

U.S. High Court Confirms Leland Death Sentence

WASHINGTON (AP)—Oregon's insanity law is a legal oddity but not enough so to save Morris Leland from the gas chamber.

That was the decision of the United States Supreme Court Monday in a 7-2 vote turning down his appeal.

The point was that Oregon requires convicts wishing to plead insanity to prove beyond a reasonable doubt that they are insane.

Leland, convicted of the sex killing of Thelma Taylor, 15, near St. Johns in North Portland in August, 1949, appealed on the ground this demand for proof beyond a reasonable doubt was unconstitutional.

Justice Frankfurter, in the opinion for the majority said that while Oregon is the only state with such a statute, there is no indication it violates basic standards of justice.

Indeed, he said, some 20 states require a "preponderance of the evidence or some similar measure of persuasion," and "Oregon merely requires a heavier burden of proof."

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"It is the duty of the government to establish his (the accused's) guilt beyond a reasonable doubt," Frankfurter wrote, but in Oregon the burden of proof is shifted "by requiring the accused to prove beyond a reasonable doubt the absence of one of the

essential elements, mental culpability, for the commission of murder."

Frankfurter went on to say that if a man can't prove beyond a reasonable doubt that physical events of a homicide did not constitute murder, and is sent to his doom because he could not provide that proof, then his life is taken without due process of law.

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Council Okehs New Crossing Of SP Mainline

By ROBERT E. GANGWARE
City Editor, The Statesman
Salem City Council Monday night authorized a new street crossing of the Southern Pacific mainline, at Woodrow Street in North Salem.

Alderman Robert F. White questioned the stipulation that the city will have to pay up to \$4,500 for signaling the crossing, and urged further study, but the Council voted to approve the crossing which has been in litigation two years.

As finally adjusted by the State Public Utilities Commission, the city is to close the Smith Street crossing, to pay up to \$4,500 for signals and to allow Southern Pacific to put extra tracks as needed on SP-owned 90-foot right-of-way the new street will cross.

This represents a compromise as SP had originally asked the city to close Tile Street crossing as well and had asked the city to pay for all signal costs (usually running closer to \$5,500). The new crossing would serve the Williamette Cherry Growers business and would provide access to the East from the Pacific Highway if the city can get the state's approval for continuing the street, reported City Manager J. L. Franzen.

A public hearing was set for the July 14 Council meeting on proposed closing of the block of Summer Street between Chemeketa and Center Streets in order to extend the Capitol Mall as advocated by the state.

The city manager reported the reassignment of two police officers who were injured in traffic and considered by the City Civil Service Commission, as a result, as unfit physically for full police duty. Franzen said Patrolman Arch Wilson would work in the engineering shops and Patrolman Ronald Wiebe is already assigned to the parks for patrol duty.

Building Permit
Bills were passed to permit Giles Smith to put up a store building on Center Street just east of North Capitol (where Heider Radio and Levy Meat Market are slated as tenants), and to permit Salem School District to erect a toilet building on its Baker Street playground.

Bills introduced put all newly annexed city area in Class I residential zone temporarily and provide for a Public Parks Advisory Commission of 12 members including seven appointed by the mayor and the mayor, manager, park superintendent, recreation director and schools superintendent.

Nobody appeared for a public hearing on a proposal from several bus riders for extending the Capitol bus line to include Abrams Avenue. A public hearing was set for June 23 on a zone

change request from V. J. Osko for additions to a business building at 1465 N. Capitol St.

Traffic resolutions were passed to prescribe parallel parking on North Liberty between Union and Division Streets, and to make Montrose Street a stop street at Greenwood Drive. A study was asked on a two-hour parking limit on west side of South 12th Street between Mill and Bellevue Streets.

Legislation was drafted on licensing of private investigators and merchant patrolmen.

The new softball field at Bush's Pasture was named Phillips Field in honor of the late fire captain, Paul Phillips.

The Council accepted the low bid of \$44,798 by Marion Electric Co., Salem, for the installation of high intensity lights at McNary Field. This figure was \$10,000 below the original estimate.

The city's share of this installation is \$12,000 with the government providing the remainder.

Committee to Draft Tax Bills For Legislature

The Oregon Legislature's Tax Interim Committee decided Monday to draft a series of new tax bills to be submitted to the 1953 Legislature.

The bills would be submitted without recommendation, with the Legislature to decide which, if any, of the measures would be needed.

Among them would be proposals to disallow the federal income tax deduction for paying state income taxes, a gross business tax, reduce the personal income tax exemption, and enact a state sales tax.

Sen. Dean H. Walker, Independence, proposed that the bills be drafted.

However, State Rep. Giles L. French, Moro, said the next legislature should cut expenses so that no new revenue would be needed.

The committee took a long step forward in simplifying the state's tax system by recommending that all state revenues be lumped together into one fund. Then all expenses would be paid out of that fund.

This system would do away with the complicated system of having several different funds.

The State Tax Commission advised the committee that the state's

Death Ends 51-Day Fast Of Missouri Preacher

CHERRYVILLE, Mo. (AP)—The fast of the Ozark preacher ended in death Monday 51 days after he had vowed self-denial until his prayers for "the perfect will of God" were answered.

The Rev. J. J. Ivie died in the early morning hours, his family at his bedside in their modest home in this little village whose 36 townspeople wondered at but respected his act as a personal matter.

The 57-year-old minister of the Assembly of God Church had become so weak he could utter no more than a few words, but his wife, an ordained minister herself, said he remained conscious to the last.

Mrs. Ivie, near exhaustion herself by the long ordeal, said her husband was too weak to talk just before death. But during

the night he occasionally called out to her: "Mama."

Monday Dr. William H. Robey, an osteopath of nearby Steelville, wrote "self-inflicted starvation" on the death certificate and said no inquest would be necessary.

In two recordings he made since announcing he had fast Ivie said he was "seeking the more perfect will of God and asking God to show me why the signs do not follow my ministry as Jesus said they would."

His 55-year-old wife said he took only occasional sips of water since April 20.

His daughter and five of his six sons were at his bedside the last few days. Pfc Marvin Ivie, had been returned from Korea by the Army so he could be with his father. They had resigned themselves to his death.

finances will be 12 million dollars better off at the end of the biennium than the 1951 legislature expected, because income tax collections are higher than expected.

REDS OPTION POST
CINCINNATI (AP)—The Cincinnati Reds Monday optioned outfielder Wally Pate to Milwaukee of the American Association.

HOLLYWOOD
Salem's Only Home Owned Theatre
Ends Today — Open 6:45
"TREASURE OF LOST CANYON"
"THE WILD BLUE YONDER"
STARTS TOMORROW!

WITH A SONG IN MY HEART
TECHNICOLOR
20
SHEAN MAYNARD • BOB CALENDIN • DAVID WATTE • THELMA RUTHER
—Plus 30-min. Featurette—
We Are Proud To Bring You
"THE GUEST"

THE SALEM
2-7829
Gates Open 7
Show At Dusk
Ends Tonight (Tues.)
"A STREETCAR NAMED DESIRE"
Vivien Leigh
Marlon Brando
—Plus—
In Color
"SUNNYSIDE OF THE STREET"
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Red Sanders Named To All-Star Staff

CHICAGO (AP)—Henry R. Red Sanders, head coach at UCLA, was named Monday to the coaching staff which will direct the college football all-stars against the Los Angeles Rams at Soldier Field the night of Aug. 15.

Sanders will be all-star backfield coach under Bobby Dodd of Georgia Tech.

Chapman French Champ

PARIS (AP)—Dick Chapman, 41-year-old Pinehurst, N. C., tournament veteran who lost his British amateur title last month, rallied under pressure Monday to win his second French amateur golf championship from collegian Billy Maxwell of Odesa, Tex. U. S. amateur king, 4 and 3, with a display of sub-par golf.

SINGER SEEKS DIVORCE

EL PASO, Tex., Ethel Merman, the Broadway singing star, arrived here Monday from Mexico City to file a divorce suit against New York publisher Robert Levitt.

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"WITH A SONG IN MY HEART"
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Another Big Bargain
Double-Hit Program!
— Starts —
TOMORROW!

THE BATTLE AT APACHE PASS
Color by TECHNICOLOR
Starring JOHN LUND • JEFF CHANDLER
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And
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