

## J. THORBURN ROSS MUST GO TO JAIL

Supreme Court Denies Petition for Rehearing and Banker Must Serve Five Years.

SALEM, Or., Feb. 16.—J. Thorburn Ross has lost in the highest court in the state and must serve five years in the state prison for the embezzlement of \$288,426.87 belonging to the state of Oregon which was on deposit in the Title Guarantee & Trust company, which failed in the fall of 1907 and of which at the time Ross was president. A petition for a rehearing of the case was denied by the supreme court yesterday in opinion written by Associate Justice Eakin.

Justice King was unable to agree with the majority of the court and recorded a dissenting opinion.

The former opinion in the case rendered by the court is affirmed in the opinion today except that part relating to the fine. This has been remitted on the ground that it was excessive and thereby inhibited by the constitution. Ross was sentenced to pay a fine of twice the sum embezzled, or \$576,853.74, also to serve five years. The enormous fine was imposed by a statutory requirement, and Judge George H. Burnett, before whom the prisoner was tried, had no alternative in pronouncing sentence.

### COMMUNICATIONS.

#### THE RECALL PETITION.

Editor Mail Tribune:  
It is somewhat difficult for the newer residents to fully understand the municipal political situation. The true history of the old "grouches," "sores" and disappointments, political, financial, social or what not, we cannot know except as others relate them to us, and, while perhaps there might be no intentional misrepresentation, it's but natural that unconsciously the story would be somewhat biased one way or the other. But, while there may be many of these old matters about which we have no exact knowledge or none at all, there are some very obvious matters in connection with the mayor and the recall that stand out so plainly that "he who runs may read."

We have no doubt that the newer residents of the city, coming from other parts of the country where such laws are not in force, are glad, like the writer, to finally find a home where the people are advanced enough to have the initiative, referendum and recall, but it never occurred to us that the recall could be used for the purpose of venting petty spite or for the purpose of injuring, discrediting and disgracing an officer merely because of personal enmity. We supposed the recall was an extreme measure to be used for the good of the public in removing an officer who was corrupt, dishonest or morally delinquent, or because he refused to carry out the policy favored by a majority of the people, but none of these objections apply to Mayor Snell, nor are they even urged by the supporters of the recall petition.

In examining the recall petition recently filed we find that the charges therein made against the mayor are mostly "glittering generalities" without specifications to enlighten the public, or in relation to matters that the city council control and where the blame, if any is due, would properly fall on the council instead of the mayor. No intelligent and unprejudiced voter would cast a ballot against the mayor because of the information (?) furnished by the petition. Look at it. The first charge is general incompetency. Any one's enemy can make that charge against you with perfect safety. That has been said about some of the ablest men who ever lived, notably Lincoln, Grant and many others. Such general statements are a confession of weakness, precluding the fact that they have any real charge to make against the mayor.

As to the second charge, that the mayor "has been instrumental in improperly expending the public funds," nothing could be more absurd, because it is the council that directs the expenditure of public funds and appropriates the public money. As well lay the extravagance of the legislature to the governor or that of congress to the president. As to the dismissal of the engineer of the electric lighting plant, it is not shown that such action was not within the powers and duties of the mayor nor that such action was not commendable, and for the good of the city and the betterment of the electric light plant. If the engineer has any "vested rights" in the job which would entitle him to damages because of his removal, which is

hardly likely, still the mayor's action, because of the incompetency of the engineer, may be the means of great net saving to the city, notwithstanding, and nobody can fairly contend that the mayor, backed by the council, in removing the engineer did not honestly do his duty by the public. That the mayor "has shown his favoritism and incompetency in the appointment of certain committees for the current year." In appointing committees, the mayor is necessarily confined to the members of the council, and alleging that such appointments are evidences of incompetency on the part of the mayor is equivalent to saying that the people elected incompetent councilmen, and would appear to be an indictment of the people rather than the mayor. The people, having elected the councilmen knowing that they must serve on some of the committees, were entitled to have their judgment tested.

The remarkable improvement in Ashland over a year ago speaks volumes in favor of the present administration, including the mayor. The present mayor during his term of office, for the munificent salary of \$100 per year, has about put in all his time in serving the city of Ashland. Nobody accuses him of graft or dishonesty, and all fair-minded people of the city and all disinterested observers outside of the city will do concede that he has labored long, earnestly and faithfully in the best interests of the city and has accomplished, in conjunction with the council, much advancement. The present administration was elected by the people, as we understand it, to make this a progressive and up-to-date town and to erect a municipal electric light plant. Did they think that this could be accomplished and that the tax rates would continue to be no higher than in the farming communities. Is it a crime to improve your city and to try to keep abreast of the times? Do you think you can continue to ask and receive enormous prices for your property in Ashland without offering some inducements to buyers? Where is the city on the coast of anything like the size of Ashland which is bidding for an increase of population with no better improvements than we have? Are the people after one year's efforts at improvement already weary of well-doing? If so, get rid of your present progressive mayor and councilmen and turn the city over to the reactionaries that we may always be an overgrown village with quagmires for streets, cow-paths for sidewalks and lightning-bugs for street illuminations. Climate and beautiful scenery alone will never make a city, although they make fine camping grounds.

There are many other beautiful places on the coast and most of them have people who are "doing things." Advertising our city all over the country to induce people to come here must soon be supplemented by some inducements for them to remain when they get here and invest their money, otherwise we will soon have slaughtered the goose that has been laying the golden eggs, and land buyers in Ashland will be as scarce as "snowballs in hades."

We are not writing this article to defend the mayor. So far as we are able to learn, he don't need it. But he does deserve the commendation and thanks of the people of this community. We are aware, however, that thoughtless persons and outsiders are almost sure to get a wrong impression of our people and our city and the very fact that the recall proceedings have been instituted will, in some quarters, tend to disgrace the city and its chief executive.

If the recall ever comes to a vote, we have no doubt the good sense of the people will cause them to bury it beyond resurrection.

GEO. D. PETERS.

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If you want a bargain and a nice home, let us show you a modern five-room cottage, lot 50x140, east front, on Beatty street, for \$1400 terms.

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20 acres orchard, 16 acres in 7-year-old Newtowns, 4 acres 2-year-old Bartletts, 4 feet black loam soil, 3 miles from Medford; price \$130,000; half cash; best orchard buy in the valley.

Conservative, far-sighted men have prophesied that 1000 houses will be built in Medford this season. If this is true hadn't you better get busy. Put \$10 a month into a lot; perhaps the other fellow may want your lot to build his house on.

Nine room bungalow on North Orange near Oakdale avenue. Large lot. Price \$3850. Terms.

Five room modern bungalow on West Tenth street, \$1350; east front. Half cash, balance in one year at 6 per cent. Tenth street will soon be paved.

We are agents for Snowy Butte ten-acre orchard tracts. These tracts are in different stages of development from undeveloped land to full bearing orchard. These tracts are near Central Point station. Telephone 541 for appointment or call at our offices over Fruitgrowers' bank for prices and terms.

Lot 50x220 on the East Side; ideal for a home, \$550.

Lot 100x100 on South Orange, with small house. The street will be paved this year. This is a close in property and is a splendid location for a good house. This is cheap at \$2200; terms.

Five room house in Benson addition. Lot 50x125, facing east. Price \$800. \$400 cash, balance \$20 monthly. Just completed.

5-room modern house, good lot, on South Fir street; a snap for a close in home; we have this for a short time only at \$1800.

9 1-2 acres near Central Point, 3 acres of which is in 2-year-old Bartlett pears. Price \$2550; 1-3 cash, balance 1, 2 and 3 years at 6 per cent.

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**\$24,000**—Thirty-two acres in Bosc and Anjou pears; trees are from 4 to 7 years of age. Complete set of buildings. Close in.

**\$7000**—Thirty-five acres of black sticky, three miles from Medford, all under the ditch and can be irrigated.

**\$13,000**—Thirty-two acres, close to Medford; eight acres in Newtowns and Spitzenbergs 5 to 7 years of age; 14 acres in alfalfa; three acres in peaches; two acres in berries; irrigated; buildings.

**\$13,000**—Twenty acres; 16 acres in 7-year-old Newtowns and balance in 3-year-old Bartlett pears; no buildings.

**\$7500**—Ten acres, all planted to Newtown and Spitzenberg apples, 7 to 11 years old.

**\$18,000**—Thirty-five acres, about 25 planted to apples and pears, in bearing. Trees are from 6 to 15 years old; buildings; four miles from Medford.

**\$14,000**—Thirty-five acres; buildings; exceptionally fine place for a home; twelve acres in apples and pears 3 years old; about an acre of bearing orchard; 11 acres in alfalfa; all fine deep free soil.

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