

## DECISION FAVOR OF SIMON CARO

### Supreme Court Modifies Decree in Prominent Local Case.

## SUIT OF LONG STANDING

### Property in Question is Valuable and Located at the Corner of Washington and Jackson Streets.

An important decision was handed down by the supreme court yesterday morning in the case of Simon Caro, et al., appellants against H. Wollenberg, respondent, appeal from Douglas county, Judge Calkins. The suit was to compel a mortgagee to account for net income accruing from real property. The decree was modified by Justice Bean. Attorney J. O. Watson was the attorney for the appellants and Attorney Dexter Rice attorney for respondent.

The complaint before the supreme court declared in substance that on July 22, 1899, the defendant, as mortgagee, took possession of some premises for the purpose of collecting the rents from said property and applying the same upon a mortgage indebtedness of \$16,610.00 owing by Simon Caro and Isadore Caro to the defendant, and has ever since so remained in possession of said property and collected rents therefrom. It is claimed that in 1910 the plaintiffs demanded a settlement concerning the monetary matters between them and the defendant and that they offered to pay any balance thus found due him and that the latter refused to account. They charged that he has received as rents, issues and profits of the real estate more than enough to pay his debt and all taxes thereon and that ever since that date they have been willing to pay any amount found due the defendant upon an accounting. The plaintiffs therefore asked for an accounting and a redemption.

Here follows the allegations concerning the indebtedness: "That the principal sum due the defendant from the plaintiffs, Simon Caro and his brother, the said Isadore Caro, since deceased, on the first day of August, 1899, was \$16,610.00, that the interest accumulating and accruing on said principal sum from that date until the first day of November, 1914, aggregates a total sum of \$19,980.34." He claimed for his personal supervision of the property during the occupancy the sum of \$1830, and declared that after deducting the total amounts of rents and profits received from the property since August 1899, there was due him from the plaintiffs the full sum of \$18,906.23.

The following is quoted from the court decision: "Under the procedure proved by a number of authorities we have computed the interest at eight per cent per annum with yearly rents applying as partial payments, the net income of the property each year, closing the calculation of interest at January 1, 1910, as that is the law of the case on account of the defendant not having appealed. The result is that the amount due January 1, 1910, was \$14,810.52. From this we deduct the net returns accruing between that date and December 1, 1914, amounting to \$7586.35, leaving a balance then due in the sum of \$7,224.17. This closes the account as of that date and owing to the length of time elapsed, amounting to more than two years it is necessary that the case be returned to the circuit court with a decree as thus modified for a supplemental account bringing the transaction down to the date of hearing. The decree of the circuit court will be modified as indicated, but otherwise affirmed, with costs and disbursements in favor of the plaintiffs, Simon Caro, et al."

This case has been in the courts for several years and several decisions have been rendered in regard to it. The decision just rendered will probably reduce the amount due Wollenberg from Caro by several thousand dollars.

## "WEARY TRAVELLER" HAD HALF QUART BOOZE

The first "suit case search" since the "bone-dry" law went into effect was made last evening about 5:30 by Sheriff Quine, Marshal Williams and Constable Church on lower Cass street. The officers were passing a cigar store that is located in that section when they noticed a stranger standing on the edge of the curb with his suit case near the building. Sheriff Quine walked over toward the suit case and eyed it suspiciously

## FINDS FOR PLAINTIFF.

The jury in the case of the Western Butchers' Supply Co. against L. B. Martin, today brought in a verdict in favor of the plaintiff allowing \$100 instead of \$175, the amount asked for. The case was one in which the company was seeking to collect for the purchase and installation of an icing machine. Attorney C. F. Hopkins represented the plaintiff and Wimberly & Neuner the defense.

ly for several minutes. He then picked it up and weighed it carefully in his hands. The stranger wheeled around and said, "What's all this for?" Quite answered, "It looks like it might contain some booze." The fellow folcised surprise and said, "Well if that's the case, why don't you search it?" The three officers immediately took possession of it and entered the cigar store, followed by a number of people who had congregated to ascertain the excitement. The suit case was opened and after a few protests by its owner, the bottom was reached—also a part of a bottle of whiskey. The officers drew it forth and after making sure it was whiskey, made an attempt to find out where he had purchased it. The stranger was shrewd, however, and skillfully protected the "bootlegger" from whom he had bought the goods.

The officers then became tender-hearted and not wishing to deprive the "stranger within our gates" of his small quantity of "fire water," replaced it in the suit case and allowed him to go. He quickly made his way toward the depot and boarded the southbound train.

The officers, anxious to see that he did not remain in this city, followed him and a few moments after the train had departed they saw a well known "vender" who was slightly under the effects of his "goods." They accosted him and asked him several questions, some that were pertinent and had to do with his "business." He denied selling any "wet goods" to a "red faced" stranger, but was not skillful enough and by the time the officers were through with him he was slightly embarrassed. He told them to leave him alone as he could walk as straight as anyone and when he was requested by Constable Church to prove it he literally "fell flat."

The officers are on the lookout for all violations of the liquor law and it is thought that several will be prosecuted in the near future.

## HENRY HARTH MAKES A BIG BUY TODAY

Henry Harth, manager of Harth's Toggery, today closed a deal with W. H. Fisher, the local dry goods merchant, whereby the former takes over the complete and modern line of gentlemen's furnishings carried by Mr. Fisher. Mr. Harth, realizing the market conditions today for staple merchandise, the prevailing prices being extraordinarily high with no possible chance of a decline, and Mr. Fisher being desirous of devoting his entire establishment to ladies' furnishings, was the factor that brought about the sale, which involves a sum of five thousand dollars, putting Mr. Harth in possession of a good line of merchandise bought at a time when prices were normal. The line of goods purchased will immediately be moved to Harth's Toggery for disposal to the trade, and arrangements are today being made by Mr. Harth to accommodate this consignment of goods in his store, which will be quite a task.

## COUNTY SURVEYOR RETURNS HERE TODAY

County Surveyor M. B. Germond returned this morning from the Canyonville district where he has been surveying and making road changes for the past few days. He returned here to attend the Kellaher-McCabe trial which is in progress in the courts. He will return late this evening to Canyonville where he will continue his survey work.

A number of substantial improvements are being made on the roads between Canyonville and Tiller, according to Mr. Germond and many of the steeper grades are being lowered. Several dangerous curves will also be eliminated and it is thought that by the end of the summer all the worst part will be finished. Among those which are obtaining more attention from the surveyor are the following: The Thomax hill, the Penn hill, Joe Wright hill, Jackson grade, and several other steeper grades that are without a name.

## MRS. BLAKELEY PASSES AWAY

### Death Occurs After Several Months of Failing Health.

## OF NOTED ANCESTRY

### Was Lineal Descendant of Jonathan Carver, Who Was First to Take Back Word of Oregon, and Who Named It.

Mrs. F. J. Blakeley, passed peacefully away at 5 o'clock this morning at her home on Mosher street. Her health has kept her confined to her home for several months, although during the past few days she has been feeling greatly improved and only recently attended a meeting of the G. A. R. and Women's Relief Corps of which she was a member,



MRS. FRED J. BLAKELEY.

and entertained those present with a number of beautiful vocal selections.

The deceased was born at Toledo, Ohio, in the year 1856, the daughter of Dr. and Mrs. W. W. Jones, coming from one of the oldest and most prominent families. She was a lineal descendant of Jonathan Carver, the man who gave this state the name of Oregon, and who was prominently connected with all of its early history, having been the first to take back to the colonies in his expedition of 1766, the word that a great country lay beyond the Rocky mountains.

Another of her direct ancestors was Captain Israel Jones, who came to this country on the Mayflower. Her great grandfather, Whitmore Knaggs was the Indian agent in early days at Detroit, Mich., and it was he and General Lewis Cass, who were the two agents of the government to negotiate the well known Chicago treaty with the different Indian tribes of that section of the then thinly populated territory.

Mrs. Blakeley's father, Dr. W. W. Jones, of Toledo, Ohio, served several terms as the chief executive of that city and although the city was always known as a republican stronghold and Dr. Jones was firm in his democratic political belief, so great was the confidence of the people in his honesty and integrity, that he always carried the elections at which he was a candidate by a large majority.

The greatest sorrow of Mrs. Blakeley's life came at the death of her daughter, Adeo, who was drowned in the North Umpqua river in the summer of 1910. This sad occurrence cast a shadow over her life from which she never fully recovered and which in a way added to her condition of ill health, her strength having gradually failed since that day.

Not only did the accident affect Mrs. Blakeley, but it cast a gloom over the entire community and so great was the wave of sympathy for the bereaved family that the strawberry carnival which was to have begun on the day of the funeral was almost abandoned. The funeral was held at the Elk's temple and was one of the largest ever held in this city.

Mr. and Mrs. Blakeley were married in the year 1882 at Toledo, Ohio, coming to Roseburg about ten years ago. From the union three children were born, one son and two daughters. The son is now located at Pittsburg, Pa., where he is one of the leading attorneys. The living daughter, Grace, is the wife of Harry Hildeburn, of Roseburg.

Mrs. Blakeley was an accomplished musician, both in vocal and instrumental music and this talent was used to brighten many festive occasions at which she was in attendance. As a member of the Women's Relief Corps she found a great pleasure in the work of the organization and was dearly loved by all who were associated with her.

In the death of Mrs. Blakeley, Roseburg suffers deeply for she was

## MANY RETURN TO SCHOOL.

About half the number of students who were yesterday taken from the Benson school on account of having been exposed to measles were today allowed to return upon the presentation of doctors' certificates or affidavits to the effect that they have had the disease. Several new cases of measles were reported to the doctors and health officers today and they are being placed under quarantine. The epidemic is widespread and Douglas county contains a number of the cases.

## GERMAN OFFICIAL ASSERTS THAT INTERFERENCE WITH IMPERIAL POLICY WILL NOT BE TOLERATED.

BERLIN, Feb. 21.—(via Sayville.)—The official press bureau announcements this morning state that a crowded Italian transport, two-armed steamers, an Italian merchantman, the French freighter Moven-taux and the French schooner Approdito, were submerged in the Mediterranean. The news bureau declared that the real success of the submarine fleet were unobtainable until such time as the divers report to the admiralty. In addressing the German agricultural council, Treasury Secretary Helfferich said that the submarine warfare inaugurated by the government was a great success, and victory was finally certain. He asserted that Germany would allow nothing or any nation to wrest victory from them. He said that British navigation was already depressed to the danger point.

## S. P. AGENTS WILL VISIT SOUTHERN ORE.

Roseburg will be visited next week by a party of Southern Pacific agents from Texas, who are on one of the educational tours in vogue on that system. The party includes I. Dismuke, Dallas, Texas; T. Shields, Waco, Texas; C. E. Blakeley, Galveston, Texas; T. L. Cleveland, Beaumont, Texas; D. R. Owen, Salt Lake City, Utah.

The agents will visit in Portland over Saturday and during their stay will visit many of the points of scenic interest near that city. On their trip into southern Oregon they will visit several other cities besides Roseburg, which will include Eugene, Grants Pass, Ashland and Medford.

The object of the company's educational tours is to increase the efficiency of its agents by giving them first hand knowledge of the system. At about two-month periods a party of the Pacific northwest agents is sent east over the Southern Pacific system. This plan has been in operation about a year, so that ultimately each man in charge of a general agency will have an intimate knowledge of all points on the system.

## ARRIVES AT SANTA FE.

Word received here today states that Harry Gilkeson and wife, who recently left this city for Santa Fe, New Mexico, have arrived safely and he will soon enter upon his new duties as chauffeur for the governor of that state. Mr. Gilkeson says that he wouldn't give ten feet of Oregon for all the country that he passed through on the way there, but he likes New Mexico very well. The weather at that place is extremely cold at present and snow storms are prevalent.

## WILL VISIT HERE DURING CARNIVAL

A number of invitations have been issued by the local carnival committee to commercial bodies in different parts of the state asking them to be present at the ninth annual strawberry carnival which will be held in this city in May. It is thought that a number of these organizations will be present and that during the festival several drill teams will make visits here.

At the meeting of the Lane County Credits Association in Eugene last Monday evening, a resolution was introduced calling upon the president of that organization to appoint a committee to work in conjunction with the similar committee from the chamber of commerce to further the project of arranging an excursion to Roseburg on Eugene and Portland day, May 13. A large delegation will no doubt make the trip here as a result and they can be assured of a royal entertainment.

The committees of the carnival are also arranging a number of other features and it is their plan to make it a state event.

## NO COURT TOMORROW.

As tomorrow is a legal holiday court will be adjourned until Friday morning when the next jury will be summoned. No further criminal cases are to be considered and it is expected that the jury will be charged Saturday.

## VICTORY FINALLY CERTAIN SAYS SEC.

### Submarine Warfare Will Bring Great Britain to Terms is Alleged.

## MUST KEEP HANDS OFF

### German Official Asserts That Interference With Imperial Policy Will Not Be Tolerated.

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## AMERICAN LINER SAILS.

NEW YORK, Feb. 21.—The big 13,000 ton American freighter Mongolia sailed from New York today. Shortly after her departure the American merchantman Algonquin followed, both bound for London. These are the first United States vessels to leave New York enroute to British ports since the submarine warning. As precautionary measures they both had painted in large letters on their sides the ship's name and registry.

## SPECIAL ROAD TAX NOT COLLECTABLE

Decision in a case involving a special road tax levy that was voted three years ago, was obtained in the circuit court here last week. The case was filed by Lee Love to prevent the collection of a special tax, and has hung in the courts ever since. John Long, acting as attorney for the plaintiff, finally got the matter to trial, and Judge Hamilton ruled in favor of Love. It was held that the road meeting was illegally called, that illegal voters cast their ballots in favor of the special levy, and it was also alleged that a certain road was not contained in the boundary of the district, or that it was not accepted by the county at the time the tax was voted and the suit filed. In rendering a decision Judge Hamilton sustained all the allegations of fact in the complaint, excepting that of boundary.

The suit was first instituted, it is alleged, because certain sections of the road in the district, which were stated to be in very bad condition both winter and summer, were refused any attention, but all of the funds raised were spent in the western part of the district, to the detriment of the river bottom roadway. It was stated that if funds would be properly distributed, there would be no opposition to the levy. Unable to agree in the matter, the suit resulted and final adjustment has been secured. The special levy cannot be collected.

It is said that the decision involves other road tax levies in the county, where notices of meeting have not been properly posted and affidavit thereto made by the supervisor, or where parties not freeholders have voted at road meetings.

## JUDGE SAYS ROADS WILL BE PROTECTED

"We will close up every gravel plant in the state if necessary to protect our roads," said County Judge Marsters this afternoon in answer to a statement appearing in a local paper last night that his action in refusing to allow auto trucks to carry more than two tons of gravel from the plant south of the city would close up its business. A person would think from reading that article, the judge said "that all of the product was disposed of in Douglas county, while the fact is that the greater part of it is shipped away in cars over the railroad. This carrying of heavy loads over the highway is tearing them to pieces

## INSPECTING OFFICERS HERE

Lieut. Col. Paul M. Kessler arrived on the afternoon train to conduct the annual inspection of the local company of coast artillery and hospital corps. The officers made extensive preparations for the inspection placing their stores in a position where they could be easily examined and making lists for ready reference in order to facilitate the examination.

at a great cost to the taxpayers and we will not allow it to continue."

The judge stated the action was not a discrimination against the truck and that it was not his desire to injure any business, but that it was necessary to take precautions in order to keep the roads in a passable condition, and to do this it became necessary to cut down the tonnage of the auto trucks.

## RICH SALESMAN ROBBED

TACOMA, Feb. 21.—R. Weinstein, a Portland traveling salesman, rushed into the police station here and asserted that while he was sleeping in a day coach some one slashed his pocket with a knife and stole a roll of bills amounting to \$5,000. The alleged robbery occurred on a Northern Pacific train. Officers searched the train but no trace of the missing roll was found.

## SAFE EXPERT AC- COMPLISHES TASK

L. L. Hendricks, proprietor of the Pollyanna, and who by the way is a safe expert, at a late hour this afternoon gained entrance to the safe on which he has been working at the local sanatorium, but it became necessary to use a drill to accomplish the task, owing to the fact that one of the "tumblers" of the inner lock had become misplaced. Mr. Hendricks had no trouble working the combination on the outer door, which he "tapped" the first thing, but was unable to open the combination on the inside until he brought some tools into play. He states the publicity given him in the matter has already brought demands from other sections of the state for his services, it requiring but a moment for him to unlock the outer door.

## TO STRENGTHEN NAVY BY 400,000 SAILORS

LONDON, Feb. 21.—Sir Edward Carson, first lord of the admiralty, presented before the house of commons today his new estimate of the requirements of the British navy. Perhaps the most important item was the request for 400,000 additional sailors, this number of men being necessary on account of naval expansion. Carson said that the submarine menace was grave, even most serious, and still growing. While the problem, he admitted was not solved, he expressed confidence that these measures now being developed by the navy will gradually mitigate the seriousness of the German submarine situation. It was announced in the house of commons that Lord Fisher, a former first sea lord of the admiralty, had rejoined the service staff as president of the inventions board. It was explained that the inventions board was a unit of the anti-submarine departments. Lord Carson said that during the first 18 days of unrestricted submarine activity, 6079 vessels had entered the United Kingdom ports, while 5673 had departed.

An order in council was issued providing that vessels enroute to enemy ports must enter allied ports and submit to an examination of cargo for contraband of war, otherwise they will be subject to capture. It was explained that the German submarine blockade was the cause of this order. Carson congratulated the nation upon having Jellicoe as first sea lord.

## PERISHING IS NOW IN COMMAND SOUTH. DIV.

WASHINGTON, Feb. 21.—Secretary of War Baker today appointed General Pershing as commander of the southern division of the army, to succeed General Funston, who died suddenly yesterday.

## PRESIDENT ASKS FOR MORE POWER

### Crisis May Arrive After Congress Adjourns—Ready For Situation.

## REAFFIRMS PLEDGE

### Turkey Will Stand by Central Powers to The Bitter End—Predicts Victory Over Allies.

WASHINGTON, Feb. 21.—President Wilson has practically determined to address congress again in relation to the German situation. He will probably do this some time late next week. The executive plans to ask for broad powers in order that rights of Americans may be protected after congress adjourns, and he will advise all belligerents of the exact circumstances surrounding the address, and the present misunderstanding with Germany will be fully set forth. This will be done because the president believes that every precaution shall be taken to prevent Germany from misinterpreting facts in the situation.

## Turks Stand Pat.

It was announced here today that Ambassador Elkus has cabled the state department that Turkey has reaffirmed her pledge of alliance with Germany and Austria, and is determined to fight the war out to a final victory. Elkus' cable said that the Turkish chamber of deputies is anxious to strengthen the existing good relations with neutral powers, and at the same time unanimously voted confidence in the new cabinet.

The senate naval committee returned a favorable report on the admiralty's naval bill, which carries a total of nearly a half billion dollars for building ships and equipping them for service. One hundred and twenty-eight million dollars were added to the measure by the senate since the house passed the original measure. It also authorizes the president to take over for government use all privately owned ship yards and plants for manufacturing munitions of war in event the United States is drawn into the conflict.

## Mitchell Promises Relief.

NEW YORK, Feb. 21.—Mayor Mitchell, of New York, has pledged the hard of hungry families in New York that he will do everything possible to stop prices of food stuffs going higher and higher. Other delegations of women visited the mayor's office today demanding immediate action to stop the constant rise in prices, as food is becoming so high priced that poor people can not buy necessities of life. Some of these women threatened to stay on the city hall steps and starve unless something was done to give them relief. "Sweet Marie" Ganz, at the head of a party of fifty women, appeared at the mayor's office demanding action. Shortly after another delegation of one hundred put in an appearance, and there were followed by seven representatives of the Mothers' Anti-High Price League, who carried resolutions from the mass meeting held last night. Mayor Mitchell received the small delegations and made promises to do what he could to relieve the distress.

## ACCOUNT CASE HEARD TODAY

The case of Verna Embree, administratrix for the estate of Eliza Embree, deceased, against E. F. Lang, occupied the attention of the jury of the circuit court today. The case is an action for money, claimed to be owing to the estate.

The plaintiffs represented by Attorneys George Jones and John T. Long, claim that the defendant owed the estate the sum of \$200, a promissory note being introduced as evidence in this regard. This amount was not paid and is still owing to the plaintiff, it is claimed.

The defense, however, claim that the note was settled by an agreement between Mr. Embree and Mr. Lang, the latter having assigned him an account of a similar denomination owing from Mr. Embree to Ed. Kruse. This account after coming into the possession of the defense, it is alleged was presented in full payment of the note and that settlement was reached between the two parties before the death of Mr. Embree.

A number of legal points are involved and a great deal of time is taken in presenting authorities. Attorneys Abraham & Sandhuist appear for the defendant.