

## Speculation on New Justice Waits Governor's Return

By WILLIAM WARREN  
(United Press Staff Correspondent)

Number one question among capital observers is: Who will be the next justice of the Oregon supreme court?  
Gov. Douglas McKay, in Washington, D. C., today to attend a congressional hearing on the proposed Columbia valley authority, is expected, as soon as he returns to Oregon, to name a successor to Justice Percy R. Kelly, who died June 14.

A lot of speculation has been going on here as to the man Gov. McKay will appoint to fill the high court vacancy. Many, without naming names, have guessed that the appointment might come from eastern Oregon, which is not now represented on the supreme court bench.

Three of the justices are from Portland—Chief Justice Hall S. Lusk and Justices George Rossman and J. O. Bailey.

Acting Chief Justice James T. Brand is from Coos county, on the coast. Justice Harry H. Belt, dean of the bench, is from Polk county, in the Willamette valley. And Justice Arthur D. Hay is from Lake county, in southern Oregon.

So, say observers, McKay may name a man from eastern Oregon to the bench to succeed Kelly, who came from Linn county, also in the Willamette valley, since eastern Oregon is missing in representation now.

Belt has been on the supreme court bench since 1925, following his first election. Rossman was appointed by Gov. I. L. Patterson in September, 1927, after the death of Justice George H. Burnett. Bailey was elected and took office in January, 1933. Lusk was appointed in July, 1937, by Gov. Charles H. Martin.

Brand was named in May, 1941, by Gov. Charles A. Sprague, after the death of Justice Henry J. Bean. Sprague also appointed Hay in December, 1942, after the death of Justice John L. Rand.

Kelly had served since September, 1930, when Gov. A. W. Norblad appointed him after the death of Justice Thomas A. McBride.

Each justice is elected for a six-year term.

The terms of Lusk, Bailey and Hay expire in January, 1951. Rossman's term is up in January, 1953. The terms of Belt and Brand expire in January, 1955. Kelly's term was also until 1955, but the man Gov. McKay names to succeed him will serve only until the elections of 1951.

The high court holds forth in

its own building, into which it moved in February, 1914. The several justices have their offices on the third floor, and sit in judgment in the supreme court room, also on the third floor, beneath a stained glass dome which bears the seal of state.

On the second floor is the supreme court library, considered one of the best in the country. Guiding influence is E. N. Giltingham, librarian since 1908, except for one three-year period.

On the first floor are the attorney general's office and the office of supreme court clerk. Dean of the entire supreme court building is Arthur Benson, clerk of the court. He was named deputy clerk in 1902 and has been with the high court ever since. He was appointed clerk in February, 1918, after the death of Judge H. C. Moreland. Benson, from Klamath Falls, has served with 31 justices. His father, Henry L. Benson, was Klamath county circuit judge, and supreme court justice from 1914 to 1921.

Able assisting Benson is Dorothy Cornelius, deputy clerk since February, 1946, and with the office for some 10 years before that.

Origins of the court go back to provisional government days. In 1841 Dr. Ira L. Babcock was appointed supreme judge of Oregon, with probate powers. Under the territorial government, the supreme court was created, with William P. Bryant as first chief justice.

When Oregon became a state in 1859, the legislature created the supreme court, with circuit judges of the state making up the body. There were only four circuit judges then. But the number increased as Oregon's population increased, and in 1878 the legislature created the high court as a body separate from the circuit judges.

James K. Kelly was first chief justice. The court continued with three justices until 1909, when the legislature increased the number to five.

In 1913, the legislature again



**Long Hair**—Reuben Lindstrom (above), has his own "cure" for heart trouble, removed from a freight train by railroad police in Buffalo, N. Y., the 55-year-old itinerant worker said whenever he cuts his hair, he gets heart trouble. For the past 25 years he hasn't had a haircut. (Acme Telephoto)

## Caterpillar Invasion Reported on Coast

Tillamook, June 24 (AP)—The caterpillars are apparently crawling south from Clatsop county.

A heavy infestation was reported in this area today, about a week after a similar plague was noticed in Clatsop county. Considerable damage to fruit orchards and to alder trees was reported.

increased the court, to seven justices—the number at which it still remains. One of the two extra justices appointed by Gov. Oswald West was Charles L. McNary, who went on to be one of Oregon's illustrious U.S. senators and one-time republican nominee for vice president.

It is to this historical, highest court of Oregon that Gov. McKay must name a justice. Indications are that, as soon as he returns from the national capital, he will make known his choice—probably by Monday.

## Bank Opening Dinner Planned

West Salem, June 24—Opening of West Salem's first bank, a branch of the United States National of Portland, on Monday, July 11, will be celebrated at a banquet on the evening of the opening day.

The dinner, with leading men of the bank, the state and the community on the invitation list, will be at City hall, and will be under the sponsorship of the West Salem Lions club. It will start at 6:30.

Governor Douglas McKay will be master of ceremonies. He will introduce Charles A. Sprague, former governor, who will introduce the main speaker, E. C. Sammons of Portland, president of the United States National. An entertainment feature will be arranged.

Among others attending will be Senator Dean Walker of Independence and Representative Lyle Thomas of West Salem and several Polk county officials. The Salem Chamber of Commerce will be represented by Manager Clay Cochran.

## Brownsville Times Sold

Brownsville, June 24 (AP)—The Brownsville Times, a weekly newspaper published here for the last 61 years, has been sold by Mr. and Mrs. L. E. Giles to Mr. and Mrs. John L. Roberts of Yakima, Wash.

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## Runaway Balloon Shot Down by Pilot

Elkhart, Ind., June 24 (AP)—A huge advertising balloon which snapped its cable in Chicago and soared 140 miles, was shot down over Elkhart yesterday by an Illinois national guard pilot.

The 38-foot sausage-shaped balloon broke its quarter inch

steel mooring cable during 33-mile an hour winds which raked Chicago for a short time late yesterday. It soared about 140 miles across Lake Michigan to Elkhart in northern Indiana.

## Mine Cave-in Kills 13

Tokyo, June 24 (AP)—Cave-ins at three mines in the typhoon area of southern Japan killed 13 miners, Japanese press reports said today. The cave-ins were blamed on floods and

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