

## Salary For Governor Exceeding \$1500 is Upheld by Lewelling

### Constitution Clause is Not Limit on Amount, Says

## Jury Suit Dismissed; Appeal Believed to Be Unlikely

Payment of a salary of more than \$1500 annually to the governor of Oregon is constitutional, Judge L. G. Lewelling ruled in a decision handed down here yesterday. In making the ruling, the court dismissed the suit of Ed A. Jory, Salem resident, against Charles H. Martin, governor, and the secretary of state and state treasurer, in which Jory sought to enjoin Martin from receiving more than \$1500 annually. Rodney Alden, editor of the Woodburn Independent, represented Jory in the suit.

Judge Lewelling held that Article 13 of the state constitution which sets the governor's salary at \$1500 was not a limitation on the amount which could be paid him and declared that subsequent acts of the legislature increasing that salary were constitutional. The governor's present rate of pay is \$7500 annually less a 27 per cent reduction set by the 1935 legislature which makes his net annual salary \$5475.

Appeal from the decision was thought unlikely last night due to the costs involved and the clarity of Judge Lewelling's decision. If no appeal is taken, prolonged newspaper agitation to the effect that Oregon's governors are drawing an unconstitutional amount as salary is set at \$1500. Jory started a similar suit against Governor Meier but withdrew the complaint before it was issued.

In making his decision Judge Lewelling did not rule on the point as to whether or not Jory as a citizen was entitled to bring suit or whether the case should have been an ex rel proceeding through the attorney-general's office. Rather he decided the case on its merits, assuming for sake of argument that the suit was properly brought. In making his decision, Judge Lewelling followed the reasoning of Ralph Moody, deputy attorney-general, who represented the state in the case. Judge Lewelling's decision, in part, follows:

"It is elementary that the constitution of a state is a limitation of power and not a grant of power; that the constitution of the United States is a grant of power only. Since the provision referred to must be construed as a limitation only, it naturally follows that unless the legislature is inhibited by the provisions of said Article XIII from increasing the salary of the governor by appropriate enactment, such enactment must be held to be valid.

Constitutional Convention Proceedings Cited  
"To determine the question as to whether or not said Article XIII inhibits the legislature from passing an enactment, the court is at liberty to refer to the proceedings of the constitutional convention which are available aids in ascertaining the interpretation placed upon a provision of the constitution by the framers thereof.

"By referring to the minutes of the constitutional convention we find that when Article XIII was reported to the convention from the committee it had added to it a provision providing that the salary of the governor and those of the other officers fixed therein should not be changed from a period of blank years, and that the blank was filled in by the convention and adopted with the word 'six' inserted. This certainly inhibited the legislature from increasing the salary of the governor and of the other officers mentioned for a term of six years after the adoption of the constitution, and after other proposals the convention finally rejected the inhibition by a vote of 22 to 19. (See P. 94 of Journal of the Constitutional Convention.)

## Police, Church Heads Changed



Count Wolf von Helldorf (top) has been appointed chief of Berlin police and Hans Keffel (lower) is new under-secretary for church affairs in Nazi shake-up. Both are known as anti-semitics.

## ATTORNEYS BATTLE OVER AAA LEGALITY

### "Arbitrary," Says Meyer's Lawyers; High Court to Speed Opinion

Oregon's agricultural adjustment act was described yesterday before the state supreme court by opposing attorneys arguing the case of Fred Meyer, Portland chain store operator accused of selling ice cream below code prices, as "the only practical means of meeting a grave emergency" and "an arbitrary and unreasonable violation of the police power."

Suit against Meyer was brought by the Oregon Restaurant Industry and other plaintiffs in an endeavor to compel him to comply with the state ice cream code. When the case came before Circuit Judge Winter in Multnomah, the judge held the state AAA unconstitutional, but instructed Meyer to comply with code provisions pending appeal of the case to the supreme court.

The ice cream code was drafted under the state agricultural act, and operation of 11 state codes hinge upon the supreme court's decision in the Meyer case.

## "Die Free" Slogan Coined For Ethiopian Recruiting

ITALO-ETHIOPIAN SITUATION  
(By the Associated Press)  
Addis Ababa — Slogan "die free" fires Ethiopian recruits; British loan rumored; Italy blames Ethiopia for arbitration failure.

## 'PRESSURE' ON UTILITIES BILL RIVES HEARING

### Senate-House Conference on Measure Breaks Up Over Presence of Aides

## Corcoran and Devane Attend for Administration and Bring Dispute

By RICHARD L. TURNER  
WASHINGTON, July 24.—(AP)—A new charge of "administration pressure" on house members to gain compulsory abolition of "unnecessary" holding companies today accompanied a sharp break-up of senate-house conferees on the utility bill.

This session, by Representative Huddleston (D-Ala.) followed a direct insinuation in the senate utility lobby investigation that a mysterious, paper-wrapped box had been passed to a member of congress by a power official. Power Leader Silent on Mystery Box

Chairman Black (D-Ala.) of the senate committee repeatedly asked John W. Carpenter, president of the Texas Power & Light company, whether he had entertained a member of the house just before its vote against "compulsory abolition" and had given him such a box. He received no confirmation from Carpenter.

The senate-house conference to straighten out differences in the utility bill—of which the compulsory abolition clause is the main bone of contention—broke up after three house members objected to the presence of two administration aides in the conference room.

Representatives Huddleston, Cooper (R-O.) and Holmes (R-Mass.) voiced objections to the presence of Thomas Corcoran, RFC counsel, and Dexter Devane, solicitor of the power commission.

Both Senator Wheeler (D-Mont.) and Representative Rayburn (D-Tex.) of the conference (Turn to page 2, col. 6)

## Pardon For C. Johnson Is Refused

Granting of a conditional pardon to C. Johnson, formerly an high official of the Prudential Savings and Loan associations, was refused yesterday by Governor Charles H. Martin. Johnson, now serving a term of six years in the state penitentiary for embezzlement, was convicted October 13, 1932, in the Multnomah county circuit court.

"This case involves a man in a high position entrusted with the savings of thousands of persons mostly inexperienced in business affairs," stated Governor Martin. "By criminal mismanagement, fraud, and by stealing, he squandered and frittered away these savings and took moneys that did not belong to himself."

Appeal Practice Decried  
Martin decried the practice of "appealing to the state executive to turn loose men of prominence who have been sentenced after trial," and said that to free Johnson would give just cause for the "charge that weak sentimentality too often frustrates the efforts of society to suppress crime."

The alleged embezzlement occurred in connection with the organization and operation of the Prudential Bancorporation. The decree of the Multnomah court was affirmed by the state supreme court eight months after Johnson's conviction.

## Surrounded Mill Men Pepper Pickets With Birdshot, Aberdeen

### Four Men and a Boy Hurt, One Seriously, as House Where Workers Staying Stoned by Crowds; Troops Leave Tacoma

HOQUIAM, Wash., July 24.—(AP)—Six blasts of birdshot fired from within a house surrounded by lumber strike pickets and onlookers today raked through the crowd and wounded four men and a boy. The shooting climaxed an afternoon of disorder during which men, women and children stoned the house and yelled imprecations at 12 lumber mill workers housed there.

National guardsmen and police swept into the house and took Victor C. Willet, one of the workers, into custody for investigation. Two shotguns, a pistol and several blackjacks were seized in the house, police said.

J. C. Bird, Aberdeen, was taken to a hospital for treatment of wounds in his right leg and abdomen. Otto Fittlerer, Hoquiam; C. J. Ash, Aberdeen; Ernest Erickson, Hoquiam, and Elbert Burror, 11, Hoquiam, were treated for superficial wounds and released.

Mill Employees Moved From Hotels to House  
From Hotels to House  
were moved there Monday, after were moved there Monday, after (Turn to page 2, col. 3)

## LAB. 14, DECIDES HOBO LIFE NO GOOD

### Asks Salem Police to Send Him Home; Parents Made Him "Mad"

When he was a small boy, Jack Stoner, 14, teased his sister. Four years ago, his parents told him that if he didn't "quit abusing the little girl," they would send him someplace where he would regret his actions. So, that night, he packed his pants, socks, and other shirt together and ran away from his home in Oregon City.

Last night, he stumbled into the local police station, tired, and so hungry he was "sick"—in his own words. Since the night he ran away he had been "bumming" around the country. First, he went to Portland, and then via railroad transportation of the free type. Then he wandered back, working intermittently for food and clothing, and now and then asking for a handout.

He came back to Newport, worked and lived as best he might for a time there, and last night came to Salem.

Police Capt. Matron, Gablehead Dinner  
He asked local police to send him to the children's home at Corvallis, but instead of doing (Turn to page 2, Col. 7)

## PORTLAND LISTED IN MILK INQUIRY

WASHINGTON, July 24.—(AP)—A \$306,000,000 deficiency appropriation bill—last of the big annual supply measures—passed the senate today with \$200,000 added to continue the federal trade commission's nation-wide milk inquiry.

The bill now goes back to conference with the house for negotiations on scores of senate amendments adding a total of more than \$80,000,000 to the house measure.

\$200,000 Appropriated  
The amendment by Senator Duffy (D-Wis) to add the \$200,000 for the milk investigation was approved 51 to 18 after a warm debate. Senators Adams (D-Colo.) and Tydings (D-Md) opposed the fund as unnecessary, while Senator La Follette (Prog-Wis) and Costigan (D-Colo) supported Duffy.

Duffy said cities where the inquiry might be carried on included Charleston, New Orleans, Denver, Portland, Ore., Topeka, Detroit and Akron.

Credit for Hop Men Tightens as Low Prices Stay  
Tightening of credit to all growers of hops is reported locally with banks here and federal agencies refusing loans for hop crop production unless borrowers can show financial responsibility other than the value of the current crop. Failure of congress to make hops a basic commodity under the AAA act has lead local lenders to believe prevailing low prices on hops will continue until "weak" producers of hops are eliminated from the field and production thereby diminished.

## UNION AGREES PORTLAND MILL STRIKE TO END

### Discrimination Banned and Collective Bargaining Right is Granted

## Four More Mills Make Offer With One Holding Out; Wages Increased

PORTLAND, Ore., July 24.—(AP)—Almost complete settlement of Portland's portion of the 12-week Pacific northwest lumber strike was reached tonight when union members accepted a new offer by four more mills.

The acceptance paved the way for return of 1200 men to sawmills and approximately as many more to nearby camps. Of Portland's nine sawmills, only one remained under the thrall of the strike following tonight's action. Seven have agreed to reopening under union sanction and one reopened with its old non-union help, eliminating the few union members on its rolls.

Discrimination Barred in Reemployment  
The new pact, which brought an overwhelming "aye" from 1500 members of the striking union, provides no discrimination in re-employment, work week of five consecutive eight-hour days, 50-cent minimum wage and the principle of collective bargaining with plant employes. The wage increase averages five cents an hour.

The Eastern & Western lumber mill which normally employs 225 men, still held out, refusing to grant the "no-discrimination" guarantee. The mill was opposed to rehiring a few asserted "radicals" who have been active in the strike.

Bert W. Sleeman, official of the Portland carpenters' council who was appointed last week-end by the northwest strike chief, A. W. Muir, to assist the striking sawmill and timber workers here, explained the new offer to the men.

Workers Going Back As Soon as Plants Ready  
"We expect to return to work as rapidly as the plants can get ready; maybe half of the 1200 can go to work tomorrow," Sleeman (Turn to page 2, col. 8)

## Request Aid For Oregon Storm Area

(By the Associated Press)  
Livestock perished and crops and homes were damaged as rain, riding on a violent thunder and lightning storm, swept central Oregon yesterday and late Tuesday.

Appeal to Governor Martin for aid in clearing away debris was made by residents southwest of Fossil, and Elmer Gandy, state relief administrator, was instructed to rush SERA workers to the scene of the cloudburst.

A wall of water several feet through struck the barn and dwelling on the old Hilton ranch near Antelope, occupied by Mr. and Mrs. Guy Burgess, forcing the family and five men working on the farm to flee for their lives. All chickens, pigs and turkeys on the ranch were destroyed.

Stock Crops Lost  
William McGreer, another rancher of the region, lost all his stock and crops, while hay was washed from the Lee ranch into the John Day river.

Frank Hix, driller for the Clarno Basin Oil company, was caught in the path of a waterspout, picked up and carried 20 feet, and lost all clothing but his shoes. No reports of serious injuries were received.

## Service Station Going on Brown Corner, Report

A lease on the William Brown corner, State and South Church streets, was reported late yesterday as nearing completion with the Union Oil company scheduled to become the lessee of the property on a long-term holding. A thorough modern service station will be erected there if the deal is completed.

Chandler Brown, who handles the property, was out of the city and could not be reached last night to confirm the report.

The Brown property consists of two large lots fronting on State street. An old house on one of the lots was raised this spring; the corner lot where stood the Brown home will soon be cleared, a contract having been let a fortnight ago to raise the residence there. Demolition of the old structure is proceeding rapidly.

BREMERTON DOCK VOTED  
WASHINGTON, July 24.—(AP)—Senator Boni (D-Wash) obtained passage by the senate today of his amendment to the deficiency bill appropriating \$4,500,000 for a new graving dock at the Puget Sound navy yard in Bremerton.

## U.P. STREAMLINE TRAIN JUMPS OFF TRACK IN CANYON

### Four Cars in Middle of Crack "City of Portland" are Derailed in Wyoming but None of Passengers is Hurt; Silver Locomotive Travels Three-Quarters of a Mile Before Being Brought to Stop

### Workmen Believe Broken Wheel Caused Mishap; Railway Officials Silent; Sturdy Construction is Credited With Preventing Serious Injury; Frank Lonergan is Passenger, Calls Portland

KEMMERER, Wyo., July 24.—(AP)—"The City of Portland," the Union Pacific railway company's crack streamlined train was derailed in Nugget canyon, 17 miles west of here, late today.

Although the silver locomotive plunged down the roadbed three quarters of a mile after several cars left the tracks and crashed through a large water pump and tool house, none of the 75 passengers was injured. Investigators said not even a minor injury was listed.

Railway officials who rushed to the canyon to inspect the train declined to comment on the cause of the derailment, but individual workmen said they believed a wheel of the center car apparently broke, throwing the train off the tracks.

Not one of the seven cars turned over. The shatter-proof glass was damaged in several cars. The four cars in the middle of the train left the tracks. Front Passengers Not Aware of Accident

As soon as a conductor felt the bumping of the center car, he signaled Engineer R. H. Hunter, who stopped the train. Passengers in the first two cars said they were not aware of the derailment until the train had stopped and the crew informed them.

Engineer Hunter said he believed the sturdy construction of the streamlined cars prevented serious injury to passengers and train.

Wrecking crews tonight strove to restore service. The streamlined train, one of the recently added locomotives to the western lines, ran on the Portland-Chicago route. Railway officials said that it had not been placed on regular daily schedule.

PORTLAND, Ore., July 24.—(AP)—Frank J. Lonergan, Portland attorney traveling west on the Union Pacific streamline train, City of Portland, telephoned here that the train was derailed late this afternoon near Nugget, Wyo., and no one was injured.

Lonergan, former speaker of the Oregon house of representatives, said two cars went off the track and the train travelled about three-quarters of a mile after the mishap.

Streamline May Roll in One Day Late  
A special train was dispatched from Pocatello, he said, and it was believed the streamline train, City of Portland, would arrive here about noon tomorrow instead of early in the morning as scheduled.

## Tailless Plane About Ready for Commerce Heads

LOS ANGELES, July 24.—(AP)—A radically new type of airplane, virtually consisting of wings without the customary tail, and with the engine in the rear, will be turned over to the federal department of commerce within the next few days, its inventor, Waldo D. Waterman, said today.

The plane is one of several being developed by the department to combine a maximum of safety at a minimum of cost in order to promote ownership of aircraft by private individuals with limited pocketbooks and flying experience.

## Local Camera Man May Try to Join Ethiopian Forces

E. S. Stuard, photographer at the statehouse, wants to go to war. And it's Ethiopia or bust as far as he is concerned.

Stuard yesterday wrote to Major Charles Shadwell of the Royal Air Force of England offering his services in that force; if his proffer is not accepted he may seek to enlist in the Abyssinia forces.

Stuard served with the British and Canadian air services during the war; he has also seen duty with the American air forces.

### Apricot Recipes Must Be Turned in By Noon Today

Today at noon the Recipe Round Table contest on apricots closes. Judging will take place this afternoon and prize winners will be announced tomorrow morning together with a new topic.

Contributions may call for either fresh, canned or dried fruit. Methods of preserving fresh fruit are also welcome. More than one recipe may be sent in if desired. Please list all ingredients first, followed by directions.