

Jury Disagrees In Damage Suit Of Job Seeker

Retrial Slated In Case Of Accident Involving Robert Dollar Co.

On the chilly night of Jan. 7, 1953, Paul S. Young, a 31-year-old Canby man, stood in an open shed at the Robert Dollar Co. plant near Glendale and watched as company workmen tried to put a derailed boxcar back on the tracks.

At first he stood behind a post in the shed, but he couldn't see the action as well, so he stepped to one side. He had gone into the shed to avoid being hit by a "flying cable" in the case one of the cables attached to the boxcar from a locomotive should snap.

All at once he saw sparks fly and "something" hit him. For a moment he didn't know what had happened, then he found that a chunk of metal, which went flying when the boxcar coupling broke, had struck him, a glancing blow on the right knee.

Lawsuit Results

The accident led to a damage suit against the company by Young, who was not an employee but had merely gone there to seek employment.

The lawsuit was heard this week in Douglas County Circuit Court in a two-day trial before Judge Charles S. Woodrich.

Was the company negligent and liable for damages, or was Young a trespasser on company property and also negligent?

A jury of seven women and five men gave up at 11:15 p.m. Wednesday, unable to reach a verdict after about five hours of deliberation.

Young had asked for \$28,000 general and \$1,700.45 special damages. Testimony lengthy.

The "hung jury" culminated two days of detailed testimony and arguments and at least one good exchange between attorney Paul E. Geddes, attorney for the company, and attorney Spencer Yates, attorney for Young.

Young, who now lives at Sunnyvale, Calif., was on the stand most of Tuesday afternoon. He told the long story of the accident, of subsequent hospitalization, how his right leg was almost stiff, and of another accident a few months later at Reno, Nev., in which he fell and wrenched his injured knee.

Second Accident Questioned

Geddes brought out that no one can determine how much disability was caused by each accident, but Yates assured that the Reno mishap did not change the condition of the plaintiff's ailment.

Yates accused the company of "outlandish conduct" in its efforts to re-trail the boxcar. Jerking it with a locomotive was a negligent act and Young couldn't foresee such an act. A crane later was employed to assist in putting the car back on the track.

Geddes argued that Young had no business being where he was and that Young was guilty of contributory negligence. Yates noted that it is easy for the defense to use hindsight in saying what the plaintiff should have done.

Plaintiff Curious

Not blaming Young for wanting to watch the operation on the night in question ("We're all curious creatures"), Geddes warned that "sympathy has no place in a courtroom." He added that "We're not here to admire a man (for looking for a job), we're here to look at the facts."

At the start of arguments after testimony had been completed, Yates apologized for "being disturbed" a few minutes before when he accused Geddes of using leading questions to plant ideas in the mind of the jury.

It came about over the question of whether Young had actually been ordered off the property the night of the accident. Geddes had said he would prove this was so. After the exchange of words later in the trial, he conceded he had failed to do so. He had, he said, been trying to clear up that point when Yates objected to his questions put to a witness.

Young's Status Questioned

There was still a question, however, of whether Young had been "invited" to the place where he was hurt. He had gone to the sawmill, then rode around to another area along a county road with foreman Bill Burke. Burke had left his car near the road and gone over to help re-trail the car. He said he didn't remember seeing Young again until later when he took him to a doctor.

At the sawmill office, he had told Young there was no employment at that time, and Young asked to ride toward town with Burke. Young said he rode along, when went into the area with Burke where the accident occurred in hopes there was something he could do.

Employees On Other Side

When the cables were drawn tight as the locomotive began pulling on the boxcar, Young retreated to the shed. The Robert Dollar men stood behind the boxcar.

In summing up, Geddes told the jury there can be no recovery of money if both parties are negligent. In other words, if Young contributed to the negligence which caused the accident, he could not receive damages.

Geddes also pointed out that the only duty of a property owner to a licensee, permittee or trespasser is to avoid willfully and wantonly hurting him.

Full Amount Asked

Yates, maintaining Young had a right to be where he was, asked the jury for the full amount of



MAKING SURE of a Merry Christmas for many of the county's unfortunate children are members of the Eagles Lodge and the Roseburg Fire Dept. Work has already begun on gathering, repairing and wrapping donated toys to be distributed to needy children. Shown at top are women members of the lodge looking proudly on some of the toys they have already prepared. From left are: Mrs. Cecil Munson, Mrs. Olga Baunes, chairman, Mrs. Mildred Fogel, Mrs. Sadie Baker and Mrs. Maxine Goetz. In the bottom picture, from left are: Oral Wescott, Tony Shukle, George Thompson, Cecil Munson, Jim Fogel, chairman, and Marion Daily. More toys for repair and wrapping will be picked up by Boy Scouts Saturday. Anyone wishing to donate toys may call the following numbers and Scouts will pick them up: OR 3-7467, OR 3-6285, OR 2-1184 and OR 2-1984.

Biggest Yule Expected For Douglas Residents

(Continued from Page One)

shopping had started two months ago. Both cash and installment buying were up. One merchant said he anticipates the "biggest Christmas season ever." Other estimates ran from 10 to 15 per cent increase in sales for the month of December over the same period last year.

One of the biggest items on the Christmas shopping list was expected to be television sets. The increase in sales of sets was especially spurred by the recent announcement that a satellite television station would be built in Roseburg. (See other story.) One merchant said buyers were demanding quality in their sets and were not taking just any set to fill their needs.

Chamber Plans Big

Meanwhile, the Roseburg Chamber of Commerce reported it had big plans for the Christmas buying season. Its retail trade committee has invited all Roseburg retailers to attend a meeting Monday morning to discuss the plans. (See other story.)

Merchants already had cooperated with The News-Review in compiling a 52-page newspaper today

damages. Saying he believed Young will have much more trouble with his leg in the future, Yates outlined the loss of earning capacity, medical bills and loss of earnings. Included also is the pain and suffering of the plaintiff in the past and the future, he explained.

The jury notified bailiffs Velle Broadway and Willard Smith that it was hopelessly deadlocked at 11:15. Judge Woodrich was already on his way to the court to see if such was the case.

He explained to the jurors that the case will have to be retried, that they are finished with it. The jurors were excused until 9:30 Monday.



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Farm Policies Conflict, National Grange Says

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lications companies and other parts of the economy are experiencing record prosperity.

Congress and the administration were urged to provide for export sales at competitive prices to recoup a fair share of world markets, to establish stronger soil conservation measures, to set up commodity-by-commodity programs to match production with demands, and to adjust trade programs.

Other recommendations included selling surpluses abroad on an installment plan and swapping them for strategic raw materials, and building research programs to find markets for farm products in industries.

OK's And Objections

Approved by the Grange were resolutions favoring social security for farms, expansion of federal highway programs, catastrophe insurance with government backing, a strong United Nations, uniform traffic laws in all states, and gradual reduction of armaments.

The Grangers voted disapproval of any threat to abolish the rural electrification administration and frowned on toll television, a federal sales tax, socialized medicine, the serving of liquor on airplanes, daylight saving, time and peace-time military training.

WM. F. PRUITT DIES

William F. Pruitt, 72, well-known resident of Glendale, died in Roseburg early today.

He was born at Buena Vista, Colo., Oct. 22, 1882, and had made his home in Glendale for many years. Surviving are a brother, Charles of Ashland; a sister, Mrs. Luella Grossman of Glendale.

His body has been removed to Long & Orr Mortuary, Roseburg, and funeral services will be announced later.

Orchestra Season Debut To Feature Ballet Group

A new Douglas County entertainment group is joining forces with the Roseburg Symphony Orchestra Tuesday night.

It is the Ralph Patterson Ballet Group which is featured at the opening concert of the orchestra's 1955-56 season. The dancers will be seen in "Street Scene" and in two movements from a lyrical Vivaldi Concerto.

As Patterson explained the dancers' role with the orchestra this week, he pointed out "it is their

Four More Larcenies From Cars Reported

Roseburg police have been confronted with four more larcenies, three involving thefts from cars. J. R. Zumwalt, 647 SE Flint St., said a pair of fender skirts were stolen from his car sometime last night.

Two radio antennae were broken off cars Tuesday night. They belonged to J. D. Farnworth, a city policeman, 1811 SE Starmer St., and John Franco, 350 NE Jackson St.

Mrs. A. R. Evans, 1486 SE Pine St., complained a pair of logger's boots and a jacket were stolen from her back porch.

False Fire Alarm Calls Out Roseburg Firemen

A false alarm took Roseburg firemen to the home of A. F. Harper, 649 SE Jackson St., at 3:10 a.m. Thursday.

Firemen said the call evidently was malicious. Harper told police that he had been called several times by phone calls. When he picked up the phone, the party who rang his number hung up. Firemen also were called to the Rex Hotel at 3:15 a.m. 735 SE Roseville Ave. Wednesday night. A fire had overheated. There was no damage.

E. R. Metzger Resigns Commissioner Post

(Continued from Page One)

be by county court order. The new man also must be a Republican, which is Metzger's party.

Hill and Ashley said they would carefully weigh applications for the job.

Brig. Gen. Curtis T. Beecher (U.S.M.C. - Ret.), chairman of the Douglas County Republican Central Committee, said this morning that he believes "the central committee may have some sort of a recommendation to make since the office must be filled by a Republican."

Former Councilman
Metzger, a contractor, took the county court job in June 1951, having been appointed to succeed the late Richard Baker.

Coincidentally, it was Ashley he defeated in November 1952 in his bid for re-election. Ashley was elected to the court in November 1954.

Metzger was general contractor in 1928 for construction of the courthouse in which he later was to hold office.

In the 1930's he was a Roseburg city councilman for seven years. In his tenure as commissioner, Metzger had charge of directing county road department activities. He also was chairman of the road committee of the Assn. of O.C. Counties, the organization which has spearheaded the campaign in Congress for forest access road funds.

"Learn Fast" They Mastered the Dances for the Tuesday Evening Presentation in About Two Weeks.

The concert gets under way at 8:15 p.m. in Roseburg at Central Junior High School. Numbers by the orchestra include Rossini's "Barber of Seville Overture," the Handel Water Music Suite, an Irish jig and others.

Season tickets are now on sale by members of the Roseburg Symphony Orchestra Society, a group of Douglas County residents who are interested in helping the orchestra. The society headed by Avery Thompson, has been organized for two years.

Ticket Chairman Mrs. Morris Bowker said adult and student tickets may be purchased at the door the evening of the concert. Tickets for the performance are now on sale locally at Harmony House, Ott & Ricketts and Graves Music Store.

The society is sponsoring a special contest. It will award \$10 to the person or organization selling 50 adult and student season tickets.

Mrs. Bowker pointed out this week that children under 12 years of age would be admitted to the first concert free of charge "if accompanied by their parents."

VAGRANTS FINED

Two Yakima residents, Lenard E. James, 23, and his 17-year-old brother, each received fines of \$25 in district court Friday after pleading guilty before Judge Warren A. Woodruff to charges of vagrancy. They were arrested Thursday by a deputy sheriff who found them taking refuge in a car.

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