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VOL. XIII NO. 223 OF THE EVENING NEWS

RHINELAND DIVORCE CASE NOW UP TO JURY

Prospect of Early Verdict Poor; Judge for Night Session, if Needed.

ONE QUESTION RULES

If Jury Decides Kip Lived With Wife Knowing Her Color, He Will Fail to Get Decree.

WHITE PLAINS, N. Y., Dec. 4.—Justice Morschauer at 5 o'clock today announced that if the jury which is deliberating on the testimony in the trial of Leonard Kip Rhinelander's suit for annulment of his marriage to Alice Beatrice Jones, New Rochelle, N. Y., has not reached a verdict by 6 o'clock he will order the jury locked up for the night.

The jury remained in the jury box for nearly 10 minutes while Justice Morschauer went through the court records in an effort to find the testimony requested. It was not found and the jury returned to the jury room. Justice Morschauer told the jury that he would send in the testimony as soon as he could find it.

WHITE PLAINS, N. Y., Dec. 4.—The Rhinelander jury at 3:55 o'clock, filed into the courtroom and requested enlightenment on the testimony of Rhinelander regarding an interview which he gave to Barbara Reynolds, a newspaper woman.

7 Questions For Jury. WHITE PLAINS, N. Y., Dec. 4.—The suit for annulment of marriage brought by the wealthy young Leonard Kip Rhinelander against his part negro wife, Alice Beatrice Jones, went to the jury shortly before noon today.

Out of the mass of testimony, much of it conflicting, taken during the three weeks of trial, the jury men were charged by Justice Morschauer to find answers to seven questions propounded to it. On the jury findings on these questions will be based the justice's decision whether or not annulment shall be granted. If granted his decision will act merely as an interlocutory decree, to be finally reviewed and passed upon by the next regular special term of West Chester county supreme court.

Opposing counsel both expressed confidence as to the outcome. "Color Blind Or Ignorant?" The jury's decision on which it must pass is of the greatest importance to the outcome of the case. This point is:

"Did the plaintiff cohabit with the defendant after he had obtained full knowledge that the defendant was of colored blood?" If the jury makes the case favorable to Rhinelander on the first six points, but answers "yes" to the seventh question, the whole case will be upset.

The other six questions were:

"At the time of the marriage of the parties was the defendant colored and of colored blood?"

"Did the defendant, before the marriage by silence conceal from the plaintiff the fact that she was of colored blood?"

"Did the defendant before the marriage represent to the plaintiff that she was not of colored blood?"

"Did the defendant practice said concealment or make said representation with the intent thereby to induce the plaintiff to marry her?"

"Was the plaintiff by said concealment or by said representation or by both induced to marry the defendant?"

"If the plaintiff had known that defendant was of colored blood, would he have married her?"

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BURGLAR STEALS SAM FEINGOLD'S SUIT; SELLS IT TO HIM.

SACRAMENTO, Cal., Dec. 4.—The pleasure of having his own suit of clothes from a burglar who has ransacked his home earlier in the evening, belongs to Sam Feingold, a local pawn broker.

Early last evening a Feingold broke a window at Feingold's home, entered and made away with a new suit and a .45 automatic pistol.

An hour later the burglar walked into Feingold's pawn shop, laid the suit on the counter and offered it for sale. After some bickering Feingold bid \$10 for the suit, not recognizing it as his own. Feingold is looking for him today.

GRAND JURY FREES 15-YEAR-OLD BOY WHO KILLED FATHER

(Associated Press Leased Wire.)
NEW YORK, Dec. 4.—Schwindt, 15-year old boy, who fatally wounded his father early in November in a family fracas at the family farm, was freed last night by the grand jury in session here.

A not true bill was reported by the jury after investigating the charge of first degree murder filed against the lad.

John Schwindt inflicted the fatal wound while his father was severely beating Joe Schwindt, Jr., November 4th.

Evidence gathered from the Jordan district showed that the elder Schwindt was a man of violent temper and frequently beat his children.

At one time he was halted into court for beating his wife.

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STRONGHOLD OF DRUSE REBELS IS BEING SHELLED

(Associated Press Leased Wire.)
BEIRUT, Dec. 4.—Almost simultaneously with the arrival of France's new high commissioner in Syria, Henry de Jouvenal, the French have gone on the offensive against rebel Druses in southern Lebanon.

Yesterday they began throwing shells from their artillery against various points occupied by the Druses preparatory to a maneuver in which it is hoped to surround and capture the 5,000 rebels who are still in the field.

After the bombardment has been completed, infantry and cavalry are expected to be thrown into the fray against the tribesmen who, at a point of war at the headquarters of Sultan Atrash, their leader, announced that it was their purpose to give combat to the French to their last man.

The shells of the French yesterday had as their principal target the town of Hasbeiya, at the southeast of Damascus, and report has it that this stronghold of the Druses was slowly being leveled. No civilians were in the town.

M. de Jouvenal on his first day in Beirut said that order and security must be restored before peace with the rebels could be discussed.

"Peace to those who want peace; war to those who want war," he added.

He received pledges of co-operation from 100 persons comprising delegations from all the political and religious groups of the country, with the exception of the rebel Druses.

EUREKA EDITOR FREED BY APPELLATE COURT

SACRAMENTO, Cal., Dec. 4.—Release of Alford Lindsley, Eureka editor, now serving a 1000-day sentence for contempt of court, was ordered here today by the third district court of appeals, which granted Lindsley's appeal, which was certified, returnable January 6.

The editor's bail was fixed at \$2500.

KING MAKES FINAL PLEA TO SAVE TOM MURRAY'S NECK

SALEM, Ore., Dec. 4.—The right of the state of Oregon to execute the sentence of death imposed upon Tom Murray, convicted slayer of Guard John Sweney in the prison break of August 12, until Murray has served out the 20-year sentence he was serving in the penitentiary at the time of the break, is attacked by Will R. King, counsel for Murray, in his bill of exceptions on appeal filed in the circuit court here today.

COST PROTEST BLOCKING TULE LAKE PROJECT

Reclamation Bureau Chief Says Controversy Must First Be Settled.

PRICE \$90 PER ACRE

Reflooding Lower Region for Fire Protection Is Urged—Delinquent Taxes \$29,000.

(Associated Press Leased Wire.)
WASHINGTON, Dec. 4.—Plans for the settlement of 8,000 acres of the Tule Lake division of the Klamath Reclamation and Irrigation project in Oregon and California have been deferred, Dr. Elwood Mead, commissioner of reclamation, declared in his annual report, made public today, owing to a protest by the water users on the settled part over the construction charge.

This charge has been fixed at \$90 an acre, he said, which is the amount needed to repay construction costs based on present allocation of costs to the 24,200 acres in the division. He proposed that 8,000 acres for which construction has been completed be opened to settlement and further construction on the area be suspended until the land is occupied and the construction cost controversy is decided.

"Need Flooding For Safety." The lands in lower Klamath Lake have been unwatered and the part of the bed of the old lake located in Oregon is being developed by the Klamath drainage district. A board of experts is to make a study of the problem, report whether the land is suitable for cultivation, and recommend what should be done with it.

"Financial Showing Good." The report also says: "The Klamath project has made a financial showing in the payment of its debt to the United States. Eighty-eight per cent of operation and nearly ninety-nine per cent of accrued construction assessments have been paid. However, this condition was largely brought about by a credit to the district of \$20,000, an adjustment of the water on existing water to the Van Rimmer ditch and the yearly additions made to the assessment rolls amounting to 10 per cent to cover probable delinquencies.

"The fact is that a considerable number of water users are delinquent to the district for their irrigation taxes. Four large holders, comprising 1,270 acres, are delinquent in their state, county and irrigation taxes including penalties for a total of \$28,884. If this sum and other delinquencies of lesser amounts were collected and the portion of these representing irrigation taxes, including penalties, district it would be in a very solvent condition. The enforcing of the district's tax liens in such cases will accomplish this result."

NEW TELEPHONE DIRECTORY IS NOW BEING DISTRIBUTED

A new telephone directory, which has just been printed in the exclusive job department of the Roseburg News-Review, has been turned over to J. R. Farrington, manager of the local exchange who is starting the distribution of the books today. The work of getting the directories out to the subscribers has been turned over to the Boy Scouts who will be paid by the telephone company for their services.

The new directory is complete in every detail with a well compiled classified section as an aid and guide to patrons. Several colored advertising inserts adds to the appearance of the booklets.

All information and material was prepared under the personal direction of Mr. Farrington.

Orange Peddler Here—

A truckload of ripe oranges, brought up from California, appeared on the streets here today and the fruit was sold out in bucket lots. Many people took advantage of the sale, a large amount of the fruit being disposed of here. Last year California fruit peddlers followed the same practice and the city had considerable difficulty in forcing payment of the license fee.

A license was taken out today, however, before the sale was commenced.

Irish Free State-Ulster Boundary Intact; British Debt Lifted Off Former

(Associated Press Leased Wire.)
LONDON, Dec. 4.—An agreement reached by the Irish Free State and Ulster on the troublesome boundary question provides that the old line between Ulster and the Free State shall remain intact.

The Free State will receive no additional territory. It will be absolved from paying a portion of Great Britain's war debts, but will assume the costs of compensation for damage to property in Ireland during the recent disturbances and increase the compensation ten per cent.

TWO CONGRESSMEN PLAN ASSAULT ON PROHIBITION LAW

Criticism of Enforcement Record Puts Liquor Issue to Fore in Washington.

(Associated Press Leased Wire.)
WASHINGTON, Dec. 4.—Prohibition enforcement suddenly has taken its place among the outstanding public issues that are agitating Washington on the eve of the convening of congress.

Aroused by the cumulative force of a long series of events, ranging from General Andrews' reverberating shak-ups of the prohibition issue to a row over local enforcement methods in the national capital, both wets and dries are again coming into action for another round of the old debate over liquor.

On top of an attack by the dries on the present prohibition regime, two wet members of congress today renewed their attempt to force a change and one of them, Representative Dyer, republican, Missouri, said he would ask the new congress for outright repeal of the Volstead Act.

A large section of the dries are seeking to narrow down responsibility for the conditions of which they complain, but they are not agreed on the question of laying the blame directly on the doorstep of President Coolidge.

The Methodist board of temperance and public morals, today dissenting from the round robin of complaint sent the president yesterday by a score of reform organizations, and Mrs. Ella A. Booth, newly elected president of the Women's Christian Temperance Union, called at the White House to assure Mr. Coolidge the union would give him his heartiest support in his enforcement efforts.

The bricks that have sailed into enforcement headquarters from the wet camp within the last 24 hours include a complaint by Representative Callivan, democrat, Massachusetts, that a prohibition agent spent \$1,000 and used liquor plentifully to trap the hotel employees here and secure their acquiescence in violation.

Representative Dyer did not go into details about his plan for an entirely new prohibition act, but said he would seek to substitute for the Volstead Act a law of more liberal provisions.

INVENTOR SUES ELECTRIC FIRMS FOR 20 MILLIONS

(Associated Press Leased Wire.)
BOSTON, Dec. 4.—Damages of \$20,000,000 are asked in a bill of complaint filed in federal court here today by Reginald A. Fessenden of Newton, inventor and scientist, in which he charges eight corporations doing a national and international business, with establishing a monopoly. The suit is brought, counsel for Mr. Fessenden explained, under the provisions of the Sherman anti-trust act and the Clayton act.

Fessenden, who lists 28 patents largely concerned with radio appliances held by him, asserts that the General Electric company, the Radio Corporation of America, the American Telephone and Telegraph company, the Western Electric company, Inc., the United Fruit company, the Wireless Specialty Apparatus company, the Westinghouse Electric Manufacturing company and the United Radio Telegraph company have formed a combination in restraint of trade through which he has suffered damages amounting to \$20,000,000.

Under the provisions of the federal law, it is claimed, he may collect twice that amount.

PAT HARRISON SATIRIZES ON G. O. P. STATUS

Borah Fights World Court, "Mussolini" Dawes Is Menacing Senate.

HYPOCRISY IN SADDLE

Regulars Beseech Coolidge to Sanction Welcome to Progressives Once Given the Boot.

(Associated Press Leased Wire.)
WASHINGTON, Dec. 4.—With the senate republican conference called for tomorrow and the La Follette issue still troubling party leaders, the pre-congress atmosphere of the new congress today was keying up for the gavel fall on Monday.

Republican leaders in the senate still faced an uncertain situation in their efforts to have the party conference tomorrow recognize, without issue, the republican conference called for tomorrow and the La Follette issue still troubling party leaders, the pre-congress atmosphere of the new congress today was keying up for the gavel fall on Monday.

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WET CONGRESSMAN MUST SERVE TIME IN FEDERAL PRISON

(Associated Press Leased Wire.)
CINCINNATI, Dec. 4.—The application for a rehearing in the case of Congressman John W. Langley, of Kentucky, convicted on charges of having conspired to violate the Volstead law, was denied by the United States circuit court of appeals here today. Langley is under sentence of two years in the Atlanta penitentiary.

Langley was sentenced in May, 1924, by Judge A. M. J. Cochran in the federal district court at Covington, Ky. The conspiracy involved alleged removal of 1400 cases of whiskey from the Belle of Anderson, distillery of Lawrenceburg, Ky.

Milton Lipschutz, Philadelphia, was convicted with Langley and also was sentenced to two years in the Atlanta penitentiary.

The conviction of Langley and Lipschutz was affirmed by the United States circuit court of appeals recently. Langley filed a motion for a rehearing which was denied today.

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SARAH AGEE ONE OF CITY'S BEST KNOWN PIONEERS DEAD

Mother of Fourteen Children Passes Away This Morning at the Age of 80 Years.

(Associated Press Leased Wire.)
SARAH ELIZABETH AGEE, one of Roseburg's best known pioneer women, passed away this morning after an illness which has extended over a period of three weeks. Mrs. Agge, who would have been 80 years of age on the 20th of this month, had enjoyed fairly good health until about three months ago when the infirmities of her age made her a victim to the ailment which finally ended in her death this morning shortly after 9 o'clock.

Mrs. Agge was born in DeCub, Missouri, on December 29, 1845. In the year of 1852 she came to Oregon with her parents, Mr. and Mrs. Sheridan Yamhill county. There she was married to Benjamin Coats Agge, who died in this city on January of 1920. She and her husband came to Douglas county in 1862 and her home has been made in this locality since that time.

She was the mother of 14 children, two of whom died in infancy. All of the surviving children, except two, were with her at the time death occurred. Oscar Agge, who is in Alaska, could not be located to be notified of his mother's illness. Mrs. C. J. Kurtz, of San Diego, was unable to come to Roseburg at this time. The surviving children are Oscar of Alaska, Roland of Portland, Norman of Eugene, Miles of Roseburg, Mrs. W. E. Cochran of Portland, Millie Agge of Roseburg, Mrs. C. J. Kurtz, San Diego, Asher of Roseburg, Mrs. E. A. Kurtz, of Salem, Fred, Earl and Elmer all of Roseburg.

The funeral services will be held on Sunday afternoon at 2 p. m. at the chapel of the Roseburg Undertaking company. Rev. Caldwell will officiate. Interment will take place in the Civil Bend cemetery.

TORNADO AT YAZOO KILLS TWO, CAUSES \$250,000 DAMAGE

(Associated Press Leased Wire.)
YAZOO CITY, Miss., Dec. 4.—Two negro women were killed and between 20 and 30 persons injured when a tornado dipped into the city from the northwest today, blowing down 60 homes and causing a property loss estimated at more than a quarter of a million dollars.

A large number of residences were badly damaged while telephonic and telegraph communication was destroyed for several hours.

The situation was aggravated by a deluge of rain that flooded the streets.

RUTTAWA, Ky., Dec. 4.—A windstorm of tornado proportions struck Lyona county this morning blowing down several homes, unroofing numerous buildings and uprooting trees and telephone and telegraph lines. No one was injured insofar as is known. Damage amounted to several thousand dollars.

KLAMATH MOONSHINERS SENT TO PENITENTIARY

(Associated Press Leased Wire.)
KLAMATH FALLS, Ore., Dec. 4.—Tom O'Connor and Harry Davis, found guilty in circuit court of operating a moonshine still, were today sentenced to two years in the state penitentiary. Sentence was imposed by Circuit Judge A. L. Leavitt.

BLAZE IN MINE HOLDS OVER 20 MEN PRISONERS

Colorado Rescue Workers Brave Fiery Tunnel to Reach Them.

ON 800-FOOT LEVEL

Miners Believed Overcome by Density of Smoke Which Prevents Prompt Help.

(Associated Press Leased Wire.)
DENVER, Colo., Dec. 4.—Officials of the Fairview Mining Company announced at 1 o'clock today that the fire in the company's silver, gold and lead mine near Nederland, Colo., had been extinguished, but the force of miners in the workings still is untraced.

The fire burned the timbering at the entrance of the mine and the passage way is blocked. The work of clearing the entry was begun at once.

BOULDER, Colo., Dec. 4.—Between 20 and 30 men were imprisoned in the Cardinal Tunnel, a property worked by the Fairview Mining Company, by a fire that broke out in the workings early today. The mine is located 20 miles west of here.

Three rescue crews, equipped with pulmotors and other equipment, left here for the scene.

Mine officials said that they feared the imprisoned men were unconscious from the heavy smoke that is pouring from the mouth of the tunnel and that has prevented workers, who were not equipped with masks, from entering the workings.

The telephone operator at Nederland, the nearest town to the mine, said she received information that between twenty and thirty miners were entrapped in the mine. She did not know at what level the miners were working when the fire broke out.

Two Cities Rush Aid. The Boulder fire department arrived at the mine late this forenoon and donned smoke masks to enter the workings in an effort to extinguish the flames.

The Nederland telephone operator said her information was that no gas explosion preceded the fire and that mine company officials believed the miners were safe.

The state coal mine inspectors' department of Denver dispatched rescue workers from Boulder and Denver.

Every able bodied man in the little town of Nederland went to the mouth of the mine to offer assistance. Practically every man in the town is connected with the mining industry and a number of volunteers are experienced in mine rescue work.

75TH BIRTHDAY OF OREGONIAN HAPPY EVENT IN PORTLAND

(Associated Press Leased Wire.)
PORTLAND, Ore., Dec. 4.—The Oregonian today celebrated its 75th anniversary with a special program and dinner in the Auditorium at which early residents of the Northwest, and particularly subscribers of the paper, were guests.

Bishop W. C. Shepard delivered the invocation. Mrs. Henry W. Metzger sang and Professor Edmund S. Meany of the University of Washington spoke. Edgar B. Piper, editor of the Oregonian, who presided, made the opening address on the history of the paper.

A dinner for 1500 guests, with a program, was the closing event.

The Oregonian was founded December 4, 1850 by Thomas J. Dryden and in 1860 was acquired by the late Henry L. Pittock, who was identified with the paper for 65 years. From 1865 until his death in 1910, Harvey W. Scott was editor of the Oregonian. He was succeeded as editor by Edgar B. Piper.