

Occasional Rain Tonight,  
Tuesday Fair.

VOL. IV.

ROSEBURG, OREGON, MONDAY, DECEMBER 2, 1912.

No. 20

## BREWERY CASE

Will be Tried by Judge Harris  
on December 20.

### MOTION TO QUASH OVERRULED

Judge Harris Holds That District  
Attorney Proceeded According  
to Law and That Notifica-  
tion Was Unnecessary.

Overruling the motion submitted by Attorney Dexter Rice, which in substance asked that the quo-warranto proceedings recently filed against the Roseburg Brewing & Ice Company be quashed, Judge Lawrence Harris, of Lane county, this morning set the hearing of the brewery for December 20. The case would have come up for hearing at this time had it not been for the fact that Judge Harris has important business awaiting his attention at Eugene.

The motion presented by Attorney Rice, appearing on behalf of the Roseburg Brewing & Ice Company, asked that the quo-warranto proceedings be dismissed for the reason that the defendants had not been given proper notice as required by law. In passing on the motion Judge Harris admitted that under the old common law it was necessary in some classes of cases instituted under a writ of quo-warranto to notify the defendants in order that they might appear and show cause, if possible, why the proceedings should not be instituted. He held, however, that under the case at issue the state had proceeded according to law and consequently it was not necessary to notify the defendants that such an action was contemplated.

Had the motion been sustained the result would have had no effect, other than compelling the district attorney to institute new proceedings.

A number of other cases were argued before Judge Harris during the adjourned term of court, all of which were taken under advisement. Court will re-convene on December

### LADIES AUXILIARY.

The regular monthly meeting of the Ladies Auxiliary of the Roseburg Commercial Club will be held in the club rooms Monday evening, December 2. Several matters of importance are to come before the auxiliary at this meeting and all members are requested to be present.

MRS. W. L. WALSH, Sec.  
1007-d2

20, when the quo-warranto proceedings will be tried on its merits.

### PALACE THEATRE SOLD.

Manager Oliphant Sells Fixtures to  
Hensley Brothers and Wood.

Another business change was made effective late Saturday night when Manager C. E. Oliphant sold the Palace theatre to Hensley Brothers & Wood. The deal had been hanging fire for several days on account of the inability to obtain a lease. The building in which the theatre is located is tied up in litigation and the administrator could not give any definite term lease. However, the matter was straightened out satisfactorily to all parties concerned. It is the intention of the new owners to conduct the Palace on the same high scale as has Mr. Oliphant in the past.

In the two years that Mr. Oliphant has been here as owner and manager of the Palace he has built up a reputation for himself as a successful manager. He has given the theatre going public here a better quality theatre than Roseburg has ever had. His road shows have been clean and well selected. His pictures have been of the highest character and educational in value for the most part. In fact he has raised the plane of the theatre in this city and his decision to leave Roseburg has been learned with deep regret by his many friends in this community.

James Moon, local agent for the New York Life Insurance Company, returned here last evening after ten days spent at points in the northern part of the state.

## TWO CANNERIES

Heavens Brothers Will Locate  
Plants at Greens and Riddle.

### WILL BEGIN BUILDING SOON

Every Piece of Canned Goods Will  
Bear On It the Slogan "Pro-  
duced in Oregon"—Will  
Have Three Brands.

Within forty days the sound of hammer and saw will ring out at Greens and a modern cannery will be in process of construction. The citizens of that community have donated enough and beside the S. P. switch there to locate the plant and in addition they have agreed to bring water from springs and the river to the cannery, a distance of nearly 5,000 feet. Greens is located on the Southern Pacific railway about four miles south of Roseburg and is reached by a good wagon and automobile road. It is a growing and prosperous community and has many hundreds of acres round about it under cultivation.

H. A. and Fred J. Heavens are the men who are going to engage in the cannery business there. They came here about a month ago and looked over the available sites for a cannery. Many inducements were extended to them by the citizens of several communities in this county. Glendale, Riddle and Greens were the fiercest competitors for the can-

nery and committees from these localities kept things moving for the past few weeks in their efforts to get the location. It was definitely decided last Saturday that the first plant should be built at Greens. It is not the intention of the Heavens Brothers to abandon the plan to put in canneries at the other places. In fact it is more than probable that at least one other plant will be started within the next sixty days. While the location is not definitely known it is said that Riddle will be the place.

In speaking of the project to a News representative Mr. Fred Heavens said "We have fully decided to go ahead with the plant at Greens. This plant will take care of the business of this end of the county for at least a year and perhaps longer. We want to locate a plant in the southern part of the county and our present intention is to build a plant there, very likely at Riddle. We feel that the business of that section of the county demands a cannery and we want to put one there. While the details of organization are not yet complete it is pretty nearly assured that Riddle will have a cannery."

"What kind of produce will you put up and what will be your brands?" was asked by the News reporter.

"We will put up all kinds of vegetables, berries and fruit. We are going to have three brands. Our leader will be 'Heavens' brand. The other brands will be known as Umpqua and Douglas. It may be possible that we will not be able to copyright the Umpqua brand, but if so we will adopt some other equally appropriate name."

"Every piece of goods that we will put out will bear on its label 'Produced in Oregon,'" said Mr. Heavens. "We are going to put up one, two and a half and five gallon packages of various products for the hotel trade. This is something new in the canning business, but we feel that it will be successful for the reason that the hotels everywhere are anxious to get a canned product in this sized package."

It is probable that if the plans of Heavens Brothers are carried out that within the next few years a series of canneries throughout Douglas county will be in complete operation. One cannery will be placed in operation at Edenbowen within the next eighteen months. Others will be built as the needs of any community demand.

The Heavens Brothers come to Roseburg well recommended. They are energetic young men of wide experience. Their families are already here and Roseburg will be their headquarters for the operation of their plants. This part of the country is fortunate in having them come here at this time when canneries are so much needed.

Paul Gary and wife, who were married here Saturday left for Riddle this morning where they will make their future home.

## U.P.S.P. MERGER

Dissolved by Decision of Supreme Court.

### VIOLATING THE SHERMAN LAW

Ruling of Lower Court Sustained—  
New and Old Cardinals Wor-  
ship Pope and Kiss the  
Foot of Plus.

(Special to the Evening News.)

WASHINGTON, Dec. 2.—The immediate dissolution of the Harriman merger of the Union Pacific and Southern Pacific companies was today ordered by a supreme court decision. This is the culmination of a suit started by the government in 1907, and every federal contention has been maintained. The basis of the prosecution was that the merger was doing business in violation of the Sherman anti-trust law. The plea advanced by the railroad companies was that the "rule of reason" should prevail, but this contention was swept aside by the court, it being held that the defendants were "unreasonably restraining trade."

The court held that the attempts of the Harriman interests to acquire the Northern Pacific, Santa Fe and Salt Lake routes constituted an illegal act, and also sustained the lower court in this part of the case. Judge Day then read the opinion, which in part said: "The court has reached the opinion that the Union Pacific and Southern Pacific railway companies were competitors prior to the merger. Since the acquisition of this stock the dominating power has suppressed competition between the systems and effected a combination in restraint of interstate commerce. The courts are required to forbid the future transactions of such acts, and therefore enters a decree effectually dissolving the combination."

### Tripple Alliance Renewed.

BERLIN, Dec. 2.—The tripple alliance between Germany, Austria and Italy was today renewed for another three-year term, according to announcements made here.

### Pleads Not Guilty.

BUFFALO, Dec. 2.—A. V. Hekey, the self confessed murderer of little Joseph Josephs, today entered a plea before the court of not guilty.

### Kissed Pope's Foot.

ROME, Dec. 2.—At a public consistory in the sacred college today the pope conferred the red hat upon three Spaniards and two Austrians, these being the last of eighteen cardinals who were created a year ago, these five being those who had not heretofore received the final insignia. As Pope Plus was borne into the room music by the Sistine choir greeted his entrance. As a mark of their reverence for the pope all of the cardinals, including new members, approached and humiliated themselves by kissing the foot and hand of Plus, then the red hat was imposed on the five men by his eminence.

### JONATHAN W. MULLEN EX-PIRES YESTERDAY MORNING.

Was One of Roseburg's Best Known  
Residents—Had Served Two  
Years as Councilman.

Jonathan W. Mullen, aged 62 years and for the past quarter of a century a resident of Roseburg, died very suddenly at his home in North Roseburg shortly after three o'clock yesterday morning.

Mr. Mullen was a native of the State of Maine where he lived until reaching the age of maturity when he moved to Chicago. During his residence in the Illinois Metropolis Mr. Mullen was employed for a time by the Chicago & Northwestern Railroad Company and was a close friend of Raymond Hewett, one of the best known traffic managers in the entire United States.

Leaving Chicago Mr. Mullen went to Colorado where he was engaged in mining for a number of years. While in that State Mr. Mullen was seriously injured as the result of a premature blast in one of the mines and for several months thereafter was confined in one of the large hospitals in St. Louis, Mo. As a result of the injuries sustained Mr. Mullen

### MASQUERADE BALL.

The Looking Glass Grange will give a mask ball at the Grange hall in Looking Glass on the evening of December 31. Supper will be served at Howard's.

WALTER JONES,  
EUGENE OLLIVANT,  
I. M. MATTHEWS,  
Committee.

d30

len lost the use of one of his eyes, while the other was materially affected.

Following his dismissal from the hospital Mr. Mullen came to Oregon and after visiting various localities located in Roseburg. For a time following his arrival in Roseburg Mr. Mullen was engaged in the contracting business. One of his first contracts was that of excavating for the Odd Fellows temple situated at the corner of Cass and Jackson streets. Mr. Mullen later engaged in the draying business, and continued in such a capacity until about four years ago when he was compelled to retire as the result of an accident.

Since his retirement from active life Mr. Mullen spent much of his time about his home. He was a lover of animals and took special delight in breeding fine poultry. Mr. Mullen was one of the men responsible for the formation of the local poultry association, and through his untiring efforts the initial poultry show held here a year ago proved a great success.

During his residence in Roseburg Mr. Mullen served two terms as councilman, and in this capacity he proved himself an efficient official. Mr. Mullen was a man who spoke as he thought, regardless of public sentiment. As a member of numerous important municipal committees, Mr. Mullen was always found alert to assist in those matters which he believed would prove beneficial to the city and its inhabitants. Mr. Mullen also served on the board of managers of the Oregon Soldiers' Home during the years of 1892 and 1893 under appointment of Governor Pennoyer. In this capacity he proved himself an attentive official, and was always found striving to better the conditions of the unfortunate men who in their declining years were forced to accept the hospitality of the state and government.

Other than leaving a wife, Mr. Mullen is survived by one son, John C. Mullen, city attorney of Springfield; a step-daughter, Mrs. S. S. Josephson, of Roseburg, and a brother, Charles Mullen, of Portland.

The funeral was held at the chapel of the Roseburg Undertaking Parlor at 10 o'clock this morning. Interment of the remains following in the Masonic cemetery. Funeral services were conducted by Rev. Charles Wilson Baker, rector of St. George's Episcopal church. The funeral was attended by the members of the council and city officers as well as by hundreds of friends and acquaintances of the deceased. The floral offerings were numerous and beautiful.

Mr. Mullen was a man of affectionate disposition and a true type of the Oregon pioneer. He was a person who believed in progression and was not content to live in the past. As a citizen and neighbor he was upright and honest and his sudden demise is deplored by his many friends and acquaintances.

Mr. Mullen was first stricken with illness about three months ago, and soon after went to Walla Walla, Wash., where he spent some time in hope of regaining his health. For a time he appeared to improve, and about six weeks ago he returned to Roseburg. Following his return here he continued to grow stronger, until about ten days ago when he suffered a relapse. Although considered in a serious condition the attending physician held out hopes and at no time did he believe the patient in danger. Although bedfast, Mr. Mullen appeared in the best of spirits Saturday evening and for a time enjoyed a social chat with his family. Shortly before three o'clock yesterday morning, Mrs. Mullen was awakened to find that her husband was attempting to sit up in bed. A brief conversation followed, when Mr. Mullen laid down as if in search of sleep. A moment later the patient gasped and expired without a struggle.

## A. C. POSEY, M. D.

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