

The Oregon Statesman

"No Favor Sways Us, No Fear Shall Awe"
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Modifying a Trust

James Weir, born in Scotland, emigrated to the United States and took up a homestead in Sherman county, Oregon. When he died in 1919 he left \$500 in bequests to the games committee and the brass band of his native city in Scotland, and the remainder of his very considerable estate, valued now at \$80,000 "to be invested and the interest used for improvements" in Bigelow and Emigrant school districts of Sherman county.

Time brought its changes. Farms were enlarged and population declined. Finally the school districts suspended school and pupils were transported to Rufus and Wasco. Then the issue arose as to how the income of the Weir estate should be used. The State of Oregon contended that since the purpose of the trust had failed the money should revert to the state irreducible school fund. Residents of the district said the income should be used for providing broader educational opportunities for children of the district.

Judge D. N. Mackay of Sherman county, himself a Scotsman, has invoked the "cy press" ("as near as may be") doctrine of law and ruled that the trust should continue for the benefit of children of the old districts. He specified that it should be administered for such projects as 4-H club work, scholarships to 4-H club summer school and Pacific International livestock show, Boy and Girl Scout work, music lessons and agricultural and vocational education, with the residue to go as scholarships for residents of the districts who want to attend college or take post high school vocational training.

The case as reported in The Dalles Chronicle illustrates again the changes which may make impractical the philanthropic ends specified by a will. Also it shows how necessary it is for courts to stretch the terms of wills and trusts to make them fit current conditions. This court might have ruled that there was no practical substitute for the original beneficial purpose and let the property go to the state school fund, which would have been a worthy successor. As it is the benefits will continue to flow to the youth in the neighborhood where Weir lived and prospered, who very evidently he wanted his wealth to serve.

Firemen and the Short Work Week

There is no occasion for the city firemen to get truculent in their demands for establishment of the 63-hour week. The fault is their own in that the charter amendment they sponsored did not make the effective date of the reduced work week synchronize with the tax levy which is to finance it. It is true the amendment was adopted last November and so has been legally in effect since the returns of the election were certified. But the three-mill tax levy authorized cannot be put on property until the beginning of the fiscal year, July 1st next. The budget for the current year was adopted last summer and has no provision for the increased number of employees needed to permit the reduction in work-week. The law puts a penalty on govern-

ing boards if they exceed the budgets formally adopted. So there is no money to pay the bill. Whether by scraping the bottom of the barrel the city can find extra money to enable the 63-hour work week to go into effect is doubtful. Other demands have been pressing, such as improvement at the airport. Instead of making peremptory demands the firemen should join the city manager in a search to see what free money is available for their purpose.

The firemen should be the last persons to suggest raiding the investments in their pension fund. That surely would be illegal and would endanger their pensions in the future.

The city council is in duty bound to work out a solution if it is practical within legal and financial limits. It wouldn't be safe to reduce the number on duty in these days of extreme fire hazard.

If the firemen do not get their shortened work week till July they will not be alone in their disappointment. The old age pensioners aren't getting what they thought they'd get either, because of the faulty construction of their bill and the lack of provision of revenue. With a degree of patience however their problem can be worked out.

Repeal the Anti-Jap Act

Senator Irving Rand of Portland has introduced a bill (SB 13) to repeal a 1945 act which was designed to prohibit the leasing or making of cropping agreements, owning or occupying farm lands by aliens ineligible for citizenship. The act was aimed at the Japs, to keep them from coming back to western Oregon and to prevent them from getting a foothold elsewhere. The act was of doubtful constitutionality, and was positively vicious in its discrimination. This paper protested its enactment but having been drafted by the governor's legal adviser it was passed. We do not know that it has had any test or application; but it ought to be wiped off the statute books. As it stands it is a revelation of our own prejudices.

Government May Raise Power Rates

Senator Cordon reports that federal officials are talking about raising the rates charged for power from northwest dams. No one should be surprised if that is done. Costs of construction now are about twice what they were when Bonneville was built. You can't keep on adding high-priced units to the pool and keep the same low rate fixed on the basis of Bonneville's construction cost.

Rates however are relative. They still should be lower than national averages by far. And the northwest may suffer greater losses for lack of sufficient power than it would from an increased power rate. Since postal rates have gone up distributors of electric energy are the only "utilitarians" which have imposed no rate increases.

January is the month to install officers in lodges, societies, clubs, etc. Gives the ladies an excuse to get a fresh permanent and wear the new gown they bought before Thanksgiving.

Labor Movement Rejects Socialism

By Stewart Alsop
WASHINGTON, Jan. 19 — A significant episode occurred a few days before President Truman presented his "fair deal" program to the congress, when a five-man delegation from the CIO visited the White House.



Stewart Alsop

The delegation was led by Philip Murray, CIO president. With Murray were James B. Carey, CIO secretary-treasurer; Jacob Potofsky, president of the amalgamated clothing workers; Emil Rieve, textile workers president; and Arthur Goldberg, CIO general counsel.

The five labor leaders had a cordial conversation with the president. As they were leaving Murray placed a three-page memorandum on the president's desk. The memorandum outlined the domestic program which the CIO leaders hoped the president would propose in his state of the union message, which he was to present to congress in a few days' time.

In several particulars the message to congress differed from the CIO program. For example, the CIO memorandum to the president favored an excess profits tax on corporation profits. The president asked congress for four billion dollars in new taxes, but he did not specifically insist on excess profits tax.

Again, the president asked for stand-by powers to control wages as well as prices in an inflationary emergency—and this was most distinctly not in the CIO memorandum. Moreover, the CIO wanted the president to take a more specific and unqualified stand in favor of outright repeal of the Taft-Hartley act than he actually took.

the president and the president's message are certainly more striking than the differences. For example, the president proposed government construction of steel plants to increase steel capacity in certain circumstances. This idea was firmly opposed by a number of the president's advisers.

However, the step was strongly supported by the CIO delegation both in the conversation with Truman and in the memorandum the CIO men left with him. Moreover, another CIO delegation, including Walter Reuther, united automobile workers president, and Stanley Rutenberg, CIO research director, argued cogently for the steel proposal before the president's council of economic advisers. There is little doubt that this enthusiastic CIO support for the steel move swung the balance in its favor in the White House.

All this is obviously open to all sorts of sinister interpretations—that the CIO has captured the government, that President Truman is its messenger boy, and so on. This is, of course, nonsense.

It is obviously true that as a consequence of the election the labor movement is in a far stronger position in Washington than it has been for a very long time. But it is also true that the Truman program, as submitted to congress, is simply the program which won Truman the election. With the single exception of the steel proposal, which no campaign commitments were made. What is really interesting about the memorandum which Philip Murray left on Truman's desk is not what it did contain, but what it did not contain.

Any major labor movement outside the United States, even the anti-communist labor movements, with similar access to the

centers of state power, would certainly have demanded the nationalization of a whole series of basic industries. Yet socialism, at least in any doctrinaire sense, has clearly been rejected as a political program by the American labor movement.

What seems to be emerging instead, not only in the labor movement but among a majority of the voters, is a fairly coherent political program which has its genesis in the incoherencies of the new deal. The basic theory behind this program calls for the construction of a whole series of floors under the American economy and the American social system—parity for the farmer, minimum wages for the worker; state-supported housing, education, and health for the poorer sections of the population, and so on.

What is remarkable, moreover, is the extent to which this basic theory is now generally accepted. President Truman has already gone farther in this direction than Franklin Roosevelt ever did. Yet his "Fair Deal" has signally failed to arouse the fierce bitterness among conservatives elicited by Roosevelt's new deal. The fact is that the "floor theory" of government is now accepted by such intelligent conservatives as Senator Robert A. Taft and Governor Thomas E. Dewey.

The real difference between the Tafts and the Deweys on the one hand, and the Trumans and the Murphys on the other, concerns, not whether the floors should be built but how high and how fast they should be built, and who is to pay for the building. And as long as the difference between the major political groupings in this country are confined to means and not ends, the country has reason to be grateful. That is the real meaning of the memorandum which Philip Murray left on President Truman's desk.

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League of Cities Supports Gas Tax, Liquor License Fee Hikes

By Conrad Frange
Staff Writer, The Statesman

Broader powers in the field of municipal occupational taxes, increased gasoline and vehicle license taxes and an upward revision of liquor dispensers' license fees highlight the legislative program of the League of Oregon Cities.

The legislative committee of the league met here Wednesday and forged the state in an all-day session. Other proposals include city sewage systems, amusement device taxes, city budget finances, and other technical aspect of municipal operations.

Approval of a move to increase the state gas tax by one cent per gallon and the vehicle license fee by \$5 each came from the committee of 25—but with reservations. The league proposes that the cities continue to receive the usual 10 per cent of state highway revenues and that they continue to share in the increased revenues for at least two more years.

"This would give most cities a chance to complete emergency programs already started," said Deane Seeger, Eugene city manager, and legislative representative for the league.

The committee also favored a bill giving cities "broader powers in the general field of levying

occupational taxes on business and industries and other forms of occupation within cities."

A general statement that it favored upward revision of liquor license fees now charged with no specific ceilings set came from the committee. This proposal also favored permitting cities to collect investigation and recommendation fees.

A method of state aid or state credit to smaller towns to enable them to construct adequate sewage systems and disposal plants is the goal of another recommendation. Representatives of the league propose to discuss the sewage disposal problem with state sanitary inspectors and wild life organizations.

The committee also recommended: The state vacate present taxes and fees on amusement devices and machines in favor of cities.

A bill permitting cities to set up working funds to finance city operations from July 1 (when the new fiscal year begins) to January 1 (when taxes are collected) "Or," said Seeger, "perhaps a system of allowing cities to draw master warrants, such as school systems do, might solve the problem of getting credit during the last half of the calendar year."

Other minor recommendations dealing with mergers, annexations, eminent domain, and other procedures were drawn up. The recommendations are in the hands of league representatives, who are supposed to draft them into bills if necessary by February 1. Some of the league's proposals will probably be covered in other legislation, Seeger said.

Literary Guidepost

By W. G. Rogers

THE DUKAYS, by Lajos Zilahy, translated from the Hungarian by John Pauker (Prentice-Hall; \$3.50)

Two beautiful sisters, Kristina and Zita, fall in and out of love with counts, princes, even an emperor and even a peasant, and then rejoice, lament, endure, find happiness and find misery in this 800-page novel.

Their father is Istvan Dukay, lord of scores of thousands of acres; owner of a dozen homes for hunting and for entertaining in Hungary's countryside and in Budapest, Vienna, Paris; lover of many women and sire of many legitimate and illegitimate children; ruler of rank upon rank of house servants, field servants, yard servants, farmers, artisans and their families.

Some of the incidents are fantastic and fabulous: How a monarch summons and serves his mistress, how a king's heart drips blood from the jaws of a snarling wolfhound, how prime ministers dress up as bakers and chimney sweep, how the wedding guests must not exceed 60, since there are just five dozen solid-gold dinner plates.

This book, this great tub of a book bubbling furiously with history and with fiction, is Zilahy's record of the fate of the unimaginably wealthy Dukays who, most of them, inhabit a world of their own remote from the Europe diving out from under them to disaster. Istvan has derelict sons and daughters, cousins and friends and associates in the palaces of Franz Joseph, Czar Nicholas, Emperor Wilhelm and the unhappy Charles, husband of Zita; but the story spreads widely beyond this circle to America, England and France, to the field of business, to journalists, politicians, writers, revolutionaries, valets, grooms and maids. It was a crazy world, not malicious and villainous, but ignorant and blind.

It makes a grand story, unusual in its sweep, strangely passing off fact as fiction and fiction as fact, written wisely, translated excellently and holding your interest, amazingly, from the start to the distant end.

THE DIVORCE EVIL



KSLM Broadcasts from New Studio Atop Kingwood Ridge

Broadcasting and transmission of station KSLM programs from the new studio building atop Kingwood ridge was begun Wednesday, according to owner Glenn E. McCormick. Offices remain in the Senator hotel. Studios and the transmitter have been at 633 N. Front st. Development of the \$100,000 project comes 15 years after the station was established in 1934 by the late Harry Read, pioneer in the field of radio broadcasting.

Firemen Press For Action on 63-Hour Week

Salem city firemen served notice on city officials Wednesday that they are getting anxious for the 63-hour work week voted for them at the general election last November.

In a move apparently designed to force immediate action by the city council, the Salem Fire Fighters association sent a letter to Salem aldermen and other officials demanding credit for overtime worked since January 1 when the bill approved by voters became effective. At present firemen are continuing their schedule of an 84-hour work week.

Although the charter amendment as voted took effect January 1, no provision was included for paying immediately the extra 17 firemen needed to reduce working hours without reducing the effectiveness of the local firefighting establishment. A 3-mill tax levy was authorized by the vote, to pay extra firemen, but the tax levy will not be made until July 1.

That this apparent dilemma can be solved to the satisfaction of both city administration and firemen, however, was expressed Wednesday by Mayor R. L. Elstrom after a conference with Asa Lewelling, attorney for the firefighters association.

Elstrom said he believed the council would work out a plan for crediting firemen now on duty with extra vacation time in lieu of overtime for the hours worked in excess of 63 per week, from the first of the year until such time as the extra men can be employed.

To Pay in Advance
The mayor estimated a 3-mill levy would raise \$7,000 over the salary requirements for 17 new men, which could be applied to paying the new men in advance of the July 1 fiscal year. Elstrom said he would, with a city council committee, however, which recommended "finding" money in other city funds to make the fire department change as early as March 1. On the basis of this committee endorsement, firemen had gone on record as willing to waive overtime pay for January and February.

Men Fined in Case of Illegal Deer Hunting

Winter snows have brought a return of illegal deer hunting, and state police have recently dispatched several confiscated deer carcasses or portions to the state game commission for public auction, it was reported Wednesday. Police gave details on one such case just completed and on another due for court hearing Saturday.

Charles Arthur Cluster, logger, and Perry Eugene Tolley, truck driver, both of Detroit, were arrested Monday and pleaded guilty to charges of illegal possession of venison during closed season. Police said an officer afoot in the French creek area found where a deer had been shot and followed, through three feet of snow, tracks that indicated one of the men wore calked boots and was somewhat crippled. Inquiry as to suspects led to a house where venison was hanging in a flour sack.

The two appeared in Idanha justice court Monday. Tolley was fined \$100 and \$450 costs and Cluster \$50 and costs. Due to appear in Dallas justice court Saturday on charges of hunting out of season are Frank LeRoy VanEpps and Glenn Barstad, both Vaisetz loggers.

McKay Cites Citizens' Duties in Club Speech

A call for citizens to render service to their government, with "a duty to do your best," rather than demanding so much from the government, was voiced Wednesday by Gov. Douglas McKay, who spoke at Salem Exchange club.

McKay decried the "attitude of leaning on the government, taking all you can get."

Since democracy is not self-sustaining, he said, universal education of the young and the new-comers and re-education of all citizens are necessary for the survival of freedom.

Citing several incidents of his first few days as governor, McKay noted that most people show little interest in the legislature until it passes something with which they disagree, that people are inclined to jump to conclusions and that "crackpots" are the most vocal citizens.

Youth Hostel Trip Planned

Salem Youth hostel this week was planning for three activities before month's end. The group will have a ski trip Sunday, with Elizabeth Morely in charge. On January 27 the hostel unit will meet on the Williamette campus to hear a talk on the European tour by Philip Williams, Portland Youth hostel president. National and regional directors of the American Youth hostel are expected to visit here January 30.

The Salem Youth recently elected Gaylord Weeks president; John Day, vice president; Dorothy Dykes, secretary-treasurer; Don Liudahl, road captain.

Officers Discuss Local Observance Of Security Week

Tentative plans for a local observance of national security week in mid-February were discussed at a meeting Wednesday night of the Marion County Reserve Officers' association.

Arrangements for the group's annual military ball, slated for February 19 in armory, also were furthered. Movies of the Pacific coast conference football game last fall between Washington State college and University of Oregon were shown.

Klamath Judge Assigned To Libel Action Case

Chief Justice Hall S. Lusk Wednesday assigned Circuit Judge D. H. Vandenberg, Klamath county, to hear the \$150,000 libel action case of Andrew Burk against George Putnam, publisher of the Capital Journal.

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Diary of A Sidewalk Superintendent



January 20
Had to get rough today! Strangers trying to crowd me away from my peephole at the new Stevens and Son Jewelry Store. What's all the excitement? They know I'm handling the job . . . can't they wait till I'm finished? Or do they want Sid Stevens to think they are helping me? Guys like that, hanging around, can be a nuisance!