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"With or without offense to friends or foes
I sketch your world exactly as it goes."

—Byron

A Law Unto Himself

The supreme court's decision denying the petition filed for a writ of mandamus to compel Governor Norblad to live up to the Constitution and call a special election to fill a vacancy in Marion county's legislative delegation is interesting, if not illuminative with implications of far reaching consequences.

If we read the decision aright, and the chances are even that we do not, any more than we read the Constitution aright, for it also probably requires an involved interpretation of its own, a governor is a law unto himself and above both courts, legislators and electors. The decision says:

It is generally agreed that the courts have no authority or power to interfere by mandamus with the governor upon questions involving his judgment and discretion. He cannot be compelled by mandamus to perform duties which are purely ministerial. . . . The general rule is that the executive of the state, in the proper discharge of his duties under the Constitution, is as independent of the courts as he is of the legislature. The authorities agree in holding that where the duty sought to be enforced is not merely ministerial but one involving discretion, it cannot be enforced by the writ.

The statute directing the governor to call such a special election, the constitutionality of which is admitted by the court, reads:

. . . and when any vacancy shall happen in the office of member of the senate or house of representatives, by death, resignation, or otherwise, and a session of the legislature is to take place before the next biennial election, the governor shall issue a writ . . . to hold a special election to fill such vacancy or vacancies, at a time appointed by the governor.

The intent, to a layman, is that the vacancy should be filled by election prior to the convening of the next session of the legislature. The exact date is left to the governor's discretion—but the election call is mandatory. But under the court's decision, it can be indefinitely postponed or never issued—at the executive's discretion—and no one, including the supreme court, can do anything about it.

The decision leaves no way open to compel the governor to exercise prescribed duties where any element of executive discretion enters into performances—and where does it not? It disqualifies individual electors from bringing proceedings to force performance of constitutional duties without consent of a political officer and gives the executive a free hand to do as he pleases.

The effect of the decision is to leave Marion county without legislative representation and at the mercy of the politicians of the legislature. It deprives the people of a voice in the selection of their own representative and opens the way to political manipulations without restraint.

Big Bill's Lottery

Big Bill Thompson of Chicago, who it will be remembered was elected mayor on the promise "to keep King George's snoot" out of the windy city, has a "buy it now" campaign and lottery on to revive prosperity, that makes the Lion's club seem like pikers.

A million dollars in prizes are offered in the lottery and tickets are distributed through the stores and obtained with every 25 cents purchase. So it is proposed to stimulate buying for the sake of the lottery tickets. The best part of the lottery however, is the unique scheme by which the prizes are to be drawn.

Big Bill is going to have a ghost pick the winners. He has selected the ghost of Grover Cleveland, because he was a "hard-times" president to call the lucky numbers. The mayor is going to a medium who is in touch with the former president, or claims to be, which is just as good. The medium will have a trance, Grover's ghost will tell her the numbers and she will tell the mayor. He will write them down and "Nobody but me will know what those winning numbers are."

This mystic procedure, says the mayor, ought to convince everyone that the lottery is on the level and all that is claimed for it. Perhaps, but it's hard on poor old Grover's ghost to be drafted for such things. Why not have Herbert Hoover pick the winners, without disturbing the dead, for he also is a "hard-times" president and famous for figures.

To Control Production

It seems to be the consensus of opinion among timbermen, bankers and business men that what the lumber industry needs to restore it to prosperity is a modification of the anti-trust laws to permit the formation of a lumber trust or combine which could effectively regulate production to meet demand, eliminate waste and loss and at the same time conserve timber for future needs instead of cutting it as unsaleable surplus.

We have the example of the success of the steel trust as typifying what combination in the interest of monopoly can do to keep an industry prosperous, but such a combine, with centralized control is easily and legally accomplished in steel, whereas the timber resources have such scattered and diversified ownership that common ownership is almost impossible and without it the law forbids unified control of operations.

The anti-trust laws have not checked, to any appreciable extent, the growth of monopoly, and sentiment towards combinations that eliminate economic waste and insure stability is growing in popular favor. It is not the size of a trust but its treatment of the public that concerns the government today. And there seems no good reason why the law should not be amended to enable the lumber industry to become prosperous as we permit a hundred other industries to flourish. Uncontrolled production has ruined lumbering just as it has agriculture. What is asked is modification sufficient to permit cooperation, under public regulation, in price and production control.

HUGE SOUL FUND IS RELATIVES' PROBLEM

Cincinnati, O., (AP)—Relatives are pondering over what should be done with the money Miss Alice McGinn left to provide for the repose of her soul.

When Miss McGinn died at the widows' home, she left a will. Requests to more than two score relatives totaled approximately \$8,000, most of which was in small sums. The balance would amount to only a few thousand dollars, she thought,

so she left it to insure the repose of her soul.

She specified that \$2,535 was to be given to the Church of the Assumption, for masses for her soul and those of her parents. Then she left \$1,000 for the care of her grave and the graves of relatives.

The estate would amount to \$75,000. After her death it was disclosed \$600. The increase in the value of the McGinn estate was due to profitable investments.

Relatives stated they would contest the will.

TROUBLES PILE UP ON FOULKES IN COUNTY JAIL

More troubles piled onto Fred W. Foulkes, Jr., mystery man of the Santiam who has been serving time in the county jail here, when his wife, Dorothy Reynolds Foulkes, Friday secured a divorce from him in circuit court, and in addition an answer was filed a case involving what was once Foulkes' new saw-mill on the Santiam above Detroit. Foulkes is the son of a lumberman in Michigan, said to be wealthy. The divorce proceedings revealed that Foulkes' marital happiness was short, as he married Dorothy Ysabel Reynolds in April, 1930. She declared that on July 3 he became intoxicated and struck her and that he did the same at other times. She is granted her maiden name of Dorothy Ysabel Reynolds.

In the answer of Grace R. Smith to the complaint of W. H. Clark, involving the Santiam Timber & Logging company and the Foulkes sawmill on the Santiam some operations of Foulkes in connection with that new mill are revealed. This mill caused quite a furore in that section when constructed and numerous conjectures as to plans surrounding it.

In her answer Grace R. Smith says she contracted with Foulkes and under the contract he agreed to buy all the timber on certain property owned by her, agreeing to pay \$3500 before felling any timber, and that he paid \$1000 on the purchase price. She states he felled about 1-

350,000 feet of timber without paying the \$3500 and that she elects to have the contract terminated because of that breach. She further alleges that on April 28, in order to secure payment of a note for \$15,350, Alberta V. Reynolds took a chattel mortgage on the lumber company's properties. In September, 1930, she further avers, Foulkes gave a bill of sale for the mill to George W. Derr, giving also title to logs in the pond at the mill. Mrs. Smith wants the contract cancelled and that she be declared owner of her properties.

XMAS SLOGAN FOR SERMON

Dallas—In keeping with the slogan which is being universally used at the present time, namely: "Shop Early," Rev. James A. Smith, Presbyterian pastor, has prepared a special sermon for Sunday and will use this slogan as his text. Material for this presentation has been gathered by Rev. Smith thru interviews with a number of merchants from their own viewpoint and that of their customer promises to reveal some interesting comparisons. A unique message will be delivered at the vesper service when the pastor will impersonate the star of the east and answer a number of questions relative to the birth of Christ.

An augmented choir, under the leadership of Mrs. Gilbert McGregor will present the Christmas cantata, "Hail Messiah," on December 21 at the vesper service.

St. Paul—The Alvin Pohl Schnelders left Wednesday morning for

New York where they are scheduling a boat for Germany. The Schnelders are going to visit their mother and expect to return towards the latter part of March.

MOVE FROM FARM

Silverton—Mr. and Mrs. Carl Lima and children have moved from their farm several miles out of town on the Marquam road, to Salem, where Lima is connected with an insurance company. The Limas who have lived on this farm near the Abiqua for many years, have leased their beautiful country home to Mr. and Mrs. M. Njst.

REAL ESTATE LOANS

If you are one of the many representative citizens who require a real estate loan, you'll find our service completely satisfying in its promptness, efficiency and moderate charge.

LOANS — INVESTMENTS — INSURANCE

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Christmas Money for Next Year-- that You'll Never Miss

50c a week will be \$25.00
\$1.00 a week will be \$50.00
\$2.00 a week will be \$100.00
\$3.00 a week will be \$150.00
\$4.00 a week will be \$200.00
\$5.00 a week will be \$250.00

WHEN the Christmas season comes around again, you needn't be startled into sudden saving and stinting . . . you can dig into a pocket full of money for gifts for everyone, if you start as a member of our Christmas Club now. A few cents or dollars—whatever you can afford, each week — and you'll get as much as you put in, plus 4% interest, next December. Deposit any amount you choose from 25c up but—DO IT NOW.

Remember — Christmas Club accounts earn four percent interest if payments are made regularly or in advance.

The FIRST NATIONAL BANK
in Salem, Oregon



Fanchon & Marco Model Fred Benioff's Fine Furs at Elsinore Tonight!

Salem's first Fanchon & Marco Fur Fashion Show will take place at the Elsinore tonight at 9:30 o'clock. It will be a revue of Fred Benioff's fine fur fashions, made possible through the cooperation of the Elsinore Theater and Miller's Department Store.

NEW FUR FASHIONS...

Fred Benioff will introduce new fur fashions to the fashion loving women of Salem tonight at the Elsinore Theater. The creative resources of San Francisco's Leading Furrier will be reflected in this comprehensive showing. And, whether it be fur fashions for the sub-deb, the business woman, or the woman of leisure, Benioff shows the way in exquisite furs.

Attend the show tonight and see for yourself the finest fur fashions brought to Salem in many a moon.



at the
ELSINORE
Tonight

"BIG MONEY"
A comedy satire of the underworld.

"WAY BACK WHEN"
Idea by Fanchon & Marco,

at
Miller's Monday
Tuesday and
Wednesday

This entire fur showing will be continued at Miller's next Monday, Tuesday and Wednesday.