

Legislature Starts Off With Good Crisp of Bills In House

COMMISSION PLAN OF NINE MEMBERS MEETS OPPOSITION

Rumblings Are Heard in Session of Joint Fisheries and Game Committees; New Bill in View.

Salem, Jan. 13.—The Norblad-Handley-Bean bill creating a state board of fish and game commissioners of nine members, eight of whom would be elected by the legislature, will not find its journey through the legislative mill all clear sailing. This was plainly indicated during the joint session of the senate fisheries and game committees Monday afternoon, when rumblings of violent opposition to the measure were allowed to creep into the discussion of the proposed bill.

Senator Thomas of Jackson voiced the first discordant note when he objected to permitting the bill to appear in public under the chaperage of the joint fisheries and game committees of the senate and house. "The bill did not meet with the approval of the sportsmen of the state," Thomas declared, "neither did it follow the recommendations of the governor for an entire separation of the two interests, and which, he declared, he was preparing to sponsor in another bill."

SPORTSMEN AROUSED

The sportsmen, according to Senator Thomas, are unalterably opposed to the proposed double jointed commission, hinged on a neutral chairman, and would not accept the Norblad-Handley-Bean concoction under any consideration without the bitterest kind of a fight. Furthermore, Thomas explained, the sportsmen were opposed to any change in the manner of naming the members of the commission which would fall to centralize responsibility in the governor.

Senator Norblad took issue with Thomas' statement to the effect that the sportsmen of the state were opposed to the present commission, declaring that his information indicated that fully 75 per cent of the sportsmen of Oregon were well satisfied with present arrangements and that not a member of the commercial fishing interests had ever expressed any dissatisfaction with the present commission.

"SHOEMAKER CLUBS"

A communication from the Hood River County Game Protective association, endorsing the proposed reorganization of the commission, was presented by Senator Nickelson. The association expressed the hope that the members of the present commission, "whose work we heartily endorse, be retained on the new commission."

President A. K. Downs of the Oregon Sportsmen's league, hastily arose to explain that the Hood River organization was not affiliated with the state association, in fact that the Hood River organization, together with a sportsmen's club at The Dalles and one at Santiam, were generally known as "Carl Shoemaker clubs," that they had been organized by Shoemaker in the first place, were dominated by Shoemaker and, therefore, did not represent the sentiment existing among the sportsmen of the state generally.

SEEK OLCOTT'S VIEW

When a resolution from the Astoria Rod and Gun club, approving Governor OLCOTT'S plan for divorcement of the two interests, was read before the meeting, Senator Norblad hastened to explain that the meeting which passed the same was altogether irregular, that there were only seven members of the club present and that the action did not represent the sentiment of the club of which he himself was a member.

In the course of the discussion of the measure a point was raised as to the probable attitude of the governor toward the measure, both with reference to stripping him of the appointive power and the character of the commission, which is not in line with his recommen-

OLCOTT WINS DISSENTING RULING GIVEN

(Continued from Page Four)

for the full unexpired term of his predecessor.

"It is significant that since the rendition of the decision in Chadwick vs. Earhart, without an exception the annotators of the code, W. Lair Hill, C. B. Bellinger, W. W. Cotton and W. P. Lord, all members of the highest type in their profession, have construed the decision to mean that now, under the existing facts, OLCOTT should hold the office of governor for the remainder of the unexpired term of the unexpired term," declares Justice Johns in his opinion.

DECISION LONG STANDING

"Such annotations will be found under section 8 of article V of the constitution in every code compiled and published since the rendition of that decision, which for 35 years has not been disturbed.

"It is vitally contended that the people should have an opportunity of choosing their own governor. In the instant case they have had and exercised that right. Under the express provisions of the constitution when they elected Withycombe governor and OLCOTT secretary of state, they elected OLCOTT to become governor upon the death of Governor Withycombe; and every voter who cast his ballot for OLCOTT as secretary of state legally knew that upon the death of Governor Withycombe the duties of his office would devolve upon the secretary of state. There is no such provision in the constitution as to any other state officer. Section 16 of article V provides that in the event of the death or resignation of the incumbents, all other offices shall be filled by appointment by the governor.

CONSTRUCTION IS IMPLIED

"Further, there is no provision in either the organic law, or constitution for the election to fill an unexpired term of the office of governor. Such a proceeding would have to be read into the constitution and would be based upon implied construction only, and would overrule the precedent of Chadwick vs. Earhart.

"Under sections 1 and 7 of article V of the organic law, the term for which a governor is elected is absolutely fixed at four years, and there is no provision in either the statutes or constitution for the election of a governor for any portion of an unexpired term. Hence under the constitution if a governor should be elected at the next general election, he would hold office not only for the remainder of the unexpired term of the late Governor Withycombe, but for a full four years' period from January, 1921, to January, 1925."

NO VACANCIES MAY OCCUR

"While the line of succession remains unbroken, there is no such occurrence as a vacancy in the office of governor."

"The governor is the chief executive officer of the state, in whom only the power of appointment is vested; and in the very nature of this a vacancy in that office would destroy the whole plan of state government."

"In the face of the decision in Chadwick vs. Earhart, every attempt to change section 8 of article V of the constitution has been defeated by a vote of the people."

"In dissenting from the predominant opinion of the court, Justice Harris contends that the governing facts in the case of Chadwick vs. Earhart, upon which the opinion of Justice Johns is based, are materially different from the controlling facts in the instant case. "In the Chadwick case," Harris declared, "the only question for decision was whether Chadwick, who had been elected secretary of state, should hold the office of governor during the brief period of two days which intervened between the end of his term as secretary

LEGISLATIVE BILL PENDING IN SALEM HITS PROFITTEERING

Lewis Offers Measure Designed to Reduce Living Prices; Provides Penalties for Offenders.

State House, Salem, Jan. 13.—A Grist of 17 bills was introduced in the house during the late portion of the afternoon session of Monday. (One by Lewis is an "Anti-Profitteering" measure which defines profiteering and what shall constitute profiteering. It makes it unlawful for any person or concern to destroy necessities, or do anything by combination, restriction of supply or otherwise to limit production and run prices up.

The measure is an exhaustive one, and carries a heavy penalty of not more than 10 years' imprisonment or a fine of not more than \$10,000 for the first offense and the same penalty with an additional fine of not more than \$20,000 for the second offense. Should a corporation offend against the law it is guilty of a misdemeanor and to a fine of not more than \$20,000 for the first offense.

LIST OF MEASURES GIVEN

The entire list of measures by number, author and title as introduced in the house during the first day of the session is as follows:

H. B. 1.—By committee on labor and industry, to amend section 123 of the law creating a fund for industrial and reconstruction hospitals.

H. B. 2.—By committee on labor and industry, providing additional compensation for industrial workers.

H. B. 3.—By committee on labor and industry, providing for rehabilitation of workmen.

H. B. 4.—By Gallagher, designating certain roads in Malheur county as part of the state highway system.

H. B. 5.—By Gallagher, for payment of interest by state on irrigation and drainage district bonds.

H. B. 6.—By Jones of Lincoln and Polk, to extend time during which United States may sue for the death of Frank W. Benson.

H. B. 7.—By Thrift, by request, making it unlawful to conduct in Coos Bay or Coquille river or tributaries.

H. B. 8.—By Horford, to repeal chapter 300, laws of 1919.

H. B. 9.—By D. C. Lewis, dealing with laws of 1919.

H. B. 10.—By D. C. Lewis, making it unlawful to profiteer by combine, monopoly or other means.

H. B. 11.—By D. C. Lewis, granting right to practice pharmacy to certain classes of soldiers and sailors.

H. B. 12.—By D. C. Lewis, relative to methods of holding property, from one person to twenty, dependency, delinquency and adoption in counties having population of 2000.

H. B. 13.—By Kubi, to amend section 4874, Oregon laws, relative to the acquisition, ownership and control of property by incorporated cities and towns within or without their corporate limits.

H. B. 14.—By Kubi, to amend section 3209, Oregon laws, relative to the acquisition, ownership and control of property by municipal corporations and agencies.

H. B. 15.—By Hughes, to authorize county assessors and deputies to administer oaths.

H. B. 16.—By Hughes, to authorize incorporation of cities and towns of 2000 or more into irrigation or drainage districts.

H. B. 17.—By Marion county delegation, to amend section 3354, Oregon laws, to provide for holding of the acquisition, ownership and control of property by cities and towns of more than 2000.

The house this morning introduced the following bills, which were read twice and referred to committee:

H. B. 18.—By Horne, relating to the collection of fees due the state of Oregon in respect of factories, mills and workshops by the labor commission.

H. B. 19.—By Horne; fixing salaries of deputy labor commissioners.

H. B. 20.—By Horne; giving authority to the state for the construction of a bridge across the Nestucca river.

H. B. 21.—By Barnburgh; creating the twenty-first judicial district and providing for the appointment of a judge thereof.

H. B. 22.—By Pearce and Orton; Westerland and Gore; prohibiting the use of seines and set nets in the waters of Rogue river and its tributaries.

H. B. 23.—By committee on labor and industry, relating to the state industrial accident commission and providing for employment and safety standards by the same.

NINE BILLS SUBMITTED TO SENATE MONDAY AFTERNOON

State House, Salem, Jan. 13.—Senate bills introduced Monday afternoon:

S. B. 8.—By Senator Patterson, abolishing the minimum fine for certain crimes and changing time to be served before parole can be considered.

S. B. 9.—By Senator Houston, correcting defects in bill creating court of domestic relations for Multnomah county.

S. B. 10.—By Senator Strayer, amending law creating board of engineer examiners and relating to same.

S. B. 11.—By committee on irrigation and drainage, providing for creation of kindergartens in certain districts.

S. B. 12.—By Senator Porter, providing for indemnity for certain cattle slaughtered by the state.

S. B. 13.—By Senator Porter and Senator Eddy, amending statute providing for supervision and cost maintenance of state highways.

S. B. 14.—By Multnomah delegation, granting power to municipal corporations known as ports.

S. B. 15.—By Multnomah delegation, increasing state aid allowance for minor wards of state institutions located in Multnomah county.

Bills introduced today in the senate were:

S. B. 1.—By Eberhart.—Prohibiting exhibition of motion pictures depicting crime.

S. B. 2.—By Kicksel.—Regulating salary of county assessors.

S. B. 3.—By Hurley.—Regulating herding of livestock.

S. B. 4.—By Lachmund.—Prohibiting payment of royalties on patented paying.

S. B. 5.—By Pearce and Orton.—Providing for state income tax to be devoted to road purposes.

Joint senate resolution by Baldwin to amend article 11 of state constitution concerning county indebtedness was referred to committee on counties.

Joint memorial No. 2, by Smith of Coos to amend article 11 of state constitution, was unanimously adopted.

Senate resolution No. 6 by Bell, providing for a mail clerk at \$5 per day, was passed and Henry W. Moore appointed.

Senate resolution No. 7 by Orton, to limit introduction of bills, was killed by committee and 11 action sustained.

Favorable reports on resolutions 1, 2 and 3 were received and the reports adopted.

Resolution No. 16, authorizing the employment of an attorney at \$10 a day as chief clerk of the committee on resolutions and judiciary, was passed.

Senate bill No. 1, authorizing an increase in the number of bank counties, was passed by senate with only four averse votes.

The three companion bills passed by the house were referred to the senate committee on judiciary.

NEW BUILDING FOR STATE FAIR MEETS BOARD'S APPROVAL

State House, Salem, Jan. 13.—A new tractor and implement shed will be constructed on the state fair grounds here at a cost of \$10,000, according to action taken by the state fair board in annual session here Monday afternoon. Action favorable to the construction of new cement sidewalks, fountains and other improvements about the fairgrounds was also taken. It was also decided to ask the legislature, now in session here, for an appropriation of \$10,000 with which to rebuild the livestock barns destroyed by the weight of the recent heavy snow.

M. L. Jones of Brooks was elected to the presidency of the board, W. H. Savage of Corvallis was elected vice president and A. N. Bush of Salem was elected secretary and manager of the fair for his fifth consecutive term.

MEASURE TO MOVE STATE CAPITAL HITS ROCKS IN COMMITTEE

State House, Salem, Or., Jan. 13.—The house resolutions committee at noon today, and by a divided vote, agreed to recommend the Lewis constitutional amendment, to change the location of the state capital to Portland, back to the house with an adverse report. Here Sheldon and Dody were against the resolution, while Kubi favored its submission to the voters. Richardson of Multnomah was neutral, favoring its report back to the house without recommendation. Kubi is expected to send in a minority report, recommending that the house adopt the resolution.

PAVEMENT ROYALTY FIGHT IS REOPENED AGAINST COMPANY

State House, Salem, Jan. 13.—The fight on the Warren Construction company was renewed in the senate today by the introduction of a bill by Lachmund of Marion prohibiting the payment of a royalty on patented pavement and making payment of same a felony punishable by imprisonment in the penitentiary of not more than five years.

The bill was submitted to the people at the next special election. The measure was referred to the committee on highways.

VALUABLE FLAX SEED IS FEAST FOR RATS

State House, Salem, Jan. 13.—Rats have discovered the storehouse where the valuable flax seed is kept at the state prison here and have been gorging themselves on the dainty morsels at the expense of the state. An electrical exterminator has been installed by Warden Steiner and a warm reception now awaits the uninvited guests.

AMERICAN OUTBIDS BRITISH MUSEUM FOR RARE BOOKS

Famous Newdegate Collection of Old Folios Falls Into Hands of Agent of N. Y. Millionaire.

By Forbes W. Fairbairn
London, Jan. 12.—George D. Smith's sensational and meteoric rise to fortune for precious books was wound up today when the Americans, outbidding the British museum, the world's greatest collector, acquired the famous Newdegate library for \$150,000.

Mr. Smith, who has been in London for several months, acting, it is said, as agent for Henry E. Huntington, the New York millionaire, has spent \$1,250,000 for rare volumes, part of which he is about to take back with him to the United States—the greatest collection ever carried thither by a single trader. He will sail on the Carmania tomorrow, but will return in June for the rest.

The Newdegate sale was conducted with the utmost secrecy, at the request of Sir Francis Newdegate-Newdegate, governor of Tasmania.

The story was revealed by Mr. Smith himself, whose sensational bids in London auction rooms have driven many a British collector to despair in the last few weeks.

The famous historical library at Arbury Hall, Warwickshire, contains 362 volumes, which have been in the possession of the Newdegate family for more than 300 years. The gem of the collection is an exceptionally tall first edition of Shakespeare's first folio, 13 by eight inches, printed by Isaac Jaggard in 1623. It is in excellent condition, only two leaves being missing. It is the largest copy in existence and is similar to the famous Bridgewater copy.

MANY VALUABLE VOLUMES

"This is the best deal I made on my trip," said Mr. Smith. The British museum wanted many Newdegate volumes, which were to be put up for auction January 23. I wanted the collection because I am sailing tomorrow, so I made my bid and it was accepted. I think the library is one of the finest in existence. It contains many of the rarest and most celebrated volumes. The most important Shakespearean volumes in the collection include a third edition copy of "As You Like It," printed in 1588 and valued at \$10,000; then there is Robert Green's "Pandosto," dating from 1555, the only copy in existence, valued at \$10,000.

There is also rare books of the Elizabethan period, including the play of Beaumont, Fletcher, Christopher Marlowe and Edward Mores' "Defense of Women."

Further, there is a valuable American in the collection, including four folio tracts on King Phillip's war and the articles of peace between Charles II and the Indian chiefs.

A system of taking footprints of children has been adopted in the New York nursery and child's hospital to prevent infants born there from being given to the wrong mothers.

Bernard Daly Fund More Than Million To Aid Education

Lakeview, Jan. 13.—Practically all of the \$1,350,000 estate of Dr. Bernard Daly, Lakeview banker, will form a fund which will provide for the education of each year of not less than 15 Lake county boys and girls. The interest of the fund is to be used for this purpose, according to the terms of Dr. Daly's will.

The selections are to be made by the county judge and county superintendent of Lake county and the executor. The directors of the Bank of Lakeview and presidents of the University of Oregon and Oregon Agricultural college are made trustees.

Ten heirs were left \$1000 each. The Lakeview hospital was bequeathed \$12,000 and Pearl Hall, local primary teacher, was left \$5000 and an annuity of \$2000. The bank building is given to the bank, of which he was president.

Funeral services for Dr. Daly were held Sunday, the largest ever to occur in Southern Oregon. The Klamath Falls Elks' lodge was in charge.

Oregon Hermit Sees Illinois Kin After an Absence of 37 Years

Chicago, Jan. 13.—After an absence of 37 years, Benjamin F. Sanborn, who has lived a hermit's life in Lincoln county, Or., near Seal Rock, is back at his old home, Spring Grove, Ill., visiting his brother who is ill.

Falling health caused Sanborn to go West in the long ago, and living next to nature saved his life when everyone thought he had not long to live. He settled on government land far from any neighbors and built a cabin. There he lived, growing much of his own food, trapping, and receiving a small income from Illinois land he owns.

He has seen little of other people, as his cabin is quite remote. Yet he has kept in good health and although now 72 years old, he refuses to yield to his relatives' importunities to give up his lonely life. He believes he would have died years ago but for his change in mode of living.

Eugene Man Killed; Is Crushed by Logs

Eugene, Jan. 13.—George Dies, 34, was instantly killed Monday morning on the private railroad of the Coast Lumber company, one mile west of Mabel, while attempting to couple cars. The train was on a down grade and after the signal had been given to stop, Dies got in between the cars. The logs were frosty and as the train came to a sudden stop, slipped, crushing the man through the lower part of his body. He had a divorced wife, but little is known of his family. The funeral services will be held in Springfield.

Princeton Fund Has Reached \$3,319,552

Princeton, Jan. 13.—Subscriptions to the Princeton endowment fund to date amount to \$3,319,552.02. Five hundred alumni, about 5 per cent of Princeton men now living, have thus far subscribed. The goal for the campaign was fixed at \$14,325,000.

SHIPPING BOARD SAYS IT DOES NOT NEED SUM APPROPRIATED TO IT

Chairman Payne Withdraws Demand for Additional Sum of \$125,000,000.

Washington, Jan. 13.—(I. N. S.)—Chairman John Barton Payne of the shipping board, in a letter to Chairman Good of the house appropriations committee, today formally notified congress that the shipping board will not need \$125,000,000 of the appropriation which it has asked. The letter states that approximately the amount has been collected from outstanding accounts by the shipping board and can be used for current expenses.

Chairman Payne's letter to Representative Good was as follows:

"My Dear Mr. Chairman:

"Since writing you on the fifth instant we have held a conference of the heads of the different divisions re our necessities and our available funds and have reached the conclusion that we will be able to get along during the current fiscal year without an additional appropriation. I beg leave, therefore, to withdraw our request that \$125,000,000 be made available for the current fiscal year.

"Realizing the vital importance of keeping the appropriations as low as possible and making cancellations and reductions where possible, we are driving the program of economy. Additional money is not to be compelled to make further calls upon congress."

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The Only School teaching each lesson the entire evening, 8 to 11:30, where you receive a certificate.

The Only School with a separate step room and extra teachers, where backward pupils receive special attention.

The Only School where you learn to dance with dozens of different partners, teaching the gentleman to lead and lady to follow a variety of practical ways to become a practical dancer.

The Only School where each pupil receives a printed description of all dances from the beginning to the end of the parties begin, or give short one-hour lessons, and I conscientiously believe one lesson from us is worth six in the average school. The most backward pupil will not become embarrassed and is sure to learn. You will enjoy yourself, as the social feature alone is worth double the price. Plenty of desirable partners to dance with. Mr. De Honey has taught more people to dance and erected more fine academies than any other dancer in America. His teacher and dancer is positively unequalled by any other person in the west. He is always ready and anxious to prove this. If you desire the best call and be convinced. Private lessons all hours. Phone Main 7656.

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Income Taxes for Highways Sought

State House, Salem, Jan. 13.—Senator Pierce resumed his battle for an income tax for the construction of highways in a measure in which Orton shared authorship, introducing the same to the committee on taxation, over protest of its authority.

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