

PINBALL LICENSE LAW HELD INVALID FOR UNCERTAINTY

Judge Wimberly Dismisses Injunction of Operator—Conflict of Authority Is Cited in Roseburg Opinion

ROSEBURG, Ore., Sept. 30.—(AP)—Holding the Oregon 1935 pinball license law "void for uncertainty," Circuit Judge Carl E. Wimberly reversed to the state gambling statutes and declared operation of pinball games illegal, in an opinion handed down here today.

Accompanying the opinion was an order dismissing the injunction suit of Earl Bush, Douglas county pinball operator, and lifting the restraining order against the one placed by District Attorney J. V. Long upon the machines August 15. The opinion of Judge Wimberly attacks the validity of the 1935 law, which permits municipalities and counties to license or prohibit pinball games, from a different angle than heretofore considered, holding that the statute is so uncertain that its meaning and application cannot be determined.

Conflict of Authority. "So far as the wording of the act is concerned, a municipal corporation might license pinball games and at the same time the county in which the city is located might prohibit their operation; or, on the other hand, the county might license such games throughout the whole county, including the municipal corporations therein, and at the same time such municipalities might prohibit their operation.

"It will, thus, be seen that there might easily be a conflict of authority. There is nothing in this statute from which it might be determined whether the acts of the counties or the cities would control; and, so far as I have been able to discover, there is no rule of statutory construction for the determination of that question. For these reasons, it is my opinion that chapter 989 is void for uncertainty."

Lottery Law Unquestioned. There is no question as to the validity of the state lottery or gambling statute, the court holds in declaring that if the contention of the plaintiff operator is true that pinball games are not a violation of these statutes, "he has an adequate remedy at law and equity would not have jurisdiction to interfere by injunction or otherwise."

Citing court decisions given on "beano" games and, particularly, the opinion of Mr. Justice McBride, Judge Wimberly says in his opinion "There is no real distinction, from a legal standpoint, between 'beano' and a pinball game." "The evil effect of the operation of pinball games has come to the attention of this court through the necessity of sentencing a man with a previous criminal record to a term in the penitentiary for stealing money from his employer and using the same in playing pinball machines. Judge Wimberly says in concluding his opinion.

ROSEBURG, Ore., Sept. 30.—(AP)—Instructed by District Attorney J. V. Long to halt operation of pinball machines in Douglas county, as a result of the ruling by Circuit Judge

America To Fight In Defense Only Says Legion Head

PLYMOUTH, England, Sept. 30.—(AP)—Commander Daniel Doherty of the American Legion, arriving here today aboard the Washington, declared Americans in the future would fight only in defense of their homeland. "War is futile," the newly-elected commander asserted. "Millions of lives were thrown away in the last war for nothing, because no one gains by war and the misery of that war still remains." The Washington brought 675 Legionnaires to Plymouth.

Carl E. Wimberly, holding the gaming devices illegal, Sheriff Percy Webb this morning set the deadline for midnight Saturday, October 2. Notification is being given that any boards found in operation after that time will be confiscated and operators arrested.

Brownsboro

BROWNSBORO, Sept. 30.—(Sp.)—Mrs. Blanche Waltgott of Pasadena, Cal., is a guest of her daughter, Mrs. B. H. Fuller.

Mrs. Paul Jones and children of Sams Valley are spending a few days with Mrs. Jones' parents, Mr. and Mrs. Jesse Glass.

Charley brothers weighed some fine cattle at the Emmerick ranch last Sunday.

Howard Johnson has erected a silo on his ranch and is now busy filling it. Nearly all of the silos in this vicinity are now filled.

Theo. Glass and Fred Hesselgrave were callers at the Glass home Sunday. They were on their way to Klamath Falls.

Mrs. A. J. Johnson and son Brennon of Merrill were guests at the Craig home Sunday. Chas. Craig of Medford also visited with his parents Sunday.

Mrs. Reames, who has been visiting with her daughter, Mrs. Emmerick, left for her home in Portland Saturday.

Mr. and Mrs. E. E. Tucker and children of Merrill and Mr. and Mrs. Will Morris of Central Point visited Sunday with their parents, Mr. and Mrs. Ed Tucker.

W. M. Hansen, Gerald Hansen and J. D. Henry spent Sunday fishing on Rogue river.

Millworker Killed. VANCOUVER, Wash., Sept. 30.—(P)—Benjamin Medley, 65, employee of the Dupont-Matlock sawmill, was killed yesterday when his clothing caught in a timber machine.

HELP KIDNEYS PASS 3 LBS. A DAY

Doctors say your kidneys contain 15 miles of tiny tubes or filters which help to purify the blood and keep you healthy. Most people pass about 3 pints a day or about 3 pounds of waste. Frequent or scanty passages with smarting and burning shows there may be something wrong with your kidneys or bladder.

An excess of acids or poisons in your blood, when due to functional kidney disorders, may be the cause of nagging backache, rheumatic pains, lumbago, leg pains, loss of pep and energy, getting up nights, swelling, puffiness under the eyes, headaches and dizziness. Don't wait! Ask your druggist for Doan's Pills, used successfully by millions for over 40 years. They give happy relief and will help the 15 miles of kidney tubes flush out poisonous waste from your blood. Get Doan's Pills.

BLACK TO ANSWER CRITICS IN RADIO TALK TO NATION

(Continued from Page One.)

made his decision without presidential knowledge of his intentions.

The newly-named jurist and his wife spent last night at the home of Mrs. Black's brother-in-law and sister, Mr. and Mrs. Clifford Durr, near suburban Alexandria, Va.

This morning Black was up early

and left the residence. Friends indicated he might visit his office in the supreme court building during the day.

To Bench Monday

There appeared to be no question that the justice would take his seat on the bench Monday when the court resumes after a summer recess.

The announcement Black would speak over the radio was made by Kenneth H. Berkley, general manager of the Washington offices of the broadcasting company after the latter had talked with Durr.

Later it was announced that the address also would be carried over the Columbia Broadcasting system and the Mutual Broadcasting network.

Upon his arrival yesterday, Black declined to answer a specific question as to whether he was or had been a member of the Klan.

KANSAS CITY, Sept. 30.—(P)—The American Bar association today definitely killed an investigation of the appointment of Justice Black but in a heated debate, directed further study of a proposed condemnation of membership in "secret, oath bound" organizations as incompatible with the position of supreme court justice.

The assembly of the association, almost evenly divided, instructed the resolutions committee to make a joint study of the secret order resolution and of a suggestion, made by Leslie Rosenthal of Chicago, that the bar association go on record favoring mandatory public hearings in the senate on all further supreme court nominations.

The American Association of University Women has 730 branches.

Phone 542. We'll haul away your refuse. City Sanitary Service.

ARMISTICE DAY PLANS STARTED

A meeting of the executive committee of Medford post No. 15 of the American Legion was held at the Hotel Medford Tuesday night to discuss plans for the annual Armistice Day celebration to be held here Nov. 11.

Gain Robinson, who has been named general chairman for the 1937 observance of this important patriotic holiday, met with the committee and much progress was reported. From present indications this year's program will be the best in years and all veterans and citizens of southern

DRIVER ARRESTED IN THREE-WAY SMASHUP

Louis Welch, 28, of Molalla, Ore., posted \$25 bail last night in Ashland city police court after being arrested for reckless driving which resulted in a three-auto wreck near the railroad undercrossing a short distance north of Ashland. He was scheduled to appear this afternoon.

According to police reports, Welch, driving south, sideswiped a cattle truck operated by Kenneth D. Vellex of Grants Pass, caromed off the truck

and smashed into a machine driven by L. O. Rogers of Medford. The Vellex and Rogers machines were both badly damaged. Nobody was injured.

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—cool and comfortable—on our mezzanine floor is at your disposal! Rest here while shopping in Medford. Arrange to meet your friends at this delightful spot... it is just another new M. M. service to southern Oregon people!

COATS FAMED FOR STYLE! FIT! FINISH!



Smart New FALL MILLINERY

Dozens of new Fall hats arrived this week. All the newest shapes; all the newest shades; in Green, Rust, Dubonnette, Navy, Black, Brown, and Grey; all head sizes. See them this week end. Priced at

\$1.98 \$2.98 \$3.95 to \$5.95

Ladies' DRESSES

We are now showing the famous line of Madam Renaud dresses. We consider our store very fortunate in securing this outstanding line of high grade dresses. We have them in regular and half sizes. New shipment of sepaca crepe and spot proof Cheney velvets



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JUNIOR DRESSES

Made by "May Fair"
For the girl that wears sizes 13 to 17. For clever styles; styles that are outstanding; for styles that you won't see in other lines. We want you to see the new "MAY FAIR" dresses.

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