

# Supreme Court Rules in Lessard's Favor

The Weather  
Fair with continued cold today and Saturday; Max. Temp., Thursday 37.1, Min. 7.5, river 4 feet, clear, general north-northeast winds.

## Committeemen Defer Choice Of Architects

Sub-Committee Unable to Agree on Unanimous Recommendation

Trindle Says Bonds Out; Reduction of Road Funds Decried

Marion county's courthouse construction committee ran into a couple of stumbling blocks last night which resulted in the choice of an architect being postponed to a meeting to be held next Thursday night and put the committeemen at searching their heads as to the source of the money for the new building.

The choice of the architect was set over when members of the special committee reported that they were unable to make a unanimous recommendation last night. The meeting of the general committee was delayed for more than an hour while the sub-committee attempted to reach a decision on the problem. The committee is composed of Cuyler Van Patten, John Ramage and Leroy Hewlett, county commissioner.

In making the report that the committee could not agree, Van Patten said that all of the committee were unable to meet until 4 o'clock yesterday afternoon but that he and Commissioner Hewlett had discussed the matter several times during the week.

Damage Dubious Of Agreement  
"We are very much divided at the present time," Ramage declared. "I don't believe additional time would be of any help unless we are able to consider some other firm than now suggested."

Van Patten agreed with his statement that some other architect would probably have to be considered.

The other blow came to the committee when William H. Trindle, former district attorney, advised the members that the county would be unable to vote a bond issue for the construction of the new building.

"The constitution prevents the issuance of bonds except for road bonds and insurrection," Trindle declared.

He suggested that as means of providing funds for the building that the ballot at the special election provide for an amendment to the present year's budget authorizing the transfer of certain funds to the courthouse construction fund, to be set up, and that authority be granted to the county court to make a three-mill levy for the coming year.

Trindle cited as an example that the three-mill levy would raise \$115,000, that \$60,000 could be taken from the road funds, \$55,000 from the general fund, and \$4,000 from the land grant receipts to make the county's \$247,000 share of the suggested \$450,000 building.

Court Wary of Upsetting Road Funds  
This suggestion immediately brought objection from Commissioner Nelson that such a program would curtail the road oiling program. Trindle explained that a levy could be made the following year to repay fund. When Nelson insisted that the oiling would still have to be curtailed in 1938, Trindle admitted that such would probably be the case.

"If you start bothering the road funds you are going to turn the people out in the county against the new building," Judge Stigmund said. Ramage and Joseph J. Keber agreed with him.

"If the people are willing to have the courthouse built I believe that most of them would be willing to have it paid for with a millage levy all in one year," Keber suggested. "Couldn't we put a five-mill levy on next year?"

Nelson suggested making a four-mill levy and transferring the funds as suggested by Trindle. "This would not handicap the road oiling," he said. The committee decided to take the matter under consideration until the next meeting.

Capitol Commission, FWA Rejected  
C. C. Hockley, FWA administrator for Oregon, was a guest at the meeting as was Dr. H. H. Olinger, state capitol construction committee member.

Hockley offered the assistance of his department in preparing applications and preliminary forms for a PWA grant. He told the committee that their two most important steps at the present time were the selection of an architect and a decision on the method of financing the county's share of the cost of the construction. He told the committee that no one could assure them that they would get the money for the building as

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## Educator Discharged

### Engineers and Vessel Owners Attain Accord

Maritime Negotiations Appear Brighter as Concession Made

Termination of Strikes Within Three Weeks Hinted Privately

SAN FRANCISCO, Jan. 7.—(AP)—Maritime negotiators moved at full speed ahead tonight amid private predictions that the shipping strike would end soon—perhaps in two or three weeks.

Shipowners completed a new agreement with the marine engineers, made a "liberal" offer to the cooks and stewards, and apparently neared an accord with two other unions, the radio telegraphers and the masters, mates and pilots.

They previously had reached tentative agreements with the sailors and the marine firemen. The deep sea operators have not yet met the longshoremen and the marine engineers in further conferences before final peace can be made.

Operators Grant Pay Increase for Engineers  
The peace agreement concluded today brought negotiators ship operators and the marine engineers into accord. They reached a tentative agreement just before the strike was called but the union recently asked changes, including a \$20 a month pay increase, which was granted.

Shipowner Spokesman T. G. Plant announced he had presented to the cooks and stewards a liberal compromise proposal for an immediate end of the strike. He asked that it be submitted to a vote of the membership. The negotiating committee took the request under consideration immediately.

Overtime and Shore Allowances Conceded  
The plan called for a "reasonable" pay increase, the minimum now being \$52.50 monthly; a 3-hour day on freighters and a 9-hour day on passenger ships, cash payment for overtime work and shore allowances. Plant said the scale embodied the highest wages in the world for work of this kind.

Spokesmen indicated the employers and the masters, mates and pilots were approaching an accord despite the fact their negotiations involved what has been repeatedly called the "toughest issue" in the strike—the question of preferential hiring.

It was said the union might waive this demand in view of the employers' offer of important concessions on all other points involved.

Multnomah Commission Cancels Solon-Naming Meet, Order From Snell

PORTLAND, Ore., Jan. 7.—(AP)—The Multnomah county commissioners cancelled a contemplated meeting to choose a successor to Senator Dellmore Lessard tonight on receipt of a telegram from Secretary of State Earl Snell that the state supreme court had refused to act in the cases of three state senators whose eligibility was questioned.

WASHINGTON, Jan. 7.—(AP)—Informed sources predicted tonight the administration would support in congress a streamlined version of NRA which would omit the cumbersome device of code authorities.

Determined to pursue the objectives of that outlawed agency, President Roosevelt had experts at work sifting scores of legislative proposals and hunting a way to meet the views of the supreme court in the NRA and Guffey coal decisions. But if no sure formula is found, advisers expected him to go ahead anyway.

Special constitution was being given a plan to invest the federal trade commission or a new agency with powers to regulate interstate commerce comparable to those in the national recovery act.

The president has outlined his ideas broadly to some members of congress, making plain, however, that he is yet undecided to commit himself on details.

Interstate Commerce May Be Re-Defined  
As outlined by sources working on the problem and in touch with

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## Glenn Frank's Ouster Voted; Regents Split

U. of Wisconsin Leader Will Leave in June; Ballot Goes 8-7

Students Howl, Hint at Formal Protest; New Man Being Sought

MADISON, Wis., Jan. 7.—(AP)—The University of Wisconsin board of regents voted tonight, 8 to 7, to discharge Dr. Glenn Frank, 49-year-old president of the school since September, 1925.

The vote came after a final stormy session of the board amid scenes of wild disorder by students who jammed the regents' small meeting room. The students howled, hooted and pounded on the doors.

Two days of bitter argument in the public hearing over Frank's qualifications as an administrator failed to shake the determination of Governor La Follette's appointees on the board to seek a new president, the progressive bloc, headed by Harold M. Wilke, chairman, voted solidly against the retention of the educator.

The dismissal will not become effective until the end of the current school year in June, but the board will start looking about at once for a successor, who will take charge of the university as soon as he is named.

The regents, tired and weary after a 12-hour session, with only a brief intermission, cast their votes in the small smoke filled room with Chairman Wilke a few hours before had displayed a big set of charts by which he attempted to disprove the charge that his administration has been incompetent.

The motion for Frank's dismissal was made by Regent Clough Gates, who with Chairman Wilke led the fight against the president.

The resolution adopted provided that until a successor is named Dean George C. Sellery of the college of letters and science shall act as president.

"It is significant," Frank said bitterly, after he heard the resolution read, "that I had been ordered to discharge George Sellery as one of my first duties when I came here 11 years ago."

Postal Deficit Hits 88 Million

WASHINGTON, Jan. 7.—(AP)—James A. Farley's postoffice department went \$88,316,324 into the red last fiscal year, but Farley would explain today that the free mail for congressmen and other "non-postal items" were largely responsible.

He reported that the "net deficit"—that is, the deficit incurred in the normal postal services rendered to the public for hire—was only \$18,000,000.

Using similar bookkeeping methods a year ago, the postmaster general claimed a "net surplus" of \$4,984,149. The net deficit this time, Farley said in his annual report today, "was due to the new additional costs of the 40-hour week law for postal employees which became effective on Oct. 1, 1935, and also to the expanded program for public buildings used as postoffices with its resultant increased custodial cost."

PHILADELPHIA, Jan. 7.—(AP)—Dr. James Stokley, in charge of the seismograph station at the Franklin Institute, said an earthquake registered at 5:38 a. m. (E. S. T.) today probably occurred in the vicinity of Guayaquil, Ecuador.

The earthquake registered on the institution's instruments almost three hours. The distance from Philadelphia was estimated at 2651 miles.

MOSCOW, Jan. 7.—(AP)—Four severe earthquake tremors shook Erivan, capital of Soviet Armenia, this morning, Tass (Russian) news agency reported. There was no damage to the city of 64,000 population.

The first two shocks lasted 12 seconds each, the others were of lesser duration.

Two Earthquake Shocks Recorded

OAKLAND, CALIF., Jan. 3.—(AP)—Surgeons saved an unborn baby today after the 19-year-old mother was fatally shot.

The dying expectant mother, Mrs. Elsie Randall, was taken from her home to the Alameda county hospital, where the cesarean delivery of a seven-pound boy was accomplished.

A few minutes after the delivery Mrs. Randall died from a bullet wound in the left temple.

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## New Low Point In Cold Spell Expected Here

Plans for Making Skating Pond on Willamette Field Discussed

Meachem Coldest Spot in Nation; Increase of Influenza Serious

HOURLY TEMPERATURES  
8:41 a.m.—7.8 4:41 p.m.—26  
7:41 a.m.—12 5:41 p.m.—21  
6:41 a.m.—17 6:41 p.m.—16  
5:41 a.m.—20 7:41 p.m.—14  
4:41 a.m.—23 8:41 p.m.—14  
3:41 a.m.—26 9:41 p.m.—13  
2:41 a.m.—28 10:41 p.m.—13  
1:41 a.m.—29 11:41 p.m.—13

Possibility that the 7.2-degree low temperature mark set in Salem for the past year at 8:41 a.m. yesterday may be exceeded this morning loomed last night in gradually falling mercury. Whereas the temperature rose from 14 to 15 before midnight Wednesday, last night it dropped without a break to 13 at 10:41 p.m. and stayed there for the next hourly check.

No cessation in Oregon's cold wave was seen tonight by the weather bureau, which forecast for today and Saturday fair weather with continued low temperatures.

Construction of Ice Rink May Start  
Serious discussion of a plan to flood Sweetland field, with a view to providing convenient and safe ice skating if the cold spell continues, was reported Thursday, with indications that the work of banking the sides of the field to hold water might start early today. A fire department pumper may be obtained to pump water from the mirage onto the field.

BETHANY, Jan. 7.—Farmers of this district and across the creek in the Brush Creek community report that they fear considerable damage to the grain by the heavy frost of this week. Because of the exceptionally dry (Turn to page 12, col. 8)

Honor Alumnus of Law College Dies

Wallace Douglas Is Taken by Pneumonia, as Was Father Recently

NORTH BEND, Ore., Jan. 7.—(AP)—Wallace W. Douglas, 25, North Bend attorney and a graduate of Willamette university, died of pneumonia here today. He was the son of Wallace U. Douglas, sr., pioneer Coos county attorney who died last week.

Young Douglas' death evoked expressions of regret among persons connected with Willamette university college of law. He was graduated in June 1935 as bachelor of both law and arts and received the B. A. in Phi-Kappa Phi, a set of honoraries, for highest standing in court practice work.

"Wallace Douglas was an outstanding student," said (Turn to page 15, col. 6)

Hay Creek Ranch Sale Is Reported

PORTLAND, Ore., Jan. 7.—(AP)—Oregonians saw tonight the state's largest ranch, 70,000-acre tract in central Oregon owned by W. U. Sanderson—had been purchased for immediate possession by Fred W. Wichman, sugar and livestock leader of Hawaii.

The transaction also was said to have included other thousands of acres of deeded land in a 79-mile long valley, 10,000 head of Rambouillet sheep, 2000 head of purebred Herefords, as well as another 15,000-acre B. and A. ranch near Prineville, Ore., and Mrs. Sanderson's summer home in the Ochoco mountains.

Mother Said But Unborn Tot Saved

ING RE-shipment to Spain of war materials from the United States, American Planes To Be Shipped

He said events of the past week had caused the government to change its policy, indicating six American-made airplanes now in Vera Cruz will be shipped to Spanish soldiers.

Facist insurgent officials outside of Madrid declared their forces had a virtual stranglehold on the capital following a drive to three miles west of their goal.

Germany, in notes to France and Great Britain, proposed the ejection from Spain of all non-Spanish fighters and Italy in similar notes, declared she would support the proposal.

While both agreed in principle to Franco-British proposals for limiting the flow of foreign volunteers into Spain, they both made reservations.

Legislators rule the root in Lessard's case, says highest court, deciding ticklish point; the governor's prepared with smiling face to declare the times no longer out of joint.

The shipping strike presents a real headache, with prospects peace may shortly be a fact; Glenn Frank is out at old Wisconsin U., and politics is named for regents' act.

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## Cloud Discerned Upon Legislative Horizon; Boivin Maneuver Irks

Harmony Shies From Sunday Caucus as Speaker-elect Observed to Have Votes but Unenthusiastic Support; Minority Feels Mistreated

By RALPH C. CURTIS

ORGANIZATION of the Oregon house of representatives at the preliminary caucus here Sunday no longer holds promise of being the harmonious session that was in prospect when Harry Boivin, Klamath county representative, sewed up the speakership a number of weeks ago.

Boivin may, in fact, find himself in the anomalous position of a leader with plenty of votes but few enthusiastic backers, due to the manner in which the choice plum came his way and to developments since the issue was apparently decided. And while his election still seems certain, there are some side issues which may result in open friction.

It was generally agreed when Boivin announced he had pledged sufficient to insure his election, that a number of those votes were republicans. But there are murmurs abroad now that the session is only four days away, that the minority party members who agreed to support him are in some cases regretful that they did not obtain some definite promises in return for that backing.

Divided Patronage  
Meanwhile the democrats, many of whom were unkindly to Boivin's ambitions in the beginning, but who flocked to his bandwagon when it proved to be heading the parade, are reported to be better satisfied but only externally loyal, and become more over some questions of patronage which might stir up a new hornet's nest.

Certain key employes of past sessions who are republicans, are conceded to be in line for reelection because of their knowledge of legislative procedure, and the democrats while grudgingly admitting the logic of the recommendation, are all the more insistent that democrats receive the other jobs that do not require so much experience.

Referring to a recent report of the Oregon Planning board conceding Bonneville power development will draw a million persons to this state through new industries, the Chicago planner said:

"I am not opposed to migration. I am not opposed to healthy growth but it must be subject to some control. Before you invite migration into this area you ought to determine what to do with the newcomers."

City, county, state and federal planners met in an all-day session, compared notes, recited accomplishments and outlined their plans for the future. They will reassemble tomorrow.

Marshall Dana, former chairman of the northwest regional planning commission, urged the delegates to approach their problems with a wide perspective. He said the county should coordinate its program, with the state, and the state with the region until a complete national picture is assembled.

"We are the trustees of the wonderful resources of the state for those who come after us," said (Turn to page 13, col. 5)

100 Opium Users May Be Executed

PEIPING, Jan. 7.—(AP)—One hundred prisoners, mostly coolies and beggars, were dragged out of Peiping's opium dens tonight as the government began active enforcement of its much advertised campaign against users and sellers of narcotics.

General Sang Chih-Yuan, chairman of the Hoped-Charah political council, assumed personal charge of the campaign.

Informed sources said the captives probably would be executed by shooting on Friday, but city officials were silent.

Today's action was the first taken thus far in Peiping to give effect to the government's edicts against narcotics users. "Be cured by new year's or die!"

Insurgents Claim Victories In Sweep Toward Objective

(Copyright, 1936, by Associated Press)

Spanish fascist insurgents reported victories in a sweep toward Madrid last night as Germany and Italy agreed in principle to Franco-British pleas for a ban on the flow of foreign volunteers into Spain, and France disclosed she will concentrate 24 warships and a number of submarines near Spain within a few weeks.

In Paris, a high leftist authority said the French Moroccan administration had informed the French government Germany is conducting a large-scale military and commercial invasion of Spanish Morocco.

A government official in Berlin dismissed the information as "too ridiculous for comment."

In Mexico City, Ernesto Hidalgo, acting secretary of state, announced modification of the Mexican government's policy prohibiting

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## Senator Wins Chance, Fight For His Seat

Question of Eligibility Not for Court, Snell to Decide, Ruled

Court Meetings to Choose Successors Are Called Off as Result

Oregon's secretary of state has no authority to declare a seat in the legislature vacant—and neither has the supreme court, the tribunal ruled late Thursday afternoon in reversing the ruling of Justice John F. Wheeler of Multnomah county on the injunction suit brought by Dellmore Lessard, Multnomah member of the senate, against Earl Snell, secretary of state.

The effect of the opinion, written by Justice Belt, is to put into force the injunction asked by Lessard, with the result that the county courts in Multnomah, Clackamas, Columbia and Baker counties will not meet today to select successors to Senators Lessard, Pearson and Strayer. Pearson represents the first three counties mentioned and Strayer is from the last named.

Eligibility Decision Up to Senate  
All questions as to the eligibility of these senators, based upon their status of notaries public, will be decided by the senate under the supreme court's ruling, if any question is raised. Since the opinion disqualifies the secretary of state, it was considered doubtful whether or not the issue would arise at all Monday when the senate is organized.

Lessard's suit was filed after certain political leaders in Portland had questioned his right to serve in the legislature in view of his status as an attorney for the world war veterans aid commission. Judge Winter ruled that service was employment and not a state office, but the notary public question came up after the suit was filed and Winter ruled in its favor.

The constitution forbids any person holding another lucrative state office from serving in the legislature.

"At the very threshold of this suit we are confronted with the plain and explicit provision of Section 13 of Article IV of the constitution that 'each house when assembled, shall judge of the elections, qualifications and returns of its own members'."

Justice Belt wrote. Court Has No Jurisdiction, Says  
"A view of this constitutional power vested in the legislature it is clear that this court has no jurisdiction to determine the qualifications of the plaintiff as state senator. This is a matter which rests in the sole and exclusive jurisdiction of the state senate."

"It would, indeed, be a vain and idle thing for this court to render a decree which it has no power to enforce. More important, to pass upon the eligibility of plaintiff to the office of state senator would be an encroachment upon the constitutional prerogative of a coordinate branch of the government."

"It would be wholly foreign to our constitutional system of government for the executive or judicial department to determine a matter expressly reserved to the legislature."

"It is obvious that any decision which this court might make in determining the eligibility of the plaintiff would have no force or effect for the reason that it has no jurisdiction over such subject matter."

Secretary of State's Authority Questioned  
"We next inquire what authority has the secretary of state, an executive officer, to determine such matter. With all deference to the opinion of the attorney general, pursuant to which the secretary of state acted, we think such administrative officer has

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BALLADE OF TODAY  
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