

STATE UPHELD, RAZING CAPITOL

Lewelling Refuses to Make Temporary Injunction Permanent One

(Continued From Page 1) It was clients would appeal, it was doubtful last night if an appeal could be taken to supreme court on Judge Lewelling's ruling yesterday. That ruling only denied a permanent injunction. Later in the day the state filed a demurrer to plaintiff's complaint, the demurrer asking that the suit be dropped because it was brought improperly. In the light of Judge Lewelling's decision, the state's demurrer will undoubtedly be accepted and when the court rules on the demurrer—and not until then—can the plaintiffs appeal.

While an appeal is being perfected, there is no legal manner to restrain the state board of control from razing the walls. Control from the plaintiffs last night were not ready to announce whether or not Judge Lewelling's decision would be fought in the higher court. Judge Takes Issue With Plaintiffs

Judge Lewelling's decision indicated clearly that the state board of control, under the restoration act of 1925, had been empowered by the legislature to expend funds provided by the act to restore, replace or rebuild state structures. He took issue with the plaintiffs that the state board of control was usurping legislative functions in razing the capitol—the legislature had already delegated these functions, Judge Lewelling pointed out.

The court further held that "even though construing the complaint most favorably to the contention of the plaintiffs, this court concludes that they have not alleged facts sufficient to show a special injury to themselves separate and apart from that which would accrue to all citizens of the state of Oregon, and for this reason they have not stated a cause of suit and consequently their application for a restraining order must fail." Judge Lewelling further said: "Assuming that defendants are acting without authority in the exercise of a governmental function, they could only be prevented from an unlawful exercise of authority or from the performance of illegal acts by the state in its sovereign capacity or by an individual who has been specially injured joining with the state in an ex rel proceeding."

DAIRY INDUSTRIES DIRECTORS CHOSEN

(Continued From Page 1) treasurer; William F. Rollins of the Jersey Milk company, Portland, chairman of the market milk committee; and E. G. Harlan, executive secretary of the new organization. Dr. Edgar S. Fortner of Salem, vice-president of the state group, presided.

Simpson declared the new group is organizing to give the unorganized dairymen a voice in his industry. Associated Dairy Industries is not a marketing group, but an affiliation of farmers, manufacturers and distributors in milk products meeting on a common ground "with no desire for any group or interest to have any more say than any other group in the industry" Harlan declared.

The group now has 4500 members and within 10 to 90 days this number will be increased to from 10,000 to 15,000, officers stated. Among purposes of the organization will be a study of amendments deemed needed to the market milk law, and presentation of these.

G. M. Hafenzack of Portland, former field man for the state milk control board working in this section and now representing the independent producers on the Portland market, was also present last night with the Portland visitors.

Baxter Busy as Speaker for Nine Classes of Grads

Dr. Bruce R. Baxter, Willamette university president, is delivering nine commencement addresses this week and next, which will take him throughout most of the entire state.

Tuesday he spoke to the graduating class of Wheeler high school; yesterday to the class of '36 of Whalem; and today to the students of Milton high school.

Next Monday he will speak to the graduating class of Gooding college at Wapinitia. Tuesday at Tillamook high, Wednesday at Ashland, Thursday at Oakridge, Friday at Roseburg and Saturday at Seaside.

SALEM WOMAN DIES GRANTS PASS, Ore., May 15.—(AP)—Mrs. Martha P. Haah, 69, of Salem, died early today at William Creek near here. Arrangements to send the body to Salem were being made.

JOHNSON OPERA MANAGER NEW YORK, May 15.—(AP)—Edward Johnson, Canadian born tenor, was appointed general manager of the Metropolitan Opera company tonight.

The Call Board . . .

GRAND Today — Double feature, "In Spite of Danger" with Wallace Ford and "I'll Love You Always" with Nancy Carroll. Saturday—Shirley Temple in "Our Little Girl."

ELSINORE Today — William Powell in "Star of Midnight."

CAPITOL Today — Jackie Cooper in "Dinky" and Tim McCoy in "The Westerner."

STATE Today — Double bill, "Lady by Choice" with May Robson and Spencer Tracy in "Looking for Trouble."

Saturday — Zane Grey's "Rocky Mountain Mystery."

HOLLYWOOD Today—Ann Harding in "Biography of a Bachelor Girl." Friday—Double bill, "Under Pressure" with Lowe and McLaglen and "Terror of the Plains" with Tom Tyler.

Everyone confided in Clay Dalzell, because he could keep a secret. And because of that habit, Dalzell finds himself involved in a sinister mystery case, with his own liberty at stake, in "Star of Midnight," popular story by the master fictionist, the late Arthur Somers Roche, opening today at the Elsinore.

William Powell plays Clay Dalzell in RKO-Radio's picturization of the Roche story, and Ginger Rogers carries the feminine lead opposite him.

Sophisticated romance, spiced by subtle comedy, combines with the mystery theme of the production, which Stephen Roberts directed. The supporting cast includes such well known players as Ralph Morgan, Leslie Fenton, Gene Lockhart, Paul Kelly, Vivian Oakland, Russell Hopton, Frank Reicher and J. Farrell MacDonald.

POLICE CONFISCATE 3 OF MARBLE GAMES

City police moved yesterday to force compliance with the marble board licensing ordinance by taking possession of three of the same devices alleged to be in use in violation of the law. No arrests had been made last night but Inspector Orey GeCoffey said there might be such action later. He said he understood any action that might be taken would be against the owners of the boards rather than against the merchants in whose places they were located.

Two boards were removed from the Wagner and Holman billiard hall, 356 State street, and the other from the Cliff Parker store, 372 State. GeCoffey said there appeared to have been violations of ordinance requirements that license stickers be left on the machines for which they were issued and that machines be operated only in places for which they were licensed.

SHIRLEY TEMPLE in 'Pardon My Pups'

Friday and Saturday 15c Two Features TOM TYLER in "TERROR OF THE PLAINS" — And Second Feature —

UNDER PRESSURE

EDMUND LOWE VICTOR MCLAGLEN

Most people over forty who wear glasses need two-vision lenses. The new invisible Kryptok bifocals bring you the vision of youth in one pair. Why inconvenience yourself Get a pair of Kryptoks today on our easy credit plan.

POMEROY & KEENE 370 State St. - Salem

345 SENIORS ARE OKEED, GRADUATE

(Continued From Page 1) Ethel Margaret Abel, Mary Jane Adams, Harold D. Alder, Julia Mary Allen, Howard W. Amack, Valera Albert, Marvin Louise Amundson, Delbert Lee Anderson, Lillian Adelaide Anderson, Jean Amundson, Catherine Irene Applewhite, June Armstrong, Ruth Shively Baer, Ursula Lucy Bailey, Betty E. Baker, Clarence Baker, Norma Luvinia Baker, Elizabeth Jeannette Barnes, Doris Rosalind Barnett, Alice Bernadine Barry, Margaret Ethel Barry, Dorothy Jane Baum, Russell Andrew Biggs, Theo Best, Helen Beckley, Evelyn Jane Beckner, Miss Mae Beckner, Laneta Bellinger, Loren E. Benjamin, Lucille Bennett, Grover Bester, Jack Billeter, Freida Mae Blake, Loraine E. Bliven, Clyde H. Boehm, Jack Bohannon, Elizabeth Boushock, Kathryn Lucille Boyle, Harry Edward Breedlove, Harold Osborne Bressler, Catherine M. Brock, Bert Copley Broer, Donald Alford Brown, Robert C. Brown, Albert W. Buchmann, Eunice H. Buck, Paul E. Burger, Carl Busch.

Dale W. Caldwell, Robert W. Callahan, Roy Cameron, Jack Carey, Robert Carter, Doris Cassidy, Kenneth Oster, Lyle Deibel Cave, Hilda Chamberlain, Frances H. Christensen, A. Boyd Clappitt, E. George Clark, Mary Jeannette Clark, Robert B. Clarke, Peter L. Cleary, Daisy Costas, Emma Cloutier, Gladys Coleman, Mary Emma Coleman, Harold Comstock, Francis M. Cook, Stella Mae Cook, Donald W. Coons, Baker C. Coons, Donald Earl Cooper, Luanella Cooper, Viola Cox, Warren James Coward, Earl Thomas Crab, Marjorie Ruth Cranley, Isabelle Crescen, Ernest Cromwell, Juanita Cross, Nelda Crum, Irene Miller Cudler, Irene Camille Dahlen, Gertrude Marie Dak, Catherine Mae Danahy, Mary Dangler, Marjorie Mae Darby, Helen Dasher.

Katherine Bernadene Daugherty, Myrtle Lucile Davidson, Eula DeWitt, William Joseph DeWitt, Roland Graupp DeVries, Velma DeWitt, Leonard Donaldson, Frances Doolittle, Myrtle Doolittle, Havis Ann Downs, Douglas Drager, Clyde Drake, Ray King Drakeley, Harold Duncan, Clayton Walker Draz, Tom Earle, Cora Alvera Edgell, Loren Howard Edlund, Dorothy Marie Eggstad, Robert E. Egan, Wharton E. Egan, Mary Frances Entress, Forrest Epley, Milo D. Erion, Betty Fargo, Marjane Fink, Elizabeth Bertha Finner, Frank Field, Ruth Elizabeth Finley, Lucille Frankie Finley, Harry Finnell, Fern Flagg, James Harold Forrest, Jessie Elizabeth Forster, Alice Foster, Florence Foster, Virginia Foster, James William Fowler, Harry James Fredricks, Alvan Frey, Ernest Friesen, Evelyn Neget Gerst, Reba F. Geer, Margaret Gillette, Wesley Goodrich, Coburn L. Grabenhorst, Anna Graber, Elmer E. Greenleaf, Raymond L. Griffin, Eulyn Rockwell Griggs, Wilston Gustafson, Elizabeth Belmar Kenneth Gwynn, Jim Haley, Esther Hammer.

Eunice Marie Hanks, Helen Louise Hartman, H. Joel Henman, Frances Hill, Ruth Hillman, Kenneth Holloway, Helen Bernetta Hollister, Erna Elizabeth Hornsack, David Eldon Howe, Franklin Barham Howe, Alberta Mae Howe, Norman Humphrey, Mary Irene Iyall, Ethel Roberts Jackson, Charles E. Jones, John, Earl A. Johnson, Edwin Johnson, Eleanor Elliott Johnson, Elmer Johnson, June Johnson, Barbara G. Jones, Pauline Jones, Eleanor E. Kahle, Nathaniel J. Kammer, Donald Leonard Kavanagh, Margaret Koefler, Jane Elizabeth Keith, Edward Kenschler, Leland A. Knowles, Clarice Rosalia Kolbe, Jane Georgia Kuback, Robert Kurtz, Thomas W. LaDuke, Orval Lams, Virgil Dwight Lamb, Vivienne Cora Larsen.

James Junior Landerback, Jean Arnell Landerback, Robert Law, Cas Lawrence, Leonard Laws, Richard Harrison Laws, Hazel Leek, Leona Adele Lesley, Kenneth R. Loken, Doris Mae Lewis, Mable Waince McCall, Elmer McLaughry, Wilmer E. McDowell, Bettina McGahan, Maxine McKillop, Ida McKinney, Barbara S. McLaughlin, Doris Mae Mead, Austin Mack, Margaret B. Mackenzie, Margaret M. Marpet, Caray P. Martin, Jr., Harry Martin, Marie Martin, Carl Bell Mason, Robert Mason,

Joseph Meany, Bert Menzies, Brangeline Lucille Millard, Dorothy Zilda Miller, John H. Miller, Michael Miller, Ma Miller, Sylvia Mio, Arlene Moffitt, Margaret Grace Moore, Elizabeth Elbert Morley, Eleanor L. Mulcrone, Janice Ruth Murray, Junior Manning Nelson, Richard Nelson, Stanley Neuman, James H. Nicholas, Jr., Bernice Noack, Aletha Beatrice Opedal, Lawrence Clifton Orwig, Charles E. Palater, Altha Zahala Paschou, Clarence Boyd Panther, Rupert E. Park, Betty Parker, Jane Patton, John Loyd Peckin, Ernest Peckin, Joseph Peckin, Ruby Lucille Pierce, Charles V. Pillette.

Lola Valetta Poage, Gloyd Albert Ponton, Ervin Wesley Potter, Fainence Ruth Prising, Edward Prising, Ruth Lloyd H. Pugh, Harvey Quistad, Ruth Ellen Johnson, Clyde A. Randall, Freda San Ramon, Martha Robertson, Orna Robertson, Kenneth Robinson, Charles D. Roblin, Martha Rose Roddy, Beverly Ann Roethlin, Lillian Roethlin, Estelita G. Rotabaugh, Dorothy Rydell, Chiyu Saito, Kayne Saito, Dorothy Salchenberg, Leo F. Satter, Reginald Saunders, Bonnie G. Savage, Ruth Sawyer, Gertrude H. Schard, Wilma Schermacher, Marjorie Schomaker, Viola E. Schrenk, Virgil Schultz, Vera Smith, Ronald Smith, Verell D. Soderstrom, Lawrence Shaw, Sam J. Sherrill, Marion G. Shoray, Frank A. Sigurdson, Jennie Alice Sills, Francis Lucille Simkins, Lyman Earl Simons, Eliza Smith, Marguerita Joel Smith, Marie Smith, Richard W. Smith, Robert Leonard Smith, Theodora J. Smith, Orville E. Smith, Gretchen Callista Spencer, Constance P. Stark, Clayton Steinko, Allen Steinko, Van Eaton, Gladys Jesse Rowe Steyer, Eugene H. Strickland, Caroline Strohmair, Delphine Katherine Stupfel, Dorothy Stupfel, Alyce Shinko, Susan, Ella Charles, Swift, Alan Parlar, Lorraine Thompson, Vernon Thompson, Virgil H. Trick, Helen Trindle, Marjorie LaVelle Tryzno, Harriette Mae Tryon, Jimmy Tumbelson, Sawako Usui, William Arshur Uley, Florence Uter, Hazel Allen Ward, Quoy M. Waagan, Zella LaDele Van Wydigraf, Tom R. Waddell, Loren Van Wydigraf, Irma Elsie Walker, Glen Allen Ward, Quoy M. Waagan, Zella LaVelle Webber, John J. Weeks, Guy A. Weiss, David West, Robert F. White, Robert S. White, William White, John P. Whitehead, Harry Whitson, Wayne Williams, Myrland F. Williams, Wayne Denver Williams, Paris Winslow, Willard Sherman Witt, Marian E. Witt, Elizabeth Wolter, Evelyn Working, Neva Cassella Yeater.

Refusal of a proffered settlement of \$25 prior to trial of his case against the Trinity Universal Insurance company netted W. L. Moorman an additional \$75 yesterday at the hands of a justice court jury.

Moorman was granted a \$100 verdict against the defendant company, which he was suing for \$157 for alleged damage to his car while it was stolen while covered by theft insurance in the defendant company. Moorman's car was stolen by two men later arrested in Newberg and the car recovered. The case was tried before Miller B. Hayden, justice of the peace.

Almost 10,000 cases of oyster seed have been imported from Japan recently and planted along the coast of Washington.

ELSINORE Today Friday Saturday

The greatest star merger in the history of heart thrills! William POWELL ★★ ROGERS ★★ TOGETHER in the last and greatest mystery novel from the pen of Arthur Somers Roche.

2 FEATURES NANCY CARROLL GEORGE MURPHY RAYMOND WALBURN in "I'M ALWAYS" "AND FIVE TONS OF DYNAMITE BEHIND HIM...!" "THE SPIRIT OF DANGER" MARIAN MARSH WALLACE FORD A COLUMBIA PICTURE

GRAND SHIRLEY TEMPLE in 'Pardon My Pups'

Friday and Saturday 15c Two Features TOM TYLER in "TERROR OF THE PLAINS" — And Second Feature —

Dr. Chan Lam Chinese Medicine Co.

Without operation — most ailments of stomach, liver glands, skin and urinary system of men and women can be removed by using our remedies. 18 years in business. Licensed N. D. Physicians.

893 1/2 Court Street, Corner Liberty — Office open Saturdays only. 10 A. M. to 1 P. M., 6 P. M. to 7.

Consultation - Blood Pressure, and Urine Tests free of charge.

Dr. George Chan

PLAN WAYS TO BUY CAR FOR FIRST AID

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NEW 25¢ SIZE

Ask your druggist Lydia E. Pinkham's Tablets relieve periodic pains and discomforts with their accompanying backaches, headaches and blue spells. They act as a uterine sedative, antispasmodic and tonic. Chocolate coated. Easy to take. Inexpensive and effective.

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NOW. for as little as 25¢ A DAY

You can buy a complete household set of four new GAS Appliances . . .

- Modern Gas Range
- Electrolux Refrigerator
- Automatic Gas Water Heater
- Gas Conversion Furnace Burner

Liberal trade-in allowed on your old appliances. With this household set you get your gas at lowest cost—the economical combination rate.

Ask us to show you how you can save the purchase price of this 4-appliance set out of your present household expenditures.

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See your Gas Appliance Dealer or PORTLAND GAS & COKE COMPANY 136 South High Street

NEVER A LOOSE END
I'm your best friend
I'm your Lucky Strike
Try me I'll never let you down
It's the tobacco that counts, and there are no finer tobaccos than those used in Luckies

STATE THEATRE

CAROLE LOMBARD in "LADY BY CHOICE" JACK OAKIE in "Looking for Trouble"

POMEROY & KEENE

370 State St. - Salem

Dr. Chan Lam

Chinese Medicine Co. Without operation — most ailments of stomach, liver glands, skin and urinary system of men and women can be removed by using our remedies. 18 years in business. Licensed N. D. Physicians.

CAPITOL 2 GREAT HITS!

Tonite Friday Saturday The screen's biggest little man! In a picture that is chock full of action, laughs and thrills. 500 Seats