

ARE SENTENCED

Three Boys Pleaded Guilty to Attempted Arson.

DRAIN WINS DAMAGE ACTION

Judge Hamilton Holds That Plaintiff Falls To Comply With Provisions of Drain City Charter—Bert Daley Is On Trial.

Changing their pleas of "not guilty" to "guilty," Louis Strang, David Golden and Joseph Ward, who were recently arrested and later indicted on a charge of attempted arson, were this morning sentenced to serve indeterminate terms of from six months to five years in the state penitentiary by Judge J. W. Hamilton in the circuit court.

When asked if they had anything to say why sentence should not be pronounced, Attorney Lawrey, representing the trio, addressed the court briefly. Mr. Lawrey simply informed the court that the accused men were young in years and had probably committed the offense without the least premeditation.

In passing sentence Judge Hamilton had little to say, with the exception that he hoped the prisoners would so conduct themselves that they would be able to secure dismissal from the penitentiary at the expiration of the minimum sentence. The three youths accepted the sentence of the court without the least demonstration. They will probably be taken to Salem to commence serving their sentence early next week.

The boys were arrested accused of entering a residence, near Divide, and of appropriating a number of valuable articles as well as having attempted to burn the house together with its contents. They were detected in the act and upon being followed to Leona were placed under arrest and later brought to this city to stand trial. An indictment by the grand jury followed.

Drain Wins Its Case.

Acting upon a motion for non-suit submitted by Attorney O. P. Coshov last prior to adjournment of court last evening, Judge J. W. Hamilton this morning dismissed the damage suit recently filed by Mrs. Merriam against the City of Drain. In dismissing the case Judge Hamilton held that Mrs. Merriam had failed to present a claim, together with the facts, to the city recorder of Drain as provided in the charter of the defending city. This claim, Attorney Coshov contended, should have been presented to the Drain city council within thirty days following the alleged accident and prior to the commencement of a suit for damages.

Mrs. Merriam brought suit against the City of Drain to recover the sum of \$5,500, alleged to be due as damages for permanent injuries sustained as the result of falling through a defective sidewalk.

Bert Daley Trial.

The trial of Bert Daley, charged with a statutory offense, is attracting the attention of a jury composed of S. H. Croy, Charles B. Austin, D. E. Reddifer, Joseph Morris, J. L. Boggs, G. M. Leeper, J. L. Chaney, E. O. Patcher, J. F. Strader, A. D. Ottinger, S. Madison, and S. F. Cawfield, in the circuit court this afternoon.

The task of securing a suitable jury consumed the entire morning, and not until following the noon adjournment did the attorneys make their opening statements to the jury.

Up to the hour of going to press a number of witnesses had been introduced in behalf of the state, including Mildred Casteel, the 14-year-old girl who was responsible for Daley's arrest. When placed on the witness stand the child testified that she was living at the home of Mr. and Mrs. George Noah at the time of the alleged crime, and was the person who reported the occurrence to the officers. In reciting her story of the affair, the child said she was at the Noah home, when Daley came to the door and inquired for a room. With Mr. and Mrs. Noah absent from home at the time the girl said she accompanied Daley to the upper floor of the residence and was about to show him a room when he advanced an indecent proposal. With her head

hung low, the girl said that Daley placed his arms about her waist and said he would give her 50 cents in the event she would allow him to kiss her. She said she refused this attention, whereupon he offered her a dollar and a half if she would enter the chamber. Frightened, the child said she screamed, whereupon Daley rushed down stairs and into the open. As he left the house, the girl said he turned around and remarked: "Don't you say anything about this, for if you do you'll be sorry."

The Casteel girl made an excellent witness and gave a clear and detailed story of the affair as she observed it. Other witnesses introduced by the state were Mr. and Mrs. Noah, Justices of the Peace Reuben Marsters, and an old gentleman who lives at the Noah home.

The defendant will attempt to prove by a number of witnesses that he spent the entire afternoon of the day in question playing cards in the soft drink emporium conducted by Mr. Miller.

Owing to the fact that there are quite a number of witnesses to be examined it is not likely that the trial will reach a conclusion before late Monday.

Practically complete returns received here from Curry county today give the following results for district attorney at the recent general election: Brown 295, Cardwell 88, Long 76.

WANTED TO DIE

James McNamara Asked Companion to Kill Him.

REMAINS OF CHILD ARE FOUND

Portland Note Crook Will Be Transported to Baltimore Where He Deserted His Wife—Targ Gang Is Guilty.

(Special to The Evening News.)

INDIANAPOLIS, Ind., Nov. 16.—How James McNamara became remorseful over the loss of life resulting from the dynamiting of the Times building in Los Angeles, and begged to be shot, was told by Frank Eckhoff, of Cincinnati, at the trial of the laborites today.

"We went hunting in the woods back of Ballach, Neb., the witness said, "when Jim began talking over the Los Angeles affair. He shook and sobbed and said he wanted to die. 'Please shoot me,' Jim said, 'at a time when I am not looking.'"

The witness said he was unable to comfort McNamara who appeared to have suddenly entertained a suicidal mania.

Remains Are Found.

BUFFALO, N. Y., Nov. 16.—The body of Joseph Josephs, aged seven years, missing since October 12, was found today in a vault in a suburb of Lackawanna. The police are today searching for the slayers. Prior to Joseph's disappearance, his father received a number of anonymous letters from Chicago. In a letter received yesterday, and postmarked at Chicago, the place of burial of the body was described accurately.

Back to Baltimore.

PORTLAND, Or., Nov. 16.—John E. Hudson, alias John E. Ringling, alleged note crook, will be transported back to Baltimore, where it is alleged he has a wife. It is believed she was deserted by Ringling when he started West.

Portland Man Considered.

WASHINGTON, D. C., Nov. 16.—Joseph N. Teal, of Portland; Charles S. Barret, of Georgia, and Clarence H. Poe, of North Carolina, are being considered by President-elect Wilson for secretary of agriculture.

Wilson in New York.

NEW YORK, Nov. 16.—President-elect Wilson today tried to reach Taft's secretary and arrange an interview, but was unsuccessful. Asked if he would attend Taft's reception in New York this afternoon, Wilson said: "I was not asked to attend, and it is quite unlikely that they knew I intended to be here today."

Are Found Guilty.

NORWALK, Ohio, Nov. 16.—Er-

ANOTHER JUDGE

Will Preside Over Quo-Warranto Prosecutions.

JUDGE HAMILTON DISQUALIFIED

Motion Presented Today States That Elbert Hermann, a Stockholder in The Brewery, is a Son-in-Law of Judge Hamilton.

That the quo-warranto proceedings recently filed against the Roseburg Brewing & Ice Company, with a view of annulling its charter to transact business in Oregon, will be prosecuted to the bitter end, was evidenced in the circuit court this afternoon, when District Attorney George M. Brown presented a motion setting forth the contention that Judge J. W. Hamilton, presiding officer of the local circuit court, was disqualified to try the case. On account of such contention, District Attorney Brown asked that another judge be summoned to try the case at issue.

The motion filed by the district attorney follows:

"Now at this time comes the State of Oregon, by George M. Brown, prosecuting attorney, and represents to the court that the Honorable J. W. Hamilton, Judge of the above court, is disqualified to act as judge of the court in the above cause, and for grounds alleges that F. G. McCell is a brother-in-law and E. B. Hermann is a son-in-law of said Honorable J. W. Hamilton, and stockholders in the above named corporation.

"That the record in the case of the State of Oregon vs. Roseburg Brewing & Ice Company and its stockholders is referred to and made a part of this motion.

"That the State of Oregon herein, by its attorney, requests that another judge be called into this case for the purpose of trying the same."

"GEORGE M. BROWN, Prosecuting Attorney."

After briefly considering the motion Judge Hamilton said he would enter an order in the court journal granting the motion, and that the case would be tried before Judge Harris, of Eugene, some time next week.

Inasmuch as the brewery, together with its officers and five directors, recently admitted violating the local option laws in Douglas county, the district attorney does not believe he will encounter any difficulty in the successful prosecution of the quo-warranto proceedings. At least, it is believed that he has sufficient evidence at hand to show that the brewery has violated the laws of the state.

nest Welch, the first of the six men indicted for participating in the tarring and feathering of Minnie Levalle, of West Clarkfield, on August 30, was today found guilty of assault and battery.

LOCAL NEWS.

A. M. Gallagher, of Deer Creek, spent the day in Roseburg attending to various business interests.

Von Casey, who was quite seriously injured while assisting the fire department last Saturday evening, is about the streets today. Mr. Casey sustained a deep gash above the knee.

NOTICE.

The Roseburg Dancing Society has secured the Macabee hall for the purpose of conducting a dancing school and first class dances.

Commencing Saturday, Nov. 16th, the society will give dances every Saturday evening, commencing at 9 o'clock. First class music guaranteed. Bona fides conduct and rag dancing is absolutely prohibited.

The opening night, terms, etc. for the dancing school will be announced later. Invitations will be mailed. Ladies must have escorts. n21

COUNTY CLERKS GET NO EXTRA COIN FOR DOING STATE WORK, HE SAYS.

Salem, Or., Nov. 15.—Attorney General Crawford today advised J. R. Stannard, of Gold Beach, county clerk of Curry county, that county clerks were not entitled to any extra compensation for issuing fish and hunting licenses. The county clerk presented the theory that this work was for the state and not for the county, therefore there should be extra pay. But the attorney general advised that the county was merely a municipal division of the state and that while county clerks drew their pay from the county, nevertheless they were officers of the state.

of the left leg, and as a result he has been confined to his room for nearly a week.

At the regular weekly meeting of the local fire department held last night it was decided to hold a grand Christmas ball, on the evening preceding Christmas. Elaborate programs will be issued. The floor will be placed in the best of condition, while the music will be something out of the ordinary. All those who enjoy the light fantastic should attend this event.

REFUSES TERMS

Turks Will Not Accept Terms of the Balkans.

BOHEMIA WOULD REMONSTRATE

Balkans Will Meet and Discuss Partitioning of European Turkey at a Meeting To Be Held Tomorrow.

(Special to The Evening News.)

CONSTANTINOPLE, Nov. 16.—It was officially announced here today that Turkey has refused to accept the peace terms advanced by the Balkans.

The Sultan's advisers have sent a counter proposition to Sofia, it is said, announcing that the allies will get at least half what they wanted. Turkey is willing to grant autonomy Macedonia, but wants to retain a government here. The Turks object to the internationalization of Constantinople, Salonika, and a complete abandonment of European Turkey. The Athens-Russia government officially recognizes the Greek occupation of Salonika. The Russian Consul, Salonika, has been instructed to communicate with Legation, Athens, instead of Constantinople hereafter regarding affairs there. In Berlin it is reported that the Balkan allies have arranged for the concession of England, Russia, and France and are arranging for the partition of European Turkey. It is believed that Russia and France will get commercial advantages, while the condition of Asia will be somewhat improved. England will get the Port of Sunda Bay. It is believed that Germany, Italy and Russia will veto such an arrangement.

Late reports today indicate that Bohemia has remonstrated against Austrian soldiers entering from the Servian frontier, and has denounced the German police, who it is charged scattered them.

Will Discuss Partition.

BELGRADE, Nov. 16.—The proposed partitioning of European Turkey will be discussed here next Thursday at a meeting of the Balkans and Premiers, according to an announcement here today. King Ferdinand will be present.

BOAT SIGHTED

Did Not Sink in Gray's Harbor as Reported.

SEATTLE ELKS BUILD A HOME

Portland Policemen are Warned Against Occupying Seats in Street Cars When Passengers Are Standing.

(Special to The Evening News.)

SAN FRANCISCO, Nov. 16.—Although reported by wireless to have sunk off Gray's harbor the steamer Wasp passed the mouth of the Columbia in safety and should arrive in Puget Sound today. This is the gist of a message received by the Merchants' Exchange from Portland. It is stated the Wasp is in excellent condition.

Enforce Curfew Law.

TACOMA, Nov. 15.—That City Commissioner Mills means business in the enforcement of the new curfew ordinance is apparent today. One officer reports 28 boys and girls under 18 sent home on the night the ordinance went into effect, and the number is gradually diminishing.

Elks Build Home.

SEATTLE, Nov. 16.—Ground is broken today for the beautiful new Elks home, to rise eight stories above the street. The Elks staged the ground-breaking services at 11 o'clock at night, the hour when all good Elks are supposed to raise high the flowing bowl and chant "To our absent brothers."

"Coppers" Must Stand.

PORTLAND, Nov. 16.—The Portland "copper" is today advised that under no consideration must he remain seated in a streetcar in the event that another passenger desires a seat. Meaning that no matter whether hobo or a millionaire is left standing in the shuffle for seats, the guardian of the peace must arise and offer his place.

Admitted to Probate.

LOS ANGELES, Nov. 16.—The will of General Homer Lea, who gained international fame as a strategist during the upheaval resulting in the creation of the Republic of China, is today filed for probate. The estate is valued at \$4,000.

Borrows Much Money.

LONDON, Nov. 16.—"Canada has been borrowing too much money. It is a magnificent country, but to read some English reports, one would imagine gold could be picked up in the streets. To do well in Canada a man must work hard and live frugally, and these essentials are being overlooked. Immigrants need not think they can go to Canada and live by their wits, and it would be far safer for the Dominion if she slowed down a bit." This is the opinion of Hon. Joseph Martin, former premier of British Columbia, in an interview on record here today.

Czar Watches Children.

ST. PETERSBURG, Nov. 16.—Captain Orloff, adjutant to the Czar is today pacing the Nevsky prospect in great perturbation. The Czar was leaning out of a window watching his daughters play tennis in the quadrangle below. Thinking that his majority was an intimate "pal," and unable to recognize his legs in the half-light, Orloff stepped up and slapping Nicholas between the shoulder blades said something, which in English would sound like: "Hello, old sport." Neither Orloff or the Czar have yet recovered from the shock.

BOY DROWNS WHILE FORDING THE RIVER

Father Saves Himself and Horses—Rapids Are Treacherous.

Donnie Lerwell, aged nine years, son of Mr. and Mrs. W. Lerwell, drowned last Sunday morning in the South Umpqua river near the mouth of Shively Creek, while attempting to ford the river in company with his father. The father and boy were both horseback and the former had crossed the stream, when the horse the boy was riding fell down in the swift current. Mr. Lerwell says the little fellow had hold of the horse when they first came to the surface,

APPARENTLY FRIGHTENED.

Apparently alarmed over the announcement that certain voters residing at Oakland, Sutherland and Glendale had requested the district attorney to contest the recent local option elections held under the home rule measure in the municipalities above mentioned, Attorney Elbert Hermann, chief counsel for the Roseburg Brewing & Ice Company, appeared before the members of the county court this morning and in a prolonged address attempted to disprove some imaginary allegations upon which he contended the district attorney would undoubtedly base his action. In speaking of Hermann's address this afternoon a member of the county court said he could not understand why Attorney Hermann should exert himself in behalf of the "wet" element of the towns mentioned, and most especially before the district attorney had filed a complaint or had intimated that he intended to contest the elections. During the progress of his address, Hermann stated that the district attorney would probably contend that the elections were held illegally for the reason that they were confined to a precinct and not to an incorporated town as provided under the terms of the home rule bill. Hermann practically admitted that at least two of the elections were faulty. Led to believe by Hermann that the elections were held illegally, the county court has decided to meet next Thursday, at which time District Attorney Brown will be given an opportunity to enter formal protest against the issuance of orders proclaiming Sutherland, Oakland and Glendale "wet" territory.

MERCHANTS' CARNIVAL.

One of the most novel and attractive entertainments of the season will be given next Friday evening. Fifty young ladies will represent the merchants of the city—in costume—and in pretty Grecian figures and drills. It promises to be one of the most unique attractions ever presented to a Roseburg audience.

Among the representations will be the Queen of the Brilliants, The Kodak Girl, the Preferred Stock Girl, Snow Drift Flour Girl, the News Boys, Apple Blossom Girl, the Bride, the Groom, the Jockey, the Chauffeur, the Red Cross Girl, Monopole Girl, the Club Woman, the Club Man and many others featuring the merchants in song and sketch.

DEAL AT HOME

For good tailoring call at 137 Jackson street. S. A. PHILLIPS.

A. C. POSEY, M. D. Specialist for Eye, Ear Nose and Throat Diseases. Eyes Fitted With Glasses. PARROT BUILDING ROSEBURG, OREGON