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FIRST DECISION AGAINST SENATOR JOHN H. MITCHELL

Demurrer is Overruled but Judge DeHaven Admits That Indictments are Very Faulty.

Portland, June 13.—Judge John J. DeHaven, in Federal Court this morning, ruled that the celebrated "Kribe indictment" against United States Senator John H. Mitchell would stand. Though the demurrer of defendant was overruled, the indictment was severely criticized by the court. This means that Senator Mitchell will go to trial Tuesday, June 20, on a charge of accepting a fee from Frederick A. Kribe for the use of his influence as United States Senator in expediting action on certain land claims.

The initial victory for the prosecution is an important one, and the defendant, after fighting his Fabian warfare for a time, will be brought face to face with his accusers early next week. Delay and postponement no longer serve the purposes of the defense, and the last barrier to the most sensational trial in Oregon in years is down. Determined to the last, however, counsel for the defense claimed its right of moving an exception to the decision, and if the first trial goes against Senator Mitchell, this objection can be urged as possible grounds for a new trial.

When Judge DeHaven convened the United States District Court today, at 10 o'clock, he said: "I am prepared to decide at this time the question of the demurrer to the indictment of Mitchell, which was argued in this court yesterday. The objections were urged against the form of the indictment and as to its form the indictment is subject to severe criticism."

"However it describes substantially the offense charged against Mitchell as set forth in section 782. Revised Statutes, that of rendering services in a matter in which the United States was interested, and receiving compensation therefor while occupying the position of a Senator of the United States. This materially is all that is necessary for the indictment to the state. The demurrer to the indictment will be overruled."

Ex-Senator John M. Thurston, counsel for Senator Mitchell, immediately rose and moved an exception.

District Attorney Henry asked the court that the jury be drawn and that the trial of Senator Mitchell on the

A SENSATIONAL MURDER TRIAL

How Hospitable Treatment From an Intended Victim Twice Disarmed a Murderer

Grants Pass, Or. June 12.—A curious tale of the struggle between good and evil in a would-be murderer's mind has been brought out in the trial of Andrew M. Ingram for the murder of William Dunlap on Louse Creek, September 19, 1903, whose fate will be placed in a Josephine County jury's hands probably tonight, and whose trial, heard by a packed courtroom, has been sensational in the extreme.

Three times did Dodson, urged on by his partner, Ingram, attempt the ambush and slaughter of "Old Man" Dunlap, whose imaginary hidden chest of gold was the allurement which brought about his revolting murder. The first time Dodson skirted the hills back of Dunlap's cabin, and finally coming down the hill unexpectedly met his intended victim face to face at a bend in the path. Entirely unware of his black design, the old man invited Dodson to his shack, gave him refreshments and invited him to come again. Disarmed, by the kindness of Dodson left.

Twittings and railings met him when he returned, Ingram telling him he was an arrant coward, and persuading him to undertake the killing a second time. Again Dodson sneaked back of the old man's house, and again a kind Providence protected the hermit, for when the assassin came in sight Dunlap again bade him welcome, brought him water from the spring, and upon his departure loaded him down with vegetables. Good became uppermost in Dodson's mind, and he resolved never to murder the lone dweller. Happy in his resolve, he walked home, only to be met with renewed curses from his partner.

A third time, and this occasion nerved by bad whisky, he went out on his deadly mission—this time to succeed. Dodson's story is corroborated by Ingram's own son, Lloyd Ingram, and the appearance of the two men seems to bear out his contention that he was under Ingram's senior's influence. Dodson seems a weak and characterless sort of man, with childish and innocent type of face, while Ingram's countenance depicts sagacity, cunning and shrewdness. Ingram was wont to encourage Dodson, so the trial brought out, by relating murders he had himself committed and expatiating on the ease with which he had escaped detection.

Dunlap's \$12.50, sole fruit of the murder and robbery, lasted only a few minutes after Dodson reached Grants Pass, where he met Ingram and his son in a saloon. The two men went on a glorious drunk, and quickly gambled off the money.

Faces of spectators in the crowded trial-room have depicted the horror felt as the details of the plans for slaughter came out one by one. The defense has attempted, without much result, to impeach the testimony of the witnesses for the state.

MASONIC LODGE IN PORTLAND

Portland, June 13.—The 45th annual convocation of the grand chapter, Royal Arch Masons of Oregon, met in Portland yesterday and transacted the usual amount of routine work.

The report of the grand high priest, County Judge Thomas F. Ryan of Oregon City, shows that the order has made great progress in the past year in every way. More members have been received into the Royal Arch Masons in Oregon this year than in any past year, and the progress along all lines has been commendable.

TROUBLE BETWEEN NORWEGIANS AND SWEDES MORE ACUTE

Common People Want No War and Will Refuse to Take Up Arms—Situation Remains Strained.

Christiania, June 14.—King Oscar's letter to the president of the Norwegian Storting, defining his position, was read in the Storting this morning. The document was referred unanimously to a special committee without comment and the Storting adjourned to await the committee's report. There was no demonstration, but it is believed here the King and Riksdag will probably confirm the dissolution of the union after reaffirming that it couldn't be dissolved without the consent of Sweden.

Stockholm, June 14.—The attitude of the laboring classes is likely to prove a potent factor in overcoming any possible disposition on the part of a section of the Riksdag to suggest the adoption of coercive measure toward Norway, and influencing the chamber in favor of accepting the dissolution of the union of Norway and Sweden. Swedish labor unions are daily telegraphing to Norwegian unions, saying they will refuse to take up arms, and the Social Democratic party has issued a proclamation to the working classes reading:

"It becomes more apparent daily that the upper classes and reactionary newspapers are attempting to cultivate a sentiment hostile to Norway with the view to calling the people to arms against her in her struggle for liberty."

The proclamation says it is the firm determination of all working men not to respond to a call to arms, and asserts that they intend to go out on a strike over the whole country if the Riksdag comes to such a determination. In conclusion, the proclamation calls upon the laboring classes throughout Sweden to manifest their opinion of the situation at public meetings.



LUTHER BURBANK, WIZARD OF THE PLANT WORLD.

Luther Burbank, the California horticulturist who was recently awarded \$10,000 a year for ten years by the Carnegie institution for experimental work, is the developer of the stonless plum, the spineless cactus, the white blackberry and scores of other new things in horticulture and pomology.

Considering Mother Nature as occupying a distinct personality with some of the characteristics of her human progeny, perhaps nothing since the exposure made by Darwin could be better calculated to disturb the equanimity of the old lady than to be shown a white blackberry. Not that Luther Burbank, of Sonoma county, Cal., has not been exhibiting even stranger things to the old dame, but in the white blackberry the practical joke is so markedly evident from Mr. Burbank's own explanation of the circumstance, that Mother Nature has had every reason to rise in her wrath and administer a rebuke that is lasting.

"I made the experiment merely to satisfy my own curiosity," said Mr. Burbank, smiling upon a laden bush bearing the phenomenal fruit. "It is simply the inverse application of the Darwinian philosophy. I kept on selecting berries which, in ripening, did not turn pure black, and it was only a matter of time and selection until I had a berry which passed from its green immaturity to the pure white of tipped flavor."

But he is more than a joker—more than an experimenter in the mysteries of plant life. Forty years ago he had given the burbank potato to the Western world as his first practical contribution to the world's commissary, and through these later years, in which he has earned the title of "Wizard of the Garden," he has kept before him the time when man shall "offer his brother man not bullets nor bayonets, but richer grains, better fruits and fairer flowers." That he has before him the utilitarian values of his knowledge may be seen in his utterance:

"It would not be difficult for a man to

TIMBER ON HOMESTEAD DECISION

A letter has been received at the land office in Eureka, Cal., which seems to decide the question as to whether or not timber land can be homesteaded. The decision was handed down in the case of George V. Draeger vs. Josef Lyons and in text of the reply of the assistant commissioner in his language used:

"A large part of the testimony is devoted to showing the character of the land how much of it is prairie and how

WHIPPING POST HAS FIRST VICTIM

Scenes at the Execution Described in Thrilling Manner—Jailer Did Not Relish His Job

(Oregonian.)
In the main corridor of the county jail yesterday afternoon, Charles McGinty, convicted of wife-beating, was given 20 lashes on the bare back with a "blacksnake" whip. The sheriff was present and superintending the execution of the extreme penalty of the recently enacted law made and provided for the punishment of men who beat their wives. McGinty was weak as a cat when it was over and the lesson will probably be sufficient to last him for awhile. It is a somewhat questionable honor to be the first to suffer from the operation of the whipping post law enacted by the last legislature and McGinty will not boast of it. In all probability he will also refrain from the gentle amusement of backfiring his wife's eyes in the future.

The fellow was formerly employed as a waiter at Wickham's restaurant on Sixth street, and from the testimony adduced at his trial yesterday morning was in the habit of spending the wages of his wife, who is employed as a waitress, as well as his own. Recently it seems that he demanded money of her and she refused to comply. In view of the fact that she is a frail little woman so unfortunate as to be his wife, McGinty proceeded to beat her most brutally. The woman had him arrested and the case was tried out before Judge Frazer in the state circuit court yesterday morning. He was convicted as a coward, ordered him taken into the county jail and treated to the 20 lashes which a benevolent law has provided for him.

FEW SEE PUNISHMENT

It was 3 o'clock when the sentence was executed in the presence of a few newspaper men, Sheriff Word and some deputies. McGinty was led from his cell, stripped to the waist. His face was the color of wood ashes and it was plain to see he was scared within an inch of his life. He is the type of man one might have looked for in a search of a wife beater. His face is weak and sensual, although not altogether ugly. Fool women frequently fall in love with his kind. To be more definite I should have said bad women, for there be fool women who are not altogether bad. He looks as if he had lived comfortably off the earnings of those whose ways take hold on him and that sort aren't really chivalry. It doesn't matter much about that, however. McGinty was married to the woman he beat. Even if he hadn't been, the whipping post was too good for him.

The sheriff and another man brought him out into the corridor. He was handcuffed and his arms were drawn above his head until he stood upon tiptoe. He faced one of the steel cages and had little room in which to thrash himself about.

Then Sheriff Word handed a heavy "blacksnake" whip, a fine thing with which to skin mules and wife beaters, to Jailer Grafton, who stepped up to the frightened bully.

Then Grafton did a weak thing. He apologized to McGinty for laying on the knout.

Jailer Makes Apology

"This is going to hurt me almost as much as it will you, Mc," said he, and "Mc" managed to whimper, "I guess it will."

"I can't understand why the jailer said that. His was something of a privilege and he should have a fuller appreciation of it. To do him justice, however, we will admit that no decent man likes to inflict pain upon a human being. To my notion, however, the case of McGinty was different, and I enjoyed seeing him whipped in the good old fashioned way that they have in Delaware.

Jailer Grafton's first few swings of the whip lacked vigor and those of us who watched feared an attack of "cold feet." After Sheriff Word had counted five he put energy into the work and before he was through he was wielding the "blacksnake" lustily.

McGinty took his medicine surprisingly well. He was a coward when he walked into the corridor with his back toward for the whip and was still a coward when he was liberated with his back checked with black warts as big as a gas pipe, but he didn't whine during the operation. He writhed and shrank under the blows, but somehow he kept himself from uttering a sound. After the sheriff had counted 17 it seemed a safe bet that McGinty would scream before 20 was reached, but he surprised us all, and when the last stroke of the whip fairly lifted him off his feet he simply set his teeth and hung limply by his hands.

Weak and Trembling

They unstrapped his arms from the grating and led him away where he might get into his clothes. He was weak and trembling and could hardly stand. He got off easy. I enjoyed the spectacle when I thought of the frail little woman whom he had struck with his flats, and was only sorry the penalty was not doubled. He should have been made to scream and plead for mercy, as she had done.

The whipping post law is a good thing. It is a return to earlier and better days, for with all the maudlin sentimentality with which we have come to temper justice we have not improved upon the Mosaic dispensation.

McGinty was whipped in the close

THE PEKIN GOVERNMENT WILL AID AMERICAN BOYCOTT

Death for Subjects Who Purchase American Goods, Says Chinese Poster in Hawaii--President Indignant.

Honolulu, June 7.—Considerable attention has been attracted by a Chinese poster, which has appeared in Hilo's Asiatic quarters. It says that the Chinese government propose to retaliate for the American exclusion policy, and that the government at Pekin will issue an order against the purchase of American goods, with a death penalty for violation of the order, and will proceed to have Americans who enter China flogged at the port of entry and charged \$5 per head.

Chiang Kai-shek.
Pekin, June 14.—The agitation and proposed boycott of American goods by Chinese merchants is apparently based upon a misconception by the Chinese in regard to American intentions in regard to the exclusion act. Both Chinese and Americans are agreed upon the point that the exclusion of coolies is the chief matter under consideration, and that the act deals with the treatment of other classes. A discussion of the subject will be necessarily prolonged, and to arrange a new convention will take time. Mr. Rockhill, the American Minister, has assured the Chinese that America's intentions are

fair and conciliatory, and the Chinese Board of Foreign Affairs is apparently satisfied upon the subject. The public is somewhat alarmed, hence the boycott. This movement is unlikely to attain any serious proportions, although it is significant, indicating the importance which is attached by the Chinese to the questions involved in the American exclusion act.

The exclusion of coolies from the Hawaiian and Philippine Islands is considered a hardship by the Chinese, who also complain of the treatment they experience at the hands of the American customs officials, nevertheless there is a genuine desire upon the part of the Chinese government for a speedy and amicable adjustment of the questions at issue.

The President is Indignant

Washington, June 14.—The president is indignant at the way the Chinese exclusion laws are being administered by port officials. He insists that common sense be used in administering the laws, which are intended to exclude only coolies, and has written Secretary McCall to that effect.

Confines of prison. The ceremony should have occurred on the Plaza, where the example might have meant more to other wife beaters. That is too much to hope for, but as it is at present executed it is an improvement over a jail sentence.

When it was over and McGinty had gotten a shirt on his lacerated back, he slunk out of sight, a thing ashamed.

Bully for the whipping post! We need more of it, and fewer flowers and brass bands for murderers. Fattures continue in fine condition, and stock is doing well, especially dairy cattle.

Cherries are ripening slowly, with the yield considerably below average in most sections than usual, especially peaches, prunes and early apples. Bush fruit is setting nicely, and an abundant yield is promised.

Chamberlain's Stomach and Liver Tablets is so agreeable and so natural that you do not realize it is the effect of a medicine. For sale by A. C. Marsters & Co.

CROP SUMMARY OF OREGON COMPILED

Following is the regular weekly summary of the crop conditions in Oregon as compiled by the state station of the United States Weather Bureau:

The first of the week was cloudy and cool and good rains fell in nearly all sections of the state. On Wednesday the rains ceased, and the remainder of the week was warm and pleasant.

The warm weather and bright sunshine immediately following the rains had a very beneficial effect on all crops, and a marked improvement is noted, especially in the condition of field corn, potatoes and onions, which are now growing rapidly. Fall grain continues

LAKE SHORE SPECIAL LOWERS THE RECORD

Chicago, June 13.—The Lake Shore special, making a test run from Buffalo to Chicago for the purpose of securing a basis for establishing a fast train from New York to Chicago in competition with the Pennsylvania 18-hour flyer, completed the run of 527 miles yesterday in 470 minutes, making a new record of 67.95 miles an hour.

The laxative effect of Chamberlain's Stomach and Liver Tablets is so agreeable and so natural that you do not realize it is the effect of a medicine. For sale by A. C. Marsters & Co.

DO YOU KNOW

THAT the Roseburg Rochdale Co. carries the best assortment of Groceries in Douglas county? Do you know that if you are not a member of the Rochdale Company, you are paying TOO MUCH for your groceries? Do you know that you can get your groceries at actual cost by becoming a member of the Company? Remember, you can become an equal partner in the business, having a voice in its management and the election of its officers. Co-operative—one share, one vote—and no proxy

EACH MEMBER SHARES ALIKE

FARM IMPLEMENTS
THE CELEBRATED BAIN WAGON, MILWAUKEE AND OSBURN MOWERS AND BINDERS, VICTOR RAKES, FEED CUTTERS, ROLLING DISC PLOWS AND HARROWS.
HARNESS AND SADDLES A SPECIALTY
BEARD & CULVER THE HARDWARE DEALERS

MARSTERS' DRUG CO.

- DRUGS
- PATENT MEDICINES
- PERFUMES
- SOAPS
- TOILET ARTICLES
- RUBBER GOODS
- STATIONARY SUPPLIES
- WINDOW GLASS
- LIME AND CEMENT
- ALL KINDS OF SPRAYS

PAINTS, OIL, VARNISH

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