

ASPHALT TRUST TURNED DOWN

The Story of a Long-Fought Legal Battle--A Victory Which Benefits All American Cities--What the New York Tribune Thinks.

(By Walter J. Somers, C. E., in Municipal Journal and Enquirer.)

One of the greatest tasks undertaken by the Low administration to reform the affairs of the city of New York, was in connection with paving the park department for the pavement of West Seventy-second street. The result of the hard-fought battle against the asphalt trust must be gratifying to the mayor and his co-workers in the board of estimate and apportionment. In connection I quote from the New York Tribune of Sunday, December

How for the Asphalt Trust.

The asphalt trust has received a severe blow by the award made by the park department for the pavement of West Seventy-second street. The trust has made a big fight to keep away competitors, going so far as to obtain an injunction against the Warren Brothers company, makers of the bitulithic pavement. Strong protests have been made against the use of sheet asphalt, owing to its slippery condition in wet weather. The Road Drivers' association, The Automobile and Cyclists organizations and other interests, and the park department deferred the matter to the board of estimate and apportionment. The board asked permission to award the contract to the Warren company. The courts had vacated the injunction obtained by the trust. The trust then obtained a temporary stay, pending an appeal, but this was vacated, and the contract has been awarded to the Warren company, at \$40 a square yard, exclusive of foundations, but including a five-year warranty. This price is higher than the bid for sheet asphalt, but lower than that of block asphalt.

The same organizations which protested against the use of sheet asphalt in Seventy-second street, recommended that the bitulithic pavement be placed in upper Seventh avenue, and the authorities were satisfied of the merits of the pavement. However, here the asphalt trust made the objection that the process was patented, and taking advantage of a clause in the Greater New York charter relating to the use of patented articles by the city, obtained an injunction preventing the city from using it. This clause has never been interpreted by the courts, and the appellate division decided the case practically against the trust, but, owing to the delay occasioned by the litigation, the authorities decided to make

temporary repairs to this boulevard, and the contract was not let.

"The victory of the new pavement in the Seventy-second street case practically puts an end to the expensive condition which prevailed when the Barber concern, which is the head of the trust, was without competition in spreading asphalt over New York's streets, and there is a strong probability that the pavement in Seventh avenue will be laid under new conditions."

This but briefly summarizes the result of two years' litigation on the part of Mayor Low's administration, with the Asphalt trust, and the records in the various proceedings involve something over six hundred pages.

Rotten Asphalt Roasted by Officials.

When Mayor Low took his seat, many asphalt pavements in New York were in a dilapidated condition. The commissioners of public works and the presidents of the various boroughs found it impossible to require the asphalt companies to maintain their streets, which were still under guaranty, in satisfactory condition, and New York daily papers have been filled with criticisms, and with the expressions of public indignation aroused by the methods of the trust.

Petitions for paving aggregating some 750,000 square yards, and including such prominent boulevards as Seventh, St. Nicholas and Lenox avenues, were presented, asking that the streets be paved with the bitulithic pavement, a patented pavement controlled by Warren Brothers company. Most of these petitions were obtained and presented by the property owners or the taxpayers' associations, and were further endorsed by official reports and the appearance before the proper authorities of numerous associations, such as The Road Drivers, The Automobilists, Truck Owners, Associated Cycle clubs, The League of American Wheelmen, etc. The result of these strong endorsements induced the president of the borough of Manhattan to send the engineer of highways to investigate the pavement where it had been laid in other cities, and it finally resulted in the borough engineers and commissioner of public works of other boroughs, making similar investigations through their engineers, and the official record of the proceedings is one of the strongest

endorsements of merit which any pavement has ever received.

After these investigations there came the opinion of the Corporation counsel, suggesting two methods by which a patented pavement could be legally advertised for in the city of New York, in view of the following clause in the charter:

"Except for repairs, no patented pavement shall be laid, and no patented article shall be advertised for, contracted for or purchased, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the board of estimate and apportionment."

Bitulithic Unanimously Adopted.

The board of estimate and apportionment which is composed of Mayor Low, the controller and the president of each of the boroughs, together with the president of the board of aldermen, unanimously adopted specifications for the bitulithic pavement.

The next opposition then came from The Barber Asphalt Paving company appearing before the board of estimate and apportionment, having expressed a willingness to infringe the Warren patents, and claiming they would lay the same pavement for much less than cost of construction. The board of estimate and apportionment were not allured by the trust's offer, and refused to consider it in this form of pavement. Then The Barber Asphalt Paving company, acting as a taxpayer, undertook to enjoin the city from contracting for the pavement on Seventh avenue, and the city has been fighting for its rights ever since, and has, finally, after passing through the various courts been able to award contracts on Seventy-second street.

It is to the credit of the bitulithic pavement that it should have had the unanimous endorsement of such a strong administration as the Low administration. Even in the case of Seventy-second street, The Barber Asphalt Paving company has been given three hearings, and it has not been able to present a case which the courts would sustain. All the technicalities of the law have been resorted to. The cities of the United States which have been accustomed to dealing with the asphalt trust are familiar with its tactics. The trust is a hard loser, and never has failed to place every possible impediment in the way of administrations which did not do its bidding.

Under the methods adopted in the city of New York for laying patented pavement on Seventy-second street, bids were invited for sheet asphalt as well as for bitulithic, and the asphalt people submitted the ridiculous bid of \$1.17 per square yard for the work complete, as against the bitulithic bid of \$2.40 per square yard. Both included five-year

REMARKABLE DEMAND FOR COOPER MEDICINES

The Phenomenal sale of L. T. Cooper's new preparations proves the many reports of their marvelous curative properties.



MR. H. JORDAN.

The demand for Cooper's New Discovery and Quick Relief, which have effected such remarkable cures of stomach trouble, rheumatism, deafness and catarrh, has become enormous. Newspapers in every city have commented upon the curative powers and on the unprecedented demand of these remedies. Thousands of letters come every day to Mr. Cooper describing some of the most remarkable recoveries from the ravages of disease that have been brought to the attention of the public in recent years. A most remarkable letter was recently received from Mr. H. Jordan, a well known restaurant proprietor of Scranton, who writes Mr. Cooper as follows:

"I have suffered for the past three years with a severe case of stomach trouble. I could eat next to nothing and suffered untold agonies from indigestion. My food would sour after eating and I would have sick headaches and dizzy spells. I lost forty pounds in weight and grew weak and nervous. I doctored with many different physicians and tried a number of so-called remedies, but received no relief. Reading of the remarkable cures of stomach trouble effected by Cooper's New Medicines, I decided to give them a trial. I secured a bottle of the New Discovery and received almost immediate relief. My appetite has returned and I do not experience any difficulty in digesting anything I eat. All pain and nervousness have disappeared and I am rapidly gaining in strength and weight. I desire to thank you for the good these remarkable remedies have done for me." Signed: MR. HENRY JORDAN, 136 Penn Ave., Scranton, Pa.

Nearly all diseases originate in the stomach. Cooper's New Discovery acts directly on the stomach and digestive organs. It increases the gastric juices, which are an all-important factor in the proper digestion of food. Cooper's New Discovery and Cooper's Quick Relief are the preparations with which L. T. Cooper effected his remarkable cures in St. Louis, New Orleans and other large cities, and results have amply proven that they can be used in the home with as much success as though administered personally by Mr. Cooper or his physicians.

Cooper's New Discovery costs \$1.00 per bottle; six for \$5.00. Cooper's Quick Relief costs 50c. You can get them of

J. C. PERRY

guarantees, but the cost of excavation and foundation was extra.

The Trust Uses Same Tactics Elsewhere.

This trust tactic cutting and slashing for the purpose of annihilating legitimate competition, is well understood by the American public, and it is to the credit of the Low administration that it was not bulldozed into accepting a bid for asphalt at \$1.17 as against a bid for bitulithic at \$2.40, for it was clear that the asphalt pavement at any price was not suitable for the conditions expected of a pavement on a resident driving boulevard in New York, and it was also clear that the bid was made for the purpose of destroying competition, rather than in good faith.

It is not probable that a greater difference would ever exist in the future, and inasmuch as the legality of the award under these conditions has been sustained by the courts, it is fair to assume that it will be difficult for the asphalt trust to further hamper the construction of pavement other than asphalt in this city. It is a noteworthy fact, too, that in passing on this matter the board of estimate and apportionment has acted unanimously, and that there has been no difference of opinion on the part of the New York officials.

Similar tactics to those practiced in New York are being practiced in other cities, but I know of no city or of any administration that has stood the attack and made the fight more manfully than have Mayor Low and his administration.

The corporation counsel's office has been called to do a tremendous amount of extra work on account of the greed of the trust, and public improvement in New York City has been delayed to no little extent, but now the way is clear to proceed with paving without the consent of the trust.

It may seem strange, but the article regulating the use of patented pavement in the city of New York has been in the various charters for more than forty years, and this is the first time it has ever been adjudicated, and this adjudication throws the way open to the use of the most modern pavement, whether patented or not.

Trust Fights All Kinds of Pavements

The obstructive tactics of the asphalt trust in New York city have not been confined exclusively to opposition to the bitulithic pavement. It also endeavored, but unsuccessfully, by legal process, to prevent the laying of asphalt block pavement, on the ground that it was a patented pavement. The same tactics have been taken in other cities, for instance, in St. Louis, The Barber Asphalt Paving company, through its agent, enjoined the city from laying the bitulithic pavement, but the courts vacated the injunction and

the city of St. Louis has this year laid about five miles of bitulithic pavement on its leading boulevards.

But it is unfortunate that the asphalt has been successful in its fight against brick paving in Cleveland and Des Moines, in which cities it was practically able to kill the industries by taking contracts for brick pavement at unprofitable prices. It is safe to say that if every city would permit the asphalt trust to annihilate competitors by doing all classes of work at a loss rather than permit the development of other forms of pavement, it would be enabled to build up the most gigantic trust in street paving which has ever been known, and would then be able to return to the prices of \$3.50 to \$7.40 which were paid in New York for asphalt paving a few years ago.

One of the first acts of Mayor Low's administration was to secure improved pavement for the city of New York. One of its final crowning acts is the favorable culmination of a stubbornly fought legal battle between the asphalt trust and the city, under which the asphalt trust sought to prevent the city from laying any character of pavement which its officials might feel to be to the best interests of the city. The Low administration is to be congratulated on the outcome, and on its persistency in standing out against a powerful trust for the rights of the city.

The engineer to Comptroller Grout, Mr. Eugene E. McLean, investigated the bitulithic pavement in other cities and reported that "The bitulithic pavement combines most of the advantages of the macadam in giving a firm footing for the horse, and does away with the smooth surface of sheet asphalt, dangerous in slippery weather. The pavement has the general characteristics and appearance of the macadam, but is so bound together that it does not wash or rut in heavy rains, thereby doing away with the heavy cost of maintenance required for the macadam. The pavement is not dusty in dry weather, as the fine top dressing is held in place by the binder, eliminating the constant sprinkling required for the macadam."

Even from the Mountains.

Ballard's Snow Liniment is praised for the good it does. A sure cure for rheumatism and all pains. Wright W. Loving, Grand Junction, Colo., writes: "I used Ballard's Snow Liniment, last winter, for rheumatism and can recommend it as the best Liniment on the market. I thought, at the time I was taken down with this trouble that it would be a week before I could get about, but on applying your Liniment several times during the night, I was about in 48 hours and well in three days." Sold by D. J. Fry.

S. L. Kline, of Corvallis, has presented the public school with a valuable fountain.

Hunting for Trouble.

"I've lived in California 20 years, and am still hunting for trouble in the way of burns, sores, wounds, boils, cuts, sprains, or a case of piles that Bucklen's Arnica Salve won't quickly cure," writes Charles Walters, of Alleghany, Sierra Co. No use hunting, Mr. Walters; it cures every case. Guaranteed at J. C. Perry's drug store, 25c.

Six coyotes, emboldened by hunger came up to the back door of a Hood River butcher. He gave them a handout.

How It Spreads.

The first package of Dr. Leonard's Hem-Roid that was put out went to a small town in Nebraska. It cured a case of Piles that was considered hopeless.

The news spread and the demand prompted Dr. J. S. Leonard, of Lincoln, Neb., the discoverer, to prepare it for general use. Now it is being sent to all parts of the world. It will cure any case of Piles.

Sold for 1.00, with absolute guarantee. Dr. Leonard Co., Niagara Falls, N. Y., Proprietors. Sold by Dr. S. C. Stone, Salem.

Hon. T. G. Hendricks, who recently donated a park to Eugene has given the city \$500 for a library.

You'd better paddle your own canoe. For that's what you'll have to do, for when you are in hard luck And want to borrow a "Saw-buck" All you'll get is sym-pa-thee Unless you take Rock Mountain Tea.

—Dr. Stone's drug store

Corvallis has offered a bonus for the establishment of a furniture factory.

Pleasant and Most Effective.

T. J. Chambers, Ed. Vindicator, Liberty, Texas, writes Dec. 25, 1902: "With pleasure and unsolicited by you, I bear testimony to the curative power of Ballard's Horehound Syrup. I have used it in my family and can cheerfully affirm it is the most effective and best remedy for coughs and colds I have ever used." Sold by D. J. Fry.

A huge panther appeared near Forest Grove Tuesday.

CASTORIA

For Infants and Children. The Kind You Have Always Bought Bears the Signature of *Wm. D. Mitchell*

Tell us how much Lard your grocer sells and we will tell you how much indigestion is in the neighborhood.

Lard is made from hog-fat and is bound to be greasy and indigestible—sometimes absolutely unhealthy. There isn't an ounce of hog-fat in Cottolene. Its basis is just pure, refined Cotton seed oil, which is thoroughly digestible and healthful.

The stomach of the average American has been subjected to lard-soaked food for years simply because people have not known the dangers of the "lard habit." Cottolene is so much superior to lard, both as to the palatability of the food it produces and its healthful qualities, that it

will surely supplant lard for shortening and frying purposes wherever its virtues are known. Give your poor stomach a chance—divorce yourself from lard, and use Cottolene.

Cottolene is made by a cleanly, hygienic, sanitary process, which insures its purity. It is, moreover, healthful, because its chief ingredient is a healthful product. It will aid rather than retard digestion. The housewife who pays any attention to hygienic cooking will use Cottolene in place of lard every time.



COTTOLENE was granted a GRAND PRIZE (highest possible award) over all other cooking fats at the recent Louisiana Purchase Exposition, and food cooked with COTTOLENE another GRAND PRIZE.

"Home Helps" a book of 300 choice recipes, edited by Mrs. Rorer, is yours for a 2 cent stamp, if you address The N. K. Fairbank Company, Chicago.

A NEW FEATURE—The patent air-tight top on this pail is for the purpose of keeping COTTOLENE clean, fresh and wholesome; it also prevents it from absorbing all disagreeable odors of the grocery, such as fish, oil, etc.

Nature's Gift from the Sunny South