

Governor Ponders Possible Legislative Session Summons

NORBLAD PUTS LEGAL QUERIES

Van Winkle's Answers may Determine Decision as to Special Session

Whether Governor Norblad will call a special session of the Oregon legislature for the purpose of revising or amending the existing laws under which applications for water power applications are granted, will depend largely upon the ruling of Attorney General Van Winkle, in connection with a number of questions submitted to him Tuesday by the executive department.

"I desire this opinion," read Governor Norblad's letter, "for the purpose of determining the scope of the existing laws designed to protect the public interest in the development of water power resources. I also desire your opinion for the purpose of determining whether or not it might be necessary for me to call a special session of the legislature in order to revise or amend the present laws governing our water power development."

Session Proposed To Protect Rights
The special legislative session was sought in a series of telegrams received from the Oregon state grange, state federation of Portland and a number of other organizations. In most cases, these organizations advocated withdrawal of Oregon's water power sites from appropriation.

Governor Norblad's questions submitted to the attorney general follow:
"Chapter 113, laws of 1921, provides that any incorporated city or town shall have the right to appropriate any private real property water course and water and riparian rights to any public or municipal use. Does the scope of this act permit a city to appropriate by condemnation proceedings the water power projects that have been constructed, or is the right confined to undeveloped water rights?"

"Section 5726, Oregon laws as amended by chapter 774 of the general laws of 1927, requires that actual construction work, except under application by municipal corporations for municipal uses, shall begin within one year from the date of approval of the application for a water right, and that the construction shall be completed within not to exceed five years. In this act broad enough and positive enough in its terms to provide a means for speedy termination of water power permits held in idleness or for speculation by private companies or individuals?"

Monopolization Of Streams Feared
"Under present law is it legally possible for a private company to file upon one or more power sites on a stream and by doing a minimum or moderate amount of work on one site, monopolize the entire stream to the exclusion of other companies or municipalities or against the will of constituted authorities?"

"Section 14, of the federal water power act, provides primarily for the recapture by the government of the water power project upon expiration of the government license and contains the following provision:
"Provided, that the right of the United States or any state or municipality to take over, maintain and operate any project licensed under this act at any time of condemnation proceedings upon payment of just compensation is hereby expressly reserved." Will you please advise me whether present state laws are adequate to enable the state of Oregon or any municipality to exercise the option thus reserved by the federal law?"

"Chapter 245, general laws of Oregon for 1929, requires the state engineer, when in his judgment the proposed use of water may prejudicially affect the public interest, to refer the application to the state reclamation commission for consideration and the said commission shall hold a public hearing on proper notice of the applicant. With this exception and unless the application conflicts with existing rights, it makes it the duty of the state engineer to approve all applications made in proper form."
Mandamus Right Under Question
"In your opinion, could the state engineer be compelled by mandamus to act upon the application which did not conflict with existing rights and which had not been referred to the reclamation commission if he should withhold decision for a period of any four months?"

"What I expressly desire to know is whether the state engineer or the reclamation commission may at their discretion withhold action upon applications for power licenses until the regular session of the legislature convenes in 1931."
"After the state engineer has once issued his permit authorizing the power company to proceed with its development, has the state any power through its legislative branch of subsequent legislation to fix the fees or license tax or secure a revenue from the power companies for the use of the water in addition to the amount of fees now set by statute?"

"May I ask that you also point out any deficiencies in your opinion which exist in the present laws with respect to the applications the legislature seemingly intended to put them?"

The Call Board . .

By OLIVE M. DOAK

FOX ELSINORE
Today—George O'Brien "Last of the Duanes."
Today—Victor McLaglen in "On the Level."
Friday—John Garrick, "The Sky Hawk."
GRAND
Today—Colleen Moore in "Footlights and Foils."
Friday—Gary Cooper in "The Texan."
HOLLYWOOD
Today—Norma Shearer in "The Divorcee."
Friday—Hoot Gibson in "Roaring Ranch."

FORECLOSURE UPON MILL FIRM SOUGHT

Foreclosure proceedings to satisfy liens on the Santiam Lumber company mill at Detroit are sought in complaint filed in circuit court yesterday by W. H. Clark against Grace R. Smith, F. W. Foulkes, Sr., and Alberta V. Reynolds. The 17 liens named in the complaint total \$5,425.03 and represent labor bills in construction of the new sawmill.
The liens are held as follows: W. H. Clark, superintendent of construction, \$1126.62; C. V. Belknap, \$1550; H. A. Wagner, \$542.50; Wilcox S. Burnett, \$357.12; J. R. Wheeler, \$275.25; E. O. Palmer, \$262; A. W. Russell, \$300.26; William G. Baldwin, \$168.68; O. Johnson, \$150; S. Carnahan, \$149.50; W. E. Wallace, \$138; F. I. Bevier, \$113.50; F. Titus, \$110.50; C. Kiebert, \$108.50; Ed Spores, \$95.50; Paul White, \$85.20; and R. B. Wallace, \$33.40.
The sawmill construction was completed July 24, this year.

INDIANS SEEK TO PRESERVE RIGHTS

Protection of Indians, whose tribes for centuries have fished the Columbia river near Celilo and Three Mile Rapids east of The Dalles, against encroachment of the white fishermen, was urged in a letter received at the executive department here Tuesday from Andrew Barnhart of The Dalles.
"It has been the practice of the state of Oregon to issue commercial licenses for this same territory, virtually usurping the grounds that have for centuries been used by our people," read Barnhart's letter.
"It is impossible for us to secure rights, when our neighbors, the white citizens, are able to procure all the rights to adjacent lands where nets can be set. In view of our treaty rights with the United States government, is it not a violation of such treaty to permit the white people to garner all of these desirable places? Is it not discriminatory against us?"
"Even though the Indian procures a license he is forced to retire before the white man who constantly encroaches further upon what little remains to the Indians under the treaty rights. There seems to be no person sufficiently interested to give us justice."
"The question in my mind is whether the state of Oregon has authority to issue a license to the white man when the issuing of such license interferes with the existing Indian treaty governing tribal fishing rights and grounds."

Blue Books all Gone, Announces Secretary Hoss

The supply of Oregon Blue Books is exhausted, according to a statement issued by Secretary of State Hoss Tuesday. Applications for approximately 100 of these books remain unfilled.
"Our usual edition of 20,000 copies was not nearly sufficient to supply the demand," said Hoss. "With the opening of school requests for Blue Books reach us by the hundreds each week. It will not be possible for us to acknowledge these requests because of the expense involved. New Blue Books will not be available until after the legislature meets in 1931."

Regional Chief Of Y. M. C. A. to Come Here Soon

The general secretary of the Salem Y. M. C. A. announced yesterday afternoon the coming of Fred M. Hansen, Pacific coast regional executive secretary, on September 15.
Mr. Hansen, who travels out of San Francisco, will give a full day of his time to Salem, as compared to the one evening which he will spend at Portland. Beginning in the morning, he will speak to the Y's Men's club breakfast meeting; speak at a noon luncheon in the association building, and address a general group at an evening dinner. This meeting will be open to all persons who are interested in the association's program.

AGED JUSTICE PASSES AWAY

Thomas A. McBride Victim Of Brief Illness at Age 82; State Mourns

(Continued from page 1.)
pointed him minister to the Hawaiian Islands, but after a short service there he resigned and returned to St. Helens.
Tom McBride, the future member of the Oregon supreme court, attended school and read law at Vancouver, Wash., and later entered McMinnville college, now known as Linfield. While attending college he taught school. He was admitted to the bar in Salem October 6, 1870.
Justice McBride first practiced at LaFollette, later at St. Helens and then at Oregon City. He remained at the latter place until 1878 when he went to Salt Lake City and practiced for two years. He then returned to Oregon and formed a partnership with Edward Eastman. They were associated together for six years, when McBride became associated with A. S. Dresser. This partnership continued until 1892.
Of Court in 1909
In 1892 Governor Moody appointed McBride district attorney for the fifth judicial district where he served until 1892 when he became circuit judge of the district. He served on the circuit bench for 17 years, and in 1909 is chief clerk in the internal revenue department of the state supreme court.
Justice McBride was married February 7, 1875, in Columbia county to Miss Mary E. Merrill, member of a prominent pioneer family of that county. Mrs. McBride died in 1925. They had two children, George M. McBride, who is chief clerk in the internal revenue department at Portland, and Mrs. F. A. Newton of St. Helens. Justice McBride was married for the second time April 8, 1927, to Mrs. Lottie May Chapella, who for more than 20 years had been employed in the registry division of the Portland postoffice.
Justice McBride was a republican. He was a member of the Christian church, of various Masonic bodies, including the Shrine, and the Elks. He also was a member of the Oregon Bar association and of the American Bar association.

Here, There And Yon

Bits of Personal News Gleaned About Interesting People

R. E. Meyer, whose headquarters are in Portland but who "makes" his territory from Chehalis, Wash., to Eugene, for a large implement concern, is spending a few days in the city. He says he finds business conditions improving steadily and that the fall outlook is ahead of the summer months. His headquarters are in Portland.
Everything is in readiness for the opening of the Hubbard schools on September 15, according to J. R. Bigwood, superintendent. There will be several new teachers on the staff this year and a large enrollment is expected.

GUDERIAN CHOSEN SCHOOL SHOP HEAD

(Continued from page 1.)
situated for the old desk is still problematical, as this matter was laid on the table until next meeting after a lengthy discussion. Hug suggests that tables be placed in one or two primary rooms as an experiment.
Hug also recommended that tables and chairs be placed in one classroom at Leslie which the teachers use as a lunch room. According to figures submitted last night, six tables for this room would cost \$103 and chairs to match the tables would cost \$4.50 each.
Would Take Stools Out of Laboratory
Hug also recommended that stools in the biology laboratory be changed for chairs. It's too much to ask a student to sit for an hour on a high stool, instructors have decided. One hundred new chairs would be needed for this purpose. The matter was tabled until next meeting.
Construction of frames for 400 gym baskets for Parrish and 100 for Leslie were ordered, and the supplies committee was authorized to act on bids for the baskets as soon as a number are received.

Shippers Will Go to Advisory Board Meeting

Many business men and shippers of the Willamette valley are making plans to attend the next regular meeting of the Pacific northwest regional advisory board which will be held in the Wintthrop hotel, Tacoma, Wash., commencing at 9:30 a. m. Friday, September 12.
A number of interesting reports are to be made and some good speakers will be heard. These meetings are of vital importance to all the northwest, particularly shippers and receivers of freight and as many as can get away from their business plan to attend. Special rates have been granted by the railroads for the trip.

Hammond to aid Y. Membership

Dr. E. S. Hammond, former professor at Kimball School of Theology, has been engaged to promote membership work for the Y. M. C. A. Under the school of theology was discontinued recently. Dr. Hammond taught Hebrew, Homiletics and Old Testament history. The general secretary of the "Y" states that Hammond will be retained in part time service for some time to come.

HOLLYWOOD Home of 25c Talks TODAY and THURSDAY

The Most Talked About Talking Picture NORMA SHEARER
with Chester Morris, Conrad Nagel, Robert Montgomery
The Divorcee
Daring—honest—sensational! With All Star Cast
Norma Shearer's finest!
Also Talking Educational Comedy, Pathé Sound Revue and Act

Too Late to Classify

YOUNG woman housekeeper. Box 421, 7/2 Statesman.
GOOD dry wood delivered. Tel. 1980.

BLEASE LOSES PRIMARY RACE

Veteran S. Carolina Senator 6000 Behind; Huey Long Leads in Louisiana

(Continued from page 1.)
can nomination for lieutenant governor.
Six Times Chief
WINSTON, Ariz., Sept. 9.—(AP)—George W. P. Hunt, who six times has been governor of Arizona took and maintained a lead over his four opponents for the democratic gubernatorial nomination during the first hours of tallying today's primary votes, which apparently will show them under before all the 503 precincts have reported.
At 9:30 p. m., with 124 complete and incomplete precincts reported, Hunt's vote was 5233, a plurality of 1286 over Frank H. Lyman, former Justice of the Arizona supreme court, his nearest opponent. Lyman's vote was 4037. Hunt was leading in all but Lyman's home county, Andrew Bettwy, state senator from Santa Cruz county, was third with 1524 and Fred T. Colter, former state senator and democratic nominee in 1918 when Thomas E. Campbell, republican was elected governor, had polled 797 votes.
John C. Phillips, incumbent, was the lone republican nominee for governor. He had polled a courtesy vote of 660. There were no contests anywhere on the republican ticket.
Former Governor Conceded Victory
CONCORD, N. H., Sept. 10.—(AP)—Former Governor John G. Winant was conceded victory early today by his chief opponent, Arthur P. Morrill, in the three-cornered contest for the Hampshire republican gubernatorial nomination in yesterday's primary. At that time, Winant had a lead of more than 2,000 with 256 out of 294 towns and city wards tabulated.
The vote was:
John G. Winant, Concord, 22,622.
Arthur P. Morrill, Concord, 19,538.
Dr. Hugh K. Moore, Berlin, 5,790.

NOMINATIONS MADE BY Y'S MEN'S CLUB

Election of officers will take place at the regular breakfast meeting, next Thursday.

Dr. E. L. Russell, of the Marion county health unit, is scheduled to speak at this meeting September 11. The club's program for the month is planned to include a discussion of Y's Men's clubs by Fred M. Hansen, Pacific coast regional executive secretary of the Y. M. C. A. On September 25, Dr. Henry C. Kohler, Willamette university professor, will talk on "What about that man Shakespeare?"
Nominees for officership of the Y's Men's club of the Salem Y. M. C. A. were announced yesterday: president, William C. Jones; vice president, J. E. Blinkhorn; secretary-treasurer, Mike Panek; executive committee, Ross Miles and Roy Hewitt.

LIFE SAVING CORPS WILL BE ORGANIZED

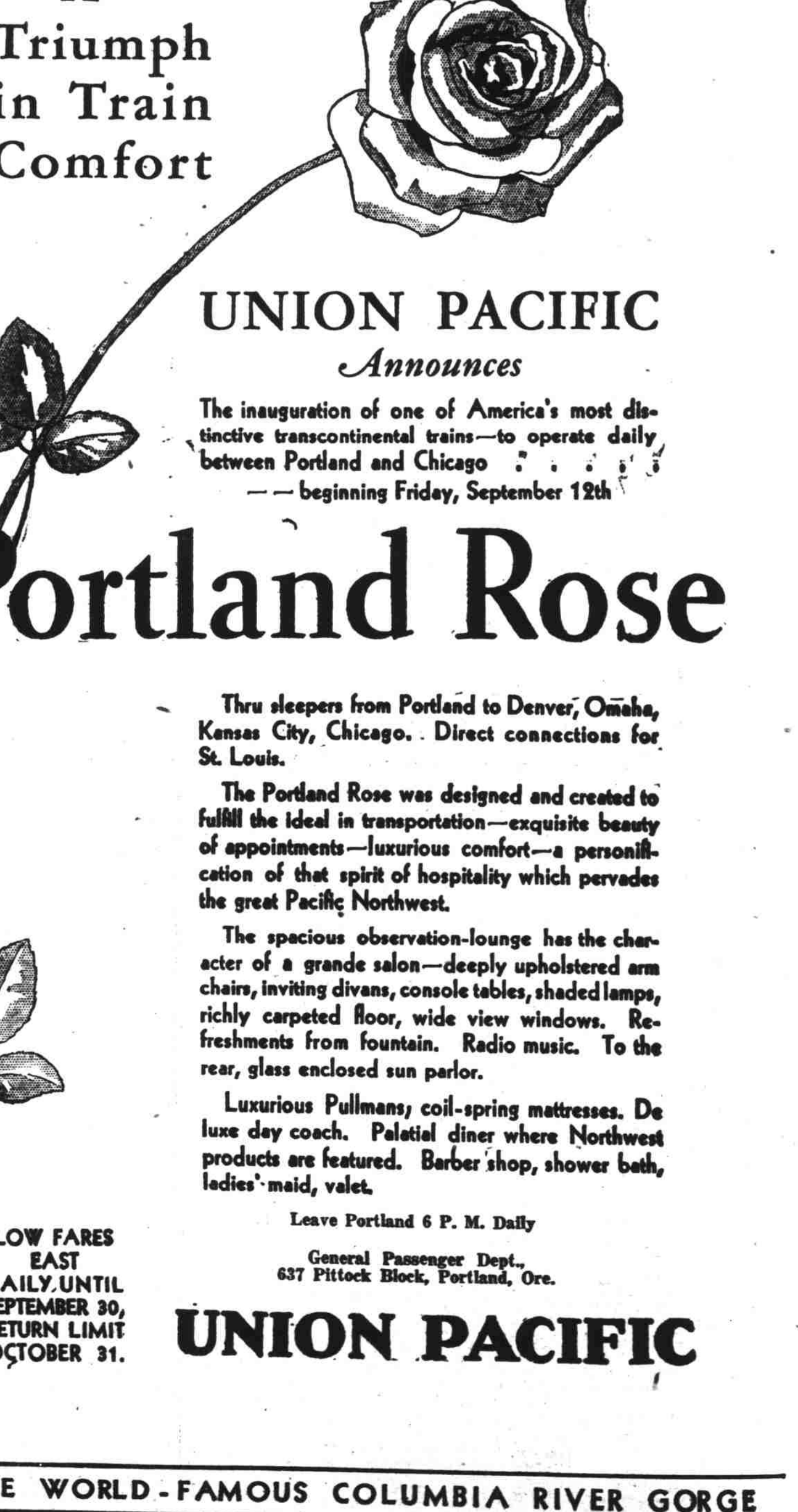
For the first time, a senior life saving corps is to be organized at the local Y. M. C. A. pool, according to Robert R. "Bob" Boardman, physical director.
This corps, composed of experienced senior life savers, will help instruct life saving classes and put on demonstrations and exhibitions for general instruction of the public. As there are a large number of this class of lifesavers in Salem, it is expected that the corps will have a good membership.
Present plans are for this group to meet two Friday nights in each month. This will cut down the number of "open" Friday night swims which have previously been held every week.

Mack's Landing Moved 5 Miles Lower on River

STAYTON, Sept. 10.—"Mack's landing" on the Siletz, popular place of the fishermen has been moved five miles farther down the Siletz river, and will be an even more ideal location than the present camp ground, Mr. and Mrs. Frank Mack, the owners are former Stayton residents and many from this section visit their place during the fishing season.



EL SINORB
Today - Thurs. & Fri.
IT'S HERE!
ZANE GREY'S
"LAST of the DUANES"
with GEORGE O'BRIEN
MYRNA LOV...EUCKE BROWNE
Added "Our Gang" Talking 'When the Wind Blows"



A Triumph in Train Comfort
UNION PACIFIC Announces
The inauguration of one of America's most distinctive transcontinental trains—to operate daily between Portland and Chicago—beginning Friday, September 12th
The Portland Rose
Thru sleepers from Portland to Denver, Omaha, Kansas City, Chicago. Direct connections for St. Louis.
The Portland Rose was designed and created to fulfill the ideal in transportation—exquisite beauty of appointments—luxurious comfort—a personification of that spirit of hospitality which pervades the great Pacific Northwest.
The spacious observation-lounge has the character of a grande salon—deeply upholstered arm chairs, inviting divans, console tables, shaded lamps, richly carpeted floor, wide view windows. Refreshments from fountain. Radio music. To the rear, glass enclosed sun parlor.
Luxurious Pullmans; coil-spring mattresses. De luxe day coach. Palatial diner where Northwest products are featured. Barber shop, shower bath, ladies' maid, valet.
Leave Portland 6 P. M. Daily
General Passenger Dept., 637 Pittcock Block, Portland, Ore.
UNION PACIFIC
LOW FARES EAST DAILY UNTIL SEPTEMBER 30, RETURN LIMIT OCTOBER 31.
THRU THE WORLD-FAMOUS COLUMBIA RIVER GORGE