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ROSEBURG REVIEW

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NO 122

PHIPPS WINS CASE

Supreme Court Holds Willis' Mortgage Invalid

CIRCUIT COURT REVERSED

Dillard and Clayton Victorious in Commission Suit Against Olalla Mining Co.

Two appealed cases from the circuit court of Douglas county were decided Tuesday by the Supreme Court at Salem, as follows:

Robert Phipps et al., appellants, vs. William R. Willis, respondent; from Douglas county; J. W. Hamilton, judge; reversed; opinion by Commissioner King.

F. W. Dillard and G. S. Clayton, respondents, vs. Olalla Mining Company, appellant; from Douglas county; L. T. Harris, judge; affirmed April 6; rehearing denied; opinion by Commissioner King.

The first named case was a suit to cancel a mortgage executed by Phipps in favor of Willis for \$10,700, at which same time Phipps also gave a mortgage for \$5,000 in favor of the Alliance Trust Co., to secure claims against him as a surety on the bond of W. F. Owens, who failed in the commission business in this city about 20 years ago. Phipps alleged that at the time of these transactions he was under the belief that both instruments pertained only to the Alliance Trust Co., for the single claim of \$5,000, asking no questions of Willis, who was acting as his attorney. Willis' defense was that Owens was fully aware of the character of the mortgage in his own favor, alleging that of the amount involved, \$10,700, the sum of \$5,000 was due him, as previously agreed upon, for his services in defending Phipps from suits growing out of the Owens failure, while the balance, he claimed, was due in part for money which he advanced for Owens and the remainder on notes executed by Owens, for which he went security. When the case was tried in the circuit court here, Judge Hamilton held that Willis had not deceived Phipps when the latter signed the \$10,700 mortgage, and accordingly upheld the validity of the instrument. Still maintaining however, that he had been "defrauded and tricked," Phipps appealed to the supreme court, with the result that he has been victorious. During the pendency of this suit, Willis assigned his mortgage to the First National Bank of Roseburg, which soon after obtained an order of foreclosure in the circuit court. The decision just rendered in the supreme court, however, practically annuls this order, which affected a large tract of Phipps' land in the vicinity of Dillard. Phipps' attorneys were Cardwell & Watson, while Willis was represented by the law firm of Coshaw & Rice.

The case of Dillard and Clayton against the Olalla Mining Co., involves a judgment of about \$2,000 obtained by the plaintiff in the circuit court as commission for securing a buyer for the defendant's mine located at Olalla. In the concrete, the defense was that the deal for the mine had been consummated without any agency of the plaintiff, the buyer being a group of capitalists from Columbus, Ohio, who incorporated under the name of The Shirley Mining Co. Further litigation is in prospect, however, before the plaintiffs will be able to realize on their judgment. After paying down \$35,000 on the full consideration of \$35,000 for the mine, the Shirley Mining Co. defaulted in further payment and a mortgage which they had executed in favor of the seller was foreclosed. The property was bid in and purchased by Mrs. J. G. Day, Sr., wife of the president of the Olalla Mining Co., and her rights will have to be adjudicated before the property can be taken from her possession.

FOOD FOR ALL

After a certain jury had been out an inordinately long time on a very simple case, they filed into the court room, and the foreman told the judge they were unable to agree upon a verdict. The latter rebuked them, saying the case was a very clear one, and remanded them back to the jury-room for a second attempt, saying: "If you are there too long, I will have to send you in twelve suppers."

WASHINGTON LETTER.

Brief Notes on a Batch of Topics of Live Interest.

WASHINGTON, July 21.—Why has Governor Charles Evans Hughes, the New York executive, been unrepresented in the harmony conferences between Judge Taft and the late lamented "allies" at Hot Springs?

That's what politicians of the first magnitude are asking in Washington today. Is the governor krouchy over something, or don't the "allies" want him to play in their backyard?

The smoke of battle had hardly cleared away before Speaker Cannon was puffing his cigar under Judge Taft's vine and fig-tree and expressing his humble desire to serve Buckeye Bill in whatsoever capacity he might will. Senator Beveridge, Senator Hemenway and Representative Watson blocked the door in their eagerness to get into Judge Taft's room first to tell him how loyal the Fairbanks men would be to the Ohio nominee. Being the loud-talker, Senator Beveridge got Judge Taft's ear first.

Rep. Burke, of Pennsylvania, hot-footed it across country, from Senator Knox's country home to tell the new Big Chief how much the senator loved his conqueror. He had hardly gotten to Hot Springs before Rep. Cooper, of Wisconsin, came in to pledge the vote of the LaFollette crowd of reformers. Even Senator Dick, of Ohio, strutted around, as the representative of Senator Foraker, to display within the sight of Judge Taft, a beautiful white flag.

But where was he who bore the insignia of Gov. Hughes? Not in Hot Springs! And Judge Taft has seen no one of that stripe since he was nominated. The politicians are wondering if he wants to.

As President Roosevelt honored the late President Cleveland by renaming a California forest "Cleveland," so he is seeking to pay tribute to the coming president—maybe by removing the stigma of the name of "Land of the Undesirables" from Judge Taft's pet country, the Philippines.

Through the Secretary of State orders have gone out to the American consular representatives at Asiatic ports to discontinue their long-established practice of shipping vagrants to Manila. The Philippines have been made the dumping ground for human trash, who claim American citizenship. It is said, on the theory that at Manila, or vicinity, work may be procured by the wanderlust victims, or that they might be sent on to the states. Such a practice was very nice for the Asiatic ports, but Manila did not see any fun in it, and complained at the cost thus placed upon her. The question of taking care of these stranded persons, or sending them home on a government ship was a vexing one and the authorities of the city and of the islands, complained to the president.

Last year there were not less than 223 vagrants who were provided with transportation. In 140 of these cases the cost of subsistence was paid by the insular government. Some of these sea sailors who had been discharged and who had deserted from American sailing vessels, either at Manila or at such places as Hongkong or Singapore, whence they were sent to Manila by the local American consular representative, "on their way home," wherever that might be.

Manila is tired of being the capital of the Undesirables and Busted, and her kick has been headed.

Did you ever think of the part the lowly match plays in the progress of the world? Did you ever look upon the little phosphorous stick as an agent of civilization?

Everywhere throughout the world is the ever-present match. That old myth of savages starting fires by rubbing two sticks together is well-nigh a lost art in these days. Take down in Brazil for instance, Consul General Anderson, writing from Rio, declares that even in the almost inaccessible portions of the interior, where the semi-civilized people are deprived of everything in the way of civilized supplies, yet there are matches, to light the iniquitous cigarette, or kindle the campfire.

There are, of course, some peoples yet unacquainted with the match—but they are of the lowest stratum of civilization. Globe-trotters have found the match to go hand in hand with the first evidence of civilization. And the world's output of matches is staggering in its enormous aggregate. Thousands and thousands of acres of forest go down before the axemen each year to be manufactured into matches. In several countries match-making (of the wood-killing variety) is a government monopoly; a great money more nations reap a goodly revenue income each year from taxes on their manufacture.

For example, Brazil's output of matches was 207,041,400 boxes in 1907, from which the government derived a revenue of \$1,218,384 in taxes. In eleven suppers and one bundle of hay.—Everybody's Magazine.

over \$1.50 for each man, woman and child in the country.

The Black Hills region and the adjacent country have been noted finding places for the remains of strange animals of ancient America. Throughout this region, ages ago, in the Cretaceous period, there were vast swamps and bodies of open water, connected by a network of watercourses that were constantly changing their channels.

The intervening spaces, which were but slightly above the water level, were covered with an abundant vegetation, and through this region roamed many beasts whose bones were here and there embedded in the mud that, now become solid rock, preserved to the geologist skeletons that are treasured in many museums.

Among these were the Ceratopsia, an order of reptilian creatures which are the subject of a technical description in a volume just published by the United States Geological Survey.

The Ceratopsia comprised many genera and species, but the most striking, perhaps, was the genus called Triceratops, a three-horned animal of huge size, now represented in the United States National Museum at Washington by skeleton nearly as big as that of an elephant. An immense bony frill that covers the upper part of the neck, a pair of horns like those of an ox, a smaller nasal horn like that of a rhinoceros, and a snout like that of a turtle, give the head of Triceratops a unique and striking appearance.

The ceratopsia found their food in the vegetation of the swamp region they inhabited, and the agencies by which they became extinct are not certainly known.

A few years ago one might read of the scourge of rabbits in the western states—an increasing horde of bunnies that ravaged the country, ate all the green things, and made life miserable for the settler. The Department of Agriculture not so many years ago issued a bulletin, with some scientific hints as to rabbit extermination, and told graphically of the rabbit hunts, or round-ups, wherein the citizens of perhaps several counties got together, built a big trap, and then chased Br'er Rabbit in a fast-enclosing circle, until he ran into the corral, where he was slaughtered by the thousands with clubs. Br'er Rabbit was a destroyer and a liability—not an asset.

But in these progressive days, Tasmania, one of the British colonies, has found a way to make Bunny a good cash asset. He is trapped split open, frozen, and shipped all the way to England, where his fur is not unacceptable. In 1906, 32,391,563 in frozen rabbits were exported to England, together with 2,323,510 in rabbit skins.

Consul Henry D. Baker, speaking of the Tasmanian rabbit industry, declares that the trapping gives employment to a very large number of men, and that complete freezing plants are in operation at Hobart and Launceston, for preparing Bunny for export.

Carnotite, a mineral recently found in Colorado, is a source of the rare elements uranium and vanadium and has yielded traces of the still rarer element radium.

These deposits, which also contain other rare minerals, are situated at the foot of Blue Mountain, formerly known as Yampa Plateau, and are similar to those on Coal Creek, Rio Blanco county, Colo. The ores present a beautiful display of colors. The carnotite, which constitutes a relatively small percentage of the minerals found, occurs in the form of a film or thin crust of powdery material of bright, canary-yellow color.

A yellow mineral which closely resembles carnotite in color and appearance, and which occurs in even greater amount, proved, on testing by experts of the Geological survey, to be a vanadate of copper. Chemical tests of the ores have shown the presence in them of a copper selenite, which is believed to be the first selenite discovered in the United States.

The old politicians in Washington, with the glory of many campaign fights upon them, are more than vexed at the call being given young men in the choice of leaders for the approaching presidential contest. It's awful, they think.

The probability of the selection of Ollie James, the big Kentucky congressman, to manage the campaign for William Jennings Bryan, has added to their irritation over the selection of Frank H. Hitchcock, as chairman of the Republican national committee. Old men do not like to chance these days, they say.

They point out that Hitchcock is but little more than a kid. The truth is that he would be the youngest campaign manager ever selected by a big political party. He is only thirty-seven years old, but, due to the uncertainty of democratic victory in Kentucky, he has had a finger in nearly every political campaign in that state since he appeared on the scene.

(Continued on page 4.)

GOVERNMENT GETS

TREMENDOUS BLOW

Fine of \$29,240,000 Against Standard Oil Reversed

LANDIS GETS A SCORING

Appellate Court Holds Octopus Was Neither Legally Indicted or on Trial

Special to the Evening Review.

CHICAGO, July 22.—The Federal Court of Appeals, consisting of Judges Peter S. Grosscup, Francis E. Baker and Wm. H. Seaman, in a decision handed down today, reversed the decision of Judge Kenesaw M. Landis, in the United States Supreme Court, about one year ago, imposing a fine of \$29,240,000 on the Standard Oil Co., of Indiana. The case is remanded for a new trial. Landis is scathingly arraigned by the appellate court, which holds that he imposed the fine when the Standard was neither legally indicted or on trial.

The opinion of the higher court declares Landis erred in several instances, among them once when he excluded the testimony of Holland, a government witness, who wished to make a change in his statements, and another time when he ruled that ignorance of the legal tariff rate on part of the shipper could not be ruled as a defense.

The decision of the appellate court is a tremendous shock to the government, which confidently expected Judge Landis' decision to be upheld. Indeed, so sanguine was the government in its belief of winning the case that the press associations throughout the country spread the announcement broadcast that the record-breaking fine would be sustained. A report that supported this belief was to the effect that John D. Archibald, vice-president of the Standard Oil Company, visited the White House, before President Roosevelt retired to Oyster Bay, and made application for a compromise.

NATURE OF THE CHARGE.

In the indictments filed in this case August 28, 1906, there were 6,428 counts. Of these, the prosecution for the government chose 2903 on which to rest its case when the trial came on. Judge Landis threw out 441, leaving 1462 counts, on each of which the defendant coporal trial was fined \$20,000.

Each count represented a carload of oil shipped from Whiting, Ind., to East St. Louis, over the Alton road, at a secret rate of 5 cents a hundred pounds, or one-third the rate charged to independent shippers, who did not know of the advantages enjoyed by their competitors. They paid 18 cents, the published rate. For three years, according to court evidence, Standard Oil enjoyed this secret rate, and during that period the earnings of the corporation as learned by Judge Landis, amounted to \$200,000,000.

COMMENCING JUNE 22nd, 1908.

The following train service will be in effect on the line of the C. & E. R. R., between Albany and Yaquina, daily, except Sunday:

Table with train schedules: Albany to Yaquina, Yaquina to Albany, Lv Albany, Arr Yaquina, Lv Yaquina, Arr Albany.

Boy's Life Saved.

A little boy, four years old, had a severe attack of dysentery. We had two physicians; both of them gave him up. We then gave him Chamberlain's Colic, Cholera and Diarrhoea Remedy which cured him and believe that saved his life.—William H. Strolling, Carbon Hill, Ala. There is no doubt but this remedy saves the lives of many children each year. Give it with caution oil according to the plain printed directions and a cure is certain. For sale by Hamilton Drug Co.

BUYS WATER SYSTEM.

Eugene Pays Willamette Valley Company \$140,000.

EUGENE, Or., July 21.—The City of Eugene purchased today of the Willamette Valley Company, the water system that is used in supplying the city. Negotiations have been pending for some time and last evening A. Welch came in to get the situation with the council and make the transfer which was completed this afternoon. The price paid was \$140,000.

This move on the part of the council will be unanimously approved by the citizens of Eugene, because it means municipal ownership of the water system, for which the people here have been striving for several years. The gain to the city in this deal is expressed in the fact that it eliminates at once the element of competition, and secures a plant which will bring in revenue from the day it is taken over. Furthermore the transfer of the system includes some property, including Skinner's Butte, which is a valuable asset, and which will eventually make a beautiful park in the heart of the city.

At the next meeting of the council, the second step will be taken toward the completion of the gravity system, when an ordinance will be passed calling for an election to pass upon a charter amendment, which will authorize the council to issue water bonds to the amount of \$500,000, or so much of this amount as is necessary to complete the big gravity system upon which permanent surveys are now being made.

HEADS SHASTA DIVISION.

SAN FRANCISCO, July 21.—W. H. Whalen, formerly superintendent of the Iowa division of the Chicago & Northwestern railroad, has been chosen by the Southern Pacific as superintendent of the Shasta division of the road, which includes 270 miles of mountain lines from Red Bluff, Cal., to Ashland, Or., with the new line being built from Weed, in Shasta county, to Klamath Falls, Or. Whalen is today on his way to Dunsmuir to assume charge of his new division.

Whalen has been in railroad work for the past 45 years and is well known in almost every portion of the United States.

Just Exactly Right.

"I have used Dr. King's New Life Pills for several years and find them just exactly right," says Mr. A. A. Felton, of Harrisville, N. Y. New Life Pills relieve without the least discomfort. Best remedy for constipation, biliousness and malaria. 25c at A. C. Marsters & Co.'s drug store.

NATURE'S WARNING.

Roseburg People Must Recognize and Heed It.

Kidney ills come quietly—mysteriously. But nature always warns you. Notice the kidney secretions. See if the color is unhealthy—If there are settlements and sediment. Passages frequent, scanty, painful. It's time then to use Doan's Kidney Pills.

To ward off Bright's disease or diabetes.

Doan's have done great work in Roseburg. E. J. Gilven, living at 1217 Mill St. Roseburg, Ore., says: "I learned the value of Doan's Kidney Pills from personal experience and willingly endorse them. I spent a good deal of money experimenting with remedies for kidney complaint, but with no success. The most noticeable symptom of my trouble was an irregularity of the kidney secretions and pain during passage. I finally got Doan's Kidney Pills at Marsters & Co.'s drug store and obtained splendid results from the first. Doan's Kidney Pills do all that is claimed for them."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.

Mr. R. L. Scott, representing the Portland Seed Company, will be in Roseburg, Thursday, the 23rd, prepared to accept advance orders for choice varieties of roses, ornamental shrubs, palms, bulbs, etc. Those who avail themselves of this opportunity may have their order included with the original importations, and also have the advantage of first selection. Mr. Scott will be pleased to confer with anyone interested, and can give much valuable information on culture and varieties best suited to this section.

WANTED.

Prune pickers, have a large crop; over thirty days picking. Also want men to work in dry-crop. Address C. H. PITTS, self, Ruckles, Oregon.

PROMOTION WORK THAT PAYS.

Is the title of an interesting address made by John H. Hartog, the Eugene "booster," before the Portland convention of the Pacific Coast Advertising Men's Association, which was held during the Rose Festival in June. Following are some extracts from his address, which should be heeded by every Roseburger:

"Getting a community aroused to a spirit of harmony, to the appreciation of civic improvement, is the interesting task of the promoter."

"To get a community to look its best, so that the newcomer will fall in love with it—that's the secret."

"Civic pride lies at the bottom of the CITY BEAUTIFUL. The City Beautiful appeals to the visitor and he forthwith becomes a booster."

"A clean, neat, up-to-date, attractive, progressive, prosperous-looking city promotes itself, clinches the budding results of advertising and promotion work. A run-down, muddy, unkempt, slovenly, dark, half-dead town undoes nine-tenths of the possible results."

"Have your streets, cement your sidewalks, plant uniform shade trees, paint where paint is needed, remove bill-boards, tear off advertising monstrosities and placards from trees and telegraph poles. Keep your pavement clean, and your stores lighted, encourage every public improvement, and the planting of flowers and shrubs, give all visitors the glad hand, taboo the knocker and the flar, speak well of your competitors, your neighbors and section."

"To awaken a slumbering community, to shame the knockers, to call forth the boasting spirit, to expand, to get results that will make a community more prosperous, that's the kind of promotion work that pays."

William Birtle Wells, who is connected with the Sunset magazine and known in Roseburg, said in part at the convention:

"Community publicity means renewed personal pride—clean backyards, lawns with roses, clean, paved streets, better buildings, brighter homes, greater loyalty. You may say this is civic pride. It is civic pride, but civic pride is only one of the important phases in this movement of community publicity; for where civic pride stops, that which we call community publicity takes up the thread and carries on the idea suggested and adreamed of heights."

TEA

Not 1 in 1000 who buy Schilling's Best wants the money.

Your doctor returns your money if you don't like Schilling's Best—we can prove it.



For Sale by R. B. MATHEWS.

SINKS A SCHOONER

Roosevelt's Yacht, Mayflower, Meets With Mishap

NO LOSS OF LIFE RESULTS

Dan Kelly Distinguishes Himself in Olympic Games—High Diving Briton Injured

Special to the Evening Review.

NEWPORT, R. I., July 22.—The yacht Mayflower, with President Roosevelt and his family and a party of guests on board, rammed and sank the schooner Menawa on Long Island Sound, between New Haven and New London, at 1:15 o'clock this morning. The Mayflower's sharp bow crashed into the wooden hull of the schooner with such slight resistance that President Roosevelt was not awakened. The crew of the schooner was rescued by the Mayflower, which sustained very little damage.

Irons Wins Broad Jump.

LONDON, July 22.—In the Olympic games today, Irons, an American athlete, won the final in the running broad jump, clearing a distance of 23 feet and 4 1/2 inches. Dan J. Kelley, of Baker City, Oregon, took the second place, with 23 feet and 1 inch. Bricker, of Canada, was third.

The first serious accident of the tournament occurred today, when Cane, the English swimmer, struck the water sideways in making a high dive. He was rendered unconscious, but Spanberg, the Swedish swimmer, saved him from drowning.

It Can't Be Beat.

The best of all teachers is experience. C. M. Harden, of Silver City, North Carolina, says: "I find Electric Bitters does all that's claimed for it. For Stomach, Liver and Kidney troubles it can't be beat. I have tried it and find it a most excellent medicine." Mr. Harden is right; it's the best of all medicines also for weakness, lame back, and all run down conditions. Best too for chills and malaria. Sold under guarantee at A. C. Marsters & Co.'s drug store, 50c.

EVERYBODY LIKES IT EVEN THE CHILDREN MALTONA THE NEW TEMPERANCE BREW It's wholesome It's pure It's good For sale at all leading temperance drink stands. GUARANTEED NON-INTOXICATING NORTH PACIFIC BREWING CO. ASTORIA, OREGON

THE ROSEBURG NATIONAL BANK Established 1908. CAPITAL, - \$50,000.00 Safety Deposit boxes for rent. By the year \$2.00, or will rent by the month. Our conservative management offers substantial advantages to present and prospective patrons. We are prepared to handle all business entrusted to us accurately and expeditiously.