REPAYMENT TO START AT ONCE

Refund of $894,458 to be Made Since tax is Ruled Illegal

(Continued from page 1)

aeld that the law was an unreasonable classification in that it applied to individuals and not to corporations. The law also was held to be in violation of the Fourteenth Amendment to the federal constitution.

Petition for rehearing then was filed in the state supreme court, but this was denied in an opinion handed down on January 29, 1931, during the last session of the Oregon legislature.

Attention of the legislature was then called to the litigation, with the result that it was agreed that appeal of the case should be taken to the United States supreme court. At the same time the legislature enacted a law providing that in event the United States supreme court upheld the opinion of the state supreme court, the payments made under the unconstitutional tax law, would be refunded, with interest at the rate of six per cent, dating from January 29, 1931.

Officials said that while the refund of tax payments under the unconstitutional intangibles tax law would not in any way affect the tax structure of the state, it would deplete the general fund, and make it necessary for the state treasurer to borrow approximately one million dollars to meet the obligation. This money can be borrowed under present conditions at a rate of interest not in excess of four per cent.

WASHINGTON, D. C., Oct. 12 —(AP)—The United States supreme court today refused to review a case brought by the Oregon Tax commission to set aside a decision by the Oregon supreme court holding invalid the state intangibles tax act of 1929 as applied to individuals.

By refusing to assume jurisdiction the supreme court upheld the Oregon supreme court, which declared the intangibles tax invalid.

Thus, under the 1931 act of the Oregon state legislature, the money paid in for the 1929 intangibles taxes must be refunded to the persons who paid it.

ACTION DEMANDED ON WATER ISSUES

(Continued from page 1)

tide has turned. We must impress upon the people that the opportunity to improve their homes and buildings now is one that comes only every 20 or 30 years. Buildings and houses can now be built at a much lower cost than for many years past."

Oregonians were accused of being knockers when they have no reason to be, by C. C. Weiderman, executive secretary of the Portland chapter of the congress. "Oregon is too easy a place to make a living," he said. "We have none of the extreme competition as in the eastern states. Like Los Angeles, we need to get people here—the building will follow."

Milling Orders Are Apportioned Over Northwest

PORTLAND, Ore., Oct. 12 — (AP) — Orders to manufacture 200,000 barrels of flour for delivery to the Chinese government were apportioned today among northwest millers by the grain stabilization corporation. The wheat will be drawn from the 15,000,000 bushels sold by the farm board to the Chinese government.

The distribution of the orders by a committee representing the North Pacific Millers' association was announced by Edgar W. Smith, assistant manager of the Pacific coast division of the grain corporation. Smith said authority to place the orders had come from the farmers national grain corporation, Chicago, which is handling the farm board contracts.

Komonen Takes Marathon Race By Good Margin

PORT CHESTER, N. Y., Oct. 12—(AP)—Dave Komonen of the Monarch A. C., Toronto, today won the seventh annual 26-mile marathon race from New York to Port Chester, leading a crack field of 83 runners which included James P. Hennigan of the Medford, Mass., A. C. and Clarence De Mar, last year's winner. His time was 2 hours, 39 minutes, 27 seconds.

Hennigan crossed the finish line 38 seconds behind Komonen to win second place. Third place went to Albert "Whitey" Michelson of Millrose A. C., New York, with De Mar fourth.

Rifle Team is Planned by Y.

Looking forward to the organization of a Y. M. C. A. boys' rifle team, the junior board of directors, meeting last night, appointed Harry Mosher as chairman of a rifle club committee. The first meeting of the new club will be held on October 28. All boys interested are invited to attend.

EXPOSITION DISCLOSES MANY NEW INVENTIONS

That the depression holds no terrors for the American woman was conclusively proved at the tenth annual Exposition of Women's Arts and Industries in New York City. Not only have women developed fields formerly opened to them, but they have ventured into new ones. Mrs. Frederick Fox is one of the outstanding pioneers with her minkery, where she raises minks for breeding purposes. One small visitor at the exposition seemed to be delighted with one of the new inventions, a play tray, that besides being a table provides an engaging Ferris wheel arrangement for the child's toys. This odd-looking metal box is not a throw-back to the Puritan stocks, but another new invention, a foot spray that Ermina Calloway, radio artist, finds restful after a busy day.

YOUNG LIFE SAVING CORPS NOW FORMED

The new junior Red Cross life saving corps organized last week by the Black Dragons, the senior group, now has 21 members and will meet at regular periods each week, according to R. R. Boardman, Y. M. C. A. physical director. The 10 girls will meet tomorrow afternoon at 5:40 o'clock and the 11 boys on Friday at 4:30 o'clock.

The members, who range in ages from 15 to 17, are as follows:

Richard Johannsen, 110 West Lincoln street; Charles B. Perry, 166 West Washington street; Elwood Raymond, 1170 North 14th street; Richard Hiday, 1253 State street; Wilmer McDowell, 391 North Cottage street; Julienne McCarthy, route 7; Donald Chaple, 857 Nrth 15th street; William Sefton, 1546 North Summer street; Lawrence Orwig, 1570 North 18th street; Orville Varty, 650 D street, and Harry Wygant, 235 South 23rd street.

Jean Anunsen, 1110 North Capitol street; Doris Hiday, 1253 State street; Vera Jackson, 1010 North Cottage street; Roberta Johnson, 348 East Meyer street; Francis Jirak, 1290 South 14th street; Wilma Godsey, 1337 North Winter street; Margaret Tinnel, 376 North 12th street; Doris Marston, 555 North 14th street; Nadine Conway, route 7, and Wanda Loveland, 1690 North Cottage street.

STEUSLOFF MARKET TAKES FIRST PRIZE

Steusloff's market won a $20 first prize award with its window display exhibiting the greatest number of Oregon-made products, Col. Carle Abrams announced yesterday at the chamber of commerce when he presented the award to the market. Mrs. Leon W. Gleason, chairman of the industries committee of the Salem branch of the Women's Greater Oregon association, attended the meetings and furnished the awards which Col. Abrams made.

Other windows to win awards for the contest which was conducted here during state fair week were those decorated by the H. L. Stiff Furniture company, second place, and The Spa, third place. Fifteen and $10 in cash was presented to these winners.

Prizes for the window decoration contest were available through Clossett and Devers of Portland, the Oregon Manufacturers association, E. L. Weider, the Salem Laundry company and the chamber of commerce.

Female Bandit Comes Here to Serve 50 Years

Mrs. Ellen Ellis, under two consecutive sentences of 25 years each, for participation in the McAvoy and Nobel train robberies, arrived at the Oregon state penitentiary here early Monday from San Francisco.

Federal Judge Frank H. Kerrigan, who heard her second trial on the Nobel charge, said he would recommend her for probation at the end of eight years.

There are now 26 women prisoners in the Oregon penitentiary. Nine of these are federal prisoners, for which the state of Oregon receives $40 per month each for their housing and food.

The Call Board

By OLIVE M. DIXON

WARNER BROS. ELSINORE
Today—Will Rogers in "As Young as You Feel."
Wednesday—Gloria Swanson in "Indiscreet."
Friday—Laurel and Hardy in "Pardon Us."

WARNER BROS. CAPITOL
Today—Richard Barthelmess in "The Last Flight."
Wednesday — Claudette Colbert in "Secrets of a Secretary."
Friday — "Doug" Fairbanks and Bebe Daniels in "Reaching for the Moon."

HOLLYWOOD
Today—Clara Kimball Young in "Mother and Son."
Wednesday— Norma Shearer in "A Free Soul."
Friday — Lloyd Hughes in "Ships of Hate."

THE GRAND
Today — Spencer Tracy in "Goldie."
Wednesday— Dorothy Lee in "Laugh and Get Rich."
Friday — Will Rogers in "Connecticut Yankee."

If you have not seen Will Rogers in "As Young as You Feel" then be sure you do for he is at his best, in fact it is my impression that he is better than he has ever been in any other picture.

He plays the part of a father, rich and old fashioned, who has two sons that are very spoiled and useless. By a flip of circumstnces the father suddenly takes unto himself a "new life" and then the fun is on.

It is always good sport in a picture as well as in life to see an innocent character suddenly fool those who have been trying to fool him, thus proving himself very capable of taking care of himself in any and all circumstances. That is what Rogers does and in such a manner as to be unusually amusing and clever. He and Fifi Dorsay are the whole show but no one minds for the rest of the characters slide into oblivion in comparison to these two.

Although Richard Barthelmess has been continuously in motion pictures since the days of "Way Down East" he has never had so unusual a role as the one he plays in "The Last Flight," the First National production now at Warner Bros. Capitol.

This story, adapted from "Nikki and Her War Birds" by John Monk Saunders, deals with the experiences of four war-torn aviators, who drift about from bar to bar in Paris, finally joining with a lonesome and lovely lady, whose mysterious past intrigues them as much as her mysterious present.

Barthelmess, as the leader of this happy-go-lucky band, portrays a young man who cannot get over the excitement of his wartime experiences, but is forever seeking thrills to take its place. It is the exact situation that thousands of war veterans found themselves occupying at the close of the World war, and Barthelmess' portrayal of this character role—the comedy and romance—are suffused with the right undertone of tragedy.

Helen Chandler plays the girl who could "walk faster in red shoes." John Mack Brown, David Manners, Walter Byron and Elliott Nugent play the four buddies of the hero.

William Dieterle, directed.

SUPPORT OF POLICE SOUGHT BY HOOVER

WASHINGTON, Oct. 12 — (AP)—A call to the public to rally behind its police forces was sounded today by President Hoover in an effort to better the reputation of some American cities.

Standing in the austere cabinet room of the White House, he sent this plea by radio to the opening session of the 38th annual convention of the international association of chiefs of police at St. Petersburg, Fla.

He also advocated divesting the criminal of his cloak of popular heroism and transferring his public glorification to the policeman.

The chief executive complimented, by letter, the preventive work done by the national safety council, gathered in Chicago, but said he could not "complacently contemplate," the total of 99,000 accidental deaths a year. There remains, he added, a "tremendous field still for organized effort to promote accident prevention."

In his address to the police chiefs, the president pictured theirs as an unending task. He described it as ranging from an incessant war against criminals to the "mothering of the children in our streets and in the good humored dissolution of traffic jams."

BATTALINO LOSES BUT KEEPS TITLE

PHILADELPHIA, Oct. 12 — (AP)—Roger Barnard, of Flint, Mich., won a ten-round decision from Bat Battalino, Hartford, Conn., featherweight champion of the world tonight. The title was not at stake.

Barnard, almost unknown, stepped away to an early lead with a steady barrage of rights to the head and body and ammassed enough points to overcome Bat's late rally.

In the eighth Battalino was knocked from his feet with a hard right.

Vince Dundee, of Newark, in his first appearance since a European tour, scored a decision over Johnny Peppe, of Philadelphia in a fast semi-final. Peppe suffered a cut eye and lip early in the fight but carried the battle meet of the way, nevertheless. The crowd cheered both fighters.

FIREMEN WILL HELP SANTA CLAUS AGAIN

(Continued from page 1)

old toys to make new, they can do nothing.

Salem people who love to see children happy will begin at once rummaging in cupboards, closets and attics for old toys to supply the Santa Claus firemen with "raw" materials. Any old thing that once went by the name of "toy" can be used, wheelless wagons, wagonless wheels, headless dolls, dressless dolls, wreck-scarred "choo choos". Last year before Christmas, five truckloads of good-as-new toys were hauled away from the "assembly line" and distributed to Salem children by the Elks club.

Picture a ragged child on the night before Christmas. It is a gloomy time, n joy. Papa cannot buy him any toys when often he cannot buy enough food to keep his little tummy from aching with hunger. Then picture that child, eyes brimming with tears of joy, when the Elks man suddenly appears and holds out to him that so much desired toy, from the firemen's Santa Claus factory. As C. V. Faulkner, Salem fireman who started the plan three years ago, says, that alone is enough pay for any amount of work in fixing toys. Money could not equal it.

The depression is still here. Everyone says so. This year far more than last or the one before that, children will be toyless, joyless at Christmas time unless Salem people flood the East Salem firehouse from cellar to garret with toys to be rebuilt.

For the past three years the fire boys have at East Salem and other stations, performed this Yule time service, with the hearty support of Salem people. They are hoping for the sake of hundreds of boys and girls that the response to their pleas for old toys will be even greater this year than ever before.

Take all the old toys you can to the East Salem station, 18th and State streets, which is headquarters for the work, or telephon 4635 and a fireman off duty will call at your house for them.

COLONEL BARTRAM IN RUSSIA, REPORT

Colonel W. B. Bartram has arrived in Russia and is in active negotiations for the sale of flax pulling machinery to the soviet government, according to word received here from Ralph W. Barnes, New York Herald-Tribune correspondent at Moscow. Barnes had an informal interview with Bartram shortly after the latter's arrival.

Bartram left for Europe last summer, as a representative of an Oregon company he had formed to handle patents and manufacture of a flax puller he used in this valley when he was in charge of the state flax industry.

Bartram was in charge of the flax industry for the state from 1924 until he was removed last spring by action of the board of control.

OREGON AUTHORS' WORK IS PRAISED

Miss Harriett Long, state librarian, in an enlightening talk before the Greater Oregon association meeting in the chamber of commerce rooms Monday night, impressed the fact that a part of the work of the association should be to bring to the fore the work of Oregon authors.

Miss Long told her hearers that books of note were being written by Oregon authors, printed on paper made in Oregon and printed and bound by Oregon publishers. She mentioned especially "The Enchanted Lake," written by S. C. Lapwham, printed by the Statesman Publishing company, and bound by the Capitol City bindery as an example of the work of writing and publishing being done in Oregon.

Awards were announced for the window displays of Oregon products, a contest carried on during state fair week and sponsored by the Greater Oregon association in cooperation with Salem merchants.

It was decided at the Monday night meeting that the association would meet from now on but once a month, this to be the first Monday in each month at the chamber of commerce rooms.

Announcement was also made that 4000 new memberships were taken out in the association through the booth conducted at the state fair. Announcement of new members from Salem will follow at a later date.

Under the Dome . . .

Occurrences and Gossip at the center of Oregon's state government

VISITORS constituted the population at the state capitol building yesterday, at least there appeared more of them than state officials. Coming on a Monday, Columbus Day proved opportune for many to leave Saturday noon for other parts with no need to return until today. All offices were officially closed the entire day.

The state penitentiary yesterday received a queen — Queen of Train Robbers. Her reign would extend over a period of 50 years, unless providence took a hand, had not the judge who sentenced her indicated willingness to consider probation after eight years. The queen was greeted by 25 women at her new palace, sort of ladies in waiting—waiting for their terms to end.

Oregon prosperity was brought a little closer perhaps, by the federal court's refusal to review the 1929 intangibles tax case. This puts out about a million dollars, most of which will no doubt go back into circulation. Nineteen thousand people will share in the rebate, or on an average of $49.25 each. That at least would hold off the wolf for a few days.

And now Mooney's friends are advocating a nation-wide boycott against California until Tom Mooney is freed. This appears even a better boycott than was suggested when prisoners in some eastern penitentiary caused a riot because they couldn't hear Amos and Andy. It has been suggested that all prisoners start a boycott against the "Amos and Andy" toothpaste.

And still Tusko remains at the state fairgrounds. News writers are a little cautious now in giving the possible reason for Tusko's long residence in Salem, but nevertheless he is there. It costs about $50 a week to feed the giant elephant, and he may get ambitious too sometime and start moving through his chains. But as was said before—Tusko is still with us.

News dispatches indicate that Portland is proud of having a whale in its harbor, or some place near there. But Salem still has its Tusko. Also Portland will cease to brag about having whales were some firm to turn it into a whaling station. After about the second whale brought in, residents within a ten mile radius would soon start wailing to have them taken away.

There are just 59 commissions, board and departments in the state of Oregon in addition to the supreme court and six elective officers. Of these 59 commissions, the governor is a member of 13, most of which he is chairman. The secretary of state is required by law to sit on nine of these boards and commissions, while the state treasurer is listed for six.

The commissions of which the governor is chairman, and on most of which the secretary or treasurer or both are also members, include the state boards of control, land, banking, education, forestry, library, printing, vocational and commissions including advisory boxing, reclamation, bond, bonus and a trust fund commission. Some list—and he appoints members of most of the others.

In addition there are 11 state institutions, five higher educational institutions, five state aided societies and 12 state-wide institutions. This list gives a surface idea of the magnitude of state business, and information about all of them are contained in the new Blue book just being issued by the secretary of state. Making a study of this book would be a good way to "Know Your Oregon."

Lecture to be Given Thought At Evangelical

An illustrated lecture by H. A. Goode, assistant commissioner of the utilities department of Portland, will be given at the Evangelical church tonight at 7:45 o'clock. Pictures will be shown of the development of the Bull Run water system, showing its development in the construction of the Bull Run and Bear Creek dams. Statistics will be given of cost and material used in its construction.

The lecture will be given in the main auditorium of the church, under the auspices of the Albright Brotherhood. The orchestra of the church will provide the music for the occasion. All who desire to be entertained and profited are invited.

H. S. Swimmers Start Practice

The senior high school swimming squad held its first practice in the Y. M. C. A. pool last night under the direction of Coach Robert Needham. Fifteen candidates are out for the team which will consist of six or seven members.

ASA KEYES LEAVES PRISON ON PAROLE

SAN FRANCISCO, Oct. 12—(AP)—Starting life over again at the age of 54, Asa Keyes, former Los Angeles district attorney, left San Quentin prison today with $60 in his pocket.

Keyes entered the prison 19 months ago to serve a one to 14 year term for bribery in connection with his prosecution of the Julian Petroleum fraud cases. His time was fixed at five years and because of good behavior he had to serve less than half of it. He will be on parole for 18 months. He had served 13 months in the Los Angeles county jail pending appeal of his case.

The former prosecutor left the prison in better physical condition than when he entered. Regular hours, plain food, exercise and no liquor were credited with the physical improvement.

When Mr. Keyes departed he had exactly $60. Ten of this was given him by the prison as the law provides. Fifty he had on deposit.

Keyes will sell automobiles in Los Angeles but he can not drive them. Under the law he may not drive a car, marry, get a divorce, change his address, negotiate any legal document, or drink, without permission of the parole officer.

HERMAN HAS FIGHT LANDING HUGE FISH

It took a 25-minute fight for Joe Herman to land a 35-pound Chinook salmon in the Nestucca river near Cloverdale but he got the fish with the aid of H. B. Tronson who manned the gaff hook. The catch was the largest Herman ever made and the largest by far of any fish taken in the Nestucca last weekend. The day before Herman, who runs the Marion hotel as a vocation and catches big fish as an avocation, had a larger fish on the line than his Sunday catch, but after a ten-minute fight the big fellow got away.

Fishing was light on the river Sunday, he reported, but nimrods reported a good catch Saturday. Herman used a little spinner and a 60-pound tested line on the Chinook. The fish which got away broke the 60-pound line.

General Tom Rilea, back last week from a vacation at Agness on the Rogue above Port Orford, reported the fish running fine there with many dandy catches being made. He predicted the fishing would continue to be good until the fall rains came.

Anniversary of Columbus Noted

Columbus day, marking the 439th anniversary of the landing of Christopher Columbus on the shores of the North American continent, passed uneventfully in Salem, little interruption being noticed in downtown trade. Banks and the state capitol offices were closed throughout the day. Special exercises were held in the grade schools and downtown firms put out flags for the occasion. Columbus day is a legal holiday in Oregon.

O'BRIEN MOVES UP

MILWAUKEE, Wis., Oct. 12—(AP)—Frankie O'Brien, of Hartford, Conn., scored a technical knockout over Angel Clivello, Porto Rican champion, in the ninth round of the main event of tonight's card in the National Boxing association middleweight elimination tournament to determine a successor to Mickey Walker.