

M'CLALLEN CASE

Task of Selecting a Jury Proves An Arduous One.

MANY ARE EXCUSED FROM JURY

Regular Jury Panel Exhausted Early Today—Special Centre of Twelve Men Also Fails to Provide Jury—Attorneys Active

Surrounded by an array of counsel, including some of the most experienced and skilled attorneys in Southern Oregon, Roy McClallen, a local abstractor, native of Douglas county, and brother of ex-Sheriff H. T. McClallen is today on trial before Judge Coke in the circuit court on a charge of murder in the second degree in connection with the death of Benjamin A. Mahan, a former Roseburg plumber. The crime for which McClallen was indicted by the grand jury in recent session, occurred at a point almost directly in front of the Roseburg Water and Light Co.'s office, on North Jackson street, on the evening of Monday, March 13, and was witnessed by quite a number of persons, a majority of whom were returning to their homes after witnessing the presentation of the Elks' minstrels.

The array of attorneys participating in the trial occupy seats near the jury box, as does Roy McClallen, the accused; H. T. McClallen, a brother, and Mrs. F. B. McCord, of Portland, a sister of the murdered man. Included among the lawyers representing McClallen are Attorneys W. W. Cardwell and J. O. Watson, of Roseburg, and Charles McKnight, of Marshfield. The prosecution is being conducted by District Attorney George M. Brown, assisted by his law partner, Attorney H. L. Eddy.

Many Talesmen Excused.

The drawing of a jury of twelve men, in whose hands the defendant must necessarily risk his liberty, was commenced shortly after 9 o'clock this morning, and at noon the regular jury panel was exhausted. In all, 21 talesmen responded to the call of the clerk, eight of whom were passed subject to pro-emptory challenge at the hands of either the attorneys for the state or defense. Nine prospective jurors were excused for cause, based upon the challenge of Attorney Cardwell, for the defense, who contended that they possessed an opinion as to the guilt or innocence of the accused. Of the total of 21 talesmen, three are yet to be examined by the attorneys. Attorney W. W. Cardwell, chief counsel for the defendant, interrogated each talesman at length, and not until he was fully satisfied that the person questioned was free from an opinion, bias or prejudice in the case, did he consent to refrain from submitting a challenge. Each and every man interrogated was asked relative to his place of residence, the length of the time he had resided in Douglas county, his relationship with defendant, whether or not he had discussed the case with persons purporting to be in possession of the facts, and most particular of all, whether or not they had read accounts of the affair in the local newspapers. In some instances Attorney Cardwell even went so far as to ask whether or not the talesman believed in the law of self defense, and whether or not he believed a man had the right to defend himself at a time when he feared his life in danger. Attorney Cardwell also interrogated the several talesmen examined relative to whether or not they believed in compromise verdicts.

In illustration Mr. Cardwell said: "In event you believed this defendant innocent, and other persons on this jury believed him guilty of murder in the second degree—would you compromise and return a verdict of guilty in a lesser degree?" In every instance the persons interrogated declared that they were opposed to compromise verdicts, and in the event they deemed a person in-

nocent so would they vote to the last.

District Attorney George M. Brown, who interrogated the witnesses upon behalf of the state, simply asked whether or not the person questioned was biased or prejudiced in the case at issue, and whether or not he could give the defendant a fair and impartial trial—basing verdict upon the evidence as adduced during the trial and the law as laid down by the court. The district attorney failed to challenge a talesman during the morning session.

Among Those Excused.

As above stated nine of the prospective jurors were excused during the morning session as follows:

T. E. Harvey—T. E. Harvey, a farmer who resides near Oakland, said that he had read of the case and consequently had formed an opinion as to the guilt or innocence of defendant. Mr. Harvey was excused by the court.

W. R. Vinson—W. R. Vinson, of Coles Valley, said that he was well acquainted with the defendant, and that he had discussed the affair considerable during the past month. When asked whether or not he had formed an opinion Mr. Vinson said that he had, and that the said opinion was a fixed one. Upon the challenge of Attorney Cardwell, Mr. Vinson was excused by the court.

S. M. Pardee—S. M. Pardee, a Canyonville farmer, said that he had read accounts of the affair in the Roseburg papers, and that he had also discussed the circumstances surrounding the case in a general manner. In answer to a direct question as to whether he had formed an opinion relative to the guilt or innocence of the defendant, Mr. Pardee said that he had. Further interrogation upon the part of counsel for the defense brought out the fact that the opinion possessed by Mr. Pardee was a fixed one and that some evidence might be required to remove it. Upon challenge of Attorney Cardwell Mr. Pardee was excused.

Sam Jones—Sam Jones, of Drain, said that he had read of the affair in the papers, and further that he had discussed it with neighbors and friends. He declared that he possessed an opinion as to the guilt or innocence of the defendant, and consequently would be unable to go into the jury box free from bias or prejudice. He was excused by the court upon challenge of Attorney Cardwell.

V. Bounds—V. Bounds, of Ruckles, said that he was a reader of the Roseburg newspapers, and that he had read the accounts of the affair leading up to the case at issue. He said that he had also discussed the case with friends, and possessed a fixed opinion. Upon challenge of Attorney Cardwell, Mr. Bounds was excused by the court.

Roy Fisher—Roy Fisher, of Kellough, said that he had not only read of the affair, but had also discussed it at some length with friends and neighbors. Mr. Fisher said that he possessed an opinion as to the guilt or innocence of the defendant, and consequently could not go into the jury box free from bias or prejudice. Mr. Fisher was excused upon the challenge of Attorney Cardwell.

John Dowell—John Dowell, of Roseburg, said that he had been in town almost continuously since the alleged crime was committed and had discussed it frequently. Mr. Dowell said that he possessed an opinion as to the guilt or innocence of the accused at this time, and therefore was not qualified to serve as a juror. Mr. Dowell was excused.

J. R. Clayton—J. R. Clayton, of Millwood, said that he had read of the case; had discussed it with neighbors and consequently had an opinion as to the guilt or innocence of the defendant. Mr. Clayton was excused by the court upon challenge of Attorney Cardwell.

Eugene Ollivant—Eugene Ollivant, of Otalia, said that he had formed an opinion regarding the guilt or innocence of the defendant from what he had read in the newspapers. He was excused without prolonged questioning upon the challenge for the defense.

F. F. Wells—F. F. Wells, of Eikton, said that he had been acquainted with McClallen for many years. He also said that he had read considerable regarding the case at issue, and was in possession of an

INCIDENTS ATTENDANT TO MURDER OF B. A. MAHAN.

The crime for which Roy McClallen, a local abstractor, and brother of H. T. McClallen, ex-sheriff of Douglas county, was placed on trial in the circuit court this morning, is still fresh in the minds of the people of Roseburg and Douglas county. Notwithstanding, however, The News feels justified in reciting the incidents attendant thereto in order that the readers may become better versed in the case and thus be in a position to follow the trial more intelligently than otherwise.

According to the best reports assembled on the day following the murder, Roy McClallen and Miss Speilber, of Edenbowser, had attended the presentation of the Elks' Minstrels, and were enroute home (a few minutes past 11 o'clock on the night of March 13) when they were observed by Mahan, who chanced to stand near the outer curb in front of the Palace theatre. Mahan detected the couple almost instantly, and for some reason, either out of curiosity or for the purpose of conversing with the couple he followed them to a point almost directly in front of the local water and light office. At that point he was seen to increase his step, and a moment later, it is alleged that he accosted McClallen. Whether any words were exchanged is unknown, further than the mere contention of one of the witnesses at the coroner's inquest who said that he heard Mahan say something, the exact nature of which he was unable to recall.

Mahan and McClallen had hardly met, according to the reports, when Mahan was seen to retreat a few steps. An instant later, it is alleged, McClallen whipped from his pocket a revolver and commenced to shoot. Four shots were fired, all of which took effect. From the condition of the wounds disclosed by the examining physicians immediately following the tragedy, it is presumed that the first bullet entered the back of Mahan's hand, plunging its way through the fleshy part of the member and dislodged through the palm of the hand. The second bullet is supposed to have pierced the biceps of the right arm and lodged deep in the muscles. With the firing of the third shot it is contended that Mahan attempted to turn partly around as the bullet simply grazed the chest without inflicting serious injury. That the fourth shot fired was responsible for Mahan's death is the belief of the physicians, who allege that the bullet entered the victim's body at a point almost directly below the right shoulder, plunging its way in a triangular course and severed the jugular vein near its junction with the heart. That Mahan was standing with his back to McClallen at that time was indicated by the condition of the wound.

Standing in the street as he received the fatal wound, Mahan uttered a faint cry and staggered back a distance of about fifteen feet and fell to the sidewalk mortally wounded. Attracted by the report of the revolver, pedestrians rushed to the injured man's assistance and medical aid was summoned. Mayor Fred Haynes, who was returning home after attending the minstrels, was one of the first to arrive at the scene of the shooting. Noticing the man's condition, Mr. Haynes raised his head, but without avail, he sank into death's sleep almost immediately and died before medical assistance arrived. That death was almost instantaneous is the belief of the attending physicians, who contended at the time, that the fatal bullet pierced the heart in such a manner as to prevent its action.

Within a few minutes after the enactment of the tragedy fully 500 people congregated around the body, and it was not until about thirty minutes later that Coroner Jewett arrived and ordered the remains removed to the morgue. An examination of the dead man's effects revealed the fact that he was in possession of a 32-calibre Colt's automatic revolver, the same being found by Sheriff Quine shortly after the tragedy occurred. The revolver was discovered concealed in the dead man's hip pocket, and in the chamber were found four shells.

Immediately following the shooting McClallen was arrested by Sheriff Quine, and later in the evening was locked in the county jail where he remained for two days, when he was arraigned in the justice court on a charge of murder and held to appear before the grand jury under bonds in the sum of \$7,500. His arraignment in court followed the verdict returned by the coroner's jury in which it was held that McClallen had a right to fear that his life was in danger but that he had no right to fire the fourth and last shot which was responsible for Mahan's death. The bonds were furnished readily, and McClallen resumed his labors. A week ago the affair was placed in the hands of the grand jury for Douglas county for investigation, and after nearly two days of diligent labor the body returned into court an indictment charging McClallen with the crime of murder in the second degree. Following the return of the indictment, McClallen entered a plea of "not guilty," and thereby denied the several allegations contained in the indictment.

Never has there been a case in the criminal annals of Douglas county that has incited more interest than the one at issue. McClallen has lived here almost since boyhood, and is a member of one of Douglas county's pioneer families. Mahan, the victim of the tragedy, was also well known in Roseburg where he conducted a plumbing establishment for nearly three years prior to his death. He was of a quiet and unassuming nature, and was highly respected. Each man had his many friends, and the outcome of the trial is being watched with more than ordinary interest.

opinion relative to the guilt or innocence of the defendant at this time. He was excused by the court upon challenge of Attorney Cardwell.

Eight Are Passed. A. G. Clark, of Glendale; S. D. Evans, of Coles Valley; J. H. Murders, of Flournoy Valley; L. S. Cook, of Millard; B. J. Boyington, of Oakland; Roy Gelicks, of Constock; J. J. Gilliam, of Beer Creek and T. O. Johns, of Glendale, were among those "passed" by the attorneys during the morning session. These gentlemen declared that they had read of the case, but that they had formed no opinion as to the guilt or innocence of the defendant and consequently were in a position to enter the jury box and give the accused a fair and impartial trial.

Instructions of Court. With the regular jury panel exhausted just prior to the noon hour, Judge Coke instructed Sheriff Geo. Quine to summon a special venire of twelve men to appear at 1:30 o'clock. Upon request of Attorneys Cardwell and McKnight, Judge Coke issued an order placing the jury under the direct supervision of the bailiff. In accordance with this order, talesmen named or accepted as jurors by the attorneys will be compelled to partake of their meals and sleep under guard of the bailiff, and under no conditions will they be allowed to separate. Judge Coke also instructed the jurors that they would not be allowed to read the newspapers during the trial, regardless of their desires in the matter.

The Afternoon Session. Court re-convened after the noon adjournment at 1:30 o'clock this afternoon with a special venire of twelve talesmen present. As during the morning session, the afternoon was practically resumed in the examination of prospective jurors, but without material result. T. L. Hamilton—C. L. Hamilton, of Iron near Dickford, was the last talesman examined during the afternoon session. Mr. Hamilton

REBS RESTLESS

Carry Large Quantity Ammunition—Outbreak Probable.

MADERO'S TROUBLES INCREASE

Japan Will Probably Hold the New Administration Responsible for Massacre of Its Subjects at Torreon.

(Special to The Evening News.)

EL PASO, May 24.—Reports that American intervention is near as a result of the massacre of Chinese and Japs at Torreon a few days ago by Mexican insurgents, are greatly increasing the difficulties of Madero in bringing about peace and quiet. Insurrectos around Juarez are now carrying thrice the usual amount of ammunition and appear very restless. An outbreak is feared at any time as the rebels are trying to get the government into his hands at once. Army officers are of the opinion that Japan will demand intervention if it is shown that any Japs were killed at Torreon. It is pointed out that De La Barra and Madero, if they should assume control of the government, will be responsible for all rebel acts, despite the fact that General Figueroa and his 13,000 men are operating independently, and that there are a number of independent rebel bands in Lower California and several other Mexican states.

Wilson in Minnesota.

MINNEAPOLIS, May 24.—Governor Wilson, of New Jersey, arrived here today and was met at the depot by a reception committee and conducted to the publicity club rooms where he made an address to the business men assembled at noon.

Darrow Takes Charge.

SAN FRANCISCO, May 24.—Charles Darrow, chief counsel for the McNamara boys, arrived here last night from Chicago and will leave this evening for Los Angeles. During the day he held a number of conferences with labor leaders in San Francisco.

Confession Improbable.

LOS ANGELES, May 24.—When the grand jury met today Bert Connors, who it is alleged plotted with J. Parks to blow up the hall of records building was again the witness occupying the stand. Despite the fact that it was unofficially stated that Connors had confessed to the crime, implicating Parks as a confederate, no official confirmation of the fact could be secured. For this reason the belief is general that no confession has been made by Connors.

Peace Conference.

LAKE MOHONK, May 24.—Nicholas Murray Butler, of Columbia University, was today re-elected president of the Lake Mohonk, New York, conference for the promotion of international arbitration. At the opening session Mr. Butler declared that the United States Senate will probably ratify the Anglo-American arbitration treaty. On authority of Secretary of State Knox Mr. Butler announced also that the proposed international court of arbitration of justice would soon be established at

The Hague. He stated that the question of disarmament will be impossible until all nations subscribe to the doctrine that private property shall be exempt from capture at sea during war.

CALIFORNIA NIGHT.

The state of California will be wonderfully portrayed in words and pictures at the Palace theatre tonight by Marie Alice Perrin in her illustrated travel talk from San Diego northward through all of the cities in California and winding up at Mount Shasta. All of this in addition to the regular show at the Palace, consisting of three reels of latest licensed pictures. The school board expressly thanked Miss Perrin for her beautiful renditions last evening.

FREIGHT REDUCTION.

The Following Reduced Rates are Announced.

On cement from Davenport, Oakland Whf., Oakland, Cal., San Francisco; reduced from 40 1/2 c to 28 3/4 c. From Tolenas, Port Costa, Napa Jetn, Bay Point; reduced from 32 1/2 c to 25c.

There has been no competitive or other conditions governing this reduction simply a desire on the part of the company to be of assistance in the rebuilding of the territory, to assist communities that are paying and also for building purposes. These rates will go into effect June 25.

Did You Ever Stop To Think



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Think of the satisfaction to one's self and to the recipient of a Letter on paper of good quality.

The Roseburg Book Store Sells the Best writing papers at lowest prices. Headquarters for Fountain Pens, School Supplies, Office Supplies. ROSEBURG, OREGON.

Our Hair Goods Week. Owing to special discounts from our factory for one week, we will quote the following prices in good quality, wavy human hair: SWITCHES—22 inches at \$2.75; 24 inches at \$3.75; 26 inches at \$4.75; 28 inches at \$5.00; 32 inches at \$12.75. They are beautiful. PUFFS from \$1 to \$4. Let us show you the latest things in puff. Transformations \$2.75 to \$5.00. Hair Goods, Millinery, Neckwear and Toilet Articles. Roseburg Beauty Parlors

Old District School. Farce in Two Acts. UNDER AUSPICES. Christian Church Choir. Two Hours of Roaring Fun. Come and See the Spanking Machine. Rendered at the Church on Pine Street Thursday Night, May 25. ADMISSION 25 CENTS