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# The Oregon Statesman

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The Weather  
Unsettled, rising temperature today, rain or snow Monday, warmer; Max. Temp. Saturday 52, Min. 16, river 2.9 feet, N. wind.

EIGHTY-FIFTH YEAR

## Weather Moderating; Cold Snap Here Ends

### Budget Policy Has Limelight In State Now

Wharton in Position to Direct Finances in Adequate Style

Pension Defense League Routs Solons' Plan; Payment Expected

By SHELDON F. SACKETT  
With the arrival at the capital of Wallace S. Wharton, newly named executive secretary for Governor Martin, the budget control policy espoused by the executive in the first year of his administration will get under real headway. Wharton's job will be (1) to see that departments do not exceed — preferably spend less than — their biennial appropriation and (2) to provide the governor with a carefully studied, economical budget to submit to the biennial sessions of the legislature.

Wharton becomes administrator of the position first created under Governor Patterson when Sam Koser became budget director. Harry Hanson, who succeeded him, used the office as a takeoff field for the political manipulation he handled for the Meier administration. D. O. Hood, named budget director by Governor Martin, was too busy with personal business to give much time to the office and while Carl Cover, his deputy, inaugurated uniform salary schedules for the various bureaus and last month began a budget checkup system, it remains for Wharton to determine whether budget control can be made to work at the statehouse.

**February Budgets Quickly Approved**  
The February budgets sent the budget department by the scores of state departments were quickly approved last week in order to get them to the secretary of state's office and thus not to delay the payment of warrants. Some of the budgets called for a great amount of work in preparation. One state department estimates budget preparation each month would cost \$3000 a year; another puts the cost at \$6000.

Wharton said yesterday that he had no desire to add expense to department costs in keeping of budgets; that he planned to hold down reports to a minimum consistent with real control from the executive department. He said he had no expectation of making personnel changes in his office.

An extended executive conference with Governor Martin, Secretary Goslin and Executive Secretary Wharton took place yesterday, presumably to allocate the work of the two secretaries and to provide Wharton with background on Governor Martin's views on control of state expenses. Goslin will continue the contact man for the department and will see that patronage problems are routed through his office. Wharton's task will be state finances. He gets \$3000 in the new post; the budget director position paid \$6000 a year.

Each time the sales tax has been proposed in Oregon its proponents have put forward the argument that the levy had to be passed — else disaster would befall the state. Three times the "wool" cry has been sounded; three times voters have scotched the tax; three times the state has muddled through. Episode three in this flight from disaster was the recent old-age pension scare where voters were told it was a sales tax — or no pensions.

**Pension Defenders Put Over Petition**  
Only a week after citizens had repudiated all attempts to impose a sales tax, the Oregon Old Age Pension Defense League, a new, small, underfinanced group in Portland, came down to Salem with 12,000 signatures on a referendum petition and put the clamps on most of the horrors which were to ensue if the state let the sales tax proposal die.

The action of the league was a neat thrust at the special session legislators who thought they had tied up pensions with a sales tax and would push the tax through with the cries of the needy oldsters ringing in the public's ears. What the referendum does is to put the special session's action in (Turn to page 2, col. 5)

### Coomler May Run For County Court

J. S. Coomler, North Howell farmer, was in Salem yesterday and stated he is considering being a candidate for county commissioner in the republican primaries. Coomler ran for commissioner in 1934 and polled a substantial vote, being third in a narrow race. Roy Nelson, incumbent, is expected to file for reelection.

### Death Summons Famous Kansan



CHARLES CURTIS

### Ex-Leader Victim Of Heart Attack

Charles Curtis' Funeral to Be Monday; Noted Men Give Praise

WASHINGTON, Feb. 8. — (AP) — Charles Curtis, former vice-president, who left an Indian tie to scale the heights of American public office, died unexpectedly of a heart attack today at the age of 76.

For 40 years he had been in the thick of republican political combat, and, despite his age, death came just as he was planning a return to the arena as champion of his old friend and fellow Kansan, Gov. Alf M. Landon, for the presidency.

His passing shocked the capital. Expressions of regret from those now high in the government quickly attested a popularity which took no account of the party lines, by which his own position was held.

### Crowd Imperiled As Auto Burns Up

More than a score of spectators were believed narrowly to have escaped injury yesterday afternoon when a light panel type delivery truck caught fire and was destroyed on the shoulder of the Pacific highway near Hayesville around 3 p. m. Only the motor was saved through the efforts of Salem firemen.

When state police arrived at the scene a large number of curious persons were grouped about the burning truck and the flames were dangerously close to the gasoline tank. The tank, punctured by police bullets, exploded shortly after the officers had ordered the crowd out of the danger zone.

Police did not ascertain the name of the truck owner, who took them the fire started in ignition wiring under the dashboard and quickly spread under the driver's seat. He said he barely had time to drive the truck off the pavement and jump out before the rear of the vehicle broke into flames.

### Rice Will Run For Reelection, Says

From bed at his home where he has been confined for four weeks, City Treasurer C. O. Rice yesterday sent word that he would run for reelection. He said he expected to be out of bed within a few weeks and definitely would seek election to his 12th two-year term in the treasurer's office.

### Kuykendall and Deacon to Demand Hearing on Ouster

Harold Deacon, who was discharged from the Salem police force last Monday, will appeal to the civil service commission for a hearing early this week, he announced last night. He is arranging for legal counsel, he said, and declared he would have "a real hearing to present."

### Milk Control Law Is Upheld By Judge Lusk

Decision Comes in Suit of Four Producers; Fault Overcome

Appeal to Highest State Court Expected Due to Importance

PORTLAND, Feb. 8. — (Special) — In a lengthy decision handed down late today Judge Hall S. Lusk of the Multnomah county circuit court sustained the constitutionality of the Oregon milk control act as amended at the last special session of the legislature. It was handed down in a case brought by four producers enjoying the Brandes Creamery company from participating in the pooling orders of the milk control board.

The Oregon law, first passed in 1932, gives the control board power to fix prices, establish milk pools, and to average returns to producers. The decision held that the provision of the original act exempting producer-distributors from the pooling program rendered the act unconstitutional; but, since this exemption was removed in the special session of 1935, the amendment operated to cure the law and make it constitutional. So important is the decision that it is expected it will be appealed to the state supreme court.

**Chairman of Milk Board Is Pleased**  
Edgar W. Smith, chairman of the milk board, acclaimed the decision as one of great importance and expressed gratification that Judge Lusk held that the milk board had "never acted in an unreasonable or arbitrary manner." Smith predicted it would be one of the most widely quoted judicial pronouncements handed down in connection with control legislation in many years.

The suit was initiated last May. Its outcome has been awaited with interest not only by producers, distributors and consumers of milk but by the dairy industry throughout the country because the Oregon act is said to have been a pattern for similar laws in most of the 13 states now having control legislation.

Certain monies deposited into the court during the pendency of the suit by Brandes creamery were ordered refunded to the creamery, because collected prior to the curative 1935 amendments. Later payments go to the producers.

### Work Will Start On Undercrossing

A dozen local men will be at work Monday on the highway undercrossing construction at the north entrance to the city, it was reported at the national re-employment office yesterday when an order from the contractors, Kern & Kibbe, for six more common laborers was filed. The builders previously had obtained three laborers, a carpenter and two shovel oilers through the job agency.

### Whitman Coasts In

WALLA WALLA, Feb. 8. — (AP) — Whitman basketballers snatched a long lead, 33 to 8, in the first half of their game with Lewiston Normal here tonight and then, with reserves seeing considerable action, coasted in to a 50 to 21 victory. Reser with 14 and Clark with 13 led the Missionary scoring.

### Townsend Board Members Chosen

PORTLAND, Ore., Feb. 8. — (AP) — Delegates to the Multnomah county Townsend meeting today elected seven of those recommended by the nominating committee. Two of those named — Elbert Eastman and James Logan — were also selected to serve as the state's representatives on the state governing board.

### Itinerants Get "Bum's Rush" at California Borders; West Agog



Nothing has caused quite so much outcry in the west recently as the announcement of Los Angeles officials that city police would be sent to California borders to turn back itinerants who sought to enter that state. Profets and threats of reprisal came from Oregon, Arizona and Nevada. Here are the L. A. officers fine-combing a freight train at Truckee in search for undesirable itinerants. — International Illustrated News photo.

### Mary L. Fulkerson Seeks Reelection

County Superintendent to Run as Non-Partisan Under New Law

Mrs. Mary L. Fulkerson, county school superintendent, joined the procession of incumbent officials who seek reelection, when she formally announced her candidacy for the post for the next four years in a statement filed with the county clerk's office yesterday.

This year, for the first time in history, the county school superintendent's job will be on a non-partisan ballot. Heretofore Mrs. Fulkerson has sought election on the republican ticket. Her ballot slogan will be: "Efficient service for Marion county schools."

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### Governor Will Apply For U.S. Pension Funds

Plan of Action Depends on Legal Status of State Provision

Checkout Begun; Petition Sufficiency Will Be First Question

"I have always been a strong advocate of old-age pensions and I remain solicitous for the proper care and attention of our aged people."

With this statement, Governor Martin yesterday concluded an extended conference between himself and Attorney-General I. H. Va Winkle and Ralph Moody, deputy.

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### Poison Takes Wrong Victim



Donna Lou Marsters, 5, of Roseburg, who died after eating poisoned food thrown into her play yard by a dog poisoner.

Enraged Roseburg people are making a strenuous search for the guilty person. — International Illustrated News photo.

### Rough Americans Beaten at Hockey

Canadians Beat Austria; German Woman Takes Title at Slalom

GARMISCH-PARTENKIRCHEN, Germany, Feb. 8. — (AP) — The United States suffered two major reverses in the fourth winter Olympics today as the hockey team, strongly favored to reach the finals, bowed to Italy in a stunning upset, and Donna Fox, pilot of the leading four-man bobsledding team, narrowly escaped serious injury in a spectacular crash-up on the Olympic chute.

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### Mercury's Dip Halted at 27; Rain Probable

Unsettled Condition for Today Forecast With Temperature Rise

16 Mark Reached Early Saturday, Freezing Nearly All Day

Moderating weather last night brought cheer to Salem citizens who shivered yesterday morning with the thermometer only 16 degrees above zero. At 10 o'clock last night the thermometer stood at 27 degrees, a seven-point higher mark than was reached the previous night at the same hour. At midnight the thermometer mark was still 27 degrees.

Weather predictions for today called for unsettled conditions with the thermometer gradually rising.

On the coast, rains were predicted and in the interior either rain or snow was looked for. In eastern Oregon, where the thermometer was below zero in many spots Saturday, some relief was predicted with snow, instead of rain, if any precipitation occurs this weekend.

Moderate and changeable winds were predicted off the coast.

**Roads Kept Open Throughout State**  
Yesterday's cold in no way affected roads throughout the state, the AAA bureau here reported. Car owners were advised to have protection against freezing of the radiators of their cars.

Hourly temperatures yesterday in Salem were:  
1 a. m. Friday 29 1 p. m. 29  
2 a. m. 19 2 p. m. 29  
3 a. m. 18 3 p. m. 29  
4 a. m. 18 4 p. m. 29  
5 a. m. 17 5 p. m. 21  
6 a. m. 17 6 p. m. 22  
7 a. m. 16 7 p. m. 24  
8 a. m. 16 8 p. m. 24  
9 a. m. 20 9 p. m. 27  
10 a. m. 21 10 p. m. 27  
11 a. m. 23 11 p. m. 27  
12 noon 24 12 p. m. 27

SEATTLE, Feb. 8. — (AP) — A great ocean storm sweeping southeastward, split late today as it approached Vancouver island and the lower mainland, but brought heavy snow to British Columbia and a forecast of snow and rain, and moderate but subnormal temperatures, to the Pacific northwest.

Lawrence C. Fisher, federal meteorologist here, said one part of the storm had blown itself out "and all we can do is wait and see what will do" out there in the Pacific will do."

Meantime snow warnings, hoisted at 7 p. m. Friday, still held today and small craft warnings were displayed in Puget Sound.

Snow began falling in Victoria, B. C., and at Port Angeles, Wash., across the Strait of Juan de Fuca, early today, first of the season, and by noon was 2 1/2 inches deep, with no signs of a letup.

Blizzard winds blew in many sections of the Idaho panhandle, closing highways and dropping the mercury as low as 33 degrees below zero. Dispatches from Moscow, Idaho, said most country schools were ordered closed for the duration of the cold wave after snow blocked many highways and thermometers hit 33 below at Ferdinand, 20 below at Burka, 19 below at Coeur d'Alene and 18 below at Moscow.

La Grande reported all main highways still open in northeastern Oregon, and that several snow-blocked secondary roads were re-opened.

### Carnegie Hero Medal Certain For This Girl

ZANESVILLE, O., Feb. 8. — (AP) — A near-tragedy turned into a happy celebration tonight — all because of a little girl's pluck.

Eleven-year-old Clara E. Van Horn, trading up a steep hill at White Cottage, near here, saw a speeding sled bearing Gerald Nixon, 12, and Raymond Kelly, 10, to almost certain collision with a New York Central train at the hill's foot.

Without hesitation she flung herself on the snow-packed ground in front of the sled. Her body threw sled and boys into a snow-bank at the roadside.

The boys were uninjured, while Clara suffered cuts and bruises where the sled ransacked struck her.

Tonight neighbors gathered at her home to pay her tribute. They said they would attempt to obtain a Carnegie hero award for her.