

EVENING ROSEBURG REVIEW.

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ROSEBURG, OREGON, SATURDAY EVENING, JULY 8, 1905.

No. 74.

COURTS TO DECIDE

West Roseburg: Independent or a City Ward?

PETITIONERS GAIN A POINT

Granted Privilege of Forming City of Their Own—Council to Take Them in Anyhow.

and is embodied in the following description:

"Beginning at the west bank of the South Umpqua River at the corner of the lands owned by J. C. Fullerton and O. F. Godfrey, in tp. 27 s., r. 6 west, running thence on the line of the land of the said O. F. Godfrey northerly to the Coos Bay road, thence north on the east line of the John Leaser donation land claim to the west bank of the South Umpqua River, thence following the meanders of said river easterly and southerly to place of beginning."

The petition specified further that an election to determine whether a majority of the voters within the limits described are in favor of the proposed new incorporation, will be held on September 4, 1905. At the same time there are to be chosen, if pro-incorporation carries, three trustees, a recorder, a treasurer and a marshal.

Before the West Roseburg people can form an independent municipality, however, they will have to stand a battle in the circuit court against the City of Roseburg. Members of the council were busy consulting with attorneys here today, preparing for a contest in the courts. Just what action will be

taken by the city or when it will occur has not yet been announced. Members of the council stated today that the original plan of annexing West Roseburg, as well as North Roseburg, as a ward, will be carried out to the letter just as if no action to the contrary had been taken by the residents of West Roseburg. At the special meeting of the council on the 13th of this month, the territories of West and North Roseburg will be declared annexed to the city proper and two qualified residents of each district will be named to represent their respective wards in the council.

STRONG EVIDENCE

Introduced Against Williamson and Van Gesner.

THREE WITNESSES TESTIFY

Van Gesner Paid Fees and Designated Land—Atty. Heney Sued For \$50,000 Damages.

Special to Evening Review.

PORTLAND, June 8.—Admissions damaging to the defense were made this morning in the trial of Congressman J. N. Williamson and his partner, Dr. Van Gesner, charged with subornation of perjury, by three witnesses, Campbell Duncan and Green and Henry Beard. These witnesses stated that they had made entries on timber land at the request of Van Gesner, who advanced the necessary filing fees and \$75 additional, Van Gesner indicating the land to be filed on. Henry Beard admitted that he perjured himself in making final proof on his claim.

A letter written by Dr. Van Gesner to Henry Beard was introduced by Prosecutor Heney, wherein Van Gesner advised Beard that the interior department had a tip on what was going on and that he had better relinquish his claim to keep out trouble.

BEGINNING OF TRIAL.

PORTLAND, Or., July 8.—One more notable legal battle began yesterday morning in the federal court when Congressman John N. Williamson, his partner, Dr. Van Gesner, and Marion R. Biggs, former United States commissioner at Prineville, were placed on trial, charged with conspiracy to secure public lands through subornation of perjury. A jury was secured before court adjourned at noon, and during the afternoon the opening statements to the jury were made by attorneys for the prosecution and defense. The government then began the presentation of its case.

The jury was secured with unexpected expedition. Only 20 men out of the panel of 90 were examined and of these five were peremptorily challenged, three by the prosecution and two by the defense. Three others were challenged for cause by the defense or excused by the court. Six of the jurors selected are farmers, four are merchants and two are manufacturers.

The jury was secured as follows:

August Binn, grocer Heppner, Morrow county.

August Carlson, manufacturer, Portland.

Webb Mast, farmer, Coos county.

Barney May, merchant, Harrisburg, Linn county.

M. V. Thomas, farmer, Bull Run, Clackamas county.

G. O. Walker, farmer, Walker, Lane county.

J. E. Henkle, merchant, Philomath, Benton county.

W. P. George, restaurant keeper, Salem, Marion county.

J. W. Williams, farmer, Junction City, Lane county.

S. L. Burnough, farmer, Elgin, Union county.

O. H. Flook, farmer, Olalla, Douglas county.

W. O. Cook, bricklayer, Eugene, Lane county.

Congressman Williamson, the central figure in the case, appeared early accompanied by his partner, Dr. Van Gesner. The third defendant, Marion R. Biggs, was also in court. The attorneys for the defense are Judge A. S. Bennett, who was associated with Sen. Thurston in the defense of Senator Mitchell; H. S. Wilson of The Dalles, and C. W. Barnes, of Prineville.

DE HAVEN DEFENDS CONGRESS.

H. S. Wilson, of counsel for the defense, had been asking each juror whether he had any prejudice against Williamson because of his being a member of congress. When the same question was asked of Barney May, a Harrisburg merchant, Judge De Haven interjected:

"That question seems to me to be

needless. I can't conceive that any man would have a prejudice against another because he occupies the high and honorable office of member of congress."

"Yet there are such men," replied Judge Bennett.

Judge De Haven again expressed his disbelief that such a prejudice could exist and Judge Bennett replied:

"There were men on the jury in the Mitchell case who I am satisfied were prejudiced against the defendant simply because he was United States senator."

"I know nothing about that," said Judge De Haven, "but I know that I was in congress and I cannot believe that any man would entertain a prejudice against a defendant simply because he held a position of such honor and responsibility."

OPENING STATEMENTS.

Heney began his opening statement to the court at 2 o'clock this afternoon. "This indictment," said he, "charges that the defendants entered into a conspiracy to get a number of people to file upon lands adjoining and transfer the lands to themselves, thus securing a large range. Williamson & Van Gesner agreed to furnish the money for making final proof, and did so furnish the money. There were about 45 claims involved, a part of which passed to patent. As soon as final receipt issued the agreement was that the lands should be transferred to Williamson & Gesner, and each entryman should be paid \$75 in addition to all expenses of filing and final proof. We expect to show this, and that Williamson & Gesner borrowed money to meet the expenses of this agreement. On 19 claims this programme was carried out. We expect to show that Williamson was present when the surveys were being made of the land, and pointed out certain claims for location by the men who had agreed to use their rights for the benefit of Williamson & Van Gesner. This is the substance of the Government's case."

H. S. Wilson, of The Dalles, opened for the defense, and gave a short statement of the business relations of the defendants. He said that originally the firm of Williamson & Van Gesner included one Wakefield, and the company was engaged in running sheep in Crook County. There never was any agreement between any settlers to transfer their lands to Williamson & Van Gesner, said he, but cattlemen made repeated threats to the sheepmen who grazed their herds over the hills of Crook County. Williamson & Van Gesner had leased certain sections of land from men controlling the lands of a wagon road grant, and cattlemen refused to recognize the right of rental on the part of Crook County sheepmen. None of these defendants ever had the remotest idea that any one was to commit perjury or that any one did commit perjury, and none of the lands in question had been sold to Williamson & Van Gesner.

Campbell Alexander Duncan, of Prineville, was called as the first witness of the prosecution.

SUIT AGAINST HENEY.

Francis J. Heney, United States District Attorney, is the defendant in a suit for \$50,000 damages commenced in the State Circuit Court yesterday by Charles F. Lord, ex-District Attorney of Multnomah County. Lord was indicted by the Federal grand jury on April 4, 1905, charged with the crime of impeding and obstructing justice. The specific complaint was that Lord and others wrongfully conspired together falsely to accuse Mr. Heney of associating with Marie Ware.

Lord, in his complaint for damages, sets forth that twice in the month of May, 1905, and again in June last, and also on July 3 he made application before the United States District court to have the case set for trial, and that Heney, actuated by spite, refused to consent to the trial of the charge, which was false and malicious.

Subsequently, it is stated that District Attorney Heney, knowing the falsity of the accusation against Lord, and that there were no facts upon which it could be founded, and that his representations to the grand jurors were untrue, did and with leave of the court and upon his own motion, on July 5, 1905, enter a motion to quash or order of dismissal as to Lord as to the charge in the indictment.

Forced to Starve.

B. F. Look, of Concord, Ky., says: "For 20 years I suffered agonies with a sore on my upper lip, so painful, sometimes, that I could not eat. After vainly trying everything else, I cured it with Bucklen's Arnica Salve. It's great for burns, cuts and wounds. At A. C. Marsters & Co's. drug store; only 25c."

Jap Talks With Roosevelt.

Special to Evening Review.

OYSTER BAY, July 8.—Baron Kau-ako, the Japanese financial expert, who will probably dictate what indemnity Russia is to pay in settlement of the present war, spent the night at Sagamore Hill, the guest of President Roosevelt. Before leaving for New York this morning, the Baron admitted that he had discussed the Far Eastern situation with the president, but he refused to give any details.

Bent Her Double.

"I knew no one for four weeks, when I was sick with typhoid and kidney trouble," writes Mrs. Annie Hunter, of Pittsburg, Pa., "and when I got better, although I had one of the best doctors I could get, I was bent double, and had to rest my hands on my knees when I walked. From this terrible affliction I was rescued by Electric Bitters, which restored my health and strength, and now I can walk as straight as ever. They are simply wonderful." Guaranteed to cure stomach, liver and kidney disorders; at A. C. Marsters & Co's. drug store; price 50 cts.

Cost to Visit the Fair

A five-day visit to the Exposition at Portland, to include all expenses, and see everything to be seen, can be made for \$15.00. Round trip railroad fare from Roseburg, \$6.00, total \$21.00. For a ten-day visit, \$25.00, R. R. fare \$6.00, total \$31.00. Full information may be obtained on application at Southern Pacific Ticket Office, Roseburg.

Local Band Gets Big Job.

The Roseburg state band has secured a contract for furnishing music at the great two day's log-rolling of the Modern Woodmen of America at Gold Hill, Jackson county, July 21 and 22, and for other purposes in connection with the event on July 25. The band will also furnish a baseball team for the occasion, made up of players from its own organization and members of the Roseburg high school team.

The event promises to be a notable one in the annals of the M. W. A. lodge. Members of the order from Jackson, Josephine, Douglas, Lane and Klamath counties will participate, and fully 500 candidates will be initiated. Governor Chamberlain is among the prominent people who will deliver addresses. Sports galore will be held and a band contest will take place.

Special rates for the occasion have been granted by the Southern Pacific Company.

A Smooth Article.

When you find it necessary to use salve, use De Witt's Witch Hazel Salve. It is the purest, and best for Sores, Burns, Boils, Eczema, Blind, Bleeding, Itching or Protruding Piles. Get the genuine De Witt's Witch Hazel Salve. Sold by Fullerton and Richardson.

To Save Powers.

MAYVILLE, Ky., July 8.—Judge Cochran, of the United States District court, today held that the federal court has jurisdiction in the case of Calne Powers, under sentence of death for alleged complicity in the assassination of Goebel. Powers' attorneys made a hard fight to have the case removed from the state courts.

Doctor's Fatal Mistake.

MEDFORD, Or., July 7.—Dr. J. Hinkle, of Central Point, aged 77 years, for 20 years a practicing physician of this valley, while in his own drug store, by mistake drank carbolic acid which stood on the shelf where a bottle of brandy usually stood at noon yesterday, and expired at 4 o'clock in the afternoon.

Today's temperatures, Grants Pass 104, Roseburg 100, Eugene 95.

"Hunting the Columbian Blacktail," is the title of the leading story in the current number of "Sports Afield," the well-known sportsman's magazine, of Chicago. The author is Atty. Jas. E. Sawyers, of this city, whose stories of hunting in Southwestern Oregon are attracting deserved attention from magazine publishers and readers. Other stories from his pen are soon to follow.

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