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ROSEBURG, DOUGLAS COUNTY, OREGON, THURSDAY, JULY 27, 1905.

SENATOR MITCHELL HEARS COAST RAILROAD TO **OFFICERS SEARCHING CHILD WANDERED** W. W. COTTON DECLINES **DECREE OF FEDERAL COURT** FOR WITNESS STARR AWAY AND DROWNED FROM DRAIN. FEDERAL JUDGESHIP POST. BUILD Little Daughter of J. A. Eggers Will Stay With Harriman Railroad. J. V. O'Leary Arrested, Suspected Six Months in County Jail and \$1.000 Fine. Stay Probably Burned District Will Soon Build up. Thirty Room Formerly of Dillard, Dougof Harboring Young Starr Given Larger Salary to Remain of Execution Granted. Case Appealed Hotel is Being Planned. las County at McKenzie. to Supreme Court. With Road. New Depot. 441 L 4.

Before being subpoensed in the sec-Drain, Or., July 25 .- The people of this section are ond trial against Congressman Williamconsiderably interested in the arrival of William Hood, son, his nephew, Ernest Starr, an imstarted for his home in Crook county gang of 20 men and two cars, at this place today. They and is now much sought for by U.S.

talk is being indulged in. They come without being heralded by any one and no one knows their mission. Two years ago last month a similar surveying crew dropped into about 50 miles east of Eugene, is under Drain and commenced surveying for a coast railroad.

This crew has been steadily at work since. They pected O'Leary was hiding Starr, and are now south of Crescent City, California, and reports upon being questioned they were con-vious that he knew of the absent wit-to make the absent Their work all through has been very thorough and a 1 per cent grade is being maintained. Whether the arrival of the crew today means that further work on this road is to be commenced will develop in a day or two.

Drain Will Soon Rebuild

work this morning on a temporary With two blocks of buildings, be-ides the railroad depot, roadmaster's office and warehouses in smouldering ruins the north part of the business section of at this station. Drain presents a desolate appearance, E. L. Meacham, of the Commercial yet the result is only that which comes sooner or later to blocks of frame build-East Drain and will take care of the from Eugene. ings, and while the loss to individuals is traveling public until a hotel can be great, there being no insurance, the erected. burned area will probably all soon be While the loss from fire is sorely felt replaced by better and more substantial handsome new 30 room hotel and there struction would have been greater had that the defendants conspired to suborn anxious faces.

The Southern Pacific Company had to enlarge the old depot. This was all system.

came direct from Yuma, Arizona, and considerable railroad deputy marshals. Accused of Harboring Starr who lives at the McKenzie Bridge,

> his place. The Deputy Marshals susness' whereabouts. Officials at Port land were notified by telephone and or-He will arrive in Eugene tonight. Yesterday afternoon the local officers

and Chief Stiles left soon afterward to burned, but a gang of men commenced join in the chase.

is being hidden by friends in the sheep United States Senator John H. Mitchell. camps in the mountains east of McKen

Hotel, has rented a 16-room house in zie Bridge, between 50 and 80 miles District Attorney Heney said in his

would prove conclusively by Ernest and stately, Judge De Haven mounted eyes. buildings. There is already talk of a by those who were in its path, the de. Starr, together with other witnesses, the bench and glanced over the sea of handsome new 30 room notei and there will be other business buildings erected it is thought that with such a wind the it is thought that with such a wind the

entire business section and several the District Attorney at the opening against Mitchell," said Judge De Haven, nomah County, in this state," fell upon load of sorrow is heavy, but the kind blocks of residences would have been He has been regarded as a strong card while a hush fell over his hearers. Sen the material on the ground with which burned, as the town is without a water which the prosecution would spring in ator Mitchell's eyes were rivited on the when it was all over and the crowd in their power to lighten it.-Heyburn, making its case even stronger than at face of the Judge.

ing at Senator Mitchell. With his face | many bonors.

WAS JEALOUS States Senator arose to his feet and for Senator Mitchell, said there was

The statute under which the indictment was found provides that the offense shall be punished by imprisonchief surveyor of the Southern Pacific railroad, with a portant witness for the govenment, ment of not more than two years, or by a fine of not more than \$10,000. It also renders the defendant incapable of to town that Mr. and Mrs. Eggers' little

again holding any office of trust or profit in the United girl had wandered away in the brush, States. As I construe the language of the statute, the mediate neighbors to find her were of Eugene, Or., July 26 - J. V. O'Leary, punishment must be both fine and imprisonment, but the no avail. Parties were organized in court is given great latitude in fixing the amount of fine or the Eggers home was reached it was fered him by the President become known. He will arrive arrest, suspected of harboring Starr on imprisonment. The court may make the punishment found that the search was being prosemerely nominal. In pronouncing judgment it is not my cuted to the eastward of the house,

vinced that he knew of the absent wit- found by the jury. In reaching a conclusion in this case I little girl's sister, had, however, found have given consideration to the age of the defendant, of over two miles to the river, and was been offered him by the Harriman system that make it ders came to place O'Leary under arrest. which may be taken into account in mitigation of punish- following the trail when Mr. Oisen thought she might have gone to the ment, and the further fact that he is forever hereafter disreceived a wire from Portland to spare qualified from holding office. In view of these facts and bank. Mr. Olsen soon saw the body no expense in assisting to find Starr, in consideration of the nature of the offense, the judgment lying on the beach, partly immered in

of the court is that the defendant be imprisened for six brief examination showed that she was Some think that Starr has pushed on months in the County Jail of Multnomah County, in this dead. structure which will serve their needs to the summit of the mountains and is until a new depot can be built and no continuing toward Prineville, while state, and that he be fined in the sum of \$1000.-Judge Eggers home, where it was prepared for

doubt a modern building will be erected many others are of the opinion that he John Jefferson De Haven in pronouncing sentence upon burial and Monday the little body was

Portland, July 25 - Sharp at 10, three words about imprisonment and the age and about fifty of their friends and raps by Marshal Reed's mallet brought of the convicted man, his frame shook neighbors. Simple but impressive opening statement to the jury that he the crowded courtroom to its feet. Tall with emotion and tears came into his exercises were held at the house and

The Senator said not a word, nor did he move a muscle, save by the involun. sympathy of the entire community in his ears he sat as one transfixed. Then and thoughtful neighbors are doing all started for the door, the aged defendant Idaho, Review.

nonneed?', asked Judge De Haven, look where once he was the recipient o

a shade paler than usual United Ex-Senator Thurston, senior counsel

"Have you any cause or reason to arose and painfully made his way from the scene of judgment into the world, LAND BOARD

In granting a stay of execution for brede against the state Land Board.

nothing to say on behalf of his client's

Stay of Execution.

two days Judge De Haven made an al-

Portland, July 26 .- William W. Cotton, with commission already in his possession, has concluded to decline the appointment as United States Judge for the District of

Saturday morning word was brought Oregon. Private advices to this effect have been received and the fact has been absolutely confirmed. Mr. Cotton and all efforts of the family and im- left New York for Oregon last night, after a conference with the Eastern officials of the Harriman lines, and today the fact of his intention to decline the judicial position of -. in Portland next Monday.

pointee it is generally believed that inducements have worth while for him to decline the bench and remain where river, and rode down to search the he is with additional powers and financial consideration.

Rarrissan Wants Cotion.

It is known that the officials of the certain circles for two or three weeks Harriman lines have all along been op- past that he would ultimately decline posed to Mr. Cotton's resolve to go upon the bench, and great surprise was expressed in Portland among the local

officials of the system when the anement was made that he had concluded to accept. It is believed that since then he had been arged to reconsider his action, and the inducements have been sufficient to cause him to change his plans. That such induce-The grief-stricken family have the ment would of necessity be great is understood by all, and he may be called to the high councils of Harriman's advisers

appointment as Federal Judge for Oregon. "Mr. Cotton had already cepted and his commission had been issued. He had gone as far as a man could without qualifying. His telegram to me announcing his change of at Chicago or New York. plan was a complete surprise. Mr. Cotton left Portland on a tour of the East the evening of July 5. He whom I shall recommend for the va-

went East to see the President, the At- cancy, as I have had no time to give it torney-General and other prominent officials. Last week he called on Presi-the list stand which I sent in before the

People, although it has been rumored in

Fulton is Surprised.

Astoria, Or., July 26 .- "I am sur-

prised at the sudden change of plan by

W. W. Cotton," said Senator Charles W.

Fulton, when asked concerning the de-

termination of the latter to refuse the

the appointment.

the grave.

placed in its last resting place, a beautiful spot on the Eggers farm, whither it was followed by the sorrowing family,

The court, in an opinion written by

EGGERS-Charlotte Jane, daughter of

Mr. and Mrs. John A. Eggers, died

Saturday, July 15, 1905.

DANIEL S. LAMONT **MORE FISH FOR EXPIRES SUDDENLY**

roughkeepeie, N. Y., July 24.-Dan iel Scott Lamont, vice-president of the Northern Pacific Railway Company and Secretary of War during Grover Cleve-a supply to be used in the streams near Poughkeepsie, N. Y., July 24.-Dan The government is going to distribdenly of heart disease at 9:15 o'clock Warden Baker is getting a supply of ment.

guest of the house, diagnosed the illness been put in the streams recently and and purpose of rendering his life his last.

Mrs. Lamont and two daughters, Beswere present at the deathbed.

year or so.-Leader.

LANE STREAMS

Wilson building.

land's second administration, died sud- the London mineral springs. Game the ground of cruel and inhuman treat: pria persona." Senator Mitchell then

at his bome, at Millbrook. His illness black spotted trout for Mosby Creek, and Mr. Currin some for distribution in their marriage his wife began to vex, dressed the court, as follows: Dr. Stewart, of New York, who was a Row River. With all the fish that have annoy and barass him with the intent

the former trial.

DAVIS' WIFE

"If the court please, I am represented plans, other than that the case would be

sat down. Ex-Senator Thurston arose and ad-

lowance of time in which an appeal to Justic Bean, holds that when the pur-Thurston Addresses Court. the Supreme Court might be perfected. chaser has defaulted for the time men-"What we present now we consider Otherwise it would have been the duty tioned, the certificate of sale becomes remedies, but the patient soon breathed to have very much finer fishing here in other things he alleges that at a public that under the Constitution of the of the court. In perfecting the appeal Land Board, waives the forfeiture. No

All dental work postively guaranteed while he was talking with another from arrest, and that the court is with- order allowing the writ of error and the lower court rendered by Circuit Judge sie and Frances, besides several guests, by Dr. Pearson, office in Taylor and woman, his wife in a fit of jeal- out jurisdiction to impose sentence that supersedeas bond of \$2000. The stay of R. P. Boice, of Marion County. ously and anger demanded that he leave would prevent the defendant from be- execution will admit of time in which Schibrede applied for the purchase

the hall, greatly to his embarrassment ing in attendance upon the Senate." to do this, after which the appeal will 320 acres of land in 1892, making a first and humiliation.

Ex-Senator Thurston then dwelt upon act as a stay, until the Appellate Court payment of one-third of the price. He Davis and ,his wife were married in the rights of United States Senator passes on the questions involved. Roseburg in November, 1896, and have and his immunity from arrest or The conviction and sentencing of Sen- the principal and several payments of two children, Pearl, aged seven, and punishment for crimes of misdemeanors ator Mitchell does not render his office interest, but in 1902, when he tendered Lyle, aged five. Davis is willing that of a lesser degree than treason or felony. vacant. This principle was determined the balance due, he was three and onehis wife have the children. They have He offered this as an objection to the in the Burton case. If the Supreme half years in default. The Board renot lived together since June 20, 1905. pronouncing of judgment. Court affirms the judgment of the trial fused to accept his money or issue a "The objection will be overruled," court, its act would have ' the effect of deed, and he brought this mandamus G. F. Skipworth is Davis' attorney.

said Judge De Haven, and then uttered vacating the office. Otherwise the suit, which was dismissed in the lower the words that clapped the climax of Governor will have no power to appoint court on demurrer. the troubles in the latter days of John a successor to Mitchell. The defense The statute provides that "if any in-**JACKASS' BRAY**

mistress of Richland, Kan., sgainst the

owners of a number of jackasses to pre-

Tibbetts & Hotz own a livery stable in Richland and it is the next door

Appeals to Court for Belief

animals away for the night.

unique things.

H. Mitchell. During the pronouncing of judgment, Senator Mitchell watched the face of **UPHELD BY LAW** the Judge with intense interest. His done within the next few months payments forfeited and all the land

face was flushed and troubled. Once he There is always a question of jurisdic- shall be deemed vacant and shall be Topeka, Kan., July 25.-"No power nodded slightly as some remark of the tion, where an appeal is taken direct subject to sale as if it had not beon earth can prevent a jackass from court met with his knowledge of legal to the supreme court, and an appeal to fore been sold." The Supreme braving. This court is powerless to lore. afford relief in this case and the injunc-

Young Mitchell Sheds Tears tion is dissolved," said Judge Dana in

the next lower court would make the Court says that this statute plainly progress of appeals more regular. John H. Mitchell, Jr., the son who Senator Mitchell will, unless his con-

"The land offered for sale belonged to has been in close attendance upon his viction is affirmed, hold office for two the state. It had a right to sell it upon aged father-defendant, sat by his side, more years. A decision is expected by such terms and conditions as it might and when Judge De Haven uttered the next March.

ieem advantageous. No one was compelled to accept its terms, or to make a purchase unless he desired to do so, and if he did, his act was voluntary and he cannot complain of the condition im

makes time the essence of the contract.

"Under the law and the terms of his contract, the court is powerless to re IRRIGATION PROJECT. Heve him from the consequences of his default, assuming for the purpose of this case, but without deciding, that mandamus will lie to compel the State Land Board to issue a deed or patent and deliver it to a purchaser of state

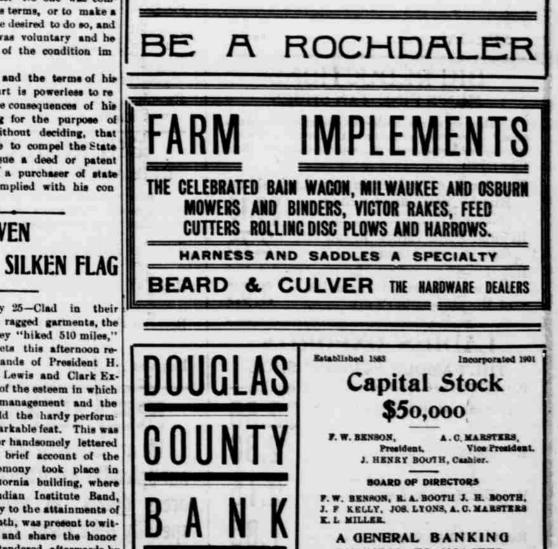
dent Roosevelt at Oyster Bay and paid Cotton appointment. In it I named R. IS UPHELD Salem, Or., July 24.—The right of the State Land B ard to declare a certificate of sale forfeited when payments have become delivered with official soft the railroad interests with which he is connected, and immediately after that, advices were received that he had de-termined to abandou the idea of qualify-ing for the Federal Bench. His action will occasion great synthesis ecome delinquent for the time specified will occasion great surprise among local matter settled."

by law was upheld by the Supreme Court today in the case of C. A. Sehl-

As was briefly mentioned in Monday's hours. Engineer Burr Jones and Fire-Plaindealer a collision occured in Pass man Guy Buffington, of the light engine as heart failure. He applied heroic with the good supply already we ought burdenson and unhappy. Among as a point of law. The defendant insists of the Marshal to carry out the sentence void unless the state, through the State afternoon, south bound freight train No. former receiving a painful scalp wound, social gathering in a hall at Junction United States, Senators in all cases ex it will be necessary for Judge De Haven waiver was alleged in this case. The de-221, running into a light engine on a and the latter a broken collar bone. social gathering in a half at Junction of inted States, Senators in all cases ca City one evening in January. 1905, while he was talking with another woman, his wife in a fit of jeal-woman, his wife in a fit of jeal-woman, his wife in a fit of jeal-will be necessary for Judge De Haven to sign the bill of exceptions, make an out jurisdiction to impose sentence that social gathering in a half at Junction to will be necessary for Judge De Haven waiver was alleged in this case. The de-cision today affirms the decree in the lower court rendered by Circuit Judge supersedeas bond of \$2000. The stay of R. P. Boice, of Marion County. delaying the south-bound local several ing the matter.

> DO YOU SHARE IN THE PROFITS OF THE GROCERIES YOU PURCHASE? IF NOT, WHY NOT?

> Every shareholder in the ROSEBURG ROCH-DALE COMPANY is purchasing groceries from himself cheaper and better than he could elsewhere, and at the end of the year takes home to himself the profits on these purchases. This is the Cooperative way.



MARSTERS' DRUG CO. DRUCS STATIONARY PATENT SCHOOL MEDICINES SUPPLIES dismissing a suit brought by the post-PERFUMES WINDOW CLASS vent their braying. SOAPS LIME TOILET AND CEMENT ARTICLES ALL KINDS OF **RUBBER GOODS SPRAYS** in and agitate the atmosphere with their distracting noise. At night, when she raised her windows to get a breath of fresh air her ears would de benumbed by the hee-haw of the jacks. ÷ PAINTS, OIL, VARNISH

neighbor to the postoffice. The post-mistress resides in the spartment over KLAMATH GREAT the postoffice and she has been sorely annoyed during the night by the rancous braying of the discontented jacks in the livery barn. Whenever she sought to while away the tedious hours by singing softly to herself, the jacks would break

> It is a unique feature of the Klamath sufficiently higher elevation than the reclamation project that of the 250,000 lands to be watered. About 60,000 acres to be irriga ed, at least half is now acres will be watered from Clear lake

constantly under water of a depth vary- in California, or from Horsefly reservoir She appealed to the owners of the ing from one to fifteen feet In all ir- situated in Oregon.

stable to suppress the animals, but they rigation service, drainage accompanies Of the now dry lands under the pro-politely informed her that to bray was irrigation as a vitally necessary adjunct, ject only a few thousand acres are pubthe chief delight and function of a jack- but for half must, for two or three lic lands. The greater part of the lands ass and they could not prevent it. years precede irrigation. It is proposed in private ownership is held in large Furthermore the insture of their busi- to drain off all the waters of Lower tracts, and, under the provisions of the ness precluded sending the offending Klamath lake and to uncover half the reclamation act, those lands must be dirtiest and most ragged garments, the

lands in Tule lake, the Federal Congress sold in small lots, as one person can same in which they "hiked 510 miles," Finally she appealed to the court and and the Legislature of Oregon and Cali- purchase water for no more than 160 Finally she appealed to the court and secured from a judge in Shawnee Coun-ty a temporary injunction against Tibbett's & Holtz. Then she gave final two states have ceded to the National with a capital of \$3,000,000, has organ-position, a token of the esteem in which warning to them that the noise must Government all lands in the lake beds, ized to co-operate with and assist the the Exposition management and the cease. They immediately took the case and these lands, with the exception of reclamation service. The office of the general public hold the hardy performbefore Judge Dana and it was argued to- the acreage now held in private owner- association is at Klamath Falls, Oregon, ers of such a remarkable feat. This was day. It was one of the most unique ship, will be subject to homestead entry the county seat of Klamath county. a beautiful banner handsomely lettered hearings in the history of Kansas even, when thoroughly drained and ready for The Klamath country is now without in gold, with a brief account of the which is the author and scene of many cultivation.

immediate railroad connection, but two travel. The ceremony took place in A greater part of the area, 190,000 companies have given assurance that front of the California building, where

acres, under the Klamath project, will they will begin immediate construction the Sherman Indian Institute Band, The rock crusher started to work this be irrigated with water drawn from of railroads to connect Klamath Falls another testimony to the attainments of morning to prepare material for the Upper Klamath lake, a natural and with the Southern Facific line between the California youth, was present to wit-Read the Plaindealer for all the News concrete piers of the new railroad bridge across the Willamette at Springfield.-

posed."

lands who has complied with his con tract.

CADETS GIVEN

