

Roseburg, Oregon
Population, 3000. The County Seat of Douglas County. Oregon Soldiers Home; U. S. Land Office and U. S. Weather Bureau are located here. S. P. railroad division; splendid educational advantages. Gateway to the Coast Range and Cascade country.

THE TWICE-A-WEEK Roseburg Plaindealer.

Roseburg Plaindealer
The most widely read newspaper published in Southern Oregon and consequently the most advertising medium. Large, modern, equipped job printing department in connection. Established in 1868. Subscription, \$2 per year for Semi-Weekly.

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CONTRACT IS VOID

Supreme Court at Salem Renders Long Expected Decision in Two Roseburg Cases.

LIGHT COMPANY LOSES

Case of United Artisans vs Robert Hildebrand is Reversed and Sent Back for New Trial.

Because it creates an indebtedness or liability against the city in excess of the limitation contained in its charter, the Supreme Court, in an opinion rendered by Justice Bean, holds that the contract which the Roseburg Water and Light Company holds with the city of Roseburg is illegal and void and that it should be cancelled. This opinion was rendered in the case of R. Brockway, respondent, vs the city of Roseburg, and Harry C. Slocum, treasurer, defendants, the Roseburg Water and Light Company, appellant; appealed from Jackson county, in which the decree of Judge H. K. Hanna of the circuit court is affirmed.

This is a suit by a resident and taxpayer of the city of Roseburg to cancel and annul a contract between the city and the defendant, the Roseburg Water and Light Company, by which the city agreed to pay the latter for supplying it with light for a period of ten years, from January 1, 1902, to December 31, 1912, at \$115 per month, in valid warrants upon the grounds which were upheld by the Supreme Court, as stated in the above paragraph. The contract called for the payment of \$1200 per year, or a total of over \$15,000 for the ten years covered by the contract, while the charter of the city contains the explicit provision that the city shall not create any debts or liabilities which together in the aggregate shall not exceed \$5000.

The charter of Roseburg as enacted by the Legislature of 1895, restricted the limit of creative indebtedness to \$10,000 but was amended in 1901 to the \$5000 limit. The court holds that these several provisions of the charter were inserted in obedience to the requirements of the constitution and are for the benefit and protection of the taxpayer, by requiring the municipal authorities to conduct its affairs substantially within the current revenues. The state constitution prohibits a county from creating an indebtedness in excess of a certain amount and does not apply to involuntary indebtedness trust upon it by operation of law. But the language of the restricted clause in the charter of Roseburg is that the indebtedness of the municipality "must never exceed" a certain amount, and the uniform holdings of the courts is that any liability not arising from tort by virtue of which the municipality is required to pay money is within a prohibition of that kind and void, if in violation thereof, without regard to the purpose for which the debt was incurred or contracted.

The case of the Salem Water Co. vs the City of Salem, is cited in the opinion as one alone parallel with the Roseburg case. That was an action to recover a quarterly installment alleged to be due the water company under a con-

tract for supplying the city with water for seventeen years at the rate of \$1800 per year, payable quarterly. The charter prohibited the city from contracting any debts or liabilities which either singly or in the aggregate exceeded the sum of \$1000 and the court held that the contract created a present obligation on the part of the city to pay money amounting in the aggregate to the sum of \$20,000, to the water company at future periods and was therefore void under the charter, inasmuch as no provisions were made for the payment of the installments as they became due.

A claim is also made by the counsel for the defendant company that since the contract between the city and the defendant corporation provides that the monthly payments shall be made in valid warrants, says the court, it contemplates that the city will provide a special fund for the payment of the warrants as issued, and, therefore, they are not to be considered as an indebtedness within the meaning of its charter. Under the contract the monthly payments were to be made in warrants and they would be no less the debt or obligation of the city when issued because the contract stipulates that they should be valid then if it had made no such provision. In either event they would be the general obligations and debt of the city to be paid out of money arising from taxation or from other revenues applicable to such purposes.

Back for New Trial
The United Artisans lodge won the case in the Supreme Court in a per curiam opinion handed down, in which the decree of Judge Hamilton is reversed and the case remanded. This is in the case of Robert Hildebrand by S. J. Cutler, guardian, respondent, against the United Artisans, from Douglas county in which the plaintiff seeks to enforce the payment of a policy held by the deceased father in the defendant company for \$1000, in favor of the plaintiff. The only question of importance decided by the court is that the local secretary of the lodge is not considered an agent of the person assured, but of the corporation and whether the action was properly brought in the court of Douglas county. The judgment of the lower court is affirmed on the latter point, but is reversed on the former, it being held that the plaintiff's father was a resident of Douglas county when the contract was entered into with the defendant company, and that the cause of action did not rise in that county.

Brush Fire Wins Out

SALEM, Ore., Jan. 30.—Opponents of the forest fire bill have succeeded in having the closed season against the clearing and brush fires stricken out by the house committee on public lands and the bill will be recommended for passage in that shape. Such is the termination of the big fight, which has been waged for two weeks.

As the bill was first drawn all brush fires were to have been prohibited between August 1, and Sept. 15. Clatsop and Tillamook first secured exemption from the closed season, then the entire coast west of the Coast Range and other counties demanded the same privilege. For the best dental work at most reasonable prices, go to Dr. Strange in the little brick opposite Slocum's hall.

TWO WOMEN AND CHILD PERISH IN FLAMES

Lamp Explodes in Sick Room in the Home of Oliver P. Lane at Glendale Tuesday Night and Mrs. Lane and Two-Year-Old Child and the Nurse, Miss Cooper, are the Unlucky Victims of the Flames.

One of the most shocking and deplorable accidents ever recorded in this county and one which has cast a pall of gloom over the community in which it occurred and profound sorrow throughout the county, was the burning of the home of Oliver P. Lane at Glendale at an early hour Wednesday morning, which cost the lives of two of the household, a little two-year old boy, Mrs. Lane and a nurse, Miss Cooper, of Medford, who perished in the flames, or died soon after being terribly burned, death coming as a relief to their intense suffering.

It seems that Mrs. Lane and her little son were suffering from an attack of pneumonia, and that Miss Cooper of Medford, was employed as nurse. The cottage being a small one Mr. Lane occupied apartments upstairs while the other members of the family occupied rooms below. The family retired as usual Tuesday evening Mrs. Lane and her afflicted baby boy occupying one room and the nurse room adjoining. A kerosene lamp was as usual left burning on the table in the sick room for the nurse, for convenience in

making their exit from the building through a window. At this time the cries of the nurse and fragments of the lamp and oil were scattered all about the sick room and over the bed in which the mother and child were sleeping. The oil became ignited and burned with fury, in a few minutes enveloping the entire room in deadly fumes, smoke and flames. Although weak and emaciated, the mother sprang from her bed and seized her baby boy, but her strength was so wasted that the precious little form was dropped back on the bed and the mother staggered and grasped for some support to prevent her from sinking to the floor. At this instance the nurse was on the scene, and at the peril of her own life sought to rescue the mother from the room which by this time was a veritable fiery furnace. Mr. Lane, hearing the explosion and the commotion following, dashed down an outside stair and finding all of the outside doors locked smashed in a window and rushed to the rescue of the other members of the family, finally succeeded in assisting his terribly burned wife and the

HITS THE BEEF TRUST

United States Supreme Court Renders Unanimous Decision That the Trust Restrains Trade.

WASHINGTON, Jan. 30.—The U. S. Supreme court today rendered a decision adverse to Swift & Co. and the other companies of the beef trust in the appeal from an injunction made by the federal court of the northern district of Illinois, restraining an illegal combination to resist competition in the purchase of livestock and the sale of dressed beef. The sweeping injunction is affirmed with a few certain minor modifications to make it conform to the bill of the attorney general. The decision was unanimous.

Justice Holmes delivered the decision. It was admitted that some charges were less specific than desirable, but he said sufficient had been shown to prove continuous offenses, and the offenses were of such a nature as to justify the proceedings.

President Praises Fair

SALEM, Ore., Jan. 31.—The following letter, signed by the President, was this morning read in the Honor in response to an invitation extended by the President to visit the Lewis and Clark Exposition:

"White House, Washington, Jan. 25.—My Dear Mr. Mills: May I through you, and through President Kuykendall, of the Senate, thank the Ore. Legislature for its exceedingly kind invitation to me to be present at the Exposition in honor of the Centennial on the Pacific Coast of Captains Lewis and Clark. It is a very great pleasure to me to do whatever is in my power to aid in securing appropriate recognition by the National Congress of this, one of the events of cardinal National importance in our history. I only wish it were my good fortune to be able to be present, but I fear it will not be possible for me to visit the Pacific Coast this year. Earnestly wishing you all success in your public-spirited efforts to make a fitting and worthy commemoration of the great event in question I am sincerely yours,

"THEODORE ROOSEVELT."

PROPOSES TO SELL ON INSTALLMENTS

One of the most promising mining properties in the now celebrated Myrtle Creek mining district is the splendid claims of the Yellow Jewel Mines Co., of Myrtle Creek, on which a 5 1/2 foot face of good milling ore is being worked in the main tunnel. A great deal of development work has already been done on this property and assays have proven the property to be very valuable. While it is owned by local people of good business ability and strict integrity, they are not financially able to put this valuable property on a good working basis. However, the owners of this property advise that there is no use to wait for foreign capital to be employed in the development of our rich natural resources, when home capital can be practically business methods employed in this manner and the rich returns be realized by home people. This company has therefore capitalized this mining property, the stock being fully paid and non-assessable. 30,000 shares have been placed in the treasury for develop-

BETTER TRAIN SERVICE

Manager Colvin of the Southern Pacific Tells of Improvements Contemplated in Near Future.

Eugene, Jan. 31.—Manager Colvin, of the Southern Pacific R. R. Co., states that it is the intention of the railroad company to increase the train service on the Oregon lines. While no definite arrangements have as yet been made, it is probable another train will be placed in commission between Portland and San Francisco. This train will be a "day" stopping only at the larger points. Another additional train will probably be put on to run between Eugene and Portland.

Mr. Colvin stated that the additional train service was necessary on account of additional travel already in sight. The Albany train now has more work than it can handle and the overland trains are loaded excessively heavy.

Speaking of the improvements on the Oregon lines Manager Colvin said: "We are now planning an 84-pound rail on the road between Ashland and Portland. During the year these rails will be laid except from Turner to Dr. de, and this short distance will be laid as soon as the other work is completed. In addition to the above the roadbed is being brought up to the standard of the O. R. & N., and all the old wooden bridges, culverts, etc., will give way to the modern steel, stone and concrete structures."

Change of Railroad Time

Beginning Feb. 1st the northbound passenger trains leaving San Francisco will be at least three hours later than usual. The temporary withdrawal of the transfer steamer Solano from service between Benicia and Port Costa for repairs is the cause of the change. All trains going by way of Port Costa will, during the time that the Solano is being repaired, run by way of Stockton. This includes all trains of the Ogden and Shasta routes.—Eugene Guard.

MACADAMIZED ROAD INTO CALIFORNIA

PORTLAND, Jan. 31.—County Judge Webster is at Salem to advocate the adoption by the legislature of his resolution for the appointment of a state road commission to serve without pay, the duties of which shall be to advise plans for the construction of a macadamized roadway from Portland to the California state line by convict labor.

"I am hopeful that the resolution will pass and that, through co-operation of Oregon, Washington and California legislatures, a macadam road will be completed within a very short time, running from Seattle to San Francisco, perhaps as far south as Los Angeles. Such a road will encourage good road building in all of the coast states. I hope the legislature will adopt the resolution."

The resolution is as follows: "Whereas, The improvement of the public roads of this state is of paramount importance to the people and should be assisted and encouraged, and

"Whereas, It is believed that the building of a macadamized road from

HE HAD MANY WIVES

And the Authorities at Chicago Claim Some of Them Mysteriously Disappeared

AND HE IS NOW IN JAIL

Charged With Bigamy, but Will Very Likely be Tried For the Murder of Several Women.

New York, Jan. 31.—Johann Hoch, the aged Chicago "Bluebeard," whose possibility for marrying led to his arrest last night on the charge of bigamy, was arraigned in the police court today and remanded until Feb. 2, to wait extradition papers. Hoch says he is willing to go to Chicago to answer charges.

The Chicago authorities claim that Hoch married 24 women, the majority of whom died under suspicious circumstances.

Chicago, Jan. 31.—Coroner Hoffman this afternoon announced that a chemical analysis of the exhumed body of Mrs. Marie Walker Hoch, wife of the suspected bigamist, furnished absolute proof that she was poisoned. He said he believes he has all evidence needed to send Hoch to the gallows.

Dillard Items.

S. C. Miller lost a valuable dog the other day by salmon poisoning.

There was no Sunday school here last Sunday on account of a case of reported diphtheria.

Alex. Gage was down from his placer mine on Byron creek getting supplies the first of the week.

L. E. Millidge is wearing some court plaster on his face but L. E. says "you ought to see the other fellow."

Mrs. C. O. Pearson was called to the deathbed of the late Mrs. Whitsett at Roseburg on Sunday night's overland.

Rev. Miller, father of S. C. Miller, is very sick here with Lagrippe. Dr. Page, of Oakland, was here Sunday to see him.

The section crew at this place were digging prospect holes in the gravel bar Tuesday for inspection by the officials of the S. P.

Jake Nichols, a brother of I. B. Nichols the Brockway merchant, got off the train here Friday and hit the trail for Brockway.

S. S. Bolsinger, the popular blacksmith of Brockway, was over after freight the first of the week. Say, what a smile Sam wears these days since the arrival of that young lady at his house.

WILL PREACH HIS OWN FUNERAL SERMON

SANDUSKY, O., Jan. 30.—Benjamin Goodsell, an aged resident of Ashmont, this county, is determined that he will deliver his own funeral oration. He is an agnostic.

Desiring that no minister shall comment on his life, he has prepared and delivered into a phonograph his obituary in which he sets forth life's objects. The record has been placed in a safety deposit vault to be used at the funeral.

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MURDERED AND ROBBED

ALBANY, Ore., Jan. 30.—Manager Edwin Stone of the Corvallis & Eastern railroad, one of the most popular residents of this city, was brought home from Newport yesterday afternoon on a special train suffering from burns and injuries, the result of a vicious and murderous attack made on him at an early hour yesterday morning in his room in the Abbey House, in that place and died at 7:30 o'clock this morning without having recovered complete consciousness.

Mr. Stone went to Newport Saturday afternoon accompanied by Mr. and Mrs. J. K. Weatherford and E. J. Seeley of this city. While there he was approached by a stranger, a man having the appearance of a tramp, who asked him for a position, claiming one had been promised him. Mr. Stone said he had never seen the man before and refused to employ him. During the evening Mr. Stone handled some money in sight of a number of people who were about, among them the stranger.

It is certain beyond all doubt that Mr. Stone was the victim of an assault. Two Heppner men who were sleeping in the room below heard sounds of a scuffle. For several minutes after it became quiet about they heard moaning and finally got up and dressed. Failing to arouse any one in the hotel, they went across the street to a saloon and got the proprietor. All three

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B. W. STRONG THE FURNITURE MAN

MURDER WILL OUT

BRUTE, Jan. 31.—Addie Madeline Courtney last night confessed to the authorities that her paramour, Eugene Helbek, who is now under arrest, ravished and murdered 9-year old Ethel Gill in this city eight years ago. The woman says she could keep the secret no longer, and declares for weeks after the killing Helbek kept her bound in bed, compelling her to eat her arm and with her own blood sign a statement giving Helbek and two unknown friends the right to kill her if she betrayed his secret.

Gold crown and bridge work of best quality by Dr. Strange.

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