

The News-Review

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WATER CONTROL POLICY

By Charles V. Stanton

Efforts of the Oregon State Water Resources Board to establish water use programs for the various streams of the state have been critically complicated by court decisions, reports L. C. (Jack) Binford, chairman of the board. The "confused" state of water policy was pointed out by Binford as he spoke Saturday at the meeting of the Oregon Wildlife Federation at Bend.

Pointing to what he termed a "state of confusion" regarding water law, he said that the Oregon Supreme Court has seldom been in agreement on water law, that the U. S. Supreme Court was divided on the Pelton decision and that the Supreme Court of California only recently gave a decision by a margin of one vote to a new "trust theory" of water ownership.

The Oregon Water Resources Board, Binford said, is proceeding with its duties as outlined by Oregon law, but finds the Oregon law to be in conflict with federal policy in several cases.

Pelton Dam in Deschutes County, said Binford, is being built without a license from the State of Oregon and without paying a fee as has been required of other private hydro-electric projects. Idaho Power Company is under indictment for commencing construction without a license from Oregon.

As further complication, Idaho power has made application for license for the three dams referred to in the indictment while Congress has under consideration a bill which would authorize a high dam to flood out the three Idaho Power Company sites.

Practices In Conflict

Much of the confusion, Binford explained, stems from legal concepts of water rights.

Water laws following the riparian rights theory and practice were brought to this country from England, he said. By this theory an owner of land adjacent to a stream had a right to continuous flow with no unreasonable detention or diminution. He could use it for domestic and stock watering and might use it for irrigation or industry within reason. Owners of land not adjacent to the stream had no right to use the water at all.

But a new concept of water rights developed in the West.

The West, at the time of the gold rush, was almost entirely public domain. The gold miner staked out a mineral claim and a water right, and defended both with a gun. Land settlement resulted in similar "appropriations" for agricultural purposes. Range wars were fought over water rights.

The doctrine of "appropriation" as practiced in the West was written into territorial and state laws. These laws were recognized by the federal government in the Desert Land Act of 1877.

For nearly a century, Binford reported, eastern states have practiced the doctrine of riparian rights while the law of appropriation has been observed in the West.

States' Rights Invaded

The United States Supreme Court violently upset all previous practice when it ruled in the Pelton dam case that the Desert Land Act of 1877 did not apply to "reserved" federal lands thus retaining riparian rights with the federal government. Inasmuch as Pelton Dam stands on land controlled by the federal government, the court denied the right of the State of Oregon to veto construction. The state contended that it had jurisdiction, inasmuch as the Deschutes River lies entirely within the state of Oregon, and that the law always has recognized the right of a state to manage the water within its borders.

More than one-half of the land in Oregon is federally controlled, Binford pointed out, and a substantial amount is of the reserve class, which includes forest reserves, grazing lands, Indian land, military reservations, wildlife refuges, parks and wilderness areas. Furthermore almost all of the streams flow from federal lands.

The water resources board is charged by the State of Oregon with setting up policies of water use. Binford is questioning how such a policy can be set up and maintained when the federal government can establish regulations for its half of the land while the state must develop a policy for the other half, although each has a different doctrine or law governing regulation.

Binford has pointed out what is indeed a "state of confusion." The U. S. Supreme Court gave a divided opinion. It is about as hard to get a court to change a decision as it is to get a baseball umpire to reverse himself, but it would seem that Oregon should keep exerting every possible effort to secure a restoration of the state's authority over water within its own boundaries if we ever are to have a safe policy of water control.

2 Women Freed By High Court In Crimes Abroad

WASHINGTON (AP)—The Supreme Court Monday reversed itself and held civilians who accompany the armed forces overseas are not subject to military trial for crimes committed abroad.

The tribunal's first decision—by a 5-3 vote announced June 11, 1956—upheld the authority of military courts to try civilians.

Then lawyers for two women convicted abroad of murdering their husbands won a reconsideration of the decision on the ground that constitutional questions had been left unresolved.

The women involved are Mrs. Dorothy Krueger Smith, convicted in Tokyo for the stabbing of Col. Aubrey D. Smith, and Mrs. Clarence B. Covert, convicted in England for the murder of M. Sgt. Edward E. Covert. Both women got life sentences.

Monday's ruling—by a 6-2 vote—means that both women are free.

No civil court now has jurisdiction to try them on the murder charges.

Cut In Siuslaw Forest To Go Up This Year

WASHINGTON (AP)—The allowable timber cut in the Siuslaw National Forest should go up substantially this year, Rep. Porter (D-Ore.) reports.

He said the Forest Service reported that a recent inventory showed an increase from 13 to 21½ billion board feet of merchantable timber in the forest. It was the first inventory since 1936, he said.

Similar inventories are being made on the Umpqua, Siskiyou and Rogue River National forests.

Port Of Portland Plans Industrial Development

PORTLAND (AP)—Port of Portland plans to develop 350 acres in industrial sites along the Willamette River in the Swan Island and Moxie Bottom areas, were disclosed recently by John J. Winn, Jr., port manager.

He said such a development would cost about seven million dollars.

Winn outlined the proposed program to the county tax supervising commission as it held a hearing on the port budget.

"And He Was So Delicate at Birth, Too"



Reader Opinions

City Council Procedure In Taxicab Controversy Receives Clarification

To The Editor—Over the last few months several articles have appeared on the front page of your newspaper and on other pages as paid advertisements, regarding the so-called "fight" of a Mr. Truman Ellis to obtain a license to operate a taxicab business in Roseburg. As a result of reading these articles and advertisements, your readers could hardly conclude other than that the council or the city administration was actually attempting to prevent Mr. Ellis from obtaining a license. Such a conclusion could not be further from fact.

The facts are that the thought of changing the taxicab ordinance from the form as it existed at the time was conceived about a year and a half ago, before Mr. Ellis even applied. There were at least three reasons that the council contemplated a change: 1. The old ordinance did not specifically provide for more than one taxi company. 2. The license was issued on a year-to-year basis which it was believed to be too short a term considering the investment that was needed in automobiles and equipment necessary to take care of the taxi transportation needs of the city. 3. The fares were computed on a zone basis which caused some continual confusion and dissatisfaction by some passengers and was the subject of many complaints to the city.

You may well ask at this point why it has taken this much time to get a revision. At about the same time, the city had budgeted some funds to be used for a study and revision of all the old city ordinances by the Bureau of Municipal Research, and it was intended that the taxi ordinance be taken care of in its turn. Before this could be done, some time had elapsed and Mr. Ellis made application for a permit to operate under the old ordinance.

The council appointed a committee to investigate the taxicab situation and make a recommendation. The committee wrote to about fifteen cities and also the League of Oregon Cities for copies of ordinances and rate schedules pertaining to taxicab operations in Oregon. We received more than twelve returns, which were given study and consideration and used as a starting point. At the council meeting of February 11, the committee made a report recommending that a complete new ordinance be compiled, stating in part: "The Roseburg ordinance should be revised so as to require certain provisions that would be more applicable to all persons interested in operating a taxi system here." Furthermore, it went on to recommend a three-year non-exclusive franchise, twenty-four-hour radio controlled service, taximeters, and a performance bond.

The city council accepted this report and instructed the committee to work with the city manager and city attorney in drafting the new ordinance. This required some time to accomplish, but in March this new ordinance was presented to the council, passed and put into effect.

Of course Mr. Ellis was disappointed in not getting a temporary permit to operate under the old ordinance with his one or two cabs. However, he was consulted by the committee, and the new ordinance was completed and informed what the new provisions would likely be. He indicated that he could and would comply with them. The same consultation was held with the present taxicab company and they also indicated that they could and would comply.

Mr. Ellis, with the very evident assistance of your newspaper reporter, has succeeded in painting himself in the role of the little guy, or underdog, struggling against a big bureaucratic city that seeks to deny him a means of livelihood. This real-life drama as it has been so aptly played on the front page of the newspaper, undoubtedly makes a real good story, but

it leaves much to be desired in the way of factual presentation. It may be of interest to mention that Mr. Ellis has not been out of work during this time. He has a job in a local plant, and he also has been operating his taxicab in Winston during his off time.

Let's look at the article by your staff writer which appeared on the front page of the May 21 edition. He states in large print, "Taxi Battle Waxes Hotter With Increased Rates O.K." What battle? Mr. Ellis did not at that time, if now, have the rolling stock necessary to engage in taxi service and qualify for a license. Then in the third paragraph your reporter states, "The rates approved for Roseburg Cab are 20 cents per mile higher than those sought by Ellis."

This is a half truth. For the first mile of travel only, they are 20 cents higher. The rate after the first mile is identical to that asked by Mr. Ellis. Then again in the fourth paragraph he states, "For each additional quarter-mile the fare would be hiked 10 cents." This again gives the impression that the ten cents per quarter mile rate is an increase, and that asked by Ellis, when it is not.

In another previous article by this same staff writer, I was even quoted incorrectly! It would seem that a little more attention could be given to presenting the facts and less to coloring up the story. The net result would be more advantageous to all concerned.

I fail to see any similarity between John Paul Jones and Mr. Truman Ellis, as he is quoted in Saturday's paper. Mr. Ellis has no opponent that I know of to fight. All he needs to get started are the cabs, which he says are coming shortly, a performance bond which costs about \$25.00 per year, and a schedule of approved fares. The same things required of the present taxi company, and any future additional operators.

Now about the fares. There are ample and sufficient safeguards written into the new ordinance which will supply any information the city may need at any time to insure that no taxi company will make an exorbitant profit, or for that matter, an insufficient profit. Whatever fare is approved will be based on realistic estimates, and if later found in need of alteration, this can be done. Mr. Ellis may rest assured that he will be granted a rate to operate under. His apparent argument seems to be that he wants less money. Even if he loses this argument, he can't help but win.

The serious aspersions cast by Mr. Ellis about "strong pressure" being brought to bear to block his getting into the cab business is just pure bunk. I personally know of no such pressure by any member of the taxicab committee, the city council, or the city administration. If Mr. Ellis has any proof of such an allegation I certainly invite him to present it publicly. One can understand his restlessness to get started in business, but it is not easily understood why he feels he must carry on a campaign of aspersions, ridicule and confusion.

Upon several occasions in your editorial column, you have referred to the skill demonstrated by a "friend" of yours in the Senate in the art of getting free advertising on the editorial page. I think we have seen a good demonstration here locally of how to get free advertising on the front page.

Mr. Ellis' latest printed remarks remind me about the fella that unexpectedly stumbled into the river. Immediately he began thrashing wildly about, all the while shouting for help. Finally, someone on the bank yelled to him to get on his feet, and there he was, only waist deep.

James O. Knutson, Chairman, Taxicab Com., Roseburg City Council

TRUCK BLOW FATAL

OREGON CITY (AP)—A pedestrian carrying a can of gasoline across the street Saturday when hit by a truck, died Monday. He was Otto W. Tanninen, 60.

Stepovich Becomes 15th Governor Of Alaska Saturday

JUNEAU, Alaska (AP)—Michael A. Stepovich, 38-year-old son of an Alaska pioneer, became the 15th governor of the territory Saturday and set statehood as a prime goal of his administration.

Stepovich is the first "home-grown" Alaskan to hold the territory's top office. He was born in Fairbanks, where his father remained after success in the gold rush.

The new governor, appointed by President Eisenhower, is the father of seven children. He is a law graduate of the University of Notre Dame and has a law office at Fairbanks. The governorship carries an annual salary of \$19,600.

Stepovich, a Republican, took a moment in his inaugural address to "pay tribute to many individuals of the Democratic Party, including our able delegate to Congress and the Alaska Tennessee Plan delegation," who have worked for statehood.

E. L. Bartlett is the delegate. Anticipating statehood, Alaska elected "senators" Ernest Gruening and William Egan and "representative" Ralph Rivers, all Democrats, and has sent them to Washington.

Saying Alaska was suffering "growing pains," the governor added: "Our territorial agencies and departments are growing — and in many cases it pains us to foot the bill." He pledged a program of tax equalization "based on sound but economical government operation."

Stepovich takes over the executive post from Waino Hendrickson, acting governor since Gov. B. Frank Jentzenman resigned last January.

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Forest Tree Seedlings Contract Let By State

PORTLAND (AP)—John B. Woods & Sons, Inc., Salem, has been awarded a \$107,767 contract for production of some 14 million forest tree seedlings, the regional interior department office here announced Monday.

The project involves planting of various types of seedlings needed for the 1957-58 planting season in western Oregon.

TO MEET JUNE 17

The next meeting of the Roseburg Town and Country Garden Club has been scheduled June 17 at the home of Mrs. L. E. Adams at 377 SE Fowler St.

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