MARTIAL CODE IS HELD VALID

Present Law Affecting Adjutant General and Guard Is Held to Be Sound.

The military code of the state of Oregon, under which the Oregon national guard exists as a part of the national defense, is not unconstitutional nor is the provision giving officers, including staff officers tenure until they reach the age of 64 years contrary to the Oregon constitution.

An opinion to this effect was handed down yesterday by Attorney General Van Winkle to Representative Hurlburt of Multnomah county, who is the author of a bill to change the code and place the arbitrary right of removal in the hands of the governor. Mr. Hurlburt's bill, which is aimed at Adjutant General White, was presented on the theory that the present law gives the chief executive no authority and also that such a law is unconstitutional.

Hurlburt Twice Disappointed

This is the second opinion which Mr. Hurlburt has requested within 10 days in support of his contentions and both have held contrary to the Hurlburt arguments in presenting the bill.

The first opinion, given by Attorney General Van Winkle, showed that the governor has the right to bring any officer, including the adjutant general to trial for any offense, or before an efficiency board when the interests of the service require such action. It also revealed the fact that the governor is the sole reviewing and approving authority on the action of such board, and that where there are not suitable officers in the state for such a board, the governor can apply to the secretary of war for a detail of army officers.

Opinion Elaborate

In the opinion yesterday the state and federal civil and military laws are quoted and analyzed i ndetail by Mr. Van Winkle who expresses the belief in his conclusions that the present military code is in no ways in conflict with the Oregon constitution and that in fixing the tenure of officers, including the adjutant-general, the law as it now stands uses the word of the national defense act, under plain constitutional authority.

Major Libby Here

Major Eugene Libby, of Portland, president of the National Guard association was in Salem to discuss the urlburt bill with members of the military affairs committee preliminary to its being reported out, said that the national guard is a unit in opposition to the bill, feeling that it was against the best interests of the service. He said that the law was first passed in 1909 under Governor West and has stood since that time except for the three years that the National guard was on the Mexican border or in France.

NATRON CUT-OFF IS ASSURED BY DECREE

(Continued from page 1)

bell join me in this expression.'"

WASHINGTON, Feb. 10.—The application of the Southern Pacific company to retain its present control of the Central Pacific railroad by ownership to retain its present control of the Central Pacific railroad by ownership of its stock and lease of its lines was granted today in full by the decision of the interstate commerce commission.

Although the supreme court in 1922 at the end of 11 years of litigation over the existing merger of the roads held them to be a combination in restraint of competition and ordered them separated, the commission — with but one member dissenting — declared their maintained union was necessary in the interests of the western states they traverse and the country as a whole.

Competition Necessary

Further, the majority declared, the former policy of the nation is demanding maintenance of competition above all other thing in transportation service had been reversed by the congressional enactment of the transportation act of 1920, permitting general consolidation of railroads under government supervision. On this ground the maintenance of the merger of the two roads, notwithstanding the court's decree, was declared to be legally authorized, and advisable in view of public necessities.

Courts Review Case

The opinion pointed out, however, that the conclusions of the commission would be subject to review by the courts before they could become effective.

Commissioner McChord, in complete dissent from the view of his associates, declared the "findings of the majority contrary to the will of congress as expressed in the legislative act which conferred the powers invoked in this case." With Commissioner Campbell, who entered a partially concurring opinion, he concluded that the Central Pacific company, by its nature as a corporation, could not legally lease its lines to the Southern Pacific, without special federal legislation.

Chairman Meyer and Commissioners Aitchison and Campbell also suggested that in consideration of receiving the authority to hold the Central Pacific, the Southern Pacific should be specifically required to construct the Natron cut-off, a contemplated new line of railroad in Oregon.

Objections Eliminated

Traffic arrangements reached between the Union Pacific and Southern Pacific systems, and between the Western Pacific and Southern Pacific, allowing reciprocal rights for maintenance of traffic service over the Central Pacific lines, the majority of the commission held, have eliminated nearly all the objections which the western shippers, states and communities have hitherto advanced to the merger of the two roads.

The agreements in question, all of which are aimed at maintaining full transcontinental service over the Central Pacific route which runs north via Ogden and competes with the Southern Pacific's own trans-continental route running via El Paso, having satisfied all interests in the territory concerned, the decision said, the present unity of the Central-Southern combination should not be disturbed.

Would Avoid Disruption.

"The record justifies the conclusion that separate operation of the Central Pacific lines will disrupt existing routes and services in California and between that state and adjacent states, and except to the extent that the rupture may be mitigated, * * * will render impossible the continuance of much valuable transportation service now conducted over the Central Pacific and Southern Pacific lines without regard to corporate ownership the commission held." Such separation will result to an indeterminate extent in the increased cost of operation and duplication of capital investment in railroad facilities and increased cost of operation.

"Moreover, it is doubtful whether for a time at least the Central Pacific, if operated as an independent carrier would have the earning capacity, credit and financial stability to sustain the heavy burden of its fixed charges and provide the new capital for its equipment and improvement necessary in the future to meet the requirements of public service."

Grist of House Bills Are Passed by Senate

The following house bills passed the senate yesterday:

H. B. 161, Miles — Providing for eradication of bovine tuberculosis in Columbia county.

H. B. 160, Bennett—Providing legal authority for traveling expenses of Coos county commissioners.

H. B. 217, Reynolds—Providing for appointment of deputy county horticultural inspectors.

H. B. 87, Wheeler—Providing for election of one member of union high school boards annually.

H. B. 120, Bailey—Requiring county assessors to list all Chinese and Japanese who own property.

H. B. 4, Kay—Providing flexibility of educational aid fund for soldiers, sailors and marines so appropriation of full amount allowed by law will not be necessary.

H. B. 280, committee on insurance—To license any regularly appointed and licensed insurance agent.

H. B. 197, committee on insurance—Relating to principal place of business of certain corporations.

H. B. 112, Lovejoy—To provide for licensing of non-resident insurance agents.

H. B. 270, joint insurance committee — Providing that indemnity bonds shall be placed through state agents.

Forced to Work During Married Life, Wants Divorce

Charging her husband with neglect, a roving disposition and cruel and inhuman treatment, Eva Womelsdorf filed suit for divorce in the circuit court yesterday from Edward Womelsdorf.

According to the complaint Mrs. Wolmsdorf has been forced to work since they were married. Her husband, she states, is possessed of a roving nature and disappears for weeks at a time, leaving her to support herself and the two children. In addition he frequently gambles his money away and has repeatedly lost needed funds through the purchase of cars which he has been forced to surrender. At one time she states, he struck her, called her profane names. Since January 20, 1923 they have been living apart. Mrs. Womelsdork asks a divorce, suit costs and sufficieant to care for the two minor children.

They were married in Tillamook, Ore., December 25, 1913.

GOING TO KARLSRUHE

BERLIN, Feb. 10.—President Ebert and several members of the cabinet are proceeding to Karlsruhe, for a discussion on Sunday with the Baden government on the situation.

COSMETIC BILL IS VOTED DOWN

Lovejoy Will Move to Reconsider—Kay's Bill Indefinitely Postponed.

By a decisive vote the house yesterday voted down Representative Lovejoy's bill to create a state board of cosmetic therapy examiners. Lovejoy voted against the bill in order that he may later move to reconsider the vote.

By indefinite postponement the house killed Representative Kay's H. B. 5, to repeal the present law permitting change of venue upon the filing of a statement of prejudice; H. B. 230, Meindl, regulating operation of motor vehicles and requiring colored lights to indicate violations of the speed laws; H. B. 295, Randall and Gordon, providing for a 3-cent tax on gasoline, which is covered in another bill; H. B. 296, Lovejoy (by request), to prohibit signs and advertisements within limits of county roads and state highways.

The following bills were passed

House Bills

H. B. 330 (substitute for H. B. 320) by Overturf—Relating to salaries of county officers in Deschutes county.

H. B. 335, Ezell (substitute for H. B. 137)—Relating to division of school districts into zones.

H. B. 339, committee on roads and highways—Authorizing the highway commission to construct snow fences and otherwise protect highways.

H. B. 340, by committee on roads and highways—Authorizing highway commission to designate highway routes through incorporated towns.

H. B. 341, by committee on roads and highways—Authorizing highway commission to pay certain claims resulting from injuries sustained in highway construction.

H. B. 219, by Reynolds (by request)—To regulate manufacture and sale of plant insecticides.

Senate Bills

S. B. 10, Eddy — Relating to construction and repair of bridges by counties.

S. B. 91, Edwards—Regulating the taking of salmon and crabs from Alsea bay and river.

S. B. 107, committee on agriculture and forestry—Relating to grain inspection.

S. B. 171, committee on education—Relating to qualifications of high school teachers.

S. B. 117, Clark—Relating to tuition, transportation and board of pupils in other districts while school is suspended.

State Bonus Extension Is Proposed in Measure

Extension of the provisions of the state bonus and loan law to include women who served in the signal corps of the AEF, the unmarried widow, dependent father or mother of a deceased veteran who would have been eligible to the provisions of the act, and to regular army, navy and marine corps men who enlisted subsequent to June 3, 1915, would be authorized under a joint resolution introduced by the committee on military affairs. The resolution provides that the necessary constitutional amendment be submitted to the voters at the next state election.

House bill 29, storm center of the state's military forces, will be reported out by the house committee on military affairs Monday and probably will be on third reading Tuesday. This bill aims to change the regulations surrounding the tenure of office of the adjutant general.

SENATE BILLS

S. B. 200, committee on revision of laws—Relating to surrender of warehouse receipts and damages for failure to deliver commodity thereby covered.

S. B. 201, Garland—To define, prohibit and provide penalties for certain wrongful and criminal acts in the circulation, certification and filing of initiative, referendum and recall petitions.

S. B. 202, Strayer—Exempting teachers in districts of first class from attendance at annual institutes.

S. B. 203, Moser—To amend law relating to adoptions.

S. B. 204, committee on revision of laws—To amend law relating to exempt wages.

S. B. 205, Corbett and 16 other senators—Consolidation bill.

S. B. 206, Klepper—Relating to registration of aircraft, disposition of license fees, and providing for enforcement.

S. B. 207, committee on roads and highways—Giving justices of the peace concurrent jurisdiction with circuit courts in enforcement of certain laws.

S. B. 208, committee on roads and highways — Amending law relating to acquisition of rights of way.

National thrift week is over, and we can begin to run up our charge cigar accounts again.—Exchange.

AT THE LIBRARY

"Beasts, Men and Gods" the thrilling adventures of the author in his escape from Siberia in 1920, by Ferdinand Ossendowski. Of special interest is the narrative of his mysterious experiences in mysterious, superstitious Mongolia, where the uncanniness baffled his scientific mind.

"The Northward Course of the Empire", Vilhjalmur Stefansson's optimistic picture of the possibilities of development of the Arctc regions. The author's "Friendly Arctic" has won him interested readers.

"Longer Plays by Hodern Authors" compiled and edited by Helen Louise Cohen. The collection is of American plays.

"The So-Called Human Race", a collection of humorous writings of a journalist, Bert Leston Taylor.

"New York Times Current History 'Europeon war' Index." The library has the 19 volumes which constitute the most complete history of the war on its shelves. It is in reality a bound set of the Current History magazine for the years covering the war periodw. The index volume permits quick reference to the material in the previous volumes.

"Judith of the Godless Valley" a novel by Honore Willsie.

"Man-size" by William Macleod Raine.

"December Love", by Robert Hichens.

Childrens' Books

Library children will find a large bunch of new books awaiting them now. Some are new titles but many are new copies of books that have been worn out by the boys and girls who have devoured them.

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"East o' the Sun and West o' the Moon," Ashpornsen.

"Jo's Boys," Louisa May Alcott.

"Old Granny Fox," Thornton Burgess.

"Little Women," Louisa May Alcott.

"Rose in Bloom," Louisa May Alcott.

"Eight Cousins," Louisa May Alcott.

"Chico" The story of a homing pigeon, Mrs. Lucy Blanchard.

"Adventures of Danny Meadow Mouse," Thornton Burgess.

"Adventures of Prickly Porky" Thornton Burgess.

"Adventures of Sammy Jay," Thornton Burgess.

"Mother West Wind's Neighbors," Thornton Burgess.

"Mother West Wind's Animal Friends," Thornton Burgess.

"Adventures of Jerry Muskrat," Thornton Burgess.

"'Pon a Time Tales," Richard Clarke.

"A Christmas Carol," Charles Dickens.

"That Year at Lincoln High," Joseph Gollomb.

"The Flag," Homer Green.

"Cinderella," Andrew Lang.

"Little Red Riding Hood," Andrew Lang.

"Dick Whittington," Andrew Lang.

"Sleeping Beauty," Andrew Lang.

"Peter and Polly in Summer," Rose Lucia.

"Eskimo Twins," Lucy Fitch Perkins.

"Cornelia," Lucy Fitch Perkins.

"Black Beauty," Anna Sewell.

"The World of Animals," is a new picture book of an especial interest. It was made for the boys and girls of Czeckho Slovakia. Our children may not be able to read the words, but they will find much pleasure in reading the pictures. It seems that the children in that far-away country must have the same likes and dislikes even though they look and act so differently from ours.

Eight-Hour Bill Is Defeated in Idaho

BOISE, Idaho, Feb. 10. — The Taylor eight-hour bill, which has been fought over more than any other measure before the legislature, was indefinitely postponed this afternoon on motion of Mrs. Lucy Beardmore, woman member from North Idaho, who consistently opposed the measure from the time of its introduction.

The senate today passed the Dibney bill extending privileges of absentee voters to physically unable.

Education Commissioner May Be Ousted in Idaho

BOISE, Idaho, Feb. 10.—Sixteen members of the Idaho house of representatives joined late this afternoon in introducing a bill which would in effect dismiss Dr. E. A. Bryan, commissioner of education from state service.

Amending the present statute providing for the board of education and board of regents and calling for the appointment of four new members of the board by the governor on or before April 1, 1923, the bill would make the state superintendent of instruction the executive officer of the board.

Woodburn's Hoop Team Wins From Stayton Team

STAYTON, Or., Feb. 10.—(Special to The Statesman.)—Woodburn won from Stayton high school basketball team Friday night by a score of 11 to 12. This marked Woodburn's first game of the season. The first half ended 10 to 7 in favor of Woodburn. Stayton scored one point on a foul while Woodburn won two points on ree throws.

It is hoped to arrange a return game on February 23. Stayton will meet the Turner basketball team February 16. It is thought this will be an unusually stiff game since Turner has made a good record so far.

Stayton girls play a tie game with Woodburn as a preliminary to the Stayton-Woodburn game Saturday. This leaves both teams without a defeat.

Training School Bill Is Passed by Senate

The house has passed Mrs. Simmons' bill to permit the diversion of $55,000 from the $28,000 fund for the boys training school, to be used for the purchase of a site. The arguments against using the present site are that the bulding would be too close to the state penitentiary.

Silverton Will Have Concert Company Soon

SILVERTON, Or., Feb. 10.—(Special to The Statesman.)—The Hallowell Concert company of Chicago will appear in concert at Silverton February 21. The program is being sponsored by the Home lodge No. 35, Knights of Pythias, and will be held in the new lodge hall. The concert company will entertain from 8 o'clock until 9, after which there will be orchestra music furnished for those who wish to dance.

LIGHTS OUT

LONDON, Feb. 10.—A Constantinople dispatch to the Exchange Telegraph company says the Turks have extinguished all the light houses in the Gulf of Ihmid, acess to which is forbidden at night.

Emil Coue Sails Home, Jokes With Photographers

NEW YORK, Feb. 10.—Emile Coue, the Nancy pharmacist, whose demonstration of his auto-suggestion treatments has created wide interest, sailed for home today.

Photographers on the deck laughed when he assured them "that day by day they were getting better and better."

"I am very pleased with the results of my American visit," he said.

ARE RECONCILED

CHICAGO, Feb. 10. — Mrs. Georgie Rohrer, widow of Jake L. Harmon, slain Oklahoma political leader, and husband, William H. Rohrer, Chicago capitalist, have become reconciled, it was reported tonight.

She—What is this dark hair doing on your coat?

He—That is the suit I wore last year. I expect the hair has been on it ever since you were a brunette, dearest.—Judge.

Harry—Why do you always wear clocks on your stockings?

Mary (simpering)—To keep my feet awake.

Harry—(musingly)—Seems to me they'd make good hat trimmings.

Ten Senate Measures Safe on Final Passage

The following senate bills passed the senate yesterday:

S. B. 186, committee on judiciary—Relating to payment of the premium on bond of the Multnomah county treasurer.

S. B. 189, committee on agriculture and forestry — Authorizing the governor to appoint a committee to investigate compulsory grading and marketing of potatoes.

S. B. 155, Dennis—Relating to and regulating the issuing of carriers of bills of lading and livestock contracts.

S. B. 150, Taylor—To make the state printing department partially self-sustaining.

S. B. 165, Robertson—Making it unlawful to fish or hunt upon cultivated or enclosed land without first obtaining permission from the occupant or owner.

S. B. 3, Hall—To permit the fishing for and catching of shad in Coos bay and Coquille river and their tributaries between April 1 and June 30 each year.

S. B. 185, committee on judiciary—Removing requirement that in certain court cases involving minors half the jurors must be women.

S. B. 113, Tooze—Establishing a game refuge in northern Clackamas county.

S. B. 187, judiciary committee—Providing for rules of evidence whereby aliens may establish inheritance rights to property in Oregon.

S. B. 196, committee on agriculture and forestry—Relating to pure bred bulls running at large.

The only washing machine that whirls a whole tubful *wringer-dry* without a wringer

THE Laun-Dry-Ette is a six sheet capacity washing machine. It washes by the vacuum cup process—generally conceded to be the most efficient, thorough and easy on the clothes.

After washing, instead of feeding a wringer—you simply press a pedal that raises the dryer, turn a switch and in one minute the clothes are whirled dry—no work, no buttons smashed a d no wet clothes to handle.

Come and see it and you will appreciate that we mean exactly what we say when we tell you that you can do a whole wash with the Laun-Dry-Ette without once being compelled to put your hands into the water.

Would you like a demonstration? Remember the Laun-Dry-Ette does more of the work but it costs you no more.

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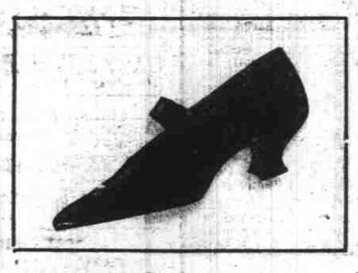

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