and

AVIATOR SOARS 10,400 FEET UP

French Man-Bird in Bleriot Monoplane Breaks Record for Altitude—Old Record Was Held by Johnstone.

PAU, France, Dec. 9.—Aviator Le Gagnoux, in a Bleriot monoplane, today broke the record for altitude, according to an unofficial announcement. His barograph showed that he ascended 10,400 feet. The instrument has not yet been verified, but it is believed here that the barograph was accurate and that the record will stand.

MAN CONFESSES THAT HE KILLED BELLE ELLIS BUT STORY FAILS TO CONVINC

Police Hold Him—In Only One Place His Story Is Correct, and That is in Regard to Hammer, Which is Found—Discrepancy Appears in Telling of Time Crime Was Committed—May Be Right Man or He May Be Suffering From Specie of Insanity Leading Him to Believe Himself Guilty.

At a late hour last night a man giving the name of E. L. Brooks confessed to the murder of Belle Ellis, whose body was found on the Southern Pacific right of way south of this city Wednesday morning. Today it is believed that Brooks is suffering from a mania which leads him to believe that he is the author of serious crimes, and that his confession is a canard. His story does not hitch in several particulars.

The hammer with which he says he committed the crime was found this morning, and the police claim that it had strands of hair clinging to it. Others who saw the hammer say it had nothing on it but a little mud.

It is believed that Brooks is suffering from paranoia, which leads him to believe that he is guilty of crimes others have committed in order to attach notoriety to himself. The most serious discrepancy in his story comes in where he tells of the time he committed the crime. Brooks entered Selsby's saloon

Thursday night, appeared nervous and agitated, and began a conversation concerning the murdered woman, and when asked by bystanders if he knew anything about the case, remarked that he did; that he was close by when the murder occurred, and that he could always see the face of the murdered woman before him. He even went so far as to remark, "There she is now!" and then, placing his head in his hands, said:

"I am the man who killed her. I got out of here on a freight train and was put off at Phoenix. Before taking the train I picked up a hammer which some workmen had left laying by a pole, and took it with me. When I was dined at Phoenix I started to walk back to Medford, and when a short way out of town I met a woman. Needing money, I asked her for four bits, and she refused me, calling me a hobo and saying that I had never worked and never would. This made

him's posse seeking to arrest Dietz. At the same time the attorneys for the defense asked that the prisoner be released on bail in the event that the court disallowed the writ, and that all warrants which it was expected the prosecution would serve on Dietz, be served at one time.

The court took the plea under advisement.

ATTORNEYS FOR JOHN DIETZ ASK FOR HIS RELEASE ON WRIT OF HABEAS CORPUS

MADISON, Wis., Dec. 9.—Hundreds of spectators filled the court room here today when attorneys for John Dietz of Cameron dam asked for a writ of habeas corpus for Dietz, who is awaiting trial on a charge of having murdered Deputy Sheriff Oscar Harp. Harp was found dead in the woods near the Dietz cabin after Dietz and his family for five days held at bay a sher-

iff's posse seeking to arrest Dietz. At the same time the attorneys for the defense asked that the prisoner be released on bail in the event that the court disallowed the writ, and that all warrants which it was expected the prosecution would serve on Dietz, be served at one time.

UNCLE SAM WILL NO LONGER PLAY POLICEMAN FOR DIAZ

WASHINGTON, D. C., Dec. 9.—The arrest of Juan Azcona, a Mexican, said to have incurred the displeasure of President Diaz of Mexico and sought by the Mexican authorities on a charge of having "obtained money through false pretenses," will be made the subject of a fight in congress whereby Washington shall cease to be a policeman for Diaz.

gation of the Azcona case, said today that he would demand a change in the treaty between the United States and Mexico.

CO-EDS ARE DRIVEN OUT BY FIRE

Students in Nightclothes Escape to Street—Dean of College Is Compelled to Leap to the Street From Window—College of Fine Arts Is Destroyed.

LOS ANGELES, Dec. 9.—Eighty women students of the College of Fine Arts of the University of Southern California were driven to the street in their night robes early today, when fire destroyed the college

building and an adjoining dormitory. William L. Judson, dean of the college, was asleep in his apartments in the college when the fire was discovered. His rooms were filled with smoke and he was compelled to leap

100 KILLED IN REVENGE IN TURKEY

Over One Hundred Members of the Christian Faith Destroyed by Bedouins to Revenge Death of Companion—Town Now in Hands of Natives.

CONSTANTINOPLE, Dec. 9.—One hundred Christians and the Turkish karrison at Kerak, a town in the Turkish Vilayet of Syria, were massacred by Bedouins, according to a telegram that reached here from Joulflam today.

Kerak is now in the hands of the Bedouins and desultory fighting is now going on.

The trouble arose, it is reported, because of the execution by the garrison of a Bedouin.

Six thousand of Kerak's 8000 population are Moslems. So far as known there are no American missionaries in the district, but the British missionaries maintain a station there.

PACIFIC & EASTERN SUED FOR \$7500 BY MRS. GARDINER

Mrs. Gardiner Brings Suit Following Death of Her Husband, Who Was Injured in Wreck—Says Injuries Killed Him.

An action for damages was instituted in the circuit court Thursday evening by Myrtle Gardiner, as the administratrix of the estate of her husband, Walter C. Gardiner, against the Pacific & Eastern railway for \$7500. Mrs. Gardiner sets forth her complaint that Mr. Gardiner died as the result of injuries received in a head-on collision August 8, 1910, while he was engineer on one of the trains of the company. A. E. Reines appears as her attorney.

The complaint goes on to say that he suffered numerous convulsions and that his physician advised an operation. He went to Portland, where he was examined by three specialists in different lines, according to the complaint, who advised an operation. He died from complications arising from the anesthetic. She alleges that without the operation he would have died without the operation.

The case will probably be tried during the December term of court.

ATTEMPT MADE ON PRESIDENT

Man Representing Himself as Peace Messenger Draws Revolver and Would Slay the President of Honduras.

TEGUCIGALPA, Honduras, Dec. 9.—That an attempt to assassinate President Davilla was made Tuesday became known here today. It is said that a man representing himself as a peace messenger of western Honduras insurgents, obtained an interview with the president and drew a revolver. Davilla's guards pounced upon the intruder and disarmed him before a shot was fired.

DAVIS MUST SHARE WITH PAID UP STOCK HOLDERS OF ROAD SAYS CALKINS

Interesting Decision Filed in Case of Edgar Hafer vs. Medford & Crater Lake Railroad—Paid-Up Stockholders Will Receive a Dividend of 30 Per Cent—Reddy's Contentions, as Receiver, Sustained—Davis' Claim Against Road Is Allowed, But It Must Apply on What He Owed on Stock Subscription—\$15,000 to Distribute.

Frank M. Calkins, judge of the circuit court, on Thursday evening filed the following decision in the matter of the case of Edgar Hafer vs. Medford & Crater Lake Railroad company. The decision in effect is this:

A. A. Davis, with other organizers of the company, subscribed for stock in the sum of \$29,500; the total of the stock subscribed in this manner amounted to \$260,000. Each subscriber agreed in writing to pay the face value of his stock. The board passed a resolution making it all due. The promoters attempted to pay for it by selling the company rights of way and surveys, which cost them \$2800, for \$260,000. These, Mr. Davis testified, were not worth a dollar, so nothing was paid for the stock. Afterwards he solicited subscriptions from the citizens, who paid par for their stock amounting to \$25,000. The subscriptions which the citizens signed contained a reference to a bond put up by Davis in which he agreed to

build the road to Eagle Point if they subscribed. Davis and others then mortgaged the road for \$35,000 to Fee Bros. With this money, and the citizens' money, he attempted to build the railroad. There were not funds enough to do this, and, inasmuch as he had put up his bond to build it that far, he had to put up \$21,000 of his own money. He did this while he was owing the company about \$30,000 on his own stock subscription.

The court held he should take his place with the other paid-up stockholders. The money he paid in should be applied on what he owed on his stock subscription, the same as their money was applied on their stock subscriptions; that it would not be just to allow him to be paid first. The result of paying him first would have left nothing for the other stockholders. This will leave them a dividend.

The amount of money to distribute will be about \$15,000. Davis

HEAVY FIGHTING REPORTED BETWEEN REVOLUTIONISTS AND MEXICAN TROOPS

EL PASO, Tex., Dec. 9.—Citizens of Parral, fleeing to escape being caught between federal and insurgent forces, which are gathering in that vicinity, arrived today in El Paso and reported that sharp fighting with heavy losses to both sides had been going on at Parral since yesterday.

A large body of insurgents marching toward Chihuahua will meet a similar force of federal troops marching to meet them Sunday, it is believed, and a decisive battle is expected, according to the reports of the refugees.

Those fleeing from Parral said that the federal forces are preparing to attack Tomosachio, Madera, Minaca and Guerrero, which towns the rebels now control.

PASS UP YOUR PAPER? THEN YOU ARE AN INTELLECTUAL CORPSE

UNIVERSITY OF WASHINGTON, Seattle, Wash., Dec. 9.—A man who does not read the newspaper cannot be a good citizen, was President Wood McMahon's opinion, expressed to his American history class today.

"I wish," said the professor, "that I had power to flunk my students who do not read the papers. There is nothing which is so certain an index to show whether a man is alive or dead as his newspaper reading. Intellectually he is a corpse if he does not keep up with the papers. We have to know what is going on about us if we are to be good citizens, and that information must be acquired from the daily papers."

NO SUCCESSOR TO MRS. EDDY

Unless Her Will Contains Name of Someone She Wishes to Follow Her as Pastor Emeritus, Directors' Hands Are Tied and No One Will Be Appointed, Says Publicity Man.

BOSTON, Mass., Dec. 9.—Unless the will of the late Mrs. Mary Baker Eddy contains the name of some of her followers whom she wishes to succeed her as pastor emeritus, there will not be any successor appointed to

This exhortation was provoked by the ignorance his students showed on the subjects of elections now being held in Great Britain.

A misleading advertisement would be almost as disastrous to a store as a fire—with no insurance.

HUGHES IS CERTAIN TO BE CHIEF

Question of Appointments to Supreme Court of United States Will Be Settled Next Week—President Has Consulted With Members of All Factions.

WASHINGTON, D. C., Dec. 9.—The question of appointments to the supreme court of the United States will be settled next week, according to information given out today. President Taft has decided that he will send his appointments to the senate during the week. He has consulted with leaders of the insurgents and regulars and with some of the leading democrats, and is now ready to make his final selections.

It is authoritatively learned today that the full list of men from which the selection is to be made includes Justice Swaysee of the New Jersey supreme court, Judge Lamar of Georgia, United States Judge Russell of

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EAGLE POINT IS PETITIONING FOR INCORPORATION

Little Village Would Govern Itself—Much Improvement and Growth Is Manifest—Will Be Important Station on Pacific & Eastern.

The progressive citizens of Eagle Point have filed a petition with the county court asking that their little town be incorporated into a village. The petition has been generally signed. Action will probably be taken at the next term of the circuit court.

During the past two years the influx of ranchers from the east and business men has so increased the population of the settlement as to warrant incorporation. A 20-acre tract of land lying between the Pacific & Eastern railroad tracks and the main street of Eagle Point has been platted into lots and streets. These lots will be placed on the market for sale about January 1.

Took Bride; Goes to Jail. NEW YORK, Dec. 9.—George Yeandle, a juror convicted of bribery in the trial of Edward Rosenheimer, charged and acquitted of murder, was sentenced today to serve an indeterminate sentence of from five to eight and a half years in the state prison at Sing Sing. Judge Blanchard imposed sentence.

JULIAN A. MOCK IS INDICTED

Grand Jury Returns Indictment Charging Mock With Murder in First Degree—Crime Committed in This City During Summer.

Julian A. Mock was indicted this morning on a charge of first degree murder by the grand jury now in session. The crime was committed in this city in August, Jesse C. Smith being his victim. After the killing Mock fled, but was apprehended in the mountains, since which time he has been confined in the county jail.