

BOND LEGALITY FIGHT ENTERED

Water Company Files Suit To Enjoin City From Obeying Voters

(Continued from page 1)

The complaint of the water company seeks to have the court declare the charter amendment No. 90 and all procedure thereunder, declared null and void for the following reasons:

1. It failed to receive a two-thirds vote as required under section 23 of the original charter of 1909.

2. The city had no authority to enact the amendment for the acquisition of water works property outside the city limits or acquiring property for general use of people within and without the city.

3. The ballot title was invalid. The charter amendment revises and amends the city charter, particularly section 23 and subdivision 6 of section 6 without setting forth and publishing each in full as required by the state constitution.

4. There were no legally appointed or existing electors at the election of December 15.

5. The ordinance calling the election failed to set out the terms of the proposed indebtedness as required by the charter.

6. The taxing provisions of the amendment subjects the water company to confiscatory taxation in violation of the 14th amendment to the federal constitution.

In its complaint the water company asserts its property is assessed for taxing purposes \$480,000, part of which is within and part without the city of Salem; and that it would be taxed some \$2000 for the building of a water system. It quotes section 23 of the original charter which outlines procedure by which the city may get into the utility business, including the requirements that of from existing utilities be submitted and that a two-thirds vote is necessary to adopt such a resolution or issue indebtedness. Subdivision 6 of section 6 relating the requirement for two-thirds vote in adopting bond measures is also cited.

The company also announces that it will reject, when offered, the city's tender of \$695,000 for its water plant. That is the amount of the estimate of its worth as reported by Baar & Cunningham, engineers.

Progress of cases in the federal court is said to be about as rapid as in the state courts. Several months will elapse before final judgment is rendered on the merits of the case regardless of which court takes jurisdiction.

OTHER BURGLARIES TRACED TO YOUTHS

City police yesterday announced implicating the four boys arrested on burglary charges Wednesday night in at least eight similar burglaries which occurred here beginning last November. In nearly every case, the officers said, liquor was stolen. They are of the opinion many more such burglaries would have been reported had not the home owners feared arrest for admitting possession of liquor.

Three of the boys were brought into justice court yesterday afternoon to answer to charges of burglary in three dwellings, 905 Tamarrack, 1840 North Cottage and one on North 17th street. The boys, who are charged separately, are Glenn and Elmer Kessell, 18 and 17, 1940 North Capitol street, and Lee Boney, 24, 636 North Fifth street. Elmer was certified to the juvenile court, where the fourth boy, Victor Butler, 17, 1145 North Liberty street, was taken yesterday.

Boney entered a plea of not guilty and asked the court to appoint an attorney for him, and Glen Kessell asked 24 hours in which to plead and consult an attorney.

Peace Teachers Hold Gathering, Talk Problems

Teachers of the 26 classes in disarmament problems now being held under auspices of the local war prevention committee met at the Y. M. C. A. last night to discuss problems brought up at the first classes, held last Tuesday night. Enrolled in the classes are 225 persons, according to Mrs. C. A. Kells, president of the committee.

In addition to 23 classes in the city, one each is being held at Salem Heights and Liberty and another will be started at Ketter school house next Tuesday night at 7:30 o'clock. The classes will meet every Tuesday for the next five weeks.

Offer Play at Knight Church Sunday Evening

A drama "The Color Line," will be presented at the Knight Memorial church, 15th and Perry streets, Sunday night at 7:30. A solo introducing the drama "A Brother of All the World Am I," will be sung by Pearl Eyre.

The drama cast: Henry Lawson, president of Western college, Joseph Baker; Fu Chun Chinese student, Vern Adams; Barbara McKean, daughter of missionaries, Velma May; Stanley Preston, a senior, Virgil Harrison; Walda Williams, a college flapper, Evelyn Haag; Miss King, the president's secretary, Esther Erickson.

Beware -- Soft Shoulders . . .

CRAMPED quarters for the state highway commission's meeting in the Multnomah county courthouse were very evident Thursday when scores of visitors were forced to stand in the outer hall and wait their turn in going before the commissioners. Only 150 seats were available in the room which is noticeably small compared with the spacious hall of representatives at the state capitol where the commission formerly met.

Commissioners Ainsworth and Spaulding were both on edge at the session. Spaulding was gruff, almost snarling. Ainsworth was flushed and spoke tersely but firmly. Spaulding was more direct. Ainsworth, a banker, is accustomed to smoother dealing but yesterday his program was evidently prearranged and he was determined to carry it through, no matter how distasteful it was to the member from Marion county. A "harmony commission" for the time being is non-existent.

William E. Hanley, who hails from Gruff, sat benignly through the session, uttering not a word for hours. He has the calm serenity of a man who has already placed his trust—in Ainsworth—and fears no attacker. Hanley's happiest moments apparently come at intermission time when he can pass through the crowd and shake hands.

Next to the flowing locks of the eastern Oregon commissioner, the hair of Mayor Galvanni of Seaside were most noticeable at the gathering. Galvanni, in fact, has more white locks than Hanley, having let his grow on top as well as down the back of his neck. Hanley, Galvanni and Ainsworth all wear the old-fashioned stiff collar and hard white cuffs which make wives groan and laundrymen grieve.

ALL ON TRANSPORT PLANE FOUND DEAD

(Continued from page 1)

snowshoes and leading pack horses, immediately started from Lebec to bring out the bodies.

Apodaca made his first report to Charles Yates, manager of the Tejon ranch, and then rode to Lebec to tell leaders of the search.

He said he did not go near enough to make certain there were bodies in the wreck, because he "didn't like to see dead people." But Bedwell, Jones and others of their party reported within a short time that they had reached the spot and found the eight persons dead. They took back with them Pilot J. V. Sandblom's cap and fragments of the wreckage.

CHEMEKETANS PLAN HOOD TRIP SUNDAY

At an invitation from the Mazamas, Portland hiking club, the Salem Chemeketans will make a trip to Mount Hood Saturday and stay over until Sunday, using the Mazama's new Timberline Trail lodge as headquarters.

The Timberline Trail Lodge is about one-half mile beyond Government camp where skills and toboggans may be rented. This is the outstanding winter trip for the Chemeketans and is growing in popularity with them each year. Others wishing to go on the trip are invited to do so.

Registration will be held at the Senator Hotel and must be done before 5 o'clock Thursday afternoon, February 11. Transportation is being arranged and the complete trip can be made for a reasonable figure.

The party will leave the Senator Hotel Saturday afternoon at 1:30 and another party will be going up Sunday. All sorts of winter activities will be held Sunday morning, depending entirely on the wishes of the members.

Bob Donaldson and two other members of the Cascade Ski club

Highlights of the State Highway Commission Meeting in Portland This Weekend

Alvin W. Norblad, former governor, was the only petitioner whose voice rang through the room. The ex-governor's flow of language never wanes and undimmed by political defeat, Astoria indebtedness or the low price of salmon, the gentleman from Clackamas appears still to be his smiling, cheerful self. Norblad is always impeccably attired, smokes his cigar at numerous intervals and loves to talk.

The highway commission needs a gavel. Someone from Coos county where the myrtle grows should present Chairman Ainsworth with one. Under the present system the only semblance of order is obtainable by Secretary Glaiser's pounding of the table. As the day wore on, the delegations crowded closer to the commissioners while the crowd in the back of the meeting room grew more noisy. The most fierce tiffs between Ainsworth and Spaulding were lost to most of the men attending the meeting. The press, accustomed to the poor order prevailing at highway commission meetings, gathered close to the commissioners and listens attentively for an outbreak which will make news.

Senator W. E. Burk of Yamhill county was in attendance to ask a survey of a new grade for Rex hill. This grade is the steepest on any paved road in the state. Burk knows because his home is nearby. Burk is decidedly of the Meier persuasion. He thinks the governor too dictatorial, too boastful, too little willing to take advice from others. Burk was on the band wagon in pre-election day and worked closely with the governor during the 1931 legislature. Perhaps one reason lies in the fact the senator really wanted to be state treasurer; a plum that went to Rufus Holman who could almost be classed as the father of the bull-frog party.

will give instruction in skiing Sunday morning. Those wishing to make the trip may learn full details at the Senator hotel or by calling Gladys Miller.

CAUCHON CHARGED WITH RADIO THEFT

Theft of two radios, one from George C. Will and the other from Vibbert and Todd, is charged to A. J. Cauchon, who was haled into justice court yesterday on charge of larceny by bailor. He pleaded not guilty in preliminary hearing and is bound over to the grand jury.

Palling ability to raise \$1000 bail, he is in the county jail. Sergeant Asa Fisher, city policeman who yesterday morning returned Cauchon from Olympia, Wash., reported that the man had been convicted on a like charge there. The Olympia judge suspended sentence in order that Cauchon might be returned to Salem.

Cauchon's scheme, worked at Hoquiam, Olympia and Tacoma, Wash., in addition to Salem, the sergeant said, was to enter a city, rent a room, order radio sets on trial, then make away with them. He allegedly sold the sets stolen in Salem to two Kelo, Wash., business men. It is believed the radios will be recovered.

Cauchon gave his home address as Trenary, Mich.

Enrollment at Willamette is Over '31 Mark

Registration at Willamette university stood 18 per cent higher than a year ago at the close of Wednesday's tabulating, stated Registrar Tennent.

There are still over 40 holdout students who have drawn out registration cards and will doubtless register soon, probably being held up for a few days because of financial problems. Registration had reached 555 Wednesday night as compared with 472 for the corresponding day a year ago. This is particularly encouraging at a time when many colleges are suffering a loss of students.

MAIN PROGRAM NOT ACCEPTED

Roadway Is to be 20 Feet With Wider Shoulders, Decision Reported

(Continued from page 1)

The first plan known to have been on the engineers' estimates for 1932 called for building three and one-half miles of 30-foot highway from Salem to Lake La-bish. Governor Meier's objections to a super-road program in 1932, the fact that federal aid money could not be had unless a 100-foot right-of-way was secured and the inability of Marion county to provide such a right-of-way, occasioned the changes.

Chairman Ainsworth indicated that the commission would favor a cutoff road from New Era to wards Canby to save 1700 feet, the work to start this year. Commissioner Richard Wright of Clackamas county reported that virtually all the right-of-way required for this improvement had been secured by Clackamas county. He said a 60-foot right-of-way was already owned by the county as far as New Era and also from Canby south to the county line at Aurora.

PROPERTY ON HIGH STREET PURCHASED

Don Young Buys Corner Site At Center; Purpose is Purely Investment

Donald A. Young of the Capitol Securities corporation has just completed a deal for the purchase of property located at 395 North High street, corner of Center street, through the Leo N. Childs company, local realtors. The property has a frontage of 57 1/2 feet on High street and 115 feet on Center street.

The property was purchased from Mr. and Mrs. Forrest J. Mack, who have operated a women's ready-to-wear business at that location for a number of years and are now moving to 415 State street, which location they are remodeling and will soon have ready for occupancy.

Mr. Young states that he bought the property purely as an investment. This is the third downtown property he has purchased within the past year. He has a firm belief that real estate is a safe and sound investment. Mr. Young will take possession of the property March 1, when the Macks are moving to their new location. This property Mr. Young has purchased is exceptionally valuable, as it is on two thorough streets.

The high street property has a large residence on it which was built a number of years ago by the late Judge Burnett. After the Macks purchased the property, a cement building on the front with three store fronts and they have occupied the corner for their own business several years.

Other real estate transactions completed recently by the Leo N. Childs company are as follows: The Miranda Axley two-acre tract on the Garden road has been purchased by George W. Siefert. Everett L. Givens purchased a home at 1435 North 17th street from Leonard B. Judson. As part of the consideration Mr. Judson accepted a residence at 1290 North 21st street.

D. A. Young sold a residence at 1740 North 20th street to W. C. Helse.

E. K. Plasecki bought a modern, stucco home at 1890 North church street from Lester Jones. As part of the consideration Mr. Jones took a 120-acre timber tract near Glendale, Ore.

W. G. Vassal sold an attractive home on a creek lot at 1920 Chemeketa street, to Clyde N. Kaler.

The W. C. Helse residence, a strictly modern seven-room home at 630 North Cottage street, has been sold to Forrest J. Mack.

Asa C. Lee purchased a new residence at 1938 Hazel avenue from W. A. Cladek.

E. M. Hoffnoll bought an attractive view property at 1775 Fairmount street from John A. Graef.

HOLLYWOOD A HOME-OWNED THEATRE TODAY & SATURDAY Mickey Mouse Matinee Saturday 1:30 P. M.

JOHN GILBERT in *The Phantom of Paris* with Lella Hyams, Lewis Stone, Jean Hershey, C. Aubrey Smith

Adapted from the novel, "Cheri-Bibi," by Gaston Leroux directed by John S. Robertson A Metro-Goldwyn-Mayer Picture

Dogville Comedy "Two Barks Brothers" News & Mickey Mouse Comedy

The Call Board . .

By OLIVE M. DOAK

WARNER BROS. ELISINORE Today—Sylvia Sidney in "Ladies of the Big House." WARNER BROS. CAPITOL Today—Chester Morris "Corsair."

THE GRAND Today—Williamette opera. Saturday—Vaudeville and Bert Wheeler in "Too Many Cooks."

THE HOLLYWOOD Today—John Gilbert in "The Phantom of Paris."

Jane Darwell, the Widow Douglas of Paramount's "Tom Sawyer" and "Huckleberry Finn" was released by that company to portray one of the outstanding roles in the romance, "Ladies of the Big House" featuring Sylvia Sidney and Gene Raymond.

The picture, which is a heart-grIPPING love story of two young persons who get in a mix-up with gangsters and are caught and convicted of murder, though innocent, will be the featured attraction at Warner Bros. Elsinore today.

Frank Sheridan, Purnell Pratt, Edna Bennett, Earle Foxe and Louise Beavers also have important roles in "Ladies of the Big House."

Chester Morris emerges in "Corsair" at Warner Bros. Capitol theatre as a full-fledged United Artists star.

Thus a Broadway actor who three years ago was unknown to picture audiences has reached the heights of stardom. In 1929, it will be recalled, Morris was imported from Broadway to portray the leading role in "Alibi," a picture which made him a celebrity almost overnight. His work since that time in "The Divorcee," "The Big House," "The Case of Sergeant Grisham" and "The Bat Whispers"—each role quite unlike the others—brought him a following which is extremely flattering.

"Corsair" gives the real "low-down" on the rum fleets which play between the Nova Scotia coast and the Bahamas feeding the stream of launches which the big bootleg syndicates of New York send out to the 12-mile limit under the noses of the government revenue cutters.

It is said this picture is the truth of the situation revealed by an author who at one time headed the secret division of the prohibition enforcement.

Much interest is being shown in the "Golden Trail" opera which is being given by Williamette university also clubs and the orchestra of the university. Friday night at the Grand theatre.

Charles Wakefield Cadman, noted composer, is author of this opera, and he comes to Salem from his Hollywood home as guest conductor for Friday night. Of interest also is the fact that Cadman will give a recital in his own name, Saturday night in Waller hall. Both performances start at 8 o'clock.

A recent preview out at the Hollywood was "Alice in Wonderland" and according to Ray Stumber, manager, it has some very excellent points. It was attended by many school officials including the students of the deaf school and several grades of St. Vincent de Paul school. The play will come to the Hollywood at a later date.

HALLORAN'S NAME BROUGHT IN AGAIN

(Continued from page 1)

night of the homicides?" he testified he asked her, and she answered:

"No, I did not."

"Did anybody at that house take a drink?"

"Nobody but Jack Halloran."

"She put her hand quickly over her mouth and looked at me," the psychiatrist testified, "and said 'I won't talk about that any more.'"

ATROCITIES IN SHANGHAI TOLD

Chinese Homes Burned and Occupants Shot Down When They Flee

(Continued from page 1)

assailed with rifle and machine gun fire and were forced to leave the bodies in the street. "The Chinese servants remained loyal."

"Chinese were beaten, stabbed and shot by Japanese. When the Japanese retreated, hundreds of Chinese looters invaded the territory, burning and destroying property."

Fires started in the adjoining house, forcing them to flee into the Japanese lines. They said they were assisted across the lines through a chance meeting with a Japanese friend.

The refugees were reluctant to discuss the scenes of bloodshed witnessed from their windows.

POINTERS OFFERED ON ORIENTAL RUGS

Art Goes Back to 2400 B. C. Declares Abadashian At Lions Session

Oriental rugs are of two types, antique and modern. S. Obadashian, Portland dealer, informed members of the Lions club and their wives yesterday. To be considered in the former class, a rug must be at least 100 years old, he said, but most of this type rugs now sold are semi-antiques, ranging in age from 15 to 75 years.

The modern Oriental rug, in contrast with the antique, he pointed out is washed in a caustic soda solution to soften its colors and give it a silky sheen. As in like manner softens the colors of the antiques. Demand in the occidental countries is largely for the modern rugs because of this sheen and their lower price.

While the washing process has been developed only within the last 20 years, the weaving of the modern type Oriental rug is done in the same manner as thousands of years ago when the first rugs were produced. The art of rug-making, according to Mr. Obadashian, dates back to the ancient Egyptians in 2400 B. C. The two kinds of knots used in the process were invented by the Chinese. This art was adopted by the Babylonians and in turn by the Persians.

Pointers in judging the value of an Oriental rug, which the speaker enumerated: quality of wool, since only 10 out of the 100 grades of wool will stand the wear required of a rug; dyes, whether vegetable, which holds its color, or aniline, which does not hold color unless washed; color combinations and artistry of design; weave, solidity, and number of knots per square inch; utility value.

American-made rugs termed Orientals are not really that at all, but only imitations in design and motif. Mr. Obadashian said.

Due to lower tariffs and depreciation of oriental silver coinage, the better oriental rugs now cost about one-half what they did a few years ago, Mr. Obadashian concluded.

The speaker displayed both modern and antique rugs.

Mickey Mouse NOTES

Your new Chief Mickey Mouse is here and I know you'll like him. We are going to initiate him tomorrow. Chief Care, to be, came from Aberdeen, Washington, where they also have a Mickey Mouse club.

M.M.C.

This Saturday we elect new officers. Be sure to be present.

M.M.C.

As I sit here sucking on a life saver—I just have to tell you that Max McLellan, a great friend of all you Mice, was just here and left packages of life savers for you and all your friends at Saturday matinee. I guess Mr. McLellan deserves a big hand.

M.M.C.

I thought that the theatre would fall Saturday when Al announced about the pony. What applause!

M.M.C.

It's sure a beauty of a pony. It will be on the stage tomorrow.

M.M.C.

Last of the "cut out toys" a puzzle, will be given out tomorrow.

M.M.C.

Girls from Barbara Barnes school of dance were cute in their "Wee Mother Martha Dance." All are members of our club, and are Patricia Waters, Mary Lou McKay, Gloria Meyer, and Patricia Mase. Barbara Schnall was the maid who had everybody in the theatre laughing and enjoying her little "Sailor Dance."

M.M.C.

A real snappy program last Saturday, don't you think? Others performing were Lyle Hocking, Delbert Anderson, Leone Goff, Joyce Chambers, Harriet Talmadge, and Nona Fasching.

M.M.C.

Last Saturday, although you didn't know it, the district manager of Warner Bros. theatres watched the Mickey Mouse matinee. He told me that you ought to be congratulated for being such ladies and gentlemen during the entertainment, and for showing so much pep during the singing.

That's a compliment! Let's have everybody saying the same thing, by acting that way every Saturday.

M.M.C.

Twins.

Don't forget that the club meeting at Warner Bros. Elsinore starts at 1 o'clock, and that there is a good time for all who attend.

M.M.C.

So long,

ZOLLIE.

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76

It identifies the finest anti-knock non-premium gasoline ever offered . . . at

NO EXTRA COST

Union Oil Company

WARNER BROS. Elsinore

STARTS TODAY

MAT. DAILY 2 P. M.

LADIES OF THE BIG HOUSE

A Romance!

So sincere, so complete . . . that not even relentless fate could destroy it.

WITH SYLVIA SIDNEY GENE RAYMOND

ADDED DELIGHTS "THE MOVIE ALBUM" YESTERDAY'S STARS LIVE AGAIN NEWS - NOVELTIES

WARNER BROS. CAPITOL

Action! STARTS TODAY

The Liberty Magazine sensational sea story

CORSAIR with CHESTER MORRIS ALISON LOYD

A MODERN PIRATE IN FLANNELS, Called yellow by the girl he loved—roaming the open sea in search of wealth and romance

ADDED! BENNY RUBIN "Guests Wanted"

NEWS — CARTOON NOVELTY



A Romance!

WITH SYLVIA SIDNEY GENE RAYMOND

ADDED DELIGHTS "THE MOVIE ALBUM" YESTERDAY'S STARS LIVE AGAIN NEWS - NOVELTIES