Dept. of Journalism
U. of O.

WHY AMERICA LEADS

America asks nothing for herself but what she has a right to ask for humanity itself.
WOODROW WILSON.

ROSEBURG REVIEW

TRAVELERS SAY

Roseburg is the best town in Oregon and has the best outlook for permanent growth. This shows that united effort wins. Keep it up.

VOL. XIX. ROSEBURG, OREGON, TUESDAY EVENING, MARCH 21, 1916. No. 18.

RAILROAD BONDS AND CONTRACT HELD INVALID

Supreme Court Decision Was Received Here Today

HELD SIMILAR TO OHIO CASE

Under the Decision a Municipality Cannot Enter Into Partnership With Any Private Corporation or Individual

DECISION UNANIMOUS.

SALEM, March 21.—Judge Bean's decision in the Roseburg railroad case was concurred in by all of the six judges. Judge Eakin was ill at the time the case was argued and did not write an opinion.

(Special to Evening Review).

SALEM, March 21.—The Supreme Court today "nullified" the enforcement of the contract between the city of Roseburg and the Kendall Lumber Corporation, and forbade the issuance of $300,000 bonds. Judge Bean, writing the opinion reversing Judge Skipworth, said the city charter does not authorize the contract. The mingling of public and private funds, he declared, was a violation of article eleven, section nine, of the state constitution. He points out that there are no provisions in the contract for fixing the rates so the corporations would have the net profits to aid the city in liquidating the interest.

"The whole scheme seems to contemplate a temporary utility such as logging railroads usually are. With the timber transported, and the leased rails and equipment belonging to the corporations removed, the city would have a roadbed, old ties and a fenced right-of-way which, under ordinary conditions, would be of little value and a mere shell," says the opinion.

It says that in 60 years the interest on the bonds would treble the original amount, and immediately after that period the company would have the right to purchase the line at a smaller figure.

"Viewed from any standpoint indicated by the contract, it is a plain violation of organic law," says the opinion.

"The evidence showed that the estimated cost of the railroad is between $500,000 and $750,000," wrote Justice Bean. "The contract as executed is not authorized by the city charter as amended by the legal voters. In other words, the legal voters of Roseburg did not vote to issue bonds either partially or wholly for the benefit of any persons or corporations other than the city."

Continuing, the decision pointed out that the contract was inimical to Article 11, Section 9, of the state constitution, which provides that no county, city or town or other municipal corporation, by vote of its citizens, shall become a stockholder in any joint stock company, corporation or association whatever, or loan its credit in aid of such company.

The purpose of the railroad was to tap a rich timber country on the North Umpqua River. In instituting the suit John Hunter and a number of Roseburg taxpayers contended that the contracts for the road's construction were in violation of both the city charter and the constitution. The suit was to prevent the city from issuing its $300,0000 in bonds, and the Supreme Court issued a decree forbidding the issuance of these bonds.

Besides agreeing to pay the railroad company $300,000 for building the road, the city also agreed to acquire rights of way and to lease them to the company for a period of 99 years. The company agreed to pay the city of Roseburg a rental of 15 per cent of the profits during the time of the lease and to transport other forest products over the line at a reasonable rate. The company also had an option to buy the city's interest in the road.

Carstens & Atterbury, local contractors, were today awarded the contract for tearing down the old barn on the tourist camping grounds in North Roseburg, and making the improvements as outlined by the city. The work will be gone at once, according to reports, and the grounds will probably be in readiness for occupancy not later than April 15.

ROSEBURG BOY MARRIED TO YONCALLA GIRL AT COTTAGE GROVE MONDAY

Harry L. Campbell, son of Horace Campbell, of West Roseburg, and Miss Rebecca Gross, daughter of Wm. Gross, of Yoncalla, were married last night at Cottage Grove. The wedding was quiet and attended by a few relatives and friends only.

Mr. Campbell was raised and educated in Roseburg, but for two years past has managed the Campbell farm at Rice Hill. He has a host of boyhood friends who will be interested in his marriage. Mrs. Campbell is a native daughter of Oregon, and is a popular young lady in the younger circles of the northern part of the county, where she has lived much of her life. She is a niece of John Gross, who lives near Sutherlin.

Mr. and Mrs. Campbell will make their home at Rice Hill, and will visit his parents here in a few days. Mr. Campbell is a brother of Mrs. Geo. Neuner, Jr., and Mrs. Earl Strong.

Germans Gain Ground.

PARIS, March 21.—German attacks gained more ground on the west bank of the Meuse, it was officially admitted. The assaults were renewed last night on the Avoncourt-Malincourt line. The Germans occupied the southeastern part of Malincourt road. The attacks, however, lacked power. A heavy bombardment and liquid fire preceded the infantry assaults. Elsewhere the Verdun front is quiet.

French Positions Taken.

BERLIN, March 21.—The capture of French positions ten miles northwest of Verdun, and northeast of Avoncourt, with 2532 prisoners and a quantity of booty, was claimed.

PRESENT SCHOOL SITE WILL BE ADOPTED BY ROSEBURG SCHOOL BOARD

The members of the Roseburg school board met at the offices of the clerk last evening and passed an hour or more discussing the advisability of submitting the selection of a site for the proposed new high school to a vote of the district.

The board has been learned from legal sources that there is no law which compels the board to submit the proposition of selecting a site to a vote of the people. On account of this information it is not likely that an election will be held, as proposed by certain members of the board a short time ago. The members of the board agree that work on the structure should begin not later than April 15, in the event the building is to be completed and in readiness for occupancy by the time the fall term of school opens next September. In the event a site election is held, the members of the board argue another delay of several weeks would necessarily be encountered. A majority of the board favor the site of the former Lane school, and it is probable that the building will be erected there.

At another meeting of the board to be held Wednesday evening, action will be taken in the direction of adopting definite plans and specifications for the structure. A number of architects are expected in Roseburg today and others will reach here tomorrow. In the event plans are selected tomorrow evening, as anticipated, advertisements will be inserted in the local press asking for bids for construction of the building. Should no local obstacles be encountered by the board, actual work on the building will probably begin early in April. This would insure completion of the structure early in September.

S. J. Lattin of Walla Walla, Wash., arrived here last evening to spend a few days.

Jake Deer and wife of Camas Valley, arrived here on Friday to spend a day or two in town.

[illegible]

FRUIT UNION INVADED BY BURGLARS SUNDAY NIGHT; LOOT IS SMALL

Probably attracted by the activities attendant to the rush of the broccoli season, some unknown parties entered the headquarters of the local fruit union Sunday night and made a search for valuables by prying open the office door and raising the lid of the desk used by the management.

Nothing of value was left in the office at the time of closing Saturday evening, according to the officials, and the only articles taken were a small search light and a dilapidated purse. The officers were notified this morning, and it is their belief that the attempted robbery may be traced to the same parties who have entered the building twice previously during the year. Each time nothing of value was taken.

The building is locked each night, but entry was probably effected through the basement. A hatchet was used to pry open the doors, as was the case in the previous instances. The officers have no clew.

RESIGNATIONS GIVEN

H. M. Bullwinkle Named Councilman; S. K. Sykes, Com.

MUNICIPAL WATER PLANT ASKED

Petition of Taxpayers Is Referred to Special Committee for Consideration—Paving and Other Matters Considered

With the resignation of Will Hargreaves from the city council Monday night, H. M. Bullwinkle, a former councilman, was named and shortly afterwards was notified, when he appeared and was sworn in as a representative from the first ward. Mr. Hargreaves presented his resignation for the reason that he had moved to a ranch outside of the city and was therefore not qualified to continue in office. Mr. Bullwinkle's selection met with unanimous consent and soon after taking his seat was appointed on committees, showing that he will be an important member of the body in looking after the city affairs.

Another resignation which was presented formally at last night's meeting was that of A. G. Sutherland as a member of the board of fire commissioners. Mr. Sutherland said that owing to the condition of his health he believed he could not devote the time and study necessary to the many problems now before the commission. Although expressing regret at losing such a faithful member of the board, the council voted that the wish of Mr. Sutherland be granted. Mayor Rice then proposed the name of S. K. Sykes as the new member of the board. The selection met with prompt approval on the part of the council and the appointment was confirmed. The commission now has before it the consideration of the new building code and the fire restrictions, one of the hottest tasks it has been called upon to perform in years. A report is expected in the next few weeks.

Municipal Water System.

As predicted yesterday by The Review, a petition was presented to the members of the council last night, asking that a municipal water system be installed in the near future for the purpose of piping water to the city from a stream in some of the spurs of mountains. While not stated in the petition, it is believed the source of the water supply would be Dick Creek, near the end of the proposed Roseburg & Eastern Railroad. The petition was merely an expression on the part of about 50 taxpayers that the matter be investigated by a committee and a report made as to the feasibility of such a project. Nothing was said in the petition either in regard to the location of a system or its cost. It was moved that a special committee consider the matter, and Mayor Rice appointed Commissioners Hoffstetter and Bullwinkle to look into the matter and report.

Pavement Desired.

As a petition signed by the requisite number of property owners, was presented for East Second street north, in North Roseburg, paving of East Third and Fourth streets, according to the petition, is the improvement of the street to a permanent and it is mentioned that it is a busy and narrow. The petition was referred to the city attorney to prepare the ordinance in regular form.

The improvement plans for East Pine and Willow streets in the same district were referred from last meeting after an expostulation.

(Continued on page 6.)

WANTS Media, PENNA.

[illegible]

AUSTRIANS EVACUATE TOWNS ON THE DNEISTER

Positions Defended Against Heavy Fire for Six Months

GERMAN ATTACKS GAINED TODAY

Four British Destroyers Engaged Three German Destroyers Off the Belgian Coast Yesterday—Russians Gain

BERLIN, March 21.—The Austrians have evacuated the Uscieczko bridgehead, so Vienna admitted. The positions were defended for six months against heavy Russian attacks. This is on the south bank of the Dneister, 35 miles northwest of Czernowitz. The Russian fire blasted a breach 200 yards wide, so Vienna said. Colonel Pianch decided to evacuate, and they destroyed the trench. Small detachments with the wounded gained the south bank of the Dneister in boats, but soon the enemy's concentrated fire made the crossing impossible. Austrian sappers and dragoons fought from the north bank of the Dneister through Uscieczko and joined the Austrian troops established on the heights north of Zaleszczyki.

Naval Battle Reported.

LONDON, March 21.—Four British destroyers engaged three German destroyers off the Belgian coast yesterday, so the Admiralty announced. Two of the Tenton ships were struck, and four British sailors were wounded. The Germans escaped into Zeebrugge. The German Admiralty stated the Teuton destroyers scored several hits, and then the British vessels fled.

Russian Troops Gain.

PETROGRAD, March 21.—Russian troops occupied Ispahan Sunday, so Teheran advices today said.

SUGAR BEET MEETING

New Industry to Be Discussed Here Wednesday Night

TRUSTEES OF COM. CLUB MEET

Flax Culture May Be Tested Out by Ranchers of Douglas County During Present Year—Other Matters

The trustees of the Roseburg Commercial Club held a busy session at the club rooms last evening, at which many topics of importance to the community were discussed. Four new members were admitted, G. C. Moore, Geo. F. Shutt, Archie Annadon and A. L. Rice.

A letter was received from the Portland flax commission stating that they had already made arrangements for the construction of a flax plant at Eugene, for which the Eugene people had subscribed $5000, and which was capable of taking care of the crop from 1000 acres, this being the acreage planted there. They suggested that three or four ten-acre tracts of flax be planted at Roseburg this year to test the quality of the land and product, and that this flax be handled at the state plant at Salem. Then if the results justified, a similar plant could be erected at Roseburg next year to handle all that might be planted. The club will take up the matter of securing seed at once, and will endeavor to make arrangements as suggested to have the flax tested at Salem.

Inquiries were received from the Seattle Automobile Club asking for information where the Pacific Highway, as many are already planning on trips which will take them through Roseburg, and wished to start as soon as road conditions justified.

A communication was received from a Portland firm relating to the establishment of a small manufacturing plant here, which was referred to the industrial bureau, of which W. H. Rieneker is director, for investigation. A communication was received from the Salem Commercial Club urging the establishment of a plant for the printing of school books in this state, and referred to the legislative bureau. The matter of

(Continued on page 6).

SPRAYING SCHOOL WILL OPEN AT SUTHERLIN ON WEDNESDAY AFTERNOON

The public spraying school for apple scab conducted by Prof. W. S. Browne, extension horticulturist of the Oregon Agricultural College, will open with a lecture meeting, Wednesday, March 22, at 9 a. m., at the Gem theater in Sutherlin. In the afternoon following this meeting, the weather conditions being favorable, a public spraying demonstration will be given in the co-operative orchards of W. E. St. John and W. S. Dener. This apple scab or "pink" spray will be applied approximately at the time when the blossom buds begin to separate in the cluster and show pink, or before the blossom buds are just about to burst. Lime-sulphur at a dilution of about 1 to 30, will be used in this work. However, those fruit growers not having a sufficient supply of lime-sulphur on hand will no doubt find it necessary to spray with Bordeaux mixture 4-4-50, as there is not a shortage of lime-sulphur in this county.

FRED L. STRANG,
County Fruit Inspector.

HUNTER BUNCH HAPPY

Over Decision Received From Supreme Court Today

WANTED TO BLOW FIRE WHISTLE

The Great Majority of Roseburg People Are Indignant as a Result of the Adverse Decision on Railroad

While only portions of the decision handed down by the Oregon Supreme Court in the case of John Hunter vs. the city of Roseburg have been received here today, local attorneys are of the opinion that both the bonds, voted by the people here some time ago, and the contract subsequently entered into between the city of Roseburg and the Kendall Lumber Corporation and the Roseburg & Eastern Railroad Company, were declared invalid. Those portions of the decision received here indicate that any further attempt on the part of the city to vote bonds for railroad construction or other industries of a similar character is barred by the Supreme Court.

The first news that the Supreme Court had reversed the city in the case was received by John Hunter, plaintiff in the action, and one of the men responsible for the litigation. As soon as Mr. Hunter received what he termed the "glad news," he called up Mayor Rice and sarcastically asked: "Will it be possible to blow the fire whistle?" Mayor Rice gave Mr. Hunter little satisfaction, further than informing him that he was acquainted with the laws of the city.

Confirmation of the message sent to Hunter was received in the city at about 11:30 o'clock. This was in the shape of a telegram addressed to City Attorney Carl Winberly. The outcome of the case was bulletined in front of the newspaper offices, and little groups of disappointed citizens assembled there to read the unwelcome news. It was the general opinion of those who understood the contents of the meatre reports that Roseburg had suffered the most severe blow in its history as a result of the adverse decision. The news that the Supreme Court had reversed Judge Skipworth, of Lane County, who held that the bonds were valid, spread with rapidity about the city, and disappointment and regret prevailed everywhere.

One peculiar incident in connection with the Supreme Court decision is the fact that a former decision on the bond issue was reversed. These bonds were questioned at the time Harry Pearce brought a friendly suit against the city of Roseburg to test their legality, and the bonds were held to be valid by the Supreme Court. It is evident that the decision of the Supreme Court in the Hunter case today reversed the decision rendered by the same court in the Pearce action. The decision of the Supreme Court in the Hunter suit, with reference to the bonds, seems to have been based on a decision rendered by the United States Supreme Court in the case of Pleasant Township, Ohio, vs. the Aetna Insurance Company. In the latter action the construction of a railroad was involved, and the case was similar in some respects to the suit brought against the city of Roseburg.

C. L. Sebenan, local representative for Kendall Brothers, this afternoon sent a telegram to S. A. Kendall announcing the decision of the Supreme Court. At the hour of going to press no reply had been received. Mr. Sebenan stated this afternoon that he had already made tentative contracts for much of the material necessary in building the road, and would have placed 200 men at work within the next two or three weeks had the decision been favorable. While many local people are optimistic over the future, and hope that some way can be devised whereby the railroad and sawmill may be built, others appear to think that the project passed into history following the receipt of today's decision.

While the attorneys retained by the city in prosecuting the case in the Supreme Court were much disappointed when they learned that an adverse decision had been rendered, they said they preferred to refrain from comment until such time as the complete decision reaches Roseburg. A copy of the decision is expected to arrived here from Salem on the Shasta Limited tonight.

Under the same line of reasoning that was apparently followed by the Supreme Court in this case, the issuance north of bonds voted in Roseburg late in the year 1914, for building a railroad to the coast, would also be held invalid if put to a test of legality. The Grants Pass line differed in that it built specifically ten miles of railroad with its bond issue and put same into operation by the municipality itself.

MRS. MARY BROCKWAY DIED HERE MONDAY; WAS LONG RESIDENT

Mrs. Mary F. Brockway, who died at her home at 1020 West First street at 2:10 o'clock Monday afternoon, will be buried at the Civil Bend cemetery on Wednesday, following services which will be held at the local M. E. Church at 10:30 o'clock in the morning. Mrs. Brockway resided in the Civil Bend community for many years, and was one of the early settlers in Douglas County. She was aged 69 years, 4 months and 21 days, and had been ill only about six weeks.

Mrs. Brockway settled in Roseburg in 1864, coming here from Shasta County, Cal., where she first located after crossing the plains in 1862. Here she married her first husband, Robert Drew, in 1869, the latter dying in 1879. To this union there are now surviving two of five daughters. These are Mrs. Sadie Hargan, of Oregon City, and Mrs. W. S. Howard, of Roseburg. In 1883 she married R. B. Brockway, and immediately moved to Brockway, where she lived until six years ago. Mr. Brockway died in 1905. Her children from this marriage are Mrs. Walter Cordon and Charles Brockway, of Roseburg, and Mrs. Fred Henson, of Othello, Wash. Her brother, E. S. Cockelreas, is a resident of North Roseburg. All the children were present at the death bed.

Mrs. Brockway was born at Bloomfield, Iowa, and lived there two years. Until the family moved west she resided at Newberry, Iowa. She was a member of the local Methodist Episcopal Church, and attended regularly until the last few years, when her health began to decline. Mrs. Brockway was a much beloved woman, and her death will be greatly mourned by all who knew her.

INTERPRETATION OF FISH LAWS ARE REQUESTED BY DISTRICT ATTORNEY

Believing that certain fish laws of the state are somewhat indefinite in their meaning, District Attorney George Neuner has written a letter to Attorney General George M. Brown, at Salem, asking that the latter official inform him whether or not a person catching salmon from a stream in Oregon, and having a commercial fishing license, can sell his product without first obtaining what is commonly known as a dealer's license.

The question referred to by the district attorney in his letter to the attorney general entered into the case of H. E. Burchfield, of Winchester, who was only recently arrested here on a charge of selling a quantity of salmon to George Kohlhagen without securing a dealer's license as required by law. Burchfield was acquitted by a jury after a deliberation of less than ten minutes. In the event the law is interpreted to contain the opinion of District Attorney Neuner, all persons selling salmon and other fish of a similar character will have to obtain a dealer's license as required by the fish and game laws of the state.

The laws relating to game and fish in Oregon appear to be so numerous and conflicting that even the prosecuting officers have difficulty in interpreting their meaning.

Mrs. W. W. Ashcraft returned to her home at Myrtle Creek this morning, after a visit here.

Mrs. S. Hutchason and children, formerly of Yakima, Wash., who had been visit here, left this morning for Marsellis, Cal.

Misses Maude and Lola Wilhoit, of Colville, Wash., arrived here this morning for a visit at the home of R. Rosedhave, on Deer Creek.

VILLISTAS DEFEATED IN A PITCHED BATTLE

Villa Has Probably Retreated to Santa Clara Mountains

AMERICAN AVIATOR INJURED

Hays House Bill Empowering the President to Increase the Size of the Standing Army Was Amended by the House

EL PASO, March 21.—General Pershing wirelessed headquarters at Columbus today that Carranzistas yesterday severely defeated the Villistas in a pitched battle. Villa retreated to the Santa Clara mountains.

Gavira had heard nothing of the outcome of the Namiquipa engagement this morning. "I think it will be only a matter of time until Villa is taken, dead or alive. The wires are down, but I have reason to believe the Villistas are entirely surrounded by Americans and Carranzistas," he said.

Lieutenant Bowen, an aviator, was seriously injured "somewhere in Mexico," it was announced. His aeroplane fell while scouting. This is the first time on record that an American aviator has been injured in active service. Bowen joined the expedition from San Antonio.

Bowen will probably be taken to Columbus. Six other aviators remain with the expedition. It was not reported whether Bowen's machine was completely destroyed, the exact cause of the accident, nor as to whether or not the air scouts sighted the Villistas.

More Troops Asked.

SAN ANTONIO, March 21.—General Funston announced that he had asked the War Department to give him additional troops so he could adequately protect General Pershing's "dangerously thin" lines of communication. He refused to make public the number of troops needed. He preferred Washington to furnish that information.

Information Is Asked.

WASHINGTON, March 21.—General Carranza has asked how many soldiers compose the American expedition hunting Villa. The American consul at Queretaro forwarded the question. It is expected that the State Department will reply that the forces are only sufficient to capture Villa and that they do not intend to pursue operations thereafter. The President and Cabinet have agreed to the proposals of Carranza's protocol for the Villa hunt as satisfactory.

Few Hours May Tell Story.

SANANTONIO, March 21.—"On the map it looks as if Villa is in hot water," General Funston said. "The next few hours may tell the story. We must not forget he still has free movement in a big country where he knows every trail and cow path."

HAY BILL AMENDED.

WASHINGTON, March 21.—The House today amended Hay's army bill, and empowered the President to call out the regular reserves in case of war or threatened hostilities. Its effect will permit an increase of the army of 50,000 men without awaiting Congressional action.

The House today defeated Kahn's short term enlistment amendment by a vote of 113 to 103. The Democrats were solidly against it.

FARMER IS CREMATED.

CHEHALIS, March 21.—L. Metcalf, a farmer, was burned to death when fire destroyed the Hotel Handle this morning. The building and contents are a total loss.

An interesting meeting of the Garden Valley Improvement Society was held on Friday at the home of Mrs. Bradford. There were two applications for membership and the two ladies in question, Mrs. Hafer Wood and Mrs. Carl Stone, were unanimously elected. Mrs. W. Sussmilch was present and this being her first meeting with the society since her return from the East and California, where she has been visiting, she was warmly welcomed. She has been much missed during the winter. Two competitions caused a great deal of amusement, and Mrs. R. Calhoun was the winner of both. Mrs. Bradford, the hostess, served a favorite potato. After a very enjoyable luncheon was served, the meeting was adjourned until March 31, when the Society will meet at the home of Mrs. H. Ostker.