

## GIVEN A NEW TRIAL

Supreme Court Recedes From Action in Arson Case.

## COUNSEL CUT TOO SHORT

Oscar Rogoway is Found to Have Been Deprived of Constitutional Right by the Ruling of Judge Bennett.

SALEM, Or., June 19.—(Special.)—The Supreme Court today receded from its action in affirming the Oscar Rogoway arson case, and handed down a decision reversing the lower court and granting a new trial.

The reason for the reversal is that Judge Bennett limited the argument of counsel to one hour on a side, thereby depriving the defendant of his constitutional right to be heard by counsel. The judgment of the lower court was affirmed last December, but a rehearing was granted and new arguments having been advanced, the Supreme Court changed its decision.

At the first hearing in the Supreme Court the opinion affirming the judgment of conviction was based on the case of *Hurst vs. Burt*, where the defendant was a civil case. Attention was not then called to the fact that by limiting the argument of the defendant had been deprived of a Constitutional right. In the opinion written by Judge Bean after the second hearing says:

It is declared in the bill of rights that in all criminal prosecutions the accused shall have the right to be heard by himself and counsel. A similar guarantee is contained in the Federal Constitution. This means that the accused shall have the right to be fully and fairly heard or else it means nothing. Anything less would be an invasion and restriction of the right of the accused.

This guarantee was extended to the defendant, however, is not inconsistent with the existence of the right to be heard. It is the exercise of the right of argument so as to prevent an abuse thereof by retaining it as a mere technicality, and is relevant to the cause and preventing counsel from wasting the time of the court by useless repetition.

Some courts view this matter of regulation upon the sound discretion of the trial court, but the better doctrine seems to be that the court may adopt suitable rules and limitations, and exercise such supervising control over the course of the argument as may seem reasonably calculated to prevent the abuse of the right to be fully heard and that otherwise it cannot exercise any discretion in the premises.

As shown by the record in this case, two counsel appeared for the accused. It required the greatest care to try to try the case. There were 21 or 22 exhibits introduced in evidence. Much of the testimony was circumstantial and conflicting, and the case was attended with many complications that required careful analysis on the part of counsel.

The court adheres to its former ruling as to the admissibility of the alleged confession of the defendant.

## Candidates Admitted to Bar.

All but two of the applicants for admission to the bar who took the examination last week were admitted today. Those who were not admitted were J. Albert Beckwith and John H. Lamm, who when he becomes of age in December, and James H. Lane, who is but 18 years of age.

Lane is a blind boy whose home is in Harrisburg. He took an oral examination before Justice Moore, who quizzed him for an hour, and complimented him upon his answers.

Beckwith, who is a native of this city, has been practicing law for some time, but lacks three years of his majority, no order was made concerning his admission. Those who were admitted today are as follows:

Alphonse Abbey, John T. Chaffin, Joseph T. Ellis, W. H. Evans, F. F. Fouts, John W. Graham, L. I. Hartley, Ben Irwin, George J. Kelley, Albert E. Johnson, H. F. Landon, M. Monahan, W. C. Pruitt, Clyde Richards, Arthur R. Strider, George W. Stivers, Gillingham, R. M. Hoffer, Walter E. Keyes, Paul M. Long, Oscar L. Norton, R. J. Pukewsky, William B. End, George H. Graft, Claude Gatch, John C. McCre, W. H. Ragsdale, Carlisle T. Travis.

## INDUSTRY FOR GRAY'S HARBOR

American Steel Company is Looking for a Plant Site.

ABERDEEN, Wash., June 19.—(Special.)—C. W. Miller, of the executive committee of the Chamber of Commerce, received a letter from the American Steel Company, of Pittsburgh, requesting information in regard to Gray's Harbor. The correspondence has been carried on and information given from time to time, until this morning another letter was received from Mr. Miller, announcing that the company would send a man here to look over the field.

From the statements it looks as if the biggest enterprise that has ever been thought of may come to Gray's Harbor, but in what form is not divulged. The letter says that the company is outside of working capital will be \$500,000, and the finished product will represent an output of 25,000 tons. The statement is made that the character of the plant will be most known at present, but deep water will be required and a site of from 10 to 20 acres.

The announcement is made that a representative of the Steel Company will visit Gray's Harbor in August, and that the trade of the Orient is desired. The letter is written by M. B. Kelly, treasurer of the corporation.

## ASSOCIATION NAME IS USED

Washington Shingle Men Get Circular Calling for Data.

SEATTLE, Wash., June 19.—A mysterious circular has been sent out from this city in the name of the Manufacturers' Association, to lumber and shingle manufacturers of the state, asking for complete data regarding their mills. The officers of the association say that the circular has not been sent by their authority, and they know nothing of it until they heard of it from persons to whom it had been sent. Steps will be taken to prosecute the perpetrators of the alleged fraud.

The circular in each case was accompanied with a stamped envelope addressed to Box 710, Seattle. The information sought covers every branch of the lumber business: timber holdings, courses of streams, railroads and skidroads, and full details as to output of mills.

## TAX ON STANDING TIMBER

Federal Judge Beatty Supports Idaho County Assessors.

BOISE, Idaho, June 19.—(Special.)—Judge Beatty, of the Federal Court, has handed down an opinion holding that timber purchased from the state but

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This action of Sheriff Linville has been contemplated for some time, but the affair of Saturday night forced it to an issue. Miss Kate Gilmore, a girl about 17 years of age, a member of one of the most respected families in the city and employed in the office of the telephone exchange, mysteriously disappeared on Saturday night, and it was so well believed that she had been murdered by Fred Palmer, keeper of a cigar store in the Tenderloin, that he was arrested last evening by Sheriff Linville, and this morning charged with her murder. At noon on Sunday, when the girl was safe in Portland, but before this news was received there was a sentiment about that might have caused the Sheriff some difficulty in protecting his prisoner.

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## TUPPER ROCK RECOMMENDED

Random Chamber of Commerce Says It Is Best for Jetty Use.

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Whereas, The sum appropriated by Congress for the improvement of the mouth of the Coquille River is now practically available.

Whereas, It is understood that the Engineer Department is now making preparation to apply the funds of said appropriation to its proposed use.

Resolved, by the Random Chamber of Commerce, that we do hereby petition and pray the engineers and officers in charge, more especially Major W. C. Langfitt, that they be used for the purpose of erecting a jetty, to be taken from what is known as the Tupper Rock on the Government reserve west of Randoom.

That said rock used in north jetty two years ago quarried from the north bank of the Coquille River, about 15 miles up said river, and that the proposed jetty, as shown by a map of a poor and inferior quality of sandstone, slacking and disintegrating from exposure and the action of the sea, rendering a portion of said north jetty useless and said stone was used, ineffective.

That stone taken from the Tupper Rock and used in south jetty by the Government more than two years ago has withstood the action of the elements, standing now as firm as when placed in position.

We further represent that, while there may be some additional expense in placing stone from the Tupper Rock on the north jetty, as compared to that of using other available rock, there is no doubt, but that the durability and permanent results obtainable in using said Tupper Rock (as proven by experience) will more than repay the Government the expense of the jetty, and the jetty will be improved to the bar.

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## TRY TO DODGE TAX

Washington Warehouse Men Afoul of State Commission.

## ASSESSOR IS COMMENDED

Practice Previously in Vogue Will Now Be Given a Check, Says the Report of State Officers.

OLYMPIA, Wash., June 19.—(Special.)—It has been brought to the attention of the Tax Commission that it is a common practice of nonresident manufacturers to fill the warehouses, public and private, in this state with their wares about the time that assessments are being made in the several states, and in this way escape taxation.

Supplementing an opinion filed today by J. H. Basterday, in behalf of the commission, the statement is made that "the commission will prepare an amendment to the laws which will provide a method which will be simple and certain in checking the wares of manufacturers, and not only a fraud upon the counties and states' revenue, but works a hardship to our local manufacturers, in giving the nonresident concern the advantage. It is not to be tolerated."

The opinion filed today is the first effort in that direction of the commission, and it deals with the assessment to the Everett Grain & Warehouse Company of 12,000 bushels of wheat which was in a Douglas County warehouse March 1 of the present year. The wheat was assessed at \$800 by Assessor J. W. Butler and the company replied in effect that it owned about 121 bushels, the balance being held subject to shipping instructions. It asked a remission of the assessment accordingly.

In replying to a request from the Assessor for instructions, the commission says in part: "The Everett Grain & Warehouse Company had in its possession the first day of March, 12,000 bushels of grain. It was its duty, legal and moral, to file the proper property card with the assessor under its control, in order that the Assessor might charge it to the proper person, if a resident of the state, and if not, to file the same with the assessor of the state in which it was stored, so that he might take such action as would protect the county and state in its revenue. Taxation is not to be treated as a game of hide and seek."

The assessor of this wheat, which is prima facie evidence of ownership.

The assessor of product varies with it no marks of identification and from evidence of possession. The sale of personal property presupposes a delivery of the thing sold, and the assessor is not to be misled by the form of a bill of sale. Neither of these usual courses have been observed. We do not believe that taxation should be treated and our laws set at naught by the evasion of nonresident manufacturers or others of nonownership of property in their possession, carrying all of the badges of full ownership.

Your course in assessing to the Everett Grain & Warehouse Company the 12,000 bushels of wheat is approved and commended.

## FIGHT OF COQUILLE SALOONS

Two More Liquor-Venders Fined in Heavy Sums.

COQUILLE, Or., June 19.—(Special.)—Two more whiskey cases have been tried out in the Justice's Court. Jack Tupper, who entered a plea of "guilty," but acknowledged having sold intoxicating drinks. He was fined \$300 and costs. Immediately after Tupper's case was decided, the case of one John H. Lamm, who was fined \$300 and costs, was tried. He was also found guilty, and was fined the same amount as in the other case.

Garten and Hays say they have no money for the lawyers, and have gone out of business. The other two are running full blast, and people look on with unusual interest to learn the outcome. The saloons seem determined to run, and it is the determination of the friends of local option to prevent them. The friends of the reform that it will soon become difficult for the saloon men to procure bondsmen.

## ASTRIDE A BUZZING SAW.

Eastern Oregon Mill Man Has Nerve-Racking Experience.

UNION, Or., June 19.—(Special.)—As the saw stopped in the mill in High Valley, near Union, Friday afternoon, Frank T. Minnick, signed his father, the engineer, that he was about to file the big circular, and then climbed astride. Engineer Minnick misinterpreted the signal and suddenly started the saw at full speed.

Minnick, Jr., was thrown over the saw and struck on his breast across a cast-iron roller, which he grabbed and held on to for dear life, the saw pulling away at his left leg, his pants having become caught in the teeth. Desperately he held to the roller until his clothing, which was of a tough khaki variety, was literally stripped from his body, the saw lacerating his left leg very badly. Finally he got loose, a badly bruised, cut and scared man and was brought to Union for surgical care.

## Lewiston Bonds Sell at Premium.

LEWISTON, Idaho, June 19.—(Special.)—The bid of the American National Bank of Kansas City, Mo., for \$2,500 of 5 percent 35-year refunding bonds of the city of Lewiston, was accepted by the City Council tonight. The bonds were sold at a premium of \$125.50.

## Bishop Tuttle Is Presiding.

HELENA, Mont., June 19.—The second annual convention of the Episcopal Church of Montana began a three days' session here today with many lay and clerical delegates in attendance. Special significant attaches to the convention because Right Rev. D