

NEWETT ADMITS HE DRANK
Editor Says He Is Forced to Conclude Colonel's Friends Knew Habits Best.

RETRACTION FREELY MADE

Many Found Who Thought Roosevelt Had Been Drinking but None to Testify They Had Definite Knowledge on Subject.

MARQUETTE, Mich., May 31.—The statement of George A. Newett, editor of the Iron Ore, retracting his charges against Colonel Roosevelt, made in open court today after the Colonel had closed his case in the libel suit against the editor, was as follows: "I was born on a farm near Janesville, Wis., in 1856, and lived there until I was about 16 years of age. I obtained my education in a district school in that vicinity, working on the farm summers and going to school winters. I came to Marquette County in 1873, and have lived here ever since. In 1874 I began working for the Iron Ore, the first paper published in Ishpeming, and have ever since been engaged in newspaper work in this county. "In 1878 I left the Iron Ore and started the publication of Marquette, my own and have continued its publication from then until the present time. This paper is known as the Iron Ore.

Editor Himself Is Abstainer. "The Iron Ore is a weekly paper which contains the usual local news published in such papers, and in addition specializes in mining news, covering not only the mining districts of Michigan but elsewhere. In 1906 it had a circulation of from 2500 to 3000, four-fifths of which was confined to the county of Marquette, and the greater part of the remainder to other towns in the Upper Peninsula. "I do not use wine or liquors myself in any form and am an absolute teetotaler, having strong convictions on this subject. Neither do I use tobacco in any form.

In 1898 I was appointed Commissioner of Mineral Statistics for the State of Michigan, a position I held four years. In October, 1901, my first appointment having been made by Governor Rich, and my reappointment by Governor Pingree. In 1905 I was elected editor of the Iron Ore, and held various positions on civic boards in the City of Ishpeming, and am now president of the Ishpeming Advancement Association.

Colonel Supported in Campaigns. "Prior to 1912 I had been for many years a strong supporter of Theodore Roosevelt, recognizing him as the great Republican leader of the day. I published editorials and other articles in Iron Ore commending him and approving his policies and I had heretofore assisted him in his campaigns not only by personal effort, but also by financial contributions. Even in the primary campaign of 1912 I supported him as second choice for the Republican nominee.

"I mention these facts as indicating the impossibility of my harboring any feeling of personal malice against the plaintiff.

"Some time before 1912 I began to hear statements from various sources that Mr. Roosevelt was drinking wine and liquors to excess. During this time I took a trip through the Western country, passing through the states of Montana, Nevada and Arizona as well as the intervening cities. The statements of Mr. Roosevelt's drinking were repeatedly made in my hearing in various sections by many persons who I believed to be reputable, but notwithstanding this I never credited them. I felt that there was a possibility that these persons were mistaken, and therefore I thought the statements probably unwarranted.

Statements of Others Accepted. "Later during the Winter of 1912 I took a trip to Florida, passing through Chicago and other cities en route and spending some time at Belaire and other Florida points.

"During this trip the same statements as to Mr. Roosevelt's habits were repeated in a very circumstantial way, although no one was able to tell me he had actually seen Mr. Roosevelt drink to excess or personally knew that he did so.

"During this period I also talked with various reputable people in Ishpeming and elsewhere than the places before mentioned, who claimed to know Mr. Roosevelt, and in whose statements I had the utmost confidence, both as to their reliability and their opportunity to know the facts.

"During the Spring of 1912 newspapers came to me on our exchange list various of which contained reference to Mr. Roosevelt's drinking habits. I saw and read these newspaper publications. From the statements so made in these papers and all the information which had come to me from the other sources mentioned I felt that I could no longer doubt the truth of the statements which had been made, much as I regretted to believe them.

Election in 1912 Opposed. "When Mr. Roosevelt was nominated for the Presidency on the National Progressive ticket I opposed his election, having been a lifelong Republican, and believing that the success of that party would be for the best interests of the country.

"In October, 1912, Mr. Roosevelt made a campaign trip through Northern Michigan and among other places visited Marquette on the 9th. I was present on that occasion and heard him speak. In the course of his address he made what I consider to have been a charge on our candidate for Congress, who was one of my lifelong friends.

"This incident, together with the statements which were published in my knowledge confirmed me in the opinion that Mr. Roosevelt ought not to be selected President, and then I concluded that it was my duty in opposition to his candidacy to publish the statements which I then believed to be true. I thereupon wrote and published the article which is here complained of. This publication was intended only as a blow to Mr. Roosevelt's candidacy for the position he then sought. In this publication I acted in entire good faith, believing that the facts stated were true, and believing that as a publisher I owed the duty to my readers to make that statement.

Beginning of Suit First Notice. "After this article was published on the 12th day of October, 1912, neither the plaintiff nor anyone in his behalf notified me that he claimed the charges so made were unfounded, nor did they request me to make any correction of the same. On the contrary, this suit was commenced on October 25, 1912, and

JUDGE WHO INSTRUCTED ROOSEVELT JURY TO BRING VERDICT FOR NOMINAL DAMAGES.



RICHARD C. FLANNIGAN.

the service of the papers constituted the first intimation I received that the article was complained of. "After the commencement of this suit there was nothing for me to do but to prepare to defend it, and I did so to the best of my ability. From that time I proceeded to investigate the actual facts which could be shown by witnesses who would testify under oath. As I have said, up to the time of the publication, my information had been from various persons who claimed to have knowledge of the statements which had been made, and I went forward to verify those statements and determine the witnesses by whom they could be proven.

Additional information came to me from various sections of the country, as this case had been given wide publicity. Both my attorneys and myself went forward with the investigation of the progress of this trial by the numerous places in various parts of the country we found reputable witnesses who were willing to swear that the actual facts which could be shown by witnesses who would testify under oath.

"I have been unable to find in any section of the country any witness who was willing to state that he had personally seen Mr. Roosevelt drink to excess. "I have taken the testimony in the forty depositions taken, and in the numerous places in various parts of the country we found reputable witnesses who were willing to swear that the actual facts which could be shown by witnesses who would testify under oath.

"I have been profoundly impressed during the progress of this trial by the nature and extent of the evidence produced by the plaintiff to the effect that he did not in fact use liquor to excess on any occasion. I am unwilling to state that he has personally seen Mr. Roosevelt drink to excess. "I have taken the testimony in the forty depositions taken, and in the numerous places in various parts of the country we found reputable witnesses who were willing to swear that the actual facts which could be shown by witnesses who would testify under oath.

Direct Knowledge Not Found. "We have been unable, however, to locate or produce witnesses who will swear that they have actually seen Mr. Roosevelt drink to excess. Upon this phase of the case when the statements attributed to such persons had been sifted it was found in each instance that the progress of this trial by the numerous places in various parts of the country we found reputable witnesses who were willing to swear that the actual facts which could be shown by witnesses who would testify under oath.

"It is fair to the plaintiff to state that I have been unable to find in any section of the country any witness who was willing to state that he had personally seen Mr. Roosevelt drink to excess. "I have taken the testimony in the forty depositions taken, and in the numerous places in various parts of the country we found reputable witnesses who were willing to swear that the actual facts which could be shown by witnesses who would testify under oath.

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MERCURY IN KANSAS STANDS ABOVE 100

People Talk of Short Crops as Result of Record-Breaking Drouth in May.

EVERY DAY ADDS TO LOSS

Missouri and Oklahoma Also Suffer Keely—Heat Abates Little in Night and Much Suffering Is Reported.

KANSAS CITY, May 31.—With a third day of extreme heat that has broken all May records in Kansas, Missouri and Oklahoma, people in parts of those states are beginning to talk of short crops. Rain is badly needed in several sections.

Mercury Stays Around 100. Today over Kansas the thermometers stood above the 100 mark or scarcely below it. The heat lessened a little during last night and there was discomfort in many places.

Few Showers Reported. Little relief for this territory is promised by the local weather observer. Showers fell in a few places in Kansas last night and today.

LONG-LOST CROSS IS FOUND Rumanian King to Receive Decoration of Princely Days.

BUCHAREST, June 1.—(Special)—An interesting moment will shortly reach the King of Rumania from Berlin. When he was only Prince of Hohenzollern a Sigmaringen the monarch served with the Second Prussian Dragoon Guards, and for a number of years he rented a six-room flat in Alte Jakobstrasse, Berlin.

King Has Favorite Poem. LONDON, May 31.—(Special)—It may be surprising to those who have an idea that King George has rather an austere personality to learn that his favorite piece of poetry is William Ainsworth's well-known "Up the Airy Mountain. Down the Rushy Glen" and that he taught it to each of his children as soon as they were old enough to make the impromptu lessons possible.

T. R. WINS VERDICT Editor Newett Confesses He Accused Wrongfully.

JURORS ARE IMPRESSED

One Says Testimony of Jacob Rills and Mr. Garfield Carried Great Weight—Admiral Dewey Last Witness for Plaintiff.

(Continued From First Page.) said with reference to the mass of testimony adduced by the plaintiff: "I am forced to the conclusion that I was mistaken." The statement admitted that a search of the country had been made to investigate stories of persons who were alleged to have knowledge that Mr. Roosevelt drank to excess, but in every case the stories flattened out to mere opinion or hearsay. The libel was published in good faith, Newett said, in the belief it was true and proper information for a public which was being asked to vote for Mr. Roosevelt for President. That it was untrue was not known by the plaintiff until the libel suit was begun, and he believed the assertion until the trial opened.

Forty Depositions Taken. No demand for a retraction ever had been made, he said, and when the bill was filed against him there was nothing for him to do but to seek evidence and make other preparations to contest the suit. Forty depositions were taken in various parts of the country, but to use them or attempt to use them would be to continue an injustice which had already become apparent to him and to his attorneys.

Leaving the case returning to his seat, Mr. Newett looked in the direction of Colonel Roosevelt but the latter was absorbed in whispering to Attorney Van Benschoten. The latter whispered in turn to Attorney Pound, and he turned to Judge Flannigan and said: "With the court's permission, the plaintiff would like to make a brief announcement."

Justice nodded, and Mr. Roosevelt rose. Bowing to the court, the Colonel said that he would waive the nominal amount provided by the law. Speaking of his purpose in instituting the suit, he said: "I am sorry for all during my life time to deal with those slanders so that never again will it be possible for any man in good faith to repeat them."

Here recess was taken, and the spectators and witnesses relieved their excited nerves by moving around and discussing the sudden turn of the case. The charge was read after court convened again.

Judge Defines Malice. Judge Flannigan in charging the jury said: "The position which the plaintiff has now taken enables the court to dispose of this case finally at this time."

"This action, which is for libel, followed upon the publication by the defendant of the statement that the plaintiff was a frequently drunk."

"Libel is a wrong done to a person in printing or writing or by signs and pictures tending to blacken the memory of one dead, the reputation of one living, and to bring him to public hatred, contempt and ridicule."

"In all actions for defamation, malice is presumed, and the burden is on such actions the word 'malice' is understood as having two significations. One is its ordinary meaning of ill will or ill feeling toward the person defamed. The other is a legal significance, which is a wrongful act done intentionally without just cause or excuse. These distinctions have been explained to you by the court. Malice in fact, or actual malice, implies a desire to injure. Malice in law is not necessarily implied with an act of defamation, but if false and defamatory statements are made concerning another without sufficient cause or excuse they are legally malitious whenever the natural tendency of the publication is to injure the plaintiff's reputation and to bring him to public hatred, contempt and ridicule."

"An untrue written or printed publication, the natural result of which is to bring ridicule or contempt upon a person, and which is published with words of that character is considered the voluntary act of the defendant, and unless privileged is presumed by law to have proceeded from malicious motives. When, however, publication is privileged the existence of malice is not presumed, and in such cases the burden is on the plaintiff to establish both the falsity of the charge and malice in its publication."

"The natural result of the publication of the charge we are considering was to bring ridicule, contempt and disgrace upon the plaintiff, and if untrue it was plainly libelous, and malice is conclusively presumed from its publication unless we may say it was privileged."

"The plaintiff was former President of the United States. At the time of the publication he was a candidate for office of the President of the United States and the defendant by his plea claims that the plaintiff being such a candidate, and he, the defendant, being the publisher of a newspaper, he was privileged to comment upon the official acts, character and conduct of the plaintiff; that the publication was made in good faith and with an honest purpose to enlighten the public upon the character and fitness of the plaintiff for the position he sought and that therefore the publication was privileged."

Truthfulness Is Required. "The publisher of a newspaper may freely discuss the fitness of a person for public office, but he may lawfully communicate to the public any fact within his knowledge respecting the official acts, character or conduct of the candidate, and freely express his opinion on and his inferences from such facts, so long as he states as facts only the truth, and as opinions and inferences therefrom honest belief. To that extent the publisher of a newspaper is within his privilege and any candidate for public office injured by his reputation being assailed by reason of the publication of the real facts, and the publishers' opinions thereon and inferences therefrom, honestly and in good faith entertained, has no redress."

"When a newspaper attacks the character of a candidate for public office, the publisher must, at his peril, be careful to ascertain the truth of the facts charged as in any other case of libel. From what has been said, it follows that the defendant's liability in this action depends solely on the question whether the charge is true or false."

Court Satisfied of Good Faith. "After hearing the testimony of the plaintiff and his witnesses, the defendant freely in the presence of the court

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concedes the mistake of fact in his publication. In this he has taken a just position.

"The court is satisfied from the testimony of the defendant that in publishing the statement he was not actuated by actual ill-will toward the plaintiff and that he acted in good faith. "The law presumes that damages must actually and necessarily result from the publication of defamatory matter whenever the immediate and actual tendency of the defamatory words is to impair the plaintiff's reputation. Such was the immediate and natural tendency of the publication of the words we are considering, conceding that the publication was made in good faith and in the absence of actual malice.

"Therefore, accepting as true all which the defendant now claims, yet the injury to the plaintiff which naturally and necessarily followed upon the false publication would warrant a verdict in the plaintiff's favor in a substantial amount, and would sustain a verdict in any sum up to the amount claimed in the plaintiff's declaration, which is \$10,000."

Nominal Verdict Ordered. "But as the court is addressed by the plaintiff, the object of the plaintiff in prosecuting the present action being the vindication of his good name and reputation and not the recovery of a money judgment, and he has in court voluntarily waived his right to the assessment of his actual damages, it only remains for the court to direct a verdict in his favor for nominal damages, which under the law of Michigan is the sum of 5 cents.

"You are therefore, gentlemen, directed to render a verdict in favor of the plaintiff for that amount."

Jurors Much Impressed. As soon as William H. Matthews, a miner, 31 years old, foreman of the jury, reported the verdict, as directed by the court, the court adjourned and Colonel Roosevelt stepped forward and shook the hand of each juror.

"I thank you gentlemen, each one of you," the Colonel said, "it was splendid, just perfectly splendid."

Matthews, smooth-shaved and youthful, said the jurors had been much impressed with the testimony of each witness.

"After Mr. Roosevelt's testimony, I think we were impressed chiefly with that of Colonel Roosevelt and Mr. Matthews said, "The statement of Mr. Newett himself that he could not doubt the lower law, when ordinarily you would man after considering the character of the witnesses was just how we felt."

The scene in this little mahogany furnished courtroom on the red county building on the hill overlooking Lake Superior never for a moment during the 24 hours and 45 minutes actual time of trial extending over five days lost its dramatic interest.

Newett Endures With Fortitude. Hour after hour, Mr. Newett, although suffering from a serious malady, and with pain always visible in his face, sat listening to testimony given against him by former members of Colonel Roosevelt's Cabinet, doctors, literary men, lawyers of reputation and naturalists. Ten feet away sat the defendant. The balconies and seats behind the lawyers' enclosure were always filled.

As well as being unusual in regard to the character of the charges and the prominence of the witnesses, it was one of the briefest of civil trials. The first witness was Colonel Roosevelt, and the last one for the plaintiff was Admiral George Dewey, whose testimony was introduced by deposition.

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principals to the suit would get together. Newett First to Leave.

Mr. Newett was the first to leave the courtroom, but, although he was frequently halted on the way to his automobile by persons who wished to express admiration of the manner in which he had admitted himself in the wrong, he was on his way to his home in Ishpeming before the Colonel left the building. The one opportunity where they might have actually caught passed in this way and there was no further chance, as the Colonel had to hurry to catch his train.

The libel of which Colonel Roosevelt complained was published October 12, 1912, in Mr. Newett's weekly paper at Ishpeming, the Iron Ore. It took the Colonel to task for "preaching" to others when "hisself gets drunk not infrequently, as all his intimates know."

RUSSIANS WAR ON LIQUOR Temperance Societies Find Government Most Bitter Foe.

ODESSA, June 1.—(Special)—The numerous temperance-reform societies in this country are most devoted and conscientiously hard-working bodies in the common campaign they are waging against the drink evil among the peasant proletariat. Their annual reports bear abundant evidence to the indomitable perseverance with which their mission is prosecuted throughout rural Russia, notably in the most distinguished patronage, and their treasures are generously furnished by public subscriptions and handsome donations.

The best efforts of these philanthropic associations, however, are greatly handicapped by the Crown vodka monopoly. This highly lucrative government monopoly is concerned only with its steadily increasing income, and, like a well-organized industrial enterprise, it pushes its activities into every village and hamlet. There may be no school in the village, but the vodka store is never absent, and innumerable cases where not only women folk of a village, but a large minority of the males themselves, entertain the district authorities to forbid the establishment of the monopoly.

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ENTIRE STOCK REDUCED 1/4 TO 1/2

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Its good roads are arteries of trade and avenues of pleasure. Broad, macadamized, well-balanced avenues reach out from the city, bringing even the most distant parts in close touch with Portland.

Electric trains, with rapid service, make this beautiful and fertile valley one of Portland's most accessible suburbs.

In this valley there is no gamble with fortune. The conditions are so favorable that success is certain—the prices are based on what the land will produce. They are so reasonable and terms are so easy that the crop returns will pay for the land before the contract period expires, and leave a surplus.

Send for our 16-page illustrated booklet "From the City to the Sandy." We wish to call special attention to our Simple Removable and curing Eyrach's Good Teeth, we are experts in every branch of dentistry, from the simple filling up to the most complicated work.

In their mind, but the vodka administration is deaf to all protests.

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The pain incident to this work is practically none, the expense is the smallest, but in satisfaction there is no comparison between the two. We have samples in our office to show at all times—hundreds of patients here in our home day to day. Examinations and booklets on Alveolar dentistry are absolutely free. Remember that in addition to our specialty, Alveolar Dentistry and curing Eyrach's Good Teeth, we are experts in every branch of dentistry, from the simple filling up to the most complicated work.

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