

Court Holds Silvertown City Must Pay Damages for Walk Defect

Silvertown Loses Damage Action

Must Pay \$5000, Supreme Court Rules; Tax Control Downed

The supreme court of Oregon yesterday handed down a decision sustaining the Marion county circuit court in a judgment of \$5000 in damages for a walk defect. The city of Silvertown for injuries due to a defective sidewalk. The court also declared unconstitutional the statute purporting to empower the Multnomah tax supervising and conservation commission to reject or reduce budget items of units of government within the county. Another opinion sustained the sentences for contempt of court imposed by Judge Hewitt of Portland on four men who refused to testify in a Portland longshore riot case.

Judge Bailey wrote the opinion in the Silvertown case, which had been tried before a jury in Judge McManis' court here. The plaintiff claimed damages on account of injuries received when her toe caught in a faulty trap door in the business district. Judge Bailey ruled the city was responsible. The Multnomah tax conservator commission case was important to that county because this body has exercised powers to reduce the budgets of the county, cities and school districts. When it rejected a proposed increase of 1 1/2 per cent in city salaries in Portland, suit testing its power was brought. Judge Fred Wilson of The Dalles decided the statute delegating such authority was an unlawful delegation of legislative power. The supreme court in an opinion by Justice Belt, sustains the Wilson decision. In 1921 the court held in another case that the act was constitutional. In the present case Justice Belt held:

Powers Usurped

"The thing uppermost in the mind of this court is whether such legislation is foreign to the purpose and spirit of our constitutional form of government. Has there been an abdication of sovereignty? Does such act purport to create a commission vested with authority to exercise an uncontrollable discretion in determining the governmental policy of a city that has derived its power to act not from the legislature but from the constitution itself?"

"It is plain that, in the absence of any definite standard, the act in effect authorizes the commission to substitute its judgment for that of officials elected by the people for the purpose of determining governmental policy of the city."

"Such delegation of authority is a departure from our constitutional form of government. It is an attempt to vest in an appointive board an essentially legislative function."

Justice Roseman wrote the opinion in the contempt cases against Paul Jennings, C. N. Abbott, Arthur Rust and Karl T. Tipton who had been sentenced to six months in jail for failure to testify in the trial of Art Shearer accused of inciting to riot during the longshore strike. Chief Justice Campbell dissented.

Other opinions were: Mandell Weinstein, appellant. Appeal from Multnomah county. Suit to recover damages for personal injuries. Opinion by Justice Belt. Judge James Crawford affirmed. Beth Bird vs. Dawn Ellingsworth, appellant. Appeal from Multnomah county. Motion to strike from bill of exceptions allowed in opinion by Chief Justice Campbell.

E. A. Johnson, plaintiff-respondent, vs. E. T. Steels and Phil Bowley, defendants, and the Texas company, defendant-appellant. Appeal from Multnomah county. Suit for damages for personal injuries. Opinion by Justice Roseman. Judge Hall S. Lusk affirmed.

Decree Modified

In the matter of the estate of Solo M. Potter, deceased; William W. Baker, administrator of the estate of William E. Potter, deceased, vs. Earl S. Campbell, executor of estate of Solo Potter.

The Call Board

- ELSINORE**
 - Today—Edward G. Robinson in "Bullets or Ballots" and "Studs Terwilliger."
 - Thursday—"Hearts Divided" with Marion Davies, and all-color comedy with Sybil Jason, "Changing of the Guard."
 - Saturday—W. C. Fields in "Poppy."
- GRAND**
 - Today—Double bill, the Jones family in "Educating Father," and Lyle Talbot in "Trapped by Television."
 - Saturday—Jane Withers in "Little Miss Nobody."
- CAPITOL**
 - Today—Double bill, H. G. Wells, "Things to Come" with all star cast and "Parole" with Ann Preston.
 - HOLLYWOOD
 - Today—Double bill, "One Way Ticket" with Walter Connolly and "Don't Get Personal" with James Dunn.
 - Friday—"Hell Ship Morgan" with George Bancroft and Jean Wallace in "The Oregon Trail."
 - STATE
 - Today—Fred Astaire in "Follow the Fleet."
 - Thursday—Double bill, Victor McLaglen, "Professional Soldier," and Alice Brady in "Lady Tubbs."
 - Saturday only—Frankie Darro in "Black Gold."

McNary Lauds G.O.P. Choice

Landon Acceptance Next Highlight of Campaign Senator Says Here

(Continued from Page 1)

act, these negotiations may be merged into contracts and realties.

"The fight all along has been to save the advantage inherent in the Bonneville project to the people of Oregon and Washington. My judgment is more firm than ever that the completion of this project and its full utilization at the earliest possible date will be of stupendous value to the people of the Pacific northwest country."

Reviewing the accomplishments of the session, Senator McNary said his greatest gratification aside from the progress on Bonneville legislation, came from the fact that congress adopted his amendment to the flood control act, which directs the board of engineers to construct basic control works along the Columbia and Willamette rivers and their tributaries.

"This is the first national venture that the congress has made in the field of conservation and protection of life and property," he asserted, adding a prediction that from this move to broaden the program, will develop a system of flood control throughout the nation.

Flax Industry to Expand, Predicts

Expansion of the flax industry until it becomes an outstanding one in the nation, was predicted by the senator as he pointed out that, after a long struggle, the agricultural adjustment administration had extended aid to the flax growers of the Willamette valley. He said the agricultural department "is coming to realize that there are other crops grown in addition to those that are called 'basic' and declared his own efforts were now aimed at urging the department to extend a helping hand to the fruit, berry and vegetable growers.

Concerning the major issues of revenue and tax legislation, Senator McNary said most of the republicans and some of the democrats voted against this legislation "upon the theory that curtailment of expenditures would obviate the necessity of providing increased revenue."

Spared through the reasonable adjournment of congress from the ordeal of withstanding the extreme midsummer heat at the national capital, the senator appeared to be much less in need of rest than he did on his return here following the preceding session, but he indicated recuperation would be his first aim for the present. Mrs. McNary and their daughter Charlotte accompanied him home from the capital.

After riding through the drought-stricken middle west on his way home, the senator said it was a great relief to return to Oregon with its green landscape and evidence of thriving crops.

Retired Fireman Admits Slaying

INDIANAPOLIS, July 7.—(AP)—A signed confession that he killed Harry R. Miller, retired Cincinnati fire captain, and dismembered his body—exonerating the George-Elisey act, and the final questioning of Hicks in the "head and hands" killing of the wealthy retired fire captain was carried on.

Hicks, said he shot Miller in the back of the head when he was in the trunk of a car near the Trenton, Ind., then took the body to Kentucky where he cut off the head and hands, placed them in a box of concrete and dropped them in a lake near Carrollton. The torso was stuffed into a culvert near Eminence, Ky.

Announcement of the confession was made by Capt. Matt Leach of the state police in a long distance telephone call from Seymour, Ind., where the final questioning of Hicks in the "head and hands" killing of the wealthy retired fire captain was carried on.

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Veterinarians to Meet in Portland

TACOMA, July 7.—(AP)—Dr. Stanley Worley, of Bellingham, and Dr. S. Robert Phelps, of Oregon City, were named presidents of the Washington and Oregon State Veterinary Medicine associations, respectively, here today.

The elections were held in separate meetings of the state associations during a recess in the 19th annual Pacific northwest convention, which also includes delegates from British Columbia. Additional Oregon officers included Dr. M. W. Coon, of Forest Grove, first vice-president; Dr. M. A. Gibson, of Medford, second vice-president; and Dr. B. T. Simms, of Oregon State college, Corvallis, secretary-treasurer.

Portland was chosen for the northwest convention city in 1937.

Postal Receipts Up

ALBANY, Ore., July 7.—(AP)—Postmaster G. T. HockenSmith said today stamp sales the first half of 1936 totaled \$22,379.21, an increase of more than 18 per cent over the corresponding period in 1935.

LAST DAY!
Fred Astaire
Ginger Rogers
— in —
"FOLLOW THE FLEET"

Soil Program To Be Revised

Conservation of Forage Is Aim; 97 Counties Designated For Aid

(Continued from page 1)

Under the amendments, farmers will be permitted to cut soil depleting crops (but not corn) and annual legumes for forage; will be allowed to mow nurse crops which previously could be pastured only or clipped, greened and may plant emergency forage and feed crops on any land on their farms without regard to land use classification.

Hay and Pasture Secretary Redmond said total drought losses estimated at around \$300,000,000, the chief of the AAA replacement crop section, Joseph F. Cox, in Indianapolis, said that hay and pasture were reduced in two-thirds of the states by lack of rain.

At Lincoln, Neb., regional offices of the rural resettlement administration, estimated 33,000 farm families in the two Dakotas now were in need of help. It will supply emergency grants of \$17.50 per month. A field trip through the territory, said Cal A. Ward, regional director, had convinced him that thousands of the drought-burned acres "should never have been put to the plow."

Forest fires in Wyoming, Montana and South Dakota killed several thousand men to battle against another enemy of vegetation in those powder dry areas. Nearly 1500 attacked two blazes in the northern and western black hills of the latter state.

North Dakota suffered also from a grasshopper pest, said Cal Bismarck, the insect pests were reported attacking lawns after leaving the brown seared grain fields.

Decline in Wool Supply Foreseen

WASHINGTON, July 7.—(AP)—The agricultural forecast today predicted a decline in world supplies of wool in 1936-37, including production and stocks.

Predicting supplies would be smaller than for several years, the forecast pointed out that, after a long struggle, the agricultural adjustment administration had extended aid to the flax growers of the Willamette valley. He said the agricultural department "is coming to realize that there are other crops grown in addition to those that are called 'basic' and declared his own efforts were now aimed at urging the department to extend a helping hand to the fruit, berry and vegetable growers.

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Preview Offered, Elsinore Tonight

Another surprise picture in the form of a studio feature preview will show tonight at the Elsinore theatre, announces Manager Carl A. Porter, who has just completed arrangements with Warner Brothers studio to present this preview of a new picture in conjunction with the regular showing of Edward G. Robinson in "Bullets or Ballots."

"Audience reaction to a new picture in one way, the studio officials have given the final okay before releasing it," stated Porter, "and we have been fortunate in giving the people of Salem an opportunity to preview several major attractions in the past."

The preview will be shown only once during the evening, between the first and second shows and the title of it, who is starred, and the plot of it will not be known until they flash on the Elsinore screen.

Advertising of Churches Urged

SEATTLE, July 7.—(AP)—A pastor told the Pacific Advertising Clubs' association today that it's "high time christianity began to advertise in a big way."

HOLLYWOOD
TODAY & THURSDAY
FAMILY NIGHTS
Mom, Pop and Unmarried Kids
TWO BIG FEATURES
DUNN SALLY EILERS
DONT GET PERSONAL
And Second Feature
ONE WAY TICKET
FROM THE DARING NOVEL WRITTEN BY PRISON WALLS

TRAPPED BY Television
Lyle Talbot
Mary Astor
with
Lloyd Nolan - Peggy Conklin
Walter Connolly

Soil Program To Be Revised

Conservation of Forage Is Aim; 97 Counties Designated For Aid

(Continued from page 1)

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North Dakota suffered also from a grasshopper pest, said Cal Bismarck, the insect pests were reported attacking lawns after leaving the brown seared grain fields.

Reduction Ships Not Coming North

SAN FRANCISCO, July 7.—(AP)—The Pacific Coast Fisheries Institute, representing offshore sardine reduction ships, announced tonight six floating factories will "probably" not go north this year for the fishing season off the Oregon-Washington coast.

The announcement said the ship operators were unable to grant the \$10 a ton price given fishermen by the Monterey shiver plants.

A standard season price of \$8 a ton for the entire Pacific coast was the top figure, the announcement said, the ship operators could profitably pay.

The ships named in the announcement were the Miraflores, Santa Ynez, Lansing, Brookdale, Polarine and Manatany.

Eden Ordered by Doctor to Rest

LONDON, July 7.—(AP)—Foreign Secretary Anthony Eden, who more than year ago was forced to leave government office for a month to recuperate from heart strain, tonight was ordered by his physician to take a week's rest.

Viscount Halifax, lord privy seal, will act for Mr. Eden.

Two Motorists Booked, Traffic Charges Here

City police arrested two motorists on traffic law violation charges last night. Bob Jenkins, Silvertown, was booked on a charge of falling to stop and Fred Bevis, 2080 Myrtle avenue, Salem, was charged with a violation of the basic traffic rule.

Town of Hell Hot Now; 108 Degrees

HOWELL, Mich., July 7.—(AP)—A hundred-degree temperature roasted the little community of Hell, in southern Livingston county, today.

The hot weather lifted the mercury to a point 108 degrees above that of last January, when Hell "froze over" in one of Michigan's coldest winters.

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None Hurt in Two Minor Accidents

No one was injured in two minor automobile accidents which occurred here last night and were reported to police. Robert H. Keule, 501 South Winter street, reported that his car collided at 555 North Winter street with an automobile driven by Bennett Wheeler, 849 Shipping. Cars operated by Frank Durbin Cross, 222 Lincoln, and C. C. Robinson, 235 North 15th, crashed at Lef-felle and Saginaw, both drivers informed police.

New Angle Tried, Rattlesnake Case

LOS ANGELES, July 7.—(AP)—Counsel for Robert S. J. Ames made an abrupt about-face today in defense strategy, announcing abandonment of plans to prove him innocent by reason of insanity of the death of his seventh wife, Mary.

Defense attorneys declared, however, that they will introduce further testimony to show James, who is charged with murdering Mary James by drowning after submitting her to the attack of a rattlesnake, is unbalanced, if not legally insane.

They should, on this ground, continue attempts to discredit James' alleged confession to the slaying of his wife, the attorneys said.

Bridges Leading Longshore Vote

SAN PEDRO, Calif., July 7.—(AP)—Harry Bridges, president of the San Francisco local of the International Longshoremen's association, held a commanding lead in the vote for Pacific coast president, in a tabulation of ballots at the San Pedro I.L.A. headquarters today.

Bridges led Clifford Thurston, Portland, Ore., conservative, 698 to 543 votes.

Voting from other Pacific coast ports has not been announced as yet, but a spokesman for the I.L.A. here said Bridges probably would win the Pacific coast presidency, since his great strength was counted to be outside of the Los Angeles harbor area.

Bridges has been a turbulent figure in longshoremen activities on the coast for the past few years. Recently, ship operators accused him of making "impossible demands" upon them for longshoremen's hours, wages and working conditions.

110 Win Jobs as Naval Air Cadets

WASHINGTON, July 7.—(AP)—The navy department announced today a new class of 110 candidates for appointment as naval aviation cadets would report July 15 at various naval reserve aviation bases for preliminary flight training.

Those successfully completing the preliminary course will be eligible for appointment to the naval air station at Pensacola, Fla., for further training.

Circus King Wins Florida Divorce

SARASOTA, Fla., July 7.—(AP)—Divorce ended today the marriage of John Ringling, 71 year old circus "king" and his second wife, Mrs. Emily Haag Buck Ringling. Circuit Judge W. T. Harrison granted the last of the famous Ringling brothers a final decree, saying testimony taken in a long series of hearings clearly proved the husband's claims that his wife treated him cruelly during his months of illness.

The judge's order made no mention of a property settlement.

Truce Follows Pitched Battle

Company Buses Burned; Officials Announce Work Will Halt

(Continued from page 1)

At the close of the sixth day of Spokane's lumber mill strike, no sign of the end appeared tonight. M. J. Bayley, president of millmen's local 1270 of the Carpenters and Joiners of America, said his union has the full backing of the Spokane Central Labor council, and the 700 strikers are "prepared for a long siege."

The operators of the six closed mills, he said, have given no indication they care to negotiate with the strikers, although one operator was reported to have suggested his employees join the strikers.

Members of the 54 union affiliated with the labor council, Bayley said, are contributing funds to carry on the strike.

Pickets are posted at the six closed mills, but little violence has been reported.

Bayley refused to note an offer by P. E. Stover, Spokane, I.W.O. leader to cooperate with the striking millmen. He is a leader in the strike of 2500 lumberjacks in central Idaho.

Here and in north Idaho the men demand higher wages.

Firing Squad Is Faced 'Like Man'

SALT LAKE CITY, July 7.—(AP)—Delbert Green, sentenced to be executed by a rifle squad Friday, spurned offers of aid today—and prepared to "take it like a man."

"It's no use wasting any more money on me," was the 28-year-old slayer's reply to an offer by fellow convicts to finance a last appeal to the United States supreme court.

His sole remaining hope—a slim one—was that Gov. Henry H. Blood would grant a reprieve. Sheriff Joseph Holbrook went ahead with arrangements for Friday's daybreak execution here in the Utah state prison yard. There will be 20 witnesses, newspapermen and officials. No photographs will be permitted.

Green will be lashed to a chair, handcuffed, his back to a prison wall. Five riflemen, paid \$25 each, will carry out the sentence imposed for the murder of Green's wife, her mother and an uncle six years ago.

Baby Burns in Crib

IDAHO FALLS, Idaho, July 7.—(AP)—Three-month-old Alvin Leroy Clifford was burned to death in his crib today when fire destroyed his one-room log cabin home.

Hit Baby Buggy; Gets Top Penalty

SAN FRANCISCO, July 7.—(AP)—The maximum sentence for reckless driving was imposed today on Ralph Fenmore, 33, whose careening automobile crushed a baby buggy a few seconds after an infant was taken from the vehicle.

In ordering a \$500 fine and a jail sentence of six months, Judge Travin Michaelson said a drastic action apparently was necessary to stop recklessness.

Lightning Sets 60 Timber Fires

SACRAMENTO, Calif., July 7.—(AP)—More than 60 lightning set brush and timber fires roared over thousands of acres in California today as the state rushed every available man to the battle lines.

Every civilian conservation corps unit in the state and hundreds of volunteers were fighting the scattered flames. W. B. Rider, chief deputy state forester, announced.

The blazes, started by electrical storms yesterday and last night, swept over areas in the valleys and lower hills. The Sierra and other higher regions, where lightning is ordinarily feared most, were generally free of flames.

Rider said at Sacramento that it was the first time in his experience that so many blazes had been set by lightning in the valleys and foothills.

One ranch building was destroyed in the Okadale region where blazes flared through the Keystone and Coppertown districts.

CAPITOL

FRIDAY, JULY 10TH
One Night Only - 11:30 P. M.
BIG MIDNIGHT SPOOK SHOW

THRILLS CHILLS
YOU'LL SHAKE WITH FRIGHT
ON THE STAGE IN PORTLAND
JACLAR SPOOK SHOW
A MIDNIGHT REVEL OF MYSTERY & FUN

ON THE SCREEN
"One Frightened Nite"
ALL SEATS 35c

EL SINORE

500 Seats
25c
TONITE 8:30
STUDIO FEATURE
PREVUE
In Addition to Regular Feature
"BULLETS OR BALLOTS"

LAST TIMES TODAY
E. W. G. ROBINSON
BULLETS - BALLOTS
JOAN BLONDELL

THURSDAY AND FRIDAY
YOU'LL THRILL AS NEVER BEFORE WITH
GLAMOROUS MARION AND GOLDEN VOICED
DICK AS LOVERS
AGAIN

CAPITOL 500 Seats 15c
TODAY - THURS. - FRI. - SAT.
TWO TERRIFIC HITS!!
SO GREAT IT DEFILES HUMAN IMAGINATION
H.G. WELLS' THINGS TO COME
A UNITED ARTISTS RELEASE
- 1 - AND 2ND HIT - 1 -
A DRAMATIC BLAST THAT BURSTS FROM TODAY'S HEADLINES
PAROLE
HENRY HUNTER
ANN PRESTON

DAVIES HEARTS DIVIDED
CHARLIE POWELL - RUGGLES
CLAUDE EDW. BRUCE
RAINS - HORTON
ARTHUR TREACHER
HALL JOHNSON CHOIR
Coming Saturday W. C. FIELDS "POPPY" in