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BANANA CAR BOOZE ON TRIAL AGAIN

Car Inspector Testifies That Pinkerson Told Him He Had Liquor In Car.

ANOTHER TEST IS MADE

Sheriff Quine Gives Expert Testimony—Says "That's Whiskey"—Two Sacks of John Barley-corn Admitted Evidence.

The taking of testimony in the case of the State of Oregon vs. P. D. Pinkerson, on trial charged with the violation of the prohibition laws, was commenced in the circuit court this morning before a jury composed of Howard Pennell, C. F. Blundell, Edward Hancock, M. F. Rice, F. D. Owen, H. Bartholomy, Henry Croucher, W. S. Connine, J. M. Gross, F. H. Appelhoff, John E. Lewis and Harry A. Winston.

It will be remembered that P. D. Pinkerson was arrested by Sheriff Quine September 24, accused of having shipped a quantity of counter-banned liquor into this city from some California point, concealed in the refrigerating compartment of a P. F. E. car. The case came to trial for the first time before Judge Riddle in the justice court at which time the defendant was found guilty and was sentenced to pay a fine of \$400 and serve 60 days in jail. Attorney Seneca Fouts, of Portland, counsel for the defense took the action to the circuit court on appeal.

J. H. Laughter, at the time the booze was supposed to have been removed from the freight car, was employed at the Roseburg ice plant and on the witness stand this morning told of having seen the defendant, Mr. Pinkerson, near that place on September 24, 1917, and that Pinkerson used the telephone there on that date to summon a jitney.

Glenn Patrick then took the stand and upon being interrogated by Prosecuting Attorney George Neuner stated that he was acquainted with the defendant, Mr. Pinkerson, and that on the 24th of September, 1917, he (Patrick) was operating a car for hire in this city. Continuing Mr. Patrick told of having received a call from the old brewery on the above date and upon arriving there was met by Pinkerson, who placed two sacks of some article in his car and ordered him to drive cityward. In compliance, the witness said he next stopped for a few minutes on the corner of Lane and Rose streets. "Pinkerson got out of the car," said Mr. Patrick, "telling me to wait until he got back. I waited 10 or 15 minutes and then drove to the corner of Oak and Rose streets and left him (Pinkerson) there. I was told to drive around the corner and a man would meet me there. "Was the man there?" interrogated the prosecutor. "Yes," replied the witness. "What kind of a looking man was he?" was the next question. "Kinda short. I didn't pay much attention to him. He took the sacks out and I drove on." When asked for a better description of the man who removed the sacks, Mr. Patrick stated that as he remembered it the man was dressed in a dark suit and was of short and rather heavy build.

On cross examination Attorney Fouts attempted to refresh the witness' mind as to an alleged conversation he held with Pinkerson on the corner of Cass and Rose streets recently, at which time others were present, about being scared into making a statement to District Attorney Neuner, which was taken down on a typewriter by a stenographer. Mr. Patrick in reply to a question of this nature stated that he remembered no such conversation and after being interrogated at some length further was excused.

Charles Dorran, a car inspector employed by the Southern Pacific Company, was the next witness called and his testimony proved to be very damaging to the defense.

Mr. Dorran said that on September 24, 1917, he was in the railroad yards as usual, and was engaged in inspecting a train, he saw the defendant, who approached the rear of the train in question, walking along the cars and peering at the car numbers. Evidently finding the one he was looking for he climbed up on top and pulled on the seal (the witness did not testify that the seal was broken) two or three times, at the south end of the car. He raised the lid and looked in, later coming down. "Where were you?" asked Attorney Neuner. "Standing looking at him," was the quick reply. "What did he say?" "He said he was going to call a jitney." "Where did he go?" "In the direction of the old brewery." "Then did you see him again?" "Not till he came back." "Did he say anything?" "Yes. He said he had 20 sacks of booze in the car and wanted me to help him down with it. He offered me a bottle if I would assist." "Did

you see him take the sacks out?" "No." "Did you see him with them?" "No." "Q. "You say he offered you a bottle to help him?" "A. "Yes." "Q. "What did you say?" "A. "I told him I was too busy at that time."

The witness testified that he later tried to purchase a bottle from Pinkerson, who told him that he couldn't sell him any as he was getting \$5.00 a bottle for it and he didn't want to charge the railroad boys that much. Mr. Dorran was cross examined at some length and excused. Attorney Fouts could hardly see how a man would turn down a bottle that he could have had for nothing and then try to buy one.

Special Agents James Mahoney and Maurice Cotturri were called in turn, but were not interrogated at any length.

Sheriff Quine, next to be called to testify, told of having been summoned to the railroad yards on the morning of September 24, 1917, and of finding 22 sacks of "Old Skipper" whiskey concealed in the refrigerating compartment of a banana car. This consignment the officer said was removed from its hiding place and transferred by automobile to the county jail where it was placed in a cell. Two sacks, containing 12 bottles each were in the court room and as Mr. Quine was finishing his testimony, Prosecuting Attorney Neuner offered them as evidence. Here an objection was raised by Attorney Fouts, who held that the contents of the bottles had not been proven to be whiskey. There being no other evidence recourse Sheriff Quine was asked whether or not he was a judge of whiskey. "I ought to be," said the officer, with a show of rube-scent. A cork screw was produced and after some effort the sheriff removed "said cork" and taking his place on the witness stand raised the bottle of firey fluid to his lips and drank therefrom. At this juncture several jurymen grew noticeable restless and there was a general squinting all over the court room, which finally burst into laughter when the sheriff said, "That's whiskey." Judge Hamilton, taking the officer's word for it, admitted it in court as "strong evidence."

Mr. Quine then told of placing Mr. Pinkerson under arrest and also related the fact in regard to searching his home on September 24, 1917. Nothing of an incriminating nature was found there, however.

Mrs. J. H. Laughter then took the stand and told of seeing Mr. Pinkerson seated in a jitney near the old brewery on the day the booze was supposed to have been removed from the banana car. On cross examination Attorney Fouts attempted to confuse Mrs. Laughter, as to the identity of the person she saw in the auto, but his endeavors failed in this connection, when the lady excitedly pointed to the defendant, who was seated near by and exclaimed forcibly "I know that's the man." Here Attorney Neuner rested his case, as far as testimony was concerned.

Frank Fenders was then called by the defense. Mr. Fenders stated that he was employed as a car inspector and that he was present in the railroad yards on the morning of September 24, but upon being interrogated further said he did not see Mr. Pinkerson on or near the train in which the banana car was incriminated, when the lady conversationally testified, to by Charles Dorran, for the state. He admitted, however, that such an occurrence could have taken place without his knowledge, and after answering a few other questions was excused.

The defendant, P. D. Pinkerson, took the stand shortly before the noon recess was called and denied that he placed the two sacks of liquor in the jitney as testified to by Mr. Patrick and he further denied that he was in any way implicated with the delivery of the cargo.

Attorney James Watson was placed on the stand by the defense early this afternoon to give evidence relative to a certain bit of testimony that Mr. Patrick gave at the original trial in the justice court wherein Mr. Patrick was reluctant in identifying the defendant as the man who placed the sacks in his car. Later, Mr. Neuner was called on the stand and admitted that Mr. Patrick was a little reluctant in identifying the defendant, but upon being refreshed as to a statement that he had made in the presence of the district attorney and Sheriff Quine which was taken by a stenographer prior to the trial, the witness readily admitted that Pinkerson was the man who had summoned him to the old brewery and placed the two sacks in question in his automobile.

The testimony being all in, Prosecuting Attorney Neuner offered his argument before the jury and it is highly probable that the case will not be in the hands of the jury before late this evening.

After receiving their instructions from Judge Hamilton the jury retired to deliberate at 4:15 this afternoon.

AN IMPROVEMENT ON S. P.

One of the latest and most convenient improvements that the S. P. is capable of adding is that of inaugurating a dining car service on train No. 17. This section leaves Portland at 2 p. m. and arrives in this city at 10 p. m. It is thought that this service will add much travel on this train and will be appreciated by the public to a great extent.

SENSATIONAL DAMAGE SUIT NEXT

Emma Teague, Divide, Seeks \$1000 Recompense For Brutal Attack.

ACCUSES SWEETHEART

Plaintiff Alleges Injuries Culminating From Unpleasant Relations With Defendant Necessitated Expenditure of Large Sum.

Following the Pinkerson case, comes the action brought by Miss Emma Teague, of Divide, who is asking for \$1,000 damages from Albert Long, also of that place, for bodily injury culminating from brutal attacks at her hands. The mere slip of a girl tells a pitiful story. It seems that she had been keeping company with the defendant for some time and on one occasion when he called at her home the plaintiff alleges that Long wrongfully, unlawfully and against her consent brutally assaulted her person. Not long after this the defendant called at her home again and presented her with a box of candy and, it is alleged, spoke as if he was repentive of his actions and desired to make amends. Miss Teague, not wishing to have her parents know of her disgrace left the house with Long, who after walking a short distance suddenly attacked her again, and then calmly informed her that he was infested with a contagious venereal disease and that the only rightful thing for her to do was to marry him. Stunned with the sudden realization of facts that confronted her, fearful of the consequences should her parents learn of her predicament, and having no funds with which to procure treatment, the girl, so it is said, partially agreed to become his wife.

It is then alleged that Long went to Eugene and remained at that place for some time and later returned to Divide and told the plaintiff that his infections had been eradicated. Not long after this the girl was again brutally assaulted, and a few weeks later he accused the plaintiff of inoculating him with an unwelcome affliction and mockingly told her that he could get back into society but that she could not.

Leaving home in utter distraction she sought medical aid and since that time she alleges that several hundred dollars have been expended in an attempt to regain lost health, but that she has only been partially successful in this respect. The plaintiff further sets forth that her parents are poor and that she should rightfully recover damages from the man who caused her downfall and locked the doors of society against her forever. No witnesses will be summoned in the case, which promises to be of a sensational character from a point of testimony. Attorney Elbert Herman appears for the defense while the plaintiff's interests will be looked after by Attorney L. B. Sandblast. The action will probably come up for hearing early tomorrow morning.

RUSSIANS PUTTING UP SHOW OF FIGHT

(By Associated Press.)
NEW YORK, Feb. 28.—German advance into Greater Russia is apparently meeting with considerable resistance, considering the inefficiency of the Slav forces, and Hun armies have been unable to make great headway toward Petrograd since capturing Pskov. A Petrograd correspondent of the Exchange Telegram says that he has reliable information that the Germans have been ordered to halt their advance.

On the western front German airplanes are showing a great deal of activity over the American sectors. British shipping losses for the week show an increase over those of the recent weeks.

SON OF GOVERNOR EXPECTED RECOVER

(By Associated Press.)
SALEM, Feb. 28.—Word has been received from Washington that following a consultation by six surgeons it was decided that Earl Withercombe, son of Governor Withercombe, will recover from the long illness that has kept him in the hospital, dating from the long illness that has kept him in the hospital, dating from before the sailing of the Tuscania, he being among those who were directed to take passage to France.

MOVE ON FOOT TO PROTECT SUPPLIES

Japan Is Suggesting Joint Military-Naval Operations At Vladivostok.

VAST AMOUNT STORES

Hundreds of Railway Locomotives and Auto Trucks Intended for Russian Use Involved—Germans May Seize Property.

(By Associated Press.)
WASHINGTON, Feb. 28.—Japan's move to develop a feeling for joint military operations with the United States in Siberia, in order to keep vast army stores in Vladivostok and the Trans-Siberia railway from falling into the hands of Germany, is being widely discussed by officials in Washington at this time. It is admitted that exchanges of opinion are proceeding for an understanding between the two nations. It is feared that unless concerted action is taken quickly that the immense amount of military supplies, including railway locomotives without number and several thousand motor cars and munitions of war, which have been paid for by the United States and shipped from this country to Russia, will be seized by the Bolsheviks or German officials.

(By Associated Press.)
TORONTO, Feb. 28.—Colonel Chambers, chief of the press censor for Canada, announced today that there is no truth in the report that the ban has been lifted on the Hearst publications or the International News Service. Those regulations are being rigidly enforced both in Canada and England against them both.

(By Associated Press.)
WASHINGTON, Feb. 28.—Four United States soldiers who were asleep at their post, while doing guard duty in first line trenches were court martialed and sentenced to death. General Pershing, loth to carry out the sentence, has referred the cases to the war department for review, although he has authority to order the verdict carried into effect.

(By Associated Press.)
WASHINGTON, Feb. 28.—On Prosecutor Keney's recommendation the federal trade commission has asked congress for speedy and special legislation calculated to lay bare the confidential files of the great meat packing concerns, and disclose the alleged plans of the government for taking complete control of the meat packing industry of the country.

(By Associated Press.)
LAKE CHARLES, La., Feb. 28.—Lieutenant Wm. McGill, of Jersey City, was fatally hurt, and Lieutenant Tolland Colman, of the marine corps, slightly injured when their airplane fell from an altitude of 250 feet late yesterday. McGill died soon after the accident.

SAWMILLS WILL WORK EIGHT HOUR SHIFTS

(By Associated Press.)
PORTLAND, Feb. 28.—Colonel Disque, who has charge of spruce production in the northwest, makes announcement that the basic eight hour day, beginning March 1 for all northwest camps and lumber mills, was decided upon voluntarily by operators and not demanded by the government. When Col. Disque returned from Washington, yesterday, he did not know that such action had been taken. Following an all day conference the mill operators favored the action, and offered to let the government take over the saw mills, or to operate them in any manner that may be desired. Col. Disque stated that it may not be necessary for the government to take over the actual management of the spruce and fir industries, but he has taken entire control of the situation, however. No announcement as to wages or overtime has been made by the operators.

LIVING COST GOES UP ANOTHER NOTCH

(By Associated Press.)
WASHINGTON, Feb. 28.—The bureau of labor statistics today announced that retail prices of food products have increased two per cent from December 15 to January 15, making a 25 per cent increase in the year ending January 15.

FIRE INSPECTORS FILE THEIR REPORT

City Schools and Public Buildings Gone Over and Suggestions Made.

RISKS ARE POINTED OUT

Two Hundred and Thirty-Two Places Inspected, Including Two Picture Houses, Six Schools and Six Churches.

Gus W. Stokes and Gilbert W. Allen, deputy state fire marshals, who recently made a thorough inspection of this city in the business district, have filed their report, a copy of which has been furnished The Evening News. A complete inspection was also made of all the school buildings in the city with the result that a number of recommendations were made as to better efficiency for fire protection in a number of them, and a copy of their findings has been placed in the hands of the local school board with several recommendations outlined that will afford better protection to the school children if placed in operation. Generally speaking, however, the school buildings in this city compare very favorably, in fact, are much better from the standpoint of fire protection, than will be found in the average city the size of Roseburg, and with the few recommendations carried out as outlined by the fire commissioners fully and safe protection would be accorded the pupils of any school in the city.

A comprehensive report was made of the business district of Roseburg, and many suggestions and recommendations made to eliminate present fire hazards. A summary of the inspection is as follows: with the recommendations offered by the fire marshals:

There were 232 places inspected including two picture houses, six schools, and six churches. Of the above places we found:

Fifty-nine places with defective wiring; 39 places where floors and walls were unprotected from stoves, 47 buildings with exposed and unprotected openings, 32 places with an accumulation of rubbish, 13 places where gasoline was improperly kept, 22 ordered metal cans for oily waste, 35 defective stoves, pipes or flues, 14 ashes in wooden, or paper receptacles, 9 ordered drip pans for waste oil, 23 metal cans ordered for trash and ash cans.

The following recommendations are offered by the fire marshals to eliminate some of the present fire risks:

First: That for the purpose of elimination and prevention of fire hazards, provision be made for the inspection of buildings in the business district. Such inspection work should be placed in the hands of experienced authority, who is competent to pass upon the system of wiring, plumbing, heating, ventilating, fire protection, etc., of buildings in course of construction, as well as to the safety of such systems already installed. That the result of such inspections be made a permanent public record.

Second: That an ordinance be enacted and enforced requiring that when more than five gallons of gasoline are kept within the city limits by any person, persons or firm, except when in tank of gasoline vehicle, that it be properly stored underground and that when less than five gallons of gasoline be kept within city limits by any person, persons or firm, that the same be contained in an improved metal safety can.

Third: That an ordinance be enacted and enforced, requiring rubbish, garbage and waste matter be collected and removed at least once each week from the district within the fire limits.

Fourth: That an ordinance be enacted prohibiting the starting of fires in front of buildings or on vacant lots, without first obtaining a permit from the fire chief.

Fifth: That an ordinance be enacted compelling the gas company to install a valve on all gas mains previous to entering buildings, so that the gas may be readily turned off in case of fire.

Sixth: That an ordinance be enacted requiring all chimneys now or hereafter to be built, must and shall be built from the ground up.

Seventh: That an ordinance be enacted requiring modern installation of dry cleaning establishments, when located within the fire limits.

Eighth: That ordinance be enacted requiring vacant buildings to be securely fastened and locked.

Ninth: That ordinance be enacted requiring chimneys to be cleaned at least once a year.

Tenth: That the electrical inspector be given the power to condemn and have defective wiring removed within the city limits.

Eleventh: We urgently recom-

mend that the fire hydrant be given more care and attention. In that the stems be oiled, and that in closing the valve care should be taken not to jam the valve down on the bowl. It was found, while taking the water test, many hydrants were in bad condition, it being difficult to open them, and many were leaking from stem and cap.

HONOR GUARD VAUDEVILLE BIG SUCCESS

One hundred patrons were turned away from the Honor Guard vaudeville last evening because of the S. R. O. house and those who were fortunate to view the various acts declared it to have been most successful from start to finish. The Odd Fellows orchestra contributed excellent music throughout the evening and the various acts were tremendously appreciated by the large audience. The opening overture by the orchestra was especially good, and that it was appreciated was attested by the liberal applause given. The success of the affair was greatly added to by Mr. Alfred May, who kindly furnished the make-up of the different characters.

The 15 minutes of magic as portrayed by Prof. Roy E. Bellows, was well received, as were the Jazzy-Jax girls featuring Lucille French, Maxine Sykes and Maybelle Miller. The Page, Shambrook & Page trio, in their comical "Pantaloons" act, and the beautiful solos by Mrs. Robert Klaid, received their share of applause. Mr. May also gave a clever Colonial impersonation. The skit, "Heaven Help Us," was a riot from start to finish. The show was considered very good and the Honor Guard girls have been requested to stage the various acts again tomorrow night for the benefit of those who did not have the opportunity of procuring a seat last night.

The splendid sum of \$124 was realized from the vaudeville and this will be used for purchasing yarn, which will be knit into sweaters for the boys of the 16th Columbia. The Honor Guard girls are very grateful to the Roseburg people who so kindly gave their liberal patronage. The show tomorrow evening will start promptly at 8 o'clock and several new features have been added to make the performance even better than that of last night.

HORSE THIEVES GET BUSY NEAR THE CITY

That horse stealing is not a lost art in southern Oregon is proven from the fact that within the last month a fine 4-year-old Percheron filly was stolen from the Miller pasture about two miles northeast of the city. The animal was missed by the owner, R. M. Wood, some three weeks ago, and he has been doing some investigating in a quiet way since that time, and after carefully going over the pasture, trailing up the clews, he and others with him found evidence that shows how the animal was taken out of the field.

The thief was apparently somewhat acquainted with the lay of the country, and carefully laid plans for getting away with the animal. The filly wore a halter, and catching her, the thief or thieves, led her to the north side of the pasture, carefully removed the staples from the post holding up the wire fence secured a piece of oak for prying down the wire, and then laid a heavy, broken part of an oak tree limb across the wire to hold it down, coaxed the animal over into the Leadbetter pasture, and from thence to other localities. In covering up the method of getting the animal out of the pasture, the horse thief failed to replace the pieces of oak timber used, and they were secured as mute witnesses of the manner in which the fence was tampered with. Mr. Wood came to town last night, after securing sufficient evidence to show him something of the procedure followed and the matter was laid before the authorities. Sheriff Quine will at once begin a systematic search for the thief and the animal. The filly is described as being a dark iron gray, at this time of the year almost black, with a heavy white stripe full length of face, hair on nose worn to skin where halter has rubbed, long mane and tail with a slight sprinkling of gray in tail, and showing evidences of being in foal. She will weigh around 1100 or perhaps a little better, and is of blocky build. The owner is offering \$50 reward, \$25 for information leading to apprehension and conviction of the party or parties who stole the mare, and \$25 for information leading to recovery of the animal. Sheriff Quine will be glad to take up the matter with any one locating the animal, and this will lead to apprehension of the guilty parties.

Hoof prints on the ground around the spot where the filly was driven over the lowered fence show that

GASES POISON OVER SIXTY U. S. SOLDIERS

Death Struggles of Stricken Men Graphically Told In Dispatches.

DOCTORS CURSE HUNS

Righteous Anger of Every American Stirred to Boiling Point Over Hun Atrocities—Soldiers at White Heat of Temper.

WITH THE AMERICAN ARMY IN FRANCE, Feb. 28.—Wednesday night United States soldiers occupying a sector on the French front were subjected to a second gas attack, but it was less effective than the attack of the preceding night, when five men were killed and sixty-one soldiers badly poisoned by the deadly fumes arising from exploding gas shells. Most of the injured men will fully recover within a short time, but some of them were less fortunate. It appears that the attack came early in the morning, just before daylight, after an all night rain, when the atmosphere was heavy and the gasses likely to hover near the ground for some time. Following a sudden glare from the German guns the deadly explosives began dropping in the United States sector and the gasses spread so quickly that many Americans were caught before they were able to adjust their gas masks, and those unfortunate men were soon gasping for breath. Just as quick as possible the poisoned soldiers were carried to the nearest field hospital. Eye-witnesses of the scene stated that a little child could not look more helpless than those athletic soldiers as they were brought in, their massive chests raising and lowering the bed coverings as they fought for breath. Then their breathing grew more difficult and louder, choking convulsions following in a few minutes.

Temporary relief was obtained by use of oxygen tanks, and the victims eagerly drank the oxygen through rubber tubes. As the poisoning from gas continues the victims struggle for air like drowning men, and with closed eyes and blue, pinched features these gassed Americans fought for life, being given every aid that the surgeons could devise. It was stated that the struggles of the poisoned men could be heard 100 feet away, and as the doctors, most of them Americans, worked tirelessly to give relief to the suffering soldiers, they were stirred to anger and hatred against a power that would ruthlessly strike men down with such a diabolical invention as poisoned gas. As sufferings of the men reached the crisis their hands were outstretched as if summoning help, their fingers extended, their bodies stiffened, there was a sudden foaming at the mouth and then death came as a welcome relief from the terrible ordeal.

The death of these victims of German gas has stirred the entire personnel of the United States army in France to the sizzling point, and the red-blooded fighting forces of Uncle Sam realize as never before that the boches require drastic treatment and no quarter. Even the fighting blood of the most cringing pacifist, if such people have any heart at all, would boil at fever heat could they but see the terrible agony endured by boys who are poisoned by the fumes from the gas shells. Doctors allege that the final act of brutality that may be expected from the Hun is a gas attack on the hospitals where the injured men are slowly choking to death.

SHANNON BOND IS SAFE IN FRANCE

Shannon Bond, of the 5th battalion of foresters, 20th regiment, has arrived safely in France, according to word just received today by Roseburg relatives of the young soldier. Mr. Bond is a well known young man of this city, and his many friends are glad to hear of his safe arrival over seas. A good many thought he was among those sailing on the Tuscania, but it will be remembered that it was the 6th battalion that was aboard the ship when she was torpedoed. There are no particulars of his trip over, just the official postal release at Washington when the ship made port safely.

she was averse to going over, but this was finally accomplished. It has been some time since horse stealing has been indulged in around this section of the state, but some one, whose identity is already not altogether obscured, it is alleged, knows how it is done.