

THE WEATHER HERE

FAIR TONIGHT, becoming cloudy with few light showers, Sunday. Slightly cooler Sunday. Lowest temperature tonight, 42 degrees; highest Sunday, 70.

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Appeal Filed by Salem in Water Right Litigation

Prevents Cut-Down City Supply From Santiam River

Last minute notice of appeal was filed in circuit court just before noon here Saturday in the case of Gardner Bennett, vs. City of Salem, Carl Guenther and Floyd Siegmund, watermaster, involving the right of the city of Salem to use of waters from the North Santiam river for its municipal supply.

Senator Allan Carson who filed the notice for his firm of Carson & Carson assisting Chris J. Kowitz, city attorney, in defending the case, stated that the notice would serve as a stay of proceedings in the permanent injunction against the city from using an excess of waters over its priorities as determined by the court.

Senator Carson said that as a matter of fact, the injunction against the city does not become effective under the decree of Judge Charles Combs of Lakeview until 12:01 Sunday morning as, he stated, the decree reads that the injunction is in effect "from and after October 1."

Under terms of the Combs decree Floyd Siegmund, the watermaster for the county, would have been given control over the valves at the Stayton island intake of the city water supply to regulate and control them in such a manner that the city would not receive in excess of 22 second feet of water.

Water at Low Ebb

The water supply in the river is now said to be at a low ebb and without the notice of appeal, or Judge Combs granting an extension of time from the original date, it would have been up to him to have handled the situation accordingly.

As it stands, Senator Carson stated that the injunctive process are delayed until adjournment of the appeal. He said it was his information the city probably intended to go ahead with the appeal and was not merely serving the notice as a temporary stay.

Tunnel Wreck Near Glendale

Roseburg, Oct. 1 (AP)—Rail traffic on the Siskiyou line was blocked last night, when a 14-car Southern Pacific freight train was derailed at 7:30 p.m. in tunnel No. 4 at Brandt, north of Glendale, said J. E. Clark, local SP agent.

He said the cars struck the sides of the tunnel, ripping down timbers and tearing up 200 feet of track. The locomotive was turned over on its side. No one was injured.

The northbound freight was unofficially known as the "East Cantomment," said Clark.

Relief trains (wreckers) were dispatched from Ashland to work at the south end of the tunnel, and from Eugene, to work the north end of the tunnel.

Train 330, northbound Ashland-Portland train, was held up at Grants Pass, and train 329, southbound Portland-Ashland train, was turned around at Roseburg this morning.

Passengers were transferred between here and Grants Pass by Greyhound buses, while mail and express was transported by Pacific Motor Trucking company.

Chief Dispatcher V. N. Fields, Eugene, said that the freight had a total of 70 cars, the engine and first 14 cars being all derailed. A car jackknifed in the tunnel punching a hole through the roof and causing dirt and boulders to pour into the opening.

Smith of Dallas Heads Cities League

Portland, Oct. 1 (AP)—The mayor of Dallas, Hollis S. Smith, was elected president of the League of Oregon Cities today, succeeding George W. Peavy of Corvallis.

As the league wound up its annual session today, it also named Mayor Morris Milbank, Grants Pass, as vice president, and City Manager Oren L. King, Eugene, as treasurer. New directors are Mayor R. L. Eifstrom, Salem; Mayor George W. Peavy, Corvallis; City Manager C. V. Signor, Pendleton; and Mayor Robert A. Thompson, Klamath Falls.

No Progress In Parley Here On Barge War

McKay Meets CIO and The Dalles Officials In Secret Meet

By JAMES D. OLSON At the conclusion of a closed two-hour session Friday on the "hot" pineapple situation at The Dalles, called by Gov. Douglas McKay, it was announced "that absolutely nothing had been accomplished."

Attending the secret session were high CIO officials, representatives of the city of The Dalles and an attorney for the Hawaiian Pineapple company.

Early in the day newsmen had been urged by the governor to attend the conference. McKay saying, "I want you there because I want the people of Oregon to know what I say when I tell them off."

But instead of sitting in on the session, the newsmen cooled their heels in the executive reception room for two hours, along with H. G. Maison, superintendent of state police, and Harry Dorman, state budget director. These two officials were sent to The Dalles by the governor after Wednesday's outbreak between union pickets and non-union longshoremen.

Shortly after 5 p.m. Friday—the conference began at 3 p.m.—the newspapermen were invited into the conference room where they heard Gov. McKay say:

6 Break Jail At Roseburg

Roseburg, Oct. 1 (AP)—Six prisoners beat up the Douglas county jailer last night, locked his wife in a cell and escaped.

Two of them were recaptured. No trace of the others has been found although road blocks were set up within minutes of the escape. Jailer Walter Wilson said he was tricked into opening the door of the cell that held the six on the fourth floor of the county courthouse.

They rushed him, pummeled and kicked him down to the floor, then bound and gagged him. Wilson's wife, who heard the commotion and ran into the hallway from their nearby apartment, was grabbed and locked up.

Then the prisoners used office keys to get to the elevator, which they rode to the ground floor.

Mrs. Wilson said she asked four girls in a cell for juveniles to call for help. Deputy Sheriff Ira Byrd heard their screams and responded.

The six who escaped: Larry Leslie Kerstine, 18, Roseburg, charged with being a parole violator; Willie Welton Hughes, 49, and his son, Carol Welton Hughes, 19, both of Pittsburg, Calif., accused of auto theft; Quentin Cecil Wilbur, 30, Gardiner, Me., charged with auto theft; Lee Thomas Clayton, 49, Sutherlin, accused of arson; and Chester William Clark, 50, Stockton, Calif., charged with assault with intent to kill.

Judge MacKay Dies Condon, Ore., Oct. 10 (AP)—D. N. MacKay, circuit judge of Gilliam, Sherman and Wheeler counties, died at his home here last night. MacKay had been circuit judge here since 1944, when the late Governor Earl Snell appointed him to fill a vacancy on the bench.

New Protest Filed on Silverton Road Plans

By DON UPJOHN Opposition to the proposed new routing of the Salem-Silverton federal aid improvement has boiled up again with submission of opposing petitions to the county court carrying 353 names.

Declaring that they reembrace against proposed relocation of the road from Steffen corner to Silverton the remonstrators direct the attention of the court to the fact that the existing right-of-way is sufficiently subject to widening and general improvement so as to provide and maintain a safe and efficient highway at a minimum of expense.

"Your attention is further directed," they continue, "to the fact that the county road system throughout Marion county is generally in need of great improvement and potential funds for such purpose are inadequate to complete an overall road improvement program; that therefore it would be unfair to the citizens of the county at large to incur the expense of obtaining new right-of-way in order to relocate this portion of the Salem-Silverton road in view of the adequacy of the present location.

"We wish to point out further," the remonstrators add, "that if said highway is relocated as proposed, it still will be necessary to maintain the old portion, and therefore, Marion county taxpayers would unnecessarily be burdened with the expense of maintaining two roads when the existing one is sufficient. We, therefore, petition our honorable court to proceed immediately with the improvement of the present course of the Silverton road."

Two members of the county court were absent Saturday but County Judge Grant Murphy stated that "the petitions are not to be treated lightly and the remonstrators are building up a good case for themselves."

However, speaking of the proposed new route he said in his opinion the one selected by the engineers provides the best entrance to Silverton, furnishes a junction with the Cascade highway, is the only one providing a location for an overpass. (Concluded on Page 5, Column 1)



B-17 Crashes in Storm, 10 Killed

Raton, N. M., Oct. 1 (AP)—An air force B-17 plane flew into the top of a mesa in a storm near the Colorado-New Mexico border last night and killed all 10 men aboard.

James B. Barber, editor of the Raton Range, said the plane had been identified as an air rescue craft from Biggs Air Base, El Paso, Tex.

The plane had been missing since 5:42 p.m. yesterday enroute from Biggs to Lowry field at Denver.

The wreckage was located by an air rescue plane about the same time as two ranchers found it and reported to Mary Bartolino Black, owner of the mountain pasture where the ship crashed.

Barber reported the plane crashed about 6:15 p.m.

Barber, who visited the scene, reported the wreckage was atop 9500 foot Lynwood mesa, seven miles north of Raton. The plane lacked only 150 feet of clearing the gently sloping table land and hit a quarter mile north of the rim.

Wreckage was scattered over 400 yards. Only the tail section remained intact.

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Russian Roulette Fatal to 10 Year Old

Portland, Oct. 1 (AP)—Two runaway boys decided to try the game of Russian roulette. The result: One dead 10-year-old.

The story came out yesterday after discovery of the boy's body in a grassy lot here. Detectives found he and another 10-year-old had run away from home Wednesday.

The boys spent the night in the lot, and the next day one of them produced a nine-shot .22 caliber revolver. They slipped in one bullet, then began spinning the cylinder, aiming at each other in turn and pressing the trigger.

The boy who bought the gun, Elvin Moraski, was shot through the heart in his first turn as the target. The other boy fled in terror and did not tell what happened until police began investigating.

Shut down—Freight yards of the Carnegie-Illinois steel plant in Gary, Ind., are filled with cars, but steelstacks of the huge U.S. Steel subsidiary are idle as the plant shut down in a strike by steelworkers. (Acme Telephoto.)

District Attorney to Probe Hopkins' Death

District Attorney E. O. Stadter announced Saturday that he was holding the investigation into the death of brakeman Kenneth W. Hopkins open to check for possible criminal action.

"We don't have a particle of evidence to support any criminal action at the present time," Stadter said. "But I don't regard the case as closed."

"I intend to keep it open until we check out every bit of evidence."

The district attorney went on to explain that he had asked the Salem police department to check the all-metal sledge hammer which was used to club the crazed rail worker into insensibility after an attack on a crew of the special freight in Salem Friday morning.

"There's little hope of finding fingerprints from the victim on the hammer by this time. After all, it wasn't picked up until the train reached Portland, and the police there took it. It was turned over to Salem authorities late yesterday morning," Stadter said.

He explained that originally, a check of fingerprints might have substantiated the account of the engineer, Brent W. Campbell, 35, to the effect that the 35-year-old brakeman had assaulted him.

Stadter said that the engineer and fireman, Ben J. Mackowiak, bore signs of burns and bruises from the wild battle in the engine cab in Salem.

"I don't know how the engineer's eye wasn't burned out. His skin right below it was curled up from the burn," Stadter said.

An autopsy on the body of Hopkins, performed under the direction of County Coroner Lester W. Howell revealed that death of the man was due to "lacerations and a concussion caused by being hit on the head with the hammer." The autopsy was performed at the request of the district attorney.

37 Polio Cases in '49

Portland, Oct. 1 (AP)—Polio cases for the year were up to a total of 37 in Portland today, following a report of three new cases in scattered sections of the city.

Atomic Group Ok's Lilienthal

Washington, Oct. 1 (AP)—A proposed report clearing the atomic energy commission of "incredible mismanagement" charges threw the senate-house atomic committee into a bitter factional battle today.

Senator Hickenlooper (R-Ia) who made the charges several months ago against the AEC and Chairman David E. Lilienthal, branded as a "whitewash" a staff-prepared draft report which said the charges "could not be proved."

Hickenlooper also bluntly challenged a statement by Committee Chairman McMahon (D-Conn) that "we need no change in the management of the atomic energy commission. The commission is not guilty of the charges that have been leveled against it."

Nation's Iron and Steel Mills Closed, Picketed by Strikers

Major Strikes Idle Over Million All Over Nation

The nation's idle in labor disputes soared past the million mark today and there were indications it would climb.

The steel work stoppage added 513,000 more to the list of strike idle and there was no talk of early peace in the air. The coal strike accounted for another 430,000 idle, in the mines and on coal carrying railroads.

The White House repeated its statement of Friday that President Truman planned no further steps in the dispute. The president succeeded three times in getting the strike deadline postponed.

More than 100,000 other workers were idle in a dozen separate industries.

Steel and Coal Out This is the first time in the nation's history that the steel and coal workers were on strike at the same time.

Getting ready to leave the strike lines were some 100,000 United Mine Workers, UMW President John L. Lewis has ordered a return to work for 80,000 anthracite (hard coal) miners in eastern Pennsylvania and 22,000 miners in western states. (Concluded on Page 5, Column 8)

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Replied Hickenlooper: "This is not a report at all. It was not authorized. The conclusions never have been discussed. The investigation is not even completed."

The senate-house committee wound up its public hearings into Hickenlooper's accusations last July 11, after six weeks of sometimes fiery testimony. It then turned to a closed-door study of the atomic agency's security policy.

The proposed report on the committee's investigation was prepared by the committee staff headed by William Borden, under McMahon's direction.

First Death of '49 Deer Hunt Season

Lakeview, Oct. 1 (AP)—Oregon's first 1949 deer season death—by heart attack—occurred last night on the eve of the season's opening.

The victim was identified by Coroner Everett Osterman as Walter Cobb, about 74, of Roseburg.

Last hunting season three men from the western Oregon low country succumbed to heart attacks in Lake county's high altitude.

Cobb made camp with companions at 10 a.m. yesterday in the Drake's Peak area. At 5 p.m. he complained of not feeling well, and seconds later fell dead. His companions were C. A. Tiller, Oakland, Ore., L. B. Connelly and William R. Burge, Roseburg.

Taps Sound for Last Flight of Berlin Airlift

Berlin, Oct. 1 (AP)—It was taps for the Berlin airlift last night. The last plane of the lift, a U. S. air force C-54, carried news correspondents and coal from Frankfurt to Berlin. A band played and the Tempelhof commander, Maj. Gen. John K. Barr, hailed out the last sack of coal in the plane.

That was the last act in the 15-month life of the airlift. During those 15 months the Americans and the British made more than 275,000 flights over the Russian blockade into Berlin, carrying more than 2,300,000 tons into the beleaguered city. The airlift's success forced the Russians finally to back down and lift their blockade.

To the end the operation was a record breaker. It had been planned to end Oct. 31, but airmen kept flying in the food and supplies at such a rate that the last plane arrived yesterday, a month ahead of schedule.

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Army Equality Program Set-up

Washington, Oct. 1 (AP)—The army is setting up a new program designed to give all its personnel equal treatment and opportunity, regardless of race or color.

The plan was announced last night by Secretary of the Army Gray, with the approval of Secretary of Defense Johnson.

The navy and air force already have put similar programs into effect in line with President Truman's order to break down discrimination in the military forces. But a plan previously submitted by the army had been turned down by Johnson.

Under the program disclosed by Gray the army will not follow the lead of the other two services in scattering its Negro personnel among white units.

But, Gray said, "qualified Negroes, including those in existing units, will have the opportunity to learn those skills previously unavailable to them. Hereafter, Negroes who acquire skills will be assigned to positions where their specialties may be applied in the manner most useful to the army."

Tito Denounces Red Espionage

London, Oct. 1 (AP)—Premier Marshal Tito accused Russia today of trying to infiltrate spies into the Yugoslav army and government in an effort to overthrow him.

The Yugoslav leader, replying to Thursday's Soviet note scolding the Russian-Yugoslav friendship treaty, charged that the Soviet government, "with diplomatic notes full of insults and threats," followed by demonstrative troop movements in countries bordering Yugoslavia, sought to intimidate the Yugoslav people.

Hungary and Poland yesterday followed Russia's lead in denouncing their mutual aid treaties with Yugoslavia. Other Soviet satellites in the combine are expected to take the same step soon.

Tito's new note—its wording mixed with pain and anger toward Moscow—was reported here by Tanjug, the official Yugoslav news agency.

"It is well known that Soviet representatives tried to organize their agents within the Yugoslav government and Yugoslav army with a view of overthrowing the legal Yugoslav government," the note said.

Russia's aim, it went on, was to exert pressure on the Yugoslav people "in order to realize its undemocratic and anti-social ambitions."

Truman Sees Pageant From Yacht Deck

Washington, Oct. 1 (AP)—President Truman, back from a two day trip to Missouri, turns sail-or today.

From the deck of the yacht Williamsburg he planned to watch an afternoon water pageant commemorating the 150th birthday of the Washington naval gun factory.

The president arrived by plane from Kansas City yesterday.

Mr. Truman may remain aboard his yacht overnight and return to the regatta scene to watch some outdoor races.

On Tuesday he will fly to Ft. Bragg, N.C., to witness a mass parachute drop of airborne infantrymen and heavy shooting equipment.