

One Weather
Highest temperature yesterday...37
Lowest temperature last night...34
Forecast for interior southwest Oregon: Mostly fair but with low clouds and fog tonight and Wednesday; continued cold.

ROSEBURG NEWS-REVIEW

Consolidation of The Evening News and The Roseburg Review

DOUGLAS COUNTY

An Independent Newspaper Published for the University of Oregon

THE NEWS-REVIEW
—Goes Into Over—
4200
Homes Every Day

VOL. XXIX NO. 222 OF ROSEBURG REVIEW ROSEBURG, OREGON, TUESDAY, JANUARY 8, 1929. VOL. XIX NO. 302 OF THE EVENING NEWS

ROSEBURG AIRPORT BONDS HELD LEGAL

APPEAL FROM LOWER COURT RULING LOSES

State Supreme Court Finds Issue Voted by Citizens To Be Valid.

Early Release of \$25,000 From Bond Purchasers to Finish Project Is Expected.

(Associated Press Leased Wire)
SALEM, Ore., Jan. 8.—The city of Roseburg, and all other cities in the state that have voted bonds for the establishment of airports, were within their rights in so doing, according to an opinion of the supreme court handed down today. The opinion was written by Chief Justice Coshaw and affirms Judge J. W. Hamilton in the case of L. E. McClintock, appellant, against the city of Roseburg. The city voted \$25,000 bonds for the purpose.

The city of Salem, which voted \$50,000 for the same purpose, was particularly interested in the case, and as a result of the opinion will now go ahead with the acquisition of property for the establishment of its airport.

City Within Rights
No question of the legality of the election was involved in the case. The only part of the proceeding challenged was the right of the city to construct and maintain an airport at the expense of the taxpayers. This question was admitted under two heads: First, is the city authorized by the necessary legislation to construct and own an airport at the expense of the taxpayers? And second, is an airport a public enterprise, which can be supported by taxation?

Coshaw's Opinion
Chief Justice Coshaw's opinion quotes a statute enacted in 1925 and declares it is so clear it needs no interpretation. This provided the right to appropriate any private real property, for general use and benefit of the people of the city or town, including real property, for an aviation field or airport.

At Salem tonight the opinion holds (Continued on page 6.)

M'NARY FARM AID BILL WON'T PASS AT THIS SESSION

(Associated Press Leased Wire)
WASHINGTON, Jan. 8.—Reports already are going the rounds at the capital that no statement need be looked for from Herbert Hoover on problems before this session of congress, particularly farm relief. One development is a conclusion reached by several senators, that the pending McNary farm bill cannot be put through at this session and that an extra session next spring is unavoidable.

There is a strong bloc of Hoover men opposing farm relief legislation until the next administration comes into power. This group includes Senators Borah of Idaho, Jones of Washington and Brookhart of Iowa. Congressional leaders believe that unless Mr. Hoover lends his public support to the McNary bill, a fight for its passage at this session would be futile. No such support is now anticipated, although those who have conferred with Mr. Hoover brought no definite word to the capital.

The situation was given emphasis today when Mr. Hoover received the entire Iowa delegation in the house.

The delegation reported that the consensus of opinion in congress was that farm legislation could not be enacted at this session. Afterwards members of the delegation said that Mr. Hoover declared that President Coolidge was still chief executive and that his administration would have to decide its own problems.

ONE-TIME NEWSIE QUILTS BUSINESS AS MILLIONAIRE

(Associated Press Leased Wire)
CHICAGO, Jan. 8.—John Hertz, who was peddling papers not so many years ago, has retired from business, his wealth rated in millions.

His retirement from the chairmanship of the Yellow Cab company board yesterday was accompanied by announcement that his control of that organization had been sold to another one-time newsboy—Charles A. McCullough, president of the Parmelee Transfer company.

Still under 50, Hertz plans to cap years of work with play. A few months in Florida then a summer in Europe are among his definite plans. In England Mr. and Mrs. Hertz will watch their horse, Reigh Count, winner of the Kentucky derby, in competition with the best thoroughbreds of the old world.

Hertz, who was born in Russia, Austria (now Czechoslovakia), founded the Yellow Cab company of Chicago in 1915.

DUMP GROUNDS WEST OF CITY NOW PROPOSED

Mayor Hoover Holds Title to Land Across Road From the Newhard Slaughter House.

Establishment of a city dump ground about four miles west of Roseburg along the Roseburg-Melrose road is a project, to be sponsored by Mayor E. V. Hoover and will probably result in considerable controversy.

The North Roseburg dump ground, located so near the residential district, has been a source of constant irritation, and was largely instrumental in the defeat of the former city administration at the last election.

There has been a great deal of complaint regarding the odor emanating from the dump grounds, while their unsightly appearance has also led to a great deal of criticism.

Mayor Hoover states that he has secured a deed to a tract of land lying between the Melrose road and the South Umpqua river about four miles west of Roseburg, just across from the Newhard slaughter house. There is already quite a pile of debris at that place, and the mayor proposes to use the property for city dump purposes. He has acquired title in his own name to the land, he states, and will deed the property to the city.

County Engineer Floyd Fear appeared before the council last night and filed an objection on the part of the county court, claiming that the ground belongs to the county. He claims that O. D. Newhard, who deeded the property to the mayor, had no title to it as it has been held by the county as road right-of-way for several years. The dispute involves about 5.6 acres of land.

Mayor Hoover stated that he was confident that the title was properly conveyed and that there could be no question regarding the deed, but that in any event, land could be secured at the base of the hill near the same spot, and that suitable land for dump ground purposes was available and could be easily acquired at that place.

TWO BANK HOLDUPS 'EACH YIELD \$10,000'

(Associated Press Leased Wire)
INDIANAPOLIS, Jan. 8.—Four men disguised as hunters walked into the Irvington State bank today and threatened the employees and customers with shotguns, took \$10,000 and escaped.

BLISSFIELD, Mich., Jan. 8.—The First National bank here was robbed of approximately \$10,000 today by a man who held up Harold Moore, assistant teller, when he came to open the bank for business.

G. W. P. HUNT WITHDRAWS FROM DAM COMMISSION
PHOENIX, Ariz., Jan. 8.—Former Governor George W. P. Hunt today had forwarded his resignation as a member of the Arizona Colorado River commission to Governor John C. Phillips.

Governor Hunt pointed out that the law is clear in stating that members appointed by the state legislature will serve to March 4 next, but that there is confusion as to states of himself and appointees on the commission. He offered his services, however, in helping "safeguard the rights of Arizona."

CLASH STARTS NEW REGIME OF ROSEBURG

Hoover Appointments Displease Council.

Proposal of Change in Street Department Is Rejected.

POLICE OFFICERS HOLD

New Councilmen Object to Cutting Salaries of City Employees as Recommended.

The new city council got off to a fighting start last night, Mayor Hoover's plan for a general shake-up in the city organization meeting with an immediate protest that ended in a deadlock. The mayor's endeavor to reduce salaries of employees, following out his policy of economy, and to fill all appointive offices with new men met with determined opposition, and, as a result, the city is without the services of a street cleaning department, city attorney or electrical inspector until the next meeting of the council.

The council refused to ratify the appointments made by the mayor and the mayor declined to make new appointments until he had time to consider applicants, so it was decided to continue the matter of contested appointments until the next meeting.

A proposal to change the city dump ground to a new location also drew fire from the county court, the contention being raised that the land west of town proposed to be used for dump ground purposes belonged to the county.

No action was taken regarding the appointment of a new chief of police and night officer, Mayor Hoover recommending that the present officers be retained for a period of thirty days when a new city marshal and night officer will be named.

It did not take the fireworks long to materialize after the new (Continued on page 8.)

CHILEAN VOLCANO TAKES 22 LIVES; MANY ARE HURT

(Associated Press Leased Wire)
BUENOS AIRES, Jan. 8.—With five bodies recovered from the rain caused by the eruption of the Chilean volcano Calbuco near Lake Llanquihue, it appeared possible today that the lava had taken a toll of 22 lives.

Dispatches from Puerto Montt said that Carlineros had uncovered reports that five families, totaling 22 persons, were missing. These families lived in the region which was heavily damaged with the volcano poured lava and ashes over it. Other dispatches said that many injured had been taken from the stricken area to Puerto Varas, across Lake Llanquihue.

Calbuco was in violent eruption in 1922 when several new craters opened near the summit after the cone had been completely blown off. The last eruption of any importance was in May, 1917. At other times the volcano has been relatively peaceful.

At this season of the year tourists usually attempt to climb to the crater which throws off columns of smoke and steam continuously.

BOY'S SILENCE ON GRID GAME INJURY MAY MEAN DEATH

(Associated Press Leased Wire)
PORT WORTH, Texas, Jan. 8.—James Roberts, 15, may die because he failed to tell his mother of injuries he received in a high school football game, fearing she would order him to give up the sport.

James, for whom more than 20 men have offered their blood, was hurt two months ago. Abscesses and pneumonia resulted and today he lay in a hospital with death imminent.

The boy's mother fears that his failure to tell her he was hurt will cost him his life. "If James only had told me that he had been hurt," she said, "something could have been done and then we surely could have saved his life."

But James failed to inform her of his injuries until he became seriously ill.

BLAST OF WINTER FORCES MERCURY FAR UNDER ZERO

(Associated Press Leased Wire)
NEW YORK, Jan. 8.—The coldest weather of the winter was experienced by most of the country today.

From the northwest, where the temperature dropped to 26 degrees below zero at Devil's Lake, N. Dak., the cold spread eastward and southward to the Atlantic coast and the Gulf states.

Bismarck, N. Dak., had a temperature of 25 degrees below zero while temperatures were from 20 to 23 in Iowa.

Chicago experienced the coldest weather of the winter when the temperature dropped to three below with predictions of colder weather.

Transcontinental trains were delayed from one to three hours by the cold, but wire communication was unaffected.

In the south, Asheville, N. C., registered the lowest temperature, the mercury there dropping to 20 degrees above zero; Atlanta, Ga., had 23 degrees and Louisville, Ky., and Birmingham, Ala., each had 23. No hope for moderation was held out before the middle of the week.

High winds accompanied the steady drop of the mercury in New York, where a low of 18 degrees above zero was recorded with colder weather in prospect.

In western New York state temperatures were only a few degrees above zero accompanied by high winds.

NOT GUILTY, PLEA OF LANZA BRYANT

(Associated Press Leased Wire)
CORVALLIS, Ore., Jan. 8.—A plea of not guilty was entered today by Lanza Bryant, indicted yesterday on a charge of first degree murder in connection with the stabbing to death of Lewis "Hip" Dickerson, Oregon State college student and assistant football coach, Judge G. T. Skidworth set January 21, 10 a. m., as time for trial.

BRAIN OPERATION ON WILD BOY EXPECTED TO REFORM HIM AND WIN HIS FREEDOM

(Associated Press Leased Wire)
CLEVELAND, O., Jan. 8.—Death, or freedom and a new chance awaited Arthur Berry, 15-year-old "bad boy," convicted of robbing the mails, as he lay in a hospital here today fighting for recovery from an operation for removal of an abscess from his brain, performed in an effort to correct his tendencies to crime.

With the entry of an order by Federal Judge Paul Jones today, deferring execution of a sentence at the Washington army training school for robbing the new Philadelphia post office, the government enters into the experiment whereby it is hoped the lad can be cured and set right.

Lady Prosecutor Aids
Arthur will be given the opportunity, if he recovers, to return to his home, and if he does recover he will go with the good wishes of Miss Irene Nungesser, assistant district attorney, who urged that the operation be performed.

She became interested in the case when the boy admitted taking sixty letters from a mail box of the Ohio Cities Telephone company containing \$1,000 in checks. He cashed one of the checks, destroyed the others and told Miss Nungesser that he knew of no reason for taking them. After his trial two weeks ago and his commitment to jail sentence was imposed he began to complain of headaches, and when Miss Nungesser learned of it she arranged an X-ray examination which revealed the abscess.

Fate in Balance
The operation was performed a week ago. The boy was to have been sentenced today, but Judge Jones agreed to defer the sentence to await the outcome of the experiment. If the youth dies he will be merely a dead prisoner. If he lives and falls again into crime when liberated he will be sent to Washington to serve his sentence on the conclusion that the abscess had no influence on his behavior. But if he finds himself freed of the inclination to do wrong the operation will be considered a success and the charge will be forgotten.

PLANE'S CREW MORE DURABLE THAN ENGINES

Question Mark's Five Iron Men Fit to Fly Again, Doctors' Verdict.

UP NEARLY 151 HOURS

One Motor Stops, Another Runs Imperfectly and Third Had Begun to Slow Down.

(Associated Press Leased Wire)
LOS ANGELES, Jan. 8.—The triumph of man over his motors was history today. Five iron men of the air, who yesterday landed smilingly and physically fit, after 150 hours and forty minutes of continued vigil in the air had been labeled by a medical inspection board as "physically qualified" to hop off immediately on another endurance flight. On the other hand, the motors of the army's "Question Mark," which had buckled under the strain when their masters were keen to drive on and on, were awaiting an official diagnosis of their ailments that forced the ending of the record-smashing endurance flight.

"Hard work in the air seems to agree with Major Carl Spatz," reported the examining army surgeons of the condition of the commanding officer of the nearly week-long aerial grind. The conditions of Captain Ray Eaker, chief pilot, Lieutenant Harry Halverson, relief pilot, and Sergeant Roy Hoese, mechanic of the "Question Mark," were described as "excellent" with the exception of slight fatigue which would be expected.

Troubles Recited
Just what happened aboard the Question Mark, forcing it to descend was described in casual language by the aviators after they reached the ground. "As I left the controls at 1 o'clock in the afternoon," said Quesada, "Captain Eaker took the wheel and the left motor went dead. We sent for (Continued on page 8.)

Hermit Doctor Of Colorado Is Claimed By Flu

(Associated Press Leased Wire)
CRAIG, Colo., Jan. 8.—The hermit doctor of Juniper, a small mountain settlement near here, who spurned automobiles, bookkeeping, modern surgery, operating rooms and bills, is dead.

For a quarter of a century or more, Dr. R. A. Arbogast has ministered to the ills of cowboys and homesteaders in this sparsely settled section of the state. His saddle horse carried him to the bedside of his patients and he never had a telephone installed in the lonely cabin in the hills that were his office and home.

The aged physician, 84 years old when he died, never made a charge for his services and lived from the free-will offerings of his patients. A side of "haws," a quarter of beef, a couple of bushels of potatoes, or flour, or hay or grain for his horse made up the offerings, in general.

Dr. Arbogast died of influenza. On Thursday, a snow plow will force a trail seven miles through deep snow to the doctor's cabin, where he will be buried. The beneficiaries of the old physician's charity who are left in this section, will have to depend upon horses to convey them to the funeral.

Dr. Arbogast was graduated from Ohio Medical college at Cincinnati in 1882, and later studied in Paris and Berlin. He is survived by his divorced wife and a son, who live in Denver.

BENJAMIN N. DUKE, TOBACCO COLOSSUS, DIES IN 72ND YEAR

(Associated Press Leased Wire)
NEW YORK, Jan. 8.—Benjamin N. Duke, tobacco manufacturer, died at his residence today after a lengthy illness. He was 72 years of age.

Benjamin N. Duke was one of two sons of Washington Duke, who helped extend his father's inconspicuous business to such proportions that it made the family name known throughout the world.

The father, almost impoverished by the war between the states, had raised tobacco on his farm and the product was sold to country merchants by his sons, Benjamin N. and the late James B. Duke. This business soon afterward was expanded to include the manufacture of the raw product on a small scale.

Continued prosperity enabled the father a few years later to move to Durham, N. C., where he started a small factory. That was the actual beginning of the business that eventually was valued in millions. In the early 1920s, Benjamin Duke's wealth was estimated to be in excess of \$50,000,000.

Like his brother James, Benjamin gave large sums to educational and charitable institutions. His gifts to Trinity college, New Duke university, at Durham, N. C., and Guilford college are said to have exceeded \$1,000,000. He never would permit a list of his beneficent deeds to be made public.

H. E. ALMOND DEAD
(Associated Press Leased Wire)
HOUSTON, Texas, Jan. 8.—Henry E. Almond, 52, political leader and millionaire manufacturer of Vancouver, B. C., died here today after an operation New Year's day.

Farming Industry Stressed By Commerce Chamber President In Prosperity Forecast For 1929

"There is no doubt that the year 1929 will be a good year for Roseburg and Douglas county," J. A. Harding, president of the Roseburg Chamber of Commerce and manager of the Umpqua Hotel, declared here today.

"We must remember," he said, "that Roseburg is the natural center of a thriving agricultural territory, capable of unlimited expansion and development. No section on the Pacific coast can produce more or better crops than those produced here."

"We must not lose sight, either, of our poultry industry, which is nearing 100,000 laying hens in our own county. The expansion of this industry means a steady income to Roseburg and Douglas county and should be given every possible encouragement."

"Turkey and sheep raising are also outstanding industries, along with fruits and general agriculture, spelling continued prosperity for Douglas county and Roseburg."

"I feel that if one has any interest in his community and enjoys living there there is no better way of showing it, than by joining the chamber of commerce and then doing your part in helping to work out the problems that come before that organization."

STRICT ECONOMY PLEDGED BY MAYOR HOOVER IN OPENING MEETING OF THE NEW COUNCIL

Faithful Enforcement of Law, Improvement Of City's Sanitary Conditions and Careful Management of Finances Outlined As Program of Administration.

DRINKING WATER IS CRITICISED

Practice of Chlorination, Leaving Odor, Is to Be Changed If Mayor's Recommendations Are Followed—Dump Ground to Be Moved to New Location to Be Announced Later.

Careful management of the city's finances, faithful enforcement of all ordinances and installation of sanitary improvements are outstanding declarations of purposes in the message submitted to the city council by Roseburg's new mayor, Dr. E. V. Hoover, who took the oath of office last night and entered immediately upon his official duties. In line with his intention "to practice rigid economy," Mayor Hoover said he favored a reduction in salaries of city employees and asserted that no bonded indebtedness should be incurred without accompanying provision for liquidation. In his law enforcement stand he referred specifically to the liquor and vehicle traffics and to the curfew hour for children. Without criticism of the fire department, he advised more frequent inspection and flushing of hydrants. He favored a change in the method of purifying the city's drinking water, which he declared has a "terrible odor." Location for a new dump ground had been secured, he announced, but he withheld all details on this subject until a "later time."

The mayor's message in full follows:

It is with a feeling of the deepest gratitude toward the electorate of my native city, and with a profound sense of responsibility, that I enter upon the duties of mayor.

Not many things need be said at this time, but it may be well to outline a few of the more important policies, by which this administration will be guided.

Term of Office
Since the election there has been raised the question as to when the terms of the mayor and councilmen begin under the law. Some hold the opinion that the officials elected last November do not begin to serve until the 1st of November, 1929, or almost one year after that election. Others contend that the Oregon constitution as amended in 1905 and 1917, fix the terms of our city officers as commencing concurrently with all other officials elected at the same time. This latter opinion has been followed by my predecessors and it has been thought that the interpretation placed upon these amendments should be followed until the law was declared to be otherwise.

There does not seem to be any good reason for the reversal of that opinion. The constitution by section 14 of article 2, declares that the terms of all officers in the state excepting that of governor shall commence the first Monday in January following the election. This amendment was made in 1908. A later amendment to section 14 of article 2 of the constitution fixed the time of our city election the same as that of the general election. It is apparent

therefore that the intent was to regulate as to municipalities both the time of election and of commencement of terms of office. Other matters are left as each charter provides.

Out of an abundance of caution it has been suggested that the officers elect permit themselves to be inducted into office by virtue of the successive resignation of the old members and substitution of the newly elected officers, and inasmuch as there seems to be no objection to this measure of precaution, it has been done.

However, it should be understood that this is not an admission that the officers elected do not begin their terms in accordance with the constitution as above quoted. And so far as the office of the mayor is concerned this will be the interpretation placed upon the same matter at the close of the present term. Our predecessors have held their full terms under that interpretation and the present officials will not attempt to extend their terms by any other construction.

City Finances
It is my purpose to practice a rigid economy. No bonded indebtedness should be incurred without at the same time providing an ample sinking fund to take care of it. This one feature will do much to discourage such indebtedness. For if the provision for payment is made at the same time the debt is incurred, we will think twice before availing ourselves of the privilege of money to spend upon an intangible undertaking. I shall recommend a reduction (Continued on page 6.)



BENJAMIN N. DUKE