

RULING WAS ADVERSE

Tarpley, Sorenson and McKinley Will Testify

HERMANN IN DEAL

Wolverton's Decision Helps the Prosecution—Testimony of the Witnesses Links Hermann With the Transaction

(Special to The Evening News)

PORTLAND, Jan. 17.—Judge Wolverton gave the prosecution in the Blue Mountain case the right to introduce the evidence of Dan Tarpley, which was to the effect that F. H. Mays told them that more money was needed to pay two men in Washington, thereby bringing Hermann more directly into the furtherance of the Blue Mountain conspiracy. This decision of the court materially strengthens the position of the government. Up to this time no evidence has been heretofore introduced by Henry to link the ex-commissioner of the general land office with the illegal transactions of Mays and Jones.

Contending that Blinger Hermann has not been connected with the Blue Mountain forest conspiracy, his attorneys yesterday objected to the testimony of Dan Tarpley concerning conversations held in the office of Frank P. Mays, wherein the names of Hermann and Senator Mitchell were mentioned. Colonel Worthington asserted that it was incompetent to prove that Hermann was a member of the conspiracy because somebody else said he was.

It was said that in the trial of Hermann at Washington George Sorenson declared that Mays had asserted that Hermann was a partner in the deal. Tarpley was a witness in the case against Mays and testified that Mays told him that Hermann and Mitchell were in the conspiracy and that it would require money for their use. If Tarpley and McKinley retained the school lands which they had purchased from the state, Tarpley heard of the formation of the reserve through a son of Forest Superintendent Ormsby, and intruded on the arrangements which Mays was making to secure all the school lands in the

proposed reserve. When Mays sent for Tarpley, he told Tarpley if he did not surrender half of the 16,700 acres he had bought from the state, Mays would have Commissioner Hermann leave the Tarpley and McKinley lands out of the proposed reserve.

Vital Issues Raised.

Under article 16, of the Constitution of the United States, attorneys for the defense demanded to be confronted with the witnesses against Hermann, so that he might have the privilege of cross-examination, and Colonel Worthington gave notice that a failure to accord Mr. Hermann his full rights under that clause would cause an appeal to be taken to the highest tribunal of the land.

The controversy over the admissibility of the evidence as to the statements made is considered a vital point. If the court shall hold that Hermann is entitled to be confronted by Mays on the witness stand, it will mean that both Mays and Jones will have to be pardoned by President Taft. They are now disqualified as witnesses, having lost their citizenship through having been sentenced to terms in the Federal prison.

The question also is raised as to what attitude these men will assume if they are made eligible as witnesses through Executive clemency. It is believed by many who are well acquainted with their state of mind that Mays and Jones will refuse to assist the government, and it is argued that if there had been any possibility of their testimony being of value to the prosecution Mr. Henry would have had their disabilities removed long ago.

Hermann's Advice Asked.

It was admitted by Henry that the only instance wherein Mr. Hermann has been thus far associated with the Blue Mountain conspiracy was in the testimony of ex-Surveyor-General Meldrum. While Blinger Hermann was Commissioner of the General Land Office, as Meldrum testified on the stand, Hermann came to his office in Portland in September, 1901. When he arrived F. P. Mays and several other men were in the office. Mays was seated at a desk engaged in examining and checking plats of townships in the Strawberry and Blue Mountain districts.

After the other men had left, Meldrum testified, Mays turned to Hermann and himself and said that he was going to apply to have a reserve created in the Blue Mountains, and asked Mr. Hermann the best way to do it. Hermann admittedly advised Mays that the reserve might be created in one of three ways, either by recommendation of the Geological Survey, upon recommendation of the forest superintendent for Oregon or

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GRAND JURY IS DRAWN

Circuit Court Convened in Regular January Term.

HAMILTON IS PRESIDING

Majority of Jurors Present When Roll is Called—Court Takes Recess Out of Respect of the Late A. M. Sanders.

GRAND JURY

Grant Levins, foreman..... Cow Creek
E. H. Ottlinger..... Wilbur
R. S. Johns..... Cow Creek
R. C. Arnold..... Looking Glass
L. H. Morgan..... Melrose
A. B. Melvin..... Gardiner
G. W. Dimmick..... Kellogg

The circuit court convened in regular January term at 9 o'clock this morning with Judge J. W. Hamilton on the bench. As is customary the first business of the morning was that of calling the roll of jurors, the following responding:

William Brenner..... Civil Bend
R. C. Arnold..... Looking Glass
Ben Butler..... Scottsburg
C. P. Totten..... Glendale
L. H. Morgan..... Melrose
J. L. Clough..... Canyonville
F. G. Hatfield..... Roseburg
John McKean..... Roseburg
T. R. Stokes..... Looking Glass
S. C. Miller..... Civil Bend
G. W. Schrum..... East Umpqua
M. W. Hampton..... Olalla
J. O. Turnidge..... Comstock
G. W. Cox..... Deer Creek
C. M. Hermann..... Myrtle Creek
J. W. Johnson..... Glendale
S. Jacques..... Glendale
Lee Cheever..... Elkton
Grant Levins..... Cow Creek
A. B. Melvin..... Gardiner
G. W. Dimmick..... Kellogg
J. W. Thomas..... Cow Creek
S. R. Elmore..... West Roseburg
S. C. Henry..... Calapooia
E. H. Ottlinger..... Wilbur
S. C. Buell..... Roseburg

Grand Jury Drawn

After calling the roll of the regular jury panel the Grand Jury was drawn, the personnel of which appears at the head of this column. As usual Judge Hamilton instructed the members of this body as to their duties, calling special attention to those provisions of the statute pertaining to the crimes of libel, prize fighting, setting of forest fires and local option.

At the conclusion of the instructions the grand jury retired, after which court adjourned until 1 o'clock out of respect for the late A. M. Sanders, at one time superintendent of the local public schools.

Fassett vs. Boswell.
The civil case of Emma E. Fassett vs. Mrs. E. Boswell, an action to recover the sum of \$200, alleged to be due on a promissory note is attracting the attention of a jury of twelve men in the circuit court this afternoon.

Among her allegations the plaintiff alleges that her husband, while in ill health, visited the Boswell Spruigs in search of attendance, but that instead of receiving proper care was subjected to brutal treatment at the hands of Mrs. Boswell and a Frenchman whom she had employed about the place.

Specifically she claims that while her husband was taking treatment at the resort Mrs. Boswell and the Frenchman attacked him, inflicting a number of serious blows which rendered him unconscious for nearly 36 hours. She also alleges that the defendant was not satisfied with such treatment, but went even so far as to allow the husband to be placed in bed without removing his clothes.

Learning of the trouble the plaintiff alleges that she visited Mrs. Boswell, and that the latter gave her a note in the sum of \$200, the same to be considered as damages. She avers that no part of this sum has been paid to date, therefore she asks judgment in the sum of \$200 with interest from the date of instituting the action.

Mrs. Boswell alleges on the other hand that no such trouble occurred and further that the plaintiff is attempting to blackmail her into paying the sum above mentioned. She also recites in her answer that there was no consideration.

The plaintiff is represented by Attorney C. S. Jackson, while Attorneys Coshew & Rice are looking after the interests of the defendant.

Return True Bill

An indictment was returned by the grand jury shortly after 2 o'clock this afternoon against Mrs. Walter Crittiser, of West Fork, with the crime of selling intoxicating liquors contrary to law. Mrs. Crittiser is at present confined at her room in this city with illness and it is doubtful whether or not she will be able to stand trial during the present term of court.

Upon returning the true bill into court District Attorney Brown appeared on the scene, presumably for the purpose of arraigning the defendant. Owing to the fact that Mrs. Crittiser is ill, however, she was represented in court by Attorney Long, who upon learning that a true

bill had been returned, waived reading of the indictment, and asked until tomorrow morning at 9 o'clock in which to plead.

Such appearing satisfactory to the court the request was granted.

A Glendale Case

The grand jury is said to be investigating a Glendale affair this afternoon, in which a young man of 18 years is said to be the effected party. The prosecuting witness is a girl under the statutory age of 16 years.

Court Orders.

No. 261, Stinson Computing Scale Co. vs. N. Sellig deft; action for money; Fullerton & Orcutt for plff; Geo. M. Brown & E. B. Hermann for deft. Settled and dismissed.
No. 377, Rasmussen Jorgensen plff, vs. William Sullivan deft; action for money; Geo. Neuner Jr for plff; for deft. Default and judgment.

DISASTROUS HEAD END COLLISION

(Special to The Evening News.)

PICKNEYVILLE, Ill., Jan. 17.—A disastrous head end collision occurred between the St. Louis and Memphis special passenger train and the Illinois Central freight near this city this morning. Carl E. Kitchen fireman, was instantly killed, while ten others were seriously injured. Both trains were running at high speed and on rounding a sharp curve crashed together with such force as to deraill several coaches and pile them up in a heap.

A window sale of home cooked articles will be held at Millidge & Pickens Bros. store next Saturday, January 22. This will be the opportunity to get something nice for the Sunday dinner, without the attendant work of preparation.

FOUND DEAD IN CABIN

Henry Morton Dies at His Lonely Ranch

INDIAN WAR VETERAN

Old Indian Fighter Answers to Last Call—Had Resided in Douglas County for More Than Fifty Years

Henry Morton, who has resided in a lonely cabin midway between Myrtle Creek and Canyonville for many years past, was found dead in bed by friends shortly after noon yesterday, all indications tending to show that death had resulted from natural causes. The deceased was about 75 years of age and was a veteran of the Southern Oregon Indian wars, having served in a company from Baker City. As far as known the deceased had no relatives in this section of the United States. The funeral occurred at Myrtle Creek this afternoon, interment occurring at the cemetery at that place. Morton had resided in Douglas county for the past fifty years, and for some time past had been a county charge.

THREE KILLED IN TRAIN COLLISION

(Special to The Evening News)

SALT LAKE, Utah, Jan. 17.—A passenger train on the Southern Pa-

cific system collided with a freight at Lamey siding, a few miles west of Lucin cut off at three o'clock this morning. Engineer Reardon of the freight train, Fireman James and brakeman R. A. Kroll were killed. Eleven other persons were badly hurt, and some of them may die. A relief train was dispatched to the scene of the wreck.

INDIANA NATIONAL BANK CLOSES UP

(Special to The Evening News)

EVANSVILLE, Ind., Jan. 17.—The Citizens National Bank, one of the oldest financial institutions in the county, closed its doors today pending an examination into its affairs by State Bank Examiner Johnson. Bad loans, and, it is rumored, embezzlement on the part of its officials, are the causes which are responsible for the demoralization of the institution. The directors declare that every depositor will be paid in full, and that patrons of the bank need feel no apprehension in the matter.

CARD PARTY

The Catholic ladies will hold a card party Wednesday evening at the residence of Father McGee. They would like to have their friends enjoy the evening with them.

WHAT IS THE CHEAPEST PHOTO MADE?

The same applies to enlarging, copying, frame making, kodak finishing. Clark's Studio for the best. Roseburg National Bank building.

To My Patrons and Friends:

To make the keeping of all accounts posted to date with bills ready for delivery, to assist in making errors less likely to occur, in short to improve credit business, I have installed a McCasky system of keeping accounts. By this each customer is supposed to get a slip showing balance, if any, and also the item purchased. Will you kindly DEMAND that same be given you, and file same for reference.

Also with the beginning of this New Year I shall expect settlement of all accounts between 1st and 10th of month following purchase, unless other arrangements are made. Long accounts are not desirable from any standpoint, and especially so from that of the purchaser.

If you have an open account and run one regularly, kindly ask for file to keep your purchase slips in. FREE.

Yours For Betterments,

F. H. Churchill

THE IRONMONGER OF ROSEBURG

YOUR FAMILY WASHING

DID IT EVER OCCUR TO YOU THAT IT IS CHEAPER--FAR EASIER--TO HAVE US DO THIS WORK FOR YOU. THINK IT OVER.

ROSEBURG STEAM LAUNDRY

O. C. BAKER, Prop.

Jackson Street

ROSEBURG, ORE.

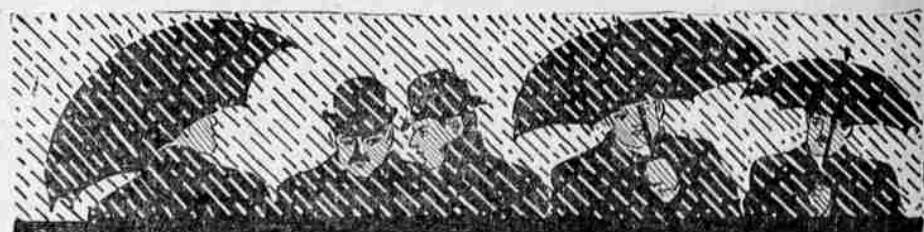
Our Representatives will explain our methods of handling this work.

Don't Delay Buying One of Those Good Harth's Toggery Suits



\$15.00 Suit	\$11.25
or Overcoat	
\$18.00 Suit	\$13.50
or Overcoat	
\$20.00 Suit	\$15.00
or Overcoat	
\$22.50 Suit	\$16.85
or Overcoat	
\$25.00 Suit	\$18.75
or Overcoat	

1/4 OFF



We Have the Storm Boot for You

Whether it rains or snows, hails or sleets, your feet will be dry and comfortable in our \$5 Semi-high-cut Storm Boot, illustrated here. Don't think you can't afford to get a pair of boots just for stormy weather. You not only insure your health, but also practice economy by doing so. One stormy day without storm boots may mean a cold—and a bad cold means a doctor's bill many times the amount that a pair of these Regal Storm Boots costs you.

REGAL SHOES

contain the best leathers made, and are acknowledged to be the best shoe-values in the world. We have correct Regal styles for dress, street and storm wear, and can give you made-to-measure fit in Regal quarter-sizes. Drop in and look over our latest Regal styles any time you are passing by.

\$3.50 \$4.00 and \$5.00

Harth's
Toggery



This \$5 Semi-high-cut, Regal Storm Boot has the smart lines of a dress shoe.