

### Pinball Ban to Follow Ruling

#### Action in Polk Will Be Started; Burk Knows of None in Marion

(Continued from page 1)  
The opinion holds that chapter 259 of the laws of 1935 which attempts to empower municipal corporations and counties to license and tax pinball games, dart games and other games of like character involving an element of skill insofar as marble boards, pinball games and other games of like character as concerned is unconstitutional.

"It now becomes the duty of every district attorney and law enforcement officer of the state to stop the use and operation of any pinball or marble board game or device of like character, and there does not exist a variance for any such officers to fail to do their duty and put a stop to the operation of these devices."

**Skill Claims Strains Credibility** is view of pinball games or slot machines involves any substantial degree of judgment or skill "severely strains the credibility of any reasonable minded persons." Supreme Judge Harry H. Belt declared in the court's written opinion.

"Such machines are constructed to win and they do win. No judgment or skill which the player may exercise has any appreciable effect upon the result. It is, to all intents and purposes, a matter of chance."

"No doubt the trial judge in sustaining the demurrer to the information was influenced largely by the general allegation that the player exercised some skill in the operation of the pinball machine, but, as we have heretofore endeavored to show, it is our opinion that the information, when considered in its entirety, does not warrant such conclusions."

Justice Belt said some courts take a broad view of the term lottery while others take the somewhat restricted view that a lottery is confined to a device or scheme which has broad social consequences and amounts to what some say is a "wide spread pestilence."

"No doubt this feature gave rise to prohibitory legislation against the operation of lotteries," Justice Belt continued. "In our opinion, a scheme or device may constitute a lottery even though it does not amount to a 'wide-spread' pestilence."

"It is well known that Chinese lotteries are sometimes operated behind barred doors and only those persons are admitted who pass the eagle-eye scrutiny of the lookout man. It is the character of the gaming plan or scheme which determines whether it constitutes a lottery, rather than its widespread evil consequences or the number of persons who participate therein."

**"Pestilence" Nature Of Device Alleged**  
"Be that as it may, the court may be assumed to know that everybody knows and we have no hesitancy in saying that various types of slot machines have become a 'widespread pestilence.'"

"Some of these mechanical bandits may be found throughout the state in many stores, pool rooms and hotels, appealing to the gambling instinct of a gullible public."

Other opinions handed down by the supreme court yesterday follow:  
Mark Skinner, state superintendent of banks, vs. Harry S. V. R. and R. H. Newberry, appellant. Suit from Jackson county to quiet title. Judge Carl E. Wimberly affirmed. Opinion by Chief Justice Bean.

Foley vs. Bouvy. Appeal from Union county. Suit for accounting of rentals received from farm lands. Judge J. W. Knowles reversed in opinion by Justice Bailey.

### President, Chiefs Of Business Meet

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ated that business leaders and the government get together periodically to gauge the economic future and plan production accordingly. Whether today's conference was to be regarded as the first of such meetings, none would say.

Utility executives who saw the president earlier today were Daniel C. Green, president of the Central Service Corp. of Chicago; John W. Carpenter, president of the Texas Power & Light company of Dallas; and Arthur B. West, president of the Nevada-California Electric Corp., Riverside, Calif.

The executives reported Mr. Roosevelt agreed with them that the "waste" involved in duplication of transmission lines, by public or private agencies, should be avoided.

### Georgia Stays Dry

ATLANTA, Jan. 11.—(AP)—The third attempt in as many years to legalize liquor in Georgia was defeated today by the state house of representatives.

### Arl Certificate

No 75  
This Certificate entitles you to one week's Set of Four Pictures upon payment of only 39c (46c if by mail).  
Be sure to order Set No. 1—if you have that or subsequent sets, order the next numbered Set of Four.

### Newcomers Challenge Hollywood Veteran Stars



Six of the more outstanding young newcomers to Hollywood who appear slated for stardom in 1938 are shown above. Each scored a considerable success in 1937 and have more important parts coming their way in 1938. Mary Maguire is Australia's first contribution to Hollywood. Fricilla Lane is the blond half of the singing Lane sisters of radio and vaudeville fame. Olive Bradna hails from Paris and is one of a family of circus performers. Rita Johnson is one of those considered for the role played by the late Jean Harlow in "Saratoza". Marjorie Weaver and Andrea Leeds, the latter a Los Angeles high school girl who clicked overnight, have both come through their first tests with flying colors and are expected to give some of the veterans real competition in 1938.

### Bearcats Defeat Albany in Opener

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contented themselves with staying out in front.  
Proof of the tight Willamette defense was in Albany's shooting statistics. Faber's rough-and-tumble took an even 50 shot at the bemp, making only seven field goals. At least half of the castoffs were from outside the four circle.

The Bearcats, only slightly less proficient tonight at the gridiron tactics on the maple floor, let fly 45 times and converted ten of the shots into field goals. Eberly and Anton, alternating at the pivot position, paced the champs with eight points each, but it was Wait Weaver, Maple's dependable back-court star, who turned in the best floor game of the evening.

Eighteen of the 40 personals detected by Coleman were charged to the Bearcats, with Eberly the lone member of the nine who saw action to be chased from the game. Crosten and Davis collected four personals for Albany, and three other Pirates had three apiece when the gun sounded.

Maple's club will play its second conference start in Salem Saturday night against Pacific University. Summary:  
Willamette (31) FG FT TP PF  
Beard, f.....2 0 4 3  
Nunnenkamp, f.....0 1 1 2  
Eberly, f.....2 2 4 4  
White, g.....1 1 3 2  
Weaver, g.....2 2 6 2  
Catherwood, f.....0 0 0 0  
Gastineau, f.....0 0 1 1  
Anton, c.....2 4 8 3  
Skopli, g.....0 1 1 1  
Totals.....10 11 31 18  
Albany (25) FG FT TP PF  
H. Pete, f.....1 1 3 3  
Arthur, f.....1 0 2 3  
Decker, c.....2 1 5 3  
Davis, g.....1 3 5 4  
Staßen, g.....0 2 2 3  
Cardiff, f.....0 1 1 2  
Crosten, c.....2 3 7 4  
L. Pete, g.....0 0 0 0  
Totals.....7 11 25 22

Free throws missed—Willamette, Catherwood 1, Nunnenkamp 3, Anton 1, Skopli 1, Weaver 4; for Albany, H. Pete 3, Arthur 2, Crosten 3, Davis 1. Totals, Willamette 13, Albany 9. Official—Ralph Coleman, Corvallis.

### Only two Victims' Bodies Identified

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to identify the remaining victims. Men working at the scene since early morning when they reached the still-smoldering wreck used shovels and improvised crowbars to extricate the victims hurled into the nose of the plane's wreckage.

A quantity of mail, badly charred, was recovered by Postmaster Harry H. Howard of Boscama and postal inspectors Melvin Northrip of Spokane, F. U. Mills of Missoula and A. H. Davis of Helena.

### The Call Board

**ELSINORE**  
Today—Nelson Eddy and Eleanor Powell in "Rosalie."  
Friday—Double bill, "Life of the Party" with Joe Penner and "Parkyarkarkus" and "The Spy Ring" with William Hall.

**CAPITOL**  
Today—Double bill, "Manhattan Merry-Go-Round" with 20 big stars and Buck Jones in "Head-in' East."

**STATE**  
Today—Double bill, Claudette Colbert and Charles Boyer in "Private Worlds" and Jean Arthur, Edward Arnold in "Easy Living."  
Thursday—Eastern circuit vaudeville and Joe E. Brown in "Riding on Air."  
Saturday morning, Kiddies' club and midnight revue, "Gangway" with Jessie Matthews.

**HOLLYWOOD**  
Today—Double bill, Grant Richards and Karen Morley "On Such a Night" and "Partners in Crime" with Lynne Overman and Roscoe Karns.  
Friday—Double bill, "Saturday's Heroes" with Marian Marsh and Van Hefflin and "Bob Steele in 'Trusted Outlaw'."

**GRAND**  
Today—M. S. Martin Johnson's "Borneo."  
Saturday—Ben Bernie, Walter Winchell and Simone Simon in "Love and Hisses."

### Bank Figures for 1937 Set Record

(Continued from page 1)  
of commerce from the Babson statistics were:  
1937 .....\$187,562,741  
1936 ..... 170,719,957  
1935 ..... 152,401,500  
1934 ..... 135,506,211  
1933 ..... 121,923,698  
1932 ..... 105,793,874  
1929 ..... 177,047,208  
The increase from 1932, the depression low, amounted to nearly \$82,000,000 or over 75 per cent.

December comparisons are as follows:  
1937 .....\$13,563,362  
1936 ..... 14,892,483  
1935 ..... 13,011,818  
1934 ..... 12,636,922  
1933 ..... 10,257,398  
1932 ..... 7,907,918  
1929 ..... 8,793,874  
December was a million under 1936 and two million under 1937, but five and a half million over 1932, the depression low.

### Mrs. Starr Better

SILVERTON—Mrs. J. L. Starr, who has been critically ill at Silverton, is reported much improved and was able to sit up for a while Monday. Mrs. Starr is the mother of Ernest Starr at Silverton and Sephus Starr at Salem.

### JEAN ARTHUR

EASY LIVING  
EDWARD ARNOLD  
RAY MILLAND  
CLAUDETTE COLBERT  
CHARLES BOYER  
JOHN HAYES  
JAN BRANT  
NEW STATE  
Salem's Star Theater

### Lachmunds Take Jarman Mansion

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vised the work. When it was finished the same firm of Los Angeles decorators was engaged to install the furnishings, many of which were hand made. Draperies and rugs were specially selected for the home.

The house is built in pure Spanish style, the first of the kind in Oregon. The spacious tract is enclosed with a low wall. The sloping front is terraced and set in lawn, with a fountain at the top. The front rooms have broad views giving a view of the city below. A closed-in patio and garden at the rear are attractive features. The house has 12 rooms, with accommodations for servants and attached garage.

Mr. Lachmund, the purchaser, has long been identified with Salem business interests, being prominent as a hopgrower, and heavily interested in the brewery and in the cold storage business. The present Lachmund home is beautifully furnished. The house has been purchased by a group of the trustees of Willamette university to be moved and used as a president's home.

Mr. Jarman said that he and Mrs. Jarman are pleased to have the Lachmunds as purchasers, knowing the property would be well maintained.

While still a heavy stockholder in the Penney company, Mr. Jarman has changed his outside investments considerably in late years. He has disposed of his Oregon farm lands and acquired house property in Los Angeles. He owns several store buildings leased to the Safeway organization, one in Salem and two in Portland. At Santa Monica he and Mrs. Jarman have been living in an apartment, but will probably lease a house. Many retired Penney men are living in southern California and they keep up a friendly connection.

### Willamette Yields Body, Lost Woman

EUGENE, Jan. 11.—(AP)—Search for Mrs. Severt Jacobson, missing since last Thursday, ended today with the discovery of her body in the Willamette river near Springfield.  
Believed to have been suffering from amnesia, she left her home early Thursday morning clad in pajamas and a coat.

### HOLLYWOOD

FAMILY NIGHT  
Drama as fast and furious as the flood itself!

### ON SUCH A NIGHT

And Second Feature  
A Richard Dix and Grant Richards with Karen Morley.

### LYNNE OVERMAN

Roscoe Karns  
Muriel Hutchison  
Anthony Quinn  
Inez Courtney  
Lucien Littlefield  
Also News and Musical Act

### Nation Is Warned Of Aircraft Lack

#### US Woefully Short of Men and Planes, Held; Best Guard Is Offense

CLEVELAND, Jan. 11.—(AP)—Four outstanding aviation experts voiced warnings tonight the nation may find itself inadequately equipped with armed aircraft and personnel if war comes.

Speaking before the first national aeronautics planning conference, called to coordinate all flying activity in the United States, Maj. Gen. Frank M. Andrews said, "We are woefully short of our requirements in both officers and enlisted men."

In charge of the general headquarters air force, General Andrews also recommended expanded airports and airways flying-aids to permit readier movement of warplanes in emergencies.

Similar beliefs were expressed by James Doolittle, speed and research flier; Comdr. Charles E. Rosendahl of the Lakehurst naval air station, and Col. Melvin Maas, flying congressman and member of the marine corps aviation reserve.

**College Training Asked**  
The conference is expected to go on record at its closing session tomorrow in favor of some sort of government subsidy for military flight training in colleges and universities. Most of the several dozen aviation associations in the country, including the national intercollegiate flying group, are represented.

"The best defense is usually an offensive," said General Andrews, "and we expect to launch our air defensive forces against an aggressor as soon as he can be attacked effectively."

The heavy bombing airplane, "under many conditions," he said, could be used for this purpose. He added the nation gradually was obtaining sufficient warplanes but needed more fliers to man them.

### Government Plan Value Is Doubtful

(Continued from page 1)

American agriculture—it is growing rapidly—and neither the local nor federal agencies have the means to cope with it.

The day's third witness was Leonard P. Ayres, noted Cleveland economist, who urged outright repeal, "not modification" of the tax on undistributed corporation profits as the "most important" thing that could be done to increase business confidence.

He said a lag in construction work by the public utilities was "the key log" in this economic jam. If investors felt they could put capital into the utilities with a fair prospect for a good return, he said, those companies would begin a building program which would greatly benefit the railroads, iron and steel, the automobile industry and the construction industry.

### Farm Bill Wheat Agreement Made

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mal" granary bill that both draw in their horns and follow a "middle road" course.

Pope said the wheat provision was a "direct compromise between h o u s e and senate bills." The secretary, he said, felt the senate bill called for marketing quotas before reserves were sufficiently large for "over-normal" granary requirements, and that the house draft permitted too great an accumulation.

### UCC Exam January 29

PORTLAND, Jan. 11.—(AP)—Dr. R. R. Martin, supervisor, said approximately 1500 persons will take examinations January 29 for positions on the administrative staff of the state unemployment compensation commission.

### THE INCREDIBLE! THE INCONCEIVABLE! THE IMPOSSIBLE!

THE GREATEST ADVENTURE OF THEM ALL!

### OSA JOHNSON

presents  
MARTIN JOHNSON'S  
LAST PICTURE  
**CORNEO**  
MIRA'S GRAND

### France's Envoy



Announcement that Count Rene Doyne de Saint-Quentin would be named French ambassador to the United States, succeeding Georges Bonnet, was expected in Paris. The count is 54 years old. Bonnet returned to France last year to become finance minister.

### Morale of Crews Low, Says Leader

PORTLAND, Jan. 11.—(AP)—The morale of crews on American merchant ships is "not as good as it should be," Joseph P. Kennedy, chairman of the federal maritime commission, said at a press conference here today.

The condition could be improved, he said, if congress would pass the pending maritime bill, by training men for the merchant marine and establishment of a mediation board to settle labor disputes.

Discussing subsidization, he asserted there were not too many merchant ships in service.  
"Today we are subsidizing 154 ships, but we could carry all their cargo in 75 new, modern ships," he said. "Seventy-five vessels are all we need as a subsidized fleet, but that would not be enough to assist the navy in a case of a national emergency."

### Van Winkle Asked To Defend Board, Retirement Issue

PORTLAND, Ore., Jan. 11.—(AP)—The Portland school board voted last night to ask Attorney General I. H. Van Winkle to defend it in a suit filed here attacking the constitutionality of the new teachers' retirement law, affecting districts with a population of 20,000.

It passed a resolution retiring 25 instructors who have reached the age of 65 years under the provisions of the act.

A hearing on a request for a restraining order, asked by A. A. Campbell, principal of the Boise school, is scheduled for January 19.

### Job Office Loses Home, Grants Pass

GRANTS PASS, Jan. 11.—(AP)—Invited by the city council to vacate employment and quarters in the city hall, Lewis Ulrich of Medford, district manager, considered withdrawal from the county as an alternative to finding new free office space.

The council said the space was granted on a twice-a-week basis, rather than for daily use, telephone service and heating.

### Cardozo no Better

WASHINGTON, Jan. 11.—(AP)—Benjamin N. Cardozo's physician reported tonight that "the improvement in the justice's condition, for which I had hoped, did not develop during the day."

### Fay Wins Custody Of Actress' Son

#### Miss Stanwyck's Divorced Husband to Get Boy Few Hours Weekly

LOS ANGELES, Jan. 11.—(AP)—Frank Fay, divorced husband of screen actress Barbara Stanwyck, won a court order today that gave him custody of his five-year-old adopted son, Dion, for seven hours every other Saturday, and permission to visit the child in Miss Stanwyck's home for two hours every Tuesday and Thursday.

Judge Goodwin Knight, in issuing the order, specified that when the child goes to Fay's home he must be accompanied by the nurse Miss Stanwyck employs for him.

Fay instituted the court proceedings to force Miss Stanwyck to permit him to visit the child. He said the former wife refused to allow him to visit Dion or to telephone him.

At one time in today's court session, when Fay's lawyers sought to show that Miss Stanwyck did not want Fay at her home because she frequently entertained Robert Taylor, screen star, Judge Knight interrupted with:

**Taylor's Visits Irrelevant**  
"I don't care how many times Mr. Taylor visits Miss Stanwyck. That is their personal life and has no place in this proceeding."

Fay, as the final witness, told Judge Knight he had been drunk "about 15 times in my life."

"But judge," he added, "I never drank at all until I was 23, and I have been absolutely 'on the wagon' for the last year."

Judge Knight asked him about an assertion in an affidavit filed by Miss Stanwyck that he prayed and bowed before each cigarette he smoked.

"Judge, that's all wrong," Fay replied. "Judged by the people who made those affidavits, I probably was praying to get the cigarette into my mouth before they got it away from me."

"And another thing: I never threw Dion in a swimming pool, as they claim. I put him in once to teach him to swim, but I had a contraction on him big enough to keep Man Mountain Dean afloat."

### Grand Officer of Star to Pay Visit

AMITY—Amity chapter, Order Eastern Star, met Monday night in the Masonic hall for the first meeting of the new year. The worthy matron, Miss Ella Martin, appointed the 1938 committee. Mrs. Evelyn Umphrette and Mrs. Edna DeRoque were installed as worthy and Esther, respectively, and Mrs. Emma Simpson was installed as warder by the marshal, Mrs. Gladys Torbet.

Arrangements were made and supper committee appointed for the official visit of Mrs. Hallie Huntington of Eugene, associate grand conductor and representative of the worthy grand matron, who will visit Amity chapter Monday night, January 24. A school of instruction will be held in the afternoon for the officers.

Mrs. Emma Latimer, a former resident here for many years who has been critically ill for over a year at the home of a sister in Portland, is the guest of her son and daughter-in-law, Mr. and Mrs. Wallace Latimer.

### US Government to Wage Coyote War

MEDFORD, Jan. 11.—(AP)—The government took over the war against coyotes in Jackson county today with Leo Ullam, formerly assigned to Douglas county, in charge.

Applicants for government hunter jobs, to be limited to county residents, will be interviewed Jan. 20.

The county abandoned the bounty system Jan. 1.

### Student Catches No Cockroach in Portland, Avers

PORTLAND, Jan. 11.—(AP)—The city sanitary department earned the reluctant approval of Irvin Tarshis, senior in the department of entomology at Oregon State college.

He came to Portland to obtain specimens of Periplaneta Americana—cockroach to you—for classwork.

He wrote Tom Sheriff, city sanitary inspector, that after a tour of restaurants, food warehouses and other likely hunting grounds, he was unable to find the specimen "I was after."

### Aged Man Alive After Days Lost

ROSEBURG, Jan. 11.—(AP)—A search party found Joe Sorberger, 85, lying exhausted on the Wolf creek road today after he had wandered, lost, for three days and two nights.

Establishing a trap line on Upper Hubbard creek he became confused in direction and crossed the coast range summit last Saturday. His supply of food and matches were exhausted Saturday night and he had walked almost constantly since, he related.

When found, near the Callahan settlement, he was in a weakened condition and suffering from severe leg cramps, searchers reported.

### Sawmill Official Is Injured Twice On Same Machine

OLYMPIA, Wash., Jan. 1.—(AP)—Paul J. Avery, a lumbermill operator here, is ready to join the Tough Luck club of 1938.

A few days ago he lost his balance while standing near a machine at his plant and one of his gloved hands caught between two gears crushing two fingers so seriously they had to be amputated.

Monday, too impatient to stay away longer, he visited his plant. While standing near a guard rail which was under construction over the gears in which he was injured, he became faint and fell into them again. Two fingers on his other hand were crushed but hospital attendants said they would not have to be amputated.

### ELSINORE

Crowds Demand It Be HELD OVER!!  
THROUGH THURSDAY  
NELSON ELEANOR  
EDDY POWELL  
**'ROSALIE'**  
FRIDAY and SATURDAY  
A MADCAP REVEL OF  
A BUCKLE UP!  
A Ritzky spot where millions play!  
JOE PENNER  
GENE RAYMOND  
PARKYARKARUS  
VICTOR COCHRAN  
MARRIET MILLARD  
HELEN BRODERICK  
THE LIFE OF THE PARTY  
And Second Hit  
William Hall in "SPY RING"

### CAPTOL

4 Big Days STARTS TODAY  
It's a Musical Masterpiece of Mirth and Melody! Never Before Such an Array of Stars  
**CANALATA**  
Featuring  
PHIL REGAN  
ANN DVORAK  
LEO CARRILLO  
GENE AUTRY  
Box Office Open 6:45  
Including  
25c  
Ted Lewis and his orchestra  
Henry Arctur and his orchestra  
Joe DiMaggio and his orchestra  
Smiley Burnette  
Louis Prima  
and his band  
AND SECOND BIG HIT  
BUCK JONES IN "HEADIN' EAST"