

NEW DEAL HIT TWO BLOWS IN HIGH COURTS

(Continued from page 1)

latter carried the price fixing section down too.

In failing to rule on the price fixing provisions, the majority opinion warned that nothing the court said was to be taken as an indication that it would uphold them, even if they were enacted separately.

"I am satisfied," the dissenting opinion by Justice Cardozo said, "that the act is within the power of the central government insofar as it provides for minimum and maximum prices upon sales of bituminous coal in the transactions of interstate commerce and in those of interstate commerce where interstate commerce is directly or intimately affected."

"Whether it is valid also in other (labor) provisions that have been considered and condemned in the opinion of the court, I do not find it necessary to determine at this time. Silence must not be taken as importing acquiescence."

Chief Justice Hughes, in a separate opinion, concurred in the finding of the majority that congress had exceeded its authority in attempting to regulate wages and hours.

The majority opinion held the excise tax of 15 per cent on soft coal production, with provisions for refunding 90 per cent for adherence to terms of the law was "clearly not a tax but a penalty." But the court did not rule on the tax.

"The position of the government, as we understand it," the opinion said, "is that the validity of the excise does not rest upon the tax-congress but upon the power of congress to regulate interstate commerce; and that if the act in respect to the labor and price fixing provisions be not upheld, the tax must fall with them."

"With that position we agree and confine our consideration accordingly."

Senator Guffey (D-Pa.) was in the audience.

A separate opinion was delivered by Chief Justice Hughes, who contended the act might be sustained "in relation to the provisions for marketing in interstate commerce."

"The decisions of the courts below, so far as they accomplish that result, should be affirmed," he asserted.

The majority held that congress in the law had exceeded its power under the constitution in attempting to regulate interstate commerce.

The decision holding NRA unconstitutional was cited as a precedent.

Washington, May 18 (AP)—The resettlement administration was declared unconstitutional today by a majority of the United States court of appeals of the District of Columbia.

Referring to opinions of the United States supreme court which found NRA, AAA and the original "hot oil" control act unconstitutional, Justice Van Orsdel said the same legal flaws were found in the resettlement administration.

"There is nothing in the act directly prescribing the power or duties of the president with respect to housing," he said.

"Assuming that it may be inferred from the act that the funds are to be used by the president, yet there is nothing requiring their use, either absolutely or in any specified condition or circumstance."

"He is free to use them or not, as he sees fit."

"There is no guide as to where or when or how these funds are to be used for housing."

In a test case which resulted from plans for a model community at Franklin, in Somerset county, New Jersey, the appellate court found there was no constitutional power conferred upon the federal government to regulate "housing" or to "resettle" population.

Rexford G. Tugwell, in charge of the resettlement administration, deferred comment pending study of the opinion. It was written by Associate Justice Van Orsdel and concurred in by Chief Justice Martin and Associate Justice Robb.

The other two members, Justices Groner and Stephens, agreed that constitutional authority was lacking in this case but said the court should not have passed upon validity of the entire program.

A spokesman for Harry L. Hopkins said the work relief program would go on despite the decision.

With congress in session, he said the act could be amended to meet the court's objections.

The resettlement administration had been allotted \$230,398,400 of the works relief fund.

Hopkins' works progress administration had received the largest allotment of \$1,383,926,501.

The sweeping opinion of the court indicated that certain types of relief projects were constitutional.

"We are not here confronted with an appropriation for internal improvements of a national character or importance, or the erection of public buildings or the grant of loans to a state or municipality, or carry out public works projects."

"As to these," the court said, "we might find in the nature of the objectives a well-beaten path by

CHIEF ICKES HOLDS INDIAN POW WOW



Secretary of the Interior Harold L. Ickes is pictured greeting Miss Martin Vigil and other leaders of southwestern Indian tribes at a conference at Washington, D. C., when the Indians complained their soil was being destroyed by encroaching stockmen. (Associated Press Photo)

OREGON STATE HAS CO-ED REBELLION

Corvallis, Ore., May 18 (AP)—Hundreds of Oregon state freshmen lost their fledgling wings here in the annual "burning of the green" but as many others renounced their rook status two days early in a co-ed rebellion. Green caps and ribbons went up in smoke.

Campus week-end brought a myriad of activities, prefaced by the Oregon State high school track meet and the dual meet between O. S. C. and the University of Idaho.

Rookie stalwarts won the annual tug-of-war with the sophomores.

Nearly 300 engineers from all parts of Oregon participated in special departmental events. The annual Eta Kappa Nu award, offered the outstanding sophomore in electrical engineering, went to William J. Barely, Portland.

H. E. Muenzer, Portland, and A. C. Durland, Roseburg, were announced as winners of first and second places respectively in the annual student competition for the best paper submitted to the Portland section of the American Society of Automotive Engineers.

FIVE INJURED IN AUTO CRASH SUNDAY

Helen Lama, 580 Center street, is in Salem General hospital in a very serious condition with injuries received in an automobile collision early Sunday morning at Commercial and Center streets. Others injured were Mrs. Freda Tallon, who is still in the hospital with injuries that are not serious, and Jack Devision, who received a severe concussion, but who was released from the hospital yesterday.

The colliding cars were driven by Willis Wakefield and C. P. Tallon, both of whom were arrested for reckless driving. Against Wakefield there is an additional charge of having no driver's license.

Injuries that did not need hospital attention were received by Tom Tallon and Alice Anderson. Miss Lama and Dewey were in the Wakefield car and the other injured in the Tallon car.

Continuation of— T. B. Jones Passes

Year's eve, a year and a half ago. Funeral announcements will be made later from the W. T. Rigdon Co.

Surviving are a daughter, Mrs. Fred Viesko and two sons, Ray Jones and Bert L. Jones, both of Gervais. Another son was the late W. Al Jones.

The following grandchildren survive: Mrs. Jack L. Porter of Medford, Creighton Jones, Herbert L. Jones of Salem, Alvin Jones, Mrs. Cotter Gould and My June Jones, all of Gervais, and Betty Viesko of Salem.

Two sisters and a brother, Miss Mary Jones, Mrs. Ida Brackett, and Paul Jones, all of Portland, also survive.

which to supply the omitted means to that end.

But the judges thought differently about such projects as the resettlement administration is promoting.

The court said the law "attempts to reach and control matters over which the constitution has given congress no powers."

CONSTIPATED
SINCE HER MARRIAGE
FINDS RELIEF AT LAST IN SAFE
ALL-VEGETABLE METHOD!

It dated from her marriage—her trouble with intestinal sluggishness, nervous headaches. Nothing gave her more than partial relief until she tried a natural plant and vegetable laxative, Nature's Remedy (NR Tablets). She felt so much better immediately—more like living. Try NR's yourself. Note how refreshed you feel. NR's are so kind to your system. So effective in clearing up colds, biliousness, nervous headaches, nervous habits from overeating, indigestion, only 50c. All druggists.

NR TO-NIGHT
TODAY OR TOMORROW

PIMPLES
CUTICURA
Aggravating itch and irritation disappear promptly when you use Cuticura. First-ment 25c. Soap 25c. For FREE sample, write "Cuticura," Dept. 16, Malden, Mass.

EXPORT TRADE VITAL TO OREGON STATES ENGLE

While Salem is not a seaport, both the city and Marion county have vital stakes in foreign trade, N. H. Engle, of Washington, D. C., assistant director of the bureau of foreign and domestic commerce, told the chamber of commerce Monday noon, with emphasis placed upon the export feature of its fruit and other products.

"Exportation of canned loganberries is an important source of income with this class from Oregon constituting nearly 78 percent of the total pack for 1935," he said. "Oregon exported in excess of \$5,000,000 worth of foodstuffs last year."

The speaker held that Salem, as the capital city, should be interested in the fact that Oregon exported as high as 78 percent of the boxed apples produced in 1935, nearly 24 percent of the fresh pears, and 30 percent of the canned pears. Other food items entering the foreign markets from the state are wheat, wheat flour, evaporated milk and salmon.

"Ever since 1905 Oregon has produced in excess of 1,000,000,000 board feet of lumber annually," Engle said in referring to the lumber industry of the state, an important item in connection with its foreign trade. "By 1920 this figure had risen to over 3,000,000,000 board feet and in 1934, the last year for which figures are available, was 2,980,000,000 feet. Oregon alone, in 1934, exported 187,000,000 board feet of Douglas fir, about 30 percent of the total export of the United States for this species. This is only one of many commodities that are produced here and exported to the world."

The department of commerce supports the administration's reciprocal trade agreement program and is committed to unconditional and most favored nation treatment in foreign trade relations excepting those nations which discriminate against this nation, Engle said in closing.

FOREST SEEDED ON LONELY ISLE

San Francisco (AP)—CCC officials, returning from Honolulu, report the discovery of a mystery forest on the island of Kauai.

CCC workers were engaged in building trails in Waimea canyon on the island of Kauai and thousands of young trees on terrain where all previous expeditions showed that no forests existed. The trees were of the karaka variety which is native to New Zealand and not to Hawaii.

An investigation of the mystery developed the fact that in 1929, the United States army tri-motor Fokker "Bird of Paradise," which made the first non-stop flight from the United States to Hawaii, had scattered the territory with seeds from the air.

At that time many mountain regions on the islands difficult to reach on foot were planted from airplanes through army cooperation with the territorial forestry board, but little if any attention had been paid afterward to the results.

INDIAN WALK NOT GOOD FOR WOMEN

Washington (AP)—American women are developing boxy ankles and large calves by trying to walk like Indians, according to Margery Wilson, feminine psychologist and authority on charm.

"Her international reputation for having the most beautiful legs in the world, secretly the average woman's greatest point of vanity," said Miss Wilson, "is suffering through the mistaken idea that walking flatfooted like an Indian, is the ideal of grace. We don't do anything else the Indians did, so why should we try to walk like them?"

"It's still a man's world, Miss Wilson insists "no matter what we tell ourselves. Therefore a girl has a right to use any method she can to get what she wants in life. She soon finds out, though, that if she wants

CELEBRATE BIRTHDAYS

Woodburn—The birthday anniversaries of Harold Gilbert and Walter Irwin of Portland were celebrated with a dinner at the L. R. Gilbert home here Sunday. Covers were placed for Mr. and Mrs. A. J. Davis, Mr. and Mrs. W. E. Irwin, Mr. and J. W. Bell, all of Portland, Mr. and Mrs. L. R. Gilbert and Harold Gilbert.

HEINLINE BETTER

Portland, Ore., May 18 (AP)—Hospital attendants said today the condition of Charles Heinline, former Roseburg postmaster, as "a little better. Heinline is ill with pneumonia. Attendants said he probably would recover."

ZEPPELIN CHIEF ABOARD HIS SHIP



This picture, made by Louis P. Lochner, Associated Press bureau chief in Berlin who crossed the Atlantic on the Hindenburg, shows Dr. Hugo Eckener (right), president of the airship company, and Lieut. Comm. Scott E. Peck, the United States navy's official observer, checking position as the huge airship sailed over the ocean. (Associated Press Photo)

Plan Trust Fund to Handle Contributions For Care of Kay Francis

Portland, May 18 (AP)—A planking fire on a draw-span held up traffic for a short time on Portland's downtown Broadway bridge but the blaze was extinguished without major damage by the Harbor fire-patrol boat. A discarded cigarette was blamed. Damage was estimated at \$100.

happiness on the "long pull" she had better play square. The charm of the party girl has all the earmarks of a street accident.

"American women, who have deliberately encouraged men to treat them like pieces of furniture to sit on since she was burned. Her fight has been valiant and you, with your good-will, have helped her. The Capital Journal is grateful and joins with Kay's parents, Mr. and Mrs. Norman Anderson, and the Salem General hospital in thanking you for your sincere efforts to help and your gestures of concern are more than appreciated."

DRAW SPAN FLAMES

Forty-five lads who carry Liberty put in their pennies, nickels and dimes to the tune of \$2.50 and this morning Mrs. M. E. Ransdell, Bernarr McFadden agent in Salem, brought the contribution to the Capital Journal office, along with the good wishes of the small boys who sell the magazine.

The students of Leslie Junior high school sent \$2 to the Kay Francis editor late Saturday for small Kay. The third and fourth grade Junior Red Cross for the wood school sent \$3.05 for the rehabilitation of small Kay by their teacher, Mrs. Maude Forkner.

The Women's Relief Corps, who gave a silver tea with the cooperation of the Salem Woman's club last Tuesday, contributed \$7.50 to the fund Saturday afternoon when Mrs. Eva Martin called at the Journal office.

The concern of us all is still concentrated on Kay Francis and her metamorphosis into a strong little girl. Her big eyes have a pleading look. Her face is white and pinched. It will be fifteen weeks Wednesday since she was burned. Her fight has been valiant and you, with your good-will, have helped her. The Capital Journal is grateful and joins with Kay's parents, Mr. and Mrs. Norman Anderson, and the Salem General hospital in thanking you for your sincere efforts to help and your gestures of concern are more than appreciated.

55 TO GRADUATE

McMinnville, Ore., May 18 (AP)—Fifty-five Linfield college seniors will receive diplomas June 7. Twenty-seven also will receive Oregon teaching certificates.

Journal Want Ads Pay

Help Kidneys
● If poorly functioning kidneys and bladder make you suffer from Getting Up Nights, Nervousness, Rheumatic Pains, Stiffness, Burning, Smarting, Itching, or Acidity try the guaranteed Doctor's Prescription Cystex (Blue-Box) —Must fix you up or money back. Only 47¢ at druggists.

AWARDS GIVEN AT CAMPOREE TO SCOUT LEADERS

With 200 boys, representing 21 patrols in attendance, the annual camp-o-ree of Cascade area council which closed a three day session at Lebanon early Sunday afternoon was the most successful in recent years. James Monroe, executive, stated today.

Friday night the boys displayed unusual ability and no little amount of preparation in their presentation of a number of skits and plays. Saturday night in addition to the court of honor there was an investiture ceremony for five scouts from Lebanon.

As a result of the camp-o-ree, the following patrols earned the right to enter the camp-o-ral which will be held at the state fair grounds, June 19, 20 and 21: A rating—Eagles and Elks, troop 9; Wolves, troop 12; Pines, 14; Panthers, troop 2, all of Salem; B rating—Flying Arrows, Beavers, troop 5, Owl 12; Panther 4; Flying Eagle, 21, Albany; Octopus and Skull patrols, Silverton; Beaver, 24, Dallas; Bear, 14, Salem; Flying Eagle, 15, West Salem; Rattlesnake, 51, Lebanon; Viking, 3, Salem. Explorer patrol of troop 4 was given a service rating. Gordon Skinner and Ty Gillespie, judges, issued the certificates.

A number of Boy Scouts received advancement during the May court of honor. The bronze palm was awarded Walter Stenman of troop 14.

Other awards included:

Second class rank—Keith Adams, John Englem, troop 14; Frank Logan, Richard Steeves, Charles Zerk, troop 9; Bob Lemon, troop 15.

Second class merit badges—Glen Robinson; Walter Koller, troop 9; Joe Chase, Kenneth Jamieson, Fred Drake, troop 14.

First class rank—Arthur Follet, troop 9, James Morley, troop 4.

First class merit badges—Clifford Lentz, troop 5, Cecil Hannum, troop 5; Martin Barber, Bill Evans, Gerald Richardson, Raymond VanNoy, troop 9; Harold Blakely, Teddy Cochran, J. McKnight, J. O'Brien, Frankie Pierce, F. Tatarini, Earl Mowley, all of troop 14; Guy Dickey, troop 42, Ken Murphy, troop 21.

Star scout award—Clifford Lentz, troop 4, James McKnight, troop 14.

Life scout award—Cecil Hannum, troop 5, Frank Pierce, Fred Tatarini, Edwin Stork, troop 14.

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—for Digestion's sake—smoke Camels

Camel's Aid to Digestion...the Increase in Alkalinity...Confirmed by Science

Hurry, worry, and noise tend to slow down the flow of the digestive fluids. Scientists have found that smoking Camels encourages the normal flow of digestive fluids...alkaline digestive fluids...so necessary to the enjoyment of food and for good digestion. Smoke Camels...for their cheering "lift"...for digestion's sake.

Dining de Luxe at the Pierre in New York

What will you have? Perhaps Boris Polonaise, Suprême of Halibut à la Russe, an ice with demi-tasse and—Camels. Camels are a part of the art of dining today. M. Bonaudi, banquet manager of the Pierre, says: "Camels are most popular here."

"MY MEALS wouldn't be complete without a Camel," says H. J. Herbert, busy store manager. "I haven't much time for eating or resting. I've found that Camels stimulate good digestion—help my food to settle right. Man, what a taste Camels have."

A. SPEAR, engineer of the C. & N.W. "400," says: "I light up a Camel after meals. It makes digestion easier."

AERIALIST Mile. Vera Kimris says: "I welcome the way Camels help digestion and good feeling."

GEORGE REIS won the famous Gold Cup Trophy race three straight times! "I'm a steady smoker," he says, "take a Camel as often as I like. I eat heartily, smoke Camels, and enjoy good digestion."

...made from Costlier Tobaccos!

Camels are made from finer, MORE EXPENSIVE TOBACCOS—Turkish and Domestic—than any other popular brand.