

# Milk Control Law Upheld by Tribunal

## Four to Three Decision Made

Lusk Writes Prevailing Opinion; Bean, Rand, Rosaman Dissent

The state supreme court upheld constitutionality of the Oregon milk control law, passed by the 1935 legislature, yesterday in a four to three decision.

W. B. Savage and Bruce Fox, Salem milk producers, filed the suit in the Marion county circuit court three years ago, contending the law was unconstitutional because it delegates legislative power to the board, takes property without due process of law and discriminates against some producers. Judge L. G. Lewelling dismissed the case.

The predominant opinion was written by Justice Lusk. He said the law was not unconstitutional in any particular and it had not been shown that the board had acted arbitrarily.

Chief Justice Rand wrote the dissenting opinion with Justices Bean and Rosaman concurring. "It has always been conceded by the bench and bar of this state that private property cannot be taken for private use and that the legislature has no power to enact legislation authorizing that to be done," Justice Rand wrote. "Yet that is the very thing against which the plaintiffs complain."

At the last legislature a futile attempt was made to repeal the milk control law. Senator Thomas Mahoney, Multnomah county, later filed an initiative petition through which he hopes to repeal the law at the 1940 general election.

Fifteen thousand signatures must be obtained to place the initiative measure on the ballot.

Bank Nights Booted The court, in another opinion, affirmed a decision of Circuit Judge Robert Tucker of Multnomah county in a suit brought by Carl E. McFadden, holding that the operation of "bank night" is a lottery under the Oregon statutes.

District Attorney Bain and Sheriff Pratt, both of Multnomah county, were named defendants. McFadden, a Portland theatre operator, asked for a judgment that he was not operating a lottery. The opinion was written by Justice Rand. He wrote: "It is unreasonable to say that, where a person pays admission into a theatre, knowing that he is to receive not only a ticket admitting him into the theatre but also a chance for a prize, the consideration is paid for the ticket only and not in part for the chance."

## Rosser Case Is Upheld by Court

(Continued from page 1) erment filed a claim of \$9222 for taxes, penalties and interest on 1938 and 1937 income, and is investigating the case before proceeding.

## German Soldiers Greeted at Home

(Continued from page 1) Each shield bore the name of a fallen soldier within a golden wreath.

## Robinson on Hollywood Bill

Edward G. Robinson, here held back by John Seal, as his assistant, and Barbara O'Neil, as his wife, in a racket-buster in Columbia's "I Am the Law," now at Hollywood theatre. Bob Baker in "Guilty Trail" is on the same program.

## Reunion in Havana, and Tears



Aboard the German liner St. Louis cruising off the Florida coast is a young German Jewish refugee, separated from his girl friend after a fleeting reunion in Havana, where Cuban officials denied entry to the ship's cargo of fleeing Jews. The girl, also a Jewish refugee, was in Havana when the ship docked and she was permitted to go aboard to greet her lover. At left they are shown embracing, and at right as she tearfully took her leave.

## Thetis Men First Were not Worried

(Continued from page 1)

done and we went up to the stern," he said. "When we were all there it was decided Oram and Woods (Capt. H. P. K. Oram and Lieut. G. F. Woods) should do their best to get out. They got into the (escape) chamber and away they went. We knew that they had gone because we could see the daylight shining in the water of the chamber."

Here the rugged sailor's voice broke and for a while he was unable to continue his story. After a few moments he controlled his emotions and, without mentioning three men who drowned trying to follow the first two men up, he continued: "I do not know how to put it. I will just say that 'law' (Frank Shaw, builders' representative) and myself decided to make a bid for it. We came up and as you see we made our escape. I am not going to talk about anything that happened during the night. We just went out and felt sure the others would follow us at frequent intervals."

"I cannot tell you how I felt when they did not. Everyone was the same down below—civilians, officers and men. Some people can't help crying to vent their feelings in a time like that but I never saw anyone shed a tear."

## New Parole Head Choice This Week

Selection of a state parole director, to head the new state parole setup, probably will be made no later than Friday of this week, a member of the new parole board indicated here Tuesday.

Interviewing of applicants for the job was completed at a meeting of the board here Monday. The next meeting will be held at the home of Paul R. Kelly, chairman of the board, at Lafayette. Other members of the board are R. S. Keen, Salem, and Gerald Maso, Portland.

## Funeral for Loe Slated Thursday

DALLAS—Robert F. Loe, 70, died Monday at Dallas hospital. He formerly resided near Rickreall where he owned a farm for many years.

Funeral services will be held Thursday, June 8, at 2 p.m. at the Henkle and Bolman chapel, Dallas. Interment will be in the IOOF cemetery at Dallas.

## Oregon State ROTC Band Keeps up Fair Traditions

CORVALLIS, June 6—(P)—The Oregon State college R. O. T. C. band upheld a 34-year-old tradition today when it left to participate in the Golden Gate Exposition on Treasure Island Thursday.

## \$9000 Check for Station Deposited by Bonneville

PORTLAND, June 6—(P)—A check for \$9000 to cover condemnation of a 9.46 acre tract for a station at Albany was deposited in federal district court today by the Bonneville administration.

## Salem Man Badly Injured

PORTLAND, Ore., June 6—(P)—S. A. Varbell, 45, Salem, was in serious condition in a local hospital tonight after his left arm became entangled in a tractor line while he was pulling stumps. Physicians said he might lose the arm.

## Goons Relate Arson Details

Carson and Newland Tell of Plans to Do Away With Watchman

(Continued from page 1) the plant and stopped to pick up Newland and Moore, he said. The three witnesses from the prison, dressed in civilian clothes from the federal court building by penitentiary guards after nearly an hour's time required for their individual testimony.

They were followed on the stand by John S. Friesen, president and general manager of the West Salem firm, who made statements to the jury as to his approximate loss in the fire and as to his suspicions of arson, unsubstantiated until after Banks was arrested on an arson charge early in February, 1938.

J. A. Jelderks, Salem insurance man and local agent for the First American Fire Insurance company, was called to the stand next and questioned regarding communications between him and his company about the riot policy, which was canceled in January, 1938, as of the day of the box factory fire.

Major questions being raised in the suit are whether or not manifestations of union "troubles" before the fire and the circumstances surrounding the setting of the fire constitute a riot, entitling the Salem Manufacturing company to a recovery of the \$20,000 riot policy, and whether or not the company's delay in filing its proof of loss until after Rosser was convicted last July should prevent its recovering.

## Holmes Interment To Be Here Today

TILLAMOOK, June 6—(P)—Funeral services for Mrs. Emma W. Holmes, 72, widow of Circuit Judge Webster Holmes of Tillamook and Washington counties, will be held here Wednesday at 10 a.m. She died Monday.

Born in Portland, Oct. 6, 1865, she was a member of a pioneer Oregon family. She is survived by a daughter, Mrs. Ruth King, Tillamook; a sister, Mrs. Oakley Thorington, Portland; four brothers, John and Robert Williams, Portland; Bert Williams, Tigard; Frank Williams, Ventura, Calif. Interment will be in City View cemetery, Salem, at 3 p.m. Wednesday.

## Mt. Angel Death Accident, Belief

State police said they had not determined definitely whether they would resume investigation of the shooting of Mrs. Frank D. Hilton, 76, of 11344 N. E. Sacramento street, Portland while she was attending a reception at the J. M. Broadhouse home at Mt. Angel.

Mrs. Hilton died in Portland Monday as the result of the wound. Officer Hill, who conducted the original investigation said measurements showed that he bullet was fired from a long distance and was falling at the time it crashed into the Broadhouse home and struck Mrs. Hilton in the back.

## Rain in Prospect For King's Visit

(Continued from page 1) rains, she said, slickers and raincoats will be considered entirely appropriate afternoon wear.

Meanwhile, Secretary Hull and an official committee prepared to greet the king and queen at Niagara Falls when they enter the United States from Canada tomorrow night. Departing from Washington tonight, Hull will board the royal special and accompany the visitors back to the capital.

## Albany Funeral Director Heads State Association

PORTLAND, June 6—(P)—E. F. Fortmiller, Albany, was installed last night as president of the Oregon Funeral Directors' association at the end of a two-day convention.

## Wife of Justice Douglas Visits Mother's Sickness

LA GRANDE, June 6—(P)—The wife of Associate Supreme Court Justice William O. Douglas visited the sickbed of her mother, Mrs. C. M. E. Riddle, at St. Joseph hospital today. Mrs. Riddle, attendants said, was "getting along well."

## Varbell Enters Hospital For Treatment for Arm

PORTLAND, Ore., June 6—(P)—S. A. Varbell, 45, Salem, who lost his left arm some time ago when it became entangled in a cable with which he was pulling stumps, underwent a hospital here yesterday for treatment.

## New Pupils Will Get Health Tests

The Marion County Health department is attempting to examine every child who is to enter school in the fall and will make arrangements for this if mothers will call the department. On Monday 41 children from Englewood school who will enter Parrish junior high school were examined. Dr. Vernon A. Douglas and Miss Margaret McAlpine conducted the clinic and the one held yesterday at Grant.

## Sprague to Speak Before GOP Club

Governor Will Make First Appearance at Club Since Election

Governor Charles A. Sprague will make his first speech since election before a local republican organization Tuesday night, June 13, when he addresses a gathering of the Marion county republican club at the Marion hotel.

Lamar Toozie, Portland, president of the Oregon Republican club, will introduce the governor and will give a report on findings on a recent swing around the state in party interests.

All republican clubs of the valley have been issued invitations to attend the meeting, and Nelderher invites all local republicans and others interested.

Musical features will be vocal solos by Mrs. Howard Thomas and group singing led by William McGleicher, sr.

The sponsor club is engaged in a membership drive to boost its roles to 1000. All republicans 13 years and older are eligible.

The Tuesday meeting will open at 8 o'clock.

## Leslie Methodist Plans Open House

Sunday afternoon from 4 to 6 o'clock the Leslie Methodist church will hold open house. People who have not had the privilege of seeing the church since it has been transformed will be welcome to come at this time.

## Tina W. Bartsoff Funeral Thursday

SILVERTON—Mrs. Tina W. Bartsoff, 85, died about midnight Monday night at the home of a son, Alex Bartsoff, at Drake's ranch. Mrs. Bartsoff, born in Russia, had lived in the Silverton Hills for a number of years. In addition to the son she is survived by a daughter, Mrs. Tina Kazakoff, living in Canada.

Funeral services are scheduled for Thursday at 2 p.m. at the son's home, in charge of Larson & Son of Silverton, with interment in the cemetery near the residence.

## Linn Democrats Meeting Tonight

ALBANY—Linn county Democrats have planned for a rally to be held here Wednesday night. Among speakers expected to be present are Frank Tierney, state chairman, and Charles E. Leach, state treasurer.

## Hanna Eymann Killed In Leipzig, Germany

Hanna Eymann, winner of the Albert prize at Salem high school in 1932, was killed instantly in Leipzig, Germany, when she was struck by an automobile while crossing a street, according to information received here Tuesday.

## Services for Jacob Koch Set for Wednesday at 2

SILVERTON—Funeral services for Jacob Koch, 91, who died here Saturday morning, are set for Wednesday at 2 p.m. at the Larson and Son chapel, Rev. Frank Zook officiating. Interment will be in the Miller cemetery.

## 20-30 Club Will Sponsor Benefit Dance on Friday

The Haunted Mill at Rickreall will be the scene of a spring benefit dance Friday night, to be given under the auspices of the Salem 20-30 club. It is to be a carnival dance, according to Chairman Carleton L. Roth, with games, hats, balloons and door prizes.

## Pleasure Highway Plans Considered

Baldock Proposes State Reduce Standards on Some Roads

PORTLAND, June 6—(P)—The state highway commission considered today a new policy covering construction of pleasure roads that get little travel.

The policy, recommended by Highway Engineer R. H. Baldock would "reduce standards on roads where the benefits are small" and improve the roads as money became available.

Baldock proposed the 29-mile Cascade lakes road from Bend to the mountain lakes, 17 miles of which is in national forest, which would cost more than \$1,000,000 and require many years to build as a standard highway, be constructed completely for about \$20,000 on reduced standards.

Baldock said he hoped by the Cascade lakes demonstration to convince the federal bureau of public roads and the forest service of advantages of getting usable routes out of the mud and dust quickly and cheaply.

The commission will hear residents of Bend June 22 before taking final action on the work which would inaugurate the new policy.

## DeArmond's Home Burns to Ground

MONMOUTH—The farm home of Mr. and Mrs. E. E. De Armond, about nine miles south of here, was totally destroyed by fire Tuesday afternoon. The loss was covered by insurance.

Neighbors assisted in saving all the furniture out of the lower floor but all contents of the upper floor were lost. A large barn near the house was saved, preventing a much larger loss.

Mr. De Armond said sparks from a fireplace might have started the blaze. The house was an old building, having been occupied by the De Armond family for the past 30 years. They plan to rebuild this summer.

Helen De Armond, a daughter, is visiting her parents. She lost most of her effects in the fire but salvaged her return ticket to San Francisco, her home.

## Jefferson Job Is Open

WASHINGTON, June 6—(P)—Applications will be received by the civil service commission until June 16 for the postmastership at Jefferson, Ore.

## Fire Guts Apartment

ASTORIA, June 6—(P)—An early-morning fire gutted the Astoria apartment house today, driving occupants of 12 apartments into the street and doing an estimated

## First Sight of Dad-In Jail



Little Vega Bergdoll, 3, clinging to her mother, Mrs. Grover Bergdoll, met her father, the notorious draft dodger, for the first time when she visited him at Castle William army prison in New York, and promptly called him "papa." Two other children, Alfred (left), 11, and Irwin, 5, also visited Bergdoll, who recently returned to this country from his self-imposed exile to serve the remainder of a prison sentence given him for draft dodging. At right is his attorney, Harry Weinberger.

## Polite Marauder Gives Back Buck

A lone robber listened to the plea for Albert and Edna Bainter of a West Salem food shop, and returned \$1 in change and \$6 he obtained in a stick-up about midnight Sunday.

The man, young, wearing a light suit and unmasked, entered the place as Bainter was washing dishes. He obtained the \$6 at the point of a gun, and after he had insisted that Bainter arouse his sister, Edna, who had retired for the night.

## Fire Guts Apartment

ASTORIA, June 6—(P)—An early-morning fire gutted the Astoria apartment house today, driving occupants of 12 apartments into the street and doing an estimated

\$17,000 damage. No one was injured.

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