

**THE EVENING NEWS**  
BY B. W. BATES

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MONDAY, OCTOBER 24, 1910.

FOR JONES AND COKE.

Cook Bay Harbor: The situation regarding the election of two circuit judges is becoming more and more complicated as election day draws nearer. At first the friends of Judge Coke, of Marshfield, who is a candidate to succeed himself, thought it an easy matter to influence enough support in his behalf to make his election sure. But since then J. M. Upton, a democrat, but a candidate with no party slogan, is dividing the honors with Judge Coke. In Roseburg and Eugene an effort is being made to elect a democrat and a republican. This paper advised the people to unite on Mr. Coke for fear that the greater number of voters in the case of us would control the election and name two judges from that side. Cook Bay would then be left out. Judge Hamilton is a democrat and has held the office for twenty-five years. B. F. Jones is a republican and is before the people with the endorsement of a great many influential citizens. We were in favor of uniting on Judge Coke and urged both the democratic and republican support for his candidacy. But now since the democrats have taken such a manifest interest it is no more than fair that the republicans hew to the line and vote for candidates for the circuit court who are republicans. Cook Bay is entitled to a resident judge and unless united effort is made we will not be represented.

Speaking about being sued for uncollectible accounts—but really The News does not wish to dig up family skeletons—it is said other prominent, as well as good, loyal citizens within our midst, including some who are quite unscrupulous and, at this particular time, over-zealous in censuring others in regard to the prompt payment of disputed accounts, have escaped by only a hair's breadth of a like position. But then, what's the use, where would Judge Hamilton get off if it were not for cases of this nature. He might lose his job—after serving the taxpayers a quarter of a century.

George Souner, Jr., and Benjamin Huntington, Jr., republican candidates for representative, are a "bunch" of good, sound judgment, combined with rare intelligence, and when these two progressive men are elected to the office of representative from Douglas county the voters who put them there will be assured of a square deal on all matters affecting the state and county. It can be truthfully said that each have superior qualifications which aptly fit them for the office to which they aspire.

Any person who has been fortunate enough to have had a suit filed against him for any disputed account of any nature, is requested to file their application with the "Evening Shadow" and become a member of the "Unsavory Trio Club". The outlook for a generous crop of candidates, at this particular time, is excellent.

In the eyes of the "Evening Shadow" any man who is sued is guilty of a most heinous crime. You never heard of a fellow who was too stingy to take a bath being sued for delinquent accounts. No, he's usually greedy enough to slip out of the "bag".

Lincoln County Leader: B. F. Jones, candidate for the office of circuit judge of this district, is a Lincoln county man and nearly every man in this county knows him and will give him their vote on November 8th. Ben Jones was never defeated while running for office.

At this writing Jay Rowerman is watching the clouds in the West which predict a "soaking" about November 8 for the democratic candidate for governor.

There's only about fifteen days left on the clock before the campaign closes. Looks like it would end in a real hot heat—from the judge's standpoint.

A man who has plenty of nerve with his business is likely to come to a pass when he won't have any business to conduct from that way.

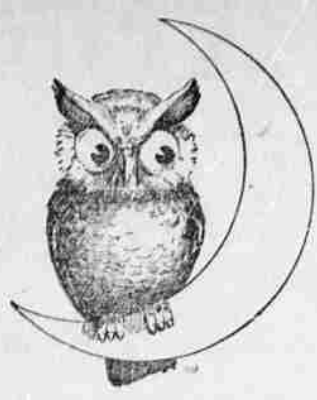
A paper that can successfully handle a piano tuner game is certainly "good" backing to be in the rear of any candidate.

The white slaves have souls blinder than the skin of the blackest slave that ever served a master.

A man's thinnest, flimsiest excuses are the ones that cast the largest shadow of suspicion.

According to crop reports some of the drink-producing grains have dried up this year.

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**SAYS JUDGE HAMILTON IS DISQUALIFIED**

In the state of California and some other states, it is expressly enacted by statute that a judge is disqualified to sit in a cause when either a party or his attorney is related to the judge by consanguinity or affinity within the fourth degree. Our own statute provides that a judge is disqualified to sit, "When he is related to either party by consanguinity or affinity within the third degree."

In the case of Roberts vs Roberts, reported in Vol. 99 Am. State Rep. Page 198 the court construed the Georgia statute which contained the almost identical language of our own statute, to-wit: "When he is related to either party within the fourth degree of consanguinity or affinity," the only substantial difference being in the same degree, the one being third and the other the fourth.

The court there held that a judge who is thus related to counsel for an applicant for alimony and counsel fees in a divorce proceeding is disqualified from presiding in the case and passing upon such application.

The court in that case said: "Should the word 'party' in the section of the code just referred to, be given the technical and narrow meaning of one who is a party to the record, and absolutely bound by the judgment in the case? Or should that word be construed more liberally, and include any one who is peculiarly interested in the result of the suit, although not a party to the record and not necessarily bound by judgment therein, notwithstanding he would be benefited by the judgment if rendered in a particular way? We think the proper construction to be placed upon the word 'party' in the section of the code which declares when a judge shall be disqualified is the broad meaning which would include anyone peculiarly interested in the result of the case, and not the narrow and technical meaning which would limit the rule to a person who was a party to the record. In an application for alimony and counsel fees the counsel for the applicant are thus not only peculiarly interested in the result of the suit, but if counsel fees are allowed a judgment is obtained which is absolutely under their control, independently of anything which might be done by their client in reference to the main case, which can be enforced for their benefit, certainly in the name of their client, even if the cases above referred to are not authority for the proposition that it can be enforced in their own names. In such a case we do not think that a judge who

is related within the fourth degree of consanguinity or affinity to any counsel for the applicant should preside. The reason and spirit of the code section above referred to, as well as a proper construction of the word 'party' therein contained, would disqualify a judge so situated from presiding in the case. In such a case the judge determines not only the question as to whether under the circumstances of the case counsel fees should be allowed, but he also determines the amount of the allowance, the amount thereof being left under our law, to his discretion." Other cases to the same effect might be cited.

Judge Hamilton regularly sits in cases and allows attorney fees in divorce cases in favor of his son-in-law, and has been doing so for the past four years. In one notable instance where Bill Bushnell, a deaf and almost dumb man who was sued by his wife for a divorce in Judge Hamilton's court, through his son-in-law as attorney, Judge Hamilton allowed \$175 as attorney's fees and suit money besides ten dollars per month to the plaintiff as temporary alimony. In this case a reasonable attorney's fee according to the schedules of the Roseburg attorneys would not have exceeded \$50. The only mistake the late Judge Deady made was to permit his own sons to practice before him. Judge Ballinger (lately referred to by the Review) succeeding him, realizing the mistake of Judge Deady, refused to permit his own son to practice before his court.

It is a well known fact that this same attorney who is encouraged to practice before Judge Hamilton's court, is the standing attorney for the local liquor interests, and that there are more criminal cases of violation of the local option law than any other class. The records will show that he practically has a monopoly of the divorce cases.

In both these classes of cases, a large discretion rests with the judge. In the divorce cases, as to the allowance of attorney's fees, and in the liquor cases as to the amount of punishment. It needs no logic to show the impropriety of his practicing in either class of cases.

I do not refer to these matters from any unfriendliness to either personally, but urge this situation as one of the reasons to be taken in consideration in voting. It is not my fault that they are percolated in, and I cannot be justly criticized for showing the truth. If the truth hurts, it is no concern of mine.

ALBERT ABRAHAM.

**NOT TO REPEAL STATEMENT 1.**

The editor of the puny sheet published at Gold Hill has again, like a venomous serpent, vented its spittle at Hon. J. A. Buchanan, republican candidate for joint representative. In a recent abusive tirade it calls him a liar, a law shark, and other vile epithets, resorting to the lowest and dirtiest kind of mud-slinging.

The Gold Hill man claims that Mr. Buchanan introduced a bill, House Bill No. 64, in the last legislature, which had for its purpose the repealing of Statement No. 1 provision of the direct primary law and he prints the bill in full to prove it. He says triumphantly, "With the damaging words, 'he and is hereby repealed,' starting him in the face, referring to Statement No. 1 and nothing else and contained in a bill introduced by Mr. Buchanan and so on and so on, the Roseburg law sharp cutely tells of his love for the direct primary."

The Gold Hill man is only advancing his own insanity. If he had

ordinary intelligence and even an average understanding of the use of English words, he would see that Mr. Buchanan's bill was not to destroy Statement No. 1, but to leave it unimpaired as a part of the primary law. The law sought to be repealed by House Bill No. 64 was that instructing members of the legislature to vote for the people's choice for United States Senator. The effect of that law is to nullify the Statement No. 1 provision of the direct primary law and repeals Statement No. 2. We have two Columbia river fish bills that are in direct conflict with each other. In the same way the law referred to is in direct conflict with the direct primary law and being a later law it supercedes the other. If the Gold Hill man has a plimble full of brains he could see that. The object of Mr. Buchanan's bill was to repeal the later law and leave the direct primary law intact. It was originally passed by the people, and Statement No. 1 and Statement No. 2 in full force and effect and that would have been the effect

If Mr. Buchanan had insisted upon the passage of his bill. Any man who would maintain for a moment that the bill was intended or would have the effect to repeal Statement No. 1, or any other part of the direct primary law, is either a delinquent rascal or a hopeless imbecile. So far as the Gold Hill man's villainous abuse of Mr. Buchanan is concerned, it need not be noticed here. Mr. Buchanan is too well known in Douglas county for such a venomous attack to do him any damage, and its only effect will be to give him a still larger majority in Douglas county.

**HOME.**

The subject tonight at the Christian church will be "Home". The Webbs will sing two special songs tonight. By request they will repeat "Mother's Easy Chair". Twelve were added to the church yesterday, making twenty-five in all so far in this meeting. Come tonight.  
J. N. McCONNELL, Pastor.



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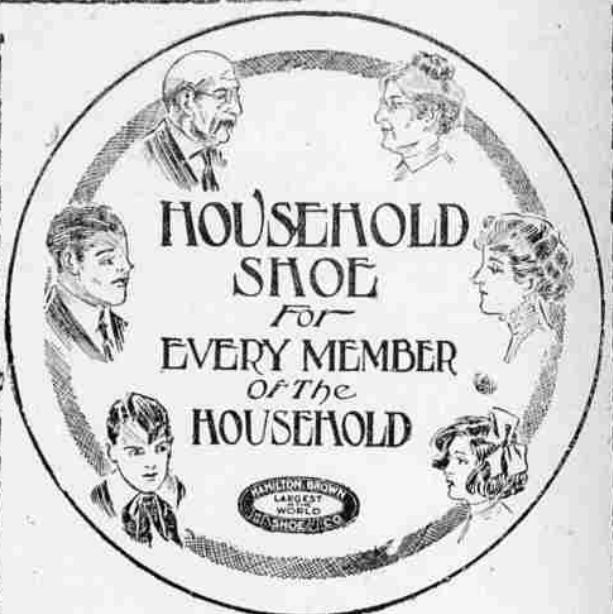
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