

PROCESS TAXES DECLARED VOID WILL BE REPAID

(Continued from page 1)

filed by Governor Eugene Talmadge of Georgia, a Roosevelt administration foe, will give the court another opportunity to rule on it.

In the rice millers' opinion, read by Justice Roberts, the court held the changes made by the new AAA law enacted at the last session did not "cure the infirmities of the original act" which it held unconstitutional last week.

"The exaction still lacked the quality of a true tax," the court said. "It remains a means for effectuating the regulation of agriculture, production, a matter not within the powers of congress."

In deciding that impounded taxes must be returned the court said: "We have no occasion to discuss or decide whether Section 21 (D) affords an adequate remedy at law. As yet the petitioner has not paid the taxes to the respondents, and, in view of the decision in the Butler (AAA) case, hereafter cannot be required so to do.

The government claimed the millers should "pay first and litigate later." It asserted suits for injunctions against taxes were barred by federal statutes and by the AAA amendments.

The federal district court and the circuit court of appeals at New Orleans agreed with the government and dismissed the millers' petitions. The court said they were without jurisdiction to enjoin the tax collection.

In agreeing to review the dispute, the supreme court granted a temporary injunction to continue until its final ruling. Justices Brandeis, Stone and Cardozo dissented from the review.

Of the \$1,200,000,000 processing taxes collected, approximately \$200,000,000 was impounded in federal courts. Rice collections to October 1 totalled \$153,974. It was expected

they would have been \$12,900,000 by next June 30.

The millers concerned today were: Farmers Rice Milling Co., Inc., Levy Rice Milling Co., Inc., United Rice Milling Products Co., Inc., Ricker, Rice Mills, Inc., all of New Orleans; T. Simon and A. B. Dore, both of Crowley, La.; Noble-Trotter Rice Milling Co., Inc., of Lake Charles, La.; and Baton Rouge Rice Mill, Inc., of Baton Rouge, La.

"If the respondent should now attempt to collect the tax by distraint he would be a trespasser. The decree of the district court will be vacated, and appropriate order entered directing the repayment to the petitioner of the funds impounded. . . and the cause remanded to the district court for the entry of a decree enjoining selection of the assailed action. A similar disposition will be made of the companion cases."

The Section 21 (D) referred to by the court would prohibit refunds of the processing taxes already paid to the government unless the taxpayer could show that he had not passed the tax on to others.

Due to intricacies of the decision, administration officials deferred comment pending study.

It took its place in the record being made on the new deal in the court.

This showed to date the two major ventures thrown out, NRA and AAA on unanimous and six to three decisions respectively; a qualified five to four victory in the sold cases; a loss by the same margin on railroad retirement legislation; and eight to one and nine to none adverse rulings in "hot oil" regulation and the Frasier-Lemke farm mortgage moratorium. The president's removal of a trade commissioner, the late William Humphrey, also was held improper.

Again the majestic courtroom was crowded. Notables and private citizens on hand personified conflicting sentiment over the questions at issue.

Senator Bankhead (D-Ala.), author of the cotton law, heard that action in the courtroom and said he meant "we still have the Bankhead act on the statute books."

"The department of agriculture has the power to save the cotton farmer by proceeding with operation of the Bankhead act. "It will save this year's crop." The rice ruling was on a case

FINAL EFFORT BEGUN TO SAVE HAUPTMANN

(Continued from page 1)

he had a client who had told him the names of three men who "might" have information leading to some of the ransom money.

Lamb said Col. H. Norman Schwarzkopf, head of the state police, wrote Finnigan two days later and asked that he supply additional details so the matter could be investigated, but no reply was received.

The Chicago attorney had first reported the matter to the bureau of investigation of the department of justice in New York and Washington, Lamb said.

Finnigan got the information, he explained, from a prisoner in a Chicago jail who said his conscience had been torturing him.

The prisoner asserted, Finnigan said, that he paid \$2,000 toward purchasing ransom bills at 40 cents on the dollar, but he did not get the money because he could not raise the rest of the price before his own arrest on a worthless check charge.

Finnigan decided to come here after Governor Hoffman said he was interested. On arriving at the Camden, N. J., airport, the lawyer talked by telephone with C. Lloyd Fisher chief of Hauptmann's counsel.

Fisher said any new evidence was welcome, but he added: "I'd rather see the ransom money."

brought by eight Louisiana rice millers companies.

They had contended the section of the AAA amendments, requiring proof that they had borne the cost themselves before obtaining a refund was invalid.

Hoffman, informed of the lawyer's arrival, said: "It's always been my understanding that all the money was recovered."

While lawyers drafted their last minute plans, Anna Hauptmann knelt in the Trinity Lutheran church here and, scarcely noticed, prayed that the life of her husband be spared.

"We will fight on," she said, "to the end of the road."

Governor Hoffman, who once visited Hauptmann in the death cell and who has said he does not believe Hauptmann's execution will solve the Lindbergh case, was asked in New York yesterday if he intended to halt the execution, set for 8 p. m. Friday.

"I don't yet know what I am going to do about it," he said. He reiterated that there were "plenty of precedents" under New Jersey law for a 90 day reprieve.

There were reports that the governor told the court of pardons he could, if he desired, reprieve Hauptmann for as long as he (the governor) held office, but from other sources close to the court these reports were denied.

Attorney General David T. Wilentz, who directed the prosecution of Hauptmann, indicated today that if the governor should grant a reprieve he could not challenge its legality.

No word has been received from Dr. John F. Condon, the "Jafise" of the ransom negotiation who sailed Friday night on a southern cruise. He will land at Cristobal, C. Z., on the day set for Hauptmann's execution.

PASSES IT ON

Minneapolis, Jan. 13 (AP)—She went into municipal court with a complaint that her husband of two weeks would not work. He countered with the charge that she asked him to marry her, wouldn't let him work and pawned their furniture. The court passed the problem on to a probation officer.

GARDEN CLUB MEETS

Woodburn—The regular meetings of the Woodburn Garden club will be held Tuesday evening at the home of Mr. and Mrs. Walter Miller, 453 Young street.

GIRL IN TRANCE WHILE CULTISTS OFFER PRAYERS

(Continued from page 1)

Detroit, Jan. 13 (AP)—Members of the "Full Salvation Union," a religious sect, kept up an almost unbroken series of prayer services today about the couch of 17 year old Shirley Tapp, unconscious since last Wednesday in what a physician said was an "auto-hypnotic" state into which she entered at a meeting of the group.

The high school girl lay on a couch in the living room of her home, respiration and reflexes apparently normal, but in a trance-like sleep.

At intervals, as the exhortation of the worshippers reached its height, she would extend her clenched hands rigidly into the air, holding that position until the prayers ended.

Her father, Laverne Tapp, automobile factory worker, said the girl was "slain by the power of God" in her effort to attain a greater sense of religious grace. He explained she had been deeply religious since she was "saved" at a meeting of the sect, but the "sinful nature" which remained had been "slain" by the trance-like sleep. He said she would awaken on the seventh day of her trance.

Ross Kilgore, leader of the sect, said the prayer service at home would continue unabated until the girl awakened.

Under belief of the members, the unconscious girl is "suffering from the whole world" while her natural impulses are subdued or "slain" by the unconscious state.

The parents said Shirley answered questions relative to religious subjects, but responded to no other questions.

Resinol Quiets the maddening itch, soothes irritated skin, Effective in stubborn cases, yet mild enough for tenderest skin. **Itching**

Night Mine School To Open Wednesday

Grants Pass, Jan. 3 (AP)—Night classes of the mines division, state board for vocational education, will open here Wednesday night, superintendent Karl Ladewig announced today. They will be held from 7 to 9 each morning except Saturday and Sunday.

The day school will open as soon as supplies arrive, on January 15 if supplies arrive before that day.

STORM BLOWS IN SCHOOL WINDOWS

Other than the loss of a ventilator off the roof of the McKinley school building, the blowing in of four windows at Lincoln, and several minor leaks, little damage was done to school property during the rain storm of the week end, George Smalley, head janitor stated today. Prompt action in boarding up the hole left by the disappearing ventilator prevented much water damage.

Water penetrated the walls of Parish junior high and of Eaglewood grade building. The former was repaired and painted during the summer while the leaks at Eaglewood occurred in the portion of the building constructed last summer.

At Willamette university three windows were biased out of Eaton hall while the basement of Lausanne hall, women's dormitory, was flooded, shutting off the supply of heat and hot water.

Millersburg—Mr. and Mrs. Lotus Conser of Portland, were recent guests at the home of Conser's parents, Mr. and Mrs. Lester Conser.

HIGHWAY PLANS DEPENDENT ON FEDERAL AID

(Continued from page 1)

Expenditures by the state highway commission, for improvement of roads in southern Oregon this year, will be made practically entirely on the Pacific highway, Henry F. Cabell, chairman of the commission told members of the Salem chamber of commerce and the Oregon Pacific Highway association in joint meeting today.

The initial meeting of the revived highway association executive committee this morning brought delegations from Grants Pass, Eugene, Oregon City and Salem. Threatening flood conditions cut down the attendance of the session.

"The highway commission welcomes any organization primarily concerned with the attainment of good roads in Oregon," Chairman Cabell told the visiting delegations. "Even when you press us hard and we are forced to deny your requests, primarily we both are working toward the same goal."

"Last year the principal expenditures in southern and southwestern Oregon were for the construction of approaches to the coast bridges, but this year the approaches will be completed and what monies that can be allotted to southwestern Oregon, practically all will be given over to the Pacific highway."

"Our planning for this year is very much up in the air at the present time because we do not know what federal funds will be available for road work. The highway commission will greatly regret if the federal aid program is discontinued. We can make considerable more progress on all roads and consequently on the Pacific highway if this program is continued."

The announced plan of the bureau of public roads to conduct a survey on all highways to determine all phases of travel and traffic will serve to give the bureau and the state highway commission data and enable the two organizations to plan intelligently the work to be done, R. H. Baldock, state highway engineer, said.

The plan of the Oregon Pacific highway association in working for an improved route from Portland to Ashland, so that tourist traffic from California will continue on north from Grants Pass, was outlined to the delegates by C. H. Demary, president of the organization.

"The Pacific highway is the main artery of the state, serving the bulk of the population and carrying the vast majority of the out of state cars," President Demary said. "Traffic counts show that forty per cent of the out of state cars never travel farther north than Grants Pass because of the condition of the highway. A better alignment of the roadway will mean more tourist money for everyone."

L. M. Lepper, president of the Presidents Council of Portland, urged the members of the association to inject as much enthusiasm as possible into the organization, giving the group added influence with the state highway commission in requests for road improvements.

MORE MILK, BUTTER and EGGS for Western Children



How mothers can afford more of the foods that help keep children well.

... and how dairy farmers get a larger share of each dollar these mothers spend

From 1929 to 1934—as the depression shrank people's incomes—the average family was forced to get along on less fresh milk each year.

It made people see, as never before, that the old-fashioned method of marketing food was wasteful, costly.

It spelled bad times for dairy farmers. (Only in 1935 has consumption of dairy products begun to climb up again in most areas.)

In order to give their children more milk, butter and eggs, many Western mothers turned to their neighborhood Safeway grocer. His dairy product sales have been increasing every year!

For the Safeway method makes it possible to sell these vital foods at lower prices. Safeway's method eliminates wasteful, extra handling costs.

Lower retail prices help the people who trade at Safeway stores to afford enough milk, butter and eggs to keep up family health.

This increased consumption increases the farmer's income, too. Because the Safeway family pays the farmer his full market price for every quart your Safeway grocer sells.

MAYBE YOU TRADE with a grocer who runs only one store. Perhaps you incline to blame him if your food costs seem high.

But it's not his fault. It's the fault of the system under which he sells. There are too many wasteful expenses in between him and the farmer.

For just that reason your Safeway grocer belongs to a business family.

Joined with food buyers in the farm areas, skilled truckers, warehousemen, marketing experts, home economists—all helping him keep down distribution costs—he can help you LOWER the cost of living.

He can reduce the retail price of food and still pay back to farmers a larger share of your food dollar.

Your Safeway grocer is working at that job because it is what the people want done

— and because the people reward men who do what the public wants.

Your Safeway grocer is working in a business family because he can perform a better service that way, and hence earn a better salary.

To producers, transporters and processors he pays 80 cents of every food dollar you spend with him. This means the farmer gets a larger share of this food dollar than was possible before the Safeway method was developed. . . . M. L. Bean, Division Manager for Safeway Stores, 239 South East Salmon Street, Portland, Oregon.

How much did you spend for food last month? Check up. Then trade at your neighborhood Safeway grocer's for 30 days and compare your total savings!

SAFEGWAY
Entire advertisement copyright 1936 Safeway Stores, Inc.

Workmen Are Tearing Down Walls And We Are Tearing Down Prices!

The Price Shoe Co's Alteration Sale!!

Silk Pajamas Flowered Satin and Tailored Crepes Values to \$6.00 \$3.95	Hand Bags Values up to \$3.95 \$1.89	EXTRA SPECIAL Slightly Irregular, Made by Kayser Chiffon Hose Values to \$1.25 59c
EXTRA SPECIAL Kayser Crepes and Rollins Hose for Women Values up to \$2.00 \$1.00	Closing Out One Lot SLIPS Special Sale Price 89c	Kayser Crepe SLIPS Values to \$1.95 \$1.00

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Suitable for Every Occasion
At Cost — Near Cost and LESS-THAN-COST

One Lot of DRESSES Values up to \$14.50 \$6.89	One Lot of DRESSES Values up to \$19.50 \$9.89
One Lot of DRESSES Values up to \$24.50 \$12.89	Bradley Knit Ensembles Values up to \$19.50 \$9.89

FUR TRIMMED COATS AT CLOSE-OUT PRICES!

One Group Values to \$69.50 \$34.89	One Group Values to \$79.50 \$44.89
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Growing Girls, Misses' and Women's SPORT SHOES Values up to \$6.00 \$2.89	Closing Out One Odd Lot of Selby Arch Preservers Values to \$10.00 \$4.89	One Lot of Dress Shoes For Women Values up to \$7.50 \$3.89
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The PRICE SHOE CO.
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