

ARGUMENTS OPEN IN LESSARD CASE

Senator Cannot Hold Two Lucrative Jobs at Once, Moody Contends.

PORTLAND, Dec. 31 — (AP)—The state through its assistant attorney general, Ralph Moody, outlined today to a circuit court judge, John P. Winter, historical and legal background by which it will seek to prevent Delmore Lessard from holding office as state senator and attorney for the state bonus commission simultaneously.

The case came before the court on a suit by Lessard, Multnomah county senator, for an injunction to prevent Earl Snell, secretary of state, from declaring his seat vacant and thus cause appointment of a successor by the county commissioners.

Moody completed his opening statement at the noon adjournment. He will be followed by counsel for Lessard, Elton Watkins, Charles W. Robinson and John Kaste, with Moody being allowed opportunity for rebuttal late today. It was expected that Judge Winter would be able to take the case under advisement by night-fall.

Lessard said he was elected to the senate in November, 1934, and also held an appointment of notary public, a situation which has already resulted in the resignation of several legislators from their positions as notaries public in view of a ruling by Attorney General I. H. Van Winkle that it amounted to holding two public offices contrary to the state constitution.

The senator also said he held the office of attorney for the bonus commission, being appointed to that post in March, 1935, but he argued that neither of these appointive positions was lucrative offices within the meaning of the constitution and that he could, therefore, hold them legally as well as act in the capacity of a legislator.

Constitution Cited
Moody, offering a review of the circumstances behind the writing of a provision in the constitution dividing the functions of government into legislative, judicial and executive branches, said the constitution prohibited a person from holding an office or appointment under one branch and exercising at the same time any functions under the other.

In a discussion of historical background, Moody traced the development of this principle in American government, showing that Thomas Jefferson, dissatisfied with the lack of clarity in the federal constitution, had written the first section of the Kentucky constitution separating the three branches.

Out of this came the model for all state constitutions, including that of Oregon, he said.

Other Cases Cited
Moody presented decisions from many courts upholding the contention that a member of the legislature cannot accept an office in either of the other branches of government and still retain his legislative seat and that election or appointment to such other office vacates his membership in the legislature.

Decisions of the Oregon supreme court and other judicial bodies to the effect that a notary public was a public officer were cited by Moody. The assistant attorney general's argument was interrupted by Kaste to say that "we admit" the office of notary public is a public position but denied that it was "lucrative."

Moody rejoined that the court would take notice of the remuneration fixed by statute and said the admission of Kaste brought Lessard within the decisions holding that acceptance of one office was automatic relinquishment of the other.

Around the County

WILLIS CREEK

WILLIS CREEK, Dec. 31.—Mr. and Mrs. Earl Donaldson are the parents of a baby daughter, born at Mercy hospital December 22.

Iris Rice is spending Christmas holidays in Portland with friends. The Willis creek school program was held Thursday morning with a good attendance. Miss Ostendorf, the teacher, left for Portland to visit relatives over the holidays.

Elmer McVey went to Lakin, Kans., last week to visit his parents, who reside there.

The Alton Rice family took Christmas dinner with Mr. and Mrs. Harry Davis, of Dilard. Mr. and Mrs. R. L. Moore entertained the following guests Christmas day: Mrs. Lydia Varnum, of Roseburg, Mr. and Mrs. Nichols, of Happy Valley, Mr. and Mrs. Victor Phipps and children and Bonnie and Almada Workman of Willis creek.

Victor Phipps attended the funeral of Mrs. Hattie Hanan in Roseburg Thursday. Clarence Cluser took dinner at the Alton Rice home Thursday. He expects to leave for California in a few days.

Grover Workman has been sick the past week with a severe cold. Melvin and Norman Newton are visiting their parents over the holidays. They are attending school in Salem.

Ryman Hunter went to Canyonville to spend Christmas day with relatives.

AZALEA

AZALEA, Dec. 31.—Mr. and Mrs. C. W. Hazen and son, Virgil, of Junction City, are Christmas dinner guests at the home of Mr. and Mrs. John Jantzer.

Leland John and Hattie Shiltz

were in Roseburg Thursday shopping, they also visited Mr. John's brother-in-law and sister, Mr. and Mrs. W. D. Chadwick of Dixonville. Henry Speaker and Frankie Jantzer, of Wolf Creek, visited friends here Thursday evening.

Mr. and Mrs. William Sharp, Jr., were in Medford Friday where they had Christmas dinner with his grandparents, Mr. and Mrs. William Sharp, Sr.

Mr. and Mrs. Oscar Hull and son, from the Gunter CCC camp, are spending the holidays here with his father, Mark Hull, and uncle and aunt, Mr. and Mrs. John Ogden.

Joe Blanchard, who is attending Willamette university at Salem, returned there Saturday after spending Christmas at the home of his parents.

Mr. and Mrs. Joe Rush and family of Grants Pass enjoyed Christmas dinner at the Hull and Ogden home Friday.

Hattie Shiltz, Leland John, Raphael Sharp, Ora Condray, Sr., and (Dad) Elkins, had Christmas dinner with Mr. and Mrs. R. C. Johns.

Mr. and Mrs. T. C. Johns and sons, Darwin and Dale, were Christmas guests of her nephew and niece, Mr. and Mrs. Harry Williams and family of Roseburg.

MELROSE

MELROSE, Jan. 1.—Lloyd Wilson of Yakima, a former Melrose resident, arrived Tuesday to spend the holidays visiting his father, Herman Wilson, and his brother, Alvie Wilson.

Miss Marie Krohn, employed by the Northwest Studio company, arrived at Melrose Thursday to spend the holidays with her parents, Mr. and Mrs. Henry Krohn. Miss Krohn has traveled through Washington and the northern part of Oregon with the company and is leaving after the first of the year for California.

Miss Lois Ford left the latter part of last week for Lebanon where she will join relatives and continue on to Washington to visit with her mother.

W. G. Mueller recently returned home from Los Angeles where he spent the past two months attending to business.

Miss Helen Backlund, employed in Roseburg, spent Christmas with her parents, Mr. and Mrs. Carl Backlund.

Mrs. M. Woodruff went to Roseburg last Tuesday to spend several days at her home in North Roseburg where a family reunion was held Christmas day.

Mr. and Mrs. Largy and the latter's daughter, Miss Marion Patton, of Portland, visited the former's parents, Mr. and Mrs. J. W. Bass, and attended the funeral of the late George Crane.

Mr. and Mrs. Charles Stubbs and the latter's sister, Miss Evelyn Galla, left last week for Portland where the former will spend a week attending to business and the latter two will visit friends.

Miss Alice Backlund, who is employed at Drain, spent Christmas with her parents, Mr. and Mrs. Carl Backlund.

Miss May Taylor, teacher at Sunnydale, is home for the Christmas holidays.

Miss Clara Becker, who is teaching at Azalea, and Miss Alice Becker, who is teaching at Calapooia, are spending the Christmas holidays with their mother, Mrs. Minnie Becker.

Mr. and Mrs. Jake Thornberg are staying at the Charles Stubbs home in West Melrose while Mr. and Mrs. Stubbs are in Portland.

Mr. and Mrs. Ray Webber of Salem and Mrs. Rudolph Edman and small daughter of Eugene spent the holidays visiting their mother, Mrs. Edman.

O. S. Stromback is slowly improving from a fractured leg he received three weeks ago when he fell from a ladder.

Mrs. Mary Dugan and Miss Georgia Emery visited Sunday with Mr. and Mrs. E. L. Cooper.

Mr. and Mrs. William Sheron and three small children of Coberg are spending the Christmas holidays with the latter's parents, Mr. and Mrs. Adolph Johnson. Mrs. Sheron was formerly Miss Mildred Johnson.

Mr. and Mrs. George Sundberg and two small children went to Drain Thursday to spend Christmas with the latter's parents, Mr. and Mrs. Henry Bartholony. They returned home Saturday and the latter's brother, Milton Bartholony, accompanied them home to visit until Sunday.

Gunner Hedberg of Klamath falls spent Christmas with his wife and was the guest of the latter's parents, Mr. and Mrs. A. S. Anderson.

Mr. and Mrs. Phil Hess of Eugene enjoyed Christmas with the latter's parents, Mr. and Mrs. Charles Olson and her sister, Mrs. G. A. Bruce.

M. M. Manning, who is employed at Bonneville, spent Christmas holidays with his family.

Mr. and Mrs. Algo Anderson and daughter, Beverly Kay, of Portland spent Christmas with the former's parents, Mr. and Mrs. A. S. Anderson.

Mr. and Mrs. Richard Thompson of Clifton spent Christmas with the latter's parents, Mr. and Mrs. C. H. Chablin. Mrs. Thompson will visit them until Wednesday while Mr. Thompson visits in Roseburg.

Mr. and Mrs. George Cooper had as their guests last Sunday, Mr. and Mrs. Taylor McCord of Dixonville and the latter's mother, Mrs. C. M. Cooper and sons, Kenneth and Charles, and her daughter, Betty, of Edenbow.

Mrs. Agnes Smith and Miss Elvora Anderson of San Francisco arrived at Melrose last Thursday to spend Christmas with their parents, Mr. and Mrs. A. S. Anderson. They left Sunday for their homes in California.

Mr. and Mrs. Edgar Herbert of San Francisco visited last week with Mr. and Mrs. Gunner Johnson and after going on to Portland to spend Christmas with the latter's parents, Mr. and Mrs. Oscar Hanson, they returned to Melrose Sunday evening for another visit with Mr. and Mrs. Johnson. Mrs. Herbert was formerly Miss Lellie

The Year's Outstanding News Stories



The Execution of Bruno Richard Hauptmann



Roosevelt's Re-election



The Moose River Gold Mine Tragedy



The Soldiers' Bonus



War in Spain



Capture of Addis Ababa



The Pittsburgh Flood



Wallis Simpson



The Abdication of Edward VIII



King George VI

Hanson and resided at Melrose.

Mr. and Mrs. Fred Hedberg, who are residing at Kirk, Oregon, spent a couple of days last week at their home in Elgarose.

Milford Howard of Washington visited over Christmas with his brother and sister-in-law, Mr. and Mrs. Howard, and with his father, Jim Howard.

OLALLA

OLALLA, Jan. 1.—Mr. and Mrs. John M. Orr went to Gold Beach Thursday to spend Christmas with their daughter and son-in-law, Mr. and Mrs. Jay Francisco, returning Sunday. They were accompanied by Wm. Salome who was awarded the turkey and complete Christmas dinner at the Camas Valley Townsend club party Sunday evening, December 29.

Victor Howard was in Roseburg Tuesday to collect bounty on a coyote.

Mr. and Mrs. Doris Ireland and family of Coquille spent Sunday at the Ireland brothers.

ELKTON

Miss Anna Stark has returned from Washington where she has been visiting.

Mrs. Elsie Wells and Ira Wells of Cottage Grove were Elkton visitors Thursday.

Mr. and Mrs. R. R. Wells and family spent Christmas in Portland.

Mr. and Mrs. E. D. Wade left Thursday for Hood River to spend the holidays.

The Kellogg school gave a program in the grange hall Wednesday evening.

There was a Christmas program Christmas eve in the M. E. church. After the program candy, oranges and nuts were presented to all in attendance.

Miss Ester Douglas of Salem, spent the weekend at the home of her parents, Rev. and Mrs. Douglas. Rev. and Mrs. Joyce Douglas of Wasco, also were at the home.

Big Dance

at

EVERGREEN

GRANGE

New Year's Night
January 1

and also
Saturday Night, Jan. 2

Music by Snappy F
Gents 35c Ladies 10c
Everybody Welcome

Douglas home.

Marie and Agnes Haines have returned home from Portland for the holidays.

Mrs. Jane Schaal is ill at her home.

Eldon Fisher of Kellogg is home for the holidays from Portland.

Mr. and Mrs. H. Pontius and family of Croswell spent Friday and Saturday at the home of Mr. and Mrs. Charles Blinder.

Mr. and Mrs. Harold Thorp motored to Albany for the holidays.

Mrs. Marietta Haines and Iris Haines were Eugene visitors Tuesday.

Jim Traylor, of Drain, was in Elkton Saturday looking after business matters.

Grace Levenhagen of Eugene is visiting her mother, Mrs. Dora Traylor.

Mrs. V. Daniel has returned home from Cambridge, Mass., where she has been visiting her son, Edward Daniel.

Mr. and Mrs. Charles Backliff, of Myrtle Point, spent Tuesday night at the home of Mrs. Marietta Haines.

Mr. and Mrs. Lawrence Backliff of Arago, visited at the H. L. Benson home on their way to Canby Christmas morning.

The schools closed Wednesday over the holidays.

Spend Day in Town—Mrs. Amy Richardson and mother, Mrs. Stedler, of Myrtle Creek, spent yesterday here shopping and visiting.

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U. S. DRIVING CODE TO BE TIGHTENED

WASHINGTON, Dec. 31.—(AP)—The interstate commerce commission moved today to reduce the death hazard on America's highways by setting up driving rules for commercial motor vehicles.

At the close of a year in which fatalities reached an estimated 37,500—a new high record—the commission made public its broad regulations to become effective next July 1.

Hope was expressed the rules would be followed by the states "in the interest of uniformity."

Among rules set up is one that speed must be within state or local limits where these exist and otherwise must be "reasonable or prudent under the existing conditions."

The regulations set a minimum age of 21 for new drivers employed, a requirement that they must read and speak English and that they must bear proper identification.

The information gathered on drivers incidental to identification, the commission said, may be used as the basis of determining the need for a federal drivers' licensing system.

Among other regulations were requirements that vehicles should be in good mechanical condition, that fuses should be set up beside cars broken down on the highway at night, that explosives and similar carriers stop at railroad crossings.

Transportation of hitchhikers was prohibited.

GLENDALE
GLENDALE, Jan. 1.—Mr. and Mrs. Melvin Nye returned Saturday from Vancouver, Wash., where they spent the holidays. Mr. and Mrs. F. M. Nye accompanied them home for a visit.

Mr. and Mrs. R. M. Ederle went to Grants Pass Monday for a short visit.

Mr. and Mrs. Shirley Dyer, from Ashland, spent Christmas with their parents, Mr. and Mrs. Ted Dyer. They are finishing the week with Mr. Dyer's sister and family, Mr. and Mrs. John Bartie, at Fernvale.

Mr. and Mrs. George C. Dyer and daughter, Dorothy, returned Sunday from Marshfield where they spent the holidays with relatives. They were accompanied home by Lindsey Von Tongren, who later left for his home in Woodland, Calif.

Miss Margaret Howard is home from Lorraine for the holidays.

Garold Von Tongren, of Woodland, Calif., is visiting at the George C. Dyer home.

Mr. and Mrs. Melvin Johnson and small son spent the Christmas holidays with relatives in Eugene.

Mr. and Mrs. C. G. Richards returned Monday from spending the holidays in Oakland, Calif.

Mr. and Mrs. Ed Winkelman and Wm. Craddock made a business trip to Grants Pass Wednesday.

Mr. and Mrs. E. H. Hanthorn were Christmas dinner guests of Mr. and Mrs. Wm. Stewart at Wolf Creek.

Mr. and Mrs. Oscar Webber and children, Herbert and Bessie, recently returned from Sweet Home, where Christmas dinner guests of Mr. and Mrs. Ed Winkelman and family.

Mr. and Mrs. R. A. Briggs and children returned Sunday from spending the holidays at Myrtle Creek.

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Who Has the Oldest John Deere Implement?

Douglas County Farm Bureau Cooperative Exchange

Will pay \$2.50 to the farmer who has the oldest John Deere implement still in use in Douglas County.

Attend the John Deere and Caterpillar free picture show and lunch January 6, give the name and size of the implement, the year bought and the dealer's name.

This offer includes Syracuse Plows, Dain Mowers and Van Brunt Grain Drills.

Don't forget the date, Wednesday, Jan. 6
Show starts at 10 A. M.

Happy New Year

In 1937

With the Best
of Wishes to Our
Many Friends and
Patrons

Maddox Grocery