

# ROSEBURG NEWS-REVIEW

In Which is Included The Evening News and The Roseburg Review

A Hint to Advertisers

OREGON HISTORICAL SOCIETY, Public Auditorium

WEATHER  
Highest yesterday 82  
Lowest last night 56  
Tonight and Friday Fair.

VOL. XXIV, NO. 149, OF ROSEBURG REVIEW.

ROSEBURG, OREGON, THURSDAY, SEPTEMBER 1, 1921.

VOL. X, NO. 208 OF THE EVENING NEWS.

# DR. BRUMFIELD PLEADS NOT GUILTY

## DEFENSE ATTORNEYS FILE AFFIDAVIT OF PREJUDICE REMOVING JUDGE HAMILTON

### Motion to Quash Indictment Was Overruled—Brumfield Leaps to Feet and Shouts His Plea in A Defiant Manner—Courtroom Was Crowded to Capacity Early in Afternoon

"Not guilty," shouted Dr. Richard M. Brumfield, in tones filled with venom, when he was commanded by Judge J. W. Hamilton this afternoon to enter his plea in answer to the indictment charging him with murder in the first degree. The courtroom was crowded to capacity and the aisles were jammed with spectators who were unable to obtain seats.

Attorneys Rice and Orcutt filed an affidavit of prejudice and a motion to quash the indictment. Judge Hamilton ruled on both motions after they had been read to him by Attorney Rice.

The affidavit of prejudice, charging that Judge Hamilton was prejudiced in the case and asking that another judge be appointed to hear the trial, was granted and Judge Hamilton announced that he would secure a new presiding official as soon as possible.

The motion to quash the indictment was denied by the judge.

Attorneys Rice and Orcutt gave notice that they would file a motion for change of venue when court reconvened under a new presiding judge. The date has not yet been set, but it is not believed that a new judge will be secured before late next week.

At 1:55 p. m. Sheriff Star-

mer and Deputy Hopkins entered the jail and unlocked the cell door. Brumfield was standing ready to be taken to the courtroom. He presented the same dapper appearance as when he was arraigned yesterday and if he felt his blood rush through his veins a little faster, his appearance in no way indicated such.

As he emerged from the jail into the sunlight, he squinted his eyes and looked around.

Over a hundred people had congregated near the sidewalk leading from the jail to the courthouse. He gave the crowd only a passing glance and gave no sign of recognizing any of his townspeople. As he walked along the sidewalk between the sheriff and his deputy a hush fell over the crowd and only the scraping feet of the trio could be heard.

Through the tax office to the stairs he was escorted.

As he started to ascend the staircase, he turned to Deputy Hopkins and wrinkled his mouth in a peculiar smile. He said: "They've got quite a crowd, haven't they?" Hopkins nodded, "yes."

Just before he entered the courtroom Brumfield brushed his hair back with his hand, arranged his tie and adjusted his coat. He was now ready for his

## Will Dr. Brumfield Stick to His "Lapse of Memory" Plea or Attempt "Insanity"

Will Dr. Richard M. Brumfield be able to make his "lapse of memory" plea stick through the trial? Some opine that he will watch the first few days of the trial to see whether or not he is able to "put it over" and then change back to the "insanity," which was used at the time he was held in the Calgary jail.

Should his attorneys attempt to show that the defendant was not in any way responsible for the crime by reason of loss of memory, it is very probable that Brumfield will never take the witness stand.

Although generally admitted here that the testimony produced before the grand jury will provide a legal barrier not easily combated by the defense, there is a suspicion prevailing that the attorneys for Dr. Brumfield are fully alert to the situation and may spring a sensation at the opportune time.

Friends of Dr. Brumfield have said that he suffered lapses of memory while a student in the east and that his recent alleged "mental incapacitation" is not new. It is not impossible, these men said, that physicians will be brought from the east to testify to this end.

It also is general gossip here that the defense has engaged Dr. Williamson, a nerve specialist of Portland, who has been asked to examine and pass on the mental condition of the defendant. Dr. A. F. Sother, for several years family physician for the Brumfields, also may be called to give expert testimony for the doctor.

To combat this threatened testimony the state has employed Dr.

House, also a specialist in mental afflictions. Dr. House examined the dentist while he was in Portland, en route to Roseburg from Calgary, Alberta, but as yet his report has not been made public. Dr. George E. Houck, Roseburg physician, and other medical students of southern Oregon also may be called into the case on the side of the prosecution.

In the words of one man closely in touch with the Brumfield case, the state apparently has made no effort to conceal its testimony. The defense on the other hand has refused to utter a word for publication. The silence of the dentist's attorneys has led many to believe that the trial, when called, will not be shorn of legal sensations.

The so-called motive for the murder, if it was committed by Dr. Brumfield, is now a secondary consideration as far as the prosecuting officers are concerned. While it is true that establishing a motive would add strength to the case it is not an imperative legal requirement that any reason for the crime shall be produced. Attorneys connected with the case said tonight that the chief goal of the prosecution would be to establish beyond a doubt the identity of Dr. Brumfield and that there was premeditation. Thus the motive is only casual and is not essential in gaining a conviction.

Hugh Whipple, of Drain, arrived here this morning to spend several weeks visiting with relatives.

premier appearance before a hometown audience.

The door to the court room swung back. The large crowd within, which had been anxiously awaiting the star actor of the big show, could be heard talking. As Brumfield passed thru the door to the interior of the courtroom, all talking ceased. The curtain was about to go up but the only overture was the arranging of chairs by the bailiff to accommodate the prisoner and his attendants.

Brumfield walked steadily to his chair and nodded to Attorneys Rice and Orcutt.

He did not turn his head in the direction of his audience but on the contrary tilted it a little in the direction of the judge's bench.

Judge J. W. Hamilton walked from his room to the bench and the court was called to order.

ASKS FOR PLEA.

Without a moment's hesitation, the judge said: "The prisoner will arise and enter his plea to this indictment."

Brumfield jumped to his feet, quickly followed by Attorney Rice. The attorney spoke up and Brumfield sat down.

MAKES AFFIDAVIT.

Attorney Rice then presented an affidavit of prejudice and was told to read it to the court. The affidavit, which follows, named the News-Review news articles concerning the murder case as the chief reason for filing the affidavit.

TEXT OF AFFIDAVIT.

The affidavit of prejudice asking the removal of Judge Hamilton as the trial judge in the murder case, and which was allowed, reads as follows:

"Comes now the above named defendant, Richard M. Brumfield, by his attorneys, Rice & Orcutt, and moves the court for an order calling in some judge other than the Hon. J. W. Hamilton to try the above entitled action, and to hear and dispose of all motions and proceedings therein, for the reason that the said J. W. Hamilton is prejudiced against the defendant in this action.

"This motion is based upon the affidavit of the defendant hereto attached and made part of this motion.

"RICE & ORCUTT, Attorneys for Defendant." Following is the affidavit: "I, Richard M. Brumfield, being first duly sworn on oath depose and say:

"That I am the defendant in the above entitled action.

"That I have only recently been returned to Douglas county, Oregon. That since my return I have read in the newspapers and have been informed of the accusations that are being made against me by the citizens of Douglas county.

"That the newspapers published in Douglas county, and particularly the newspaper published in Roseburg, since my return has been filled with false and scandalous matter concerning my case and my personal affairs, and I am advised through reading these newspaper reports, and also from interviews with those few who have been permitted to see me, that a strong prejudice exists against me throughout Douglas county, and more particularly throughout and among the people of the city of Roseburg.

"That I was removed from one place of confinement in the county jail to another by the sheriff of Douglas county, who stated that I was being removed for fear that some person would shoot me on account of the public sentiment in Roseburg and vicinity being so strong against me.

"That when I was returned

## Myrtle Creek Pioneer Passes Away

Mrs. W. F. Willis, a well known pioneer resident of Myrtle Creek, passed away in Portland, Oregon, yesterday morning. She left Myrtle Creek for Portland two weeks ago to visit for a time with her daughter, Mrs. F. V. Forbes. She was not well at that time, and it was thought that the change would be beneficial but death came yesterday while visiting with her daughter.

The deceased was 65 years of age and had lived at Myrtle Creek for the past 25 years. She was born in Douglas county and spent all of her life here. She was a widow, her husband having passed away six months ago at Myrtle Creek. Eight children survive: Mrs. F. E. Forbes of Portland, Miss Mable Willis, of Portland, Mrs. Maude Miller, of Oakland, Calif., James Willis of Raymond, Wash., Frank Willis of Oakland, Calif., Jack Willis of Salinas, Calif., and Will Willis of Cannonville. The body will arrive in Myrtle Creek Saturday night. Mrs. Forbes will accompany the body to this city. The funeral services will be held Sunday afternoon at Myrtle Creek at 2 o'clock with Rev. Woods officiating. Interment will take place in the Myrtle Creek cemetery.

## Canadian Importer Found With Crew

SEATTLE, Wash., Sept. 1.—The missing freighter, Canadian Importer, with her crew is safe, the Canadian Observer having discovered the drifting vessel at 10:30 last night about 500 miles west of San Francisco. No trace of the missing boat with two officers and nine men has been found. The Canadian Importer drifted 60 miles south and five miles west of where the steamship Cordova last saw her. The Observer has a line on the boat and is towing her to Vancouver. The Canadian Winner and tug Algerine, are speeding to her assistance. The cutter, Snohomish, was compelled to put in to Eureka for coal, but will continue the search for the missing lifeboat, containing two officers and nine men.

## Sympathy Stunt Doesn't "Get Over"

"You're looking fine, Doc," said Deputy Hopkins to Dr. Brumfield last night as the officer entered the cell carrying the meal basket. "You seem to be growing fat."

"Yes, I'm feeling fine, but it's not due to that food you have there," answered the dentist in a bitter tone.

"No," chimed in Mrs. Brumfield, who was standing near her husband. "He can't eat that stuff. If it were not for the food I bring to him every day, he couldn't live. That food you furnish is terrible and my husband can't eat it."

Yet the doctor does eat it and always takes his share.

This last attempt to gain sympathy at the hands of the officials fell flat. Sheriff Starmer and Deputy Hopkins both know that Brumfield's appetite is not so delicate that he cannot partake of "the coarse food" furnished to the prisoners by the county. He eagerly accepts his share of the prison meals and is also "on the job" when the extra delicacies are provided by his wife.

"Sure he eats it," said Keith, a fellow prisoner of Brumfield, when he was asked this morning if the doctor eats any of the "coarse food."

Mrs. Brumfield last evening told the deputy sheriff that the prison meals consisted of "come-backs" at the restaurant. She said one of the waitress told her that. This report was investigated at once and found to be not true. The food is of the best and perhaps a whole lot better than many prisoners are forced to eat.

## H.S. Principal to Go to Smith River

C. H. McKnight, for the past two years principal of the Roseburg high school, has accepted the principalship of the union high school, No. 8, at Smith River. This is a fine position and Smith River offers Mr. McKnight a broad field of endeavor. Mr. McKnight will have the honor of being the first principal in the new Smith River high school, which has just been completed, and which will be dedicated on the opening day of school, Sept. 12.

Mr. McKnight will leave this afternoon for Smith River, to make arrangements for moving his family. While his many friends regret his loss to Roseburg, still they rejoice in his good fortune in securing such a desirable position.

## Kiddies Not to Hear Murder Case

The Brumfield murder case, which promises to provide more thrills than a Bill Hart six-reeler, will be shown to "adults only" according to the ruling made by Judge J. W. Hamilton today.

All children under the age of sixteen will be barred from the courtroom, and Johnnie, Willie, Sam and Jane, who had hoped to see their family dentist playing a star role, must be content with watching him as he is walking from the jail door to the circuit room.

In addition to this ruling it was announced that the "standing room" sign will be stored in the attic. Only those who are able to secure seats will be admitted.

A special table was provided for the newspapermen this morning by order of Judge Hamilton.

## THIRTY MINERS KILLED IN BLAIR MOUNTAIN DISTRICT YESTERDAY-BATTLE RESUMED

### President Harding's Call to Disperse Is Disregarded—Federal Troops Will Be Sent to Mining District to Quell Disturbances—Mountains Swept by Machine Guns

LOGAN, W. Va., Sept. 1.—Thirty miners were killed in Crooke Creek, at the Blair mountain battles yesterday and last night, according to the reports that air scouts brought here this morning. The flyers also reported a steady stream of minor reinforcements moving into the battle zone. Reports to the effect that the miners appeared to be dispersing was looked upon as a ruse, and Sheriff Chaffin's forces are taking precautions against a surprise attack at new points. The Logan forces, expecting further attacks, are sweeping the ridge from Blair to Mills Creek with machine gun and rifle fire. A Special reinforcement train is reported detailed near Logan.

President Harding's call to disperse is disregarded—Federal troops will be sent to mining district to quell disturbances—Mountains swept by machine guns.

thirteen. Thirteen airplanes were en route from Langley Field, Va., to the coal fields as a precautionary measure. Messages have been pouring into the White House from West Virginia officials and citizens saying that the armed bands were disposed to disregard President Harding's call to disperse. The president has a proclamation declaring martial law ready to sign if the battle continues.

### Local Production Shows at Liberty

The home talent motion picture, "A Wealthy Financier from New York," starring Lorraine Conroe and Sam Campbell, and with a large supporting cast of local high school students and prominent businessmen was shown for the first time this afternoon at the Liberty theater. The local production will be shown afternoon and evening.

A good sized crowd saw the picture this afternoon, and many of them had the thrill of seeing themselves for the first time on the movie screen. Pictures of all Roseburg's industries are shown in connection with the play. All this is in addition to the regular program, which includes a big feature production and a comedy.

From 40 to 60 prizes donated by the merchants of Roseburg, including everything from a box of candy to a suit of clothes, will be given away today and Friday. A number is given with each ticket purchased, and a drawing takes place after each performance.

Ralph J. Castle of Kansas City arrived in Roseburg last evening to enjoy a visit with his mother, Mrs. O. F. Castle of Greens.

### RANCHER BURNED TO DEATH.

SPOKANE, Wn., Sept. 1.—John Anacher, was burned to death today in a forest fire west of here. Fires in Stevens county are reported the worst in the county's history. Numerous fires are beyond control and the residents have been warned that each person must look out for their safety.

### Veterans Entitled to State Bonus Should Attend Meeting at the Armory Tonight

All ex-service men are urged to be at the armory at 8 o'clock tonight to hear Adjutant General White and Lyman Hays of Pendleton, both members of the state bonus commission, explain concerning the loan and cash features of the measure. The meeting is most important and all vets should be on hand to get this desired information.

Blank forms for the applications of Oregon service men have been received by Leon McClintock, adjutant of Umpqua post, and they will be ready for distribution at the meeting tonight.

Detailed instructions concerning the proper procedure in making application for the bonus were also forwarded from the state capital in addition to several specimen forms for the guidance of the ex-service men.

A communication was also received by the local adjutant from the state commission suggesting various methods in handling the local applications that will result in efficient and quick action on all forms, submitted and thus avoid the tangle that resulted in the state of Washington as the result of improperly filled out applications that had to be returned without action during the recent distribution of the bonus in the north.

Nearly All Made Out Wrong.

Nearly 90 per cent of the applications for the Washington bonus were not properly made out, states the communication from Salem, and this trip to their home in Vancouver, not only slowed up the work of the

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