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ROSEBURG



REVIEW

PROFITABLE INVESTMENT Advertisers get good returns from announcements placed in live papers—the DAILY AND TWICE-A-WEEK REVIEW. Try them—there's none other so good.

VOL. XI.

ROSEBURG, OREGON, THURSDAY EVENING, AUGUST 20, 1908.

NO. 149.

BROODING IN CELL

Capt. Hains Refuses Food and Mutters About Wife

FACES NERVOUS COLLAPSE

Mrs. Hains Issues Burning Statement—Accuses Brother-in-Law of Making Love to Her.

Special to the Evening Review.

BOSTON, Aug. 21.—Captain Peter Conover Hains, the slayer of his wife's associate, W. E. Annis, is on the verge of a nervous collapse in his cell here today. He refuses food and mutters constantly about his wife's alleged downfall. He is under the constant care of a physician, but little can be done for him. In an adjoining cell sits Hains' brother, who is alleged to have inspired the killing by telling his brother of some of his wife's escapades. He is cool, eats heartily and sleeps well.

"My husband and his brother are rascals, and I hope they hang," said Mrs. Hains today. "Those scoundrels are capable of anything. During my husband's absence on the Pacific coast, his brother tried to make love to me. I hate him. He poisoned my husband's mind against me. I was beaten, starved and crazed until I signed some papers referring to my so-called 'confession.' My brutal husband would have shot me had I not signed those papers, and then what would have become of my children."

It is reported this afternoon that a deal was being considered whereby Mrs. Hains will testify in behalf of her husband upon promise that her divorce suit will not be contested and that she be given the custody of the two children. According to the story she is to furnish the motive for the slaying of Annis by testifying that he suggested to her the stories of degeneracy in the belief that their circulation would prevent Hains from making sensational charges in his divorce suit.

WANTED—Good No. 1 man, with small family, and one who has a good team. Good wages and permanent position to right man. Apply at once on farm 3 miles north of Oakland, or address H. L. Messick, Oakland, Or.

TO HOLD BOND ELECTION.

Ashland Intends to Own its Water and Light Systems.

ASHLAND, Or., Aug. 20.—At a meeting of the city council of Ashland an ordinance was passed providing for the construction and installation of an electric light and power plant to be owned and operated by the city. The issuance of \$50,000 worth of 4 1/2 per cent light bonds was ordered for this purpose, under an authority voted by the people in 1905. An election was also called for the people to vote upon an amendment to the charter authorizing an additional issue of \$30,000 worth of 4 1/2 per cent bonds, thereby making a total of \$80,000 for the construction of a municipal plant.

BOOTLEGGERS FINED.

NEWPORT, Or., Aug. 20.—In the circuit court now in session at Toledo, Gust Olson and O. Krogstad, were arraigned, charged with violations of the local option law, and both pleaded guilty. Olson was fined \$200 and 20 days' imprisonment. This was Olson's third offense. Krogstad, who is a druggist, was fined \$100. This was his first violation.

OREGON WIFE BEATERS.

JACKSONVILLE, Or., Aug. 20.—Jacob Moore, of Wimer, Jackson county, was today tried in Justice Dox's court on a charge of wife-beating. The husband weighs 200 pounds and the wife 105.

The defendant entered a plea of not guilty. The evidence, however, was conclusive. "Twenty dollars and costs is the fine imposed," announced the court. "Rogue River valley husbands will take notice: The whip devised by the Shelb wife-beating law, still hangs in the sheriff's office."

TILLAMOOK, Or., Aug. 20.—A. Lee McCrum, the Portland man, who was arrested and placed in the county jail for wife-beating, in lieu of \$500 bail, has been bailed out by his brothers, George and Jim, of Portland. McCrum will come up for trial before the circuit court in November. He will be tried on a charge of wife-beating. If convicted he will be the first man punished under the new wife-beating law in Tillamook county.

LOST—A ten-dollar greenback on S. P. depot grounds, between the baggage room and supply house just south of depot building. Reward for return to S. P. round house. L. F. Starmer.

FOUND—A Daughter of Rebekah pin. Owner can have same by calling at Frank Meyer's on Main Street.

A TARDY VINDICATION.

The prompt acquittal of Robert A. Booth, founder of the Booth-Kelly Lumber Company, of Eugene, Oregon, by a jury, after a trial lasting over two weeks, and without offering a single scintilla of evidence on his own behalf, was a striking but tardy repudiation of one of the most unwholesome and damnable conspiracies to blacken the good name of an honored, upright and leading citizen of this state, as could well be imagined, says the Oregon Timberman. The government, in casting about for somebody to indict in connection with alleged land frauds, pounced upon Mr. Booth, along with his brother and brother-in-law, and trumped up a charge of conspiracy, which involved a cash consideration of three hundred dollars and 160 acres of free land, which had been exchanged by the government for a homestead, and placed in a reserve. Not for a minute did anyone who knew Mr. Booth doubt that he was either morally or even technically guilty of the crime, if he be worthy of the name placed at his door. The indictment was returned three and a half years ago, at a time when any citizen of Oregon who owned 160 acres of timber land was looked upon as a felon, with the bars of the penitentiary gaping to receive him. Public sentiment has become calmer and fairer. It now wants the evidence before it is ready to convict. Formerly the breath of suspicion was looked upon as conclusive evidence of guilt. During the three and one-half years that Mr. Booth struggled under the unjust accusation, he labored in every way possible to get a trial. He would not permit his attorneys to interpose any dilatory tactics. He was innocent and stood on his convictions. His vindication, as well as that of his brother and brother-in-law, carried with it a feeling of the most profound satisfaction everywhere. Bob

REHEARING ASKED

Gov't. Files Petition in Noted Standard Oil Case

DOCUMENT A LENGTHY ONE

Appellate Judge Crosscap Shown to Have Contradicted Himself in His Ruling.

Special to the Evening Review.

CHICAGO, Ill., Aug. 21.—Counsel for the government today filed a petition for a rehearing before the state court of appeals in the case wherein the fine of \$29,000,000 assessed against the Standard Oil Company of Indiana, for accepting rebates from the Alton railroad, was reversed. The action for rehearing was recommended by Attorney-General Bonaparte.

The Petition.

Following is a synopsis of the petition of the government for a rehearing in the case of the Standard Oil company of Indiana vs. United States:

The government presents its petition in accordance with the rule of the court.

The indictment in the case was for a violation of the Elkins Act of February 19th, 1903, making it a crime

The government contends that this is the correct construction of the statute on this subject.

The Court of Appeals lays down the rule that it is necessary for the government to show beyond a reasonable doubt, as a part of its case that the shipper actually knew what the lawful published and filed rate was.

The government contends that this is an impossible rule; that it is contrary to the purpose of the Elkins Act; that it is contrary to the general rule applicable in criminal cases; that put into effect it would make of the Interstate Commerce Act "a mere will-o'-the-wisp of legislation, a phantom statute, destitute of strength or substance."

The government contends in the petition that the court of appeals has misstated not only the record as to what evidence was admitted, but has also misstated the construction which the trial judge placed upon the statute, and that for his reason there should be a thorough reargument upon the only proposition as to which the ruling of the trial judge up to this point is reversed.

The government contends that an examination of the record will show that the court did not rule out the testimony tending to show want of knowledge, but that, on the contrary, all proper evidence tending to show that the defendant was ignorant of the facts with reference to the legal rate was admitted for the consideration of the jury, and that there was ample evidence to show that the defendant did know what the legal rate was.

In other words, the government contends vigorously and with reference to the record that the reversal of the trial judge with reference to ignorance on the part of the shipper as a defense is concerned, is based upon a misstatement by the court of the record in the case as to the admission of the evidence and to a misunderstanding by the court of what the trial judge ruled with reference to the admission of evidence and how he really charged the jury.

The government strenuously contends that the effect of the construction of the statute announced by the court of appeals is to nullify the Interstate Commerce Act so far as shippers are concerned; to make its enforcement impossible, and to plunge the country again into the deplorable condition of railroad discriminations and favoritism which existed prior to its passage.

The government contends that each shipment is the basis of a distinct offense; and that in this case each carload was a separate shipment.

The Circuit Court of Appeals has held that there is but one offense for each settlement for freight.

The government cites against this the opinion of Presiding Judge Crosscap in the case of United States v. Hanley, 71 Fed. Rep. 672, 675, in which that judge laid down an exacting rule as to the one which he laid down in the Standard Oil case.

The government contends that the rule laid down by the Court of Appeals is contrary to the principles of the Elkins Act, and leaves it to the shipper and carrier to elect for how many offenses they will be prosecuted and how much they shall be fined.

The government contends in the petition that the Court of Appeals has done a great injustice to trial Judge Landis in misstating what he did in connection with the imposition of the fine on the Etandard Oil Company.

The Circuit Court of Appeals in its opinion charges that Judge Landis assumed to fine the Standard Oil Company of New Jersey was not of the large fine for the reason that language of the presiding judge of this court, and with the great weight of legal authority; and, if permitted to remain unmodified, will tend to encourage disobedience to law, to impede the enforcement of salutary statutes and largely to defeat their purpose.

For the reasons stated we respectfully request that a reargument of this case be granted.

The petition is signed: CHARLES J. BONAPARTE, Attorney-General; FRANK B. KELLOGG, Special Assnt. to Atty. Gen.; EDWIN W. SIMS, United States Atty.; JAMES H. WILKERSON, Special Assnt. U. S. Atty.

How to Avoid Appendicitis.

Most victims of appendicitis are those who are habitually constipated. Orino Laxative Fruit Syrup cures chronic constipation by stimulating the liver and bowels and restores the natural action of the bowels. Orino Laxative Fruit Syrup does not nauseate or grip and is mild and pleasant to take. Refuse substitutes. Red Cross Pharmacy.

his earning capacity for that time. It is not nearly so severe as the minimum penalty of five years in the penitentiary imposed upon a banker who misapplies the funds of his bank.

The government claims that on account of the size of the fine alone, there is no necessity for a retrial of the case; that the Circuit Court of Appeals may, itself, name the fine which should be imposed and calls upon the court to do so in case it adheres to the view that Judge Landis abused his discretion in imposing so large a fine.

The petition includes: "It is therefore respectfully submitted:

That the opinion of this court is based upon a misconception of the record with reference to the rulings of the trial judge as to the admission of evidence tending to show want of knowledge, and with reference to his construction of the statute on that subject, and the theory on which the case was tried; that the evidence of Bogardus which it is claimed showed want of knowledge was admitted, that it was overcome, however, by the facts and circumstances of the case, and that the evidence as an entirety was sufficient to show actual knowledge, or what in law was its equivalent;

That the interpretation of the statute by this court, imposing no duty on the shipper and permitting a defense of ignorance to be made without regard to the negligence of the shipper, is contrary to the language of the statute and to its purpose, and seriously impairs the efficiency of the act;

That the ruling stated in the opinion as to the basis for determining the number of offenses involves an erroneous construction of the statute and fails to take into consideration that the thing which is prohibited by the act is the transportation of property at the unlawful rate;

That the criticism of the trial judge for abuse of discretion rests upon a wrong assumption of what the trial judge actually did and assumed that he attempted to try and reach the Standard Oil Company of New Jersey, when in fact, as appears from the record, the entire proceedings were directed against the defendant, the Standard Oil Company of Indiana;

That the ruling stated in the opinion to the effect that a fine is excessive when it exceeds in amount the ability of the defendant to pay is an innovation in criminal law and is generally applied would prevent the practical enforcement of most criminal statutes;

That, in short, the opinion as it stands erroneously states material portions of the record; does injustice to the trial judge; leaves doubtful in a new trial the rule of law to be applied, both as to knowledge on the part of the shipper, and as to the number of offenses; appears to be in conflict with the language of the Supreme Court and with the previous language of the presiding judge of this court, and with the great weight of legal authority; and, if permitted to remain unmodified, will tend to encourage disobedience to law, to impede the enforcement of salutary statutes and largely to defeat their purpose.

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TURN REPUBLICAN

Such is Wm. H. Taft's Advice to "Solid South"

SPEAKS AT HOT SPRINGS, VA.

Roosevelt Planning African Jungle Hunt—Aggrieved Wife Sues For \$250, 000

Special to the Evening Review.

HOT SPRINGS, Va., Aug. 21.—Addressing a meeting of Virginia republicans here today, Wm. H. Taft appealed to the "Solid South" to break from the democratic column. He said, in part: "Everybody having the interest of the country at heart would rejoice to see the 'solid south' broken as a democratic asset. Republicans have taken steps for the development of the south for the reason that the south has so little influence in the executive branch of the government because it is sure to support democratic candidates. The only cure is to support republicans. The south realizes that a threat against property is involved in placing the democratic party in power under its present leadership."

Roosevelt's Plans. NEW YORK, Aug. 21.—"I am about through; I have done my work and want to get away so the new administration will be unable to ask my advice," are the words uttered by President Roosevelt to friends, according to an article in the current issue of the American Magazine. He is quoted as saying that he is anxious to meet the Kaiser without pomp, but is more interested over invitations to hunt with the King of Italy and the Emperor of Austria. However, the president will go direct to Africa, to hunt in the jungles. He has contracted with the American Magazine for narratives of his hunting trips.

Australians Delighted.

SYDNEY, Australia, Aug. 21.—The first day's formal entertainment of the officers and sailors of the American battleship fleet came to a bright close tonight with a dinner given by the state department. The speeches made urged the cementing of ties of the white races for the defense of the Pacific islands against the yellow races. Lord Northcote, the governor general, and Premier Deakin paid tributes to the United States and complimented the fleet and the officers and sailors.

Wife Sues For Damages.

NEW YORK, Aug. 21.—Declaring she found Mrs. Lizzie Hastings Holme and her husband, James E. Dunn, formerly manager of the Hotel Savoy in San Francisco, in each other's company, "in pink pajamas, drinking whiskey and smoking cigars," Mrs. Sarah Dunn today filed a suit for \$250,000 for alienation of her husband's affections. Mrs. Dunn recently created a sensation by attacking her husband and Mrs. Holme on a board walk at Atlantic City.

TEA

Why isn't everything moneyback? Everything isn't good enough.

Your grocer returns your money if you don't like Schilling's Best, we pay him.

S.S.S. THE CURE FOR SCROFULA

Swollen glands about the neck, weak eyes, pale, waxy complexions, running sores and ulcers, skin diseases, and general poor health, are the usual ways in which Scrofula is manifested. The disease being deeply entrenched in the blood often attacks the bones, resulting in White Swelling, or hip disease, and the scrofulous and tubercular matter so thoroughly destroys the healthful properties of the blood that Scrofula sometimes terminates in consumption, an incurable disease. The entire circulation being contaminated, the only way to cure the trouble is to thoroughly purify the blood and restore the circulation to a strong, healthy state. S. S. S. is the very best treatment for Scrofula; it renovates the entire blood supply and drives out the scrofulous and tubercular deposits. S. S. S. is the greatest of all blood purifiers, and it not only goes right down to the very bottom of the trouble and removes the cause, but it supplies the weak, diseased blood with the healthful properties it is in need of, and in this way builds up weak, frail, scrofulous persons and makes them strong and healthy. S. S. S. is a gentle, safe, vegetable preparation and is suited for persons of any age. Book on the blood containing information about Scrofula and any medical advice free.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

... Smoke ...

Model American

The Best "Bit" Cigar on the Pacific Coast

Made in Roseburg by L. KABAT

Sold by all Dealers

88 Per Cent of the Citizens of Roseburg voted in favor of paving the streets. They want it done this year. Do it Now.

THE STORY OF JOHN.

Once there was a boy named John, we believe his name was Wamamaker, or maybe it was Moseymaker; anyhow his name was John with some sort of a maker attached to his last name. He owned fifty yards of calico, three pairs of jean pants, half a dozen pairs of homemade socks and five pairs of boots. He called this a dry goods store through a Philadelphia newspaper and offered to sell a pair of socks for 25 cents. The don't-believe-in-advertising merchant laughed. Young John spent \$5 a advertise with the Philadelphia Ledger just one time and has been throwing away money ever since. He was cautioned by the merchants who knew it didn't pay. It was through sympathy for his poor mother, they said, that they offered him advice. But John did not listen to them and went on an "blew" his money foolishly. Poor John sees the result of his misdoing—he has so many dry goods stores that he can hardly find time to study his Sunday school lesson.—EX.

WORKS WONDERS.

Wonderful Compound—Cures Piles, Eczema, Skin Itching, Skin Eruptions, Cuts and Bruises. Doan's Ointment is the best skin treatment, and the cheapest, because so little is required to cure. It cures piles after years of torture. It cures obstinate cases of eczema. It cures all skin itching. It cures skin eruptions. It heals cuts, bruises, scratches and abrasions without leaving a scar. It cures permanently. Roseburg testimony proves it.

Mrs. G. W. Keazette, Flint St., Roseburg, Ore., says: "For some little time I was annoyed by an irritation on my nose. Sometimes it was badly inflamed and became raw and sore. I tried a number of remedies, but nothing cured me until I read about Doan's Ointment and got a box at A. C. Marsters & Co's drug store. The first application gave relief and I felt no more of the irritating affliction. I consider Doan's Ointment the finest remedy to be obtained for any skin disease." For sale by all dealers. Price 50 cents. Forster-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's—and take no other.

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ROSEBURG NATIONAL BANK. Capital - \$50,000.00. Safety Deposit boxes for rent. Our conservative management advantages to present and prospective patrons prepared to handle all business entrusted to us expeditiously.