

BAN UPON DUAL OFFICES IS HIT

Governor Martin Declares Immediate Test Will Be Instituted

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mah county. Dickson has taken an NRA attorneyship in San Francisco, Wallace is now on the state game commission and Johnson is an employee of the state liquor commission.

Senator Walter Fisher of Douglas county. Senator Fisher is a member of the state veterans' commission.

Representative John E. Cooter, speaker of the house, from Lincoln county. Cooter has taken a federal position with the re-employment service.

Representative Harry Semon of Klamath county. Semon has recently been named a member of the state agricultural board.

The ruling of the attorney-general is known to have been disturbing to the democratic leadership since five of the six men affected are members of that party.

Wallace and Semon had taken their positions on state boards, serving on a per diem basis, at the request of the governor.

Language Is Plain Opinion Declares

The attorney-general's opinion declared: The language of Section 10, Article II of the state constitution is plain and unambiguous. Any one who is elected to a seat in the legislative assembly, while at the date of his qualification as a member of the legislature holds either a lucrative office or appointment under the United States or this state, he becomes ineligible to a seat and ceases ipso facto on such acceptance of being a member of such legislative assembly.

The opinion went on to state that acceptance of a second office of the kind prohibited an officer holder: "operates as a resignation or re-election of the first office as fully and effectually as though the relinquishment of the first office had been an intentional and voluntary act."

The decision declared that resignation of the second office held by a former legislator did not revise the right to hold the first office which has been abandoned or rescinded.

In the opinion, the amount of salary paid the legislator in his second position or the manner of its fixing, was deemed immaterial. "If the office pays anything it is lucrative," the opinion read.

The opinion also set out that the secretary of state had a mandatory duty to declare a legislative position vacant when an incumbent legislator assumed another lucrative state or federal job or a job which embraced executive or judicial duties.

Matter Doesn't Rest With Legislature

The matter does not rest with the legislature to determine at its next session, the opinion recited. "It becomes your duty," the attorney-general wrote Mr. Snell, "to act in accordance with such statutory provision on the occurrence of such a vacancy and to notify the representative county courts or boards of county commissioners where the legislative vacancy occurs, to set a date for the appointment of a successor to the ineligible legislator."

"When the people speak, as they do through their constituents," the opinion read.

Today—Spencer Tracy in "It's a Small World." Friday—On the stage, the Crockett family, radio stars and "Sweet Head" with Dickie Moore on the screen.

ELGINORE Today—"The Bride of Frankenstein" with Boris Karloff.

CAPITOL Today—Double bill, Rudy Vallee in "Sweet Music" and Paul Muni in "I Am a Fugitive From a Chain Gang."

Thursday—Double bill, Lowell Sherman's "Night Life of the Gods" with an all star cast and western, "Frontier Days."

HOLLYWOOD Today—Double bill "The Gay Bride" with Carole Lombard and "A Wicked Woman" with Mady Christians.

Friday—Double bill, John Wayne in "The Terror" and "Million Dollar Baby" with Ray Walker.

STATE Today—First run, "The Unfinished Symphony," plus a color cartoon on "The Headless Horseman."

Saturday—Kornett Maynard in "Northern Frontier."

tion. It is the 'voice of the people, in the voice of God' so far as the agencies of government are concerned," the opinion concluded. Ralph G. Moody, assistant attorney-general, wrote the opinion.

Representative Cooter said late yesterday he had doubts if the opinion would be binding on members of the last legislative assembly. Cooter will be out as speaker if the opinion holds.

Walter Fisher of Roseburg took steps yesterday to meet the opinion by sending in his resignation as a member of the state veterans' commission. It was expected the Roseburg county court would then name him state senator to fill the position he formerly held.

FAIRGROUND REPAIR ORDERED BY BOARD

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idity of the attorney general's opinion.

"Van Winkle may think he is correct but I don't think so," Cooter said.

Following a lengthy discussion Senator Corbett, chairman of the emergency board, said he would accept the vote of 6 to 1 in favor of the deficiency appropriation.

"If we find ourselves wrong we will look to Governor Martin to get us out of the hole," Corbett declared.

The deficiency appropriation was requested by Solon T. White, state agricultural director, who said two of the state fair buildings had been condemned and would have to be repaired.

Several members of the board questioned the authority of the board to authorize a deficiency appropriation in view of the fact that there was \$500 in the fair fund at the present time and that \$400 of racing funds would be received next month.

"If money is not appropriated to repair these buildings I will have them roped off during this year's fair and the responsibility will be placed squarely on the members of the emergency board who proposed the deficiency appropriation," Governor Martin said.

The governor censured Max Gehlhar, ex-state agricultural director, for applying \$21,000 of the 1934 fair profits on debts without conferring with his department.

"If we had some of that money we wouldn't be in this box," Governor Martin said.

LUMBER PARLEY IS KEPT DARK SECRET

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ences looking toward settlement of the strike depended largely on the attitude taken by owners of mills in that city. Long-Bell and Weyerhaeuser interests were reportedly represented by "key men" at today's conferences with Muir and E. P. Marsh, federal labor conciliator.

The current information, about which no one in a responsible source would be quoted, was that a "model" agreement was the object of the conferences; that the large Longview operators and the union representatives were working in the direction of such an agreement, and that the other operators could use the plan as a basis for individual strike settlement.

SEATTLE, May 7.—(P)—G. H. Mawson, organizer for the United Brotherhood of Carpenters and Joiners, said tonight that sawmill and timber workers' local No. 2519 had closed, foreshadowing closing of every Seattle lumber mill.

The vote was taken Monday night, but was not revealed until the 165 employees of the Nettleton Lumber company stated they would not return to work when they left the plant today.

Mill operators already had said they would shut down if there was a strike.

Collectors Want To Purchase Old Beer Tax Stamps

Collectors and catalogue publishers are seeking to make a deal with the city of Salem for the purchase of the city beer stamps left in the hands of the city recorder when this year's Knox law amendments ended city beer taxing, according to Recorder A. Warren Jones. Philatelists at Medford and Marshfield have written saying they will make an offer to buy all the stamps the city has.

Jones, by council authorization, will take inventory of the stamps he has—several thousand in various denominations—and report to interested collectors to enable them to make an offer.

PORTLAND, Ore., May 7.—(P)—Big Bill Hatch poured two-hit pitching from his lethal left arm today to lead University of Portland in a 6 to 1 victory over Linfield college.

STATE BOARD'S POWER TESTED

McMahan Signs Temporary Injunction, Lewelling To Hear Case Today

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building was interesting but wholly inadequate to meet the demands of the state.

The governor and Secretary of State Snell said the board of control, however, was not trying to usurp the prerogatives of the legislature. "As far as I am concerned the legislature can have the entire burden of erecting the new capitol," Snell commented.

At the meeting of the taxpayers' group, Zorn pointed to a resolution recently adopted by Butteville grade No. 74. In that resolution the grade voted to condemn the decision of the board of control in ordering the raising of the walls of the old capitol without "consulting the wishes of the people." The grade declared the legislature should be called to determine whether or not the capitol's walls should be retained.

The taxpayers' group also reported that the Farmers Union organizations at Mt. Angel and at Marion had voted similar resolutions.

A proposal to erect a so-called city of Portland-McMahan county-state office building, to house the many state departments now paying rentals in Portland, was presented to the state board of control yesterday.

Plans for the proposed structure were presented to the board by John A. Tourtelotte, Portland architect, and the raising of a building such as had been proposed would cost approximately \$2,500,000 and would accommodate a large number of offices. It would be located in Portland's civic center.

Tourtelotte made it plain that his proposal had nothing to do with any plan to move the state capitol to Portland.

Secretary of State Snell said the first responsibility of the state was to erect a new state capitol building to replace the one destroyed by fire.

'Camparee' For Scouts Planned At Dallas Park

Boy Scouts throughout Marion, Linn and Polk counties are preparing for the first annual "camparee," a camping show, to be held May 17, 18 and 19 at Dallas. Executive James E. Monroe said yesterday, Salem district Scouts expecting to receive awards at the "camparee" court of honor will go before the board of review at the chamber of commerce here at 7:30 o'clock Wednesday night.

Monroe said he expected 300 boys to participate in the "camparee." They will set up tent quarters across the river from the Dallas city park Friday afternoon, May 17. Friday and Saturday of that week they will engage in scout activity contests by patrols, hold the court of honor, and Sunday attend the church of their individual faiths in Dallas.

Campaign Talks For Salem High Election Slated

More than a dozen Salem high school students, candidates for student body offices, will make their campaign speeches at a sophomore-junior assembly to be held this afternoon. The election will follow next Monday and installation of the new officers one week from Thursday.

Other student meetings scheduled this week are: Thursday—Girls' league, student science luncheon. Friday—social club day.

Parent-Teacher Installation Set

Newly elected officers will be installed at the meeting of the Salem high school parent-teacher association in the school auditorium at 8 o'clock tonight. An address by Sheldon P. Sackett is the feature of the program, which also will include numbers by the high school music department.

A Home Owned Theater HOLLYWOOD STARTS SUNDAY

THE HOOSIER SCHOLASTIC NORMAN POSTER CHARLOTTE HENRY

Today and Thursday LOMBARD & MORRIS THE BRIDE

With Jean Parker Charles Bickford

WICKED WOMAN

Today and Thursday THE UNFINISHED SYMPHONY

Two Big Features—15c

THE BRILLIANT NEW STARS! Muddy CHRISTIANS

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