HEPPNER GAZETTE TIMES, HEPPNER, OREGON, THURSDAY, AUGUST 1, 1935.

PAGE TWO

CAPITAL NEWS

Capitol Site

Library's Birthday • • Agricultural Codes

By A. L. LINDBECK

Salem .- Although members of the state board of control have practically abandoned any idea of chang-ing the location of the capitol buildnegotiations still continue between the committee recently appointed by Governor Martin and trustees of Willamette university for purchase of the 14-acre university campus for capitol purposes. Architects continue to press their arguments for a larger capitol site than that offered by the old location. Recommendations prepared by the Oregon chapter of the American Institute of Architects call for a site of at least 20 acres for the new building. At the same time other plans have been prepared for the possible relocation of Williamette university on 40 acres of land on the east side of the "Bush" pasture in south Salem in the event the present campus is sold to the state.

Governor Martin conferred with his planning board in Portland Friday relative to plans for the new capitol and it is expected that the formal application for a federal 45 percent of the \$3,500,-000 estimated as needed for the new building will be ready to forward to Washington, D. C., within a few days. As soon as the federal grant is approved, the grant money earmarked and the terms of the grant made known the governor has said that he would issue the call for the special session of the legislature to authorize construction of the new building and make provision for the state's share of the cost.

First of the federal grant money for the Coast highway bridges was received by the highway commission this week in the amount of \$350,- erties held by the World War 000. to finance the state's share of the mission. eral loan.

\$158,000 a month since January 1, rect to the Salem office. last, compared to a monthly aver-age of \$111,000 in 1933 and \$123,-000 in 1934.

state insurance department 1935. This represents an increase of \$43,000 over the turn-over for the same period last year.

on August 1 of that year.

From its first biennial report it is quiry please designate the county makers. learned that the library in the first year of its existence boasted the possession of fewer than 2000 vol-terms can be arranged. umes, served 6700 patrons and supplied 45 rural communities through its travelling library system.

Last year the library, now boasting 350,000 well selected volumes, served 856 communities through its travelling libraries and suppl

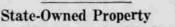
ests are known to strongly favor the codes as a protection of their interests and are said to be preparing to carry their fight for validation of the marketing agreement to the lawmakers themselves.

A postal card mailed at Astoria on August 20, 1929, reached the state department this week, after being nearly six years in transit. The card mailed by J. D. Hallberg was addressed to Hal E. Hoss, sec retary of state. Since that time Hoss has died, P. J. Stadelman of The Dalles has served out the un-expired portion of Hoss' term and Earl Snell of Arlington has succeeded to the office.

Salem restaurant owners are "agin" any provision for a restaurant or cafeteria in the new cap itol building. In a protest signed by all of the operators of eating places in the capital city, filed with the board of control this week, it is pointed out that there are now adequate facilities for feeding state employees in privately operated res The taurants conveniently located. An eating place in the state building, it is argued, would present unfair ompetition. In Article I, Section 8 of the Fed-

eral Constitution, the powers of Congress are listed and defined. Truck operators over the state are pretty generally satisfied with Among these is an innocent looking the new regulations and their adclause, "to coin money, regulate the ministration in the opinion of E. A. value thereof and of foreign coins Lands, superintendent of the motor and fix the standard of weights and traffic division of the utilities demeasures." Our dictionary tells us that the partment. Landis has just comverb "to coin" means simply "to stamp and certify weight and purpleted a tour of central and southern Oregon contacting truck owners, shippers and others interested ity," in transportation problems. disks to serve as money.' Consider, then, that under this

lean clause of the Constitution our Kirby post of the American Legion has just contributed a check government has: for \$25 toward the new capitol 1. Chartered and controlled cenbuilding fund which now totals \$284.85



Placed on the Market

A booklet of 54 pages in which is listed the more than 410 farm prop The federal government has erans State Aid commission in Oreagreed to contribute 30 percent of gon outside of Multnomah county the total cost of the five bridges as an outright gift to the state. The all interested parties, according to loan of \$4,200,000 made by the PWA Jerrold Owen, secretary to the com-

bridge cost is being refinanced Detailed information is given moved from the literal meaning of through sale of general obligation about the individual state-owned the organic law of the nation and bonds at a much lower interest farms and no doubt there are a how impossible it would be to "rerate than that carried by the fed- number of readers of the Gazette turn to the Constitution of our Times who are interested in the fathers."

purchase of farms and homes. The Even before the mint was in op-A decided improvement in busi- brochures are free for the asking eration far-sighted Alexander Hamness conditions throughout Oregon and can be obtained by contacting ilton recommended the establishis indicated by collections of the P. W. Mahoney of Heppner who is ment of the First United States World War Veterans State Aid the Morrow county representative Bank with a capital of ten millions, commission which have averaged of the commission, or by writing dicompilers of the pamphlet have ernment which had representation on its board of directors. The endeavored to condense the data treasury had the right to inspect as much as possible. Sale prices and to call for statements from

range from \$125 for a Baker coun-ty holding to \$10,000 for a farm in This prope commission, is approximately \$2515. ality. Banking was of course no-The commission also has listings where mentioned in the Constitu- guaranteed in our written constitu-

responsible parties. In making in- ly rejected by the constitution

Faculty Shifts to Bring New Talent to OSC Staff struction of the Constitution, found

Corvallis-A new head of the de-partment of physical education for ment. Jefferson agreed with the

BACKGROUND OF NEW DEAL DECISIONS

Times is pleased to have the privilege of presenting to its readers a series of articles written by Dr. James H. Gilbert, professor of ec-onomics, and by Dean Wayne L. Morse, professor of law, at University of Oregon, which are intended to give the general public an understandable background for basing opinions on present of our enemy." governmental trends. The first of the articles appear herewith.)

Banking and the Gold Britain. bank was "necessary and proper." Coinage Clause and the Cen-tral Bank Issue.

Review.

Parliamentary Supremacy and the Doctrine of Judicial Re-view in England.

By WAYNE L. MORSE.

or "to manufacture metallic dicial review. There is every indication that in

the months to come a battle royal will be waged over these legal strongholds and as in all wars, we can be sure that most of the com-

2. Set up and supervised a naabout tional banking system and a federal reserve system; Although some other countries have written constitutions and a 3. Issued paper money based on

few subscribe to the doctrine of jucoin and unsupported by any 4. Given legal tender to depre-America.

clated notes; 5. Taxed state bank notes out of use;

6. Devalued the gold dollar and abrogated contracts running to a hundred billion, calling for

payment in gold coin. We begin to see how for we have

The Coinage Clause.

I.

By JAMES H. GILBERT.

Clause Decision.

tral banks;

monetary reserve;

This proposed partnership be-

Oregon's state library is thirty years old today (Thursday). Created by an act of the legislature of 1905 the institution opened its doors rolls by placing it in the hands of charter corporations was specifical-

> The constitutionality of a central bank had President Washington puzzled and the matter was referred to Edmund Randolph, his attorney general and legal adviser. Randolph, inclined to strict con-

(Editor's Note: The Gazette | was defeated in the Senate by a this American bank serving as fiscal agent for the treasury, was held by English stockholders who, 'engine of finance in the interest

> Rejection of the charter, events proved, was most untimely. State banks were loosely regulated, if at financial aid to the United States engaged in a second war with The ensuing financial chaos supplied the best political support for the idea that a central

The Doctrine of Judicial

In order to understand attempts

to advance social ends through law in the United States, attention is directed to two of our basic legal controls in Amerca-written constitutions and the doctrine of ju-

batants will not know what it is all

tional rights. dicial review, these two legal controls are developed most highly in

We speak of our government as

the three departments; the executive, legislative, and judicial. Undoubtedly the average layman and many lawyers think of these de-

other hand, the English government

The chief reasons for the vital difference are two: First: England has an unwrit-

Second: By long tradition and

preme law of the land. In America economics extension work and the doctrine of judicial review has shows unusual promise of success

in their opinion conflict with rights

Legal historians seem to agree

that although the doctrine of judicial review does not prevail in England, nevertheless its enunciation in England probably gave rise to its adoption in America.

Most influential statement of the doctrine in England was made by Lord Coke in 1610 in the now-fa mous Bonham's case. Coke as Lord Chief Justice of the court of common pleas found himself in conflict with the crown and with parliament as to the power of the courts to pass final judgment upon the validity of lay

Parliament, the courts so far as possible interpret the acts in terms of common law principles. World. That organization will hold its annual meeting in the United

The English doctrine of parlia-mentary supremacy has led to probably somewhere in the east three noticeable trends in England, as I view the situation.

In the first place, English statutes are very carefully drawn and sentation from each local home ecconsidered before enactment. As onomics extension unit in the state, early as 1869 the department of and of whether the Oregon organsingle vote. Constitutional ques-tions played little or no part in the Parliamentary counsel was created. ization shall adopt the official naopposing aguments. It was alleged charged with the responsibility of tional pin of the home extension that seven-tenths of the stock of preparing government bills for all service. the government departments of England. This department serves present and past members of the held by English stockholders who, in event of war, might control this Parliament and was the forerunner county home economics extension committees, which in turn repreand model for legislative drafting sent the home economics extension bureaus which have been set up by

several states in this country. In the second place, Parliament by general enactments, has dele- rying on an organized program for all, and in no position to render gated large powers of a legislative financial aid to the United States nature to ministers and commisof the government. sions These English ministers and commissionstate college. ers for a long time have served as the "brain trust" of Parliament and around them has grown up a large pend for guidance in their home body of regulations and orders, or administrative law comprising their the state specialists of the extension

rules, regulations and orders.

The great growth of administra-tive law in the United States dur-by the county agricultural agents ing the last ten years has a longaccepted counterpart in England state council. and English experience does not Mrs. Effie Birdseye of Rogue Riv-justify many of the fears of those er, Jackson county, is president of who protest the growth of admin-

istrative law in this country. In the third place, the fact of Mrs. A. L. Heacock, Boring, first vice-president; Mrs. Mabel Hughes, parliamentary supremacy has Grants Pass, second vice-president; Helped to make politics a learned Mrs. Rose Valpiani, Clatskanie, secprofession in England with the re- retary; Mrs. Truman Chase, Eusult that many young Englishmen gene, treasurer, and Mrs. E. P. openly select politics as a career Townsend, Troutdale, recorder. and train themselves for parliamen

tary service. When we contrast that attitude

with the typical American view of Wild Life Study Centers political life, we can understand better the reasons for placing final reliance upon our courts when it comes to protecting our constitu-

one organized around a constitu-tional separation of powers among Members of the State Home Ec-

government is one in which the junual mid-summer meeting. diciary reigns supreme. On the

is one of parliamentary supremacy.

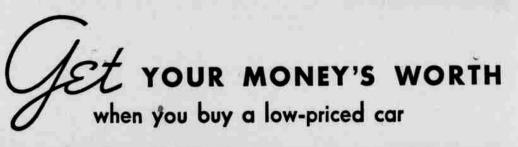
ten constitution and America a ver, Lexington. written one. The establishment of a scholar-college, the state board of higher

historical precedent the courts of student or graduate of the school gree curricula in fish, game and fur the dat the Joaquin Miller resort, student or graduate of the school of agriculture. The acts of Parliamennt as the su-

turned \$673,417 into the general fund during the first six months of 1935. This represents an increase 1935 of the mental questions of constitution-

Also listed for consideration is service, or for positions as game other friends in extending congratthe question of whether the Oregon managers of estates or clubs, land ulations.

economics programs directly upon



face as to the meaning intended by council shall affiliate with the As- using industries or for private ven

In no other state are conditions so ideal for research with such a wide range of wild life on such a large scale, it is pointed out. The Other business will include conlargest herd of wild antelope and sideration of further expansion of the second largest herds of elk are the council to include direct reprein this state, and now the largest wild bird refuge in the United onomics extension unit in the state, States is established at Malheur lake.

At the same time, it is shown training facilities are broader at Oregon State college than elsewhere for this purpose because of availability of existing work in the school of science and in the veterinary medicine and other depart-ments in the school of agriculture. units in the various communities of acquainted with Those possibilthe counties. The home extension ities in this field look forward to units are composed of women carthe time when wild life will not only be a state and national asset on better homes and better family life public lands, but will also afford a under the direction of the home profitable side enterprise for farmeconomics extension service of the ers. The whole program is to be

developed with due regard to the In those counties which have no present livestock and general agrihome demonstration agents and decultural industries.

FARLEY-MADDEN.

The marriage of Miss Bessie Madservice, members of the county exden to Johnnie Farley recently was of much interest to their many Morrow county friends, and the Gazette and are associate members of the Times takes pleasure in reprinting the following detailed account taken from the John Day Valley Ranger

the state council. Other officers are 'Two of John Day's most popular young people, Johnnie Farley and Miss Bessie Madden were united in marriage last Thursday, July 11, at the rectory in Baker, by Rev. Father Vincent E. Egan. Mr. and Mrs. James Maple of John Day acted as attendants. Father Egan read the ring ceremony.

Oregon to be One of U.S. The bride wore a light blue suit and carried a bouquet of rosehuds. Mr. and Mrs. Farley left'at once Conservation of what is said to for Walla Walla for a short honeybe Oregon's third greatest resource moon, and then spent Saturday and wild life-is to be furthered Sunday at Heppner before returnthrough establishment at Oregon State college of one of eight re-up their residence in the Ray Morgan house on West Main street.

The bride who was a member of this year's graduating class from the John Day high school and who has since been employed at the last year from the whole county, and is one of the most popular young ladies of this section. The groom who graduated from the Heppner high school in 1930, came

been in charge of the Wilson Men's store here. He served as president Ralph Thompson, Mrs. Walter work, which will be supported of the local Lions club during the Beckett and Mrs. Marvin Wight-man, Heppner; Mrs. Harry Schriesocial affairs.

On Tuesday evening 100 or more ship to be awarded annually to a education has just approved a de-

school of agriculture. Such educational arrangements cing. Mr. and Mrs. Farley lead the were desired by the federal govern- grand march as the party entered

Local Homemakers Going gional with the research and erative gional wild life research and educa-To OSC Summer Meeting arrangement between the U.S. biological survey, the state game commission and the college. onomics Extension council, repre-senting homemakers in almost every county in Oregon, will gather Oregon was selected as the only on the Oregon State college cam- federal-state center of this kind on partments as co-ordinate and equal. pus at Corvallis Monday and Tues-However, in a very real sense our day, August 5 and 6, for their an-unusual abundance and diversity of wild life resources in this state

Delegates to the meeting from and because of the educational op- to John Day in 1931 and has since Morrow county are: Vida Heliker, portunities available at OSC. Ione; Mrs. A. D. McDonald, Mrs. In connection with the rese In connection with the research

dividual borrowers books.

Attorney Generel Van Winkle has advised the state boxing and wrest-ling advisory commission that an act of the 1935 legislature makes it mandatory upon cities and towns ments or to serve while regular staff to establish wrestling and boxing members are on leave. Miss Eva commissions upon petition of 50 or more taxpayers.

ises to be with the voters again at the next election. Preliminary in-litative petitions covering the sub-ject were filed with the state de-nertment. Saturday. partment Saturday. Sponsors of ifornia succeeds the late Professor the petition include the Rogue Riv-E. E. Bosworth in business adminthe petition include the Rogue Riv-er Fishermen's Union and Ophir grange of Curry county. The meas-Montana State college will fill the corrying into execution the foregoure would legalize commercial fish-ing with drift nets from March 15 by Miss Margaret Brew. to June 30 of each year. The stream was closed to commercial fishing by an act of the last legislature.

tion of the state department of education reports received by C. A Howard, state superintendent of public instruction indicate. The pro-gram conducted in 25 cities of the state, is giving part-time employis giving part-time employment to 280 persons. The program is financed through a special allocation of federal relief funds.

Appointment of Giles French of Moro to succeed Representative Paul Lynch gives the fourth estate three representatives in the state legislature. French, publisher of the Sherman County Journal, is a The other newspaperrepublican. Medford News, and Clint "Want-to- the Federal Housing administrago-home" Haight of the Blue Mountain Eagle at Canyon City.

If the supreme court holds the agricultural agreement act to be un- been shown are very favorable. constitutional, as is expected, the legislature, when it meets in special session will probably be asked to validate existing codes by enacting County, Oregon, will receive bids them into law as Congress is doing for school bus driver, driver to furwith the national codes.

attempt to delegate legislative authority to an administrative body.

ice cream code, agricultural inter- niture Co.

with 145,000 women and several other new staff members will be at Oregon State

college for the opening of the fall term September 23, as the result of consin will be the new head of women's physical education. Dr. Ly-The Rogue River fish fight prom- man C. White of the Universities

Delbert Moore of Eugene will be professor of music and conductor

of the college orchestra. No successors have been selected

will bring Joseph A. Cella, first lieu-tenant of field artillery from Fort Sill, Okla., to replace Capt. H. A. Cooney, and Capt. Aubrey H. Bond, assistant to the district engineer of San Francisco, replacing Capt. Lewis T. Ross.

FEATURES AT THEATER.

There will be an added attraction the Star treater, commencing men in the House are Moore Ham- August 11, in the form of Better ilton, youthful publisher of the Housing news flashes released by This entertaining little feation. ture is scheduled for August 11 and 12 only. Reports from other Oregon cities where the flashes have

CALL FOR BIDS.

School District No. 17. Morrow nish bus, about nine children, route with the national codes. Judge Winters of the Multnomah county circuit court in holding the ice cream code to be invalid de-clared that the act represented an ject any or all bids.

M. E. DURAN, Clerk, 18-22 Lexington, Oregon.

While there has been much oppo-sition to some of the codes, particu-larly the restaurant code and the space for your money. Case Fur-ican politics. 9tf.

agreed with the attorney general.

tions.

Then came Hamilton's term and, with the amazing ingenuity in matters of law, business and finance, he hit on the doctrine of "implied powers" to justify his cherished scheme for a national bank. In his rebuttal opinion supporting the central bank, the eminent federal-ist laid very broadly the foundation for a liberal, if not a loose construction of the Constitution

Admitting freely that neither bank nor corporation is mentioned in the organic law, he fell back on that "omnibus" clause of the document which concludes the enumeration of powers to be exercised by Congress—"to make all laws which

ing powers-vested by this Constitution in the Govenment of the United States."

The words "necessary and prop-er" mean "fit, suitable, convenient Thirty-five thousand persons are taking advantage of the recreation program under the general direc-tion of the state department of Both resigned to accept menunear and appropriate to a given end." Now Congress had been given the power to "lay and collect taxes," "to borrow monant collect taxes," and to raise and support armies,' and "to coin money and regulate the value thereof." A central bank would be a convenient, fit and

effect these very necessary func-tions and was therefore within the scope of the Constitution, he argued. Washington was convinced by Hamilton's argument and the bill

The central bank proved to be States, in supplying a currency of uniform value throughout the coun-try, and in forcing state banks to

a sounder basis of note issue. After the initial argument over the constitutionality of the bank the question was apparently regarded as a settled issue. True, it Bank and was to be the subject of government."

of the best known of John Marshall's decisions.

Shelvador Refrigerators. More state banks then powerful in Amer-

In the course of his decision in that case, Coke stated, "And it appears in our books that in many cases the common law will control acts of Parliament and sometimes cause them to be utterly void, for when an act of Parliament is against common right and reason or repugnant, or impossible to be performed, the common law will control it, and adjudge such act to be void."

This was a bold stroke on the part of Lord Coke, aimed to establish doctrine of judicial supremacy in England. However, it so incensed both the crown and Parliament that Coke was subsequently removed from office, and the doctrine repudinted

Lord Chief Justice Hobart and several English judges thereafter ventured similar opinions but the doctrine never gained a foothold in English jurisprudence.

The modern English view con cerning the supremacy of Parliament is well illustrated by the decision in the Lee v. Bude and Tor-"to borrow money on the credit of rington Junction Rallway Co., de-the United States," "to declare war cided in 1871. In that case, Justice Willis states

"I would observe as to these acts of Parliament, that they are the law of this land; and we do not sit suitable agency for carrying into here as a court of appeal from Parliament . . . If an act of Parliament has been obtained improperly, it is for the legislature to correct it by repealing it; but so long as it ex-ists as law, the Courts are bound creating and chartering the First to obey it. The proceedings here United States Bank for a period of are judicial, not autocratic, which twenty years was signed by the they would be if we could make laws instead of administering them.

"necessary and proper" and ren-dered invaluable service in fortify-fying the credit of the United itively enact a thing to be done which is reasonable, I know of no power that can control it; and the examples usually alleged in support of this sense of the rule do none of

them prove that where the main object of a statute is unreasonable the judges are at liberty to reject it. for that were to set the judicial was to arise again in the early power above that of a legislature years of the Second United States which would be subversive to all which would be subversive to all

However, Parliamentary supremacy in England does not mean that The charter of the First United the acts of Parliament are not sub-States Bank was to expire in 1811 ject to judicial interpretation, but and while it was strongly support-ed, even by stalwart Jeffersonians liament is supreme in that it has like Gallatin, it had aroused the final authority to determine the val-jealousy and antagonism of the idity of laws.

It remains for the courts to inter-pret and administer the laws. When Proposal to recharter the bank legislative acts are not clear on their



ceatures THAT ARE FOUND ONLY IN CHEVROLET

The most finely balanced low-priced car ever built

Get all of these vitally important features when you buy your new motor car. You can get them at lowest prices in the new Master De Luxe Chevrolet-the most finely balanced low-priced car ever built! The Master De Luxe Chevrolet is the only car in its price range that brings you a Solid Steel Turret-Top Body by Fisher . . . Knee-Action Ride . . .

Blue-Flame Valve-in-Head Engine and Weatherproof Cable-Controlled Brakes, And your own eyes and your own tests will prove to you that these features are absolutely essential to the greater beauty and safety, the greater comfort and roadability, and the greater combination of performance and economy which only Chevrolet provides. Visit your nearest Chevrolet dealer today.

CHEVROLET MOTOR COMPANY, DETROIT, MICHIGAN Compare Chevrolet's low delivered prices and easy G.M.A.C. terms. A General Motors Value



Heppner