

# COURT NOT TO FORCE VOTING

### Mandamus Proceeding Falls Flat; Matter Held to Be Discretionary

(Continued from page 1)

with the governor's discretion. The opinion reads: "As to the power of the courts to enforce the performance of ministerial duties by the governor, there is a difference of opinion. In this state it has been held that where the duty to be performed is purely ministerial and not political and not otherwise objectionable, the courts, in a proper case, may exercise their authority to enforce it."

"The general rule, however, is that the executive of the state, in the proper discharge of his duties under the constitution, is as independent of the courts as he is of the legislature. The authorities agree in holding that where the duty sought to be enforced is not ministerial, but one involving discretion, it cannot be enforced by writ."

**Putnam's Propriety in Raising Suit Held Questionable**

On the matter of the propriety of George Putnam raising the suit, the court said, in part: "A suit by the state in its sovereign capacity instituted by its executive law officer, the attorney general or district attorney, cannot protect or enforce the rights of a citizen of the state who cannot protect them by a suit instituted by himself," continued the opinion.

"In a suit of action by an individual he is required to show some special injury to himself and when the wrong complained of is public in its character, affecting no one citizen more than another, it is impossible for him to show such injury to himself with the other members of the community."

"We think the present proceeding should have been instituted by the authority of a law officer of the state, the attorney general or prosecuting attorney of the district."

All Justices Concur

**Bean's Decision**

Justices Coshov, Rossman and Kelly, concurred in the opinion written by Justice Bean and Justice Becher. Brown and Rand concurred in the result.

The matter was made an issue this month when Governor Norblad, after weighing the case, declared that he "deemed it very imprudent and unwise at the present time and under the present conditions" to call a special election. Sentiment in Marion county did not favor the action, he stated, and pointed to the estimated cost of \$4000 as a major objection to the special vote.

# SEPT. PRIMARY FAVORED BY CHIEF

Every county in Oregon will have at least one representative in each house of the legislature in the case of Governor Norblad in the 1931 legislature and subsequently approved by the voters. Governor Norblad said Friday that such a recommendation would be included in his biennial message.

The governor said he also would recommend to the legislature that the primary election be held in September instead of in May. He declared the delegates to the national party conventions could be elected at the September election preceding the national conventions as conveniently as they are now elected in May.

Elimination of the practice of numbering the names of candidates on the ballots also will be sought by Governor Norblad. He branded this as a pernicious practice and a real detriment to the purity of elections.

The governor also will recommend to the legislature that the name of the Roosevelt coast highway be changed to Oregon Coast highway. Creation of a state board of pardons and a non-partisan judiciary law also will be recommended, the governor said.

# Junior School Girls Have Fun

Between 50 and 60 Leslie Junior high school girls held a party in the school gymnasium late yesterday to honor the 9A girls, champions of the volleyball series just completed. Besides the girls, instructors present were Mrs. L. Moine R. Clark, principal; Phoebe McAdams, Madeleine K. Hanna and Eleanor Tensing. The latter is physical education instructor for the girls.

**10 Shopping Days 'til Christmas**

**BUY XMAS JEALS**

# The Call Board

By OLIVE M. DOAK

## THE HOLLYWOOD

Today—"The Silent Enemy," an epic of Indian life.

## THE GRAND

Today—Richard Arlen in "The Border Legion."

## BLIGH'S CAPITOL

Today—Ronald Colman in "Bligh's." At night Elks Christmas Minstrel show.

## THE ELSINORE

Today—Eddie Quillan in "Big Money," and Fanchon and Marco in "Way Back When."

Sincerity and earnest application to the interpretation of his part marked the work of each member of the cast in the Friday night production of "Lady Windermere's Fan," Oscar Wilde's cleverly sophisticated four act comedy drama which was given by the speech department of Willamette university. Helen Pemberton was the director and as a student deserves much credit as do the members of the cast for the genuineness of the work done.

The play, to be done correctly, requires the work of artists of more than ordinary ability and so it is very commendable that the student actors could hold the attention of their audience and make it feel the sincerity and growth that each of them demonstrated had come to them through their work in this play.

It is difficult and unnecessary to make mention of individual work. The cast includes 17 members and as the play was produced as the completion of the class work for this semester it might be well to sum up the apparent results as showing a superior amount of stage poise over any Willamette production seen within the past three years and decidedly better voice control; and above all a sincerity and feeling in the work of each actor.

Points of criticism might be the rigidity with which the characters moved about the stage. This was done no doubt to secure the cold austerity of the English—the English may be cold but they are not stiff. For instance the praiseworthy gestures with her hands were weakened by the stiff movements of Miss Beecher as Lady Windermere, and Wesley Gordon's fire in his speech was cooled by his frozen actions. By and large though, the whole play was most commendable for a student production.

Helen Pemberton is to be congratulated in my opinion for maintaining results in an amateur play not achieved within the immediate history of Willamette's past efforts.

## MISS WAHLSTROM RESIGNS POSITION

The resignation of Miss Signe Wahlstrom as superintendent of Salem General hospital has just been announced. The resignation took effect January 1.

Miss Wahlstrom became affiliated with the hospital as one of the nursing staff November 1925. Later she became supervisor of one of the floors, then night supervisor, then acting superintendent and now for the past year has been a very efficient superintendent according to H. S. Gile, president of the hospital board of directors, whose commendation for the progress of the hospital under the supervision of Miss Wahlstrom has been expressed.

Miss Wahlstrom is resigning now to take a much needed rest for an indefinite length of time. She will go from here to Portland where she will be with friends.

A definite announcement has not been made but it is rumored that Miss Mildred Lenoir, graduate of Evanston, Ill., hospital, and former superintendent of Tacoma county hospital of Tacoma will be the next superintendent.

## 4 More Citizens Get Last Papers in Local Court

Four more citizens were admitted by the naturalization court yesterday for naturalization offices sat on six cases here.

Final papers were given to: William DeLangh, Silverton, Netherlands; Adolph Johan Johansen, Sitka, Alaska; Anna Bligh Tiffany, Salem, Canada; and John Schallberger, St. Benedict, Switzerland.

Examination of Gabrielle Marie Fabry, Salem, Canada, was continued until next time; and petition of William Henry McCollum, Salem, Canada, was dismissed on government motion.

## Safe Contents In Larmer Fire Badly Blurred

The safe has been recovered from the ashes of the Larmer warehouse fire and part of the records were found intact. What happened in, however, and the printing and writing in many places was badly blurred.

Mr. Larmer has announced that work of clearing the ground will be pushed as rapidly as possible. Until the debris is cleared away no definite plans for rebuilding will be made although Larmer has stated that he will rebuild.

## Stricklin Signs Water Findings

Charles E. Stricklin, state engineer Friday signed his findings and order of determination involving the water rights on the Walla Walla river and its tributaries in Umatilla county. The proceeding, which was started in 1926, involves 789 claimants representing 7401 acres. Seventy-nine contests were filed by the various water users. The order of the state engineer today was sent to the circuit court for Umatilla county, for final approval.

## Prompt Payment Made on Policy

John Bates of 2084 McCoy street, received a check Friday from The Oregon Statesman for \$24.17 in payment of his claim on his Statesman accident insurance policy. Mr. Bates was injured in an automobile collision at Broadway and Shipping streets November 7. Mr. Bates was very favorably impressed with the prompt and satisfactory settlement.

**WACONDA, Dec. 12.**—Mr. and Mrs. A. W. Nusom will return Friday from Forest Grove, where they have been visiting the past week at the G. W. Thurmon home. Mr. and Mrs. R. W. Nusom and daughter Shevly will return with them.

# REDSKINS STARTING SEASON THIS EVE

### Linfield Frosh First Opponents; Downie Has Only Two Old Men Back

**CHEMAWA, Dec. 12.**—The Chemawa Redskins will start their basketball schedule this evening against the Linfield College freshmen at McMinnville. With but two regulars from last year on the squad the Chemawa aggregation is experiencing considerable difficulty in working up any team strength either offensively or defensively. Downie has made changes galore to find a workable combination.

Leonard Vivette, one of the hold-overs has been shifted to forward. Perry Smith, Dominic Dog Eagle, Robert Thomas and Jesse "Chape" Jabeth, all new men but bright prospects have paired off with Vivette.

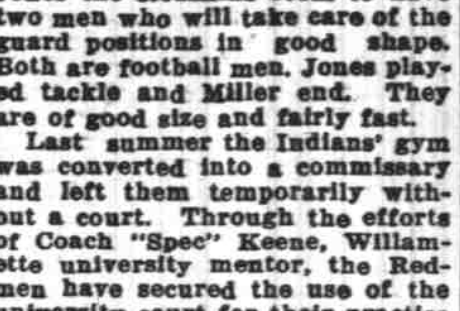
Andrew Hatfield and Vincent Pratt are the two strongest contenders for the center job. Both are new and untried but Hatfield shows a slight edge in all-around ability and will start the game. In Albert Miller and William "Biff" Jones the Redskins seem to have two men who will take care of the guard positions in good shape. Both are football men. Jones played tackle and Miller end. They are of good size and fairly fast.

Last summer the Redmen's gym was converted into a commissary and left them temporarily without a court. Through the efforts of Coach "Spec" Keene, Willamette university mentor, the Redmen have secured the use of the university court for their practice periods and travel back and forth every night. Though their schedule is as heavy as usual their games will be played on the opponents' court.

The Redskins are not entertaining much hope of defeating the freshmen but they sure to be in there playing a hard game in an effort to get a toe hold on a permanent berth.

The starting line-up will be: Leonard Vivette and Dominic Dog Eagle, forwards; Andrew Hatfield, center; William Jones and Albert Miller guards.

# TO WED BARON



Miss Frances Myler Kier, debutante daughter of Mr. and Mrs. Frank J. Kier, of Pittsburgh, Pa., whose engagement to Baron Jean Pellenc, son of General Jean Pellenc and Baronne Pellenc, of Paris, France, has been announced. The couple met at a tea in Paris a year ago and a common interest in art brought them closer together.

# BLASTING POWDER, EQUIPMENT STOLEN

Theft of 100 pounds of blasting powder from the Dr. R. A. Williams farm near Hullt was reported to the sheriff yesterday by Dr. Williams. Along with the explosive, about 13 cross cut saws, 12 wedges, one cant hook, four or five axes, two augers and a child's coaster wagon also disappeared.

Williams says the articles were stolen sometime between November 21 and December 10. He does not live on the ranch during the winter, and says when he left it this fall he placed all the stolen goods in the barn and locked the barn. Thieves gained entrance by knocking off several boards from the side of the barn.

Williams has no clue as to who the robbers might be.

# W. C. T. U. HEAD FOR MR. HOOVER IN '32

(Continued from page 1)

for the existing heads "of national dry organizations to furnish the united command" needed, since there were several of the most prominent organizations "with large property and other interests which bar the way."

Contending the strategy board would be all right as far as it went, but that it would be "inadequate," Stewart said his organization was setting out to establish local units favoring prohibition which would be tied together in townships, counties, districts and states.

"By the end of 1931," he said, "we will have an organization no politician could afford to ignore, while the board of strategy will have effected a grand strategy after the complicated procedure it must go through to complete its organization."

"If every dry organization with the exception of the W. C. T. U. and the woman's national committee for law enforcement went out of commission, the dry cause would profit by their decrease," he asserted.

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# BROWN WORKS HIS PARRISHITES HARD

### 14 Games Arranged for Lads This Season; Play in County League

Coach Brown is driving his Parrish junior high basketball men hard for the tough season ahead.

Two hard scrimmages have been held with the Mute school this week and the Parrish men show promise of developing into another crack team although at present they are a bit unorganized. Over 60 hoopers answered the first call and out of this bunch a squad of 15 has been chosen.

Perrine, Wintermute, DeJardin, Ellis and Vern DeJardin have been tried as a combination on the first team and work fairly well together. Hobbs, Moody, Witzel, Carter and Brownell are also improving and some of these may break in on the first team.

Parrish will play in the Marion county B league in the northern division. All of the teams which will be met are high school teams and good basketball will be required to carry through successfully. The first league game will be played against Turner high in Turin December 19. A scrimmage with the high school at the first of next week will put Brown's men in shape for the opening game.

The schedule now arranged includes:

December 19, Turner here, January 6, Turner here, January 9, Mill City here, January 16, St. Paul here, January 21, Woodburn here, January 28, St. Paul here, January 30, Scotts Mills here, February 6, Chemawa here, February 6, Gervais here, February 11, Scotts Mills here, February 18, Woodburn here, February 18, Woodburn here, February 27, Gervais here, March 4, Chemawa here, March 6, Mill City here.

# GOOD-WILL FUND

Previously reported \$281.48

Ida L. Niles	1.00
Anna W. Cross	5.00
Andrew Ipsen	5.00
Elizabeth Lord	10.00
Street Kettles, December 12th	18.88
<b>TOTAL TO DATE</b>	<b>\$371.36</b>

# 5 BOOTHS ADDED TO SELL MORE SEALS

Announcement of chairman who will head the Christmas seal sales in the various booths over town was made last night by Mrs. J. E. Blinckhorn, county chairman, and Mrs. Harry Sinks, booth chairman for Salem. Five booths, in addition to the postoffice booth which was opened several days ago, will be selling the tuberculosis seals until Christmas, beginning today.

The five additional booths and chairman in charge of each are: United States National bank, Mrs. M. C. Cashatt, First National bank, Mrs. Estill Brunk, assisted by Miss Mary Fiske, Ladd and Bush bank, Mrs. Brazier Small, J. C. Panney store, Mrs. C. S. Pratt, under auspices of the Eastern Star.

Miller's store, Miss Ruth Waterman.

The postoffice booth will probably be in charge of Mrs. Harris Lietz after today.

A group of volunteer workers who will assist with the sale in the various booths follows: Mrs. E. J. Donnell, Mrs. Eula McCall, Miss Mary Moley, Mrs. George Rossman, Mrs. W. E. Hanson, Mrs. Tinkham Gilbert, Miss Priscilla Fry, Mrs. Waldo Mills, Mrs. Inez Byrd and Miss Betty Utter.

The booth sale will supplement the sale of tuberculosis seals made in many schools of the county and the large mail sale made in Salem.

# RECEIVER IS ASKED FOR LUMBER FIRM

Appointment of a receiver for premises held by the Santiam Lumber company, but which she alleges she owns, is asked by Grace R. Smith in answer and cross complaint filed in circuit court yesterday in the suit of W. H. Clark vs. Grace R. Smith and others.

Grace R. Smith alleges that in March, 1930, she and defendant, F. W. Foulkes, Jr., entered into contract whereby he agreed to purchase merchantable standing timber on the premises in question at certain terms; but that he

# THEFT CASES MANY IN JUSTICE COURT

Thefts were the cause of most of the trouble reported in justice court Friday.

G. W. Fanton asked time to consult an attorney when he was charged with robbing Knight's grocery store. Bail was fixed at \$1500 which he failed to furnish and was lodged in jail.

Valley Johnson plead guilty to a charge of stealing a gold watch. His case was continued and he was released on his own recognizance.

Chickens were said to be the cause of difficulty for Joe Slavy, Jr., who was charged with stealing chickens at Mt. Angel. He and his companion, whose name was not revealed, were said to have eaten the fowls. Slavy asked time to consult an attorney and bail was fixed at \$500. Being unable to furnish it he also was lodged in jail.

A. Osberg of Seattle was fined \$10 for failure to stop at a stop sign on the highway.

Improper license plates on cars cost W. Heisel and William Hanson \$10 each.

# Fortunes...

are more easily lost by those who inherit them than by those who create them. The modern safeguard for the conservation of insurance funds is a Life Insurance Trust.

**Ladd & Bush Trust Company**

Officers and Directors

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W. M. WALTON, Vice-President.  
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WE DO TRUST WORK EXCLUSIVELY

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# NOBEL AWARD GOES TO SINCLAIR LEWIS

(Continued from page 1)

receive a fair number in return."

For the literature of his country Lewis saw improvement ahead.

"I have for the future of American literature every hope, every eager belief," he said. "We are coming out of the stiffness of safe and sane and incredibly dull provincialism."

"There are the young Americans today who are doing such passionately authentic work. It makes me sick to see that I'm a little too old to be one of them. They are determined to give America a country as strange as Russia and as complex as China, a literature worthy of her vastness."

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WE DO TRUST WORK EXCLUSIVELY

# THE SILENT ENEMY

Also Mickey Mouse Comedy  
Paramount Comedy & News.

COMING SUNDAY

**Barthelmey & Dawn PATROL**

# KARR MAKES HIGH SCORE ON ALLEYS

### Friday night's bowling resulted in wins for Emmons Clothing Co., Capitol Dairies and the Carson Pharmacy. The Carson Pharmacy game was won by a forfeit.

True to recent form in other leagues, no high scores were rolled by the Statesman league. Karr of the McMarr Stores team rolled the high score of the evening when he turned in a 585 for three games. Yarnell, Emmons star, came a close second by turning in a 581.

**Summary:**

EMMONS CLOTHING CO.				
Yarnell	559	173	149	881
Purvine	118	129	131	478
Boger	139	117	180	436
Kessel	146	144	205	495
Aikins	186	166	178	530
<b>Totals</b>	<b>815</b>	<b>779</b>	<b>845</b>	<b>2439</b>

DAY AND NILES				
M. Poulin	142	153	139	434
A. Niles	118	129	131	478
M. Carter	115	100	135	410
L. Hamaway	181	184	178	543
M. Hamaway	164	160	176	500
<b>Totals</b>	<b>766</b>	<b>814</b>	<b>801</b>	<b>2381</b>

CAPITOL DAIRIES				
J. Miller	80	80	80	240
Nicketts	151	204	197	552
E. Niles	150	196	146	492
Low Scores	203	132	228	563
Ritchie	160	156	208	524
<b>Totals</b>	<b>761</b>	<b>899</b>	<b>875</b>	<b>2535</b>

MCMARR STORES				
Gher	139	171	138	448
Robinson	223	196	156	575
Walker	151	143	179	473
<b>Totals</b>	<b>513</b>	<b>510</b>	<b>497</b>	<b>1520</b>

CARSON PHARMACY				
Kilchen	171	169	154	494
Trosh	105	140	128	373
Schmoker	118	129	131	478
Walker	104	101	125	330
Beyer	143	170	138	451
<b>Totals</b>	<b>687</b>	<b>729</b>	<b>676</b>	<b>2172</b>

**FORFEIT. STAR MARKET**

# STAR MARKET

Funeral services will be held for Silas E. Rhodes, 79, Saturday, December 13, at 1:30 p. m., from the chapel of W. T. Rigdon and Son; Rev. Robins will officiate. Interment will be in City View cemetery.

# RHODES RITES TO BE HERE SATURDAY

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# YOU ARE READING THIS LITTLE AD

Because the Dollar Sign caught your eye. By the same token the purchase of "Scrap," the Ideal Gift for Christmas, will catch your eye, and will save you money.

\$2.50 Books \$2.25  
\$5.00 Books \$4.50  
\$10.00 Books \$9.00

Ask at Box Office  
BLIGH'S CAPITOL  
THE ELSINORE

# THE ELKSINORE TODAY

**FANCHON & MARCO'S**

"Way Back When" IDEA

THREE BENNET BROTHERS  
EMPERORS OF HARMONY

MADELEINE DU VAL  
CARLA TORNEY DANCERS

On The Screen

EDDIE QUILLAN  
ROBERT ARMSTRONG  
JAMES GLEASON

Miriam Seegar  
Margaret Livingston

# BIG MONEY

**PATHE' FEATURE**

TONITE ONLY AT 9:30

MILLER'S FUR STYLES

\$50,000 Worth of Furs

WILL BE MODELED ON THE STAGE

# Mr. Rhodes was the father of Mrs. Frank Bligh and Frank A. Rhodes. He is also survived by his widow, Sarah, and two grandchildren, Margaret Ann Bligh and Frank Anderson Rhodes, Jr. A second daughter, Mrs. Jessie Shortridge, was accidentally killed in Klamath Falls in September.

# GOLF TOURNEY COMING

CHICAGO, Dec. 12.—The Western Golf association, holding its annual meeting here, formally awarded the western amateur championships for 1931 to the Portland, Ore. golf club to be held July 13 to 18.

# Man Alive! Don't tell her the coffee is poor...but

make it possible to have only the finest brew. Give HER an efficient electric percolator and you'll be able to talk about something else at the breakfast table... that's one way to insure a good early-morning break for yourself.

Electric percolators as low as \$4.95

# PORTLAND GENERAL ELECTRIC COMPANY

285 N. Liberty Salem, Ore.

# Colman's Raffles

Most gallant of all underworld daredevils. Raffles schemes his way to riches and romance in the most amazing mystery drama of all.

MID-NITE PREVIEW TONITE

Attend the nine o'clock show and remain as our guest for Preview show.

STARTS THIS SUNDAY For 3 Big Days

# The GIRL OF THE GOLDEN WEST

with ANN HARDING