

Need \$3,308,300 for Highway Modernizing

Work Between Medford and Ashland Sidetracked Because of Interest Lack in Area, Is Assertion

Expenditures aggregating \$3,308,300 are necessary to modernize the 48 miles of the Oregon Pacific highway 96 in the Ashland-Medford district, to meet the requirements of present day traffic. These are the preliminary estimates of the state highway commission, released today to officers of the Oregon Pacific Highway association.

Of the \$3,308,300 program, which necessarily will cover a period of years, \$238,300 expenditures are included in the tentative 1936 budget. These expenditures cover two grading projects between Ashland and Nell creek and Torrent creek and Wall creek. All of the other projects, excepting completion of the balance of the Ashland-Siskiyou station stretch of 12 miles costing \$880,000, are placed on the commission list for second consideration.

Following is a table showing the various projects miles of highway affected, estimated cost and preference the project will be given on the commission program.

Project	Miles	Estimated Cost	Preference
County Line-Gold Hill	15.0	\$740,000	2
Gold Hill-Central Point	7.0	700,000	2
Talent-Bear creek	3.2	115,000	2
Torrent creek-Wall creek	1.3	78,300	1936
Ashland-Nell creek	5.1	150,000	1936
Ashland-Siskiyou Sta.	12.1	850,000	1
Siskiyou Sta.-Calif.	6.1	635,000	2
Total	47.8	\$3,308,300	-

Need of considerable work on the Ashland-Medford sector of the highway is evidenced in the estimates of the state highway commission, but lack of concerted effort by property owners and business interests of the district has failed to gain immediate consideration for the program, while

"State and federal funds for highway work this year are to be allocated by the commission within the next few weeks. This demands immediate action on the part of interests along the Pacific highway if this important artery is to receive a fair proportion of the allotment."

\$200,000,000 IN IMPOUNDED TAXES TO BE RETURNED

(Continued From Page One.)

stances had been "inadvertently granted" on the six to three vote last fall.

Another case involving this law filed by Eugene Talmadge of Georgia, a Roosevelt administration foe, will give the court another opportunity to rule on it.

Chief Justice Hughes, explaining the Bankhead dismissal, said in the decision that Lee Moor, the complaining Texas planter, had principally given only general testimony regarding his financial necessities.

Failed To Make Case

The trial court concluded he had failed to make a case, it was recalled, and the appeals court agreed "upon the established principle that a mandatory injunction is not granted as a matter of right, but is granted or refused in the exercise of sound judicial discretion."

The supreme court accepted this view.

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:

No Discussion Sec. 21D

"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.

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 collection of the assessed exaction. 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 tax-payer could show that he had not passed the tax on to others.

Defer Comment

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 gold cases; a loss by the same margin on railroad retirement legislation; and eight to one and nine to none adverse rulings on "hot oil" regulation and the Pradier-Lenke 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.

Realization of the profound importance of the occasion sharpened the suspense. All dignity, the justices gave little indication of considering their session any different from the regular Monday business.

Bankhead Present

Senator Bankhead (D. Ala.), author of the cotton law, heard that section in the courtroom and said it 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 millers were on a case brought by eight Louisiana rice milling 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.

The rice millers insisted they could not prove who bore the expense of the processing levy. They said in their business the various lots of rice were handled together and it could not be ascertained what happened to the individual consignments.

Pay First

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 processing taxes collected, approximately \$200,000,000 was impounded in federal courts. Rice collections to October 1 totaled \$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., Rickett Rice Mills, Inc., all of New Orleans; T. Simon and A. B. Dore, Rice Milling Co., Inc., of Lake Charles, La.; and Baton Rouge Rice Mill, Inc., of Baton Rouge, La.

RETIRED MINISTER PREFERS JAIL TO PAYING AUTO FEE

The Rev. William N. Carle, retired Presbyterian minister now residing at Lake Creek, told The Mail Tribune today that he would go to jail before he would pay an extra \$5 license for a "little box" he had built on the rear of his Chevrolet coupe.

Mr. Carle explained that he was stopped 10 days ago by a trooper who told him he would have to have a \$10 "pickup" license because of the "box." Mr. Carle related that he told the patrolman he would come to Medford to take care of the matter.

The matter was taken up at the sheriff's office where the new license law was explained. Mr. Carle stated. Then he had a conference with Peace Justice W. R. Coleman.

"If I don't get the \$10 license, what will happen?" he said he asked Justice Coleman.

"If you plead guilty you are subject to a fine of \$1 to \$500. If you don't pay the fine you must serve 10 days in jail at the rate of \$2 a day," Mr. Carle said the justice told him.

"I decided then to go to jail rather than pay the extra \$5," Mr. Carle said today. "It's an outrage charging poor people \$5 for a little box built into an old car. Anyway I have a lot of friends who will come to see me when I'm in jail."

Mr. Carle said he has not yet been cited to appear in justice court.

The last pastor Mr. Carle held was in Merrill. He now lives with his son-in-law and daughter. Mr. and Mrs. John B. Short, Mr. Short's late father was one-time Medford councilman.

LAST NAVAL MAN LEAVES CCC HERE

The last naval officer on CCC duty in the Medford district left today, when Lieut. F. Kirk Smith, medical corps, proceeded to his new post at the naval hospital, Bremerton, Wash.

Dr. Smith has served as district surgeon for the past several months. At the start of the CCC many navy and marine officers were on duty, but they were gradually withdrawn. Four regular army officers remain on duty here, with all other posts being filled by officers of the reserve corps. One of the regular army officers, Lieut. Richard L. Matteson, will leave this week for duty in the Philippines islands.

Capt. Hjalmar T. Gentle is the new district surgeon and Lieut. Laurence B. Hanson is his assistant. Capt. Gentle will return this week from New Jersey where he accompanied a troop train.

The 30-year record of W. G. McDavitt, Texas vegetable shipper, of sending out the first car of beans each season was maintained this year.

Besides board and keep, recruits in Germany's new army are getting 12 1/2 cents a day.

Shallow water supplies in South Dakota are still suffering from the drought, a state geologist reported.

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PICTURED ESSAYS ON CRATER LAKE TO BE PUBLISHED

Illustrated articles describing various phases of Crater Lake National park are scheduled for early publication in several nationally-distributed magazines. All of them were written by Ernest A. Roedel of the park staff. Earth Mover, a technical magazine, has listed an article on the construction of the rim road at the lake resort. Roads and Streets magazine will publish an article on snow removal problems, explaining how this difficulty is solved at the park.

California Motorland has accepted an article describing the services available for the travelling public at Crater lake and the Standard Oil Company of California Bulletin has scheduled an essay describing winter sports at the resort and pointing out the accessibility of the area.

The National Motorist will publish a general travel article on the lake resort and Sunset magazine has scheduled a series of short features designed to aid travellers in mapping out summer itineraries.

The Oregon Motorist has accepted an article telling of the improvements to the rim road, emphasizing the scenic features of the drive around the lake. The Pacific Geographic will publish a geologic review while the Western Skier has scheduled an article describing winter sports at the lake and how they are promoted by the Rogus Snowmen.

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RUHL AND GREY WILL SPEAK AT PRESS MEETING

UNIVERSITY OF OREGON, Eugene Jan. 13.—(Special.) A record-breaking number of representatives from newspapers all over the state are expected to gather on the University of Oregon campus for the eighteenth annual Oregon state press conference January 16, 17, and 18. It has been announced by Dean Eric W. Allen of the school of journalism.

A number of new features have been added to the program this year, including discussion and addresses on offset printing and small engraving plants. Donald J. Sterling of the Oregon Journal, is one of the authorities scheduled to address the group during the conference. His topic will be "The Orient, Its Tragedies and Honors."

Others on the slate for addresses include: Robert W. Ruhl, Medford, president of the state press association; Henry W. Fowler, Bend, scheduled to speak on "We Venture Into Offset Printing"; R. G. Elliott, St. Helens, "A Weekly Venture Into Photo-engraving"; L. H. Gregory, Portland; C. K. Logan, Salem "Training Country Correspondents, and Getting the Most Out of the Rural Field"; Giles French, Moro, to speak on "Putting Pep Into a Country Newspaper."

Also included are: Lyle L. Janz, manager of the Portland Better Business Bureau, speaking on "The B.B.B. and the Press"; G. J. Gillette, Lakeview, "1936's Newspaper Problems"; Herb Grey, Medford, speaking on "Service Sells Space"; Harris Ellsworth, Roseburg, "Radio in the Smaller Cities"; and Hugh Ball, Hood River, "Television—If and When."

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