

# Green Beans Are Lower; Stock Market Ups Again

PRICE OF BUTTER,  
EGGS, POULTRY AND  
GRAIN IS STEADY

Little change was observed in the Eugene markets Thursday. The vegetable line green beans were a little lower, due to the supply, buying prices being 3 cents a pound.

Butter, poultry and butter were steady, and there was no change in the price of wheat, which remained at 3 cents a bushel.

**LOCAL PRICES**

**Eggs**  
(Egg Depot Buying Prices)

(New York Grades)  
(Swift's Buying Prices)

(Wholesale Price to Retailers)

(Cartons or 1/2 case lots to Extra)

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**NEW HIGHS MADE  
IN SOME LINES;  
TRADING LIVELY**

NEW YORK, Aug. 8.—(AP)—Buying tendencies ruled in today's stock market with merchandise, Steel, Aviation and Specialty issues leading the upturn.

A number of new highs for the year or longer were registered although the majority of Rails, Motors, Utilities and Oils were little better than steady. The close was firm. Transfers approximated 1,450,000 shares.

Today's closing prices:  
Air Reduc 143; Alaska Jun 15 7-8; Al Chem and Dye 157 1-2; Am Can 143 1-2; Am Coml Alco 23 1-2; Am and For 6 1-4; Am Pow and Lt 7 1-4; Am Smelt and Rf 43 1-8; A T & T 132; Am Tob 13 30 1-2; Amoco 16 7-8; Atchafson 51; Atlantic Ref 32 3-4; Bait and Ohio 13 3-4; Bendix 18 5-8; Beth Steel 35 5-8; Borden 24 3-4; Burr Add Mach 17 7-8; Calif Pack 33 7-8; Case 11 67 1-4; Cat. Tract 52 5-8; Chrysler 58 1-2; Col Gas and Elec 9 1-4; Coml Solv 18 3-8; Conti Can unquoted; Corn Prod 11 1-4; Curt Wright 2 3-8; DuPont 108 1-2; Eastman 147; Elco Auto 14 20; Gen Elec 29 1-8; Gen Foods 30 5-8; Gen Motors 42 3-8; Gillette 10; Gold Dust 16.

Homestead Mining 385; Int Harv 62 1-2; Int Nick 28 1-8; IT and T 10 5-8; Johns Man 63; Kennecott 20; Lib-O-Ford 36; Lig and My B 121; Liquid Carb 32; Lorillard 24 1-8; Monty Ward 34 1-2; Nash Mot 15 3-8; Nat Disc 31 1-2; Nat Dairy Prod 14 7-8; Nat Distill 26; NY Cent 20 1-4; North Am 20 1-2.

Pac Gas and Elec 26 1-8; Pac Light 42; Packard 4 7-8; Penn Ark 4 1-8; Penney 30 70 1-4; Penn RR 26 5-8; Phillips Pet 22 5-8; Pub Ser NJ 41; Pullman 42 1-8; Radio 6 7-8; Rem Rand 10 5-8; Rey Tob 11 55; Sears Roeb 58 7-8; Shell Union 14 3-4; Sou Pac 19 1-8; Stan Brands 14 1-8; St. Oil Cal 35 1-8; St. Oil NJ 46 1-8; Studabaker 3 7-8.

Texas Corp 19 1-2; Transamer 7 3-8; Union Carb 63 1-8; Union Pac 98 3-4; Unit Aircraft 15; Unit Corp 4 5-8; Unit Gas Imp 16 1-2; US Ind Alco 40 3-8; US Rubber 14 1-8; US Steel 42 1-2; West Elec 64 5-8; Woodward 61 7-8.

Closing Curb Quotations: Cities Ser 1 7-8; Elec Bond and Sh 14 1-8.

**Grain Prices Drop  
On Chicago Market**

CHICAGO, Aug. 8.—(AP)—Selling that was largely to prepare for any surprise in tomorrow's government crop report led to lower prices for wheat most of the time today.

Wheat closed unsettled, 1-4/8 7-8 under yesterday's finish, Sept. 90 1-4 1-4, corn unchanged to 3-4 lower, Sept. 75 1-4 1-2, oats 1-8 1-2 off, and provisions unchanged to 50 cents down.

Wheat: Sept. open 90 3-4 1-4, high 91 1-2, low 89 3-8, close 90 1-8 1-4; Dec. open 92 3-8 1-4, high 93, low 90 7-8, close 91 3-4 1-2; May open 94 1-4 1-2, high 94 1-2, low 92 3-8, close 93 1-4.

Corn: Sept. open 75 3-4, high 76 1-4, low 75 1-8, close 75 1-4 1-2; Dec. open 59 5-8 1-4, high 60 1-4, low 59 1-4, close 59 1-2 1-2; May open 60 3-4 1-2, high 61 3-8, low 60 3-4, close 60 7-8.

CHICAGO LIVESTOCK (U. S. Dept. Agr.)—Hogs: 7500; generally 10-15c higher; top \$12.05; for strictly choice 210 lbs. bulk 170-250 lbs. \$11.75-12.00; late trading very slow; most bids on weightier butchers and packing sows steady; few bids good to choice 270-320 lbs. butchers \$11.25-70; most smooth light and medium weight packing sows early 10.50-60; unsold lots \$10.40 up.

Cattle: 5000; better grade fed steers and yearlings comparatively scarce, fully steady; no strictly choice heavy steers here prime 1.07-lb. up to \$12.15; long-fed medium weight and weighty steers \$11.50-12.00; choice 1.03-10 lb. yearlings \$11.05; grassy and warmed-up steers getting action \$9.50 downward; big string Kansas grassers averaging around 1,000 lbs. \$8.15-60; fat cows and all helpers firm; cutter cows rather slow, steady; bulls steady; vealers scarce, strong; choice heifers

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THE REGISTER-GUARD, EUGENE, OREGON

**Theatres**  
By R. W. J.

**THURSDAY PROGRAMS**  
**McDONALD:** Double bill "The Irish in Us," with O'Brien, Cagney, and "Smart Girl," with Gail Patrick, Kent Taylor, Ida Lupino. Ends Saturday.

**HEILIG:** "Becky Sharp," with Miriam Hopkins. Ends Thursday. **STATE:** "Star of Midnight," with William Powell, Ginger Rogers. Ends Saturday.

**MAYFLOWER:** Double bill, "I Sell Anything," with Pat O'Brien, and "The Secret Bride," with Barbara Stanwyck. Ends Thursday.

**REX:** Same as McDonald.

McDonald and Rex have double bill today—"Smart Girl," snappy amusing comedy, with Gail Patrick and Kent Taylor, and "The Irish in Us," with Pat O'Brien and Jimmy Cagney as a couple of fun (and fight) loving brothers, who tangle over the same gal.

"Becky Sharp," the marvelous Technicolor production which has played the Hellie since Sunday, closes today. Miriam Hopkins and Sir Nigel Bruce are the best performers, although the remaining cast is excellent. Smart lines, a pleasing story. And what color!

"I Sell Anything," Pat O'Brien's fast-talking talkie of the auctioneer's life and loves, ends today at the Mayflower. Same bill is a thrilling drama, "The Secret Bride," starring Barbara Stanwyck.

"Star of Midnight," a comedy with the sparkle of champagne, is playing the State. Much of the delightful effectiveness of the picture is due to the grand performance of Ginger Rogers and William Powell in the leading roles.

Trading in the egg market locally was without general change. The state has added underlies to 2 legal grades.

Acute shortage of light weight broilers; those under 2 lbs. were confined. Sales were reported nominally to 15-15 1/2 lbs. Other fowls were generally steady.

Advanced prices were shown for the day in the tomato trade with decreasing supply. Most business in best stuff was \$1 box with a few sales fractionally higher.

Market for cantaloupes showed a firm tone, including all offerings. There was a shortage of offering from The Dalles and Yakima while California were higher as a result of a strong E.O. market.

Better situation is reported in the peach trade with much of the California stuff out of the way and better stuff coming from the mountain states. Local stock was still the favorite.

**PORTLAND LIVESTOCK**  
PORTLAND, Aug. 8.—(U.S.D.A.) Hog receipts 400 including 225 through and direct; market active, mostly 25c higher; good to choice 170-220 lb. weights largely 11.75; 200-280 lb. 1.25; 130-140 lb. 1.00; packing cows 8.25-8.50; choice 98-105 lb. feeder pigs 12.50.

Cattle receipts 150 including 11 direct; calves 50 including 22 direct; market active, steady to strong; plain she stock strong to 25c higher; vealers 50-100 higher; few grass steers 4.50-6.25; heifers 4-6. Low cutter and cutter cows 2.50-3.25; common to medium 3.50-4.25; few good beef cows 4.50-4.75; bulk mostly 4-5; heavy kinds up to 5.25; good to choice vealers 8-8.50; medium grade 5.50-7.00; heavy calves down to 4.25.

Sheep receipts 400 including 170 direct; market steady; good 80-100 lb. fat lambs 6-6.10; medium 5.25-5.50; culls down to 4.00; few yearlings 4-4.50; aged wethers 2.50-3; fat ewes 1.75-2.25.

**PORTLAND STAPLES**  
PORTLAND, Aug. 8.—(AP)—Sugar—berry or fruit, 100, \$5.15; Bales, \$5.25; beet, \$5.15 ext.

Domestic flour—Selling price, mill delivery, 5 to 25 lbs. lots: Family patent, 98c, \$6.60-7.30; bakers' hard wheat, \$6.05-7.70; bakers' bluestem, \$6.15-6.75; blended hard wheat \$6.45-7.20; graham, \$5.35; whole wheat, \$6.55.

**Radio Programs**  
KORE, Eugene  
4 p. m. A. J. Young Command; 5. Twilight Show; 5.30, N.R.; 5.45, Parker Dental Clinic; 6. Concert;

**NOTICE!**  
If you are unable to be seated at the McDonald Today you may see the same program at this theatre starting at 6:45 P. M.

**MAJOR 2 FEATURES**  
HIS WOMEN HAD TO CHOOSE BETWEEN CAVIAR AND CORNED BEEF!  
**SMART GIRL**  
IDA LUPINO  
KENT TAYLOR  
GAIL PATRICK

**STAR OF MIDNIGHT**  
WILLIAM POWELL  
GINGER ROGERS

**THE IRISH IN US**  
JAMES CAGNEY • PAT O'BRIEN

**OLD QUAKER**  
STRAIGHT WHISKY

**OLD QUAKER**  
DISTILLED GIN

**OLD QUAKER**  
60c PINT No. 501C (50 Proof)

**OLD QUAKER**  
95c FIFTH No. 501B (50 Proof)

**OLD QUAKER**  
STRAIGHT WHISKY

**OLD QUAKER**  
STRAIGHT WHISKY

**OLD QUAKER**  
STRAIGHT WHISKY

## GRUMBAKER SHOWS HOW NRA BROUGHT TEST OF POWERS

(CONTINUED FROM PAGE 1)

of control are to be found in New York and in Oregon.

**Federal Codes Raise Questions**  
The federal "codes" and the orders of the state control boards, have each raised two major questions of law.

The first question is whether the authority exercised in violation of the guarantees of the federal and state constitutions.

The second is whether the state and federal governments have invaded the respective sphere of authority of the other. With one exception these questions have been answered by the federal supreme court.

The provisions of the federal law authorizing the adoption of "codes" came before the federal supreme court in a case which involved the sale of poultry in a New York market in what was essentially intrastate commerce.

**What NRA Ruling Settled**  
The court definitely settled two important questions.

Congress could not delegate to the president, or to the members of an industry, the authority to make laws to be enforced by the courts. Congress, even in the face of a serious emergency, cannot barter away or abdicate its legislative authority. The authorization of "codes" was an unconstitutional delegation of legislative power.

The second issue raised in the poultry case was whether federal codes could govern intrastate business as the law apparently intended. The supreme court adhered to its traditional position that congress could not, under the guise of regulating interstate commerce, actually regulate intrastate business, which incidentally affected interstate business.

**Big Issue Left Untouched**  
One very important question was not settled in this case, contrary to popular opinion.

The court did not rule upon the validity of the "codes" had they been imposed by act of congress, and made to apply to interstate commerce. There is nothing in the opinion, by inference or otherwise, to lead to the conclusion that price fixing by congress would be set aside as unconstitutional.

The second type of regulation through administrative boards was brought before the supreme court in a case involving the New York milk control law. A local dealer had been fined for selling milk below the price fixed by the milk control board.

The supreme court of the United States found that the definition of a fair price was adopted when the milk control law was passed. The function of the milk control board was an administrative function of determining what costs were.

When costs were determined they automatically became a part of the statute passed by the legislature. This was not a delegation of legislative power. Hence the question of the delegation of legislative power, upon which the NRA price control was ruled unconstitutional, was not present in the milk control case.

As to the charge that the milk control law violated property and contract rights, through price fixing, the court held that neither property nor contract were absolute rights. Regulation was abhorrent to the constitution.

Laws which limit constitutional rights must not be arbitrary, capricious nor irrelevant. A state can adopt any economic policy it deems necessary for public health and safety, within these limitations, without violation of the due process clause of the constitution.

Courts are not the proper judges of the wisdom and expediency of state policy. The constitution defends only against unnecessary and unwarranted interference with individual liberty.

According to the decision in the Nebbia milk control case, price legislation by legislative process may be constitutional. Is there any reason to believe that a similar law by congress applying to interstate commerce would not likewise be held constitutional? Perhaps a revamped NRA providing for congressional regulation of prices and practices would be upheld by the supreme court.

As to the conflict between federal and state authority, the court was consistent in the milk control law. New York could not regulate the price of milk brought in from Vermont on the same terms as milk produced in New York. The state cannot in any form or under any guise directly burden interstate commerce. New York may legislate to make her farmers prosperous. She cannot legislate prosperity for the dairymen of Vermont. The New York law stops at the state line. It cannot control the production of milk in Vermont, nor its sale in

New York, beyond the matter of sanitation and kindred matters.

Recovery legislation has clearly demonstrated several principles.

1. Authority to fix prices and regulate business cannot be delegated by the legislative arm of the government to the administrative branch, or to the public.

2. Neither the state nor the federal governments may invade the respective field of authority of the other.

3. Legislative regulation of prices and practices is constitutional if such legislation is not capricious, arbitrary, and unrelated to the problem of regulation. It would seem that either congress or the state legislatures may so regulate in their respective fields.

**ATTENTION, GENERAL STORES.**  
The New Pharmacy Law now in effect provides that if General Stores sell certain medicines a license from the State Board of Pharmacy is required.

**TO DAIRYMEN**  
Another non-paying milk customer dropped by Gailley's Dairy.

**Mayflower**  
NOW PLAYING  
LAST TIMES TONIGHT  
BARBARA STANWYCK  
And  
WARREN WILLIAM  
In  
"Secret Bride"  
—ALSO—  
PAT O'BRIEN  
(In a role cut