

CAPITOL WALLS CASE IS HEARD

Temporary Injunction Will Remain in Force; Ruling Likely Wednesday

(Continued from page 1)

lion 68-403 of the Oregon laws. This section, Moore cited as giving the board power to handle "reconstruction, rebuilding, repairing and replacing" of state buildings damaged or destroyed by fire.

Moore contended the plaintiffs in the case should have brought proceedings through a legal officer of the state, either the local district attorney or the attorney general's office. He averred the suit to restrain the board of public building commissioners from action was an "ex rel" proceeding which a private citizen could not properly initiate under former decisions of the state supreme court.

The state also contended that the plaintiffs had shown no proof whatever of "irreparable damage" as alleged in their complaint. Had the plaintiffs proved that a definite sum was to be raised by the board of public building commissioners, through taxation, and that this taxation would bring "irreparable damage" to them, their assertion in the brief would have been based on fact, not on allegations, Moore pointed out.

Up to Legislature, Plaintiffs Declare

Counsel for the plaintiffs contended their attack on the allegation that destruction of the old capitol as well as the determining of the amount of a new one was a matter solely for legislative decision. The board of public building commissioners, plaintiffs declared, would be usurping a legislative function if it appropriated money for the raising of the old statehouse.

Plaintiffs contended bringing of the suit in their name was proper since the attorney general's office had already expressed an opinion on the propriety of raising the old statehouse. Thus the taxpayers were held to be stopped from utilizing the services of that office.

Constitutionality of the state restoration act was attacked on the ground it was a usurpation of legislative power.

Attorneys for the plaintiffs were George Rhoten, Roy Hewitt and B. S. Martin.

WRS. GRABER HURT IN AUTO ACCIDENT

Mrs. William Kenneth Graber, 26, who lives at 467 South 12th street, suffered a gash on the forehead, bruises and severe shock shortly after 1 o'clock Saturday afternoon when an automobile driven by her husband collided with a Perry and Cottage streets with a sedan driven by Arthur William Pogson, 656 Perry. She received emergency treatment at a physician's office.

The crash bent a front wheel and bumper on the Pogson sedan and flattened a tire on Graber's delivery car. Neither driver was injured.

Police made no arrests.

Minor accidents reported yesterday involved Herbert A. Toland, 166 South Liberty street, and E. B. Torvick, Everett street, two at Perry and Liberty streets; Cecil H. Walker, 2233 Trade street, driver of a city bus which hit and injured a dog at Commercial and Center streets.

ARRESTS OF CHAIN RACKETEERS LOOM

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The arrests were made by city and county officers on a complaint filed by County Attorney Bob Shelton.

All of the money and equipment found in the three places was confiscated and, so far as possible, the money was being returned to those who had paid cash for letters.

Two \$5 chains and one for \$2.50 were doing a land office business when the federal agents sealed letters with cash inside were being delivered by special messenger.

Opinion Refused Upon Governor's 2-Salary Issue

Opinions on the eligibility of Governor Charles H. Martin to hold that office and to continue to receive pay as a retired army officer were denied to Representatives Warren Erwin of Portland and Moore Hamilton of Medford in letters mailed here yesterday by Attorney General Van Winkle. He told the representatives, who had raised the questions, that his office could give opinions only to state officials. Opinions granted legislators were confined to matters of legislation, the attorney general stated.

Two court decisions, one by a New York appellate court and one by the United States supreme court, are said to have held that a retired army officer is not an employee of the federal government and is thus eligible to hold other offices. A number of retired officers have served as congressmen without breaking the requirement that a congressman cannot hold a federal post, it was stated yesterday at the capitol.

Radio Timing Used for Hudson's Muroc Records



Above—Interior of the timing tent showing a speaker at the radio timing set and tabulators at work entering time made on each five-mile lap by the record breaking Hudson.

Left—Radio-operated instruments which tripped three stop watches and started three others every time the flying Hudson Brock Sedan interrupted the beam from an electric eye.

OLD MAN OREGON IN STEW OVER ISSUES

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votes the board gave the special appropriation. A decision from the attorney-general on this point is not a matter of immediate moment for the \$100,000 emergency fund appropriated by the last session is not available until June 12 when the appropriation bill becomes law.

Secretary of State Snell, in proposing the questions to Mr. Van Winkle on legislative eligibility, did so to clarify confusion in his own mind regarding his duties as secretary of state. There was no intention by Snell to precipitate a political realignment in the legislature and accusations that such was the case are without foundation.

Injunction proceedings on the raising of the state capitol structure have a deeper laid plan behind them than is embraced in the most capitol question. This litigation, inspired and sponsored by the Marion County Taxpayers' league, is a direct effort to hamstring Governor Martin in his attempt to hurry reconstruction of a statehouse. The league executive committee is definitely anti-Martin. It resents his aspersions on the grange, on the "crackpot" politicians and is out to throw a barricade across the governor's path with the help of the courts.

Repeatedly the tax leaguers have stated that raising of the capitol is an incidental issue in their litigation; they stress the need for the legislature rather than the governor to make the decision for the state as to whether or not a new or renovated statehouse shall be erected.

The Marion County Taxpayers' league is not inexperienced in the field of political disturbance. Its president, Henry Zorn, took the lead in the college consolidation fight which rocked the state in '22. Ed Jory, another of the sponsors of the lawsuit, has long contended the governor of Oregon could not draw more than \$1500 salary a year and has put up money for test litigation on that point.

Should the league's suit be lost before Judge Lewelling, an appeal to the supreme court will do little good. The injunction cannot be continued until the higher court rules and in the meanwhile the state board of control will have carried out its raising order.

However, the league can be expected to insist that its viewpoint be recognized in the new capitol plans. A modest, inexpensive structure will be the league stand with men like Senator Peter Zimmerman carrying the banner in the special legislative assembly.

A special committee of the state planning commission is quietly proceeding with its studies on the type of capitol Oregon needs, its site in Salem and its cost. Until this committee reports and the courts have acted on the Taxpayers' league suit and the legislative tangle, a special legislative session will not be called.

The question of financing a state capitol will be the most perplexing one for that session. The constitution prevents the issuance of state bonds, other than road obligations, in excess of \$50,000. That method of money raising is therefore impossible unless a special election is held and the people vote a bond issue as a constitutional amendment. State officials think it would be risky to submit any new capitol financial program to a general vote at the present time.

Uncle Sam cannot be counted on for an outright grant of all the money. He would provide a 50 per cent grant; the difficult part is the remaining 50 per cent. It has been suggested that the state issue obligations paid for from rents; that PWA be asked to hold these in the same way the state industrial accident commission holds the debts on the state office building.

LEGAL AUTHORITIES DIFFER ON WHETHER SUCH RENT-LIQUIDATED DEBTS CAN BE ISSUED BY THE STATE TO AN AGENCY OR FUND IT DOES NOT CONTROL.

Legal authorities differ on whether such rent-liquidated debts can be issued by the state to an agency or fund it does not control. The state office building financing squeaked through the supreme court, four to three, the majority holding that the state, by "selling" its obligations of debt to the accident fund was only transferring its money from one pocket to another—not creating a debt in the strict sense of the term. It is doubtful PWA would want the state's promise to pay on the basis of such a hair-line court decision.

There remains the easiest way to finance the capitol—a direct legislative appropriation, adding to the present state deficit with the hope that the continued imposition of the full property tax allowed by law would wipe out the increased deficit in a few years.

ROOSEVELT ASKED TO APPROVE BONUS

A telegram urging President Roosevelt to sign the Patman bonus bill, not veto it, was dispatched by Capital Post No. 9, American Legion, here last night. Dr. Verden E. Hockett, commander.

Although the Legion first promoted the Vinson bill, the post here has now shifted in favor of the so-called inflationary Patman measure since that is the one Congress passed last week.

"We want it paid, we don't care how," said Hockett of the bonus, or adjusted compensation certificates. "We thought the Vinson bill had the best chance of passing and, therefore, first favored it. If the Patman bill is vetoed, we're going to push the Oregon delegation all we can to over-ride the veto."

COMMUNITY CLUBS PRESENT PROGRAM

Community club activities in Marion and Polk counties were climaxed at the Salem high school auditorium last night by presentation of the Marion-Polk county federation of community clubs' annual program. More than 250 persons attended.

The next federation meeting, later this month, will be to elect officers, the date to be announced later by E. J. Chapin, president. June 2 the federation will hold its annual picnic at Silver Falls park with the Oregon Building congress joining for the occasion.

Last night's program consisted of the following:

Orchestra numbers, Turner club; harmonica band, juvenile department; community chorus directed by C. B. Glover and accompanied at the piano by Irma Keefer; reading, Eola club; woman's quartet, Eola, Clear Lake and Roberts clubs; one-act comedy, Sunnyside club; male quartet, Pratum and Central Howell clubs, and group singing.

STUDENT CHIEFS TO BE SELECTED AT HIGH MONDAY

Salem high school students will go to the polls Monday to choose student body officers for the coming year. The new officers will be installed at a sophomore-junior assembly Thursday afternoon. Student meetings are scheduled this week as follows:

Monday, student council; Tuesday, Girls' league, Crescendo club; Wednesday, sophomore class; Thursday, assembly; Friday, last meetings of Mathematics, Science, Social Science, Civics, Latin, French, German, Commercial and Home Economics clubs.

KIRKHAM GIVES TALK ON INSIDE OF RADIO

HUBBARD, May 11.—The Hubbard community ladies' guild presented Art Kirkham, chief announcer of the KOIN staff, to a record crowd at the high school gymnasium Thursday evening. Mr. Kirkham gave a very interesting and instructive talk on "Radio from the Inside."

Preceding the speech two numbers by a double mixed quartet under the direction of Mrs. Beatrice Wilson were enjoyed.

Ms. Tava Deets, Hubbard, and Mrs. Carrie Tyson of Molina were winners of the two quilts given away by the guild. Minor prizes were won by Mrs. Pearl Bates, Mrs. Hopkins, D. E. McArthur, George Grims, Loney, and Mrs. Wilbur Bevens.

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TWO PROJECTS GIVEN SUPPORT

Valley Development Group Meets Here; Tualatin, Molalla Jobs Aided

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"I want you men to understand that this planning work is a long-range program," the governor said. "It aims to make this Willamette valley a better place for people to live in. This planning work is a non-political job. The time is opportune for us to get funds now to make the improvements in the valley which will attract thousands of people here and will make their farming operations successful."

Walter May, manager of the Portland chamber of commerce, said his organization was backing the Willamette valley planning group with an outlay of \$3500 and with half of the time of R. H. Kipp, who will serve as secretary for the group. Kipp is also secretary for the Columbia River association.

VIOLENCE FEARED ON EVE OF VOTE

MANILA, May 12.—(Sunday)—(AP)—More alarmist reports, more cutting of communication lines and further preparations against violence marked today the approach of the commonwealth constitution plebiscite.

Police armed with rifles guarded newspaper plants in Manila on the strength of rumored violence plots.

Telegraph wires were severed in Bulacan province between the towns of Malolos and San Jose del Monte, scene of the battle in the Sakdalista uprising of May 7 which was put down only at a cost of 60 lives. Constabulary forces sped to the scene.

Political leaders accused of responsibility for the uprising attended a mass meeting called to launch the candidacy of Emilio Aguinaldo, erstwhile insurrection chief, for the presidency of the projected new commonwealth government.

An intense hunt for 14 service pistols which disappeared mysteriously from the United States destroyer Smith Thompson was staged by 1000 employees of the Cavite navy yard when it was feared the weapons might have found their way into the hands of the commonwealth's enemies.

OLD WORLD PEACE PARLEYS MULTIPLY

(By The Associated Press)

Diplomats of eight European nations took means in three separate conferences Saturday to safeguard European peace and their own security, springing from Adolf Hitler's decision to rearm.

Bucharest — Members of the Balkan-Czechoslovakia, Rumania, Yugoslavia and Greece—decided they were helpless to keep their World War enemies, Bulgaria and Hungary, from rearming. They proposed a new security pact pledging all six to maintain peace in southeastern Europe. Territorial revision and a Hapsburg restoration in Austria were vigorously opposed.

Florence—Two Fascist leaders, Benito Mussolini of Italy and a Chancellor Kurt Schuschnigg of Austria, held a brief but amicable conference, with indications given that Italy would support Austria's demand for rearmament at the forthcoming Danubian conference in Rome.

Warsaw—Pierre Laval, French foreign minister, appeared successful in his efforts to assure Poland she was not endangered by the new Franco-Russian pact and that it was the first step in a general European security plan. Laval will leave tomorrow for Moscow.

COOPERATION FOR POPPY DAY URGED BY C. OF C. HEAD

Business houses of Salem were urged to give full cooperation to Poppy Day here the first 25, in a statement yesterday by Howard Hulsey, president of the chamber of commerce. Mr. Hulsey asked that every aid be extended to the volunteer workers of the American Legion Auxiliary who will distribute paper flowers of remembrance. The statement said:

"Members of the Salem chamber of commerce always have been foremost to answer any civic or patriotic call. During the World War some served with the armed

BUY HOME SITE

INDEPENDENCE, May 11.—Frank Wilcoxon and Earl Wilkey have purchased the property on 10th street from C. L. Corey, real estate dealer. It formerly belonged to Mr. and Mrs. Ashcroft. Plans for a new home on the lot are being made.

Don't Guess . . . We Tell You

Do you THINK you are suffering from Stomach, Liver, Gall-bladder, Kidneys, Prostate, Bladder, T. B. or any other ailments? If so, don't guess, take advantage of our scientific examination and make sure of your true condition. We are helping others to get well. Perhaps we can help you. This examination is FREE for a limited time. Phone at once for your appointment.

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CHAVEZ APPOINTED CUTTING SUCCESSOR

Continued from page 1

had disputed the 1200 vote majority for Cutting.

In 1934 Chavez said he will be a candidate to fill the remainder of Cutting's term, which expires in 1940.

The governor, running mate with Chavez on the democratic ticket in the last election, said Chavez was "a natural selection" to fill the vacancy caused by Senator Cutting's death in an airplane accident last week.

The new senator will give the democrats 59 seats in the senate, five more than two-thirds of the entire membership, and will reduce republican membership to 24, its lowest in more than 50 years.

The government renewed today its demand that arbitrators of disputed questions be named as provided under a treaty between the two countries.

SHOWDOWN ASKED OF ITALIAN RULER

ADDIS ABABA, Ethiopia, May 11.—(AP)—Ethiopia called upon Benito Mussolini today to show his hand in their six-month-old border quarrel.

A source close to the government said mobilization of the black warriors of Emperor Haile Selassie "conquering lion of Judah," would be ordered if satisfaction of all differences is not assured at the meeting of the league council May 20 or if additional Italian divisions continue to pour into neighboring territory.

The government renewed today its demand that arbitrators of disputed questions be named as provided under a treaty between the two countries.

Surfacing 12th Street Cutoff Starts Monday

First crews are expected to start work Monday on the state highway contract for surfacing the South 12th street cutoff to the Pacific highway, according to Lois Barker, statistician at the national re-employment agency here.

J. C. Compton holds the contract.

Miss Barker said all common labor had been arranged for. A few skilled laborers are yet to be selected. A power shovel and two motor graders are among the pieces of machinery to be used on the job.

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RENOVIZED HOUSE BIDS WANTED

Sealed bids from prospective purchasers of the Marion County Housing committee's renovizd house at the courthouse site will be received up to noon, Tuesday, May 14.

Houses will be sold to highest bidder, as it stands on courthouse lawn, without furniture, drapes or window shades. All electrical fixtures and plumbing go with house.

Purchasers are furnished bill of sale and are to remove house from lawn within reasonable time.

Certified check for \$100 should accompany all bids, check returnable immediately to unsuccessful bidders.

Purchasers should make arrangements for financing with local banks or savings and loan associations.

House has been constructed with view to moving and contractors and architects state it can be satisfactorily moved but no warranty on moving is made by sellers.

BIDS SHOULD BE LEFT WITH HOSTESSES AT RENOVIZED HOUSE OR PLACED WITH KEITH POWELL, member of Marion County Housing Committee, first floor, Guardian building.

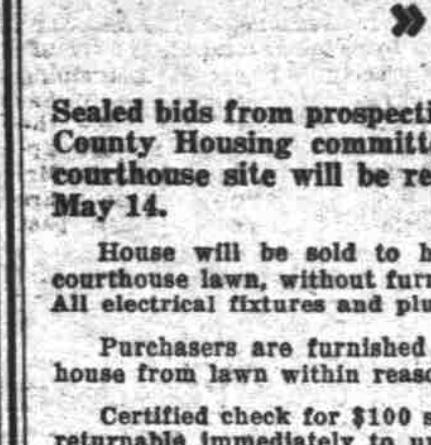
Committee to open and award bids is J. N. Chambers, Tom Riles, Harry Collins, Keith Powell, Sheldon P. Sackett. No bids will be opened until after 12 o'clock noon, Tuesday, May 14.

Marion County Housing Committee

HUDSON SMASHES 36 MORE OFFICIAL RECORDS

in one of the most grueling tests ever given an automobile . . . makes clean sweep up to and beyond 1000 miles

1000-mile record beats best mark ever set by any closed car



NEWS FLASH—Muroc Lake, Cal., April 13—36 official A.A.A. records broken by a stock Hudson Eight. Top speed—over 93 miles an hour for five miles. Average speed—over 85 miles an hour for 1000 miles and beyond. A clean sweep of every record in its class up to and including 1000 miles and 3000 kilometers, and four unlimited class closed car records. Electrical timing correct to a millionth part of a second and every record certified by American Automobile Association.

Here's what it means to you. Probably you'll never care to drive a car five miles at 93 miles an hour. Yet, it means a lot to you to have a car that can go that fast—to shoot out of traffic tangles or dash you out ahead on the highway.

It isn't likely you'll want to drive a thousand-mile stretch at 85 miles an hour, but you do want a car with the fine engineering, power and ruggedness it takes to do this. Ordinary driving is no work at all for a car like this.

That's what it means to own a Hudson—smoother miles, more enjoyable miles—plus ruggedness and gasoline economy that make those miles cost less. You can see and drive an exact duplicate of this record-breaking Hudson Eight at any Hudson showroom. You can also see the complete list of these 36 new records, and scores of others held by Hudson-built cars. Take the wheel today and discover what this record-breaking performance means to you.

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