COUNCIL TAKES SUDDEN ACTION

Only Vocal Opposition is Heard From Vandevort; Says Price Too High

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promptly adopted last night, bore evidence of pre-session consideration by the council. Only Alderman Henry Vandevort attacked the measure.

"You birds should want a record vote on this resolution," Vandevort shouted. "It will hang around your necks like a millstone. All I can say is that the water company did a good job in the last election. You fellows are a hot set of business men, giving the company $60,000 more than the plant is worth."

Vandevort then served notice on the council that he would start an injunction proceeding today to restrain the mayor, the city recorder, the city attorney and the council from completing the deal. Vandevort's counsel indicated the suit would be based on the allegedly excessive price paid by the council, on the illegality of making an offer to buy after the condemnation proceedings had started and on the lack of authority in the city to buy the plant since a former offer had been rejected.

Joining with Vandevort in voting no were Aldermen Boatwright, Daus and Perrine. All other councilmen voted for the resolution calling for the purchase of the plant.

Selling Bonds Only Remaining Problem

Aside from the threatened injunction suit, the only barrier to completion of the purchase deal is the sale of $1,000,000 in water bonds to provide the city with cash for the plant's purchase. Councilmen said last night the city would have no difficulty disposing of these bonds at not to exceed three per cent a year, a rate two per cent less than was talked 12 months ago when purchase by the city was considered.

The terms of the city's purchase, tentatively accepted by the water company, are as follows:

The effective date of the transfer is to be on or before August 1, 1935.

The price of $1,000,000 does not include the working capital of the water company—its cash on hand, accounts receivable or inventories.

Any additions to the plant since condemnation proceedings started December 27, 1934, are to be added to the purchase price, the sellers subtracting from that sum all retirements from the plant made since the same date.

The city agrees to cooperate with the company in the collection of accounts receivable incurred befor August 1, 1935, but not paid at the date the city takes over the water plant.

Negotiations Known But Action Surprise

The buyer and the seller stipulate that existing condemnation proceedings shall be dropped.

While negotiations looking toward purchase of the water plant here are known to have been going on for a fortnight, the council's action last night was unexpected. For weeks the city has been preparing to go into court with its condemnation proceedings. W. C. Winslow and Custer E. Ross, local attorneys, had been retained to represent the city and John Cunningham, engineer, was preparing engineering data for the city's use in presenting its case. Estes Snedecor, Portland attorney, had already been designated by Federal Judge Fee of Portland, as special auditor to take testimony on the water plant's valuation for use of the court.

Bonds the city proposes to issue will be put out for a 25-year period. Eastern firms are reported to be eager to submit bids on the securities which will be both a general obligation on the water plant the city acquires and on the full faith and credit of the municipality.

The operation of the water plant, once it is acquired by the council, will immediately vest in the city water commission, which has already been elected by citizens of the community.

"I believe the purchase of the plant now is wise," Mayor V. E. Kuhn stated after the meeting. "Had arbitration proceedings been completed I am confident the city would have paid at least $1,100,000 for the plant. We might readily have paid $25,000 or more in condemnation proceedings. Our expenses in such proceedings would have been very heavy. Considering the low interest rates now prevailing, the profits the city can earn on the plant in the period of time litigation would have required, I am satisfied the $1,000,000 price is not unsound."

The Call Board . . .

GRAND

Today—Spencer Tracy in "It's a Small World."
Wednesday—"Unwelcome Stranger" with Jack Holt.
Friday—On the stage, the Crockett family, radio stars and "Swell Head" with Dickie Moore on the screen.

ELSINORE

Today—Victor Herbert's "Naughty Marietta" with Jeanetie MacDonald.
Wednesday—"The Bride of Frankenstein" with Boris Karloff.

CAPITOL

Today — Double bill, Rudy Vallee in "Sweet Music" and Paul Muni in "I Am a Fugitive From a Chain Gang".
Thursday—Double bill, Lowell Sherman's "Night Life of the Gods" with an all star cast and western, "Frontier Days".

HOLLYWOOD

Today—"One More Spring" with Janet Gaynor.
Wednesday—Double bill "The Gay Bride" with Carole Lombard and "A Wicked Woman" with Mady Christians.
Friday—Double bill, John Wayne in "The Texas Terrior" and "Million Dollar Baby" with Ray Walker.

STATE

Today—"Dangerous Corner" with Conrad Nagel.
Wednesday—First run, "The Unfinished Symphony", plus a color cartoon on "The Headless Horseman".
Saturday—Kermit Maynard in "Northern Frontier".

NOTABLE MUSICAL PICTURE AT STATE

"The Unfinished Symphony," a GB musical film drama featuring Helen Chandler, Marta Eggerth and Hans Jaray, opens Wednesday at the State theatre. It is said to be one of the most daring revelations of a great love ever brought to the screen—a woman's heart that cried out for love to the strains of mad gypsy music—a woman known to history as the Countess Esterhazy. But to the great musical genius who loved her she was the inspiration for a great love—unrequited—and a great symphony—unfinished.

What was the strange fate which prevented Franz Schubert from completing his musical masterpiece?

Woven around the immortal music of Schubert, filled with the beauty and profound emotion of a great love, "The Unfinished Symphony" furnishes the answer to these questions which have perplexed the world for years.

In "The Unfinished Symphony" will be heard the matchless voice of Marta Eggerth, singing Schubert's Ave Maria and Serenade and some wild gypsy songs. Also will be heard, but not seen, the Vienna Philharmonic orchestra, the chorus of the State Opera at Vienna, the Vienna Boys' Choir and the Gypsy Band Gyula Howath.

OLD WALLS SHOULD COME DOWN, RULED

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favoring the diversion of gasoline taxes as a direct and painless way of erecting a new capitol structure.

"It is quite evident," Governor Martin continued, "that other crack-pot ideas will be advanced from time to time."

Governor Martin pointed out that under a federal act states diverting highway funds for purposes other than road building and maintenance would be penalized by the government.

SIX-YEAR WATER CAMPAIGN ENDED

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ed in an unfavorable supreme court decision late in 1931.

Once again a water bond amendment, providing for issuance of up to $2,500,000 worth of city securities, was put to vote, at a special election in December, 1931. Again it carried 2 to 1. Along with it an advisory ballot as to the source of water resulted in a heavy vote favoring the Little North fork of the Santiam river over either the Willamette river or wells. The total vote, however, was light and later led to charges that it was not representative of the entire city.

In 1930 the Oregon-Washington Water Service company started construction of a filtration plant but halted operations there abruptly when the city council refused to promise to pay the additional costs of the improvement should the city buy the system. Concrete and steel work lie weather scarred, untouched since that time.

As provided by the 1931 charter amendment, the council made a purchase offer to the company, $850,000, and was turned down. When it appeared that federal funds might be borrowed to build an entirely or partly new system, application was made to the reconstruction finance corporation. The RFC gave way to the PWA as lending agency before progress toward a loan went far.

Under Mayor Douglas McKay's regime the council authorized condemnation proceedings against the water company, as provided by the charter amendment. These dragged on, shunted from circuit to federal court, were halted for a time, then picked up again.

Meantime the public works administration had allocated a $1,500,000 loan-grant to Salem to build a mountain supply line. As proceedings to acquire the system ran slowly, PWA threatened withdrawal of the allocation but later, urged by Senator Charles L. McNary, increased it to $2,500,000. The city appeared unable to meet PWA limitations.

On the suggestion of PWA officials the city last September undertook to set a price of the system by arbitration. The council, however, last December refused an extension of time when the arbiters failed to make their report in the allotted 75 days. Condemnation action was resumed.

A group of councilmen a few months ago unofficially offered the water company $940,000 for the system. The offer was rejected.

As the council passed its purchase resolution last night special counsel for the city was preparing to present its condemnation evidence before Estes Snedecor, auditor appointed by Federal Judge Fee.

WALLER SERVICES SCHEDULED TODAY

(Continued From Page 1)

prominent in the life of the city.

He was a gunsmith by trade, considered a master in that calling—at a time when the use of guns meant gaining the necessaries of life and the protection of it from actual and threatened Indian invasions. In his generation "Atch" Waller was one of the most popular residents of the capital city.

Mr. Waller January 19, 1856, married Mary L. Chamberlain, daughter of a pioneer Methodist missionary. She died March 7, 1924. Surviving are a daughter, Mrs. Elepha Bond of Turner; three sons, Albert F. Waller of Salem, George C. Waller of Alameda, Calif., and Orrin Waller of Turner; five grandchildren and two great grandchildren.

Rev. A. F. Waller came to the Oregon country with Rev. Jason Lee on the ship Lausanne and attained prominence in spreading Methodism in the northwest. He erected at Oregon City the pioneer Methodist church building there, the first protestant church built west of the Rocky mountains. The 1847 Oregon provisional government legislature convened in that church, as well as many other historic meetings of Oregon's early days.

Rev. Waller also supervised the building of Waller hall and was largely responsible for soliciting and collecting the funds to complete that historic structure at a time when upon its completion almost if not entirely depended the very life and continuity of the institution.

of the council pursuant to direct charges made on the personal responsibility of the complainants, rather than in furtherance of wholesale, generalized indictments of undisclosed critics." This report, signed by David O'Hara, chairman of the committee, and four other aldermen, was adopted by the council prior to passage of the resolution calling for the naming of a special investigating group to hear charges against Hutton.

The O'Hara committee declared that investigation of charges against Hutton by the civil service commission, would mean ap-

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