

The Oregon Statesman

"No Favor Sways Us, No Fear Shall Awe"
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Asking the Court

Congressman Walter Norblad has announced that he will introduce a bill giving the supreme court power to pass directly on the constitutionality of a new piece of legislation when asked to do so by a two-thirds vote of congress. His argument is that now a decision is rendered only after a test suit works its way from lower courts up to the top.

While the idea is not without merit we doubt if the congress will adopt such legislation and think its virtue is open to question. While the two-thirds vote protects the court from being called on for opinions on constitutional questions at the whim of every man who has a bill in his hat, it opens the way to curbstone opinion-writing.

When a real case is joined the contenders use their best brains each to support his side of the proposition. The briefs and arguments of opposing counsel throw light from different angles on the question. The court can read the arguments, ponder them and then make its decision. To make decisions on constitutional questions a mere "yes" or "no" response to an inquiry deprives the court of the conflict of ideas which is in itself illuminating.

Moreover it is quite impossible to foresee all the situations which might arise under a given law. A constitutional question can hardly be decided except in the area of a set of facts. It is when concrete situations develop and a law commences to bite that an issue may be raised. In the case of the NRA one thing which knocked the law out was the disclosure in court that the codes for business had become sort of hippocket law in which the businessman could hardly be expected to know what was required of him. That development had not been foreseen when the law was passed.

It is true there are delays in getting decisions on constitutional questions. But these delays are not fatal. They may be very wholesome. They give the courts time. The process of appeal permits judges in several courts to study the cases and apply the constitutional yardstick. They give the public a chance to work under the law and to see whether it deprives them of constitutional rights. The delays also let people get away from any momentary passions which might at the time cloud judgment.

The supreme court does not lend itself readily to a nickel-in-the-slot performance. It does not function that way. Months may be required for the court to arrive at well-seasoned conclusions. The delay may be distressing; but writing decisions on grave constitutional questions is not a short-order business. Certainly the court which is burdened with cases where issues are genuine will not welcome the additional chore of writing opinions at congressional behest on academic questions. It is not a moot-court.

Cordon and the Senate

Senator Guy Cordon, back from Washington, denies that he has made up his mind to run for reelection next year, as was reported by a Portlander returning from Washington a few weeks ago. Cordon says he has not made up his mind yet, that he has a lot of public work to do and wants to give the question some study before coming to a decision. If the senator makes calls around Oregon we are convinced that he will find republican leaders virtually unanimous in desiring his return to the senate. And business executives will be insistent that he run again. The grange and public power advocates will certainly be friendly. About the only known opposition comes from the labor group which has already announced proscription for every one who voted for the Taft-Hartley bill.

Cordon has been regular in his voting, has been quiet where his colleague has been loquacious, and has set himself to look after Oregon's immediate interests without assuming special responsibilities in national and international affairs. His diligence in this work and his conspicuous success as evidenced in the late controversy over appropriations for reclamation and power projects have solidified his position with Oregon voters.

We anticipate the pressures that will be put on Cordon to run again will be so strong as to convince him quickly that the desire is general and sincere; and further that it is his duty to continue in the post formerly held by Charles L. McNary. He ought not to defer making his decision and announcing it. Delay would merely encourage rumors like the phony one that he and Snell had a "deal" on the job which the governor himself denied a few days ago. We hope that before the summer is over Mr. Cordon will announce his willingness to continue in the senate and predict that if he does he will be renominated and reelected without serious competition.

Eva of Argentina

Ministers of protocol will be most happy when Eva, or Evita, Peron, wife of the Argentine president gets back to Buenos Aires. Peron himself is none too popular except in fascist countries, and his wife lacks the social antecedents to win her favor in countries with high standards. Eva is not one readily to be turned down. When Queen Elizabeth "regretted" she would be in Scotland when Eva visited London the latter scorned the rise. After the foreign office finally arranged for Eva's reception by the queen, Eva called off her trip to England.

The Argentine first lady plans to stop in Rio on her way back to Argentina. Her expectations in the way of entertainment have forced the Brazilian government to ask Herbert Hoover, jr. an invited guest of Brazil as an adviser on petroleum, to vacate a royal suite at the Copacabana Palace hotel. Eva intimates she will stay around for the Pan American party in September. She has let it be known she expects to meet and talk to President Truman, which probably will make Bess want to stay home. Considering Eva we should be far more tolerant of our Eleanor.

Facts of Life in World Trade

We are accustomed to hear pleas for protection of domestic industry, but it is something of a new experience to learn of worries of domestic producers over loss of foreign markets. Promptly with announcement of new British restrictions on importations, producers of lumber, cheese, film, apples showed concern over curtailment of their British market. Moviemen responded to the British edict by refusing to export film to the isles if they can withdraw only 25 per cent of the earnings. It is the Boston tea party in reverse!

Thus we learn the facts of economic life, particularly that trade must balance, that exports must be balanced by imports. The instruction though promises to be rather painful.

Newspaper Preferences

Jack Travis of the Hood River Sun made a poll of Oregon papers on political preferences. It resulted as follows:
For democratic presidential nominee, Truman 32, Marshall 17, Wallace 4.
For republican presidential nominee: Stassen 24, Dewey 16, Vandenberg 9, Warren 7, Taft 4.
For senator if Snell should run against Morse: Morse 34, Snell 32.
On Morse's stand on labor bill: Right 22, Wrong 44.
On Morse's stand on tax reduction bill: Right 27, Wrong 41.

UP SEEMS TO ME

(Continued from page 1)

generally "out of bounds" the traders exact high prices.

Gold mining was generally suspended during the war and has revived but slowly. The fixed price on lawful markets retards mining, since operating costs have risen sharply. Mine companies apply pressures for higher gold prices but our government steadfastly refuses to grant increases. Periodically rumors go through the exchanges to the effect that the gold price will be raised, but these are only rumors propagated perhaps as bait for speculators in gold shares.

Actually, if politicians acted in accordance with the gold theory they should proceed to reduce the value of gold, in other words to devalue the dollar. In 1934 in an attempt to raise commodity prices which suffered because of deflation the Roosevelt administration devalued the dollar by raising the price of gold from a little over \$20 an ounce to \$35 an ounce. Now that prices are dangerously inflated one way to bring them in line (if the gold theory works) would be to lower the price of gold.

No politicians would do that because the deflation might cause widespread panic and bankruptcy. You can march uphill on prices, but not downhill.
The current experience proves how depeasated is the "gold standard." It has been denounced by hundreds of people as the source of our economic ills, and governments have "gone off gold." But in the public mind gold is still a precious metal, a repository of value universally recognized. As long as currency un- settlement prevails and governments indulge in deficits, gold will retain its attraction. The existence of these black markets operating despite opposition of governments and the International Bank proves the permanence of gold as a medium of exchange.

GRIN AND BEAR IT By Lichty



"Comes the revolution, that's mine!"

Toys, Magazine Racks Occupy Time of Firm

By Don Dill
Staff Writer, The Statesman
(Pictures on page 1)

Salem's younger set probably will beat a path to the door of Ballantyne and Heitz company, 2736 N. River rd., when they learn that it is a home of toys and games.

The toy-makers are two veterans who got a kick out of making toys for their own and other youngsters and decided that they might as well make a business of it. Don Ballantyne, elder of the two, was raised in Dallas, but is

more recently of the navy air forces. Charles Heitz was a native of Klamath Falls before serving in the army air forces.
The two men met a year ago while in Portland trying to obtain priorities for materials at the civilian production administration offices. Ballantyne persuaded Heitz that Salem would be a better location for starting a small industry, and in October of last year they completed their quest set but on the North River road.
Hook 'n Ladder was the first game produced and sold modestly. It consists of little wire hooks which are thrown at a wire-strung ladder and hooked, if lucky. With Christmas past, the pair designed a simple, modern magazine rack and sold a large order to Meier and Frank's in Portland.

Since then they have had so many orders for the racks that the toy business has been sidetracked. However, the partners have spent their extra time in designing new toys and games and perfecting a production system.

One of the games, Turf, a horse race played with cards, was suggested to Heitz by a veteran friend who had been in army hospitals for two years with infantile paralysis. Heitz improved upon the game and when it is in production the crippled vet will get a handsome royalty.

Most of the toys and games being developed by the pair are designed for six- to ten-year-olds and are of the learn-by-doing type. Picture puzzles are kept simple to keep children interested and busy. Salem's toy-makers are still in swaddling clothes but it probably won't be long before long pants will be in order.

Public Records

CIRCUIT COURT
Vester K. Johnson vs E. V. Smyres: Order denying defense motion to set aside judgment of May 29.
Rose Barrett vs Ward N. Barrett: Decree of divorce awards custody of two minor children to plaintiff and orders defendant to pay \$60 per month support money.

Probate
B. E. Bain vs state tax commission and members of commission: Complaint in equity seeks voiding of commission's order for additional tax payments.
Northwest Casualty Co. vs Kenneth Alfred Anderson: Order of default.
Grace Maude Marcott vs Adore D. Marcott: Plaintiff files reply.

MARRIAGE LICENSE
Harold J. Schutze, 24, student, Coos Bay, and Beverly McCabe, 18, student, Salem.
Harry Britt, 42, truck driver, Dallas, and Ethel Younce, 26, waitress, Salem.
Dean Elwood Blakely, 19, laborer, and Betty Lorraine Wedmore, 18, secretary, both of Salem.

APPLICANTS
Edith D. White estate: Final decree.
Sarah Gillet estate: Order appointing C. W. Parker, Myrtle N. Bailey and Vera B. Glover as appraisers.

DISTRICT COURT
Edwin Brazil Miles, Salem route 5, pleaded guilty to driving in closed season, committed to county jail to serve out fine of \$150 and costs.
Edwin William Vogel and Frances Flynn, both of Salem route 2, charged with adultery, preliminary examination set for August 12, held in lieu of \$1,500 bail each.

MUNICIPAL COURT
Loyal A. Whitney, Salem route 1, charged with reckless driving with liquor involved, posted \$100 bail.
James Henry Foreman, 135 Hiway ave., charged with driving with driver's license revoked, posted \$30 bail.
Alfred M. Fedie, 866 N. Capitol, violation of anti-noise ordinance, fined \$25.
Merle Harley Rains, Salem route 3, driving while under the influence of liquor, fined \$250.

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Famous Hymn Reaches 75th Anniversary

By Wendell Magee Keck
This year the famous Hymn, "Onward, Christian Soldiers," reaches the 75th milestone in its history. As age goes, this is not high but few hymns have enjoyed such immediate and continuous popularity as this one.

Many surprises meet the investigator of the history of this famous song. Most persons are amazed to learn that this stirring march was originally written for children. The Rev. Sabine Baring-Gould worked most of a night to write it for the boys of his mission school in Yorkshire to sing as they marched to a neighboring school for a Whitmontide celebration. They sang his words to a tune from the slow movement of one of Haydn's symphonies.

Many persons are also surprised to learn that the present tune for this hymn is by Sir Arthur Sullivan, who composed the music for the well known Gilbert and Sullivan operas. When he wrote this tune, he had known W. S. Gilbert only a few months, and none of their famous operettas had yet been written. This tune, generally called "St. Gertrude" by hymnal editors, was written as a result of a quarrel between two great English music publishers, Clowes and the Novello's.

Until its appearance with the tune by Sullivan, "Onward, Christian Soldiers" was virtually unknown. Immediately after its publication in the London Musical Times in December of 1872, it was printed in hymnbook after hymnbook throughout Protestantism. Since Baring-Gould had written his poem merely as an "occasional piece," he was frankly amazed by its sudden and wide popularity. From time to time, editors have attempted to make changes in his lines, but these emendations have never lasted very long.

The reason for success of the tune is not far to seek. Sullivan knew how to write marches because he had learned to play every instrument in a military band before he was ten years old. His father was a bandmaster, and as a child he heard a great deal of martial music. Besides, as a boy he had been chorister in the famous Chapel Royal and later had had other choral experience. Thus he was acquainted with the capabilities of the human voice as well as of the band instruments. Before writing this tune for "Onward, Christian Soldiers," he had composed more than one successful oratorio and other religious music.

In 1940 the republican national convention adopted this hymn as a sort of theme song—in considerable contrast to "Oh, Susannah" of the previous convention. Fred Waring, popular radio chorus leader, had an elaborate and stirring arrangement of this hymn prepared for his "Pennsylvanians" several years ago. It was so favorably received that it has since been published as an anthem for church choir use.

Farm Machinery Displays to Top State Fair Record

Officials announced here Saturday that the farm machinery show at the Oregon state fair, starting here September 1, will be the largest in history.

Manager Leo Spitzbart reported all commercial display space on the 167 acres of fairgrounds has been sold for two weeks. Work is being completed on two additional entrance gates to accommodate increased crowds. Last year's attendance of 268,000 established a new record.

Meanwhile livestock entries are being received daily and officials estimate over 5000 prize head of stock will be on hand for judging on Labor day morning.
For the first time in several years the nightly horse show stakes will be open to non-Oregon owned horses. Horse Show Manager Roy Simmons said he expected entries from California, Washington, Idaho and Montana. There also will be rodeo events.
Heading the all-star billing of the night state fair follies of 1947 will be Pansy Sanborn, vaudeville comedian.

Hubbard—Marguerite Cook will leave Monday for a short vacation in eastern Oregon.

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