



ROSEBURG NEWS REVIEW

Consolidation of The Evening News and The Roseburg Review

DOUGLAS COUNTY

An Independent Newspaper, Published for the Best Interests of the People.



ASSOCIATED PRESS LEASED WIRE SERVICE—WORLD'S NEWS TODAY

VOL. XXVI NO. 218 OF ROSEBURG REVIEW

ROSEBURG, OREGON, TUESDAY, AUGUST 4, 1925.

VOL. XIII NO. 117 OF THE EVENING NEWS

SCHOOL BOOK LIST CAN'T BE CHANGED NOW

Law Forces Commission to Wait 2 Years, Says Attorney General.

OPINION IS RENDERED

Two Thirds of Present List Must Continue in Use—Other Books Can't Be Substituted.

SALEM, Ore., Aug. 4.—Under the law it is incumbent upon the educational authorities of Oregon to continue in use the two thirds of the text book list not now covered by contracts until such time as new adoptions are made by the text book commission. But, under the law, the text book commission cannot make new adoptions until November 1926. The law specifically points out that the duty of the text book commission and the state board of education, hence there is no emergency existing.

The above in substance is the opinion of Attorney-General Van Winkle, whose written opinion on the question is received today by the state board of education following his oral opinion which was delivered yesterday to the state text book commission. In the face of that opinion the commission voted to meet August 20 and adopt new books.

The opinion quotes the law of 1923 which says:

"The state board of text book commissioners shall meet at the state capitol on the third Monday in November in the year 1924, and on the third Monday in November every two years thereafter."

The opinion also cites the law requiring the state superintendent of schools in February 1924, and in February of every two years thereafter, to notify the publishers of the meeting of the text book commission to be held the following November.

Another quotation from the law says that "all contracts with publishers for books not changed shall remain in force until the re-adoption, replacement or substitution of said text books."

The opinion interprets the law to mean that "the use of text books so adopted is mandatory upon all public schools and teachers in the state without specifying any limitation of time for such use. The only conclusion therefore to be drawn is that they are to be used until changed by action of the text book commission and state board of education."

The text book commission yesterday was of the opinion that it had a right to adopt books at dates other than provided in the law because of the following provision of the law:

"If at any time during the six years covering the addition of text books as herein provided a publisher shall fail or be unable to furnish any adopted text book, or his contract be rescinded, or, for any cause, it becomes necessary to adopt any text books in addition to those required by the course of study in force at the time of the regular addition, the chairman of the board of text book commissioners or the government may call a special session of said board, and it shall thereupon convene and adopt such text book in the same manner as in this act provided, and in such case the proper circulars and notices to be sent to the publishers."

The opinion declares that none (Continued on page 6.)

SUPER BROADCAST STATION MAKES ITS DEBUT ON THE AIR

Any Roseburg radio fans listen to the interesting four-hour debut program of KPO, San Francisco, last night. This was the first of its new 1000-watt power which replaces the 500-watt power which has been in use for several years.

A prize contest was staged in connection with the program and the winners of the 400 valuable gifts will be selected Monday, August 10th.

Among the desirable prizes to be awarded are a \$1000 lot and a \$475 sealskin coat. Communications to KPO were so numerous last night that six telegraph operators were kept busy handling congratulations.

\$800,000 THEFT IS CHARGED TO BANKER

PITTSBURGH, Aug. 4.—Fourteen charges of embezzlement, abstraction and wilful misapplication of the funds of the Carnegie Trust company, involving more than \$800,000, were entered here late today against John A. Bell, president of the closed bank.

Bell, reputed millionaire financier and coal operator and at one time prominently mentioned in connection with an appointment to the United States Senate, furnished bail of \$25,000.

PAWN SHOP ROBBED OF \$70,000 JEWELS

NEW YORK, Aug. 4.—Four robbers, who held up the east side pawn shop of Patrick Clancy, today escaped with diamonds valued at \$70,000, after blinding two clerks.

SANITY TRIAL OF MURDERER SCOTT NOW IN PROGRESS

Mother of Condemned Man Is First to Testify in Effort to Save Son's Life.

CHICAGO, Aug. 4.—The defense rested in the Russell Scott insanity hearing after offering the testimony of five alienists who said they found the prisoner insane last week.

CHICAGO, Aug. 4.—Mrs. Rilla Scott, of Bay Village, Ohio, mother of Russell Scott, took the witness stand today to testify in behalf of her son, whose life is at stake in the sanity hearing before Superior Judge Joseph B. David.

Mrs. Scott said Russell was her second child, born 31 years ago. Attorney William Scott Stewart for the defense asked the mother to "describe the birth of Russell."

A state objection was sustained. There was no testimony of phantasmic butterflies and lions in the evidence of the alienists upon whom the defense relies to save Russell T. Scott from the gallows.

The effort to prove that he has become insane since he was sentenced to death, and therefore should not be hung, will be confined to the story of his sixteen months in jail, his career and ideas. The state will try to show that he is mentally cognizant of his position and the penalty he faces.

The jury which will decide his fate and this outline before them in the opening statements of the defense and state. His guilt or innocence is not even a remote issue.

Indication that Scott would be the constant endeavor of Judge David, whose writ for a sanity test was granted from the gallows, came yesterday when a jury was selected in four hours.

COOPERATION ASKED KEEPING STREETS CLEAN

Sidewalks Now Being Swept too Late in Morning Council Told.

TO ENFORCE THE LAW

Council to Stop Sweeping of Rubbish Into Street—Hydrant Report Is Received.

The cooperation of all Roseburg residents, and particularly the business men of the city, is asked by the city council, in its efforts to keep the city streets clean and neat. George Grimm, street superintendent, appeared before the council last night and said that because of the methods of many business houses that it was impossible to keep the "main drag" looking good.

Many merchants, he said, sweep all the dirt and rubbish from their floors and sidewalks into the street, bringing out an accumulation of papers and debris which litter the streets throughout the day.

This would not be so bad, Mr. Grimm said, if they would sweep out before the streets are cleaned. Eight o'clock in the morning is the latest the streets can be swept satisfactorily, and if the merchants would all sweep off their sidewalks prior to that hour the streets could be kept looking much better.

Many of them, however, do not sweep off their sidewalks until later, Mr. Grimm says. Some pile the sweepings from the sidewalk up into neat piles by the curb. Others try to see how far they can throw it into the street.

City ordinances strictly forbid the sweeping of rubbish from the store buildings into the street, and the council will endeavor to enforce that law in the future. It also urges persons sweeping off sidewalks, along the main street, to sweep them earlier in the morning than they are now doing, and not to scatter the sweepings any more than they can help.

The council last night had a very busy session, although it concluded at an early hour.

The Southern Pacific Company asked for a termination of the lease which the city has held for several years on an old horse house near the roundhouse. The horse house has been abandoned for some time, and in order to clear the records, the termination was requested and signed.

A petition to pave Harvard Avenue from Corey Avenue to the city limits was referred to the street committee for investigation.

The committee on fire and water reported that they had investigated the petition for a hydrant on E. Lane street, but that nothing definite has yet been accomplished.

The district for which a hydrant is needed is almost as high as the reservoir. A 4-inch main runs about half way up the hill from Jackson street, and it then tapers off to a 2-inch main. This is altogether too small to afford protection and the city wants a larger main installed.

It was recommended by Fire Chief Fletcher that a main be laid from the south reservoir to the head of the street, but in order to do this, it would be necessary to dig a ditch 12 feet deep and 300 feet long, and as the work would be through solid rock, the cost would be enormous.

The company proposes to run a 4-inch main on up the hill, but it is not believed that it would furnish enough water for fire protection. The company, it is claimed, finds the cost too great to run an 8-inch main up from Jackson street as would be necessary to furnish enough water for proper fire protection. Further consideration is to be given the matter.

Mayor Heuck reported that the cost of maintaining the North Roseburg parks is too great. He suggested that some cheaper maintenance system, requiring less labor, might be arranged, and asks each of the councilmen to consider the matter and see if some satisfactory method of reducing the expense might be suggested.

The parks cost about \$160 per month for water and labor, he says.

Following is a list of the claims allowed:

Roseburg Taxi Company.

(Continued on page three.)

Order Broadcast for Arrest of California's Alleged Imitator of Dr. Brumfield

(Associated Press Leased Wire.) MARTINEZ, Cal., Aug. 4.—Solution of the mystery surrounding the death in the laboratory of the Pacific Cellulose company at Walnut Creek, first supposed to have been that of Charles Henry Schwartz, Berkeley chemist, advanced slowly today.

Schwartz was recently made defendant in a breach of promise suit for \$75,000 by Miss Elizabeth Adams of Oakland.

One piece of evidence before the authorities today was the statement of Captain C. D. Lee of the Berkeley police force, who said that Schwartz was a student of "perfect crime." Captain Lee said the chemist had made a study of murders or the past two years and "seemed particularly interested in the failure of criminals to hide traces of their crimes." The officer declared that Schwartz had dropped into police headquarters regularly to discuss crimes in the most minute details.

"Schwartz also professed especial interest in American police methods for catching criminals and tracing missing persons," said Lee.

"He tried to give the impression that he worked as a detective in Europe, but when I asked him about his experiences he was always vague in his answers."

It had been intended to bring the body that was recovered from the laboratory to San Francisco to preserve it on ice pending developments but at the last moment there was a change of plans, seemingly, for the body still was here at noon.

The Schwartz search has not led officers to ask officers in the Mexican and Canadian borders to watch out for him, Tinning said today.

Articles of incorporation show that Mrs. Schwartz was credited with having subscribed for \$200,000 of the stock of the Pacific Cellulose company when it was organized. As she is holder of forty per cent of this stock, it is said she would have succeeded to an interest of approximately \$40,000 in the insurance policy carried by Schwartz, payable to the company.

The promise of acceptance was contained in a letter from F. L. Burkhalter, first assistant general manager.

The text of the letter: "The Southern Pacific stands ready to exchange about 255 acres of land it owns in the vicinity of Springfield for about 205 acres of land you offered us in the vicinity of Eugene on the basis agreed upon."

"If you will cause said lands near Eugene to be conveyed to us within a few months, we will, as agreed, promptly provide track and repair shops facilities necessary for establishing terminal for train and engine, and thereafter establish such terminal, and also construct timber treating plant on the property."

The terminal under the plans previously announced would cover facilities for the Shasta route (main line of the Southern Pacific in this district), and would also provide for the Coos Bay branch and the Eugene-Klamath Falls cut-off. In order to provide for the terminal site, a bond issue of \$175,000 has been proposed for the city of Eugene. A committee of more than 100 representative citizens was named yesterday to further the plans for the passage of the bond issue.

The bond election will be held August 18.

The estimated initial investment for the proposed terminal is said to be \$1,125,000 and the monthly payroll more than \$100,000.

BOOZE FIGHT PUTS TWO IN HOSPITAL AND TWO IN JAIL

(Associated Press Leased Wire.) LOS ANGELES, Aug. 4.—Two men, both dangerously wounded, were in a hospital today here and in Long Beach, and two were held by the police of the two cities for investigation as the result of what officers say was a pitched battle in Long Beach between rum runners and hi-jackers.

The wounded were Jake Barrett, alias Jack Collins, San Francisco, located in the Seaside hospital, Long Beach, and C. H. Munson, Los Angeles, found in Clara Barton hospital here. The two in custody gave the names of Jack Martin, San Francisco, and George L. Bruneman, Los Angeles, as their associates.

Martin was arrested when he dashed into the home of a Long Beach police officer, a mile from the scene of the shooting and asked for water. Bruneman, according to the Los Angeles police, brought Munson to the hospital here.

From Munson, who had a bullet hole through one lung, the police obtained a statement to the effect that he was driving a truck load of liquor from Seal Beach toward Los Angeles, when he was shot. He seemed uncertain just where the encounter occurred.

Neither the police nor the sheriff's office was able to locate the truck which Munson said he was driving, but the Long Beach police found a large enclosed car pierced by 35 bullets in front of the hospital where Collins was located.

BRUSH FIRE SPREADS TO SCHOOL AND BURNS IT

(Associated Press Leased Wire.) HILLSBORO, Ore., Aug. 4.—The two-room school house of District 78 at Timber, 25 miles northwest of Hillsboro, burned today. The value of the building was \$6,000 and \$4,250 insurance was carried. The fire started from a nearby brush blaze.

Scopes' Attorney Renews Effort to Reach Federal Court Over State's Head

(Associated Press Leased Wire.) CHATTANOOGA, Tenn., Aug. 4.—A second attempt to remove the John T. Scopes evolution case to the federal courts was launched here today when Dr. John R. Neal, chief counsel for the defense of the teacher, filed a petition with the clerk of circuit court, seeking to restrain state authorities from further prosecution of the case.

The Scopes petition is based on the alegation that the law is unconstitutional. It contends that the petitioner, John T. Scopes, prepared himself for the teaching profession, going to considerable expense and effort to do so, and that the law of Tennessee impairs his usefulness as a teacher.

While the move, Dr. Neal declared, has no connection with his previous appearance before Judge Gore at Cookeville, prior to the Dayton trial, the petition is the same used in the previous appeal for federal intervention.

This move by the defense, it was said, established them in a position to continue their fight against the evolution law entirely upon the constitutional grounds involved in the case.

Should there be a slip in the move to carry the original criminal proceedings into the higher state courts, Dr. Neal declared they would have the basis upon which to continue their struggle.

S. P. SAYS YES TO OFFER FROM CITY OF EUGENE

Terminal Site For Three Divisions Is Won Away From Springfield.

205 ACRES IN GIFT

\$175,000 Bonds to Be Voted to Get \$1,125,000 Plant and Monthly Payroll of Over \$100,000.

(Associated Press Leased Wire.) EUGENE, Ore., Aug. 4.—Definite announcement that the Southern Pacific Railway Company will accept the proposed terminal site northwest of Eugene was made last evening at a special meeting of Eugene citizens.

The promise of acceptance was contained in a letter from F. L. Burkhalter, first assistant general manager.

"The Southern Pacific stands ready to exchange about 255 acres of land it owns in the vicinity of Springfield for about 205 acres of land you offered us in the vicinity of Eugene on the basis agreed upon."

"If you will cause said lands near Eugene to be conveyed to us within a few months, we will, as agreed, promptly provide track and repair shops facilities necessary for establishing terminal for train and engine, and thereafter establish such terminal, and also construct timber treating plant on the property."

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The estimated initial investment for the proposed terminal is said to be \$1,125,000 and the monthly payroll more than \$100,000.

HEADLESS BODY PUZZLES POLICE

(Associated Press Leased Wire.) PORTLAND, Aug. 4.—Authorities were trying today to obtain some clue that would explain the death of a man whose decapitated body was found in the Columbia river near the mouth of the Willamette river last night. Deputy Coroner Buckley said the head had been severed apparently with some sharp instrument. The man was a little under middle age. The pair of overalls and a khaki shirt covered the body, which had apparently been in the water about a week. There were no marks on the body.

Deputy sheriffs today went to search the banks of the Columbia above where the unidentified body was found, hoping to find some marks that would indicate a struggle or perhaps the head of the dead man.

The sheriff's office at Vancouver, Wash., was also notified, as earlier patrol engineers agree that the body might have been tossed into the river from either side.

Deputy Coroner Rose said today that the dead man's clothes look as if they had been pulled on after his death. The socks were pulled up under his underclothes and his shoes had not been laced. This could have been done to disguise the body beyond possible identification, he pointed out.

RULING AGAINST OUSTED BAPTISTS

(Associated Press Leased Wire.) MEDFORD, Ore., Aug. 4.—Action in the Baptist church controversy, which has been the cause of a split in the two factions in the Ashland church, will be forthcoming within a few days as the result of a ruling made yesterday by Judge C. M. Thomas, overruling the motion of the wing supporting Rev. B. C. Miller, to strike out portions of the complaint filed against them by the faction now holding the church. The demurrer to the complaint, filed by the Miller wing, was also overruled by Judge Thomas, who demanded that an answer be made to the complaint within ten days.

This action will result in obtaining a pleading from the Miller wing in answer to the complaint, and the case will then continue in regular form.

WOUNDED BOYS FROM MEDFORD ARE SENT HOME

John and Arthur Hunter, the young sons of Mr. and Mrs. L. R. Hunter of Medford, who were picked up here Sunday by Miss Agnes Pritchard, county juvenile officer, were sent home this morning. The boys ran away from home on Saturday and were picked up by a tourist. They were seen at Rest Haven camp by Miss Pritchard, who ordered the tourist to turn them over to the city police. They were held here until the officers could get into communication with the parents of the lads, and transportation was wired to them this morning. They were returned home on the auto stage. The boys were on their way to Canada to visit a brother. The older one had \$44 in his possession.

SALEM AUTOS MUST PARK HEAD FIRST

(Associated Press Leased Wire.) SALEM, Ore., Aug. 4.—The head-in method of parking automobiles on Salem streets will take the place of the present backing in system in about 10 days, the council last night passing an ordinance to that effect. Mayor Giesy said he would sign the bill.

BROOKHART IS NOW 164 VOTES BEHIND

(Associated Press Leased Wire.) WASHINGTON, Aug. 4.—Not taking into account 2,124 contested ballots, which will be passed upon later, the recount of votes in the Iowa senatorial contest today showed the following totals, with 29 counties complete:

Brookhart, republican 116,983; Steek, democrat 117,147.

LORD PAXTON AND ROSEBURG WOMAN TO BE ARRESTED

Titled Sutherland Resident and Local Woman Accused of Being Intoxicated—Man Is Injured.

Warrants were issued today for the arrest of Lord Ridgeway Paxton, of Sutherland, and Mrs. Cyril Stevens of Roseburg, the former being charged with driving a car while intoxicated, and the latter with being intoxicated on a public highway. The cases grew out of an accident which occurred Sunday night, and which may result in Lord Paxton becoming permanently crippled.

According to State Traffic Officer Thurber, who signed the complaints upon which the warrants were issued, the car in which Paxton and Mrs. Stevens were riding, turned turtle near Yoncalla.

Mr. Paxton received an injured back, the seriousness of which has not yet been determined, and one ear was almost completely torn off. William Gilstrap, who was also in the car, received two broken ribs. Mrs. Stevens and Arthur Ridgeway escaped without serious injury.

Mr. Thurber stated that evidence has been obtained indicating that both Paxton and Mrs. Stevens were intoxicated at the time of the accident.

The warrants were issued from the local justice court, and were placed in the hands of Constable Dillard last night. When the officer went to Sutherland to arrest the man he found him in such a serious condition that he could not be brought into court. His back is injured and it is feared that some of the bones are broken. He is practically paralyzed at the present time, and it is feared that his condition may become permanent.

Mr. Paxton, who has been a resident of Sutherland for a number of years, holds the title of an English Lord, the title having descended to him several years ago.

Theories of Murder and Suicide in Opposition Following Finding of Body of Woman School Principal

(Associated Press Leased Wire.) MATTOON, Ill., Aug. 4.—Whether Miss Anna Stollman, 48 years old, former Cincinnati school principal, took her own life by poison or was murdered is as much of a mystery as it was last Saturday when her body was found in the cistern of the farm of her sister, Mrs. Thomas Seaman, near here.

Three days of investigation of the tragedy have thrown no light on the motive for the death. Finding the decipherings of notes found with the body served only to complicate the tangle.

Mrs. Seaman, who with her husband, took the body to Cincinnati for burial yesterday, is confident that her sister committed suicide. Important to the murder theory are some thirty-odd scrawled and printed letters, most of them attacking Miss Stollman. Some of these notes, made public by F. S. Schilling, Coles county coroner, are

partly undecipherable. One of them said: "You are as common as dirt and are a regular snob. Your horse is a snob horse, and keep him where he belongs."

Another read: "We felt sorry when we saw you cry and felt we made a mistake to make a goat of you. We are on our way to Chicago and want to say three times some one has followed your buggy out of the corn field."

One note, believed to refer to written demands for money, said: "Look under your front door for the check. So sorry we made a goat of you."

Friday night Seaman and Miss Stollman remained at home during Mrs. Seaman's absence on a boat trip on the Mississippi river. The body was found about 7 o'clock Saturday by Seaman after Miss Stollman had been dead over three hours.

Charles W. Clark, Noted Singer, Dies of Apoplexy at Show; Shock Takes His Devoted Wife Two Hours After

(Associated Press Leased Wire.) CHICAGO, Aug. 4.—Affection which bound the lives of Charles W. Clark, well known concert singer and teacher, and his wife, reached across the void of death, last night. Two hours after Clark fell faintly ill in a motion picture theatre, Mrs. Clark collapsed and followed her husband in death.

The double tragedy came while the famous baritone and his wife apparently were in robust health and the best spirits. Apoplexy was assigned as the cause of Mr. Clark's death.

Last night they sat together viewing a motion picture. Without warning Mr. Clark sank. His seat, Mrs. Clark tried to rouse him, but physicians, hastily summoned, found he was dead. Throughout the ordeal Mrs. Clark remained calm, and as fopossed, but when she reached home she gave way under her pent-up sor-

row. Physicians tried to revive her but she was beyond hope and within a few moments she died.

Mr. Clark, who won fame as an interpreter of modern song, married Jessie Banter at their home town, Vanwert, Ohio, in 1888, and she had been the close companion of his successful career. During the period that Theodore Thomas conducted his orchestra, now the Chicago symphony, Mr. Clark was a soloist on various programs from 1905 to 1906. Of late years he had been devoting most of his efforts to teaching at the Bush conservatory of music.

He was born in Vanwert, Ohio, in 1855. Mr. and Mrs. Clark are survived by three children, Donald Clark, a teacher of singing in Paris; Mrs. Virginia Lawrence, New York; and Mrs. Louise Gardeners, of Chicago.