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EIGHTY-THIRD YEAR

TRUCK LAW IS HELD VALID IN HIGHER COURT

No Discrimination Against Common Carrier Found, Says Bailey Opinion

Legislature Within Rights In Fixing Safeguards; Provision Clarified

Reversing the recent decision of Judge L. G. Lewelling of the Marion county circuit court, the Oregon supreme court Tuesday held that the 1933 bus and truck law was constitutional, in an opinion by Justice Bailey in a suit filed by A. C. Anderson, president of the Oregon Truck Owners and Farmers Protective association, against Charles M. Thomas, state utility commissioner.

Judge Lewelling had held invalid those provisions of the law relating to the regulation of private and contract carriers. Plaintiff contended in this case that the 1933 motor transportation act was unjustly and unlawfully discriminatory in that it imposes certain duties and obligations upon him which are not exacted of other operators of motor vehicles. The opinion sets forth, in part:

"Under this section of the law, vehicles owned by creamery companies and operated exclusively in picking up and transporting dairy products from farms and dairy ranches to the creameries of the respective owners of such vehicles, and not operated for hire or consideration, directly or indirectly, are exempted from the main provisions of the law. . . . Plaintiff does not show that he is engaged in any competitive business with the creameries, and therefore does not show any injury resulting to him from this alleged discrimination. The fact that the creamery does not operate its conveyances for hire is sufficient reason for placing it in a different classification from that of the plaintiff.

"It was asserted that the statute in question makes unwarranted and unlawful discrimination in favor of the special carrier, in that logs, poles and rough lumber are exempted from payment of the millage tax, and in lieu thereof a smaller payment is based upon the weight of the vehicle, and that the special carrier also is exempted from many of the onerous regulatory provisions of the act, among which is mentioned the good faith bond required of contract and private haulers.

"If the special carrier is also a contract carrier, he is subject to all regulations of a contract carrier except as modified by the (Turn to Page 10, Col. 1)

STATE POLICEMEN TO SLAY ELK HERD

BEND, Ore., Oct. 17. (AP)—Carrying out an order of the state game commission, state policemen Art Truck and Iris Wells today set out to kill a herd of elk recently introduced by the game department into Ochoco valley.

The order for the extermination of the Ochoco herd, brought from the Wallows mountains a year ago last spring, was issued by the commission after many complaints had been received about damage the elk were doing to farms. J. C. Vandever of Bend, member of the game commission, was asked by the other commissioners to see that the order was put into effect.

Early this year one bull elk of the Ochoco herd was killed after it had attacked ranchers' children. The elk were introduced in the Ochoco country in the hope that they would move far back into the isolated timber. Instead, complaints reaching the game department said, the animals selected the ranches of the valley as their range.

JEWETT AND POUND ON MASONIC COURT

WASHINGTON, Oct. 17. (AP)—The supreme council of Scottish Rite Masons, southern jurisdiction, in session here today, elected 189 Masons to the honorary thirty-third degree and 373 to the rank of "knight commander of the court of honor."

In addition the council elected four men to the thirty-third degree from its jurisdiction at large and four knights commander from the jurisdiction at large.

Twelve Oregon men were elected to the "court of honor" and six Oregon men to the thirty-third degree.

Frank G. Jewett and Benjamin F. Pound, both of Salem, were among those named to the "court of honor."

"KHAKI SHIRTS" FAREWELL TO ARMS



Scene in Philadelphia police station as some of the "Khaki Shirts," organization which planned a march on Washington to make President Roosevelt "dictator of America," took a last look at the weapons seized in a police raid on their headquarters. At left, Art J. Smith, leader of the organization, who escaped the raiders—out the window, police said. He was arrested Monday. It was claimed that Smith kept postponing the march to Washington, hoping thereby to continue the sale of the "official" shirts, on which he had a monopoly.

TRUCK MEN URGED TO OBSERVE LAW

Anderson Disappointed at Court Ruling; Appeal to Solons, Plan

A. C. Anderson, president of the Truck Owners and Farmers Protective association, declared late Tuesday that he would urge all members of his association to comply with the truck law, pending its expected change by the forthcoming legislature.

Anderson said he was disappointed with the decision of the state supreme court as announced Tuesday although he had no criticism to offer.

"The fact that the court found the law constitutional does not violate its burdensome, troublesome and impossible provisions," he declared. "The decision merely means the truck owners must resort to the legislature rather than to the courts."

A state convention of the association has been called for Salem next Tuesday, October 19, at 2 p.m., which the public is invited to attend and at 8 p.m., at the chamber of commerce rooms here. C. M. Thomas, utilities commissioner, will address the members. The policy of the organization will then be determined upon.

Mr. Anderson just returned from a trip through central Oregon on business for the association and found the people of that locality strongly opposed to the provisions of the law and backing the organization in its effort to correct the abuse of this statute. Mr. Anderson found considerable sentiment in favor of the recall of the governor, but in keeping with the announced policy of the association, insisted that all local associations refrain from participating, at least until the supreme court decision had been handed down.

CABINET RESIGNS

TALLINN, Estonia, Oct. 17. (AP)—The Estonian cabinet resigned today as a result of a constitutional referendum.

Oregon Briefs

WANT OCEAN VESSELS

THE DALLES, Oct. 17. (AP)—The construction of locks at the Bonneville dam that would be sufficient to permit ocean vessels to navigate the upper Columbia river will be the objective sought in a united effort by inland empire representatives, it was indicated at a meeting here today of delegates from Goldendale, White Salmon and The Dalles.

Present plans calling for locks measuring 14 feet at the sills, speakers pointed out, would provide only for the navigation of the stream by small river steamers. Locks 35 feet in depth and of sufficient width to permit the passage of ocean steamers will be sought.

NEW PLAN ADVANCED

EUGENE, Oct. 17. (AP)—A recommendation that Eugene ask the government to build and operate a power plant on the upper McKenzie river was contained in a report of a special chamber of commerce investigating committee made public today.

The committee, headed by Dr. E. W. Titus, was appointed to study the application of the Eugene water board seeking federal funds to construct a huge power plant, to be known as "The Remondie" and to lease the plant from the government to sell power to surrounding cities.

Leader Here Tells Oregon Library Plan

CHICAGO, Oct. 17. (AP)—Miss Harriett C. Long, Salem, Ore., addressing a group gathering at the convention of the American Library association here today, told of a sort of correspondence school service, without credits, established by the Oregon state library for rural counties. Working through various statewide organizations, she said, otherwise idle farmers were encouraged to write to the state library, outlining subjects they were interested in and their educational backgrounds, whereupon librarians suggested sources of reading. The books selected were mailed once a month.

There were 671 students enrolled, Miss Long said, in ten months of the plan to date, asking reading courses on 200 different subjects and the library outlined in all, 756 courses. Subjects sought, she said, included everything from hand weaving and symbolism in Chinese art to aeronautics and bookkeeping.

Miss Long spoke before the rural reading and adult education group.

Store Man Shot But Drives Out Three Burglars

OREGON CITY, Ore., Oct. 17. (AP)—A. E. Jonsrud, proprietor of a store at Kelso, two miles south of Sandy on the Mt. Hood loop highway, was shot in the right ankle today when he surprised three men breaking into his store.

The proprietor told police a burglar alarm was set off in his home next to the store when the window was broken. He said he accosted them with a shotgun, but the "safety" jammed and he was unable to fire. Meanwhile, one of the intruders shot him with a revolver. The three fled without taking anything, Jonsrud said.

Bigger Locks Demanded Eugene Asks U. S. Build Oregon Leads Job Drive Ships Collide, no Harm

CANNERIES HELP OUT

PORTLAND, Ore., Oct. 17. (AP)—A special dispatch to the Oregonian from Washington tonight said that "Oregon leads the nation with the largest increase in employment for the August-September period, said the bureau of labor statistics of the department of labor today."

The increase, 26.8 per cent, was attributed largely to employment gains in canning and manufacturing industries, the dispatch said. Washington, with 14.4 per cent, was the second highest state, the dispatch stated.

Oregon's payroll increase for the period was 21.8 per cent, an increase, the dispatch said, which was "almost double those of all other states."

DAMAGE NEGLIGIBLE

ASTORIA, Ore., Oct. 17. (AP)—The tanker New Jersey was in a collision with the United States lightship service tender Manzanita at the mouth of the Columbia river today, but neither vessel was seriously damaged, reports reaching here tonight indicated.

About 30 feet of railing was knocked off the Manzanita and one of its lifeboats was smashed, it was reported. The New Jersey, apparently undamaged, continued upstream to Portland.

PROBE INTO HAGE MURDER GOES ON

Officers Visit Scene, Many Persons are Questioned; Victim is Buried

SILVERTON, Oct. 17. (Special)—Officers, local, county and state, have been busy, individually and in groups, today at Silverton trying to unravel the mystery which surrounds the death of Mathew Hage who was found dead in North Silverton early Saturday morning. While none will state whether he believes the murder to have been premeditated or not, practically all admit they are of the opinion that Hage met with foul play. Evidence all points that way, they say.

No arrests in the case have as yet been made. Several people believed to know something of the affair or to have seen Hage shortly before he started for his home Friday night, were questioned by officers today. It is likely, officers indicated, that something will come of it soon. Local officers who assisted on the case today are S. A. Pitney, constable, and Arthur Dahl, chief of police.

Friends, relatives and the merrily curious crowded the funeral home of Larson and Son Tuesday afternoon when final rites were said for Hage. Rev. J. M. Jensen of Immanuel Lutheran church was in charge of the services and Mrs. J. P. Dullum and Mrs. Arthur Dahl sang a duet. Pallbearers were Chris Quall, H. Brandt, Carl A. Benson, George Busch, P. Nelson (Turn to Page 10, Col. 4)

GOLDEN JUBILEE OF W.C.T.U. OBSERVED

PORTLAND, Oct. 17. (AP)—Delegates from all parts of the state attended a golden jubilee dinner here tonight in honor of pioneers of the Women's Christian Temperance Union. The dinner marked the opening of the state convention, which this year will observe the 50th anniversary of the Oregon W. C. T. U. A total of 108 delegates had registered today and more were expected tomorrow.

Mrs. F. M. French of Albany, 82, who joined the W. C. T. U. when she was a young girl attending Albany college, told of the crusade for temperance in the early years of the organization.

C. L. Starr, president of the board of trustees for the Children's Farm Home near Corvallis, said in an address that the home was another opportunity for members of the union to serve.

SHOTS ARE FIRED, CHURCH SQUABBLE

JONESBORO, Ark., Oct. 17. (AP)—Guns blazed again tonight in the factional dispute of the Jonesboro Baptist tabernacle congregation when a hail of bullets was fired into the cell of the Rev. Dale Crowley, held in the county jail here for the slaying of W. MacMurdo, the church janitor. The minister, asleep on a cot in the cell, was not wounded. Officers said the fire apparently came from automatic pistols.

Lights in the cell blocks were extinguished and Sheriff Johnson started an investigation. Nearby residents told officers they heard an automobile leave the vicinity of the jail as the shots were fired.

Examination of Crowley's cell showed that most of the slugs had struck a steel partition but several were found on the floor.

GERMANY WILL HONOR TREATY, PROMISE MADE

Otherwise Silent on Plans But Believed Awaiting Result of Parley

French and British Leaders Assail Withdrawal as Fatal to Scheme

(By the Associated Press) Spokesmen for the French and British governments bitterly assailed Germany Tuesday for withdrawing from the disarmament conference.

Sir John Simon, the British foreign secretary, declared Germany "jeopardized, if not wrecked," the arms parity by her "last moment" attitude.

Premier Daladier, speaking at the opening of the French parliament, asked "if Germany is ready to destroy all armaments, why do they withdraw from the conference just when we drafted a plan? He said France was ready to proceed with arms discussions.

Other developments in the European situation:

Berlin—Spokesmen for Chancellor Hitler said Germany intends to live up to treaty obligations, but refused to answer questions regarding the reich's plans for withdrawing.

Geneva—The outcome of the disarmament conference was considered by many observers to be a determining factor in Germany's plans to consummate her decision to withdraw.

Vienna—Evidences of a military conspiracy, a warning that martial law might be declared, and socialist threats of a general strike menaced Austria.

Rome—Italian newspapers demanded that the four-power European peace pact be implemented to solve the disarmament situation, and one of them predicted that before the resumption of disarmament conversations "new exchanges of viewpoints and negotiations among the big powers will take place outside the League of Nations."

CROWD ATTRACTED BY FIRE AT NIGHT

Hundreds of spectators were attracted to a fire which flared in a ramshackle one-car garage adjoining the rear of the W. C. A. building here last night. The blaze, believed to have started in a stack of magazines in a corner of the structure, burned upward on the walls and through part of the roof. Loss was slight. The garage is a scant six feet from the Y walls.

Because he was using his automobile at the time, Theodore Rainwater, deputy state forester, has the machine today. He had been renting the garage from the owner, A. E. Chandler, 251 North Cottage street. Rainwater lives in the Court apartments.

Returning from the fire, Victor Jones, 967 North Fifth street, was involved in an automobile accident at Center and High streets. Police said the other driver, F. N. Wiltsey, route four, admitted not having seen the Jones car. Bumpers on both machines were broken but none of the occupants injured.

TRUSTIES ESCAPE AT WALLA WALLA

WALLA WALLA, Wash., Oct. 17. (AP)—Two convicts, Hardy Owen, from King county, and George Grigsby of Yakima, escaped from state prison late today when they parked the truck they were driving near the penitentiary and departed on foot.

PEACE PACT SIGNED ANKARA, Turkey, Oct. 17. (AP)—The Turco-Rumanian pact of friendship and non-aggression was signed here today by representatives of the two countries.

RATIFICATION NOW REACHES 27 TOTAL

WASHINGTON, Oct. 17. (AP)—The action of Idaho's constitutional convention today brought to 27 the number of states which have ratified the proposed 21st or repeal amendment.

Ratification by 36 is necessary. Thirty-three states have voted to ratify.

Maryland's ratification convention will meet tomorrow, and Virginia's October 25. During November similar conventions will be held in New Mexico on November 2, Florida, November 14 and Texas November 27.

Election of delegates to conventions is to take place on November 7 in Kentucky, South Carolina, December 4, Pennsylvania, Ohio and Utah December 5 and North Carolina December 6, Maine, which voted September 11, also will hold its convention December 6.

MOSES CREDIT CHIEF

MARSHFIELD, Ore., Oct. 17. (AP)—M. W. Moses of Grants Pass, was named president of the Oregon credit bureau at the banquet of the association here last night, and Grants Pass was selected as the 1934 convention city.

First Derrick for Oil Drilling in County is Going up; Polk Active

Two Operations in Salem Vicinity Started by Different Groups but Based on Same Survey Showing Possibilities

THE first derrick for oil drilling in Marion county is now going up on Steiwer dome about 12 miles south of Salem and in less than a week installation of standard drill equipment will be started to finish sinking the test well, now down to a depth of 910 feet.

Another derrick has been constructed on the Perrydale road about midway between Dallas and Perrydale, and drilling is scheduled to start today. And so, whether the populace realizes it or not, operations are well started, either to secure or blast hopes of small groups of men who, as a result of geological surveys made in the valley starting in 1930, have faith that oil wells will be brought in here.

While drilling operations are started in two directions from Salem, two different groups of men are handling the tests. However, both are based on the surveys made from 1930 to 1932 by Charles S. B. Henry. Henry is directing work on the Steiwer project and the other test is being supervised by Sam Alexander for (Turn to Page 10, Col. 3)

GOOD SCORES MADE IN TOURNAMENT ROUND

Hands Dealt by Players are Interesting, Contrary To Fears of Some

Contrary to expectations of many of the players, the hands proved almost universally interesting, with game prevailing in a majority of the boards played.

Several grand slams were bid and made, at least two of the grand slams being made when players were vulnerable. P. L. Newmyer and W. R. Newmyer took honors for the highest score on any one hand, playing seven diamonds, doubled and redoubled, when vulnerable. They made their contract for a score on that board of 2560.

Two sections of contract were played, Mrs. William H. Quinn, Culbertson associate, conducting both sections. The third round of the tournament showed all players have improved their tournament technique. No hands had to be averaged because of misdeals and there were very few incorrectly recorded results.

The following were the higher scorers in the two sections last night:

Section One, North and South

First: Mr. and Mrs. Oliver Hutton.

Second: Mr. and Mrs. Sheldon F. Sackett.

Third: Mrs. R. H. Simmons and Mrs. J. H. Callaghan. (Turn to Page 10, Col. 5)

P. U. C. VIOLATIONS END IN PROBATION

Judge Warns Leniency not to Be Given New Offenders; Cases Heard Today

With the supreme court yesterday holding the bus and truck law constitutional, Judge Miller Hayden started disposing of a number of P. U. C. tag violation cases that have been hanging fire in justice court.

First of these, which he has had under advisement for some time, was that of Elmer Lander, whom he found guilty and fined \$25 and costs. Judge Hayden remitted the fine and placed defendant on probation for six months. Lander paid court costs of \$4.50.

Other cases which Judge Hayden has had under consideration pending outcome of the supreme court decision will come up today, though it is not likely that all will be disposed of today.

Judge Hayden said yesterday that because of the supreme court decision he could do nothing but find P. U. C. tag violators guilty and indicated that for these nearly 20 cases which have been pending he would mete out the same penalty as given Lander—as long as the truckmen agree to comply with the law and pay the necessary fees to the utility commissioner.

"But for new violators, there will be no quarter," Judge Hayden declared, adding "the truck law has been definitely established as valid now and any violation from now on will be dealt with as the law demands."

WALL STREET MEN ASKED TO TESTIFY

WASHINGTON, Oct. 17. (AP)—Ferdinand Pecora, counsel of the senate committee investigating stock market practices, announced tonight that subpoenas had been served on six New York exchange members and they were to appear before the committee Friday.

Those summoned were: John P. Duncan, of W. E. Hutton & Company; Frank Murphy, of Jules S. Baeh & company; Saver Dominick, of Dominick & Dominick; Edward A. Pierce of E. A. Pierce & company; Louis J. Dreviers of Erick & Dreviers, and John Prentice of Hornblower & Weeks.

Pecora said all are members of large commission houses.

The decision to subpoena the exchange members followed refusal of the stock exchange to circulate a questionnaire among its members which asked detailed information on their stock transactions.

Willamette Sanatorium is Sold to Legge and Others

Purchase of the Willamette Sanatorium on South Winter and Ferry streets by F. A. Legge, Salem architect, and his associates, was announced Tuesday. The property was acquired from the estate of the late Dr. R. Cartwright.

Coincident with the purchase, Mr. Legge announced plans for the immediate expenditure of \$8000 to \$10,000 in the construction of a 36x40 foot addition to the sanatorium and in the purchase of new equipment.

The new addition, which will contain about 24 rooms, will add to the present 40 by 60 foot building on the west side. The first floor will be of concrete and the second and third floors of frame construction, thus matching the main building.

Mr. Legge said he would serve as general manager of the sanatorium although he will continue as heretofore with his architectural work. The sanatorium staff will be selected later.

Improvements to the property, which has been closed for several

PENALTIES SET FOR FALSE USE OF BLUE EAGLE

Heavy Fine Prescribed by Roosevelt; Johnson is Given New Powers

Representatives of Ford's Firm Agree to Parley On Labor Issues

WASHINGTON, Oct. 17. (AP)—A two-edged executive order designed to force compliance with the blue eagle provisions of the presidential agreement was issued tonight by President Roosevelt.

The order called for a fine of \$500 and six months imprisonment for any person falsely representing himself to be operating under the agreement or displaying the blue eagle insignia while not complying with its provisions.

The president's order, issued under specific authority of the industrial law, also authorized Hugh S. Johnson, treasury administrator, to prescribe further rules amplifying those laid down by the chief executive.

It followed closely upon removal of the blue eagle from the first establishments that were reported to have been violating the presidential agreement.

A supplementary order issued by Johnson covered specific rules for display of the eagle, said that any person might display the emblem so long as he complied with the president's re-employment agreement and that when in the judgment of the administrator, any person had failed to comply it should be surrendered on demand and be not again displayed without written permission. Fine and imprisonment were provided as penalties for violation of these rules.

The order was issued shortly after Chairman Wagner of the national labor board had announced that he had received "assurance by telegram from the Ford company in Dearborn that the company is prepared to meet authorized representatives of their employees."

Close behind the Wagner announcement came word from Detroit that a spokesman for the Ford company said no telegram had been sent from the Dearborn offices today to Wagner and that a communication earlier in the week apparently had been misinterpreted.

Wagner, in his announcement, added:

"The superintendent of the Edgewater (New Jersey) plant has telephoned me that he will be at the meeting, inasmuch as I have requested his presence."

GOOLEY WILL HEAD BUY NOW CAMPAIGN

To prepare and supervise a city-wide "Buy Now" campaign, William P. Ellis, chairman of the Salem NRA committee, yesterday announced that he had named Ralph Cooley, manager of Bishop's here, as chairman of a committee which would handle this work in Salem. The local Buy Now move will be tied in with the national drive. Mr. Cooley said he was pleased to accept the appointment.

The following other men were named as members of the committee:

Stanley Keith, Carl Ramseyer, Ralph Hamilton, Herbert Stiff, Hollis Huntington, George Arbuckle, W. L. Phillips, Oliver Myers, E. B. Gabriel, Axel Eoff, W. P. Watkins.

Free Lecture on Story of Cards Offered Today

Every person interested in contract bridge in Marion county is invited this morning to a free lecture: "The Story of the 13 Cards." The lecture will begin promptly at 10:30 a.m. at the Salem chamber of commerce rooms, 147 North Liberty street.

The lecture will be given by Mrs. Quinlan of Portland, a Culbertson associate of recognized national standing, will deliver the lecture. . . . Previously when Mrs. Quinlan has given this information, interesting talk, large numbers of bridge fans have attended and the response has been uniformly favorable. Experienced as well as new players or persons who have not played but desire to learn will all profit from the talk.

The Oregon Statesman made special arrangements for the lecture as a feature of its contract bridge classes and its tournament now under way here. You are urged to attend and to bring your friends. No charges; nothing for sale.