

ICE CREAM FIRM UPHeld BY HIGH COURT IN TEST

(Continued from Page One.)

ketting agreements, having the force and effect of law, whether they have assented thereto or not, and for violation of which their goods may be forfeited and they, themselves, become subject to criminal prosecution against which they could make no defense.

Contravenes Constitution.
To accomplish this, the opinion stated, all that is necessary is to have a substantial majority, measured in dollars or units of output, of the persons engaged in that industry, to approve such an agreement. Under these provisions, a preponderant majority may, without assent of others engaged in the same industry, fix the price and restrict the amount produced. In granting these unrestrained and coercive powers to a group of persons the law does not place any limitations.

Under the constitution which delegates exclusive authority to make laws to the legislature, subject only to the referendum and initiative, "the legislature cannot confer upon any person, agency or tribunal the power to determine what the law shall be," the opinion stated. "The act leaves, wholly to persons outside the legislature the power to determine whether there shall be a law at all, and if there is a law, what the terms of that law shall be."

The further objection that this act is unconstitutional because it contains no standard or guide and prescribes no rule of law by which the powers conferred under the act are to be exercised must also be sustained. This act does not come within any of the exceptions of article I, section 21 of the constitution and, of course, it was never submitted to a popular vote.

The plaintiffs attempted to avoid these constitutional objections, the opinion read, by "contending that the act should be upheld as a proper exercise of the police power. This contention must fail because the constitutional prohibitions apply to the enactment of all laws, whether enacted under the police power or otherwise."

"The legislature, under the police power, may pass any reasonable sanitary law to protect the public from the sale of impure or deleterious food products, but this act was not designed for that purpose, nor does it have that effect, and hence it does not come under the police power of the state, since the business and industry covered by this act are not affected with a public interest and none of the property used in such business or industry has ever been devoted to a public use."

Many Cases Cited.
The opinion cited many cases upholding the contentions brought out, including the supreme court of Wisconsin and that of Washington in similar cases. Justice Rand held the judgment appealed from was therefore affirmed.

In his dissenting opinion Justice Bailey protested the broad scope of the prevailing opinion. He declared: "As to future legislation seeking to remedy present ills, we do not know what course the legislature may take or what subjects it may cover in an effort to bring about desired economic adjustments. We therefore ought not to attempt to broaden our decision beyond the necessities of the case now before us."

Annie Springs CCC Men At Crater Lake
CAMP ANNIE SPRINGS.—(Sp.)—More than 100 men from this camp made the circuit of Crater Lake over the rim road Saturday afternoon. A caravan of five trucks was arranged for the occasion by H. J. Technor and the boys were accompanied by Lieut. A. H. Hopkins, camp commander, and A. L. Mallory, educational adviser.

Society and Clubs

By JANET WRAY SMITH

Bairds Honored With Church Reception
Rev. and Mrs. W. R. Baird and family will be honored tomorrow evening with a reception at the First Christian church, commemorating the beginning of the pastor's sixth year with the church, in appreciation of his work here.

A program of instrumental and vocal music will be presented, followed by moving pictures shown by Mr. Radcliffe of the Camera club in the main auditorium at 8 o'clock. Refreshments will be served in the recreational hall.

The entire membership of the church is cordially invited.

Meeting of Women's Relief Corps
Members of the Chester A. Arthur Women's Relief corps are asked to meet at the Armory, Thursday at 12 noon. A light lunch of sandwiches, cake and coffee will be served in honor of the department president, Mrs. Nettie Greenough, who will inspect the corps at the regular meeting at 2 o'clock.

Members are asked to bring sandwiches and their own service.

Meeting of Missionary Society
The adult missionary society of the First Christian church will meet on Wednesday afternoon at 2 o'clock in the recreational hall. Mrs. Julia Gregory and her group have prepared a very interesting program dealing with missionary work in the rural areas. All members and friends are invited.

Mrs. Montgomery Leaves for Portland
Mrs. Naomi Montgomery, who arrived here last Wednesday to be present at the ceremony for the supreme queen of Daughters of the Nile, returned to her home in Portland today. She has spent the week visiting friends and renewing old acquaintances as she was a former resident of Medford and a past queen of Zulema temple here.

Williams-Schraeder Marriage Announced
Announcement has just been made of the marriage on September 27 of Miss Esther Williams and Donald R. Schraeder, which was solemnized at the Zion Lutheran church, Rev. Geo. P. Kabele reading the ring ceremony. Witnesses were Mr. and Mrs. B. G. Miller and Victor Gobbe.

Rotary Women Meeting Today
Mrs. W. A. Gates will be hostess today to the Women of Rotary at a dessert bridge luncheon at 1:30 at her home, 31 Crater Lake avenue.

Farewell Party For Mrs. Burroughs
Mrs. Peter Dietrich was hostess to a group of friends and neighbors last Thursday at a farewell party for Mrs. Dorothy Burroughs, who, with her family, is leaving soon to make her home in Lakeview.

Mrs. Burroughs was surprised with a handkerchief shower and received many other lovely gifts. Following the social hour, refreshments were served by the hostess and all the guests expressed their sincere regret at Mrs. Burroughs' leaving, but wished her luck and happiness in her new home.

View Pacific For First Time
Mr. and Mrs. Hill, who have just recently come here from the east, were guests of Mr. and Mrs. H. O. Frochbach Sunday on a motor trip to Crescent City. Neither Mr. nor Mrs. Hill had seen the Pacific ocean before and expressed great delight at the beautiful scenery along the coast.

The party motored south along the new highway and as far north as Smith River before returning home.

Popular Visitors Returning Home Today
Mr. and Mrs. L. B. Brown, who have been guests in Medford of friends and relatives for the past two weeks, left this morning for their home in Oakland.

Mr. and Mrs. Brown are quite well known here, and have been entertained at several affairs while in Medford.

Meeting of Roosevelt Circle
Because of the Teachers' Institute meeting on Friday, the Roosevelt Home and School circle will meet for the first time this year on Thursday instead of Friday, at 3 o'clock in the school building.

A very interesting program has been planned, and a special invitation is extended to all new mothers.

Leave for Southern Trip
Mr. and Mrs. A. H. Perry of Perrydale, accompanied by their daughter and son-in-law, Mr. and Mrs. Walter Flinn, and grandson, Allen, left yesterday by motor to spend a month traveling in California. They will go as far as San Diego before returning home.

Alpha Sigma Class Has Party
Announcement has been made of the party to be given tonight by the Alpha Sigma class at the First M. E. church at 7:30. All members are welcome and urged to attend.

BARGAIN PERIOD OF MAIL TRIBUNE CLOSES TONIGHT

(Continued from Page One.)

cal coverage. All for about one cent a day under the special bargain rates. The bargain period ends tonight, and to accommodate those who cannot get to the Mail Tribune building during the day, the office will be open this evening until 10 p. m. Under the featured low rates, annual subscriptions are \$3 for carrier delivery and \$3.50 for mail delivery in Jackson, Josephine and Siskiyou counties. Mail orders must be post-marked today to benefit from the reduced rates.

Orders are still running substantially ahead of those of the past few years, indicating that economic conditions have materially improved and that the Mail Tribune is considered a daily necessity.

One significant proof of better times is that this year more checks are being received by mail than money orders, whereas a year ago the bulk of payments by mail were made by postal orders. This is viewed by Gerald T. Latham, circulation manager, as ample evidence that the people are once again able to maintain bank accounts.

Remember the deadline! Ten o'clock tonight. Tomorrow the usual rate of 60 cents a month will again be in effect and there will be no further subscription reductions until the Mail Tribune bargain days roll around again next year.

Reese Creek

REESE CREEK, Oct. 1.—(Sp.)—The school is progressing nicely with Mr. Vincent as principal and Miss Rutenegger in charge of primary grades.

Mr. and Mrs. Ed Cowden, who moved last spring from near Eagle Point and bought property in this community, are having their house remodeled and new woodshed and garage built.

Mrs. Cowden's brother-in-law, Ed Watson, from Pacific Grove, Calif., is doing the carpenter work. Charles Humphrey is busy hauling wood to Eagle Point, filling orders.

Mrs. Fulton, of Fulton's service station, left Sept. 17 for San Diego, Calif., and other points in the south on business; also to be at the bedside of her son who had an operation.

Mrs. Jack Grow and daughter Alene who are staying in Medford packing fruit, are home for a week's layoff.

Homer Martin is delivering 10 tons of wood to Leo Rusbo on Crater Lake highway.

Mr. and Mrs. Merle Jack are the parents of a fine boy (Alva Earl) born Sept. 2, 8 lbs. 11 ounces.

Mr. and Mrs. Frank Carter went to Huckleberry Mountain, Sept. 26 for a few days.

Miss Edna Lamb is staying at the home of Mr. and Mrs. Jack Grow, while attending high school at Eagle Point.

Born to Mr. and Mrs. Robert Humphrey, a fine baby girl, Sept. 30, weight seven and one-half pounds. She will be called Roberta Darlene.

Mr. and Mrs. Frank Hill of the Darby district, were dinner guests Sept. 22 of Mr. and Mrs. Ivan Hatfield.

Little Edwin Jack, son of Mr. and Mrs. Merle Jack, got his finger hurt in the lawn mower one day last week. He had to be taken to Medford and have the fingernails removed by a doctor.

Miss Evelyn Waddell left Sept. 24 for San Diego, Calif. She accompanied her aunt, Mrs. H. H. Shaw, and will visit her grandparents, Mr. and Mrs. Lloyd Briscoe, while attending the fair at San Diego.

Mrs. Lloyd Cingcade, of Eagle Point and two small children, Lester and small daughter, Carman, visited her parents, Mr. and Mrs. I. S. Hatfield, for several days this week, going home Thursday.

Mr. and Mrs. H. E. Webb, also Mr. and Mrs. Charles Simmons, all of Derby, were guests Thursday at the home of Robert Humphrey home.

Claude Waddell began the first of last week's hay for his neighbors.

Mr. and Mrs. Elton Hood of Central Point are visiting Mrs. Hood's parents, Mr. and Mrs. John Hankin, for a few days. Mr. Hood got two ribs broken while working on a fruit truck in an orchard near Central Point last Wednesday.

Mrs. A. E. Smith of Derby who is staying for a while at the Jack Grow home, went to Ashland with Mrs. Ed Cowan Sept. 25 to get her mother, Mrs. E. J. Leter, who is 89 years old. She will meet with another daughter, Mrs. E. A. Waymire, also of Derby.

Mr. and Mrs. Ernest Albers and children spent an evening recently visiting at the home of Mr. and Mrs. Wilford Jack.

Mr. and Mrs. Dale Smith and Mr. and Mrs. Ivan Hatfield spent several

Kindly Neighbors Put New Roof On Reese Creek Home

REESE CREEK, Oct. 1.—(Sp.)—W. R. Lamb had a real surprise Sunday when twenty-two of his neighbors came in and put a fine new roof on his house. He had purchased the material and was getting ready to put the roof on with the help of a neighbor, but owing to an accident which injured his shoulder earlier in the summer, it was very hard for him to use a hammer. The neighbors men and their good wives went early Sunday morning with well filled baskets for a bounteous dinner and by noon had the house covered.

days with Mrs. Smith's parents near Talent and picked tomatoes. Mr. Ayers has 20 acres of tomatoes.

Mr. and Mrs. Harry Powell who bought the Hamlin place and moved here last May are a great asset to our community. They milk cows and take the milk to the Eagle Point Cheese Factory and are also great workers in the Sunday school and church. Mr. Powell preaches in the morning and Mr. Stille of Shady Cove preaches in the evening, making it possible for every one who will and can to hear two sermons on Sundays. Beginning on Oct. 20, Mr. Powell will begin a series of evangelistic meetings at the Reese Creek school house. All are welcome.

Mr. and Mrs. Dale Smith went Wednesday to help Mr. and Mrs. Dell Morrison of Sams Valley cut turkey wings. They have 800 fine turkeys.

There is a fine lot of turkeys in this community also. Mr. and Mrs. W. E. Hammel are the largest turkey raisers here. They have over three thousand fine birds.

Autoist Acquitted In Fist Fight Death

PORTLAND, Ore., Oct. 1.—(AP)—Raymond Wilkes, 27, stood acquitted today by a circuit court jury of second-degree murder for the fist fight killing of Rutherford Ward, 47, on May 18.

Wilkes contended that Ward struck the first blow in an argument following their minor automobile collision. The verdict was returned last night.

Oregon Weather.
Fair east and cloudy west portion tonight and Wednesday; fog on coast; little change in temperature; moderate changeable, mostly northerly, winds off the coast.

47,098 CANS PUT UP BY RELIEF CANNERY IN MEDFORD ARMORY

A total of 47,098 cans of produce were prepared for 242 families, representing 1,188 persons who have been on relief at the Medford armory center during the two months' period from July 28 to September 28, it was announced today.

At the Ashland cannery 23,962 cans were prepared for 106 families, representing 533 persons. The produce was canned at a cost of 9 1/2 cents a can of two and a half pounds. It was stated, this cost embracing every item of expense, including the produce.

These two canneries are operated by the Jackson county relief committee, the families utilizing the services, growing their own produce in subsistence gardens. The Oregon state relief committee supplies the materials and labor and the county court furnishes the equipment.

The produce and number of cans prepared at the Medford armory center follows:

Apples, 56; apricots, 272; blackberries, 767; grapes, 23; tomato juice, 5,479; tomatoes, 10,039; huckleberries, 41; peaches, 5,434; pears, 6,361; plums, 1,075; prunes, 4,682; rhubarb, 67; raspberries, 28; strawberries, 32; rots, 41; corn, 2,970; spinach, 32; string beans, 10,045; beans, 890; carmelat, 27, and soup, 716.

Special Convocation of Crater Lake Chapter No. 32, R. A. M., Tuesday, Oct. 1, at 7:30 p. m. Work in M. M. degree. Visitors invited. O. O. HORNEH, H. P. GEO. ALDEN, Secy.

Daggers shaped from reindeer antlers occur among the earliest relics of man.

"Temperate" Vet Dies Suddenly At Age Of 101 Years

SANTA BARBARA, Calif., Oct. 1.—(AP)—Capt. Arnold Miller, 101-year-old soldier of fortune who boasted that he never drank "more than one quart of whiskey a day, nor smoked more than two cigars," died unexpectedly today at his home here.

Capt. Miller, who celebrated his 101st birthday a month ago, seemed to be in good health. On Sept. 1, to mark his natal day, he went lion hunting in the Ventura mountains, but failed to shoot one of the big animals.

O. S. C. Freshmen Slow To Pledge

CORVALLIS, Ore., Oct. 1.—(AP)—The freshmen at Oregon State College this fall are taking their time about fraternity pledging. At the first announcement yesterday only 229 were wearing pledge pins, compared with 267 a year ago when the incoming class was smaller. Pledging may continue throughout the term.

Schilling Baking Powder

makes fluffier biscuits.
The Cream Tartar does it

SPECIAL SESSION DATE UNSETTLED

SALEM, Oct. 1.—(AP)—Governor Martin, in an official statement to the press today, quieted reports he had set a definite date for the calling of the special session of the legislature and again reiterated it was "impossible for me to state definitely when this call will be issued."

Recent reports set the date for October 14.

The governor declared he would call the legislature together promptly when official notice is received from Washington on the status of the hospital and land grant applications, and would only allow a "reasonable time before the meeting to enable legislators to arrange their personal affairs." No word from Washington had been received today.

Immediately following the issuance of the statement Governor Martin left for Portland where he said he was called on "emergency business."

NEED OF COLUMBIA DEFENSES STRESSED

SALEM, Oct. 1.—(AP)—Defenselessness of the mouth of the Columbia river as well as the similar situation along the northern coast of the United States was emphasized by the army command post exercises just concluded at Fort Lewis, Major General George A. White declared today upon his return from the maneuvers.

"While the theoretical invader of the northwest was crushed finally into the sea after two weeks' fighting by the American fourth army in the Fort Lewis area, it would have been an altogether different picture if the invader had been a reality," General White said.

SYLVIA SIDNEY AND PUBLISHER MARRY

PHOENIX, Ariz., Oct. 1.—(AP)—Sylvia Sidney, screen actress, and Bennett Cerf, New York publisher, were married by Superior Judge Martin T. Phelps in private ceremonies at a hotel here today.

The film star arrived here by airplane from Hollywood and was met by Cerf, who had flown here from New York several hours before his bride.

The wedding party planned to board a plane here this afternoon for Los Angeles.

"Our plans are very indefinite after that," Cerf said.

Earlier at the airport, Cerf embraced the actress and exclaimed, "Little Sylvia risked her life for me."

Miss Sidney's plane had been forced to land at Barstow.

ALL URGED TO OBSERVE FIRE PREVENTION WEEK

SALEM, Oct. 1.—(AP)—In line with the presidential proclamation designating October 6 to 12 as national fire prevention week, Governor Martin today issued a statement urging all municipal officials, churches, schools and business organizations as well as citizens to observe the week.

State Fire Marshal Hugh Earle reported the average yearly loss of life from fires during the past five years in Oregon was 36 persons, while 820 others were injured. The annual financial loss was given as \$4,250,788.

SINGER
Fall Fashion Show
at
Singer Shop, 237 East Main
Wednesday, October 2nd
Afternoon Show 2:30
Evening Show 8:00
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