

POWER COMPANIES WIN IN MOVE FOR TEST OF LEGALITY

(Continued from Page One.)

They are subject to suit in any court of competent jurisdiction where they are committing said illegal and unconstitutional acts, and where process can be served.

The power companies' suit was brought originally in chancery court as Knoxville and transferred to the federal district court on the plea of the TVA. Subsequently the TVA filed a motion to dismiss contending that under a section of the TVA act the suit should have been brought in the northern district of Alabama.

The act fixed the authority's legal residence in that district. Immunity Lost "Certainly congress may create a corporate agency for a lawful and constitutional purpose," the court said, "and in so doing may provide the forum in which such agency may be sued. And, so long as its act within the constitutional powers granted, it may now be sued elsewhere.

"But, if the act be invalid, or if the agency assumes powers not conferred, it is stripped of its immunity to be sued in the forum designated by the act creating it, and assumes the role of an individual, who is answerable for his wrongs wherever found.

"It is hardly reasonable to suppose that congress intended to make

these defendants immune from suit in any jurisdiction except in the northern judicial district of Alabama for damages resulting by their unauthorized acts of whatever character." The bill alleged, among other things, that certain power activities of the Tennessee valley authority are unconstitutional or that, if they are not unconstitutional in all respects, the directors of the authority have exceeded their powers in many of their functions.

Markets

Livestock

PORTLAND, Oct. 16.—(AP-USA)—HOGS: 350, including 200 direct; market steady, good to choice 180 to 215 lb. drive-ins, \$10.10-15; few 250 lb., \$9.50; other classes scarce; packing sows, saleable around \$7.75-8.50; choice light feeder pigs quotable upwards to \$9.

CATTLE — 250; including 144 through and direct; calves 275; including 268 through and direct; market nominally steady; medium steers saleable around \$6-7; good fat steers eligible to \$7.50; common to medium heifers quotable at \$4-5.25; few low cutter and cutter cows \$2.50-3.25; common to medium grades \$3.50-4.25; good feed cows up to \$4.75; bulls saleable around \$4-5; good to choice vealers quotable from \$7.50-9; culls down to \$4.

SHEEP—50; including 33 direct; odd sales steady; few fairly good lambs to \$7; strictly good lambs quotable at \$7.50; good fat ewes saleable around \$2.50-3.75.

CHICAGO, Oct. 16.—(AP-USA)—HOGS—10,500; mostly steady; spots strong; pigs and underweights weak; top \$10.25; bulk well finished 190-240 lb., \$9.00-10.25; heavier weights practically absent; better grade 140-180 lb., largely \$8.75-9.85; best sows \$9.35.

CATTLE—2,000; calves 500; few loads of fed steers and yearlings sold fully steady with Thursday's improvement; no strictly choice steers on sale; highest price reported \$9.80 for 1160 lb., averages; cows and heifers uneven, mostly steady; vealers strong, mostly \$9-10 with \$10 the practical top.

SHEEP—8,500; fat lambs closing weak to 25c lower; most early sales steady, quality considered; sheep and feeding lambs little changed; desirable native lambs \$9.75-9.25; bulk around \$9; four loads 92 lb., westerners \$9.90; top slaughter ewes \$4.10; feeding lambs \$5.50-6.50.

SOUTH SAN FRANCISCO, Oct. 15.—(AP-U. S. Dept. Agr.)—HOGS: 375, direct 220. Butchers mostly 10 higher 2 loads 170-195 lb. Californias 10.60 top. Packing sows absent quoted mostly 7.25-7.5.

CATTLE: 375, direct 30. Steers less active, about steady. Load 965 lb. off best top 7.25; load medium 1060 lb. short feds 7.00; 2 loads 875-890 lb. feeder steers 6.25; abe-stock very

slow, weak. Idaho grass heifers 4.75-5.75; bulk low cutters and cutters 2.00-7.5; few bulls 5.00; steady. Calves 2. Nominally steady. Good to choice vealers quoted around 8.50-9.50.

SHEEP 700; lambs absent. Good woolskins quoted around 8.00-8.25; saleable supply six decks mostly medium California slaughter ewes. Nothing done.

Portland Produce

PORTLAND, Ore., Oct. 16.—(AP)—BUTTER—Prints, A grade, 35c lb. in parchment wrappers; 45c lb. in cartons; B grade, parchment wrappers, 34c lb.; cartons 35c lb.

BUTTERFAT—Portland delivery, general price—A grade delivered at least twice weekly, 36-37½c lb.; country routes, 34-35½c lb.; B grade, 34-35½c lb.; C grade, at market.

EGGS—Buying price by wholesalers: Extras, 33c; standards 28c; extra medium, 23c; medium firsts, 20c; undergrade 16c; pullets 13-15c; pee wees 8c dozen.

Cheese, country meats, and live poultry, steady and unchanged.

Portland Wheat

PORTLAND, Ore., Oct. 16.—(AP)—Wheat: Open High Low Close Dec. 1.19½ 1.19½ 1.19½ 1.19½

Cash wheat: Big Bend bluestem 12 pc. 1.06½; dark hard winter 13 pc. 1.19½; 12 pc. 1.13½; 11 pc. 1.07½; soft white and western white 98½c; hard winter 1.02½; western red 90½c; Oats, white 30.00; gray 29.00.

Barley No. 2 45 lb. bw 33.50; Corn No. 2 Eastern Y. ship 49.50; Argentine 35.00; Millrun standard 28.00. Today's car receipts: Wheat 27; barley 6; flour 19.

Chicago Wheat

CHICAGO, Oct. 16.—(AP)—Wheat: Open High Low Close Dec. 1.15½ 1.15½ 1.15½ 1.15½

NEW YORK, Oct. 16.—(AP)—The stock market today found rallying fuel in business progress and a wide assortment of industrials steamed up fractions to 3 or more points to new recovery heights.

The activity was pronounced in the morning, but selling flurries later tended to slow the pace. Buying expanded in the final hour. Transfers were around 2,000,000 shares. Rails, a bit timid in most of the

day, came to the fore in the closing period. Well out in front throughout, however, were the steels, motors, farm implements, amusements, aircrafts, coppers and merchandising specialties.

Bonds, following a belated start, turned upward with stocks. Today's closing prices for 32 selected stocks follow:

Table listing stock prices for various companies including Al. Chem. & Dye, Am. Can, Am. & Egn. Power, A. T. & T., Anaconda, Atch. T. & S. F., Bendix Avia., Beth. Steel, California Pkg., Caterpillar Tractor, Chrysler, Coml. Solv., Curtiss-Wright, DuPont, Gen. Foods, Gen. Motors, Int. Harvest, I. T. & T., J. H. & M., Mont. Ward, North Amer., Penney (J. C.), Phillips Pet., Radio, S. Pac., Std. Brands, Std. Oil Cal., Std. Oil N. J., Trans. Amer., Union Carb., United Aircraft, U. S. Steel.

SAN FRANCISCO, Oct. 16.—(AP)—Butter: Score 92, 34c; 91, 32½c; 30, 32½c. Eggs: Large, 36½c; mediums, 27½c; smalls, 20½c. Cheese unchanged.

SACRAMENTO, Calif., Oct. 16.—(AP)—Churning cream butterfat: First grade, 36½c; second grade, 37½c.

SILVER NEW YORK, Oct. 16.—(AP)—Bar silver quiet and unchanged at 44½.

CHRYSLER ENTERS LOW PRICE FIELD

Chrysler will enter the local low priced field with the unveiling of the new 1937 Chrysler Royal, in front of Hunt's Craterian theater tomorrow at 1:30 p. m., according to H. P. Lange of the Lange Motor Car company.

Mr. Lange says: "The 1937 Royal is new and entirely different. It has a forward reaching style and true fine car luxury. The new Chrysler gold seal helps make the invasion possible. It's a brand new engine, with patented floating power mountings. It embodies not just one or

two new features. It has everything known to science. This new engine not only excels in action and power, but it actually delivers deluxe performance on an out and out saving on gas and oil."

After the showing of the Royal in front of the Craterian, it will be taken to the Lange Motor Car company showroom, where the brilliant new 1937 Chrysler Airflow will be unveiled. According to advance reports the new exterior styling of the 1937 Airflow is matched by interiors of supreme luxury and beauty.

'BEAUTY' KEYNOTE NEWEST NASH CAR

"Beauty" is the keynote of the new Nash automobile line for 1937, which are now on display at the Walter W. Abbey showroom, according to Mr. Abbey, who returned to Medford today with the new models.

Mr. Abbey says: "The new Nash automobiles have a beauty that is unsurpassed in the most expensive cars. Everything about the new Nash models marks them as genuinely fine cars, cars that will stand apart from all the others."

"With the introduction of the 1937 Nash LaFayette '400," Nash presents to America a new kind of low-priced car. A car that will enable thousands of former small-car owners to drive a bigger, more beautiful, better-engineered car, yet a car that costs little more than the lowest-priced cars.

This is made possible by building into the LaFayette '400' the remarkable, 90-horsepower, motor-sealed motor that established such sensational economy records in thousands of Nash-built cars now on the road. A motor that actually makes this beautiful, big, 117-inch wheelbase car cost less to run than many of the smallest cars.

Only three models are being manufactured by Nash this year. Besides the new LaFayette '400' there will be an Ambassador Six and Ambassador Eight.

WALLACE WILLIAMS FUNERAL SATURDAY

Funeral services for William Wallace Williams, well known resident of Medford, where he had lived for the past 23 years, will be conducted from the Per Funeral home Saturday at 3:30 p. m., Rev. W. R. Baird officiating. Remains will be transferred to Salem, Ore., Saturday evening at 7 o'clock for interment.

TWO TIGER ELEVENS OFF TO MARSHFIELD FOR SATURDAY TILT

Cosches Bill Bowerman and Ed Kirtley, 33 football players, and two managers left by bus today for Marshfield where tomorrow they tangle with the Bonecrushers of that city in the first away-from-home encounter of the year. The Marshfield crew is not expected to furnish severe opposition to the Black Torados, but, having played all year for the game, may spring a surprise, Bowerman said before leaving.

Bowerman announced his double lineup today, with two teams ready to alternate on the field. They will be: First Team Pos. Second Team Wilson LE Richardson

Barth LT Santo Basker LG Henry

Stevens C Morris Offord RT Blair

Root RE Woodcock Kittinger Q Bowman

Bayless LH Maruyama Olson RH Campbell

Sakurada FB Hill Others making the trip are Todd at guard; Bishop and Em at tackles; Monteith, Reich and Dickey, ends; Linnell, Edwards, Pritchard and Gillins, backs. Managers Curry and Pichtner will take care of equipment on the trip, and Lewis, injured left halfback, went along to study Medford offensive moves for coming game.

Scouts from Grants Pass and Klamath Falls, the next two Tiger opponents, will see the game so Bowerman is not expecting to shoot the works tomorrow.

The state of Florida claims 68 varieties of fruit grow within its boundaries. In recent years, China has promoted growth of millions of trees in an effort to control flood waters. The humming bird's nest is the most difficult of nests to find. Closing time for Tox Late to Classify Ads is 1:30 p. m.

Owens, deceased, has filed in the above entitled Court and matter her first and final account and report and petition for distribution for settlement thereof and discharge, and by order of the Court herein said final account and report has been set for hearing on the 18th day of November, 1936, at the hour of 10 o'clock a. m., at the court room of the above entitled Court in Medford, Jackson County, Oregon, and all persons having any objections thereto are hereby notified to file the same with the above entitled Court on or before said time. ANNE M. OWENS, Administratrix with the Will annexed of the Estate of James Owens, Deceased.

Notice of Sale of Bonds. Notice is hereby given that sealed bids will be received by the District School Board of School District No. 74 of Jackson County, Oregon, at the office of the District Clerk of said District No. 74 until the hour of 8 o'clock p. m. on the 2nd day of November, 1936, for the purchase of an issue of bonds of said district in the amount of \$3,000.

Said bonds will be negotiable coupon bonds, will be registrable as to principal only and each be designated "School Building Bond" each dated as of December 1, 1935, and in the denomination of \$1,000 said bonds

will be numbered from 8 to 10 inclusive and will mature serially in numerical order at the rate of \$1,000 on the 1st day of December in each of the years 1944 to 1946 inclusive, will bear interest at the rate of 5% per annum payable semi-annually on the 1st day of June and December of each year until maturity will be payable both as to principal and interest in lawful money of the United States of America at the office of the Treasurer of Jackson County, Oregon, or at the fiscal agency of the State of Oregon in the city and state of New York, at the option of the purchaser.

Said bonds are issued pursuant to the laws and constitution of the State of Oregon including chapter XX Title 35 Oregon Code 1930.

All bids must be in writing and must not be for less than par and accrued interest and will be opened immediately after the final hour herein before set forth for submitting bids at the Elk Creek School House in said School District.

The District School Board reserves the right to reject any and all bids. By order of the District School Board of School District No. 74 of Jackson County, Oregon. Dated October 15, 1936. PETER W. SANDOZ, District Clerk of School District No. 74 of Jackson County, Oregon.

Advertisement for Lyons California Brandy. Features a bottle of brandy and the text: "Excellent! say connoisseurs of brandy. In smoothness, flavor and bouquet, Lyons California Brandy is outstanding, because it's bottled direct from oak puncheons and every detail of its making is expertly supervised. You, too, will say it is 'Excellent!' 85 PROOF. Fifths, \$1.40. Pints, 90¢. THE E. G. LYONS & RAAS CO., San Francisco, Calif. LYONS CALIFORNIA BRANDY

Advertisement for Nash Speed Show. Text: "RADIO'S NEWEST HIT! NASH Speed Show SATURDAY—TUNE IN! KSL 6 P. M. P. S. T. Featuring FLOYD GIBBONS, HEADLINE HUNTER AND M. C. VINCENTOPEZ AND THE FAMOUS ORCHESTRA, GIOVANNI MARTINELLI, LEADING METROPOLITAN TENOR, MENNY BURBIG, BOY IN THE LAUGHING and other star features."

Large advertisement for Chesterfield cigarettes. Features a scale with 'facts' on the left pan and 'claims' on the right pan. Text: "Read any statement about Chesterfield cigarettes. We tell you what they are made of—mild, ripe tobaccos. We tell you that we use on Chesterfield pure cigarette paper. We tell you that Chesterfields are carefully manufactured. We suggest that you try Chesterfields and find out how mild they are and what a pleasing taste and aroma they have. A great many cigarette smokers will tell you that Chesterfields satisfy—give them what they want in a cigarette. —claims and facts balance. LIGGETT & MYERS TOBACCO CO. © 1936, LIGGETT & MYERS TOBACCO CO."

Advertisement for Western Thrift Stores. Text: "WHERE THE THRIFTY BUY SAVE AND THRIVE. WESTERN-THRIFT Cut Rate Stores TOILETRIES - REMEDIES - SUNDRIES - TOBACCOS. CUT PRICES! PRICES EFFECTIVE Friday Noon Through Monday. IPANA 27c, Bisodol 39c, Freezone 23c, TAKARA 49c, BURMA SHAVE 29c, S. M. A. BABY FOOD 83c, ABSORB. JUNIOR 79c, PABLUM 31c, ANACIN TABLETS 13c, SCOT TISSUE 20c, COTY'S FACE POWDER 83c, Ovaltine 45c, HILL'S NOSE DROPS 17c, KOLYNOS 27c, Capsules 49c, CARDS 25c. RED FRONTS-TWO STORES TO SERVE YOU. WESTERN-THRIFT Stores. NO. 1 - MAIN & CENTRAL UNDER BIG CLOCK. TWO STORES. NO. 2 - 15 & 6TH M.M. ST. ACROSS FROM I.H.M. CO."