

LIBEL NOT ALWAYS VIOLATION OF LAW

Judge Discourses on Privileged Publications.

KEELEY CASE CONSIDERED

Jurist Makes Clear Technicalities of Law Governing Alleged Defamatory Publicity.

In instructing the jury on the law of libel in the recent suit of Lee Roy E. Keeley against the Journal

in fact was charged and what the public which reads the article might reasonably suppose to be charged." As to mitigation of damages Judge Tucker said: "In your deliberations and consideration of the question of damages I desire to call your attention to what I have heretofore denominated in law as matters in mitigation of damages. You have a right, and it is your duty on this branch of the case, to take into consideration the evidence of the good faith of the defendant, the lack of reputation of the plaintiff, if you so find. "You have listened to the evidence relating to mitigating circumstances, which are those that, though not proving the truth of the charges yet tend in some appreciable degree toward such proof and thus permit the inference that the defendant was not actuated by malice in its publications. These mitigating circumstances may be such a nature as to show that the defendant, if mistaken, believed the publications to be true when they were made. "The mitigating facts must be connected with, or should be based upon, the defamatory publication. The circumstances must otherwise be such as to tend to disprove malice by showing that the words were written in the honest belief that they were true, with some reason

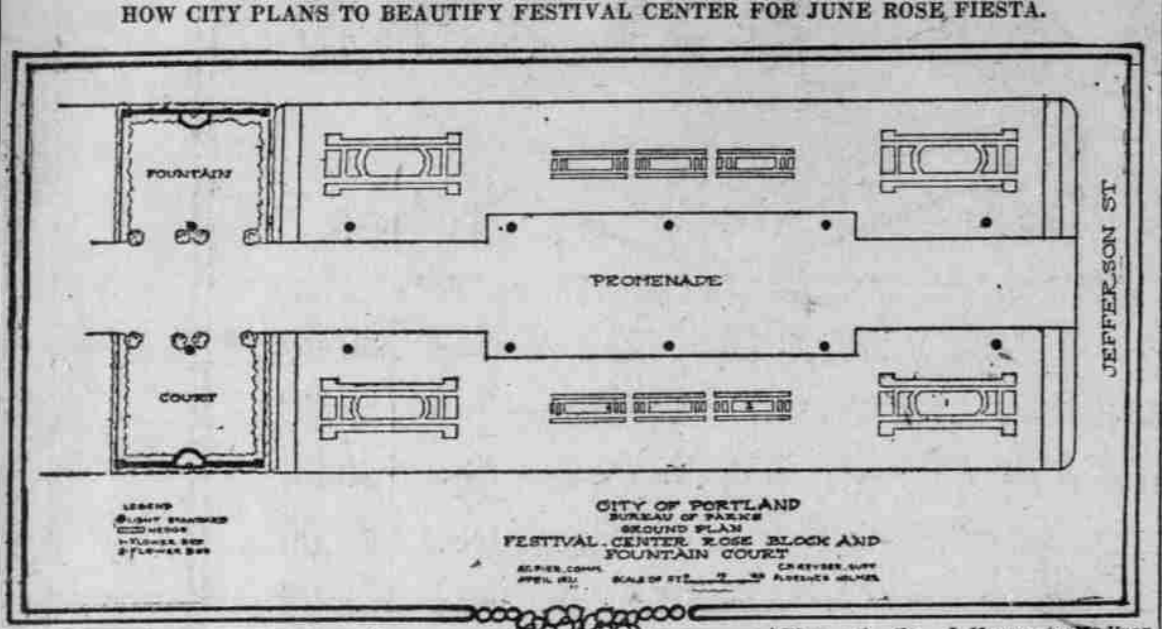
ROSE SOCIETY PLANS BIG FESTIVAL SHOW

Classification List Will Be Similar to Last Year's.

500 ENTRIES EXPECTED

Vases, Baskets and Advice Will Be Furnished by Committee in Charge of Exhibits.

The classification list for the rose show to be held June 8 and 9 in conjunction with the Rose Festival will



Publishing company Circuit Judge Tucker laid down certain rules governing privileged publications. Excerpts from his instructions follow:

"There are certain circumstances under which a libelous publication can be made by a newspaper or any other body, without incurring liability, and on this point I might state that the newspaper has no more right to make a libelous publication than anybody else. A libelous publication may be made when the facts are, as stated, when they are written or printed on what is known in law as a privileged occasion, and when they are within the scope of this privilege and are made without malice.

"To make myself clear on this proposition, I would say that if two or three of you gentlemen are engaged in a private enterprise and you are associated, interested financially, and a man makes an application to you for employment, and you know something about him and you go to one of your associates and you tell him that the man is a thief, and you is a fakir, that is what we call a privileged occasion. This is because you gentlemen are mutually interested in that enterprise and you are privileged and the man concerning whom you are talking can have no grievance against you. It is called in law privileged occasion.

"Public is Interested. "Likewise, when a man is a candidate for office, when he enters upon his campaign he assumes a position where he is open to criticism and comment because it is to the interest of the people to ascertain whether that man is a proper and fit person to function in public life.

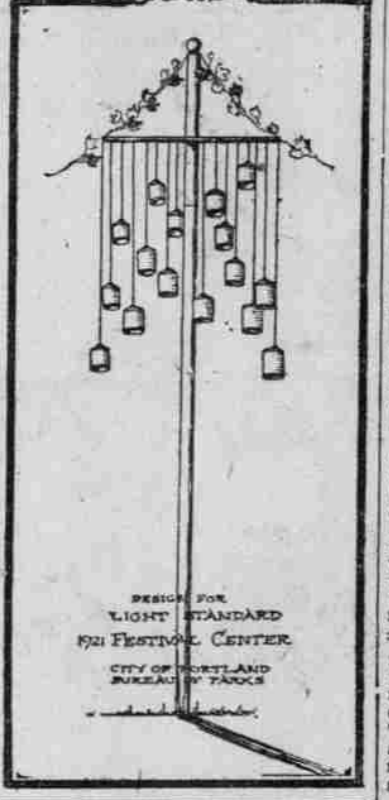
"This rule applies to the army and navy, ecclesiastical, and all other churches, judicial proceedings, such as you are now conducting, legislative halls, deliberative bodies, public meetings, and other words, matters of general public concern.

"A newspaper has a right to comment upon all matters that affect the public welfare and are at the time agitating the public mind. The right is limited to comment on facts; not to defame the private character, but to comment critically and to criticize in good faith and without malice.

"Newspapers are not to be held to the exact facts nor to the most minute details of the transactions they publish. What the law requires is that the publications shall be substantially true.

"When the publication is made in good faith and with a belief that it was true and the evidence shows it to be substantially true, the defense is complete.

"Essentials Must Stand. "This defense of truth in charges must be as broad as the charge of defamation, and must prove the charge. It is not necessary that every word of every line of every part of the article should be proved as alleged; the material parts, the essential parts, must be proved as charged. In other words, the defendant is not required in an action for libel to justify every word of the alleged defamatory matter. Immaterial variances and defects of truth upon immaterial matters go for nothing. It is sufficient if the substance, the gist, the sting of the charge be justified.



for such belief, and without malice or evil design. "The mere inability to establish justification by the defendant cannot be entertained by you in aggravation of the damages, nor will it preclude the defendant from asking that the damages be diminished when it appears that they are free from malice and that he had good reason to believe the publications were true."

Experimental Plant Attractive.

PRINCETON, O., May 7.—(Special.)—Professor H. D. Scudder of Oregon Agricultural college is here in connection with the new buildings for the state experimental farm near this city. According to Professor Scudder, the house to be built was chosen from 2500 plans submitted and is of such beauty and convenience that the girls will all want to go back to the farm. Professor Scudder spoke to the commercial club at its Tuesday luncheon.

CIVIL WAR VETERAN HONORED ON 97TH BIRTHDAY.



"Grandpa" William Hoover, a veteran of the civil war, was honored at a surprise party upon the occasion of his 97th birthday April 30 at the home of his grandson, E. A. Freeland, 1238 Garfield avenue. The principal feature of the party was a flag-raising before Mr Hoover's but, but for him in the back yard by his son as a place where the aged man could be quiet and alone. While Mr. Hoover was lured away from his "headquarters" for a short time on the evening preceding the birthday, his grandsons planted a tall flagpole before his but and spread a large American flag on his bed. The old soldier hoisted the flag to the top of the pole the following morning at reveille to the accompaniment of Boy Scout bugles, recruited in the neighborhood.

Plan of the Jefferson-to-Wadsworth block Festival center, with drawing of one of the Festival light standards.

Plans for the floral decoration of Festival center for the Rose Festival of June 8, 9 and 10, have been completed by the municipal bureau of parks, under the direction of Commissioner Pier and C. P. Keyser, superintendent, with Miss Florence Holmes acting as landscape architect, for the comprehensive transformation of the south park blocks from Salmon to Jefferson street.

Permanent beauty is to be the keynote of the project, so that succeeding festivals and the entire year may profit by the thought and labor of the present. Each block is to have its own definite motif in flowers, thousands of choice blooms now being grown in the city nursery under the direction of Walter H. Gerke, municipal arboriculturist.

The three units of Festival center, comprising as many blocks, will be united by fountain courts created in the street intersections. Gilded standards, bearing in all more than 700 lights and pastel shades to harmonize with the flower tones in each block, will be erected. The light shades, cunningly contrived on paper, are to be the gift of F. C. Stettler of the F. C. Stettler Manufacturing company.

not differ materially from those of previous years, according to the announcement of H. J. Blasing, president of the Portland Rose society. This year's show will be held in the auditorium, and will include exhibits from both amateur and professional growers.

Chance Given Everyone.

"Under the Portland classification," said Mr. Curry, "there is an opportunity for every one to compete in blooms, as it is open and most elastic. The man with only one bush will be accommodated with the same efficiency as the man with a thousand.

Like Us Announced.

The classification list for this year was announced as follows: Section A—Single rose display to be exhibited in vases. Not more than one rose shall be exhibited from any one garden or by one exhibitor. First and second prizes. Section B—Specimen blooms exhibited in regulation boxes, which will be furnished by the society if desired. Class 1, six best roses. Class 2, 12 best roses. Class 3, 18 best, and class 4, 24 best roses, all separately named varieties. Section C—Baskets of roses, exhibited in baskets to be furnished by society if desired. Not less than 12 or more than 24 roses in a basket. Five classes in this section including red, pink (other than Caroline Testout), white, yellow and mixed colors. Section D—Climbing and rambling roses, exhibited in vases or baskets. Not less than six or more than 12 sprays permitted, and two classes are included for the large and small varieties of climbing and rambling bloom. Section E—Single, decorative and miniature roses, exhibited in vases or baskets. Two classes, including best display of decorative, briar or single-flowered roses, and best display of miniature, baby, small polyantha roses of any one named variety. Section F—Large display of roses exhibited in vases or baskets. One class for this section including rose, haw or basket of blooms containing more than 25 roses. (The Caroline Testout rose not to be included in this class.) Section G—For amateurs who have never won a prize, to be exhibited in vases. The Caroline Testout can be used in this class, which specifies three roses, either of one variety or mixed. Section H—Roses shown according to type, exhibited in vases. Class 1, display of not less than three and not more than seven best Hybrid Tea (other than Caroline Testout) or Perpetual roses of any one named variety. Classes two and three include displays of not less than three or more than seven best Hybrid Perpetual roses and Test Tea roses of any one named variety. Section I—Limited to the Caroline Testout rose, to be exhibited in vases, bowls or baskets. This rose can be shown only in this section and in sections A, B and C. Four classes in this section include the best 3, 12, 25 and 50 blooms. Section J—For small gardens and limited to amateurs, with not more than 50 rose plants. Such amateurs, however, if they so desire can compete in all classes. Two classes, including best three and best five roses of any one named variety. Two prizes will be given for all sections and classes included in the above list.

When You Call a TAXI

Call Broadway 98
Black and White
Taxicab Co.
Touring Cars \$3.50 Per Hour

You Never Know When You May Need an Inventory of Your Stock In a Hurry

How Quickly Could You Collect Your Insurance?

"Yes, it's a shame, but if we can get to the safe in the morning we'll soon be able to fix up our loss with the insurance companies." That's the way to talk if the time comes when you stand by the fire lines watching the smoke roll out of your store or stock room. And when the safe is opened and the stock ledger brought out it is a simple matter to make the insurance adjustment if the records show just how much merchandise is accounted for by an inventory posted up to within a few days of the fire.

Burroughs-kept Records Give Positive Proof

With a Burroughs Bookkeeping Machine all details of sales and stock may be kept in such shape that it is easy to tell any day just how things stood at the close of business the day before. The stock record shows a complete inventory of all items of stock checked against the last physical inventory; withdrawals from and additions to stock are posted daily and the balance on hand is shown on each item in the stock ledger. Without the aid of a figuring machine much of this information would be unavailable because of the time and expense required to gather it by hand. It is hard to understand how any business man can neglect to provide himself with the full insurance that a perpetual inventory makes possible when it is so easy and costs so little to get the figures with a Burroughs Machine.

Burroughs Adding Machine Company
Portland, Oregon, Office: Artisan Bldg., Broadway and Oak Sts.,
Telephones: Bell, Broadway 398; Home Automatic, A-4751

Burroughs

Adding - Bookkeeping - Calculating Machines

CADET TRAINING COSTLY

\$1143 SPENT ON EACH MAN IN 4 YEARS AT O. A. C.

Colonel Partello, Head of Military Department at College, Makes Report on Activities.

OREGON AGRICULTURAL COLLEGE, Corvallis, May 7.—(Special.)—It costs \$1143 to give a student four years' training in the reserve officers' training corps at the Oregon Agricultural college, according to a report just made by Colonel J. K. Partello, head of the military department of the college. The total cost of maintaining the five units in the department, including salaries of officers and enlisted personnel, forage for animals, commutation for stu-

dents to summer camps and incidentals, is \$25,000 a month. The entire bill is paid by the federal government.

Oregon Agricultural college military department has a larger staff of regular army officers and men than any other educational institution in the United States except West Point, the report indicated. There are 333 institutions in the country maintaining reserve officers' training corps units. Only 213 of these are senior cultural college—infantry, field artillery, cavalry, engineers and motor transport.

Read The Oregonian classified ads



You always have a right to expect Style, Quality and Service, but this Season you have a right to expect increased power for your dollar as well.

Politz clothes are moderately priced.

Politz

See Our Window Display

See Our Window Display

Sixth and Washington

this college year in the officers' reserve corps of the regular army. These graduates will get commissions in all five units which are included in the department at Oregon Agricultural college—infantry, field artillery, cavalry, engineers and motor transport.

Telephone "Mother" Today

Wherever She May Be

Think of the satisfaction that would be each mother's could she but see her boy or girl on Mothers' day.

It is not possible for every mother to see each son or daughter today, but it is possible for her to hear their voices.

No matter where she be, east or west, north or south,

Pacific Long Distance Service

will carry your voice to her, giving that satisfaction which could only be surpassed by a personal visit.

Evening rates, effective after 8:30 P. M., in connection with station-to-station calls, are approximately one-half the day rates. Ask for Pacific Long Distance. Do it now.

The Pacific Telephone and Telegraph Company