

PROGRESSIVE

As Roseburg leads the Southern Oregon towns in progressiveness—so The Review leads all newspapers of this same section.

ROSEBURG REVIEW

INVESTMENTS

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No. 302.

DRAKE CONVICTED

Jury Out Hour and Half, Three Ballots Taken

SENTENCE FOLLOWS FRIDAY

Verdict Dampens Patriotic Spirit of Defendant—May Appeal to Supreme Court

The jury in the case of Jesse O. Drake, charged with criminally libeling Judge J. W. Hamilton, this morning filed a verdict of guilty in the Circuit Court. Judge Calkins, presiding, announced that sentence would be pronounced next Friday, the exact hour not being set. The maximum penalty prescribed by the statutes is a fine of \$500 or jail imprisonment for one year. The case will probably be appealed to the Supreme Court.

Three ballots were taken by the jury before the verdict was agreed on, nine jurors standing for conviction from the first. On the first ballot two jurors favored acquittal and one cast a blank. On the second there was still two jurors favoring acquittal, but one more aligned himself with the majority. Ballot number three was unanimous for a verdict of guilty. The jury was out about an hour and a half.

Judge Calkins' instructions to the jury occupied about 20 minutes time in delivery. Chiefly, he said that the jury should not consider Drake's allegedly libelous communication as a whole, but only those portions of it referring directly to Judge Hamilton. The verdict was received by Judge Hamilton with the utmost gratification. He justly regards it not only as an exoneration of malicious charges against himself, but against the law course of all the officers of the law concerned in the particular case to which Drake referred.

Drake Doesn't Like It. Drake was not in court when the verdict was announced, but when later seen on the street said he "didn't think the verdict was right." His feelings were summed up in this language:

"I no longer feel that I would take up a rifle and go out and fight in defense of this country. My constitutional right of free speech has been denied to me. I made no charges against Judge Hamilton; I simply expressed my opinion."

"On what was that opinion based?" he was asked.

"On the general opinion about the city the morning after McClallen was

acquitted," was the reply. "I could have introduced more evidence to support my statements about Judge Hamilton working in his garden, but I promised my informants that I would not use their names. I will not break my word; I will go to jail first."

In Supreme Court Next. Attorney R. G. Smith, one of Drake's counsel, who left for Salem Tuesday night, stated that in the event of Drake's conviction he would carry the case up to the Supreme Court. Mr. Smith expressed his confidence of winning in the higher court on the same grounds upon which he secured a reversal of the sentence against George Putnam, a Medford newspaper publisher, who was adjudged guilty of libel in the Circuit Court of Jackson County and fined \$200.

The state's attorneys in the Drake case see no chance of the defendant being cleared by the Supreme Court, because, they declare, his case differs materially from Putnam's. The Supreme Court reversed Putnam's case because the defendant had been denied an opportunity at his trial to prove his assertions. In Drake's case this circumstance does not obtain. The defendant was given unlimited opportunity to prove his charges, if charges they were, and a sorry showing he made.

The verdict of the jury seems to meet with general approval as upholding the dignity of the courts, and the jury are sharing with Judge Hamilton the congratulations offered on the outcome of the trial. It has been freely rumored that other and "still hotter" letters would soon be forthcoming in case Drake had been acquitted, but since his conviction it is not likely that he or his alleged abettors will care to repeat the offense.

Litigation of over two years' standing came to an end this week, when the Oregon Supreme Court sustained Judge J. W. Hamilton's decision in the lower court in the case of Henry Bushnell against John Dumbeck, involving 160 acres of land at Camas Valley. The defendant and respondent is the winner. Dumbeck contracted with Bushnell to sell him the land for \$2500, but with the reservation of a water right on one portion of the premises for which he agreed to give a water right of lesser dimensions on another portion. An agreement on the water right was never definitely reached, however, and for that reason Dumbeck was victorious in the lower court when Bushnell brought suit to enforce performance of the contract.

In sustaining Judge Hamilton's decision, the Supreme Court found that the question of a water right "was never settled upon and agreed," that "there was no complete meeting of minds upon the conditions of the sale and, therefore, no agreement which can be specifically enforced." Dumbeck was represented by Attorneys John T. Long and Cardwell & Watson.

Mrs. John Banks and Miss Merle Smith returned Tuesday night from an extended sojourn in Arizona.

RECALL DECISIONS

Better Than to Recall Judges, Says Roosevelt

CONSTITUTIONS ALL RIGHT

Two Supreme Courts Less Patriotic Than Nero—Will of People Above All Else

From the Speech.

Free the Government from control of money in politics. Adopt the recall of judges, direct election of United States Senators and Presidential primaries endorsed.

Nero was a patriot and a statesman compared with certain Supreme Judges of Missouri and California.

Courts, not the Constitution, are at fault.

Adopt the recall of judges only as a last resort. Referendum their decisions on public questions, if just public will has been thwarted.

Legal terms and conditions of actual life are separate elements that should be considered in every decision.

A judge grown out of touch with social needs is no longer fit to serve.

When a State Supreme Court declares a popular law to be in conflict with the Federal Constitution, although the Federal Supreme Court has never considered the matter, refer the decision back to popular vote.

(Special to the Evening Review) COLUMBUS, O., Feb. 21.—The Ohio Constitutional Convention today listened to Theodore Roosevelt, who delivered one of the most important speeches of his career. The ex-President made no reference to the third term agitation, but gave unqualified endorsement to most of the principles of the progressive Republicans, who are campaigning for his nomination.

The speech dealt mainly with decisions of the courts and the recall of judges. While favoring the recall of the judiciary only as a last resort, he argued that the better plan would be to invoke the recall on the decisions. Colonel Roosevelt spoke in part as follows:

People's Rights Supreme. "I believe in pure democracy. With Lincoln, I hold that 'this country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it.' We progressives believe that the people have the right, the power and the duty to protect themselves and their own welfare; that human rights are supreme over all other rights; that wealth should be the servant, not the master, of the people. We test the worth of all men and all measures by asking how they contribute to the welfare of the men, women and children of whom this Nation is composed. We are engaged in one of the great battles of the age-long contest waged against privileges on behalf of common welfare. We hold it a prime duty of the peo-

RAILROAD MEN ASKED TO COME TO ROSEBURG.

Meeting at Commercial Club Shows Local Interest But Asks for More Information.

There was a good attendance at the special meeting at the Commercial Club Tuesday evening to consider the proposition of J. Arnold Doyle and H. M. Farren, of Spokane, in regard to building a railroad from Roseburg to the coast on condition that a bonus of \$100,000 be guaranteed to them here, payable on the completion of the road. The letters and telegrams from Messrs. Doyle and Farren, heretofore published, were read by Secretary Schlosser, who added that their proposition was to begin actual work within 60 days and would furnish a bond to have the road completed within two years. Other friends of Mr. Schlosser, who are railroad builders, had estimated the probable cost of this road at between \$5,000,000 and \$6,000,000.

The matter was briefly discussed by Hon. T. R. Sheridan, F. E. Alley, E. L. Pargott, Herbert Armstrong of North Bend, and others. The consensus of opinion seemed to be favorable to the movement, provided these men can show that they are willing and able to build this railroad within a reasonable time, and that they have available a feasible route therefor. With two surveys by different companies already made through the Coquille Canyon, it would be very difficult to locate a third. As to raising the required fund it will depend in no small degree on where the road is to be built. Mr. Armstrong expressed the opinion that there are two large interests on Coos Bay who would give \$25,000 each if the road is so located as to give them the service they need. A bona fide showing must be made, however, before subscriptions to a bonus can be expected. "It is well known that bonuses do not build railroads nor prevent them from being built. They may change routes, however, so as to materially affect certain localities by putting them on or leaving them off such routes."

On motion of F. E. Alley the secretary was instructed to advise Messrs. Doyle and Farren that if they will come here and make a sufficient showing of their willingness and ability to build this railroad to convince a committee, consisting of the presidents of the three local banks and the president and Secretary of the Commercial Club, then Roseburg people are willing to proceed with raising the required bonus. Thus the matter stands until the arrival of Messrs. Doyle and Farren, about March 1st.

PINCHOT ASKS CONGRESS FOR \$500,000 FOR FIRE FIGHTING IN FORESTS.

WASHINGTON, Feb. 21.—Gifford Pinchot, former forester, through the National Conservation Association, today asked Congress for at least \$500,000 in the agricultural bill for forest fire fighting. He said: "It is hardly less unpatriotic and unwise to withhold money to equip troops against an invading army than to refuse forest fire appropriations. We must not let false economy imperil the safety of our public resources."

HEAR ERNEST GAMBLE CONCERT PARTY AT THE PALACE THEATER Thur. Evening Feb. 22 Gen. Adm. 80c Reserved 65c Tickets on Sale at Marsters Drug Store Roseburg Ministerial Union

WILL BE PRODUCERS

Industrial Education to Take Place of Academics

MOVEMENT IS STATE-WIDE

Local Committee is Named to Work in Conjunction With the Schools of County

A decided advancement of interest in industrial education in Douglas County should result from the work started by Calvin C. Thomason this week at Roseburg and other places. Mr. Thomason is a member of the Oregon Agricultural College extension staff and a special deputy of State School Supt. L. R. Alderman. Besides addressing the pupils in several of the Roseburg schools on Tuesday, Mr. Thomason spoke before the special meeting of the Commercial Club that evening. When he closed several of those present voiced their approval of this movement for general education along practical lines. On motion of F. E. Alley, a committee of five was named to take up this work in connection with the schools of the county. As this committee the president named Mr. Alley, Hon. J. H. Booth, Prof. J. W. Groves, G. E. Goodman and J. H. Clark. The prominent features of this movement were outlined in the address of Mr. Thomason, and is summarized as follows:

Educating Producers. "To the bankers of Oregon the credit of the initiation of this movement belongs. At the suggestion of the National Bankers' Association that the bankers of each state take some steps to better rural conditions throughout the country, to increase the number of public school children who are being educated to be producers, and diminish the number being educated to be consumers, the Oregon association took prompt action by calling a conference of educators. It was at this meeting that State Superintendent L. R. Alderman told of a children's industrial fair which he had inaugurated in Yamhill County when he was county superintendent there."

"At the Yamhill County fair at least 6000 children annually have studied the problems of the farm by competing at this county fair. Now instead of the boys of Yamhill County buying their popcorn and watermelons they grow these things and many other lines of produce for their own use and also have a great deal to sell. Habits of thrift, of economy, industry, honesty, and a high respect for labor have been developed there. The same has been true in other states where this line of work has been tried."

"The simplicity and effectiveness of the plan appealed to the bankers and it was decided to adopt it and make it statewide by encouraging every county to hold a similar fair and to help the boys and the girls bring their best exhibits to the state fair in September. The bankers' committee placed funds at the disposal of the state superintendent and the Oregon Agricultural College with which to administer this movement. The Union stockyards of Portland added \$1000 and some valuable prizes to the donation of the bankers, and additional field workers were sent out."

"So the plan which is now in active operation in a majority of the counties, and in which the other progressive counties are falling into

line as rapidly as they have it presented to them, is to get up a premium list and by the most practical method secure prizes. The state premium list for the children includes:

"Agriculture—Field corn, popcorn, sweet corn, watermelons, muskmelons, pumpkins, squash, onions, potatoes, celery, cabbage, grain sections, asters, sweet peas.
"Woodwork—Bird house, piece of furniture, labor saving device.
"Sewing—Hand made apron, machine made apron, dress, mending.
"Cooking—Bread, canned fruit and vegetables, jelly.
"Animals—Poultry and pigs.
"Prizes—aggregating \$3500 in value have been secured for the state contest. The state fair board set aside \$1000 for such prizes. The county is at perfect liberty in enlarging or diminishing this prize list for their own fair, but it would be well for each county to have included as many as possible of the articles on the state list so their children, after exhibiting at the county fair, will be in line for the state contest. Full directions in a bulletin will soon be sent into every home in Oregon by the State Agricultural College."

"The plan of exhibiting at fairs is especially effective in Oregon at this time because the majority of districts are not able to put industrial training into the course of study, as they have not the equipment and the teaching force. But through this competition the children are encouraged to self help and to learn from their parents and from reading. The Oregon Development League has fallen into line with the bankers, the college and the state superintendent, because the league sees in it great possibilities for developing the resources of the state. Twenty millions of dollars is being sent out of the state annually for hog products. Why not keep this vast sum, averaging \$30 per capita, at home by growing more hogs? Instead of importing 204 carloads of eggs last year, why should we not have had as many to sell? The same with poultry and other products. Following the state fair a special train will be loaded with the children's produce and sent East to the big land shows to demonstrate to the people of the world what even a child can do with Oregon soil."

"But the development of the resources of the state and the winning of prizes by the children are by no means the only great advantages of this movement. Its educational value cannot be overestimated. The boys and girls must learn to use their hands as well as their heads. They must be kept interested and busy. It has been well said that the idle boy is father of the man without a job. They must learn to appreciate and co-operate with their parents more fully. They must learn to be effective workers in the active and practical world if they are to have a safe future before them. These and many other permanent benefits will accrue from a widespread extension of this work. The Agricultural College at Corvallis is throwing the whole influence and strength of its extension work into this movement and this spells success for it to a large degree."

SPOKANE FIRMS DEMAND REFUND OF \$2,000,000 IN FREIGHT CHARGES PAID. SPOKANE, Feb. 21.—Sixty-five Spokane firms today filed with the Interstate Commerce Commission a demand for a \$2,000,000 refund on freight charges collected by Western railroads above what would have been collected if the Commerce Court had not enjoined the rate decision of the Interstate Commerce Commission on inter-mountain tariffs. The argument in the appealed Spokane case comes up before the United States Supreme Court Friday. Today's petition will enable the Commission to act instantly for the shippers if the court upsets the injunction and legalizes the lower rates prescribed by the commission.

57 BLOCKS BURNED

Dynamite Saves Remainder of Houston From Flames

\$6,000,000 ESTIMATED LOSS

Thousands Homeless and Destitute—Blizzards Sweep Texas and Entire Middle West

(Special to the Evening Review).

HOUSTON, Texas, Feb. 21.—The greatest fire in her history swept Houston today, devastating an area of seven blocks wide and eighteen blocks long, which for the greater part contained residences. The loss is conservatively estimated at \$6,000,000. After a futile battle with the ordinary fire fighting facilities for several hours, in which the firemen were aided by thousands of citizens, an entire block was dynamited, checking the progress of the flames at noon. The number of homeless and destitute people runs into the thousands.

While the fire was at its height, the wind was blowing at the rate of 35 miles an hour, and at one time it began to look as if the entire city was doomed. The burned area of 57 blocks adjoins the Southern Pacific railroad yards. It contained over 100 residences and churches and schoolhouses. Immense cotton warehouses were also consumed. The fire started in a hotel.

DEMORALIZING BLIZZARD IN MIDDLE WEST.

ST. LOUIS, Feb. 21.—The entire Middle and Southwest, comprising the states of Missouri, Kansas, Oklahoma and Texas, is shivering in one of the worst blizzards of the winter. There is a foot of snow in the whole region but Texas, but there it is still falling. In Kansas City and St. Louis business is practically at a standstill. Traffic is demoralized, and in the cattle country the stock loss is very heavy.

TEXAS SWEEP BY GALES THAT INFLECT HEAVY LOSS.

AUSTIN, Texas, Feb. 21.—More than \$2,000,000 damage is estimated to be the result of terrific gales sweeping Texas today. Hundreds of small buildings were wrecked. Further reports are expected to show heavy losses among ranchmen. CHICAGO, Feb. 21.—The heavy snow storm is general throughout the Ohio and Mississippi Valleys.

WOMEN AND CHILDREN HURRY FROM MEXICO.

EL PASO, Feb. 21.—American women and children are being rushed from Northern Mexico to places of safety in Texas. The rebels are permitting repair of dynamited bridges. Many federal soldiers, disguised as civilians, are entering Juarez. Arms and ammunition are being sent from El Paso.

REAL ESTATE TRANSFERS.

Catrina Eden to Campbell and Swigert, \$9600; 450 acres sec 9, 32-7.

H. A. Hanson to H. Z. Compton, \$2500; lot 5, block 4, Tract "A," Roseburg Home Orchard Tracts.

Mr. and Mrs. John C. White and Banker F. W. Meyer, of Riddle, returned this morning from Portland, where they attended the irrigation congress.

Announcement

Beginning February 22, 1912, we will have our First Showing of Street Hats. Also shapes in high-grade Milans, Hems, Panamas, and Javals. Our work-room opens next Monday, February 26, in charge of our former trimmer, Miss Ivy Henderson.

JAMES A. PERRY

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IMPORTED MODELS AND PATTERN HATS
LADIES' AND MISSES' CLOAKS, SUITS, DRESSES, WAISTS
Hair Goods, Neckwear, Novelties, Hand Bags, Corsets, Etc.

February 22, 23, 24, 1912

Five Living Models in Suits, Cloaks, Dresses and Hats
Saturday, 7:30-8:30

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