

## Roseburg, Oregon

Population, 350. The County Seat of Douglas County, Oregon. Soldiers Home; U. S. Land Office and U. S. W. A. Bureaus are located here. S. P. railroad facilities; splendid educational advantages. Gateway to the Coast Range and Coquille country.

# Roseburg

THE TWICE-A-WEEK



# 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 1898. Subscription, \$2 per year for Semi-Weekly.

VOL. XXXVII

ROSEBURG, DOUGLAS COUNTY, OREGON, THURSDAY, APRIL 20, 1905.

No. 32

## ABATEMENT PLEA IS ARGUED AND SUBMITTED TO COURT

Decision of Judge Bellinger to be Rendered Next Monday—Judge Bennett Submitted a Convincing Argument

Portland, April 19.—Honey's argument Monday was in effect that abatement pleas should not be contended for under the Oregon statute and he further submitted affidavits whereby, he contended that Juror Guist was a legal juror and that Honey is a legal prosecutor.

The second day of argument in the Mitchell abatement proceedings has been ended and the question has gone to Judge Bellinger for his decision, which will be announced upon the opening of court on Monday next.

At the opening of the morning session United States District Attorney Honey asked permission to introduce citations which he had overlooked the day before in support of his contention that the pleas in abatement had been filed too late to be of effect. The permission was given, and he cited the Cobban case, by Judge Deady, and the Agnews case in 1865 United States' to maintain his point.

Attorney Bennett in beginning his argument, like O'Day in the Pater-Watson case, prefaced his remarks by a quotation, and interspersed them with sarcasm.

"Consistency, thou art a jewel," he stated at first breath. "The other day Mr. Honey objected to the filing of these pleas in abatement on the ground that they had been filed too late, and now before the court he is objecting because we did file them before we were arraigned."

He then proceeded to argue in support of the pleas in abatement, and occupied the whole of the forenoon in discussing the questions at issue. He stated that Mr. Honey had failed to introduce the proper statutes governing the procedure in Federal courts in the matter of pleas in abatement, especially as regards the offering of affidavits, as was done by the law previous by the Government attorney in regard to the citizenship of George Guist and the prejudice of himself towards the defendant. He insisted that since a great part of the old settlers of the state had come from Missouri their descendants were bred of their disposition and would like to be shown, rather than to take the word of anyone for a thing so serious in effect as the production or non-production of the statutes desired.

Senator Mitchell's attorney argued that the common law and not the statutes of a state governed the selection of jurors in Federal courts. The common law recognized the plea of abatement as the proper means of testing the validity of a grand jury and upon this fact the defense based in part its claim.

The manner in which the jury was impaneled was one of the most serious things in the case," contended Bennett. "The first two men were excused and the others were put in their places contrary to the statutes. Then another man was added which shows the body to have been unlawfully and variable one. It seems, therefore, that if we are entitled to trial on the validity of jurors the delay should be taken."

In behalf of Mitchell, "This case," continued Bennett, "is a technical one, and involves no charge of moral turpitude, other than that Senator Mitchell might have unknowingly taken money as a member of a firm for services done by that firm."

"I appointed Mr. Honey," interrupted Judge Bellinger. "I had reason to believe that the Administration desired him to be appointed, and, therefore, I appointed him."

"Well, I didn't know," continued Bennett, "but it is right that the man who is District Attorney should be a resident of the district, familiar with its conditions, bound by its customs, surrounded and tempered by the opinions of its fellow-men. This is one of the great safeguards, otherwise, some one might come from California or New York and by his desire for notoriety, or to get his name and picture in the papers, cause to be indicted men by the hundreds and the hundreds to gratify his desire. And influenced by this desire he might indict those whose greatest crime had been their long service for the good of the state, while he allowed things and thieves by practice and profession, to go free and unwhipped of justice."

"We are ready to verify our contention that Mr. Honey went before the grand jury and by his influence prejudiced the jury against a defendant. We ask that this be granted us."

"I deny that Mr. Honey was a de facto officer or that he was rightfully one. A man cannot be a clerk or an officer unless he is in the district. The law was passed in the latter part of Grant's Administration when men from New York went to the South to accept Government offices with their carpet bags in their hands and their trunks in their hotels, who held office until the term expired and then left again for their former home. This was recognized as unjust and prohibited by law, and it has been so long since the law was violated that its existence had been forgotten until this case brought it before the people again. I do not think that President Roosevelt would have appointed Mr. Honey if he had known that he was breaking the law. I do not know how Mr. Honey holds his office."

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## OF INTEREST TO EXPOSITION VISITORS

Rates For Rooms and How to Secure Quarters in Portland With Little Trouble.

It is very desirable that all visitors to the Lewis and Clark Exposition at Portland should arrange for their sleeping rooms in advance. The Southern Pacific company has arranged with the Portland Service Company to place their tickets in the hands of all S. P. local railroad agents.

L. B. Moore, the Roseburg station agent, has a supply of these tickets on hand which are sold for one dollar and which entitles the holder to the services of the Portland Service Co. in securing the kind of room desired by the intended visitor, who is required to state the kind of quarters wanted.

Upon arriving in Portland a holder of one of these tickets is met at the depot by a yellow-capped messenger of the Portland Service Co., and escorted to the room engaged. In case of failure to secure satisfactory quarters no charge for the service is made.

Rates For Rooms

The Portland Service Co. has under contract in the residence districts in the best neighborhoods of the city 5000 rooms in various private families, boarding houses, etc., also 15 hotels. In private houses the rooms vary in price from \$5 to \$25 per week, and in hotels \$1 per day and up for each person. A man and his wife will therefore be required to pay double the price quoted above.

All those contemplating going to the Exposition who have not already secured accommodations should consult, L. B. Moore, S. P. agent, Roseburg, Oregon.

## NAME LOW RATES FOR EXPOSITION

For some time the question in the minds of Oregon people has been "what kind of rates will the railroads of Oregon make so that we may all be able to visit the fair."

A. L. Craig, general passenger agent of the O. R. & N. and W. E. Coman of the S. P. have been busy for sometime investigating the matter, finding out what rate would be satisfactory to the public and at the same time not hamper traffic interests and they have reached the following conclusion:

According to the schedule the rates will be in effect from May 29 to October 15, and will grant in general and at all times a round trip fare of one and a half times from any point and return, with a full time limit of 30 days.

Other special provisions have been made, however. Parties of two or more persons traveling together under a time limit of ten days may visit the fair from any point in the territory for one fare, while parties of 100 or more will be given one-fare rates, with individual ticket and a return limit of ten days.

Couch excursions will be run in addition to the rates quoted, as often as the traffic will warrant, the rates for which will be lower than one-fare way. These tickets will be good for seven days from date of sale, but will entitle to nothing more than day coach privileges.

Indian Wife of an Oregon Governor

Mrs. Eliza Gale, widow of Joseph Gale one of the first provisional governors of Oregon, who died recently was laid to rest at Weston cemetery, says the East Oregonian. She was 85 years of age and had been ill but a month.

Since the death of her illustrious husband in Eagle valley in 1872, Mrs. Gale has lived with her daughter, Mrs. Edwin Simpson, who with her husband moved to the Wild Horse creek, near Athena in 1875.

Mrs. Gale was a niece of the famous Walla Walla chief, Pic-pio-mox-mox, and leaves but two children, Mrs. Loretta Simpson, with whom she has resided for 32 years, and Mrs. Ella Page, of Seattle.

When Oregon was organized as a territory in 1848, Joseph Gale, her husband, was one of the three commissioners, or provisional governors, appointed to establish the territorial organization and start the wheels of organized government to rolling.

He also built the first sailing vessel ever built on the Pacific coast, "The Star of Oregon," with which he made the trip from Portland to San Francisco, standing at the helm for three days in a rough sea. He is buried in Eagle valley, Baker county, and a monument will be erected over his "resting place" by the state, it is thought. An effort has been made to secure an appropriation for this purpose and private citizens are also interested in the project.

Fleet May Stay in Kamranh Bay

Tokio, April 19.—From information received here it is believed that the Russian squadron purposes staying at Kamranh Bay until May, Rojostevsky meanwhile sending out his cruisers to overhaul merchantmen proceeding along the trade route to the straits of Formosa.

Transport accompanying the Russian squadron are reported to be plying between Kamranh Bay and Saigon under the merchant's flag of Russia.

## THE PLAINDEALER MOVES INTO ITS NEW QUARTERS

Modern Brick Building on Roseburg's Business Street, Centrally Located

NEW BABCOCK STANDARD PRESS WITH DEXTER PAPER FOLDER

New Cases, New Type and Modern Equipment Throughout—Fine Book and Job Printing Department.

This will be the last number of the Plaindealer issued from its old quarters on the corner of Main and Oak streets, a building which is still numbered among the few old landmarks of the city of Roseburg. When the paper and plant was purchased by the present management about five years ago the old building was completely overhauled and renovated, but its antique design and appearance was not altered. The Plaindealer was established in Roseburg in 1868 and during its varied career extending through all of these years it has been published in the same quarters which have at last been deserted that the paper may keep up with the march of progress by securing more central, commodious and convenient quarters.

At the same time the plant, which is already one of the most complete in Southern Oregon, will be modernized in every department, among the new additions being a Babcock Standard book and newspaper press with a Dexter paper folder attachment; Autocrat case stands, new cases, brass rules and several fonts of new job type, which provides the Plaindealer with by far the most complete and up-to-date newspaper and job printing plant in Southern Oregon.

The Semi-Weekly Plaindealer, which today is a leader in its class of Oregon newspapers, will be able to give its readers, advertisers and other patrons even better services in its new building and with its greatly improved facilities. The publication of a daily edition is now receiving the serious consideration of its management.

Never in its history has the paper enjoyed a more liberal patronage than at the present time. New subscribers are being added to its subscription list almost daily and old subscribers are renewing their subscriptions promptly, which indicates that the Plaindealer, although partisan, being the official republican paper of Douglas county, through its broad, liberal and aggressive policy, and its loyalty to home and all worthy home institutions, is winning the confidence and esteem of the public with in the bounds of its territory. It publishes all of the news, that is fit to print, while it is news, and covers the local, county, state and general news field in a brief and concise manner, in fact, it is our aim to give Roseburg and Douglas county an ideal local paper and how well we are succeeding and may continue to succeed we submit to the verdict of the many patrons and friends of the paper. We extend a cordial invitation to our readers when in Roseburg to visit the Plaindealer in its new home, and in conclusion wish to thank the many old patrons of the paper for their liberal patronage which we hope to continue to receive and fully merit.

THE NEW NATIONAL BIRD.

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## THE NEW COUNTY FRUIT INSPECTOR LAW

Provisions of the Act Passed at the Last Session of the Oregon Legislature

The following is the text of a new law passed at the recent session of the legislature of special interest to the fruit growers.

Section 1. That upon a petition of not less than twenty-five residents and fruit growers of any county in the state, the county court of said county shall appoint a county inspector whose duty it shall be to inspect the apple and other fruit orchards of said county and to enforce the laws now in force and that may be hereafter in force in this state applicable to the fruit industry and to the growing and handling and selling of fruit trees and other nursery stock.

Provided, that the inspector so to be appointed shall be recommended and certified to be competent for such position by the state district commissioner of the board of horticulture of the said county, and the said county inspector shall hold his office during the pleasure of said county court.

Section 2. It shall be the duty of the state district commissioner to instruct and educate the county inspectors as to the laws and quarantine regulations of this state and the rules and regulations of the state board of horticulture. The county inspector shall perform his duties under the general supervision of the state district commissioner of said county to whom he shall make reports in the manner prescribed by the state board of horticulture.

Section 3. Such county inspector shall be paid for his service, by the said county, a sum not exceeding three dollars per day and pay his own personal expenses, for each and every day actually employed in the performance of his duties as herein provided and the said county inspector shall report monthly to said district commissioner, the time for which to pay during the month preceding and the said district commissioner shall certify the same to the county court before such compensation shall be paid to said county inspector.

Section 4. If any county for any reason fails to appoint a county inspector as herein provided, then the inspector of an adjacent county may perform such services and the necessary expenses incurred in the performance of his duty shall be charged up against the county where the service was performed as if he had been appointed by the county court of such county.

Section 5. The state district commissioner of horticulture shall hear and promptly decide all appeals from the county inspectors in his district and his decision shall have full force and effect until set aside by the courts of the state. All appeals from the county inspectors to the district commissioner shall be under the form and regulations as prescribed by the state board of horticulture.

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## NEAL McBETH HELD ON CHARGE OF INCENDIARISM

He Waived Examination and is Held in the Sum of One Thousand Dollars to Appear in the Circuit Court—Is in Jail

Monday's Plaindealer contained a detailed account of the burning of the homes and barns of Chas. and John Thom on their ranches near Cleveland, Douglas county, late last week and the arrest of Neal McBeth near Millwood Sunday upon suspicion of being the incendiary. McBeth waived preliminary examination when arraigned before Justice John Long, of Roseburg, Tuesday morning, and was bound over in the sum of \$1000 for trial at the next term of circuit court. Being unable to furnish bail he will languish in jail awaiting his trial.

McBeth served two years in the Oregon penitentiary for an offense committed at Cleveland several years ago.

McBeth has been employed of late by W. R. Vinson, of Coles Valley, a neighboring community of Cleveland. In the evening immediately prior to the morning on which the two houses and barns were burned, Mr. Vinson says that McBeth was intoxicated. He was locked up in the granary at the Vinson place about 11:30 o'clock, but during the night, McBeth gained his freedom by crawling through an aperture in the building which he made by tearing a board loose from its fastenings. Mr. Vinson says he heard McBeth come to the front door of his house between two and three o'clock in the morning and then walk away. That the person was

McBeth is evidenced to Mr. Vinson, according to his story, by tracks seen at daylight leading from the house to the stock barn on the Vinson place, from whence McBeth made his appearance sometime in the afternoon. Mr. Vinson denies that McBeth purchased any provisions or made any preparations to go to the mountains as reported regarding the suspected incendiary from Cleveland.

McBeth has secured the services of W. W. Cardwell, of Roseburg, one of Southern Oregon's leading criminal lawyers, to defend him. No definite motive for the malicious incendiary has yet been advanced other than the satisfaction of a personal grudge held by the guilty party.

## A NEW FANGLED INSURANCE COMPANY

An Eastern "birth insurance" company has applied for a license to transact business in this state, but Secretary of State Dunbar is unable to find any law governing that class of companies and has passed the matter on to the attorney general.

There is a state law governing life, accident, fire, marine, plate glass and surety companies, but a birth insurance comes in none of these classes. The plan of the company is to charge a specified premium per month and pay a specified sum to the mother upon the birth of a child. If there is no law governing such concerns, they can doubtless transact business without complying with the laws requiring the deposit of bonds and the payment of a tax.

Probate Orders.

May 18, 1905, at 10 o'clock a. m., fixed as day and time for settlement of final account, of Green, admr., of estate of Rosa B. Green, deceased.

Sale of real property of estate of S. Marks & Co., by the admr., H. Wollenberg, to Clara A. Seylor, for \$1450, confirmed, said property being neq of sec 17, tp 29 s, r 7 west.

The Roseburg purchasing public should not fail to visit Stanley's, one door south of the post office, on Friday and Saturday of this week. As the firm is offering extra special inducements for these two days, clothing prices are cut to less than half, and shoes are selling for a third off of the regular retail prices. Their general line of gent's furnishings is being retailed at much less than regular wholesale cost of the goods.

## FULLERTON & RICHARDSON

REGISTERED DRUGGISTS

WE point with pride to the fact that we maintain a fine stock of the Highest Quality Drugs.

Quality in Drugs is a very important matter to you. You may be blessed with perfect health today, but tomorrow may bring sickness to you or some one dear to you.

Now, we offer a friendly suggestion. Make this your Drug Store Now, so when you need Drugs that You and your Doctor Can Rely On, it will be easy for you to find

THE DRUG STORE OF QUALITY

NEAR THE DEPOT

ROSEBURG, - - - OREGON

DOUGLAS COUNTY

BANK

Capital Stock \$50,000

F. W. BENSON, President. A. C. MARSTERS, Vice President. J. H. BOOTH, Cashier.

BOARD OF DIRECTORS: F. W. BENSON, R. A. BOOTH, J. H. BOOTH, J. F. KELLY, JOS. LYONS, A. C. MARSTERS, K. F. MILLER.

A GENERAL BANKING BUSINESS TRANSACTED

SPRAYS, SULPHUR, LIME, BLUE VITROL AND CAUSTIC SODA OF THE BEST QUALITIES SOLD AT MARSTERS' DRUG STORE