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ROSEBURG, DOUGLAS COUNTY, OREGON THURSDAY, FEBRUARY 2, 1905

Long Expected Decision in Two Roseburg Cases.

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

Because it creates an indebtedness liability against the city in excess of the limitation contained in its charter, the Supreme Court, in an opinion rendered ness within the meaning of its charter. by Justice Bean, holds that the contract Under the contract the monthly payshould be cancelled. This opinion was the contract stipulated that they should rendered in the case of R. Brockway, be valid then if it had made no such son county, in which the decree of Judge applicable to such purposes. H. K. Hanna of the circuit court is af-

payer of the city of Roseburg to cancel case in the Supreme Court in a per curand annul a contract between the city iam opinion handed down, in which the little son were suffering from an at- some support to prevent her from could do to relieve the terrible suf- wife and baby-his all. However, and the defendant, the Roseburg Water decree of Judge Hamilton is reversed with light for a period of ten years, from ver, guardian, respondent, against the nurse. The cottage being a small the peril of her own life sought to execution, but without avail, for the upon the grounds which were upheld the payment of a policy held by the deaggregate shall not exceed \$5000.

by the Legislature of 1895, restricted the firmed on the first ruling, but is re-limit of creative indebtedness to \$10,000 versed on the latter, it being held that but was amended in 1901 to the \$5000 the plaintiff's father was a resident of of the constitution and are for the bene- not rise in that company fit and protection of the taxpayer, by requiring the municipal authorities to conduct its affairs substantially within the current revenues. The state constiamount and does not apply to involun-Roseburg is that the indedtedness of the municipality "must never exceed" a certain amount, and the uniform holdings of the courts is that any liability been waged for two weeks. money is within a prohibition of that

the City of Sale n, is cited in the opin- counties demanded the same privilege. ion as one almost parallel with the Rosebe due the water company under a con- little brick opposite Slocum's hall.

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 Supreme Court at Salem Renders 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 of \$30,600, to the water company at fu LIGHT COMPANY LOSES ture periods and was therefore void under the charter inasmuch as the provider ler the charter, inasmuch as no provisions were made for the payment of the installments as they become 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 are not to be considered as an indebted

This is a suit by a resident and tax | The United Artisans lodge won the suffering. brought in the court of Douglas county by the nurse, for convenience in ing his terribly burned wife and the that erstwhile pleasant, peaceful and final repose at Glendale, The charter of Roseburg as enacted The judgment of the lower court is afby the Legislature of 1895, restricted the firmed on the first ruling, but is relimit. The court holds that these sev- Douglas county when the contract was serted in obedience to the requirements pany, and that the cause of action did

Brush Fire Wins Out

Salem, Ore., Jan. 30.-Opponents of tation prohibits a county from creating the forest fire bill have succeeded in tary indebtedness thrust upon it by clearing and brush fires stricken out by operation of law. But the language of the house committee on public lands the restricted clause in the charter of and the bill will be recommended for

not arising from tort by virtue of which As the bill was first drawn all brush the municipality is required to pay fires were to have been prohibited be tween August 1, and Sept. 15. Clatsop | imous. The case of the Salem Water Co. vs. coast west of the Coast Range and other

burg case. That was an action to re | For the best dental work at most rearover a quarterly installment alleged to sonable prices, go to Dr. Strange in the ceedings.

TWO WOMEN AND CHILD PERISH IN FLAMES

on the part of the city to pay money Lamp Explodes in Sick Room in the Home of Oliver P. Lane at Glendale Tuesday Night and Mrs. Lane and Two-Voar-Old Child and the Nurse, Miss Cooper, are the Uni e Victims of the Flames.

One of the most shocking and de- case she was summoned durspecial fund for the payment of the plorable accidents ever recorded in the night. Sometime after mi warrants as issued, and, therefore, they this county and one which has east a night there came a terrible of

PRHT A

which it occurred and profound sor- and oil were scattered all about the room in which it lay was a roaring cruel visitation of fate. which the Roseburg Water and Light ments were to be made in warrants and row throughout the county, was the sick room and over the bed in which furnice, as well as was the adjoining.

Mr. Lane succeeded our townsman, business in the house, and as a result tion papers. Hoch says he is willing to Company holds with the city of Rose they would be no less the debt or obli- burning of the home of Oliver P. the ill mother and child were sleep rooms by this time, and nothing could be no less the debt or obli- burning of the home of Oliver P. the ill mother and child were sleep rooms by this time, and nothing could be no less the debt or obliburg is illegal and void and that it gation of the city when issued because Lane at Glendale at an early hour ing. The oil became ignited and be done to recover the little body or man in Hon. H. G. Sonnemann's mer-Wednesday morning, which cost the burned with fury, in a few minutes over sate the household goods, Glen chandise store at Glendale last spring.

Some money known to be on the person of Mr. Stone is missing, and it is of whom died under suspicious circumrespondent, vs the city of Roseburg, and provision. In either event they would live of two of the household, a little enveloping the entire room in deadly date having no adequate fire protes. He is a most exemplary gentleman believed that the stranger, or some one stances Harry C. Slocum, treasurer, defendants. be the general obligations and debt of two-year old boy. Mrs. Lane and a fumes, smoke and flames. Although tion. The cold are hard a fumes, smoke and flames. Although tion. The cold are hard a fumes, smoke and flames. the Roseburg Water and Light Com: the city to be paid out of money arising nurse, Miss Cooper, of Medford, who weak and emaciated, the mother tents was there are speedily reduce was honored and esteemed by everypany, appellant; appealed from Jack- from taxation or from other revenues perished in the flames, or died soon sprang from her bed and seized her to a heap of smouldering rains, the after being terribly burned, death baby boy, but her strength was so charred remains of the unfortunate coming as a relief to their intense wasted that the precious little form little one being recovered from the quaintanceship. It is a terrible blow dence of his crime, fied. The theory is suspected uxoricide bigamist, furnishes

was dropped back on the bed and the debris. It seems that Mrs. Lane and her mother staggered and grasped for Everything that skilled physicians and without warning lost his home,

make their exit from the progressive little city of Glendale, building through a window, over which will long hang a deep hotel when the fire was discovered and the aged Chicago "Blu-beard," whose r. by this time the cries of gloom and where happiness will give was arrested. Asked what he was doing proposity for marrying led to his arrest pall of gloom over the community in plasion and fragments of the lamp the way to sorrow and regret for this there, he explained he had a room in the last night on the charge of bigamy, was

and Light Company, by which the city and the cause remanded. This is in the agreed to pay the latter for supplying it case of Robert Hildebrand by S. J. Cui- Cooper of Medford, was employed as the nurse was on the scene, and at Miss Cooper, were quickly put into January 1, 1902, to December 31, 1912, United Artisans, from Douglas county one Mr. Lane occupied apartments rescue the mother from the room former had sustained terrible and fa. felt sympathy of not only the comat \$115 per month, in valid warrants in which the plaintiff seeks to enforce upstairs while the other members of which by this time was a veritable tal external barns, while the latter munity in which he resides, but of diptheria. by the Supreme Court, as stated in the ceased father in the defendant company the family occupied rooms below. Here furnace. Mr. Lane, hearing the hy inhaling the firey furnace every resident of the county and this above paragraph. The contract called for \$1900, in favor of the plaintiff. The The family retired as usual Tuesday explosion and the commotion follow- both fatal internal and external in- part of the state. for the payment of \$1230 per year, or a only question of importance decided by evening Mrs. Lane and her afflicted ing. dashed down an outside stair and juries. Miss Cooper's remains were taken total of over \$15,000 for the ten years the court is that the local secretary of baby boy occupying one room and the finding all of the outside doors locked her injuries at about 5 o'clock Wedcovered by the contract, while the char- the lodge is not considered an agent of nurse the room adjoining. A kero- smashed in a window and rashed to nesday evening, Mrs. Lane dying one vision that the city shall not create any tion for the purpose of service of process sene lamp was as usual left burning the rescue of the other members of hour later, thus three precious lives while the remains of Mrs. Lane and debts or liabilities which together in the and whether the action was properly low on the table in the sick room the family, finally succeeded in assist- were sacrificed to the fire fiend in babe will be tenderly laid to their

Contemplated in Near Future.

to Mr. Lane who in a mere moment of consoling friends and the hear-

fornia state line, would be of great value

Pacific Tells of Improvements parts of the state, and confined in the penitentiary of this state could profitably be employed in the con-

definite arrangements have as yet quired to appoint a state road commis-The *weeping injunction is affirmed non-fulfillment of monthly payments This train will be a "flyer," stopping oughly investigate the feasibility of the Roseburg on the local. When the The Albany train now has more work is fessible and practicable, it shall prethan it can handle and the overland pare and submit to the next legislature

> the legislature in considering the matter Resolved, That the secretary of the state be and he hereby is directed to andit and allow bills for the necessary exenses of said commission to the extent of whatever appropriation may be made or that purpose; and be it further Resolved, That the governor be and

late such construction of said road, and

shall report other matters in connection

he hereby is requested not to enter into any contract for the labor of convicts in the penitentiary, which shah extend beond the first day of July, 1907." Judge Webster favors bills to amend the laws to provide that real property

of estates or deceased persons may b sold before all of the personalty has been disposed of; and to improve the statute governing the sale of property which the county has bid in for texes.

Murdered and Robbed

ALBANY, Ore. Jan. 30 - Manager Edwin Stone of the Co-vallis & 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 con-

PORTLAND, Jan. 31.-County Judge Mr. Stone went to Newport Saturday afternoon accompanied by Mr. and Mrs. J. K. Weatherford and E. J. Seeley of the duties of which shall be to advise this city. While there he was ap proached by a stranger, a man having mized roadway from Portland to the the appearance of a tramp, who asked of Oregon, Washington and California had never seen the man before and relegislatures, a macadam road will be fused to employ him. During the evencompleted within a very short time, ling Mr Stone handled some money in running from Seattle to San Francisco, sight of a number of people who were

building in all of the coast states. I hope Mr. Stone was the victim of an assult. sources, when home capital can by prac- bed, compelling her to cut her arm and the legislature will adopt the resolution." Two Heppner men who were sleeping Failing to arouse any one in the hotel,

the cause of the moaning, and discovered the fire in Mr. Stone's room.

At about I o'clock Sunday morning a fire alarm brought out the residents of the town and fire was discovered in Mr. Stone's room at the Abbey House. The room was hastily entered and the railroad man was found lying on the floor, enveloped in fames. The flames were quenched. A physician was quickly summoned and the injured man was AND HE IS NOW IN JAIL given the best treatment available. It was found that he had been struck on the head, both forearms were badly injured and bruised and burned.

When Mr. Stone regained his consciousness for a minute, he asked who it was that had assulte i him, but beyond this he was unable to say anything reguarding the events of the night. The stranger tra mp was found in the

cure twhat money he could find and, ical analysis of the exhumed body of one within their large circle of ac- setting the room on fire to hide the evi- Mrs. Marie Walker Hoch, wife of the that the tramp did the job.

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

Alex. Gage was down from his placer mine on Byron creek getting supplies cumstances which the police declare to the first of the week.

L. E. Milledge 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

to the people of the state and would see him. greatly encourage the boilding of simi-The section crew at this place were digging prospect holes in the gravel bar Tuesday for inspection by the officials of

Jake Nichols, a brother of I. B. Nich-

One of the Japanese gang now workescape from death while returning from

slor and Wilson strawberry plants, 50 cents per hundred, or \$2,50 per 1000

No. 10

And the Authorities at Chicago Claim Some of Them Mysteriously Disappeared

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

New York, Jan. 31 .- Johann Hoch, building, but this was shown to be false. arraigned in the police court today and He told conflicting stories regarding his remanded until Feb. 2, to wait extradi-

The Chicago authorities claim that Some money known to be on the per- Hoch married 24 women, the majority

Chicago, Jan. 31 - Coroner Hoffman oun of Mr. Stone, struck him down, see this afternoon announced that a chemabsolute proof that the was poisoned. He said he believes he has all evidence needed to send Hoch to the gallows.

Some of Hoch's Wives CHICAGO, Jan 30- Although the police hope to convict Hoch of murder, the

only specific charges against him are at the present time bigamy and wife abanlonment. From all accounts Hoch has been married to 25 different women, and six of these have died under cirbe suspicious. These women were: Mrs. Mary Schultz Hoch, disappeared

om Argue, Ind. in 1900. Mrs. Hoyle Hoch, disappeared in 1892. Mrs. Mary Steinbrecher Hoch, died in Chicago in 1902.

Mrs. Lena Hoch, died in Milwankee in 1898 Mrs. Mary Hecker Hoch, died at St. Louis in 1902.

Mrs. Marie Walker Hoch, died in Chicago, Jan. 11, 1905.

FOUR MORE WIVES DISCOVERED

CHICAGO, Feb. 1 .- Four more wives of

since yesterday, making a total of 29 in ols the Brockway merchant, got off the all. One of these is Mrs. Loughken struction of such a highway; therefore train here Friday and hit the trail for Hoch, who was wedded to Hoch in San Francisco four years ago, and was said S. S. Bolsinger, the popular black- to have died very suddenly.

OWN FUNERAL SERMON

SANDUSKY, O., Jan. 30. - Benjamin brakeman called Greens station the Jap Goodsell, an aged resident of Ashmont, mistook it for Dillard and jumped off the this county, is determined that he will moving train. He thought a Russian deliver his own funeral oration. He is

Desiring that no minister shall comment on his life, he has prepared and Strawberry Plants for Sale. - Excel- delivered into a phonograph his obituary in which he sets forth life's objects. o. b. Address J. H. Younce, Dillard, The record has been placed in a safety M1 deposit vault to be used at the funeral.

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Fancy Baskets from 5 cfs to \$2 00 Swell line of Combination Cases Ranging in Price from \$15 to \$28 Take a look at our Buffets From \$25.00 to \$38.00. :: ::

eral provisions of the charter were in- entered into with the defendant com united States Supreme Court Ren- ing a fund to push development work Manager Colvin of the Southern lar roads adjacent thereto and in other

the Trust Restrains Trade.

having the closed season against the adverse to Swift & Co. and the other scribing and two dollars on first of each that it is the intention of the railroad concurring: That within 60 days after smith of Brockway, was over after ederal court of the northern district of certificate of stock will be issued Illinois, restraining an illegal combinapassage in that shape. Such is the ter- tion to resist competition in the purchase der, and purchasers of this lot will have train will be placed in commission be- act without compensation and whose mination of the big fight, which has of livestock and the sale of dressed beef. preference on the next. Thirty days in tween Portland and San Francisco, duty it shall be to carefully and thorwith a few certain minor modifications may cancel all rights in the above." to make it conform to the bill of the at torney general. The decision was unan-

without regard to the purpose for which and Tillamook first secured exemption Justice Holmes delivered the decision. from the closed season, then the entire 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 pro-

President Praises Fair

SALEM, Ore., Jan. 31.-The following this morning read in the House in re-Exposition

"White House, Washington, Jan. 25 .- My Dear Mr. Mille: 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 p'easure to me to do whatever was 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 ques tion I am sincerely yours,

"THEODORE ROOSAVELT." 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 51/4 foot face of good milling ore is being worked in the main tunnel. A great deal of de velopment work has already been done on this property and assays have proven are not financially able to put this valuable property on a good working basis. However, the owners of this property has therefore capitalized this mining secret. property, the stock being fully paid and

company is now offering a few blocks of stock for sale for the purpose of providders Unanimous Decision That on this property. He will be in Rose-

"Price of each block of 1000 shares Washington, Jan. 30.-The U. S. Su- \$25.00, payable in twelve monthly pay- Engene, Jan. 31.-Manager Colvin, of be it preme court today rendered a decision ments viz: three dollars at time of sub- the southern Pacific R. R. Co., states "Resolved, By the senate, the house companies of the by of trust in the ap- month thereafter for eleven months. At company to increase the train service the passage of this resolution the gover- freight the first of the week. Say, what peal from an injunction made by the any time the full amount is paid in, a on the Oregon lines. While no nor be and hereby is authorized and re

Some New Poems.

poets, has just launched upon the ever attempt to soar into the real ms of ethe-Oregon lines Manager Colvin said: real bliss on the wings of poetic song, under his name, a collection of short on the road between Ashland and Port-The title given to the present collection be laid except from Turner to Di. de, is appropriately styled "Lewis and and this short distance will be laid as Clark, a Souvenir Book." The price he soon as the other work is completed Fresident to visit the Lewis and Clark est sum of ten cents; a price that is cer- being brought up to the standard of the tain'y within the reach o' all. Mr. Har- O. R. & N., and all the old wooden ness has many friends in Douglas coun- bridges, culverts, etc., will give way to

ty who are anxious to see his entire suc- the a odern steel, stone and concrete cess It is believed that the future has structures.' in store for this singer, stronger wings for a loctier flight, and in this, he has the best wishes of a host of acquain-

The lines below compose the first well with other famous Oregon songs. The title of the poem from which the quotation is made is "The Power of productions of the autoor:

In Oregon long ago, When over mountain, hill and plain, In bands they wandered to and fro, One ev'ning, where the Umpqua, blue

Down through a wid'ning canyon Rowed up the stream with muffled

One can hardly read the entire poem without a sense of having been uplifted and made to stand on a higher plane of moral ethics; in fact the author, in all his sougs, unmistakably aims to lead his readers to the loftiest points of truth

Murder Will Out

BUITE, Jan. 31 .- Addie Madeline the property to be very valuable. While Courtney last night confessed to the auit is owned by local people of good busi- thorities that her paramour, Eugene ness ability and stric. integrity, they Helbek, who is now under arrest, ravished and murdered 9-year old Ethel Gill in this city eight years ago. The advocate that there is no use to wait for woman says she could keep the secret foreign capital to be employed in the no longer, and declares for weeks after development of our rich natural re- the killing Helbek kept her bound in tical business methods by employed in with her own blood sign a statement this manner and the rich returns be giving Helbek and two unknown friends realized by home people. This company the right to kill her if she betrayed his

been placed in the treasury for develop- quality by Dr. Strange.

Change of Railroad Time

Sper'sing of the improvements on the

Beginning Feb. 1st the northbound stanza of a beautiful poem found in his passenger trains leaving San Francisco present collection of verse, and rank will be at least three hours later than usual. This will continue for about 90 days. The temporary withdrawal o Music," and I consider it the best of all the transfer steamer Solano from service between Benicia and Port Costa for re When Redmen held their aucient reign pairs is the cause of the change. Al trains going by way of Port Costa will luring the time that the Solano is being repaired, run by way of Stoc ...on. This includes all trains of the Ogden and Shasta routes - Eugene Guard.

MACADAMIZED ROAD INTO CALIFORNIA

Webster is at Salem to advocate the adoption by the leg'slature of his resolution for the appointment of a state road commission to serve without pay, plans for the construction of a macada-California state line by convict labor. "I am hopeful that the resolution will pass and that, through co-operation of

perhaps as far south as Los Angeles. about, among them the stranger. Such a road will e courage good road It is certain beyond all doubt that The resolution is as follows:

assisted and encouraged, and, building of a macadamized road from oon and got the proprietor. All three

"Whereas, The improvement o' the scuffle. For several minutes after it public roads of this state is of paramount became quiet above they heard moanimportance to the people and should be ing and finally got up and dressed. non-assessable. 303,000 shares have Gold crown and bridge work of best "Whereas, It is belie ed that the they went across the street to a sa

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