

THE WEATHER
LOCAL FORECAST
Rain or Snow Tonight and Tuesday.

The Evening News

ADVERTISERS
Will find The Evening News the best medium to reach the people of Roseburg. A wide-awake publication printing all the news that's fit to print.

CIRCUIT COURT DOCKET

Is Compiled By County Clerk Lenox.

105 CASES IN ALL

Regular January Term of The Circuit Court convenes on the 17th Inst. Few Cases of Important Nature Scheduled.

From present indications the January term of the circuit court will consume but little time inasmuch as the docket is much lighter than usual, notwithstanding the fact that the January term of court is ordinarily a very busy one. The docket, as compiled by County Clerk Lenox, shows a total of 105 cases, a majority of which are of a civil nature. As usual there are several divorce cases, none of which, however, are worthy of special mention. The criminal docket might be considered a blank at this time, no cases of importance being scheduled under such a head. This condition may be changed, however, at the time the grand jury meets inasmuch as it is whispered that several boozers cases are to be investigated.

The grand jury for the January term will be selected on the morning of January 17, at which time the circuit court convenes in regular session. All preliminary matters, such as arguing motions, considering dismissals and reporting settlement of cases, will come up on Friday preceding the regular term, or in other words, at an adjourned session of the October term of court.

Owing to the fact that one of the members of the erstwhile grand jury has left the country, that body will not meet prior to the convening of court as has been the custom in the past. Briefly, all matters now pending will come before the new grand jury for consideration. Following is the court docket for the January term in full:

No. 10, Thomas Owens plff. vs C. E. Lous company, deft. action for money; John T. Long for plff; Coshow & Rice for deft.

No. 11, T. E. Blodau plff. vs B. C. Soule eng co deft; action for money; John T. Long and F. G. Micelli for plff; Coshow & Rice for defts.

No. 14, F. W. Thurber plff. vs W. F. Cooper deft; action for money; C. S. Jackson for plff; _____ for deft.

No. 17, Frank E. Alley plff vs L. A. L. Badlove deft; suit to quiet title; J. A. Buchanan for plff; Coshow & Rice for deft.

No. 18, Bernard Krakenberg plff. vs Harry A. Griswold deft; to recover money; John T. Long for plff; _____ for deft.

No. 21, Rose J. Smith plff. vs Douglas Mining Co deft; foreclosure

of mortgage; E. H. Cabalin for plff; _____ for deft.

No. 25, Thomas Owens plff. vs Oregon Western Railway Co deft; action for money; John T. Long for plff; _____ for deft.

No. 27, J. C. Twichell plff. vs A. J. Risley and Fred Risley defts; to cover money; Cardwell & Watson for plffs; Fullerton & Orcutt for defts.

No. 54, W. S. Hamilton plff. vs J. R. Davis deft; to recover money; Fullerton & Orcutt for plff.

No. 68, First National Bank of Albany plff vs Thomas C. Bloomer et al defts; foreclosure of mortgage; Hewitt & Sox for plff; _____ for plffs.

No. 69, John L. Fisher plff vs Della Fisher deft; motion to modify decree; Coshow & Rice for plff; _____ for deft.

No. 120, Wm. I. Vawter plff vs O. E. Gorslien et al defts; foreclosure of mortgage; Frank G. Micelli for plff; _____ for deft.

No. 121, Thos. C. Devlin et al plffs vs O. H. Seiple et al defts; foreclosure of mortgage; H. M. Esterly for plff. L. L. Langley for deft Seiple, Coshow & Rice for deft Lyons, Fullerton & Orcutt for deft Raschen.

No. 134, Frank G. Micelli et al plffs vs Frank Andruss deft; suit for injunction and damages; Coshow & Rice for plff; C. S. Jackson for defts.

No. 152, J. S. Gunnivan et al plffs vs Laura Daugherty deft; motion to modify decree; Fullerton & Orcutt and B. J. Howland for plffs; _____ for deft.

No. 171, A. H. Hinkson plff vs T. M. McGregor deft; suit for conveyance of real property; Walton & News for plff; Cardwell & Watson for defts.

No. 189, Alexander Crawford plff vs D. Asher deft; to recover money; Coshow & Rice for plff; Elbert B. Hermann for deft.

No. 197, A. M. Lady plff. vs Freelin Cornutt and Clarence Cornutt, partners as Cornutt Lumber Co; action for money; John T. Long for plff; _____ for defts.

No. 201 Stimpson Compiling Scale Co. plff vs N. Selig deft; action for money; Fullerton & Orcutt for plff; Geo. M. Brown & E. B. Hermann for defts.

No. 211, Florence H. Baldwin, plff vs Joseph R. Baldwin deft; divorce; Elbert B. Hermann for plff.

No. 223, Emma E. Fassett plff vs Mrs. E. E. Boswell deft; to recover money; C. S. Jackson for plff; Coshow & Rice for deft.

No. 226, Mary J. Whitsett plff vs Dan Whitsett deft; divorce; Elbert B. Hermann for plff; _____ for deft.

No. 229, Jas. H. Price vs Lydia Dascomb deft; foreclosure of mortgage; Cardwell & Watson for plff; Coshow & Rice for defts.

No. 250, Geo. W. Kearns plff vs Little B. Kerr et al defts; action for money; Marcus W. Robbins for plff; _____ for defts.

No. 255, Max Weiss plff vs Otis Fisher and Flossie Fisher defts; action for money; John T. Long for plff; _____ for defts.

No. 256, J. F. Barker & Co plff vs E. P. Tynan deft; action for money; Frank G. Micelli for plff; _____ for deft.

No. 257, A. J. Chapman plff vs _____

(Continued on page 2.)

THE DEADLY REVOLVER

Small Boy in Play Kills Elderly Woman

WHO IS RESPONSIBLE

Child Is Held on Charge of Murder But Officers Want to Know From Whence Revolver

(Special to The Evening News.)
Port Costa, Cal., Jan. 10.—Ten year old Joe Crowley shot and killed Mrs. Patrick Sullivan this morning, and the local officers are facing the perplexing problem of fixing responsibility for the tragedy. The unhappy affair occurred at the railway station, and Mrs. Sullivan, who was the mother of six children, was well and intimately known by the little fellow who caused her death. The boy had secured the revolver from some source and was playing with the weapon on the station platform, and pointing it at the mother of his play-fellows a friend, "Look out, Mrs. Sullivan, I am going to shoot you." The lady turned, and with a half frightened smile on her lips started toward the youngster, presumably with the intention of taking the weapon away from him, when he grasped the handle more firmly and pulled the trigger. The bystanders were horrified to hear a loud report and see the woman lunge forward with a bullet in her brain. The Crowley boy was frightened half out of his senses as his elderly friend fell dead near where he was standing. The officers are trying to learn who is responsible for leaving the revolver where the children could get hold of it. The boy was arrested and charged with murder, but on account of his tender years and the nature of the tragedy, it is a perplexing matter for the officers to solve.

HOUSE DEMANDS A SQUARE DEAL

(Special to The Evening News.)
Washington, D. C., Jan. 10.—Senator Nelson, of Minnesota, chairman of the public lands committee, today reported to the senate and house, resolutions calling for investigation of the Ballinger-Pinchot controversy.

Miss Ellen Gertrude Harris, teacher of vocal and piano. Studio at Oak and Kane sts., care of Mrs. A. S. Masters. 19

The resolutions provide for the election of an investigating committee in accordance with the action taking the power of appointment from the hands of Speaker Cannon and Vice President Sherman. Another resolution drawn, is also before the senate.

COUNTRY WILL STAND BY PINCHOT

(Special to The Evening News.)
Chicago, Jan. 10.—That the country at large will stand by Pinchot, whether he be right or wrong in this controversy with the president, is the position taken by the Chicago Tribune, which says editorially: "Without inquiring into the technical justice of Pinchot's discharge, the Tribune must repeat that the country will stand by him. It does not understand the legal technicalities involved, and is also prepared to accept the president's statement that Ballinger acted within the law, but the country long since became aware of a distinction between those who were 'law honest' from those who are moved by real zeal for the preservation of public interests against private privilege."

ENGLISH PARLIAMENT DISSOLVED

(Special to The Evening News.)
London, Jan. 10.—Odds of five to four are offered that the Conservatives will be successful at the coming national election were offered at the stock exchange today. This is the first time since the beginning of the campaign that the Conservatives have tided favorites in betting circles. Prior to the Christmas holidays the Liberals were favorites by odds of seven to four. King Edward today signed formal decree dissolving Parliament. Immediately after this decree was issued writs for the election were also issued, and this event will doubtless establish a new epoch in English history.

Union Services Tonight.

The churches of the city will hold union evangelistic services tonight at the Presbyterian church. J. N. McConnell of the Christian church will do the preaching. This will be the first of a series of Monday evening services of the same kind. This will be preparatory to the great revival which will come in February.

Snow White at the Armory Friday evening, 114.

The city council will meet in regular weekly session this evening. Little business is scheduled for disposition, however, and an early adjournment is anticipated.

The Roseburg Commercial club meets in regular session this evening. Considerable business is scheduled for discussion, therefore it is urged that every member be present.

HERMANN ON TRIAL

After Years of Delay the Case is Called.

WILL OCCUPY MONTH

Records of Mr. Hermann's Former Trial in Washington, D. C., Will be Used to Expediate Matters.

(Special to The Evening News.)
Portland, Jan. 10.—The trial of Bingier Hermann for conspiracy to defraud the government of certain lands has at last materialized, having begun in Judge Wolverson's court at 10 o'clock this morning. Up to 12:30 the court was busy hearing the excuses of the venturers from whose number the jury to try the case will be formed. This afternoon the attorneys began the task of selecting the twelve men out of what were left of the original 30. Men called to form the petit jury. When Clerk Marsh had finished calling the long list of names, it was found that 195 had failed to put in an appearance before the court; 45 more were excused on account of illness or business, and at 2 o'clock the actual work of securing the trial jury began. It is expected that a day or more will be occupied by this work, although the attorneys hope that the box may be filled out the first few names called. That the trial will be a long one is apparent, and to expediate matters as much as possible an arrangement has been made between the prosecution and defense by which a portion of the evidence given at the Hermann trial in Washington, when he was accused of having destroyed certain public records of the public land office will be read. This was done to save the defense the expense and delay of bringing witnesses from Washington. Just how much of this transcript will be read is undetermined and will probably depend upon the course of the trial as it develops. It is conceded that at least a month will be consumed in getting the case to the jury.

After 42 years of active participation in public life, Hon. Bingier Hermann, of Roseburg, ex-representative in congress and commissioner of the general land office, stands before the bar of the United States Circuit court in readiness to meet the charge preferred against him by the government. Mr. Hermann is charged with having been a party to a conspiracy to defraud the government of a portion of its lands in the creation of the Blue Mountain forest reserve. For more than a week the attorneys for the United States and those representing Mr. Hermann have been marshalling their facts and arranging the methods of trial and party. There will be a crossing of keen blades legal wits when the fighting prosecutor, Francis J. Heney, supported by the stubborn jawed Tracey C. Becker, encounter the brilliant learning of Col. A. S. Worthington, of Washington, D. C., backed by the subtle methods of John M. Gearin. With the exception of the retrial of the case against ex-representative Williamson, the conclusion of the Hermann trial will mark the end of a series of famous trials of noted politicians of this state in connection with the alleged frauds. Hon. Bingier Hermann is not charged with receiving bribes, but it is understood that an effort will be made to connect him with the Blue Mountain conspiracy by showing that advance information was given out from the office of the commissioner of the general land office; that he furnished the conspirators with the name of the man who would examine and report on the lands to be included in the proposed reserve; that this examiner was bribed by Franklin P. Mays, and that the latter boasted of his influence in Washington, and in so doing declared that money was necessary to influence action at the capital, and that the defendant committed a number of other overt acts in promoting the alleged attempt to loot the public domain.

Hermann in Readiness.
Bingier Hermann announced on his arrival at Portland that he had waited five years for the occasion which now presents itself, and which he hopes will result in his vindication. Francis J. Heney, who will prosecute Hermann countered such statement the night of his arrival at Portland in giving out a statement to the effect that the defendant had never asked for a trial, and that no delay had been sought by the government. A jury list of 307 citizens of Oregon are now assembled in the Oregon metropolis, from among whom it is hoped that a jury of twelve unprejudiced men can be secured. It is believed among the attorneys in the case that the jury box will be acceptably filled and the taking of evidence will be commenced within one week.

Bingier Hermann was first indicted December 31, 1904. He had resigned as commissioner of the general land office and was then a representative in congress, filling the unexpired term caused by the death of Thomas H. Tongue. He has also been re-elected representative from the first district in June, 1904. Mr. Hermann has never been tried on the first indictment brought against him,

which charged him with conspiracy to secure title fraudulently to certain public lands and had reference to the part he is alleged to have played in the efforts of Puter to have the patents expedited for the twelve fraudulent homestead entries in the famous township 11-7.

The indictments under which Mr. Hermann will be tried tomorrow was returned February 13, 1905. Indicted with him were ex-representative John N. Williamson, F. P. Mays, Willard N. Jones and George Sorenson.

Repealed Law in Case.
The defendants are jointly charged with having entered into a conspiracy to defraud the government through the operation of the lien land law of June 4, 1897, which has since been repealed. The lien land law was prolific of frauds in many parts of the United States while it rested on the statute books. In brief it gave the following privileges:

The owner of a tract of patented lands within a forest reserve was allowed to surrender that land to the government. Upon so doing he was given a class of scrip which allowed the owner to file on an equal area of any class of public land which might be open to entry, mineral lands excepted. The scrip was received by the government for the lands last selected and patents were at once obtainable.

Under the operation of that law the untimbered tracts, grazing areas or lands which had been cut over could be surrendered to the government and the scrip could be used to secure title to the heavy timbered lands of Oregon—the worthless lands exchanged for the valuable.

It is recited in the indictment that Senator Mitchell and Bingier Hermann as commissioner of the general land office at Washington agreed with Mays, Jones and Sorenson in Oregon to cause the Blue Mountain forest reserve to be created. Its boundaries included the watersheds of Strawberry Mountain, the headwaters of the North and Middle Forks of Malheur river, Silver river, Silver creek and the South Fork of the John Day river. The Blue Mountain reserve thus located comprised portions of Crook, Grant, Harney, Malheur, Baker, Union, Umatilla and Wallawa counties.

Conspirators Fall Out.
After Ormsby had visited the land and was ready to report it was shown that he visited the office of Franklin P. Mays. While the matter was pending two sections of school land were transferred to Ormsby by Mays.

Understanding that a favorable report was to be made on the proposed reserve, Mays, Jones and Sorenson went to the north end of Portland and secured "dummies" to sign applications for school lands at so much per head, the full 150,000 acres to be covered. In the meantime, however, Horace G. McKinley and Dan W. Tarpley had heard of the scheme, and had slipped into Salem and had purchased 13,000 acres of the inheritance of the public schools. When Mays found out about the action he sent for McKinley. While quarrelling over the matter, McKinley offered Mays a commission of 50 cents an acre, or \$8,500, to allow the deal to stand. Mays threatened to have the McKinley and Tarpley lands check-boarded, for he said that it would require more than the sum offered to take care of the fellows in Washington. Tarpley and McKinley retired for a conference, and finding that Mays couldn't check-board their lands without checkboarding his own, defied Mays.

Before the conspiracy could be carried out, the lien land law was repealed by congress, and Mays, Jones and Sorenson were able to unload but a small part of their forest reserve holdings. McKinley and Tarpley sold all of their 18,000 acres, most of it going to F. A. Kribbs.

Bingier Hermann was first elected to congress from this state in 1885 and served 12 years successively. He has been a member of both branches of the legislature, and has been continuously before the public for 42 years. He was appointed commissioner of the general land office by President McKinley, and filled that position for six years, a longer term than any other commissioner has ever had.

In his defense at the present trial, Mr. Hermann is expected to make a strong use of his well known opposition to the lien land law of 1897. He is on record in Oregon as making strong efforts for its repeal. He has already been tried and acquitted in Washington, D. C., on charges arising from the Oregon land fraud cases. When he left the land office it was shown that he removed and destroyed certain letter press copy books said to contain records of correspondence bearing on the Blue Mountain reserve matter. At that time, Hermann contended that the books contained only copies of personal correspondence, and that it had been the practice of retiring commissioners to reserve such books as their personal property.

CARD OF THANKS.
The Sisters of the Mercy hospital return their grateful thanks to Mr. D. Ball, Mr. Test, Mr. H. Denn, Mr. Hurley and Mr. J. Welch for their valuable assistance and hauling two carloads of wood, over 32 cords, from the depot to the hospital. This great act of charity was very much appreciated by the sisters and will never be forgotten.

Special sale on snow during January. All lines will be sold at cost and below.

BOY WANTED—Good chance for a bright boy to learn trade, while earning fair wages, light work. Address Box 566. d-d-15

GREAT

RED TAG SALE

BEGINS TODAY

See Poster at Your Doorstep for Particulars, or Ask Your Neighbor.

JOSEPHSON'S