

Deadline Near
The Statesman will close its sale of the 48 famous paintings on May 1. Late purchasers are coming in rapidly. Get yours now.

Weather
Fair today and Friday, clouds near coast, no temperature change; max. temp. Wednesday 68, min. 34, river 10 feet, partly cloudy.

EIGHTY-EIGHTH YEAR

Ross to Try Ontario Power Rate System

State Has Authority to Build Heating Plant Says Van Winkle

Opinion Holds Project Legal If Emergency

Board of Control may Buy Site Despite 1937 Act, Says

Holds Commission Has Power to Pay for Equipping Plant

An attorney general's opinion issued here yesterday possibly opened the way for the state board of control and the capital reconstruction commission to negotiate for a site for a central heating plant to serve the state building group.

The opinion, by Attorney General I. H. Van Winkle, ruled that provided an emergency existed the board of control had authority to purchase land or such a plant and the commission, to expend building funds for its construction.

The state legal adviser's written decision varied from an announcement made at a recent board meeting by Wallace Wharton, state budget director, who said he understood the capital commission had no authority to equip the plant if it were located off the property purchased under the 1937 legislative act for building expansion.

Land east of the state office building, across 12th street, has been eyed by the board of control and the commission as a site for the proposed new heating plant. The commission recently reported it would have \$160,000 left after paying for the new library-office building. Remodeling and enlargement of the old heating plant has been estimated at \$10,000.

Expenditure of capital reconstruction commission funds would be contingent upon the plant providing heat for the new state capitol building and library and office structure or in cooperation with the board of control in providing a heating plant not only to serve the new capitol and library buildings but also other buildings owned by the state.

Baker Man Given Term and Parole

BAKER, April 20 (AP)—Charged with embezzling \$4300 while an employee of the World War Veterans State Aid commission, Warren Lemmon, Baker, was sentenced to two years in prison today by Circuit Judge C. H. McCulloch and paroled to his brother-in-law.

Oddities in the News

PITTSBURGH, April 20 (AP)—Pittsburgh's musical circles today debated the question "are hill-billy tunes music and hill-billy bandmen musicians?"

A local musicians' union denied the hill folk admittance to their organization on grounds "that noise" they created really was not music.

So the "hillbillies" started a union of their own.

Jim Toomey, who fledged his way from Texarkana, Ark., and says he is "some punks" with a banjo, announced 167 of the hill folk already have signed up.

WASHINGTON, April 20 (AP)—Art Judges flipped 390 plaster models today and picked a design for a new nickel showing Thomas Jefferson on the "heads" side and his Monticello home on the "tails."

Just which design won, however, may not be announced for a day or two. There is a \$1,000 prize for the winning artist.

The new nickel is to enter circulation this fall, replacing the present "buffalo" which has served its minimum statutory life of 25 years.

ROME, April 20 (AP)—Il Duce's campaign for more Italian babies has gotten results this year.

Mother Kept his Earnings; now Son Jackie Stops her Eviction



Mrs. Lillian Coogan Bernstein, who wept as she testified in court in connection with son Jackie's suit to recover \$4,000,000 estate he avers he earned as child screen star but never received from his parents. Yesterday when a receiver was named for the estate claimed, Jackie agreed to let her keep her three automobiles and remain in her mansion.

Judge Criticizes Peasant Purge Is Halted by Stalin

MOSCOW, April 19 (AP)—Joseph Stalin today forbade further purging of collective farmers in what some foreign critics regarded as a move to assure production of a bumper grain crop.

The order, one of the sharpest ever to issue from the Kremlin, bluntly prohibited "any purges in collective farms under any pretext whatsoever."

How widely expulsion of peasants from farms had affected agriculture was not disclosed, but the order indicated many had been turned out by the farms' administrative officials for unsatisfactory work or merely at the command of the farms' chairman.

Such drastic punishment of recalcitrant peasants was forbidden in the future except in extraordinary cases of "incorrigibles." Hereafter, public reprimands, fines and transfers to other jobs will be the penalties.

Stalin's order declared much harm had followed, mass expulsions of peasants from farms for trivial reasons on the pretext of purging them as hostile elements.

Truck Backs Down Hill, Pair Killed

BAKER, April 20 (AP)—A truck loaded with grain, stalling as it approached the top of a steep hill, crashed down grade Tuesday night, carrying Thomas E. Elrod, 54, a mule rancher, and John A. Frieris, Baker, believed to have been the driver, to their deaths in the powder mill.

The accident was disclosed today when Henry Elrod, anxious over the failure of his father to return home, found the wrecked truck.

Seven Veterans Hurt When Riot Flares in Bund Meeting

NEW YORK, April 20 (AP)—Seven men, described by their comrades as American war veterans, were injured seriously enough to require hospital treatment in a riot tonight in the pro-Nazi German-American Bund was holding a meeting.

The outbreak, in which chairs were thrown and men were trampled underfoot, was precipitated when Jean Mathias, who said he was a member of the

American Legion and one of a group of about 60 veterans who had gone to the hall as observers, interrupted the proceedings to inquire:

"Will any English be spoken here?"

Fighting broke out instantly and spread to the street.

Three men were arrested. An unidentified man wearing the Bund uniform was one of those beaten in street fighting. He was rescued by the police.

Jackie Blocks Move to Eject Mother, House

Ex-Star's Intercession Brings Revision in Receiver's Power

Mrs. Bernstein Seeks Permission, Change Her Testimony

LOS ANGELES, April 20 (AP)—Jackie Coogan, who is suing his mother and stepfather for an accounting of \$4,000,000 he claims he earned as a child actor, interceded today to prevent their being ejected from their mansion at nearby Van Nuys and deprived the use of three costly automobiles.

Atty. John Bilby, named as temporary receiver of the Coogan property, was empowered by the court to seize furniture and furnishings in the Coogan home.

Permit Mother to Keep Cars, House

At Jackie's instance, a stipulation was entered between his lawyers and those of his mother and stepfather, providing that the latter be permitted to retain possession of the house, the three automobiles and all personal effects.

Mrs. Lillian Coogan Bernstein, who called her son a bad boy, was accused of having made "inconsistent and contradictory statements under oath" in an affidavit filed in answer to her deposition preparatory to trial of the suit for an accounting brought by Jackie.

Later today Mrs. Bernstein petitioned the court for permission to amend her deposition, stating she had either erred in some of her sworn statements or had failed to properly present facts.

Her petition was filed after her son's lawyers had refused to grant her the right to change the story she told under oath.

The ex-star's mother, who married Arthur L. Bernstein, overseer of the house, the three automobiles and the house, she declared last Monday that she never intended to create a trust for her son, that he had no estate, that every cent he earned as a minor was her's.

Attached to the affidavit made by Jackie were copies of documents (Turn to Page 2, Col. 8)

Dayton to Secure Fuel Distillery

PORTLAND, Ore., April 20 (AP)—Manufacture of fuel alcohol from farm wastes will be inaugurated soon at Dayton, a Yamhill county delegation told a meeting of farmers, business men and chemists, called by the Oregon farm Chemurgic council to open a campaign for one of four federal farm research laboratories here.

Speakers said a major oil company was using one-third alcohol in English motor fuels. They said if 10 per cent of the United States' motor fuel supply was alcohol, it would require all the produce of tillable lands in the nation.

"Agriculture should be self-helping and not continuously looking for Santa Claus," James W. Richardson, Dayton, told the group. "American agriculture does not want a dictator nor a dole, but a fair price for farm products."

Navy Bill Meets Delay by Critics

WASHINGTON, April 20 (AP)—Hopes of administration leaders for quick action on the \$1,156,546,000 naval expansion bill faded tonight because of attacks by critics, but the leaders said they "could not see a doubt" of ultimate passage by an overwhelming margin.

Beginning a fight against the measure today, Senator Nye (R-ND), contended it was unnecessary because there was no "group of foes" that could "even threaten an encroachment on our territory."

To this, Chairman Walsh (D-Mass.), of the naval affairs committee replied that a combination of German and Japanese seapower or the armies of Russia and Japan together could attack and destroy the present United States navy.

Meyers Sticks To Guns, Call Of Legislature

Defies State Attorney Ruling Holding He Lacks Authority

Washington's Governor Flies From East, Has no Comment

OLYMPIA, April 20 (AP)—Lt. Gov. Victor A. Meyers said late today the special session of the state legislature will be "as thorough as scheduled," in spite of a ruling by Attorney General Hamilton that the "acting governor has no authority" for such action.

Informed of the lieutenant governor's decision, Governor Martin, who returned to the state from the national capital today, said he had "no comment" to make.

Meyers issued the proclamation early today, had it notarized by a King county justice of the peace, and presented it to the secretary of state to have it attested, which was refused.

Asked for an opinion regarding the legality of the matter, the attorney general gave his decision, that the acting governor had no authority to call an extraordinary session of the state legislature, but said:

Supreme Court Ruling Held Needed

"It seems to me there is a necessity of the matter being determined by our supreme court."

Meyers, when informed of the attorney general's decision, said:

"I have obtained legal advice here and in Seattle, and the opinion is, the call is entirely legal. The proclamation was made while I was acting governor." (Turn to Page 2, Col. 4)

LA Mayor Scored In Kynette Case

Prosecutor Says Campaign Financed by Gambling Interest Backers

LOS ANGELES, April 20 (AP)—The political campaigns of Mayor Frank L. Shaw were financed by Los Angeles' gambling interests and his brother-secretary, Joseph Shaw, was a party to the collection of the money, the state charged today in the trial of acting Police Capt. Earle E. Kynette and two other officers for the bombing of Harry Richmond, private investigator.

Chief Deputy Dist. Atty. Eugene D. Williams made the accusation in an opening statement in superior court.

The prosecutor launched into a bitter denunciation of the police "intelligence squad," headed by Kynette, and declared the state would not let Kynette threaten to "get" Raymond for his activities in the investigation of graft and corruption in Los Angeles.

This case arises out of the (Turn to Page 2, Col. 8)

Late Sports

NEW YORK, April 20 (AP)—Natie Mann came back to New York tonight for the first time since Joe Louis defeated him.

Opponent Hans Hawerlock, Austrian champion, in the third round of a 10-round bout at the Hippodrome. Mann weighed 193 to his rival's 184 1/2.

Referee Arthur Donovan halted the proceedings at 2 minutes, 54 seconds of the third round as Hawerlock was on the floor for the eighth time in the abbreviated contest. Mann, the New Haven husky who lasted the same distance against Louis a couple of months ago, hit Hawerlock with everything but the ring posts.

EUGENE, Ore., April 20 (AP)—The University of Oregon baseball squad warmed up for the northern division opener with Oregon State here Friday by defeating Oregon Normal 16 to 9 today.

Paul Thunemann, sophomore left-hander, gave eight hits in nine innings on the mound for Oregon. The squads used a total of 30 players.

Oregon Normal . . . 5 8 7 Oregon . . . 16 11 4

J. Miller, Mohler and Turpin; Thunemann and Walden, Beard, Kelly.

CORVALLIS, Ore., April 20 (AP)—Oregon State college's tennis team defeated Clatsop college 4 to 3 in a non-conference match here today. Oregon State won three of five singles matches and broke even in two doubles games.

Lawmakers Worry Over Attempt To Settle Profits Tax Dispute

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Effort to Outlaw Profit Tax Grows

Byrnes' Committee Says Levy's Abolition to Aid Business

WASHINGTON, April 20 (AP)—Powerful new pressure for complete abolition of the undistributed profits tax came today from an unexpected source—the senate unemployment committee.

But Roosevelt lieutenant in the house, still insisted that the levy be retained.

There was no sign that the new development would break the deadlock between the senate, which has voted repeal of the tax, and the house, which has decided to retain it in modified form.

Nevertheless, critics of the tax were heartened by the report of the unemployment committee, headed by Senator Byrnes (D-SC), usually a strong supporter of the administration. The committee, which has been studying the cause and cure of joblessness, declared that enactment of revenue legislation along lines approved by the senate "will be exceedingly helpful" in reducing unemployment.

The senate, besides providing for repeal of the surplus tax, calls for a flat 15 per cent rate on capital gains in lieu of a house-approved graduated scale. Business men have contended the senate bill would encourage business and unfreeze capital.

Drive for 'Army' Hall Is Renewed

Immediate start of a drive to raise \$5000 needed to complete the new Salvation Army post headquarters building here was decided on at a committee meeting yesterday over which T. A. Windishar presided. Twenty local business men agreed to work under Windishar's direction to this end.

While construction was in progress last fall efforts to obtain the full building fund quota "were postponed so as not to conflict with the community chest drive. William McGilchrist, chairman of the Army advisory board, explained yesterday.

"With the roof and exterior walls now finished, we believe Salem people will be glad to help complete this fine new hall," McGilchrist said. "The \$5000 is needed to pay for the windows, finish floors, partitions, doors, concreting the basement and installing a heating plant."

McGilchrist invited the public to inspect the hall as it now stands, at 241 State street.

Sustained Yield Timber Bill Hit

KLAMATH FALLS, April 20 (AP)—The forest committee of the Klamath Falls chamber of commerce attacked the sustained yield timber bill of Senator McNary today, claiming it would be ruinous.

Several years ago the committee said in a report, the bill would have been practical but operations since have been developed in the basis of a timber supply which the bill would eliminate.

Targets of the insurgent offense were Putgeards, on the French border in Catalonia, northeastern corner of Spain now severed from government Spain proper, and Castellon, Mediterranean seaport south of Catalonia.

Insurgent dispatches said two main columns moved south on parallel coastal and inland highways while the Galician troops captured the hamlet of Turig and then moved across the fields to Albocacer.

They fell on Albocacer from the northwest finding only a small garrison which quickly surrendered or fled into the hills.

Unyielding government resistance from the foothills of the Pyrenees to the Mediterranean sea at Tortosa forced Franco to send new drives against two main objectives.

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Direct Buyers Pay, Basis of Kilowatt Year

Scheme new to US but Proven Successful in Canada, Says

Will Avert Waterpower Waste, Permit Full Use of Energy

PORTLAND, April 20 (AP)—Bonneville dam power will be sold on a kilowatt year basis, J. D. Ross, administrator, announced formally today.

Ross said the basis was new to the United States but had been tried successfully in Ontario, Can.

Rates for a kilowatt year to the public utility district or private utility which purchases Bonneville power—retail consumers can not purchase direct—will soon be announced by the federal power commission at Washington, Ross said.

The kilowatt year sales unit is based entirely on the cost of production and is an attempt to leave present practices of selling power "from the old scarcity standpoint," Ross declared.

"Consumers now pay for millions of kilowatt hours of electricity that they do not use," Ross said.

"Immense quantities of waterpower are wasted over the dam because people will not pay exorbitantly high rates."

Ross said a kilowatt year was 1,000 watts furnished day and night for 12 months, or \$740 kilowatt hours of electricity. The distributing city, company or power district would be inspired to encourage customers to use all the power needed, Ross added.

"The small consumer does not subsidize the large industrial consumer," he said. "We simply say, 'A kilowatt year costs us so much. Pay us our cost and use that kilowatt continuously day and night, throughout the year.'"

SPOKANE, Wash., April 20 (AP)—Charles West, special contact man between President Roosevelt and congress, said here tonight a Columbia basin authority to administer Bonneville and Grand Coulee dam was "inevitable."

"In accordance with an administrative policy in regard to such projects, a Columbia basin project will ultimately be established," he said. "The program has not been pushed because of certain political contingencies, but the final establishment of such authorities which are independent and dependent on some, as the Coulee dam, for their very existence, is inevitable."

Governor Speaks Mind on Prison

EUGENE, April 20 (AP)—The annual commonwealth conference and first annual youth conference, sponsored by the University of Oregon, ended with a warning from Gov. Charles Martin against loose thinking and sentimentality in dealing with first offenders.

The governor, speaking on the subject of providing separate confinement for convicts entering prison for the first time so that they will not be under the influence of more hardened criminals, said a study of records put a different light on the problem.

"The first offender from the standpoint of being admitted to the penitentiary for the first time, has in the majority of cases, a long history of trouble with local police and law-enforcing authorities," the governor declared.

"Commitment to the penitentiary is made only after the local authorities have exhausted their patience and resources in trying to correct the individual. Our usual run of first offenders is usually very thoroughly steeped in crime."

Guilt of Weidner Affirmed by Jury

Decision of the Woodburn justice court in finding Thomas Oliver Weidner of St. Paul guilty of drunken driving was upheld by a circuit court jury yesterday after over four hours deliberation.

Weidner appealed to the circuit court after being sentenced by Judge Hiram Overton at Woodburn to 90 days in jail and fined \$100.

The appeal was heard before Judge McMahon.

Meet at Silverton

A group of republicans interested in the campaign of Charles A. Sprague of Salem for the republican nomination for governor, will meet with him at Tony's restaurant in Silverton Friday morning at 10 o'clock.