

Governor Offers Murphy Real Estate Post

The Weather
Partly cloudy today and Wednesday, rising temperature Wednesday. Max temp. Monday, 56; min. 40. River -1.4 feet. Wind SW.

High Tribunal Strikes Down On Hague Law

Jersey City Ordinance Is Held Violation of Rights

Milk Marketing Control Held Constitutional in Ruling

WASHINGTON, June 5—(AP)—Winding up a busy term, the supreme court today struck down a Jersey City ordinance which prevented CIO meetings, upheld the administration's milk marketing controls and declared the unratified child labor amendment is still alive, although 15 years have passed since congress submitted it to the states.

In its 5 to 2 decision in the Hague-CIO case, the tribunal sustained injunctions against Mayor Hague and other city officials issued by the federal district court for New Jersey and the federal circuit court at Philadelphia.

Writing the majority opinion on the ordinance, under which a permit was required to hold meetings in streets and parks, Justice Roberts declared it violated the constitutional right of free assembly. He said that CIO members were "free to hold meetings without a permit and without regard to the terms of the void ordinance." He added: "Streets and Parks For Public Use."

"Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for the purposes of assembly, communicating thoughts between citizens, and discussing public questions."

"Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights and liberties of citizens."

Justice Stone said in a concurring opinion that he saw no reason for basing the decision on the "privileges and immunities clause of the 14th amendment," as he deemed the court to have done.

Stone said the "real issue" was whether the city had a right to sue for protection under the due process clause.

"It is enough," he said, "that petitioners have prevented respondents from holding meetings and disseminating information for the organization of labor unions or for any other lawful purpose." Justice McReynolds and Butler dissented.

At Jersey City a spokesman for Hague said the city administration would follow "implicitly" the court's ruling.

Milk Regulation Constitutional

In two sweeping decisions, the court declared that the regulation of milk marketing in the New York and Boston areas through the fixing of minimum prices and the pooling of returns was constitutional. Similar marketing controls are in operation in 28 other areas.

The regulation was established under the marketing agreements act of 1937, designed to stabilize the milk industry. Rejecting two attacks on this act's validity, the majority opinion read by Justice Reed declared that "the authority of the federal government over interstate commerce does not differ in extent or in character from that retained by the states over intrastate commerce." The power enjoyed by the states to regulate the prices of handling and selling commodities within their internal commerce rests with the congress in the commerce between the states.

By a five to four decision the high court reversed a federal district court ruling invalidating the New York marketing order promulgated last September 1 and by a six to three ruling it sustained another federal court ruling upholding the constitutionality of the Boston order.

Chief Justice Hughes and Justices McReynolds, Roberts and Butler dissented from the New York opinion but only McReynolds, Roberts and Butler dissented in the Boston case.

E. P. Hoyt Granted Honorary Degree

McMINNVILLE, June 5—(AP)—An honorary degree of doctor of laws was conferred yesterday by Linfield college upon Edwin Palmer Hoyt, publisher of the Portland Oregonian.

Marshall N. Dana of The Oregon Journal conferred the degree at commencement exercises for 100 students.

President William G. Everson bestowed honorary doctor of divinity degrees upon Everett Stanley Burket of Pasadena, Calif., associate secretary of the American Baptist Foreign Missionary society, and Herschel L. Caldwell, pastor of Grace Baptist church, Spokane.

Refugees From Wrath of Nazis Give Worries to Cuban Chiefs

Refugee women and children of the German liner St. Louis, which for the past few days has been anchored off the coast of Cuba, as they appeared at Havana. Cuban officials made the shipboard "wandering Jews" leave, but they had nowhere to go. Cuba may now permit them to land for a temporary stay on the Isle of Pines.



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Wandering Jews Granted Landing on Cuban Islet

Cuban President Says 907 Refugees May Debar on Isle of Pines if They Agree Stay Will Be Only Temporary

HAVANA, June 5—(AP)—The wandering liner St. Louis today was granted conditional permission to land its 907 refugee German Jews on Cuba's Isle of Pines for a temporary stay.

President Federico Laredo Bru, granting the qualified permission, gave Jewish aid organizations until tomorrow noon to accept the conditions.

Laredo Bru said the refugees might land if they agreed to live in a concentration camp which would be established on the Isle of Pines and if guarantees were given that their stay would be temporary.

Many of the refugees on the liner, which is cruising off the Florida coast, had expected to live temporarily in Cuba, hoping to be admitted later to the United States under quota provisions.

President Bru explained that on May 5 he had told Luis Clasing, Hamburg-American line representative in Havana, that refugees the company was planning to transport to Havana on the St. Louis would not be admitted unless all legal details had been fulfilled.

These details, under a decree (Turn to page 2, column 6)

Mystery Shot Is Fatal for Woman

PORTLAND, June 5—(AP)—A mysteriously discharged bullet which wounded Mrs. Frank D. Hittner, 76, Portland, while she was attending a reception for a priest at Mt. Angel, caused her death today.

Mrs. Hittner was wounded May 21 as she sat in the home of Mr. and Mrs. Joseph Brockhaus. The bullet penetrated her right lung.

Police were unable to determine the source of the bullet but tentatively decided it came from a passing automobile.

The reception was in honor of the Rev. Thomas Brockhaus, OSB, son of the hosts.

"Citizens" May Sue Council At Silverton Over Spending

SILVERTON, June 5.—That suit against Silverton's city council and its mayor is threatened by "a group of substantial citizens" is the report which L. C. Eastman, former mayor, brought to the city council at its Monday night meeting.

The suit, Eastman explained, will refer to the last bond election. The election called for the building of a disposal plant and an outfall sewer and the connection between the outfall sewer and the present sewer line, Mr. Eastman said.

"These citizens to whom I refer have obtained the opinions of three reputable lawyers whose opinions would be accepted anywhere, I believe, and in their opinion the city council and the mayor are directly responsible for the expenditure of any funds above that for the disposal plant and the direct connection from it to the present sewer," Eastman continued. He went on to say that the resolution passed last week at

Two Attempts Made to Hurt Royal Persons

Shotgun Fired as Kent's Duchess Leaves for Theatre

Irish Republican Army Leader Is Held by G-Men Here

LONDON, June 5—(AP)—A sawed-off shotgun was fired near the Duchess of Kent, sister-in-law of King George, and at about the same time tonight a glass panel was shattered mysteriously at the name of the princess royal, the king's only sister, in two apparent attempts to terrorize or injure them.

Scotland Yard, investigating both incidents, was reported to have under consideration whether responsibility lay with the Irish republican army or its sympathizers who have been charged by police with waging a campaign of bombing and terrorism in England. The campaign earlier this year caused the Duke of Kent to cancel a tour to northern Ireland.

The duchess, beautiful and one of the most popular members of the royal family, was leaving her fashionable Belgrave square home for the movies when the shot was fired.

Duchess Not Injured She was not injured and was said not to have been aware of the incident, which occurred between 10:30 and 11 p.m. (5:30 and 6 p.m. EST), until after she had viewed the film "Wuthering Heights" at the Gaumont theatre. With her was Lady Portarlington. Police overpowered and arrested an unidentified man seen near the Duke of Kent's house shortly after the shot was heard and later picked up the shotgun in the square. The man was taken to the Gerald road police station where he was held for questioning.

The Mirror said the man was an elderly Australian who arrived in London three weeks ago.

The Duke of Kent is to leave England in October to assume the duties of governor general of Australia.

Police Guard Duke's House The Duke of Kent, who had dined with the Duchess at home, had left a few minutes before her to fill a speaking engagement. He was advised of the shooting upon his return home, and police immediately put a guard around the house.

Detectives said they had found a circular hole in the center of a pane of a bay window when they were held for questioning. The Earl of Harewood, husband of the princess royal.

The glass around the hole was splintered and a missile had penetrated the blind behind the window. The hole was about nine feet from the ground as if made by an air-gun pellet.

Both the princess royal and the Duke of Kent are councillors of state in the absence of King George VI and Queen Elizabeth in Canada and the United States.

DETROIT, June 5—(AP)—Federal agents tonight took into custody Sean Russell, a reputed leader of the outlawed Irish republican army, and were reported holding him incommunicado. King George VI and Queen Elizabeth are due in Windsor, Ont., across the Detroit river, tomorrow.

The Free Press said a man accompanying Russell was identified as Joseph McGarrity of Philadelphia, who it said was known as an IRA leader in the United States. He was not held, however.

The two men were accosted by government men as they were about to enter a taxicab in front of the Michigan central railway station.

Russell was said to have been touring the United States making speeches. The IRA, a major figure in Ireland's fight for independence, is outlawed in Ireland and has been suspected in connection with recent bombings in England.

Russian Artillery Battles Japanese

TOKYO, June 6—(Tuesday)—(AP)—Soviet Russians and Japanese fought a three-hour artillery battle late Monday near Changkung in the Manchoukou-Siberian Korean border area, the newspaper Asahi reported today in a dispatch from Hunchun.

Near the end of the battle, the newspaper's correspondent reported, Russian infantry charged against the Japanese positions, but was forced to retreat and leave the bodies of two soldiers on the field. Other dead were carried away. One Japanese was killed.

The newspaper said the Russians now were building concrete trenches to hold their positions.

Duchess Escapes Terrorist's Aim

Will Serve as Alderman From Ward Seven in Clark's Place

\$250 Given to Cherrians to Aid in Building Salem Float

Harold Pruitt, Statesman circulation manager, was last night unanimously elected to the city council as alderman from ward seven. The election was preceded by a secret caucus of the council in which it was said Pruitt polled an 8 to 5 majority over Robert B. Stoughton, generally understood to have been Mayor W. W. Chadwick's candidate.

Pruitt was elected to fill the vacancy caused by the resignation of Willis Clark, who has moved to Spokane. Alderman Pruitt will serve on the same regular council committees as did Clark, it was announced by Mayor Chadwick. They include chairmanship of the bridges and approaches committee and membership on the street and airport and aviation committees.

Nominated by Alderman Lawrence N. Brown, Pruitt was unopposed in the council election. "I look forward to an association with some of the finest men in Salem," said Pruitt after being contacted by his seat by Alderman C. F. French.

\$250 Is Given For Rose Float Brought back on the floor by Alderman David O'Hara, who opposed the original \$500 request, the Cherrians were voted \$250 with which "to advertise the city of Salem at the Portland rose festival." O'Hara said he motioned for reconsideration because the amount asked was much smaller than the original request, and that he thought the city should recognize the diligence by which the organization got together the other \$750 for a float to represent Salem.

Cherrian Tom Hill spoke in behalf of the organization, revealing the Cherrians would have a 48-man marching group, a drum corps and a \$1000 float with which to represent Salem in the rose festival. Sewer Project Is Approved Application for a \$24,723 WPA sanitary sewer project, in which the city's share is cited as \$7,372, and which is to be operated as a unit of the city-wide sanitary sewer project, was authorized. The project entails the laying of a sanitary sewer, including construction and replacing of pavement, on Court street from Church to the Williams street, and in the alley between Church and High streets from Court to Center. Federal share of the project is placed at \$24,723.

An ordinance providing for issuance of permits to food handlers, introduced by the health and sanitation committee was held over for further consideration. The ordinance would require all food handlers in restaurants to have permits.

In answer to a petition that asked the council to stop the alleged illegal use of lots on the corner of 15th and Mill streets as a wood yard, Alderman David O'Hara motioned that an amendment to the zoning ordinance controlling the corner be brought before the council. City Attorney Paul R. Hendricks informed the council the lots were being unlawfully used.

Chariton to Go To Aid School First Aid Captain Charles Chariton was granted \$50 expense money to attend the aquatic school of first aid and life saving at Issaquah, Wash., June 18-23, and Fire Chief Buck Hutton was granted \$25 expense money to attend the Oregon State Fire association meeting in Portland. (Turn to page 2, column 2)

8-Year Old Child Taken From Race

Roth's Quick Action in Jumping After Girl Saves Life

Eight-year-old Mary Lou Heath was dragged from mill race waters near Capitol and Trade streets shortly after 8 o'clock last night, after a jump assertedly made because of family complications.

Emil Roth, who resides near the Salem airport, jumped into the race after the young girl, while a companion, William Wilson, of 898 Trade, ran to call the city first aid car.

Given treatment by first aid men, who quickly responded to the call, Mary Lou was taken to the Deaconess hospital, where her condition was reported as excellent. She had been in the water but a few moments.

The girl resides with her grandparents, Mrs. Julia Fournier, at 840 Trade street. The family is separated, with the mother, Mrs. Warburg, residing in Silverton, and the father, Roy Heath, living in San Francisco.

Man Shoots Self When Wife Beaten

ALBANY, June 5—Apparently in the belief that the beating he had administered to his wife had proven fatal, H. E. Burns, 47, Albany sheep buyer, took his own life shortly after 8 o'clock Sunday night.

Following several hours of quarrelling, Burns had hit his wife, formerly Genie Tower Burton of Salem, in the mouth and then shoved her against the kitchen stove, she told officers later. Upon regaining consciousness she found her husband in an adjoining room, where he had shot himself in the head with a 12-gauge shotgun. She called police and the coroner who said it was a clear case of suicide.

Burns formerly lived in Salem. He was born at Lewisville March 20, 1892, and had spent his entire life in this state, part of the time at Princerville. In addition to his wife, four step-children survive.

Reno Marriage Licenses Issued to Local People

RENO, Nev., June 5—(AP)—Marriage licenses issued here during the weekend included: William V. Dias, 21, and Irene S. Pinto, 21, both Salem, Ore. Hannon J. Swan, 33, Los Angeles, and Ruby Pankrat, 22, Dallas, Ore.

Pruitt Chosen To Fill Vacant Job on Council

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Albany Man Is To Give Reply On Job Today

Claude A. Murphy Serves now as Real Estate Board Chief

Parole Board Interviews Last of Applicants, Delays Choice

Claude H. Murphy, prominent real estate broker of Albany, has been invited by Governor Charles A. Sprague to become Oregon's first real estate commissioner, the governor revealed Monday night.

Murphy, now serving as president of the Oregon Association of Real Estate boards, was expected to give his answer today. The position carries a salary of \$3600 a year.

The office of real estate commissioner was created by the 1929 legislature in a bill which divorced the supervision and licensing of real estate brokers from the insurance department of which Hugh H. Earle is commissioner. The real estate division has been headed by William L. Graham as deputy commissioner.

Parole Board Interviews Last of Applicants, Delays Choice The newly created state parole board Monday concluded the interviewing of about 60 applicants for the position of state parole director, but announced that it could not immediately make a choice.

The board interviewed 20 applicants for the job Monday. The post, established by the recent legislature as a part of the new supervised parole setup, pays \$4000 yearly.

Paul R. Kelly, parole board chairman, said he would announce his selection after getting over applications and results of interviews with candidates.

Other members of the board are G. W. Mason, Portland, and R. S. Keene, Salem.

Improper Budget Preparing Rapped

Audit Report Says Fault in Budget Causing Cash Decrease

Improper preparation of the budget was charged by the state bureau of audits in its 1938 city of Salem audit report, presented to the city council last night, as contributing factors relating to a decrease of \$40,601.99 in net cash balances during the year 1938.

The report, as same as a tabby cat in comparison to those of recent years, finds little fault with the accounts and records of the city during 1938, and the general recommendations are few.

It reveals the city's total assets from all funds, as of Dec. 31, 1938, to have been \$92,958.97, while the long term debt at that time was \$163,262.67, and taxes receivable \$228,839.41.

"The work now being done by the special auditor and attorney to determine feasibility of improvement assessments" should be extended to include a complete analysis of the assessment dockets and a reconciliation of the detail thereof to the general records," the auditors advise. Advancements on foreclosed property were \$12,148.89, and equity in foreclosed property was \$4,254.11.

The report advises that a proper system, for recording costs and transactions in connection with acquiring and disposing of foreclosed property, should be immediately set up and it should definitely be kept up-to-date in addition to be avoided regarding (Turn to page 2, column 2)

Watershed Check Progress Is Good

PORTLAND, June 5—(AP)—A Willamette river watershed survey to determine feasibility of upstream flood control is progressing satisfactorily, Stephen N. Wyckoff, forest experiment station director, said today.

Preliminary examination will establish whether flood control works should be placed on the Willamette, Wyckoff said. If desirable, recommendations will be made to the secretary of agriculture, who in turn will report to the president.

The entire Willamette watershed of 11,200 miles, an area 175 miles long and about 85 miles wide, containing more than 500,000 persons, was contained in the initial survey, authorized by the 1936 flood control act. The agriculture department was authorized to investigate the problem with army engineers. Principal details included erosion, flood control and water conservation.

The recommendation, if made, would provide protection for forests, pastures and fields, and establish range management and terracing practices.

Washington Ready to Gape And Gasp at Royal Couple

WASHINGTON, June 5—(AP)—Growing more excited with each passing minute, Washington bustled today with last-minute preparations to gape, gasp and exclaim over Their Majesties King George VI and Queen Elizabeth.

Up and down Pennsylvania avenue, bits of busting began appearing, hinting only at the gay decorations which will adorn the route on Thursday, when the British monarchs parade in state from Union station to the White House.

With minute care, secret service police and army and navy officials studied and restudied their elaborate plans for protecting the royal visitors.

Shop-keepers along the avenue, already doing a depression-breaking business in the sale of seats at upper windows, anxiously tried to find space for more spectators at \$1 to \$5 each. They did so un-



HAROLD G. PRUITT