

Dental School Ruled Separate From UO Parent

By WILLIAM WARREN
SAL.EM, Aug. 21 (AP)—Marion county Circuit Judge Rex Kimmell ruled this week that the University of Oregon dental school of Portland is autonomous—Independent of its parent school, the University of Oregon.

The test action was brought by the Oregon State Dental Society against Attorney General Robert Y. Thornton and Marion county District Attorney Kenneth E. Brown, as representing the state. Thornton said he would consult with the State Board of Higher Education before reaching any decision on an appeal to the Oregon Supreme Court. He stressed that the only matter of concern to his office was that of questions concerning constitutional points, and if an appeal should be filed it would be for the purpose of clarifying the questions in Oregon's highest court.

Judge Kimmell noted that the 1945 Oregon law involved provides for creation, operation and maintenance of "a department of the higher educational system of the state, therein named dental school of the University of Oregon, and the acquisition of property for that purpose."

Opinion Given

Judge Kimmell wrote: "The pleadings in this case and the evidence, in the final analysis, present for determination and declaration the following issue: Is the dental school, by virtue of the statute, a unit of the higher educational system unto itself under the direct supervision and management of the administrative office of the university acting as an intermediary of the defendant board."

"It may be said that the law is the legislative intent on a particular subject expressed in the language of a statute. The court is bound to apply the law as so expressed. If the language be ambiguous, thus making the meaning uncertain, the court must resort to rules of construction to ascertain the law, otherwise the law is exposed by the ordinary meaning of the language of the statute."

"It is the opinion and declaration of this court that the dental school of the University of Oregon and the University of Oregon each is a separate and distinct department of the higher educational system of the state. The dental school is subordinate to no department of the higher educational system. The duty of operation and management is imposed by the statute upon the defendant board and such duty cannot be lawfully delegated to others."

"Such board is granted the same general powers in the operation and management of the dental school as are otherwise granted to it in the management of the University of Oregon."

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FLARE-UP REPORTED

A sleeper lightning fire, attributed to Wednesday night's electric storm, broke loose yesterday and flared up in a tree half a mile south of Overturf butte, west of the Century drive. The Bend fire department made a rural run in answer to a still alarm at 2:20 p. m., and brought the blaze under control. The fire was confined to an area 100 feet square.

Because of the sulfur it contains, a gas flame usually discolors copper cooking utensils.

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—NEA Telephone
COURT-MARTIALED—George Schreiber, 25, USAF 2nd Lieut. (above), has been convicted by a court-martial in Taegu, Korea, of premeditated murder and conspiracy to commit murder in the death of a Korean national last September. The conviction is subject to review.

Department Asks Production Cut

WASHINGTON, Aug. 21 (AP)—The Agriculture Department yesterday advised growers to cut total production of 14 winter harvest vegetables 5 per cent from 1953 levels.

A spokesman said that if farmers follow the department's advice and weather is average, prices should go back up to the "fairly normal" levels of 1952 after sharp reductions this year. Planting "guides" issued today advised farmers to plant a total of 239,700 acres in 14 vegetables which will be marketed mostly in the first three months of 1954.

The department suggested increases in snap beans, shallots and spinach. It advised growers to plant the same amount of lima beans as last season. Cuts were suggested for beets, cabbage, carrots, cauliflower, celery, escarole, kale, lettuce, green peppers and tomatoes.

First Charges Under Picketing Law Are Filed

By WILLIAM WARREN
SAL.EM, Aug. 21 (AP)—Charges of unfair picketing have been filed against Medford local 323 of the Culinary and Bartenders union by the operator of the Cave shop restaurant of Grants Pass, the first action under the controversial House bill 663, so-called anti-picketing act passed by the 1953 Legislature.

Fred J. Scherer, recently appointed by Gov. Paul L. Patterson to the new \$8000-a-year post of labor examiner, said today that this is the first case under the new law and his division is moving slowly. Labor, which was vigorously opposed to the measure in the 1953 session, also looks upon this as a test case, and regardless of the outcome, the case is expected to go to the Oregon Supreme court.

Charges of unfair picketing were filed by Dwight D. Battey, operator of the Cave Shop restaurant, with the division of labor elections. Another petition filed by Battey requesting an order for an election among his employees to determine the legal bargaining agent was denied by Scherer because "the division could not find that any labor organization had served notice in writing on the employer claiming to represent a majority of the employees."

This must be done under HB663. The complaint against the union, an affiliate of the AFL Teamsters, Chauffeurs, Warehousemen and Helpers of America, charges the union with intimidating and coercing employees of the Grants Pass restaurant by picketing in violation of the new law. Several labor leaders have expressed the opinion that HB663 is unconstitutional.

Battey's restaurant has been picketed since early last June. Battey is president of the Rogue Valley Restaurant Association and was one of the principal proponents of HB663 when it was under discussion in House and Senate Labor committees.

Will Masters Jr. of Portland, one of the attorneys for Battey said today that it was possible court action might be instituted on the denial of the petition for an election.

Bend Club Sets Trip to Eugene

Thirty or more golfers from the Bend club will go to Eugene tomorrow and Sunday, for a men's tournament with the Eugene Country club, according to Bob Thomas, who has been handling arrangements for the event. The Eugene team played a match here last year, and this will be the return encounter in the home-and-home event.

Several groups will motor to Eugene Saturday, and test the course before the match. Others are planning to attend the Shrine all-star football game in Portland Saturday evening, then motor to Eugene Sunday morning.

Two Crewmen Die In B-50 Crash

TUCSON, Ariz., Aug. 21 (AP)—Wreckage scattered across the desert for "nearly a square mile" grimly depicted today how a giant B-50 Strategic Air Command bomber caught fire and crashed.

Two members of the plane's 12-man crew were killed and two others seriously injured yesterday when the bomber spun into the desert 40 miles north of here and exploded.

The remaining eight airmen escaped uninjured.

The 10 survivors all parachuted from the plane when an engine caught fire on a routine training flight from nearby Davis-Monthan Air Force Base to California. It was the second B-50 crash in Arizona within the past month. Two B-50s collided in the air near Phoenix July 17.

One of those planes crashed, killing eight, while the other returned to Davis-Monthan with slight damage.

The two dead airmen were identified as Capt. Charles D. Bostick, 34, Marion, S. C., and SSGT. Herbert Pemberton, 28, Fort Scott, Kan.

However, should the labor election examiner hold with the union after a hearing on the charges of unlawful picketing, Masters said the issue would be taken to court to test the law.

Noted Reporter Dies in Denver

DENVER, Aug. 21 (AP)—Bert Andrews, 52, chief of the Washington bureau of the New York Herald Tribune and a member of the board of directors of the paper, died at St. Joseph's hospital here today.

He had been taken to the hospital Wednesday after suffering a heart attack. The news of Andrews' death was relayed to President Eisenhower as he prepared to leave his summer White House offices here for a fishing trip in the mountains west of Denver.

Mr. Eisenhower said he was "grieved" at the news of Andrews' death.

During his work as a reporter in Washington Andrews won many awards. Among them were the Raymond Clapper award in 1945, and the Pulitzer prize, Heywood Brown award and New York Newspaper Guild award in 1947. The latter were for his stories attacking injustices in the State Department's loyalty probe of employees. Andrews elaborated on these dispatches in a book in 1948, "The Washington Witch Hunt."

Andrews was born at Colorado Springs, Colo., June 2, 1901, and broke into the newspaper business as a reporter on the Sacramento Star in 1924.

He worked subsequently for the San Diego Sun, the Chicago Herald-Examiner, the Detroit Times, the Paris (France) Herald and the New York American before joining the Herald Tribune in 1937.

Bert Andrews of the New York Herald Tribune visited Bend in May, 1948, as a member of the Gov. Tom Dewey party.

LOGGER'S FIRE WEATHER

Forest danger will increase today and Saturday with less clouds and lower humidities expected; no precipitation expected except for widely scattered showers in some Cascade areas; lower humidities expected inside: Interior western Oregon 35-40 per cent except near 35 per cent southwest Oregon and above 40 per cent on coast; near 30 per cent central Oregon; all areas will be about five per cent lower Saturday.

The use of aluminum radiators in automobiles now is being actively studied by auto and aluminum manufacturers.

Legal Notices

UNITED STATES DEPARTMENT OF THE INTERIOR, Bureau of Land Management, Land Office

Swan Island Station, Portland 18, Oregon, July 20, 1953
Notice is hereby given that on April 8, 1953, Charles Porter, Route 2, Bend, Oregon, filed application Oregon 02749 under Section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. sec. 315g), to select the SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 27, T. 16 S., R. 11 E., W.M., 40 acres, in exchange for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 1, T. 20 S., R. 14 E., W.M., Oregon, 80 acres. This notice is for the purpose of allowing all persons having bona fide objections to the proposed exchange an opportunity to file their objections in this office within 30 days from the date of first publication, together with evidence that a copy of such objections has been served on the applicant. Frances A. Patton, Manager. First publication August 14, 1953. 212-218-224-230-C

NOTICE OF SALE

Notice is hereby given that by virtue of an order of the County Court of Deschutes County, Oregon,

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entered on the 15th day of July, 1953, the undersigned Sheriff will on the 25th day of August, at the hour of ten o'clock A.M., at the front door of the Court House in Bend, Oregon, sell to the highest bidders for cash or terms as hereinafter stated, the following described real property, located in Deschutes County, Oregon, provided no bid shall be accepted for less than the amount set opposite each respective tract, which is the minimum price fixed in said order: plus costs of sale, etc.

PARCEL NO. 1—Lot 7, Block 10, Davidsons Addition, Sisters, \$80.00 Cash.

PARCEL NO. 2—E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Twp. 22 S., Range 23 E.W.M. County reserves all mineral rights. \$200.00 Cash.

PARCEL NO. 3—SW $\frac{1}{4}$ Section 19, Twp. 19 S., Range 14, E.W.M. S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, all in Twp. 20, Range 14, E.W.M. County reserves all mineral rights. \$1000.00 Cash.

PARCEL NO. 4—W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27; E $\frac{1}{2}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28; N $\frac{1}{2}$ of Section 34; all of Section 35 except 1.66 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ of Section 36; all in Twp. 21 S., Range 20, E.W.M. S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ of Section 1; all of Section 2; N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11; N $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12; all in Twp. 22 S., Range 20, E.W.M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ (except 1.43 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 6; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 7; SE $\frac{1}{4}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9; SE $\frac{1}{4}$ of Section 10; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15; all of Section 16 except 13.45 acres in the SW $\frac{1}{4}$; E $\frac{1}{2}$ of Section 20; N $\frac{1}{2}$ of Section 21; NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, all in Township 22 S., Range 21, E.W.M. County reserves all mineral rights. \$17,682.00 Cash.

PARCEL NO. 5—Lots 11 and 12, Blk. 19, Westoria, \$20.00 Cash. Such sale shall be subject to the right of any municipal corporation claiming an unpaid assessment lien for local improvements thereon to purchase such property within 20 days after notice of such sale. F. C. SHOLES, Sheriff. 200-206-212-218-C

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