

DECEMBER 14, 1896.

Sheep dip at Marsters'.
Line and sulphur at Marsters'.
A Salzman, the reliable jeweler.
Caro Bros. are the boss merchants.
Go to the Roseleaf for the best cigar.
McKinley and Bryan hats at the Novelty.
For a good 5-cent cigar call on Mrs. N. Boyd.
Wood taken on subscription at this office.
Go to A. C. Marsters & Co. for school books.
Get your school books at Marsters' drug store.
Masks buy your masks at the Novelty Store.
For first-class dentistry go to Dr. Little of Oakland.
School books and stationery at Marsters' Drug Store.
Pure fresh groceries and low prices at Casebeer's grocery.
B. S. West does insurance. Office opposite the post office.
Neatfoot oil, machine and lubricating oils at Marsters' Drug Store.
A fine line of gent's shoes at J. Abraham's. Prices just right.
All work warranted first class by R. W. Benjamin, dentist.
Key West, imported and domestic cigars at the Roseleaf.
An excellent line of toilet soaps at Marsters' Drug Store.
Goods below cost at Caro's. Now is the time for bargains.
Nobby suits and latest styles at Little Jack's. Prices very low.
All styles and qualities of hats at Abraham's. Bedrock prices.
Munyon's Homeopathic Remedies for sale at Marsters' Drug Store.
An endless variety of combs, hair and clothes brushes at Marsters'.
For bargains in family groceries, call at the People's store, Cass street.
Fred Flood, lawyer, room 9, Taylor & Wilson block, Roseburg, Oregon.
Munyon's Homeopathic Remedies at A. C. Marsters & Co.'s drug store.
Bring your clocks and watches to Slow Jerry the reliable jeweler for repairs.
Country produce of all kinds bought and sold at Casebeer's grocery store.
Cold weather calls for good warm underwear. You'll find them cheap at the Novelty Store.
At Oakland, T. L. Graves is authorized to receive and accept subscription to the PLAINDEALER.
Fine gold and silver fillings put in by R. W. Benjamin, dentist. Prices to suit the times.
Have your dental work done by R. W. Benjamin, dentist. All work guaranteed first class.
"Live and let live" is Dr. R. W. Benjamin's motto. Dental work done at bedrock prices.
Largest stock of fancy chairs at Alexander & Strong's, ever brought to Roseburg and at prices lower than ever.
Bring your job work to the PLAINDEALER office. We are prepared to do the cheapest and best work south of Portland.
Save money and time. To parties going East, go by the O. R. & N. short route. Call on or write to V. C. London, Roseburg, Oregon.
N. Rice, at his ware rooms on Jackson opposite Marks' iron front, has choice household furniture and tin ware at prices to suit the times.
Take notice, Dr. Benjamin, the dentist, is permanently located and guarantees all his work. Give him a call and examine work and prices.
If you don't want to suffer with corns and bunions, have your boots and shoes made at L. Langenberg's. Repairing neatly and promptly done.
For a good hat, stylish and cheap, call on Wollenberg & Abraham, whose stock embraces all grades of head gear.
The Square Deal store has just opened up a beautiful line of W. L. Douglas shoes, which prove to be the best shoes made. Come and inspect them.
I am prepared to offer lumber or wood at reduced prices. I am taking in lumber and wood on old accounts and in trade for goods. T. K. RICHARDSON.
A. C. Horie sells flour at 75c and 80c a sack, and 10 pounds of lard for 75 cents. People should take advantage of these prices and give him their patronage.
N. Rice, one of our enterprising furniture dealers has now on sale a fine lot of furniture of the latest style and finish. Give him a call before purchasing elsewhere.
L. Langenberg is still on top. He carries a full stock of choice music, musical instruments, violins, guitars, accordions etc., violin strings of best quality always on hand.
Slow Jerry the jeweler has 14 carat filled gold ladies watches now on sale. Prices reduced from \$25 to \$15, decided bargains. Don't fail to examine them before purchasing elsewhere.
Those having second hand stoves, furniture, etc., for sale can receive the highest cash price by calling upon N. Rice, the furniture and supply dealer, 221-23 Jackson street Roseburg, Or.
Jack Abraham, goods furnisher, keeps the best goods and latest of everything in his line, and sells them at a lower price than any of his competitors. He also sells boots and shoes at astonishing low prices.
The cheap rates of five dollars cabin and two-fifty steerage including meals and berth are still in effect on the O. R. & N. Co's. steamers from Portland to San Francisco.
Steamer leaves Portland every five days.
Dr. R. W. Benjamin, late of the dental college at Atlanta (Ga.), has fitted up dental rooms in the Marsters' block, where he is prepared to do all first class work in all the latest improvements, Crown and bridge work, gold and porcelain crowns, fillings and extraction of teeth at hard-time prices and all work guaranteed. Remember, room 1, Marsters' block.
Notice is hereby given to the public by the undersigned that I do not allow dead animals to be buried on my premises, at Roseburg, Oregon, or garbage dumped thereon or sand or gravel taken therefrom, unless the party taking sand or gravel first contract with me for the right to do so.
Trespassers will be prosecuted according to law.
Roseburg, Oregon, March 17th, 1896.

Caro Bros.

Must sell their immense stock inside of sixty days, regardless of cost. If any one wishes to get bargains they must call now, as they mean business. This is no humbug. If you doubt their word call and be convinced.

BRIEF MENTION.

Holiday goods at Salzman's.
Call and see the new line of ladies' shoes, just received at Parrott Bros.
Everything that is new, nice and pretty in the way of Jewelry at Salzman's.
Keep our clothing in mind when making the boys a present. Novelty Store.
Money to loan. Call at the office of I. F. Rice, real estate dealer, Roseburg, Oregon.
The new White Granite Iron ware selling fast at Churchill, Woolley & McKenzie's.
Try Allison's Eastern hams and lard. Fine citrons, currants and raisins at Allison's.
We are displaying holiday goods come and look in our show cases. Novelty Store.
Ben Huntington and G. W. Staley of Yoncalla were in the city Friday and Saturday.
Mr. and Mrs. A. F. Brown of Oakland were guests at the McClallen Friday and Saturday.
Pure Cream Rye whiskey and rock candy at the Senate. P. O. corner, 400 Jackson street.
Hon. H. L. Benson of Grants Pass was visiting his brother F. W. Benson of this city Saturday.
Ginger ale, Arista Water, sodas, and other soft drinks at Slow Jerry's drink emporium, now on draft.
The regular Sunday night and Wednesday meetings at the M. E. church will return to the usual hour of 7:30.
Casebeer the grocer, corner Jackson and Washington, keeps the best groceries. Bacon and lard a specialty.
Read John & Lee's great "at cost" sales today's paper. Shop 230 Main street, next door to Van Houten.
Teeth extracted with the use of cocaine. No pain, no danger, it does not affect the heart. Dr. F. W. Haynes.
Ladies call and see our new line of embroidered and silk handkerchiefs. We have a fine assortment at the Novelty Store.
Mr. and Mrs. G. W. Short were guests at the McClallen last week, while Mr. Short was attending the trial of James Dixon.
Buy your shoes at the Novelty Store and if they contain shoddy insoles, etc. they will tell you. Our aim is to sell you a good shoe.
Candy for the Christmas trade at the Kitchen fresh and clean. Don't buy this stuff that comes from the wholesale houses.
Webster of Mr. J. G. Samler, foreman of the grand jury, for the error in printing Stemler for Samler in last Thursday's paper.
Scar-Face Charley, whose death was reported in Friday's Oregonian, died of consumption on the Modoc reservation in the Indian territory.
Ad Harmon, of the Senate, has just received a consignment of Key West and domestic cigars. Smokers, don't forget the place. P. O. corner.
Judge Caples of Portland, one of the leading attorneys in the Dixon case, just concluded in the circuit court, returned home on Saturday night's overland.
Hon. Rufus Mallory of Portland is in the city today. He is one of the attorneys in the case of A. Rose vs. H. Wollenberg for the recovery of money.
E. Du Gas, Physician and Surgeon, office in Marsters' building. Calls in town and country promptly answered night or day. Residence, 911 Mill street.
The party who left an umbrella at the Corinne show last Friday night can have the same by calling at the PLAINDEALER office and paying for this notice.
District attorney W. E. Yates had his brother and partner, J. Fred Yates, come up from Corvallis to help in the grand jury work during the trial of the Dixon case.
Hamilton's Wizard Oil Co. will give a week's entertainment at the Opera House, beginning tonight. Do not fail to see them. Admission only 15 cents. Worth four times the money.
Henry Levens of Harney county paid a visit to relatives and friends in Douglas county last week, and spent several days in this city in company with his brothers, William and Grant.
Judge Fullerton has rendered a decision in the contest of George S. Harris against M. Riley, for the county judgeship of Curry county. The contest is dismissed, and M. Riley remains judge.
Of the 12,670,152 families in the United States in 1890, 6,066,417 families, nearly 48 per cent, own their homes, while the 52 per cent occupy rented homes. Of the 6,066,417 families who occupy homes, 72.63 per cent are free from incumbrances.
The second quarterly meeting of the United Brethren church will be held next Saturday and Sunday, December 19th and 20th, at Pine Grove church. Services to begin at 2 p. m. December 19th. All are cordially invited to attend.
Rev. E. C. Wyatt, Pres. Elder.
Taylor and Crow last week pounded out some \$900 in two days with a hand mortar at their ledge down Rogue river. They are preparing to send another carload of ore to Ashland. The ore has to be packed on mule back 19 miles, and hauled by wagon six, but all they have sent to Ashland thus far has netted over \$100 to the ton.
One abuse in our court proceedings that has been noticed and commented on by the public, we are pleased to see, has been largely curtailed by Judge Fullerton of late, viz: the continual bickering among attorneys about trivial matters while cases were on trial. The judge, out of a spirit of accommodation and courtesy, has been too indulgent and we are pleased to note he has set his foot down on them somewhat.

DIXON'S TRIAL.

The taking of testimony in the Dixon case closed at 10 a. m. Friday, and the Prosecuting attorney, W. E. Yates, began his plea to the court by reading and commenting upon the statutes defining the several degrees of homicide, at 10 a. m., which occupied 20 minutes. He then turned to the jury and for one hour and ten minutes in a very mild and dispassionate manner he pled with them. He did not try to play upon the sympathies of the jury with any mawkish sentimentality. He dealt briefly upon the law and its purpose and the duty of the executors of the law; the sanctity of law; the sacredness of human life and the care and deep concern that every member of society has in its strict observance, and when violated a sure and speedy punishment of offenders or violators of law. He made a summary of the testimony submitted in quite a dignified way, free from any charges of perjury on the part of witnesses for the defense or unduly extolling the witness for the prosecution. His arguments were certainly not very damaging to the defense by exaggerating the testimony on the part of the state in picturing the defendant as a deep-dyed villain or the deceased as an angel, but that the peace and dignity of the state of Oregon had been wantonly violated. He referred to the killing of Charles Rice by James Dixon as a fact proven, and that justice demanded vindication at the hands of the executors of the law, of whom the jury as well as himself and the court form, for the time being under the sanctity of their oaths, an integral part. It was for the jury to decide now whether a crime, as he contended, had been committed, who the guilty party is and the nature of the crime, if any, and under the court's instruction, return their verdict as conscientious men.

J. W. HAMILTON'S ADDRESS.
Mr. Hamilton began his address to the Court at 11:45 and closed at 12:10, when the court adjourned for dinner. The court room began to fill at 1 p. m. and the jury took their seats at 1:15. Mr. Hamilton proceeded to address the jury and closed at 3:35 occupying two hours and twenty-three minutes. Mr. Hamilton waded patiently through the flood of testimony taken in this case, and with great care. He reviewed at length every material point bearing upon the case. He analyzed the testimony and synthesized the facts and their logical tendencies and results. He pointed to the facts which the testimony he said showed; that the deceased had had ill feelings toward defendant for a considerable length of time prior to the killing on a ball ground, June 14th last; that Rice, the man who was killed, had threatened Dixon, the defendant, at diverse times; and that when he got an opportunity he would do him some bodily harm; that Rice was known as a quarrelsome and contentious young man (this was 24 years). On the other hand he referred to the testimony as showing that Dixon was generally known as a quiet, peaceable boy, scarcely 18 years old. Mr. Hamilton dwelt upon these characteristics of the parties to considerable extent, claiming that the threats of Rice were such as to create in the mind of Dixon a dread of him and that when Rice advanced upon him, as he claimed Rice did, Dixon naturally supposed Rice meant to put his threats into execution and therefore, he claimed, Dixon was justified in shooting Rice in self defense. Such in brief was Mr. Hamilton's line of argument.

MR. CAPLES' ADDRESS.
Precisely at 3:43 p. m., Judge Caples proceeded to address the jury. Mr. Caples referred to the highest law of Nature, God and man—the law of self defense—as being an inalienable right belonging to every living being. This right of self defense is implanted in every living thing. Some by sight, some by mere physical strength and others, as man, by strategy, physical strength or by the use of weapons. He then proceeded on the ground of self defense to show that the accused at the bar had acted in self defense when he shot Rice, who on that fatal day was advancing upon Dixon in a threatening manner. Mr. Caples did not go into so extensive an examination of all the testimony as he did upon the logical sequences of the conditions leading up to the culmination, a justifiable homicide. Mr. Caples spoke one hour and ten minutes.

L. BILYEU'S ADDRESS.
To Mr. L. Bilyeu of Eugene was assigned the duty of closing the argument on the part of the State in this remarkable case. At the adjournment at 5 p. m. it was announced that Mr. Bilyeu would make the closing argument, upon the convening of the court at 7 p. m. Long before 7 o'clock the court room was packed to hear the summing up in final argument in the case. So when the court was called there was scarcely a square foot of floor space not occupied.

At 7:25 p. m. Mr. Bilyeu rose and addressing the Court began his citations of, and comments upon authorities and the Statutes of Oregon, relating to crimes. He maintained that a crime had been committed and that the prisoner at the bar is the criminal. He reviewed at some length the testimony produced on trial. In answer to the charges that the deceased was contentious and quarrelsome, that he had had frequent fights with others, admitting that as a fact, he said: It does not, as it ought not, cut any figure in this case, for, said he, the State has proved the killing by the defendant and thus made out its case so far; and now it devolves, by statutory provisions, that the burden of proof falls upon the defense to prove a justifiable homicide. Justification, he contended, the defense had failed to prove—had not shown that he was assailed by the deceased at the time defendant shot him. He appealed to the jury to consider their duty to the State,

to society and to themselves, and give such a verdict as their conscience approved, and he would be satisfied. With them the question is left. Upon them devolved the result, whether good or bad. Mr. Bilyeu spoke just 47 minutes.

Judge Fullerton at 8 o'clock Saturday morning delivered the following CHARGE TO THE JURY:

Gentlemen of the jury I wish to thank you for the careful attention which you have paid to the witnesses in this long trial. You have heard the facts in this case from the witnesses who have appeared before, and it now becomes my duty to instruct you briefly upon the law governing this case which you must apply as best you can to the facts that have been produced before you by the witnesses who have testified in this case.

No. 2. This defendant, James Dixon, is accused by the grand jury of this county of the crime of murder. The indictment alleges that: "In the County of Douglas and State of Oregon, on June 15th, A. D. 1896, the aforesaid James Dixon then and there being, did then and there unlawfully, purposely and feloniously kill Charles Rice by then and there in the county and state aforesaid, at the date aforesaid, purposely and of his deliberate and premeditated malice feloniously shooting him, the aforesaid Charles Rice, with a revolver (gun), contrary to the statutes in such case made and provided, and against the peace and dignity of the State of Oregon."

No. 3. To this indictment the defendant has entered a plea of not guilty and by that plea of not guilty the burden is placed upon the plaintiff, the State of Oregon, to prove every material allegation set out in the indictment herein beyond a reasonable doubt.

No. 4. A reasonable doubt defines itself; it is a reasonable doubt; it is not a possible doubt; it is not an imaginary doubt; it is not a captious doubt; it is that condition of the case which after a careful examination and full consideration of all of the evidence in the case that leaves your mind in that condition that you cannot say that you have an abiding conviction to a moral certainty that the defendant is guilty of the crime charged.

No. 5. The indictment in this case charges that the defendant on the day mentioned in the indictment did feloniously, purposely and of his deliberate and premeditated malice kill the deceased by shooting deceased with a pistol.

No. 6. The evidence in this case tends to show that the deceased was shot by the defendant at the time and place mentioned in the indictment and a short time thereafter, or immediately thereafter, from the effects of the wounds so received.

No. 7. The charge in this indictment constitutes murder in the first degree. The law of this state provides that: "If any person shall purposely and of deliberate and premeditated malice kill another, such person shall be deemed guilty of murder in the first degree."

No. 8. Purpose, malice, premeditation and deliberation are necessary to be shown to constitute murder in the first degree.

No. 9. This indictment charges that the defendant committed the crime purposely. The word purposely means in this connection in which it is used, that the act was understandingly and intentionally done.

No. 10. The indictment further charges that it was committed with deliberate and premeditated malice. Premeditation in the sense in which it is used in this indictment means a design formed to commit the crime charged before it was done. Deliberation is only prolonged premeditation.

No. 11. No particular time is necessary within which to form the design, but in order to constitute deliberation the design to commit the act charged must exist in the mind of the party charged with its commission.

No. 12. The term malice in the sense in which it is used in this indictment means that the act charged was done to injure some one and may be established by proof or by presumption of law.

No. 13. The law provides that there shall be some other proof of malice than the mere proof of killing to constitute murder in the first degree, unless the killing was effected in the commission or attempt to commit a felony, and deliberation and premeditation when necessary to constitute murder in the first degree shall be evinced by poisoning, laying in wait or some other proof that the design was formed and matured in cool blood and not hastily on the occasion.

No. 14. The law presumes malice from the deliberate and unlawful use of a deadly weapon causing death within one year from the date of its use.

No. 15. The law also presumes that a man intends the natural and ordinary consequences of his own acts.

No. 16. Under this indictment the defendant may be found guilty of murder in the second degree. Murder in the second degree is defined by our law as follows: If any person shall purposely and maliciously, but without deliberation and premeditation voluntarily kill another, or in the commission or attempt to commit any felony other than rape, arson, robbery or burglary, such person shall be deemed guilty of murder in the second degree.

No. 17. You will observe that the distinction between murder in the first degree and murder in the second degree is premeditation and deliberation are necessary, where as in murder in the second degree, where as in murder in the second degree, premeditation and deliberation need not appear from the evidence.

No. 18. Under this indictment the defendant may be found guilty of manslaughter. Manslaughter is defined by our code as follows: If any person shall without malice expressed or implied, and without deliberation in a sudden heat of

passion caused by a provocation apparently sufficient to make the passion irresistible, voluntarily kill another such person shall be deemed guilty of manslaughter.

No. 19. Manslaughter is distinguished from murder chiefly by the absence of malice and deliberation. The law makes the killing of a human being manslaughter when it is committed in a sudden heat of passion caused by a provocation sufficient to excite an irresistible passion in a reasonable person, one of ordinary self control.

No. 20. If you find from the evidence in this case beyond a reasonable doubt that the defendant fired the shot that caused the death of the deceased as alleged in the indictment and that in so doing a crime was committed, then you should find the defendant guilty of either murder in the first degree, murder in the second degree or manslaughter.

No. 21. If you find that the defendant killed the deceased and that a crime was committed by defendant in so doing in order to find him guilty of murder in the first degree you must find beyond a reasonable doubt that the act of defendant which caused the death of the deceased was done purposely and of deliberate and premeditated malice.

No. 22. If you find from the evidence that a crime was committed by defendant, but without deliberation and premeditation, but find beyond a reasonable doubt that the same was committed purposely and maliciously then you should find the defendant guilty of murder in the second degree.

No. 23. If you find from the evidence that the defendant killed the deceased, that a crime was committed by defendant in so doing, but that the act of defendant was without malice, express or implied, and without premeditation and deliberation, but upon a sudden heat of passion caused by provocation apparently sufficient to make the passion irresistible, and that the deceased died within one year from the injury inflicted by defendant then you should find the defendant guilty of manslaughter.

No. 24. You must find that there was an intent on the part of the defendant to do the deceased an injury, before any crime can be made out by the State.

No. 25. The law of this state provides that in certain cases the killing of a human being is justifiable. It provides that it is justifiable when committed to prevent the commission of a felony upon the person of the party who does the killing or upon property in his possession.

No. 26. There has been some evidence in this case tending to show that there had been some difficulty between deceased and the defendant prior to the day the killing is alleged to have occurred. There is evidence of some threats made by the deceased toward the defendant, and that these threats were made in the defendant's hearing or communicated to him by persons who heard the same made prior to the date of the alleged killing, you have heard the evidence to the threats and should give this testimony such value as considering this case as you may deem it entitled to.

No. 27. There is evidence tending to show that on the day the killing is alleged to have occurred, the deceased and the defendant, with a number of other persons, were present at a base ball game in this county. That some difficulty arose between the parties engaged in the game about whether a strike made by one of the players in the game, that some words passed between the deceased and the defendant; that the deceased commenced drawing his coat, and it is claimed by some of the witnesses that deceased advanced towards the defendant, as he was drawing off his coat, when he was shot by the defendant. The evidence tends to show that he was shot twice, the shots following each other in rapid succession. There is evidence tending to show that the deceased was a large and powerful man.

No. 28. If you should find from the evidence that the deceased made towards the defendant any demonstrations which would lead the defendant, acting as a reasonable and prudent man, to believe that his life was in imminent danger of great bodily harm at the hands of the deceased, then he would have a right to defend himself and if necessary would have a right to take the life of his assailant to preserve his own life or to save himself from great bodily harm.

No. 29. But before you can find that the defendant was justified in taking the life of the deceased, you must find from the evidence that the defendant acting as a reasonable and prudent man had reason to believe that he was in immediate danger of death or great bodily harm at the hands of the deceased.

No. 30. The danger must have appeared to him to have been a present and imminent danger; he must have had reason to believe at the moment he fired the shots that took the life of the deceased that he was at that moment in danger of death or great bodily harm at the hands of the deceased. It would be no justification for the defendant to take the life of the deceased if he had reason to believe that he might at some time in the future be in danger at the hands of the deceased, but the danger must have appeared to the defendant to have threatened him at the very time he shot the deceased, and in that connection you have a right to consider the previous

difficulties between the deceased and the defendant, if any such difficulty is proved; you have also a right to consider the threats made against the defendant by the deceased if any are proved to have been communicated to defendant; you have also the right to consider the fact if such is proven that the defendant was in fear of the deceased, and also the right to consider the evidence which tends to show that the deceased was a large powerful man, and the difference in the size and weight of the deceased and defendant.

No. 31. There is also some evidence tending to show that the deceased bore the reputation in the community in which he resided or lived of being a violent, quarrelsome and dangerous man, you have heard that testimony and should give it such weight as you may deem it entitled.

No. 32. If you find from the evidence that the deceased bore the reputation of a dangerous man, and that fact was known to the defendant, you have a right to consider this evidence in considering whether the defendant acting as a reasonable and prudent man had reason to believe that when deceased made demonstrations toward defendant, if you find that he did make any demonstrations, that he was in danger of death or great bodily harm at the hands of the deceased.

No. 33. There is some evidence tending to show that the deceased was in the habit of going armed, you have heard this evidence and have a right to consider it. If you find it to be a fact that the deceased was in the habit of carrying a pistol or knife or other dangerous weapon and the defendant knew that such was the deceased habit, then you have a right to consider it, if you find that the deceased made any demonstrations towards the defendant prior to the firing of the shot that would lead the defendant to believe that he was in danger of death or great bodily harm at the hands of the deceased.

No. 34. There is evidence before you tending to show that the defendant has always borne the reputation of a peaceful law abiding boy in the community in which he has lived, a number of witnesses who have known the defendant for several years have so testified, you have a right to consider this evidence. The law presumes that a man who has heretofore borne the reputation as a peaceable and quiet boy is not as likely to commit a crime, such as the defendant is accused, as one who has borne a reputation other than that of a quiet and law-abiding man.

No. 35. You, gentlemen of the jury are the exclusive judges of all the facts in this case, as well as the weight of the evidence and the credibility of the witnesses. Every witness before you is presumed to speak the truth. This presumption however, may be overcome by the appearance of the witness upon the witness stand, by his or her manner of testifying, and by being contradicted by the testimony of other witnesses.

No. 36. You have also the right in weighing the testimony of a witness to take into consideration the interest which the witness may have in the result of the trial, and to take into consideration the relationship, if any, which exists between the witness and the accused, or the witness and the deceased.

No. 37. A witness may be impeached by showing that the witness has made statements out of court or in other courts which conflict with the evidence given by the witness on the trial before you.

No. 38. If you find from the evidence in this case that any of the witnesses examined before you have made statements at other times and places, either under oath or otherwise, which contradicts the testimony of such witness on the stand, you have a right to consider that evidence in weighing and determining the value of the evidence of such witness on this trial, and it is a rule of law that a witness found to be false in one part of his testimony is to be distrusted in all of his testimony.

No. 39. If you find from the evidence that the deceased entertained malice against defendant, or had made threats against defendant prior to the difficulty, and you further find that those threats had been communicated to defendant, or that defendant knew of such malice, then if Rice was advancing upon defendant at the time of the shooting in a manner to reasonably cause defendant to believe that his life was in danger, or that great bodily harm was about to be done him, then defendant had a right to act upon appearances, even to the taking of deceased life, if he honestly believed it was necessary.

No. 40. Under this indictment you can find the defendant guilty of either murder in the first degree, murder in the second degree, or manslaughter.

If you should find the defendant not guilty you will so say by your verdict.

THE VERDICT.
The verdict of the jury was "not guilty."

A large invoice of Bibles and Testaments just received at H. C. Stanton's. Bibles, from 20 cents to \$1; Testaments, 5 and 10 cents each.

McKinley coffee at Allison's. It will give you confidence, cause you to dream of prosperity, and protect you in your declining years.

Dr. Fred Haynes does crown and bridge work in an up to date manner.

Highest of all in Leavening Power.—Latest U. S. Gov't Report

Royal Baking Powder

ABSOLUTELY PURE

NOTES OF INTEREST.

Coal tar and resin at Marsters'.
Ladies' fine shoes at Parrott Bros.
J. T. Bryan, the Busy Watchmaker.
Shasta Water at Slow Jerry's cigar and drink emporium.
For a good smoke call at Slow Jerry's bazaar, and get a Los Amores cigar.
Delicious "salt-rising" bread at the Home Bakery, corner Oak and Rose streets.
Nothing but the best material used by R. W. Benjamin, dentist. Room 1, Marsters' block.
Niece will sell you candy for Christmas trees cheaper than any one, at the Candy Kitchen.
Fresh home-made bread at the Home Bakery, corner Oak and Rose streets. Alice Baldwin, proprietor.
Teeth extracted absolutely without pain by R. W. Benjamin, dentist, room 1, Marsters' block, Roseburg, Or.
Parties desiring family sewing done would do well to call on Miss Fannie McKean, 421 Main street. Will sew for 75 cents per day.
Slow Jerry, the jeweler, has just received a fine lot of ladies and gents gold filled watches. They are beautiful and no mistake—good times, too.
You can get knives for 5 and 10 cents and from that price up to \$5. Each knife well worth the price asked at Churchill, Woolley & McKenzie's.
Good advice: Never leave home on a journey without a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. For sale by A. C. Marsters & Co.
The Candy Kitchen Kitchen is busy night and day making fine candy for Christmas trade. Don't overlook the Kitchen if you want candy that is fit to eat.
Go to M. F. Rice's Second Hand store, Hendricks' block, for late improved Singer Sewing machines, needles, oil, etc.
W. C. Moskos, Agent.
Caro Bros', closing out sale is drawing crowds to the Boss Store. Low prices and quick sales is the order of the day. Goods must be sold at any sacrifice. Call and see.
John & Lee, 220 Main street, next door south of Van Houten, have fine China-ware and Japan goods, ladies underwear, toys and firecrackers, etc. for sale. All at cost till Dec. 31st, 1896.
Two tracts of land for rent, containing one 10-acre and one 15-track within 1 1/2 miles of town, fair orchards on each place. For further information call on I. F. Rice, Real Estate Dealer, Roseburg, Oregon.
If you have hay, grain, bacon, beef cattle or a good buggy you wish to trade for lumber, or if you wish to buy a bill of first class fir or cedar lumber, you will save money to call on Otto A. ASLAV Comstock, Oregon.
Bargains, bargains, at M. F. Rice's second hand, hardware and furniture store in Hendricks' block, opposite the depot. Second hand goods bought and sold. Call and examine my goods before purchasing elsewhere. Buy of me and save money.
Competition never worries us, because we "buy right" hence "sell right." The facts are these: every move in our business is only made after the most careful consideration, nothing left to chance. Shoes have advanced in price but not with us. We sell you a good oil grain shoe for \$1.25 and upwards, fine shoes in proportion. If you doubt us, come and see us, convince yourself that we have what we advertise. We don't care to do all the business in town, but want to get a share of it. We firmly believe that a concern that gives its customers exceptionally good values in every instance is bound to go ahead year by year. This idea prevails throughout our entire business. Every dollar's worth of goods must give the wearer satisfaction, even the all wool absolutely fast color \$8.00 suits.
J. ABRAHAM'S CLOTHING HOUSE.

Xmas Offerings.
New goods and new prices. A handsome doll will be given with every package of baking powder bought of Mrs. G. W. Rapp at the People's Grocery.
Many of the dolls are worth twice the price of a can of baking powder. Every can guaranteed to be as good as any powder in the market.

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