



# ROSEBURG NEWS-REVIEW

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ROSEBURG, OREGON, MONDAY, JUNE 1, 1925.

VOL. XIII, NO. 67 OF THE EVENING NEWS

## COMPULSORY SCHOOL LAWS KNOCKED OUT

### Supreme Court Declares Unconstitutional Act of Oregon Voters.

## STATE WENT TOO FAR

### Exclusion of Pupils From Private and Parochial Institutions Not Legal Right.

(Associated Press Leased Wire.)

WASHINGTON, June 1.—Oregon lost in the supreme court today its fight to compel children to attend public schools. The court held that the states in enforcing compulsory education laws, cannot require the attendance of children in public schools, to the exclusion of private or parochial schools. The Oregon compulsory education law, requiring children between the ages of 8 and 16 to attend public schools, therefore was declared invalid.

Justice McReynolds, delivering the opinion for the court, said the inevitable practical result of enforcing the Oregon act would be destruction of the present parochial schools and other private primary schools, which are engaged in a kind of undertaking not inherently harmful, but long regarded as useful and meritorious.

"Certainly there is nothing in the present record to indicate that they have failed to discharge their obligations to patrons, students or the state," the court continued. "And there are no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education."

"We think it entirely plain that the act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control."

"As often heretofore pointed out, rights guaranteed by the constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state."

"The fundamental theory of liberty upon which all governments in this union repose, excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only."

"The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

In educational and religious circles keener and wider interest was shown in the attack upon the constitutional act of the Oregon public school laws than in any other controversy which reached the supreme court in recent years.

Like most states, Oregon has a compulsory education law which requires children to attend school, and prescribes the course of study. The fight to enforce such regulations has not been seriously questioned in the courts. But in 1922 the voters of Oregon, 115,596 to 102,685, went a step further, and enacted a law under which children between the ages of 8 and 16, with some exceptions, would after September, 1926, be required to attend "public" schools.

Opponents of this step charged that the law was due to the activity of the Ku Klux Klan. Suits were promptly brought in the federal district court by the Society of the Sisters of Holy Names of Jesus and Mary, conducting parochial schools, and by the Hill Military Academy, a private school. Enforcement of the law was restrained, and the state appealed to the supreme court.

Joined in opposition to the new law eventually were a number of religious organizations, Jewish as well as Christian, and many educational institutions, colleges and universities, as well as private and parochial schools. The broad contention was that should states be permitted to monopolize the education of children up to the grammar grades, the next step would be the taking over of education in the higher grades.

The new Oregon law proposed that all children between 8 and 16 physically able and living within a reasonable distance should attend public schools, unless educated at home by private tutors under state supervision. In the lower federal court the question of property rights was controlling in the decision of the constitutional questions presented. The private and parochial schools contended with success that the state law under which they had been incorporated constituted a contract, which must

## ANOTHER COAL MINE DISASTER IN SOUTH

(Associated Press Leased Wire.)  
BIRMINGHAM, Ala., June 1.—Six white miners were killed last night in a mine disaster at Piper, Ala., near Little Cahaba. The owner of the mine, Deal, believed, has been caused by an accumulation of black damp in an unused heading of the mine, which the men were exploring. There was no explosion.

## SIMON R. LANE SON OF FAMOUS GENERAL DEAD

### Pioneer Resident and Son of Oregon's First Territorial Governor Passes.

(Associated Press Leased Wire.)

WASHINGTON, June 1.—Thomas R. Marshall, war time vice-president of the United States, died here today. He was 71 years of age. He passed away at the New Willard hotel, where he had been ill for several days with a cold and heart affection.

The end came unexpectedly, as the former vice-president has shown some improvement in the week he had been confined to his hotel room and plans had been made for his return to his home in Indianapolis, some time this week. Accompanied by his wife, Mrs. Marshall, he came here a week ago today. On his arrival he went to the hotel, complaining of great exhaustion. When physicians were summoned, it was found he suffered from a heart attack. He regained strength gradually, however, and soon was in such condition that it was possible for Mrs. Marshall to leave the bedside to attend to various personal errands. Death resulted from a recurrence of the heart attack which he suffered a week ago. Tentative plans were made for burial at Marion, Ind., near his father and mother and a foster child who died recently.

When the end came he was sitting up in bed reading from the Bible to which he had turned throughout life for consolation and guidance. Suddenly slumping down upon the pillows he passed away without a word and apparently without pain.

A sparkling sense of humor, a knack for plain speaking and a philosophy of life rooted in the old fashioned virtues made Thomas Riley Marshall one of the most interesting figures of his time in American public life.

His bubbling wit washed out every suggestion of false dignity and his direct manner of expression reached the understanding of the millions. He prided himself somewhat that he was not a diplomat and that he never outgrew the tenets of that simple faith in God and man to which he was born. Sometimes his blunt expressions of opinion and his refusal to put on the cloak of an exalted reserve in front of the nation by a roll of impenetrable mystery. Out of them many whispirings of others in high place in the government, there emerged a project to declare the war president incapable of performing the duties of his office and to elevate the second in command to the presidency. The suggestion even occupied the serious thought of some members of the Wilson cabinet. But when it was broached to Vice-President Marshall, he declined with characteristic bluntness and finally to have anything to do with it.

If he ever lost a moment's sleep from the strain of those trying months when so narrow a margin separated him from a lasting place among the nation's presidents, his close associates never suspected it. From the first to the last, in his official acts and in all his utterances, he remained devoted to the chief under whose banner he had become the first vice-president since John C. Calhoun to succeed himself in office.

In his capacity as presiding officer of the senate he is remembered chiefly for the conceded bluntness of his rulings and the biting rebukes he administered to senators who insisted on taking themselves too seriously. Many a political sham battle on the senate floor, carried on amid a thunder of high sounding words, was broken up by a nicely directed shaft of humor and sarcasm from the chair. On these occasions, the galleries always greeted the sally with laughter and handclapping, but the vice-president with a straight face, always responded by drawing out the cut and dried caution prescribed by senate precedents to curb applause.

It was after an unusually tiresome season of high flown oratory (Continued on page 2.)

## T. R. MARSHALL DIES SUDDENLY IN WASHINGTON

### Former Vice-President Is Victim of Recurring Heart Attack.

(Associated Press Leased Wire.)

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## CHINESE STRIKE ENLARGING INTO GENERAL REVOLT

(Associated Press Leased Wire.)  
SHANGHAI, June 1.—New outbreak in the Japanese spinning mills strike agitation continued today, resulting in the killing of four more Chinese students, bringing the total number of dead to 16 since rioting started in the streets on Saturday.

At the last outbreak this afternoon at Peking and Cheekiang roads, Sikh police fired into a crowd of demonstrators, mortally wounding one Chinese student. The total number of demonstrators was reported from many sections through a morning which foreign police patrols, armed with sabres and rifles, marched through the streets of Shanghai.

During the morning, the rioting spread to the main business section of the city. A clash between police and the disturbing element resulted in the wounding of more than 20 strikers. The total number of wounded as the result of street fighting thus far was given at 26. Included in this list were several known to be mortally wounded.

Three Russian agitators were arrested near the scene of the outbreak in the business district this morning. The police charged after the first outbreak on Saturday that Bolsheviki propaganda was responsible.

WASHINGTON, June 1.—Reporting on the rioting in Shanghai last Saturday, Consul-General Edwin S. Cunningham cabled the state department today that the police of the international settlement were considered to have acted in the only possible way in firing on the mob that attempted to make a demonstration in the settlement.

The mob distributed violent circulars of a bolsheviki nature, the report said, "proclaiming that the present conditions were due to the imperialism of Great Britain, France, the United States and Japan." The anti-Japanese circulars being the most numerous and most violent in language. There are some indications that there will be a general strike soon. Police reserves have been called out and certain volunteer organizations have been ordered to stand by.

## OREGON CLUB WOMEN ARE MEETING AT MARSHFIELD

(Associated Press Leased Wire.)  
MARSHFIELD, Ore., June 1.—Marshfield is today humming with preparations for the hundreds of delegates and visitors to the twenty fifth annual convention of the Oregon Federation of Women's Clubs, which opens tonight with a reception, and continues until Thursday night.

Mrs. Sadie Orr Dunbar, president, and a few of her board members from various parts of the state, arrived here today in advance of the club women and started the machinery going.

Two important phases of the convention are: "The American Home," and "Law Enforcement."

## STAR TOURING CAR BURNED NEAR MYRTLE CREEK

(Associated Press Leased Wire.)  
A Star touring car, the property of Prof. W. E. Belt, of Myrtle Creek, was destroyed by fire Saturday evening. Mr. Belt left his car at Myrtle Creek, while he went up the North Umpqua to aid in some surveying work. Several of his pupils took the car out for a spin, and wrecked the machine a short distance north of Myrtle Creek. The car turned over on the highway, and while it was being dragged off to the side of the road, caught fire and was totally destroyed. Prof. Belt is a son of Dr. W. C. Belt, county physician.

## Ferry Chain Drags Automobile Into Water; Heroism Saves Lives of Man and Wife and Their Infant

(Associated Press Leased Wire.)  
TACOMA, Wash., June 1.—Unparalleled heroism saved the lives of Mr. and Mrs. A. V. McDonald and their six months old daughter, of Seattle, yesterday when the McDonald auto was pulled into the sound from the deck of the Alki Point-Manchester ferry. The incident occurred as the ferry, crowded with cars was backing out of its slip at Manchester about 7:30 p. m.

The McDonald car, at the end of the ferry nearest to the slip, in some manner became entangled in the chain that controlled the movable apron of the slip. To the horror of the motorists on the ferry, the car, a sedan, was dragged off the ferry and dropped into the water as the ferry backed away.

The chain held the car suspended in the water with only the corner of one fender showing. Mr. and Mrs. McDonald was in the front seat of the car and their baby was in the back seat. All the windows were closed except that beside the driver.

The ferry pilot, warned by the screams of horror, stopped the craft immediately and Harry Crosby, one of the owners of the line, immediately dived from the ferry and fought his way down to the suspended car, where he kicked the window beside Mrs. McDonald.

She was dragged out by Crosby, badly cut by the jagged glass, and in the meantime, Mr. McDonald fought his way free from the car.

## TOM KAY RAZES GOVERNOR-PIERCE AND 13 SENATORS

(Associated Press Leased Wire.)  
SALEM, Ore., June 1.—Governor Pierce and 13 state senators were flayed by State Treasurer Kay today in an address before the Salem Chamber of Commerce for alleged plunging the state into the alleged financial morass in which it is now said to be floundering. Nine of the senators, he said, were republicans who yielded to the influence of the only four democrats in the senate, and among the nine he specifically mentioned the two Marion county senators.

Kay went on record today as opposed to the Dennis resolution to be voted on in November 1926, and which would inhibit the assessment of income or inheritance taxes in Oregon for a period of 15 years. He explained that while he opposed the recent state income tax, now repealed, he would favor an income tax under proper conditions. One reason given for opposing the income tax act of 1923 was the federal government assesses a very heavy income tax.

The main issue before the 1925 legislature, said Kay, was whether the legislature would put the governor in a hole, or the governor would put the legislature in a hole.

"I have to admit," he said, "that the governor succeeded, with the aid of a group of senators who stood by him."

"The governor didn't stop with putting the legislature in a hole," said Mr. Kay, "but put the whole legislature in a hole" and he declared that the governor, with the aid of Jefferson Myers, then state treasurer, violated the law in falling deliberately to levy a sufficient state tax, and that they did it for no other purpose than revenge to repeal of the state income tax.

He pointed out that the income tax was passed by the people by a majority of only about 500 and was repealed by a majority of about 14,000.

"Prior to the enactment of the income tax," said Mr. Kay, "the state tax levy was about 3.25 mills, and the repeal of the income tax, when the tax commission made its state levy last December, it was his duty to go back to the old levy in order to have funds that would be forthcoming from the income tax, but instead, by the vote of Governor Pierce and Mr. Myers, it levied only about 1.85 mills, or about \$1,225,000 less than was necessary."

## TAX PENALTY AND INTEREST WAIVER CEASES ON JUNE 5

(Associated Press Leased Wire.)  
SALEM, Ore., June 1.—The state tax commission today voted that after June 4 no more waivers will be granted on penalty and interest on delinquent state income taxes under the act of 1923, now repealed. Under an act of the 1925 legislature, tax penalty and interest were waived up to and including June 4.

It is estimated that in delinquent taxes, penalty, interest and corporate dividends over \$500,000 remains yet to be collected. About \$250,000 has been collected since the first of the year, and the total collected under the 1923 act is now about \$2,020,000.

Taxes on corporate dividends are now being collected under a supreme court decision holding that these could not be deducted from the taxed returns of corporations.

Among those leaving today for the state general convention at Dallas were Mr. and Mrs. Will Jenkins of South Deer Creek, and Mrs. Joe Brookhart, of Drain, and A. C. Frederick, of Roseburg. Mrs. Will Woods, a delegate from Baker county, who has been visiting her parents here, also left this morning for the convention.

## HEAVY PENALTY FOR DRIVING AUTOMOBILE WHILE INTOXICATED

(Associated Press Leased Wire.)  
K. P. Padelford, of Sutherlin, was brought to this city today following his arrest by Deputy Sheriff Leas on a charge of driving a car while intoxicated. He was arraigned before Justice of the Peace George Jones, and was fined \$100 and given 60 days in jail, and his driver's license revoked for a period of one year. The violation of this new law automatically revokes a driver's license for a year, and a heavy penalty is provided if he should be apprehended driving a car during the time his license is revoked. The fine for driving while intoxicated is from \$100 to \$500 with a jail sentence of from 60 days to 250 days.

The rescuers did not know of the baby's presence in the rear seat until Mrs. McDonald tore herself from the grasp of those who were helping her and pulled herself back through the broken window into the car and emerged a moment later with the baby in her arms.

The baby was revived by artificial respiration although it had been under water for nearly ten minutes.

Mrs. McDonald is suffering from nervous prostration and severe cuts, but will recover.

## PLOT TO KIDNAP MARY PICKFORD IS CONFESSED

(Associated Press Leased Wire.)  
LOS ANGELES, June 1.—With three purported confessions in their hands and a trio of alleged plotters under lock and key, police investigators working on the Mary Pickford kidnaping case met today with representatives of the district attorney's office to discuss details of the so-called \$200,000 plot to kidnap the actress.

In the meantime an attorney retained by the wife of A. J. Woods, one of the alleged conspirators, announced he would seek his immediate release on a writ of habeas corpus. Woods, who is a truck driver, and his two associates, C. A. Holcomb, also a truck driver, and C. Z. Stevens, automobile salesman, all have made signed confessions of their part in the kidnaping plot, according to police and are being held on suspicion to commit a felony.

In the purported confessions the prisoners admit that, under the stimulus of such strong drink as was from time to time available to them, they talked of various ways of getting "easy money." A project to kidnap the grandchildren of E. L. Doherty, oil magnate was under consideration for a while, as were plans to carry off and hold for ransom Jackie Coogan, Pola Negri and the grandson of an unnamed retired business man.

Finally, the confessions reveal, Mary Pickford was picked as the most likely prospect for a really profitable kidnaping.

Confessions were held at which it was agreed that Miss Pickford would be seized while enroute from her Hollywood home studio to her home and that the kidnaping should be given an air of camouflage, bundling the actress in a car decked with Shrine convention banners and hunting so as to give the affair an air of innocent merchandise to be held in a secluded house until her husband, Douglas Fairbanks, paid the conspirators \$200,000. It was while the matter of selecting a suitable house was still under discussion that police hounded the trio into the city jail.

## STRAWBERRIES GO DOWN IN PRICE AS SUPPLY INCREASES

(Associated Press Leased Wire.)  
PORTLAND, Ore., June 1.—Strawberries will be at the peak of supply this week. This morning the Portland produce market was oversupplied and prices ranged as low as \$1.50 a crate to \$2 and \$2.15 for choicest berries in best condition.

For several days the weather has been favorable for gradual ripening, but the double holiday from Friday found the markets this morning oversupplied.

The first car of watermelons for this season arrived today from Imperial Valley, Cal., selling at 5 1/2 cents a pound.

## HEAVY LOSS IN FIRE AT BREIER STORE SUNDAY

(Associated Press Leased Wire.)  
NEW YORK, June 1.—Babe Ruth, home run champion and the American league's leading hitter in 1924, returned to the New York Yankee lineup against Washington today after an absence of 54 playing days.

The Yankees failed, however, to break Walter Johnson's winning streak. Washington winning with the veteran twirler on the mound by the score of 5 to 3.

## TALES DIFFER AFTER BROKER DIES IN A FIRE

(Associated Press Leased Wire.)  
CHICAGO, June 1.—Conflicting stories confronted police today in their efforts to account for a mysterious fire which caused the death of Reynolds Parsons, wealthy broker and club man, in his apartment in a fashionable North side neighborhood.

Firemen found Parsons' body, partly clothed, in the burned drawing room of his home yesterday. In the apartment at the time were Mrs. Parsons and James King, a policeman, who said he had accompanied the broker home several hours before. Mrs. Parsons suffered slight burns on her face and hands while King was severely burned and also injured when he fell to the ground from a second story window.

Mrs. Parsons said that she did not know of her husband's death when she greeted firemen who entered the apartment. At first she told the police that she and Mr. Parsons returned home at 10:30 o'clock Saturday night. She later fixed the time at 8:30 a. m. Sunday and said she had retired immediately. Neighbors however reported they had heard the two talking loudly in front of the building about 4:30 o'clock in the morning.

Awakened by smoke about 10 a. m., Mrs. Parsons summoned a Japanese servant and sounded the alarm. The Japanese said that previously Mr. Parsons had awakened him early in the morning to prepare breakfast for the clubman and policeman King. Breakfast over, the butler went back to bed, he said, leaving Parsons and his guest in the living room. The firemen believed that Parsons, holding a lighted cigarette, may have fallen asleep on the divan, thus starting the fire. Beside the body was found an unexploded revolver cartridge, but its presence there could not be accounted for.

King said he had just ended his patrol duty on upper Sheridan Road when an auto careened toward him, halted at his side and the single occupant, Parsons, introduced himself and invited the policeman to help him drive home. King accompanied the broker to the latter's apartment, where they were served breakfast, after which he said he departed.

King had just reached the downstairs entrance, he said, when a man rushed up and said the apartment was on fire. King went back, entered the living room and closed the door, he said. Unable to open it again he ran to the window, hanging to the ledge until his strength gave way and he fell. Mr. and Mrs. Parsons were married in August 1922. He was 40 years old.

## BABE RUTH AGAIN IN GAME; YANKEES LOSE

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The Yankees failed, however, to break Walter Johnson's winning streak. Washington winning with the veteran twirler on the mound by the score of 5 to 3.

## LOS ANGELES POLICE CLAIM WHOLE STORY FROM TRIO UNDER ARREST.

(Associated Press Leased Wire.)  
LOS ANGELES, June 1.—With three purported confessions in their hands and a trio of alleged plotters under lock and key, police investigators working on the Mary Pickford kidnaping case met today with representatives of the district attorney's office to discuss details of the so-called \$200,000 plot to kidnap the actress.

In the meantime an attorney retained by the wife of A. J. Woods, one of the alleged conspirators, announced he would seek his immediate release on a writ of habeas corpus. Woods, who is a truck driver, and his two associates, C. A. Holcomb, also a truck driver, and C. Z. Stevens, automobile salesman, all have made signed confessions of their part in the kidnaping plot, according to police and are being held on suspicion to commit a felony.

In the purported confessions the prisoners admit that, under the stimulus of such strong drink as was from time to time available to them, they talked of various ways of getting "easy money." A project to kidnap the grandchildren of E. L. Doherty, oil magnate was under consideration for a while, as were plans to carry off and hold for ransom Jackie Coogan, Pola Negri and the grandson of an unnamed retired business man.

Finally, the confessions reveal, Mary Pickford was picked as the most likely prospect for a really profitable kidnaping.

Confessions were held at which it was agreed that Miss Pickford would be seized while enroute from her Hollywood home studio to her home and that the kidnaping should be given an air of camouflage, bundling the actress in a car decked with Shrine convention banners and hunting so as to give the affair an air of innocent merchandise to be held in a secluded house until her husband, Douglas Fairbanks, paid the conspirators \$200,000. It was while the matter of selecting a suitable house was still under discussion that police hounded the trio into the city jail.

## ONE SEEKS RELEASE

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## ELKS TO ENTERTAIN FAMILIES THURSDAY

(Associated Press Leased Wire.)  
EUGENE, Ore., June 1.—R. M. McDonald, of Noll, is dead and his wife is in a local hospital as a result of injuries received when their automobile ran off a steep grade on the hill between Venosta and Crow Sunday and somersaulted to the bottom.

The car turned over several times as it plunged down the grade, and McDonald was caught beneath the wreckage.

## HEAVY LOSS IN FIRE AT BREIER STORE SUNDAY

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## Twenty Thirty Thousand Dollar Loss in Business District Blaze.

(Associated Press Leased Wire.)  
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Firemen found Parsons' body, partly clothed, in the burned drawing room of his home yesterday. In the apartment at the time were Mrs. Parsons and James King, a policeman, who said he had accompanied the broker home several hours before. Mrs. Parsons suffered slight burns on her face and hands while King was severely burned and also injured when he fell to the ground from a second story window.

Mrs. Parsons said that she did not know of her husband's death when she greeted firemen who entered the apartment. At first she told the police that she and Mr. Parsons returned home at 10:30 o'clock Saturday night. She later fixed the time at 8:30 a. m. Sunday and said she had retired immediately. Neighbors however reported they had heard the two talking loudly in front of the building about 4:30 o'clock in the morning.

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## AUTO SOMERSAULT KILLS LANE COUNTY MAN; WIFE INJURED

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## THE WEATHER

Highest temp. yesterday 64  
Lowest temp. last night 50  
Unsettled, probably occasional showers tonight and Tuesday.

Clerk: What name shall I engrave on this umbrella.  
Customer: John Smith.  
Clerk: But your name isn't Smith.  
Customer: Oh no, but no man will steal it with that name on it. Too many people to dodge.

## SMOKE WAS HANDICAP

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