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ROSEBURG REVIEW



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VOL. XI.

ROSEBURG, OREGON, THURSDAY EVENING, SEPTEMBER 3, 1908.

NO. 160

LAW TECHNICALITY

Temporarily Delays Street Paving Movement

IS CAUSED BY BOND ISSUE

Being Voted Within a Shorter Time of Notice Than Required by Initiative Law

All hopes of starting street paving work in Roseburg in the next few days were shattered today, when City Recorder Orcutt received written notice from Morris Bros., of Portland, stating that, upon the advice of their attorneys, Teal and Minor, they had rejected the tender of \$35,000 worth of municipal bonds, issued by the city council for the purpose of defraying 50 per cent of the cost of the street paving work. Teal and Minor express the opinion that the initiative proceedings governing the special election at which the flotation of the bonds were authorized were irregular. They cite a number of instances where the law was not complied with, but the one above all others that is pronounced fatal is that the election was called within ten days' less time than required by the initiative law. As a result of the action of Morris Bros. in rejecting the bonds, Mayor Hoover has not signed the paving contract with the Warren Construction Co., and will not do so, of course, until the matter is straightened out. He was employed the local law firm of Coshaw & Rice to advise the city how to proceed and has called a special meeting of the city council for tonight to act upon what is suggested by them in the way of getting out of the difficulty. Coshaw & Rice and Mayor Hoover are holding a conference on the matter this afternoon.

An Invalid Election.
The special election authorizing the bond issue was held on April 2, just 40 days after the initiative petition calling for such election was filed with the City Recorder. Under the initiative and referendum law, however, 50 instead of 40 days should have elapsed from the time the petition was filed until the date of the election. Among the other irregularities cited by Teal and Minor are that the initiative petitions were not so filed and that they were not numbered consecutively. These omissions, alone, however, would not have invalidated the bond issue. Some other omissions alleged by Teal and Minor are not substantiated by the city records.

Initiative Unnecessary.
"The initiative petitions for the special election were not necessary," said Recorder Orcutt, today. "The council could have called the election without them and such election could have been held 30 days afterwards besides. Inasmuch, however, as the proceedings were begun under the initiative and referendum they had to be followed and completed under that measure. The street paving isn't affected by the present situation any more than it will be delayed until such time as the bonds can be floated in a legal manner. I am of the opinion that the most expeditious way out of the difficulty is for the council to ignore the initiative and referendum law and call another election on the bond issue. If enough time is left in which to accommodate all of the necessary preliminary proceedings, the question could be submitted to the people again at the regular city election to be held the first Monday of next month."

Paving Held Up.
Another special election, as suggested by Recorder Orcutt, appears to be the only feasible way out of the difficulty, and it is quite likely that Coshaw and Rice will advise the city council tonight to that effect. It will take fully a month to hold another election, and this means that the starting of the paving work will probably be delayed for that length of time. While there is little or no doubt that the bonds would be voted by just as overwhelming a majority as before, Mayor Hoover would doubtless hesitate to affix his signature to the paving contract with the Warren Construction Company until the vote was counted and the bonds sold. The Warren Construction Company's attitude in the present situation will be known perhaps by tomorrow.

Considerable chagrin exists over the present turn in affairs, but most of the interested property owners view the matter philosophically and are taking it upon themselves to see that the paving work is not delayed a day longer than absolutely necessary.

CAN'T COLLECT FINE.

Senator Mitchell's Death Saves His Estate \$10,000.

PORTLAND, Ore., Sept. 2.—In an opinion rendered yesterday United States Judge Wolverton holds that the collection of the \$10,000 fine that was imposed upon Senator John H. Mitchell from his estate.

In passing on the case Judge Wolverton contended that the sole question presented for consideration was whether the proceedings against the deceased were abated by the death of the senator, so that the government was not now entitled to receive or recover the fine imposed from the Mitchell estate. In deciding against the government Judge Wolverton declares that the fine is not a substituting claim or demand against Senator Mitchell's estate. The federal statutes, says the court, provide only for the enforcement of a fine as a fine, but not as a debt.

The late Senator Mitchell was sentenced to a term of imprisonment and the payment of a fine of \$10,000 as a result of his indictment and conviction in the Oregon land fraud cases. The specific count on which he was found guilty was in accepting fees from S. A. D. Pater, leader of the land fraud ring in Oregon, for practicing before the departments. It was proved that Pater gave Mitchell two \$10,000 bills to expedite the patents on certain lands which were being acquired fraudulently.

COUNTY COURT ORDERS.

W. R. Vinson appointed supervisor of road district No. 1, vice W. W. Thompson, resigned.

Luther Toothaker admitted to the county poor farm.

COFFEE

Nothing does more for a grocer, one way or the other, than coffee. He must sell poor; (he needn't sell it to you) it is good that makes him.

Your grocer returns your money if you don't like Schilling's Best; we pay him.

DEMOCRATS HAVE NO CINCH.

Republicans May Carry Texas With Aid of "Wet" Element.

DALLAS, Tex., Sept. 2.—Sweeping into the homestretch under whip and spur, the democratic donkey and the republican elephant are contending for the victory in the greatest political race that Texas has witnessed in years. For the first time the elephant sees a chance of victory and is making the race of his life. Handicapped by a prohibition plank and confused by the discord of his trainers, the donkey is finding the track a heavy one. If he wins, it will not be in a walk, as in former years. For the first time, the long-eared animal is confronted with the necessity of running a real race.

The adoption by the democratic convention of a plank providing for the submission of the state-wide prohibition issue to a vote of the people gave the republicans their opportunity. Heretofore the Texas republican party could almost be counted on the fingers and toes of any normal human being. The democratic split over Senator Bailey's retention in the senate created many republican voters overnight. Now that the republican party has gone on record as opposed to prohibition, and has nominated Colonel John W. Simpson, of Dallas, a Confederate veteran, as its candidate for governor, the organization has assumed respectable proportions. All the "wets" of the state have flocked to the republican standard, as a haven of refuge from the "dry" regime of the democracy.

The democrats believe they have a trump card, however, in their platform endorsement of a guaranty of bank deposits law, such as has been successfully tried out in Oklahoma. The republican state platform opposes this measure, which is highly popular among the rank and file of Texans.

Any doubt as to the success of the democratic party in the state election does not extend to the national ticket. While there is some enthusiasm for Taft in the larger cities, especially among business men, it is likely that Bryan's majority will be fully as large as in former years. The few party leaders who opposed the nomination of the Nebraska are now back in the fold. Interest in the national election is overshadowed by state issues, with the bitter fight for and against prohibition the greatest issue of all.

\$10,000 LESS OR NEW TRIAL.

Judge Harris Decides Doyle Awarded Too Much From S. P. Co.

Eugene Register, Sept. 1.—Judge Harris yesterday handed down a decision in the motion for a new trial in the case of Michael Doyle against the Southern Pacific company. It will be remembered that Mr. Doyle was given a judgment for \$45,000 against the company for personal injuries sustained while in their employ, involving the loss of his leg near the hips, as the result of being run over by an engine near Divide.

Judge Harris decides that the plaintiff, Doyle, has 20 days in which to elect to remit \$10,000 from his judgment, and agree to take \$35,000, or a new trial will be granted. In doing this the judge does not think the jury was governed by passion or prejudice, but thinks they did not fully realize the amount of the judgment, which is larger than any judgment ever given in a similar case without including punitive damages. It is thought by many that even if the plaintiff remits the amount named, the company will still carry the case to the supreme court, but that he will have done what he could to reduce what the company contends is an excessive and unwarranted verdict.

SOCIALISTS ATTENTION!

Comrades Eugene V. Debs and Ben Hanford, our candidates for president and vice-president, respectively, are to pass through here on the morning of Sept. 14th, on the famous "Red Special" and are scheduled to give us a thirty-minute talk at the depot.

In order that we may properly arrange for this meeting and other matters pertaining to the campaign all Socialists and their sympathizers in Douglas county are urgently requested to meet in the Banquet Room of the I. O. O. F. building on Sunday, Sept. 6th at 2 p. m.

O. J. LINDBSEY,
Chairman Co. Central Com.

HAT TRIMMING CONTEST.

There will be a hat trimming contest and social following the Epworth League business meeting at the Methodist church, Friday evening. Young people of the League and their friends are cordially invited. Young men are urgently requested to be present and to try their hand at making hats for ladies. Refreshments will be served free. A good time for all.

Ladies who appreciate style call at the Bell Sisters' Monday and Tuesday and see the Pocahontas effects.

Before going camping get a bottle of Marsters' poison oak remedy. TF

MEETS STRIKERS

Conference Will Decide Coal Mining Situation

STAGE ROBBER IS ARRESTED

Pope Pius III and Wants to Retire

—Two-Cent Fare Law Enjoined

—Probable Wreck

Special to the Evening Review.
HELENA, Mont., Sept. 3.—Industrial peace in the coal mining districts of Montana, Washington and Wyoming hinges on the results of a conference which was opened here today between representatives of the coal miners and the United Mine Workers, who will endeavor to establish a satisfactory wage scale for the northwest states. Failure of their mission will mean a general strike affecting Montana and Washington and prolonging the present struggle in Wyoming. The trouble involves about 25,000 men.

Busy Burglar Confesses.
BELLINGHAM, Wash., Sept. 2.—Fert Davis, colored, a former prize fighter, confessed to the police today that he is responsible for every burglary committed in this city this summer. Of seven robberies he participated in all but two.

Stage Robber Caught.
CHICO, Calif., Sept. 3.—Matt Jackson, arrested here on a charge of holding up 15 lumbermen in a single night, has been identified by the federal authorities as A. Carlson, who is charged with holding up the Tillamook, Oregon, stage on July 2. It is understood that he will be indicted in Portland.

It is believed that Jackson has made way with his pal who helped him in the California holdup.

Forest Fire Abating.
STOCKTON, Calif., Sept. 3.—The big forest fire which was burning in the vicinity of the Calaveras big tree grove since Monday is now reported under control and is practically out. The only big tree damaged was "The Mother of Forests," but it was not wholly destroyed. Six square miles of territory were burned over.

Pope Pius III.
ROME, Sept. 3.—Expressing fears that he will not live very long, the burden of the church affairs being too heavy for him to bear much longer, Pope Pius X., in an interview with Bishop Burke of Albany, New York, declared that he is anxious to return to private life in Venice. Burke intimates that the Pope's condition is far more serious than the public realizes.

Confers With Harriman.
KIAMATH FALLS, Ore., Sept. 3.—Major Burnham, the famous British scout who was being entertained by E. H. Harriman at Pelican Lodge, came here with a party and his prominence was not generally known until today. He leaves to rejoin the army in England. Burnham was one of the most noted soldiers of the Boer war.

Probable Wreck.
POINT ARENA, Calif., Sept. 3.—Two horses came ashore here last night, indicating a vessel had been wrecked somewhere just south of this place. Capt. Williams says a distinct shock was felt half an hour before a quantity of lumber came ashore, indicating that a vessel had been blown to pieces by an explosion.

After an all-night search by Capt. John Sutt and a life-saving crew, no trace of a wreck was found, except the hatch of some schooner, which came ashore with the lumber, but it bore no name.

The steamer Kilburn passed Point Arenas at 10:15 last night, but noticed nothing indicating a wreck.

Mrs. Field, Jr. Weds.
LONDON, Sept. 2.—Mrs. Marshall Field, Jr., daughter-in-law of the late merchant prince, was married at the registry office today to M. A. Drummond, second son of the late Edgar A. Drummond. Her husband died a few months ago in Chicago from a bullet wound, inflicted either by accident or with suicidal intent.

Enjoins 2-Cent Rate Law.
ST. PAUL, Sept. 3.—Judge Vandeventer, in the federal court here today granted a temporary injunction against the 2-cent railway rate law recently enacted by the Arkansas legislature. The act is held to be confiscatory.

Will Meet at Tacoma.
PORTLAND, Sept. 3.—The United Spanish War veterans in session here today decided to hold their next annual session in Tacoma, Wash.

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OREGON TEAM'S FINE RECORD.

In the Aug. 27th issue of Arms and the Man, the national military and shooting weekly, is given some of the scores made at the recent national shoot, held at Camp Perry, Ohio. Summarized we find: In the Wimbledon Cup match K. K. V. Casey, of the 1st Delaware, led with a score of 97. Capt. R. O. Scott, of Oregon, was 8th with 91; Romaine, of Oregon, 14th with 91; Abrams, of Oregon, 18th with 91; Hamlin, of Oregon, 27th with 90; Stewart, of Oregon, scored 84.

In the Herrick Trophy match the Oregon team finished 14th with a score of 1552, the winner being the U. S. Marine Corps, with a score of 1647.

In the individual shoot, in the President's match, Sgt. A. Brest, of the 15th U. S. Infantry, led with a score of 304. B. F. Shields, of Roseburg, was 6th with 299.

In the Championship Regimental Team match, the 6th Massachusetts Infantry won with a score of 775. The 4th Oregon Infantry was fifth with 748; the 3rd Oregon Infantry was 10th with 736.

In the national team shoot the Oregon team finished in 13th place with a total score of 2943. They gained 3rd place on the 200-yard range and 4th on the 600-yard range.

"MOTHER OF FOREST" DOWN.

SONORA, Calif., Sept. 2.—The Calaveras grove of big trees, one of the natural wonders of the world, is in serious danger tonight of destruction by fire. Starting from sparks thrown off by a locomotive used to haul logs, last Monday afternoon, the fire quickly spread to heavy timber a mile west of the North Grove of big trees. All the forest rangers in the district were quickly gathered and they, together with the settlers, many visitors living in camps around and in the grove, and the employees of the Big Tree Hotel, have fought the flames ever since, reached the edges of the grove of the mammoth trees and, driven by a strong wind, was threatening to wipe out every thing before it.

The dead giants, however, will probably be destroyed. Already "The Mother of the Forest," a great dead bulk lying marvelously big at the edge of the grove, is aflame and, like a great, glowing torch, is threatening its living neighbors. "The mother" is 327 feet long with a trunk 78 feet in circumference, and will take days and perhaps weeks for the flames to consume its great bulk.

Up in "The Bret Harte Country," as this section of Calaveras county is called, because it was in this section that the famous Californian lived and where he found many of the characters he put in his books, the destruction of the big-tree grove would be a little short of a calamity. The only living species of the sequoia gigantea, or big trees, are those found in California and there are but four groups of these containing any notable specimens.

The Calaveras group, consisting of two groves, "Calaveras" and "South Park," contains more and larger trees than the other three groups combined, there being 1250 trees, from 65 feet to 104 feet in circumference in the Calaveras group and 97 trees with a circumference of 70 to 93 feet in the other. All these trees range from 300 to 365 feet in height. One prostrate specimen of the Calaveras grove—"The Father of the Forest"—was apparently 435 feet tall, with a girth of 110 feet.

Practically all of the larger trees have been named and labelled. The "New York" is 104 feet in circumference; the "Ohio" 103 feet. In the "Tree of Refuge" 16 head of cattle once sought shelter during a heavy storm. In the "Grand Hotel" 40 people can stand without crowding.

A Traveling Man's Experience.

"I must tell you my experience on an eastbound O. R. & N. R. train from Pendleton to La Grande, Ore.," writes Sam A. Garber, a well known traveling man. "I was in the smoking department with some other traveling men when one of them went out into the coach and came back and said: 'There is a woman sick unto death in the car.' I at once got up and went out, found her very ill with cramp colic; her hands and arms were drawn up so you could not straighten them, and with a death-like look on her face. Two or three ladies were working with her and giving her whiskey. I went to my suit case and got my bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy (I never travel without it), ran to the water tank, put a glass dose of the medicine in the glass, poured some water into it and stirred it with a pencil; then I had quite a time to get the ladies to let me give it to her, but I succeeded. I could not wait long and she died. I worked with her, rubbing her hands, and in twenty minutes I gave her another dose. At this time we were almost in La Grande, where I was to leave the train. I gave the bottle to the conductor to be given to another lady who was sick, but by the time the train got into La Grande she was dead. I received the passenger in the train. For sale by Hamilton Drug Co."

STORY OF THE SCORE.

Oregon Guardsmen Began Fine, but Did Not Keep up Gait.

Major Frank B. Hamlin, of this city, team coach of the Oregon National Guard rifle team at Camp Perry, Ohio, who returned with Capt. George E. Houck from the east this week, today handed the Review the detailed score of the Oregon marksmen in the National Team Shoot, the star event of the tournament, held on Aug. 24, 25 and 26. The team was comprised of the following guardsmen: Capt. Geo. E. Houck, of this city, ordnance inspector; Sgt. A. Q. Johnson, Lt. F. G. Stewart, Corp. Alex. Ferguson and Private Ben Shields, of Co. D., Roseburg; Capt. R. O. Scott, Sgt. A. A. Schwarz, and Corp. O. P. Romaine, of Co. K., Portland; Sgt. F. H. Snodgrass, and Private Butte Mooney, of Cottage Grove; Sgt. R. L. Perdue, of Co. A., Eugene, and Sgt. C. W. Abrams, of Co. M., Salem. According to the score, Private Shields led the team, while Sgt. Johnson, whose splendid shooting a few days before in the Press match won fourth place for him, stands last on the team.

The total score of the team in the National team shoot was 2943, which landed it in 13th place. The first twelve teams were as follows: U. S. Infantry, U. S. Navy, U. S. Cavalry, U. S. Marine Corps, Wisconsin National Guard, Massachusetts National Guard, Naval Academy, Pennsylvania National Guard, District of Columbia National Guard, Washington National Guard, Illinois National Guard and Iowa National Guard. The Oregonians started off brilliantly, standing third at the end of the shooting on the first range, which was 200 yards at slow fire. As the match progressed, however, they dropped further down the list. The 200-yard range at rapid fire forced them to seventh place and the 600-yard range to ninth place. The end of the skirmish run found them in 13th place and this they maintained on the final range, which was 1000 yards. Even in 13th place, however, the standing was a good one, as there were about 50 teams entered in the match. The total scores of the members of the Oregon team follow:

Shields 275, Romaine 268, Abrams 267, Ferguson 260, Stewart 259, Houck 255, Perdue 253, Schwarz 238, Mooney 238, Snodgrass 217, Scott 212, Johnson 211.

G. A. R. BEGINS BUSINESS.

TOLEDO, O., Sept. 2.—After three days of fun and frolic, the old "boys" who comprise the official delegates to the forty-second annual encampment of the Grand Army of the Republic today settled down to business. The opening business session was called to order in the Valentine Theatre this morning, with Commander-in-Chief Burton presiding. It is likely that there will be a hot but good-natured fight over the selection of a successor to Burton as the head of the national organization.

Among the matters up for consideration are several amendments to the rules and regulations of the army, presented by the various department encampments. The Ohio department suggests a permanent investment fund, to be under the control of a board of trustees elected for that purpose, and which would bring about an important change in the financial conduct of the Grand Army. This amendment has the sanction of the New Jersey department with the exception of minor changes. The Pennsylvania department also concurs in the proposed measure.

The department of Oklahoma asks for an amendment providing that certain members of the Sons of Veterans be admitted to all Grand Army meetings. The department of Missouri advocates an amendment allowing posts with less than 25 members to hold their stated meetings quarterly if two-thirds of the members so decide.

The Review does job printing.

Review printing always the best.

FORAKER WRATHY

Says He Was Insulted by Taft's Committee

PEACE PACT FLATLY DENIED

Hitchcock's Scheme to Send Out Defeated Quartette for Taft is Thus Sadiy Marred

Special to the Evening Review.
CHICAGO, Sept. 3.—Chairman Hitchcock, of the republican national committee, is planning a grand speaking tour for the four presidential aspirants who were beaten by Taft for the nomination. His plan is to have Fairbanks, Foraker, Knox and La Follette to speak in various parts of the country, showing that all are in unison for the success of the ticket.

Taft Greeted Foraker.
MIDDLEBASS ISLAND, Sept. 3.—Taft's friends and advisers here interpret the handshaking of the two men last evening as a complete surrender of Foraker, who they claim will no longer oppose Taft's election.

Foraker's Decided "No!"
TOLEDO, O., Sept. 3.—Senator Foraker let loose a bombshell this afternoon among the Taft forces when asked about the widely heralded reconciliation of the two men. Foraker declared: "I have made no peace pact with the Taft executive committee. They intentionally insulted me by inviting me to open the state campaign at Youngstown Saturday. There has been no reconciliation and no one is authorized to speak for me in this matter, or say what my course will be during the campaign."

At a meeting of the board of directors of the Roseburg schools this morning, it was decided to carry on two additional schools, one in West Roseburg and the other at Edenbower, each for a full nine-months, concurrently with the other schools in the district. Each school will be for 1st, 2nd and 3rd grade pupils only. They will prove of great accommodation to eligible children in their respective locations and at the same time relieve the congestion of the Lane school. Suitable buildings have been rented, but in another year the district may construct buildings of its own. The West Roseburg school will be taught by Miss Myrtle Hall, recently from the east, and the Edenbower school by Miss Dolly Smith, of North Roseburg.

R. A. Woodruff has been granted a writ of review in the circuit court from the proceedings of the county court last May denying his petition for a new county road from his residence at Cleveland to a point on the French Settlement-Looking Glass road. In March the county viewers reported favorably on the proposed road, but subsequently they presented an adverse report on the ground that the road asked for did not begin at Mr. Woodruff's premises. In dismissing his petition, Mr. Woodruff alleges that the county court acted without jurisdiction; that, instead, it should have ordered a relocation of the road.

TAKEN UP—A bear between one and two years old. Owner can have same by calling on C. E. Marks, Edenbower, and paying charges.

Ready to sell, ready to please you. September 7 and 8 at Bell Sisters.

. Smoke . . .

Model American

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Made in Roseburg by L. KABAT

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