

CITY IS LOSER IN WATER CASE

Ruling Upon Bond Legality
Refused as Company's
Demurrer Upheld

(Continued from page 1)
gon-Washington Water Service company's plan here can be taken. Application has been made to borrow \$1,850,000 from the reconstruction finance corporation to buy and add to the local plant but it is presumed this loan could not be consummated without a court opinion on the legality of the bonds. Informal negotiations have at times been made by representatives of the city council and the water company and it has been stated unofficially that if a satisfactory deal could be made by the water company, the legal procedure necessary to determine the validity of the bonds might be considerably expedited.

The demurrer filed by the water company to the city's complaint, in which the court was asked to give a declaratory judgment on the December 15, 1931, charter amendment, stated that the city's complaint did not constitute a basis for a suit and held that all taxpayers in the city must be named defendants.

Controversy Must Concern Facts, Ruled
Judge Levelling upheld the points made by the defendant's demurrer. In order to obtain a declaratory judgment, the court held "there must be a controversy and the controversy must concern facts. The plaintiff in this case alleges that the defendants contend and assert that the charter amendment is invalid and void. This is but a conclusion. . . The plaintiff alleges that the defendants contend that the enactment is invalid. This the demurrer also admits but this is also a conclusion and the admission or denial of a conclusion is not a binding nor does it present an issue. . . Plaintiff by instituting this proceeding is seeking an opinion from the court to ascertain whether or not the opinion expressed by the defendants is correct. Therefore, the opinion of this court, if given, based upon the complaint herein in its present form, would be nothing more than an 'academic deliverance.'

The court also held that under the Oregon statute all possible parties interested in the matter to be determined must be named defendants. If this is not done, the parties affected and not named defendants may later bring the matter to court, the judge held. Therefore instead of naming only G. F. Hurd and Peter D'Arcy, taxpayers and defendants, the city must name all taxpayers as defendants to obtain a declaratory judgment, the court ruled.

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WILL WHITNEY'S LUCK HOLD?



In accepting the Democratic designation as candidate for Congress from the 1st New York District, Cornelius Vanderbilt Whitney, son of the late Harry Payne Whitney, and owner of the famous racing stable, has taken the first step in the footsteps of his distinguished grandfather, William C. Whitney, who was Secretary of the Navy during the Presidency of Grover Cleveland. Known as one of the richest young men in the world, "Sonny" Whitney, as he is known to his intimates, has hitherto devoted almost his entire interests to sport. He is a keen poloist and his connection with the turf, where he has been phenomenally successful, is well known. Young Whitney inherited the bulk of an estate, valued at over \$70,000,000, on the death of his father, as well as the stable of thoroughbreds. He will be opposed in the coming election by Robert L. Bacon, the Republican candidate, a personal friend of Whitney's who moves in the same social circle. Bacon is an experienced politician, who has represented the 1st District since 1923, while "Sonny" will be serving his novitiate, but if the Whitney luck holds good in politics as it does on the turf, the odds are all in favor of the novice.

EXPECT VITAMIN G TO PROLONG YOUTH

DENVER, Aug. 23.—(AP)—A longer youth for the human race, brought about by the food factor in vitamin G, fresh conquests in disease, and general advance in health of the world's population, were forecast here today by the American Chemical Society.

Prof. Henry C. Herman, of Columbia university, told the convention of recent discoveries in the science of nutrition. Greater physical buoyancy will develop as a result of a great cooperative effort in research now going on in the laboratories of the United States and other countries.

"That vitamin G is needed to prevent the development of deficiency diseases like pellagra is only the beginning of the story of the importance of vitamin G of our food," he said.

"More inspiring is the fact now established by the work of Dr. H. L. Campbell, Dr. L. N. Ellis and other investigators of the Columbia laboratories that, even when we start with an average normal condition, an enrichment of our diet tends to the enhancement of positive or 'boyant' health to the transformation of the characteristics of youth, and the prolongation of the prime of life."

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ualties. The exact number of deaths never will be known. Only the larger towns are capable of reporting what is going on and they are only vaguely aware of the extent of the scourge about them.

PROTEST FEDERAL MEDICAL SERVICE

SOUTH BEND, Ind., Aug. 23.—(AP)—Doctors find themselves beset with government competition, the Shannon congressional committee was told at its hearing here today.

Dr. Joseph H. Weinstein of Terre Haute, Ind., president-elect of the Indiana Medical association, voiced a protest against the government's activities in the field of medicine.

The Shannon committee, headed by Representative Joseph B. Shannon of Missouri, is making a study of government competition with private business and will make a report to the next session of congress.

Dr. Weinstein's protest against the government's competition in the field of medicine was supported by several local physicians. All expressed opposition to the hospitalization and treatment of war veterans by the government.

The Terre Haute doctor expressed the opinion that 75 per cent of the beds in government hospitals are occupied by men whose injuries are not the result of war-time service.

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H. S. STUDENTS ARE ADMITTED

Board Hires Teachers Upon
Month-to-Month Basis
Pending Decision

(Continued from page 1)
are recently by payment of \$9900.67 in warrants and \$1625 in bond interest. Outstanding warrants now total \$168,616.78. Because the board's policy is to pay off the district warrants according to their serial numbers, and the next warrant is for \$14,950, held by the county, the members directed the clerk to hold the present funds in reserve instead of paying off lesser warrants.

Fire Escape
Rumor is Squelched
Rumor that the fire escapes on the Washington grade school building are inadequate were promptly squelched by the board. Both the state fire marshal and city firemen inspect the escapes every year, the directors said. The query in the matter came from one of the Washington patrons. No specific defect in the escapes was mentioned.

A petition signed by a number of the Washington school patrons, who asked that Mrs. Stanley Waters, formerly Lita Waters, be retained as primary teacher at that school was placed on file without any board action being taken. Superintendent Hug recommended that the matter stand as ruled in regard to married teachers. Cooking Cafeteria Work Eliminated Because of lack of student interest in the cooking and cafeteria section of the high school home economics department, the board ordered both dispensed with. The cafeteria will be turned into much-needed classroom space.

The directors also agreed to hiring Mrs. Wilma Wright, former substitute teacher, to do office work at Parrish junior high school at a \$100 salary, a \$20 reduction from that paid last year; reduced service of C. A. Guderian, high school machine shop instructor, from 12 to 10 months in view of his recent salary reduction; acquiesced to City Engineer Roger's request that shrubs and pampas grass creating a blind corner on the high school property at High and Marion streets, be removed. Directors F. E. Neer and Mrs. David Wright were absent.

First Exams for Fire Department Rating Slated

First examinations for men desiring placement on the fire department eligibility list will be held September 6 with Alderman W. H. Dancy in charge, Paul V. Johnson, chairman of the civil service commission, announced yesterday, following a commission meeting. Mr. Dancy for a number of years has been chairman of the fire department committee of the city council.

The examinations will be of a physical nature, testing the applicants' ability to endure the rigors of fire fighting. Men employed on the fire department when the civil service amendment was passed, last May 20, are not required to take the examinations.

Credit Luncheon Is Slated Today

At the Salem Credit association luncheon today noon, on the third floor of the Masonic building, further plans will be made for the entertainment of the state or organizations of credit bureau managers. The state meeting here has been changed from September 13 to September 26.

WARNER BROS. Elsinore

STARTS TODAY
Daring in its
unconcealed intimacies

Hectic in its throbbing story of a generation that parades its love in the sunlight—where once youth made love in the dark!

SINNERS in the SUN

A Paramount Picture with
CAROLE LOMBARD
CHESTER MORRIS
ADRIENNE JAMES
RAY GANT
ALISON SKIPWORTH

ADDED ENTERTAINMENT
"ROOM RUNNERS"
A Flip the Frog Cartoon
"Dancing Around the World"

"DOCTORS' ORDERS"
Hilarious Comedy
Metrotone News

WALKER FOE



James A. Finnegan, of New York, who represents a group of city taxpayers keenly interested in the Walker hearing before Governor Roosevelt. This group contends the Mayor has been inefficient and wasteful. Finnegan will take the stand in an attempt to prove the charges.

C. E. CONVENTION OPENS AT TURNER

Groups of young people from districts all over the state are convening at Turner with the starting of the 13th summer conference of the Oregon Christian Endeavor Union. The conference opens Monday and will continue until next Sunday.

The daily program as scheduled opens at 6:30 in the morning with breakfast and early morning devotionals including Bible study and meditation and study. This is followed by class periods with an assembly address by Dr. Walter L. Myers, pastor counselor of the Oregon Christian Endeavor Union, closing the morning session. After lunch the afternoon is spent at recreation of various sorts. At 5:45 supper is served followed by the evening service at 7 o'clock.

Ross Guiley is dean of the conference and other members of the committee are as follows: Registrar, Viola Ogden; publicity, Vesta Orlick; dean of girls, Hilda Anderson; business manager, Ely Walker and State President Ed Hoover.

REPUBLICANS FIND EAST IS RECEPTIVE

NEW YORK, Aug. 23.—(AP)—Favorable progress of the New England ballot drive was reported today by Senator Felix Hebert of Rhode Island, eastern republican campaign manager.

He said he expected Everett Sanders, national chairman, to come here Saturday with some announcement of what part former President Coolidge will play in the campaign.

While the speaking bureau was making plans for the stump-tour of Theodore Roosevelt, son of the late president, and governor of the Philippines, it was announced his mother, Mrs. Theodore Roosevelt, will take an active part in the campaign.

Trailer Upsets, Nobody Injured

Trailer of an Albany-Portland freight truck last night overturned when the new grade on the Pacific highway detour north of here crumbled, state police reported. The driver was not hurt but an axle on the trailer was broken.

AMY JOHNSON MAY TRY ATLANTIC HOP

LONDON, Aug. 24.—(AP)—Wednesday—Amy Johnson, wife of the trans-Atlantic flier, Captain James A. Mollison, is planning to duplicate her husband's example by flying the Atlantic alone from east to west next month, the London Express said today.

The British aviatrix was said to be practicing blind flying and piloting heavy planes at an air-drome near Southampton with the aspiration of being the first woman to complete a solo flight from Europe to the United States.

She told the newspaper she had discussed the subject with Captain Mollison but "not very seriously." Jim will be against it, I know," she added, "but I hope to be able to persuade him to let me go."

Mrs. Johnson, a bride of only a month, flew to Australia and back in 1930 to attain world wide fame and added to her laurels the following year by making a round-trip flight between London and Tokyo. The international league of aviators has designated her the world's premier woman flier.

Many Plants Speed up as Orders Come

HAMMOND, Ind., Aug. 23.—(AP)—The Hirsch shirt corporation has recalled 175 former employees preparatory to capacity operations during the next three months or more.

HOLYOKE, Mass., Aug. 23.—(AP)—The Holyoke and Brattleboro, Vermont, factories of the C. F. Church manufacturing company, subsidiary of the American Radiator and Standard Sanitary corporation, have been placed on a full time basis for several months on limited schedule.

NEW YORK, Aug. 23.—(AP)—A pronounced impetus in the foreign buying of copper has been noticed, observers say. In the silver market, active dealings pushed futures upwards 20 to 135 points.

CINCINNATI, Aug. 23.—(AP)—The American Rolling mill company plans to start its Ashland, Ky., blast furnace on September 1. It will give employment to approximately 100 men.

NEW YORK, Aug. 23.—(AP)—A survey recently completed showed 95 textile mills up to August 13 had added 4,061 employees since July 1. Heads of the mills reported that they expected the

Grand



You'll Be Shocked
As Love Clashes
With Revenge—
WHILE
PARIS SLEEPS

VICTOR
McLAGLEN
Helen Mack
William Bakewell

IT'S PAL NITE
BRING THIS COUPON

PAL TICKET
ADMIT ONE when
presented with one 25c
paid admission

GOOD TONIGHT ONLY
AUG. 24
GRAND THEATRE

HAVE
YOU TRIED
the
CLASSIFIED
COLUMN

The Call Board . .

By OLIVE M. DOAK

Warner Bros. Elsinore
Today—Carole Lombard,
Chester Morris in "Sinners
in the Sun."
Friday—Marian Nixon, Ralph
Bellamy in "Rebecca of
Sunnybrook Farm."

The Hollywood
Today—Maurice Chevalier
in "One Hour With
You."
Friday—George Sidney and
Charles Murray in "The Co-
hen's and the Kelleys."

GRAND
Today—Victor McLaglen
and Helen Mack in "While
Paris Sleeps."
Friday—Dorothy Gulliver in
"The Fighting Marshal."

upturn to carry through for several months, at least.

NEW YORK, Aug. 23.—(AP)—Member banks reporting to the federal reserve system for the week ending August 17, showed a total increase of \$25,000,000 in commercial deposits over the preceding week. Time deposits went down \$5,000,000, security loans decreased \$24,000,000 and other loans dipped \$23,000,000.

Buster Missing Since Saturday; Police Seeking

Charles Buster, 64, a California man, who was visiting relatives in Salem, has been missing since Saturday morning, police have been informed. He is believed to be suffering from loss of memory, since on another occasion he disappeared and was gone for five months. Mr. and Mrs. Buster were visiting at home of his half-brother Chester Skelton, on Ewald avenue, Salem heights. When Buster was last seen, he was dressed in labor attire.

Smalley Better After Operation

G. W. Smalley, head janitor for Salem public schools, who recently underwent a major operation at a local hospital, is getting along well, Superintendent George Hug reported after a visit yesterday. The patient, however, will not be able to return to work for several weeks.

San Francisco, Aug. 23.—

(AP)—The accuser became the accused today in the trial of Frank J. Egan and Albert Tinsin, charged with the murder of Mrs. Joseph Scott Hughes, elderly widow, as the defense began an attempt to prove that Verne Doran, charged jointly with the murder, committed the crime unassisted, while attempting a burglary.

Doran, chief prosecution witness, earlier testified that he and Tinsin killed Mrs. Hughes at the instigation of Egan, former San Francisco public defender. Both Doran and Tinsin were ex-convicts in the employ of Egan, and Doran testified that fear of being returned to prison, through revocation of parole, caused both to yield to Egan's demand that they kill Mrs. Hughes in such a manner that it would seem an accident.

Mrs. Marian Lambert, Egan's stenographer for seven years, was the last prosecution witness of a long procession. Mrs. Lambert testified to a hysterical outburst by Mrs. Hughes after she had waited for Egan several hours in his office. "Egan has my money and I want it," cried Mrs. Hughes, according to the stenographer's testimony.

The decision marks another step in an