

# AAA PROCESS TAX HELD INVALID IN COURT DECISION

(CONTINUED FROM PAGE 1)

present conditions the same amount of industrial products that the returns to the farmer from the same products would buy in the five-year pre-war period from July, 1909 to August, 1914.

**Commerce Act Doesn't Cover**  
"The power of congress to regulate interstate commerce does not authorize it to do so by taking products either of agriculture or industry before they enter interstate commerce, or otherwise to control their production merely because their production may indirectly affect interstate commerce."

"The issue is not, as the government contends, whether congress can appropriate funds raised by general taxation for any purpose deemed by congress in furtherance of the 'general welfare' but whether congress has any power to control or regulate matters left to the states and lay a special tax for that purpose."

"If congress has the power to control or regulate the production of agricultural products within the several states, and assess a tax on their processing or sale for that purpose, it is obviously legislative in character. Query then has congress set up any definite standard for the secretary's action in making rental or benefit payments to producers and thereby imposing a processing tax?"

"We find no definite, intelligible standard, set up in the act for determining when the secretary shall pay rental or benefit payments in order to reduce production of any particular commodity except in his own judgment as to what will effectuate the purpose of the act."

"The declaration of the emergency in the agricultural act contains no such standard for the secretary of agriculture to follow in entering into restrictive agreement with producers of agricultural products. It is merely a statement of conditions, which in the judgment of congress warranted legislative action."

"Without requiring any findings to warrant his action, congress has empowered him, in conjunction with the producers, to determine when a reduction of acreage of production of any one of the agricultural commodities which it has termed basic should be resorted to be made and in what amounts, and thereby to determine through the initiation of the benefit payments or rentals the consequent imposition of a tax."

"The secretary made no findings of fact as to why he selected the first list of basic commodities for reducing acreage or production, and was not required to do so. He simply made a proclamation, rental and or benefit payments are to be made with respect to cotton; and a processing tax automatically followed."

Frank J. Wideman, assistant attorney general in charge of tax cases, said the Hoosac case would be heard before the supreme court "sometime in the fall," in any case, before the holidays.

## George Savage Dies At Marcola Monday

George W. Savage died at his home in Marcola Monday evening after a long illness. He was born in Benton county, Oregon, Dec. 8, 1853, and has lived in Oregon all of his life.

He was a member of the Christian church at Marcola.

Surviving are his wife, Mrs. Mary Savage; three sons, Sid Savage of Reedsport, Edgar Savage and Lee Savage of Marcola; four daughters, Mrs. Nettie King and Mrs. Mintie Norton of Salem, Mrs. Bertha Price of Marcola and Mrs. May McConlogue of San Francisco. He also leaves 17 grandchildren and 12 great grandchildren; one brother, Thomas Savage of Woodland, Wash.; and three sisters, Mrs. Julia Holbert of Albany, Mrs. Mary Morrow of Portland, and Mrs. Ida McAllister of Salt Lake City.

## PICNIC PLANNED

The annual picnic of the Fairmount Presbyterian Sunday school, and other organizations of the church, will be held at Lowell Wednesday. A truck and cars will leave the church at 10 a. m. A covered dish dinner is to be served at noon. The young people's group will not hold a separate meet, but will join the Sunday school and congregation in the main picnic.

## NEW PLANT SLATED

A new heating plant has been purchased for installation at the Dunn school, it was announced Tuesday. Extensive alterations are also planned for the building. A call for bids was issued Tuesday.

**THIS EVENING**  
Fred Waring and his Pennsylvanians and Colonel Stoopnagle and Budd  
Presented by THE FORD DEALERS  
8:30 to 9:30 • KOIN (Pacific Coast Time)

**UPHOLSTERING**  
Your old Davenport rebuilt and a New Cover for only \$24.75  
Applegate Furniture Co.

Have Your Shoes Fitted By X-Ray  
Williams' Stores, Inc. New Store—1015 Willamette

# Housewives' Forum

(Continued From Page 1)

**Golden West Fruit Salad**  
1 apple diced.  
2 oranges diced.  
1 pear diced.  
1 peach diced.  
1 grapefruit diced.  
2 bananas diced.  
4 slices diced pineapple.  
1/2 cup white grapes.  
1/2 cup maraschino cherries.  
1/2 cup walnut meats cut fine.  
3-4 head lettuce.  
1/2 cup maraschino cherry juice.  
Put all the diced fruit (except maraschino cherries) in a bowl and let it marinate well in the maraschino and lemon juice. Line salad plates with lettuce leaves and make a bed of shredded lettuce. Pile fruit on shredded lettuce, sprinkle with cut walnut meats and garnish with maraschino cherries. Serve with whipped cream dressing, or mayonnaise.—Mrs. Allen Hart, 1020 Moss street.

**Fruit Salad Plate**  
2 oranges.  
1 large grapefruit.  
2 bananas.  
1/2 cup chopped roasted peanuts.  
16 strawberries.  
2 slices pineapple.  
Whipped cream mayonnaise.  
Peel the oranges and grapefruit and cut into sections; arrange the salad individually as follows: On each plate put a nest of lettuce and fill with the orange and grapefruit sections. Peel the bananas, dice and combine with peanuts and arrange in a second small nest of lettuce. Wash and hull the strawberries; dice the pineapple, combine the fruits and place in a third nest of lettuce. Place the mayonnaise in small shallow dishes and put one on each plate. Serve with cinnamon toast.—Irene July, 110 North Madison street.

**Frozen Newport Salad**  
Take 5 cupsful of any desired mixture of fruit, cut small. One delightful combination consists of:  
1 cupful diced pineapple.  
1 cupful white cherries (pitted and cut).  
1 cupful cut peaches.  
1 cupful cut apricots.  
1 cupful shredded almonds.  
1/2 cupful granulated sugar; stirred with 1 cupful fruit juice.

Mix all with one cupful mayonnaise and pack in refrigerator trays or mold and freeze. To serve, slice salad 1/2 inch thick and place on lettuce leaves that have been dressed with French dressing. Dust edges of leaves with paprika. Can be garnished with strawberries if desired. With bread sticks or cheese straws and a drink makes complete refreshments for tea or bridge.—Mrs. M. Johnson, 501 West Broadway.

**Japanese Students To Be Entertained By Local Rotarians**

Entertainment plans for the visiting Japanese students due in Eugene Sunday, Aug. 4, from 11:30 a. m. to 2:30 p. m. were discussed at the weekly luncheon of the Rotary club Tuesday at the Osburn hotel.

The Rotary club will entertain 50 Japanese students at dinner at the Osburn hotel at noon and then take them on a tour of the Murray-Warner art museum. The club is exchanging the courtesy of the American students visiting in Japan last summer which the Japanese Rotary club gave them.

The fellowship committee had charge of the program at this week's meeting and Fred Cuthbert, Charles Taylor and Hal White spoke.

The personnel of the donkey ball team from the Rotary club to meet the Kiwanis team Friday night at 8:15 at the University field, was named by C. R. Manerud as follows: Belden Babb, Roland Burghardt, Arthur Bushman, Frank Callison, R. P. Dixon, Paul D. Green, Henry Korn, Wayne Morse, Hugh Rosson, Hal White, Irv. Schulz and Perry Thompson.

Visiting Rotarians at the meeting included J. L. Erb of New London, Conn.; W. L. Osburn, McMinnville; Jack Siminger of Roseburg; Tom Minto of San Anselmo, Cal.; and Clair A. Nelson of San Diego, Cal. Visitors included M. T. Hendricks of Portland, and Donald Erb of the University of Oregon summer sessions faculty.

**BORN**  
SEREBEE—At the Nelson maternity home, to Mr. and Mrs. A. S. Serebee, 2300 Emerald street, July 16, 1935, a son.

## Schilling Pepper

rich in flavor

## UPHOLSTERING

Your old Davenport rebuilt and a New Cover for only \$24.75  
Applegate Furniture Co.

## READY MIXED EARWIG BAIT

## Williams' Stores, Inc.

New Store—1015 Willamette

# PRUETT DESCRIBES ECLIPSE OF MOON

(CONTINUED FROM PAGE 1)

large group soon arrived that the telescope was in constant use for almost two hours.

Near the end of totality (9:50) twilight had faded and the sky appeared as it does on a clear moonless night. The stars were very brilliant and the Milky Way extended its faint hand across from north to south. After the moon was well out of the eclipse the stars faded considerably and the Milky Way disappeared.

The atmosphere was fairly clear of clouds in those parts of the world where sunrise and sunset were occurring could be judged from the fact that during the middle of totality the edges of the moon were quite evenly illuminated with the reddish refracted light.

The real thrill came at the end of totality. Every one was watching for the first bit of yellow light. Almost exactly at the time predicted, all were able to see the narrowest strip of "normal moon" on the eastern side. This brilliance seemed almost pearly in contrast with the copper color of the rest. The extreme beauty of the picture seemed to impress every one. It was even more beautiful when the yellow strip became wide enough to look like a new moon.

Some remarked that the moon looked really spherical during totality. After a considerable portion had become light again, it was easily seen that this part appeared wider than the adjacent eclipsed section. This is due to eye imperfections which cause bright objects to seem wider than dimly lighted ones. The edge of the earth's shadow was easily seen as circular.

The light shadow stage (penumbra) was not very noticeable excepting with telescopic aid.

The double date (July 15-16) given in almanacs slightly confused some. For all parts of the country, excepting those using Pacific standard time, the last of the eclipse lasted past midnight and thus into Tuesday.

American colleges and universities are spending more than \$500,000,000 annually for advancement of learning, according to estimates.

# BREVITIES

(CONTINUED FROM PAGE 1)

\$125 a month separate maintenance from a regular salary of \$148.50 and pension of \$26.25 had led to a judge's decision to order an investigation today. Mrs. Mayme Love yesterday presented an affidavit in her divorce trial declaring her husband, Deputy Bert Love, had an income of \$300 a month from sources other than regular salary. She said she would testify that Love received \$100 from a Chinese known to her as "Louie."

**PENDLETON, Ore., July 16.—(AP)**—The prediction that between 7,000 and 8,000 farmers from Oregon, Washington, and Idaho will attend the Walls Walls meeting Monday at which Henry A. Wallace, secretary of agriculture, will explain the government's agricultural adjustment plan, was made today by Mae Hoke of Pendleton, president of the eastern Oregon Wheat League.

**SALEM, July 16.—(AP)**—The state highway commission today was instructed that one per cent of the combined regular federal aid and state match funds for highways be set aside for road beautification work. This regulation was received through the bureau of public roads and is a mandatory regulation.

**SALEM, July 16.—(AP)**—An adventurous earwig staged an eclipse of his own here last night as observers were viewing the moon's eclipse through a telescope at the R. L. Bradley home. The insect crept into the Bradley instrument unannounced, and many spectators made an interested study of the "eclipse" before it was discovered they had been viewing an enlarged bug instead of the obscured satellite.

**PORTLAND, Ore., July 16.—(AP)**—Oregon's young democrats played the part of a bride left waiting at the church door today, although the bridegroom probably doesn't even know he was scheduled to appear. Several score members of the young Oregon New Dealers trekked to an early morning train to meet James Roosevelt, son of the president, but found instead Hampton Robb, national chairman of the finance committee of the Young Democrats, and S. S. Spivak, personal secretary to the younger Roosevelt.

**PORTLAND, Ore., July 16.—(AP)**—Paul R. McKee, president of the Pacific Power and Light company, today

# FISK WILL LEAD O & C COUNTIES

(CONTINUED FROM PAGE 1)

ing for it, by buying from the state of Oregon its beneficial interest in it. The value of the grant is reasonably \$20,000,000 based on a stand of 40,000,000,000 feet of timber at 50 cents a thousand as an average value.

"The grant would be reduced in amount substantially \$7,000,000,000 to take care of the deficit to the government and between \$5000 and \$1,000,000 to take care of county accrued claims, the total reduction being \$8,000,000, leaving \$12,000,000 capital value there.

**Counties Would Be Protected**  
"Our suggestion is that of that amount, \$2,000,000 of that be reserved to the federal government as a trust fund to take care of payments of tax equities until sale of timber under sustained yield will meet the annual requirements. From the balance of \$10,000,000 there should be set aside whatever is necessary to construct a state capitol for Oregon, say \$4,000,000; and the balance, in the neighborhood of \$6,000,000, be paid to the state of Oregon and become an irrevocable fund the interest of which will be used in perpetuity for acquisition and protection, and administration of state-owned forests."

"I believe that the emergency in Oregon, plus the peculiar status of these lands, make it possible for the plan to be put into operation in Oregon."

This plan would do away with the 40 per cent reclamation fund and would thus leave all the money in Oregon where it belongs, Mr. Cordon stated. These lands belong to Oregon, therefore Oregon should get the full benefit, he said.

Any recommendation to the present

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# NEW RESTAURANT PLANNED AT 8TH AND WILLAMETTE

(CONTINUED FROM PAGE 1)

Clarence Wilcox, who has operated "The White Palace" on East Tenth avenue for the past year, plans to erect a large restaurant at the corner of 8th and Willamette, at the site originally intended for a medical-dental building, if a deal for the property can be closed.

Wilcox will tear down the billboards which stretch across the corner, and erect a full length white tile building, designed in modern style, and equipped to compete with any restaurant of its type on the Pacific coast.

He plans to follow the same type of merchandising that has proved so successful at "The White Palace," with sandwiches, short orders and beer featured.

**HAYFEVER** Busted red in 24 hours. Dr. Platt's RINEX Prescription moves all the dirt, dust, pollen, itching eyes, runny nose, headache, that depressed feeling, or no out. Equally good for Hay Fever, Nasal Catarrh, Head Colds, Asthma, Paroxysms. All druggists recommend it. \$1.00 on guarantee of satisfaction or money back promptly. Or get 24-hour Trial FREE from Aluna Laboratories, Cleveland, O.

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Call or write our offices for detailed information, fares to various points, itineraries and reservations. W. H. Dawson, General Passenger Dept., 626 S. W. Blvd., (New Bldg.), Telephone BR. 0037, Portland.

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# I am your Lucky Strike

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