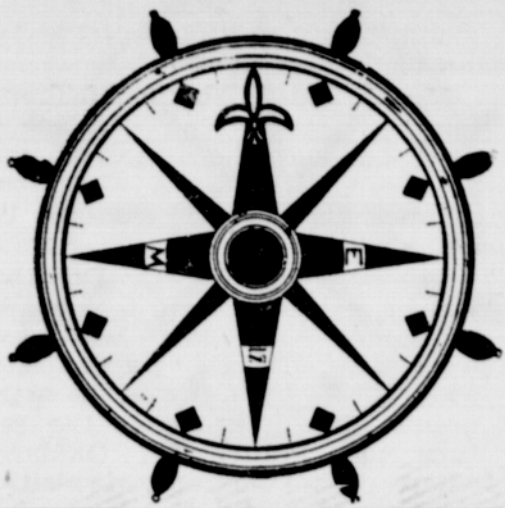
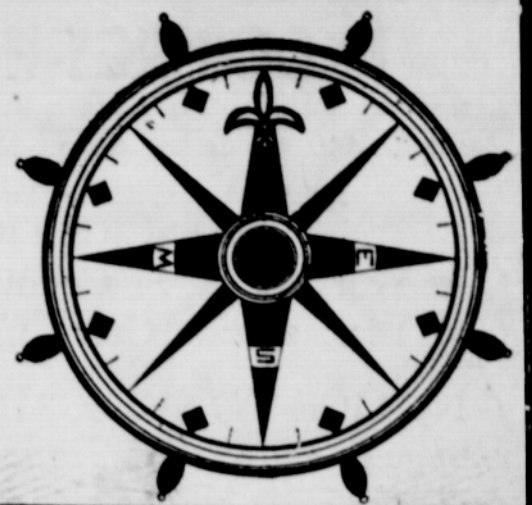




Brookings-Harbor Pilot



Nowhere A Finer Climate — Nowhere a Finer Community

Volume Six, Number Eight

BROOKINGS, CURRY COUNTY, OREGON

Thursday, April 19, 1951

M. L. DeMARTINS LOST SUIT, MON. INVOLVING ALLEGED LAND DAMAGE

Monday in Judge Samuel Finley's superior court, Crescent City, M. L. Demartin, plaintiff, was awarded "no damages" in a case which started Nov. 17 of last year. DeMartin asked for permanent injunction to prevent L. W. Johnson from disposing of slide material on his road, situated 135 feet above and south of the south bank of the Winchuck river where it enters California.

DeMartin also asked for \$5000 property damage for loss of land washed out to the sea, caused by a diversion of the Winchuck river toward his land by debris he claimed Johnson had pushed into the river from his road construction in the past six years since he purchased the 1200 acres of land from DeMartin, of which 80 acres are in Oregon.

This case has been in court for the past five months and voluminous testimony, pictures, maps and evidence have been introduced in the case, much of it so conflicting that Judge Finley finally decided that the only possible solution for a fair verdict would be that he personally view the alleged damage and see for himself the amount of damage and responsibility of the road work if any.

On Sunday, April 15, Judge Finley viewed the property and on Monday, April 16, rendered his decision that there was evidence of Johnson building his road along this hillside but nothing to show evidence of diversion of the river, and that there was definitely no sign of erosion, or washing away of any of DeMartin's land, or any of his bank, land, willows or property was damaged in any manner, and that this case was based on a feud and ill-feelings between the two parties involved. The case, he continued, was childish and should never have been in court. The judge then remarked that the injunction in regard to the road was so worded that it only prevented the illegal diversion of a river which could not be done anyhow, so he allowed the injunction to stand. He then ruled that each party pay his own costs.

The map of the property in this case was compared to the deed furnished by DeMartin and showed on a careful re-check and

re-survey that DeMartin had made the mistake in conveying to Johnson approximately sixty feet of land parallel to the river bank in California, placing the court in the position of finding it true that DeMartin was suing for loss of land that he had conveyed to Johnson and did not really own.

To enable the court to render a decision on the land erosion case, Johnson's attorneys allowed the assumption that DeMartin did own the land. The court then proceeded to his decision, allowing DeMartin no damages whatsoever.

Johnson Sues Next Monday

Next Monday, April 23, at Gold Beach in Judge Dal M. King's district court, a case of malicious persecution and prosecution in the sum of \$25,000 is to be heard against M. L. DeMartin who, since Sept. 7, 1950, has had three criminal arrests placed against L. W. Johnson, his neighboring rancher on the south fork of the Winchuck.

The first arrest was dismissed by Judge Berry's court.

DeMartin next caused on the charge, naming himself as special prosecutor, a warrant to be issued, arresting Johnson on the charge of allowing a hog to run at large.

Johnson satisfied Judge A. E. Sandbo that this charge was not true and the case was dismissed.

Next DeMartin caused Johnson another arrest and trial set for Sept. 30. DeMartin then discovered that the Oregon legislature had cancelled all stock and herd laws and left enforcement up to each county, to make it own stock regulations by public election. Since this has not been done, DeMartin had had Johnson arrested three times on a charge non-existent on the statutes of Oregon, and then he asked Judge A. E. Sandbo to dismiss the case.

DeMartin then proceeded to build an illegal dam across the Winchuck river and run a bulldozer across and through the silt bottoms of Johnson's adjoining land, cutting a trench 15 feet wide and five feet deep and 200 feet long on this land. By plugging the dam DeMartin raised the Winchuck river level five feet until it flowed down this ditch, through the Johnson land.

He was caught in the act by Johnson who photographed him and the dam, who asked DeMartin to correct the damage at once or he would be forced to collect for the damage in court. DeMartin admitted he had trespassed, but refused to take out the dam. It was then that DeMartin started the suit in Del Norte superior court which was decided Monday of this week.

Gordon Weller of Gasquet, and Ed F. Ackley of Brookings, represented Johnson in the Crescent City case and Ed F. Ackley will represent Johnson at Gold Beach, next Monday.

Sold Two Lots

W. J. Collis reports sale of two of his ocean-front lots in the Fountain Rock subdivision; one to Earl E. Malone and one to Erskine R. Miller. Mr. Malone is from Myrtle Creek, and is moving here to work for the new plywood plant. He expects to erect a home soon.

Plywood Group Named Officers

At a meeting of stockholders of Brookings Plywood Corporation, held Sunday at Myrtle Creek, Edwin Sund was named president and general manager. Articles of incorporation were ratified and the by-laws adopted by the group. Other officers of the incorporation are:

Vice-President—W. E. DeWitte
Secretary—H. Carl Mason.
Treasurer—T. T. Connolly.
Directors: Noble Ellison, Edward Raveks, Henry Kerr, E. Johnson and Neil Martin.

Crowd Greet's New Opening Of 'Inn'

At the grand opening of the Chetco Inn, after being closed since about the beginning of the second world war, more than 120 business and professional men and their wives and guests came to attend the dinner. The dining room, limited to 40-odd at one time, was filled twice for the evening.

As guests were seated, Mr. and Mrs. Joseph Taylor were presented with lei, made of daffodils by Mrs. W. G. Hoagland, and presented by Glen Zirbel.

Mr. and Mrs. Taylor, who did not watch expense in order to restore the former noted stopping place to its original appeal, introduced those who helped in the restoration: Mr. and Mrs. Blain Gribble, Mr. and Mrs. C. H. Raush, Mr. and Mrs. Zirbel, and others.

The dining room will be open henceforth, and Tuesday noons will be devoted to Rotary meetings, since the local club has been without a permanent home since about the first of the year.

Winchuck Home Destroyed By Fire

Home of Mrs. May Waterman on the upper Winchuck River was totally destroyed by fire, Sunday morning, with nothing saved of the furnishing.

Apparently the fire started in the chimney, or by the stove pipe falling out, while Mrs. Waterman was outside, and the flames made such rapid progress that by the time any of the neighbors arrived, it was too late to save the building or any of the contents.

Mrs. Waterman, in her 80s, received burns on her face, arms and back trying to get into the house to rescue some of her things. She is now at the home of her son-in-law and daughter, Mr. and Mrs. Ralph Keiser.

May 6 Is Date Set For Instituting New "Aerie" Of Fraternal Order Of Eagles

Arrangements for institution of a new Aerie of the Fraternal Order of Eagles in Brookings on May 6, were completed last Sunday at a meeting of prospective members at Chetco Inn.

The institution will be in charge of T. T. Turner, assisted by the degree team of Medford and David Crawford of Grants Pass, organizer for the Fraternal Order of Eagles who has been in charge of forming the Aerie here.

Initiation ceremonies for the local members will be at the V. F. W. hall which has been selected as the home for the new Aerie.

New Ambulance Has Been Ordered

A new International panel delivery will be in this area within the next few days, if it has not already arrived, which will be converted into a new ambulance to replace the old one which has out-lived its usefulness, and no longer is reliable.

Sponsored by the Rotary club, the financing of the project will be done by the community, with all organizations, individuals and businesses and industries of the area contributing toward payment.

Ambulance Report for Last Year
Collections for services...\$331.28
Contributions 158.75

EXPENSES—
Insurance\$177.99
Cleaning & Telephone..... 31.34
Bank Charge 2.40
Stamps, Stationery 7.50
Gas and oil 78.44
Repairs 58.96
Balance, Dec. 31, 1950...\$309.89

Delegates Named By Rebekah Lodge

At the first April meeting of Topaz Rebekah lodge, Tuesday evening, delegates to Rebekah Assembly were named to go to Klamath Falls, May 22-24. They are: Ethel Frazier and Adelia Hassett and the alternates are Marie Hoar and Rita Tierce.

Mrs. Hassett was also recommended to be District Deputy President for the coming year, and Mrs. Frazier will receive the Decoration of Chivalry, while at Klamath Falls.

Word was received from Mrs. Mary S. Allen, who will be president of Rebekah Assembly next term, that she will make her official visit to Topaz lodge on the first of June, and the district convention will be held at Gold Beach the following day.

Following the meeting refreshments were served by Cleo Craig, Agnes Darger and Brita Dahlstrom.

New Butcher Here

Mr. and Mrs. Bud Carr of Grants Pass moved to Brookings Wednesday. Mr. Carr will take charge of the meat department at Redfield's Market, Friday.

Glen Hurst, who had been in charge since the opening, is to take charge of the Brookings Market department soon. An announcement is expected in next few days.

Pilot Class Ads Pay—Use 'em!

Manley Explained 'Moth Ball Fleet' To Rotary, Tues.

Clive Manley, reserve officer in the U. S. Navy, told Rotary Club Tuesday how the fleet had been put in moth balls after the last war, and something about the procedure to re-activate any or all of these vessels, in case of war. Re-activation must be accomplished within 30 days.

"The navy earned a lot after World War I, when, after a few years, it found many of its vessels practically ruined by rust. The present method consists of keeping low-humidity air circulating through the vessels, and a plastic paint applied to the armament outside. Constant repainting keeps the deck and superstructures from rusting.

"Practically all the Pacific fleet is in mothballs at Bremerton because it is away from the direct salt spray, which is so damaging to ships. All these ships are docked in an area with a small radius, dangerous in case of any bombing attack, but there is nothing that can be done about it at the present.

"Electronic equipment, however, does not fare as well as the remainder of the ship because the cold dry air attacks rubber insulation. Advancements in the radar and radio field have made much of the equipment obsolete, however, so it would have to be replaced anyway.

"Re-activation of a ship is limited to 30 days—and what a big headache it is. Take an aircraft carrier for instance: it has a crew of 3500 men, and on board must be supplies for at least four months. It takes 20 tons of flour, for one thing. This must be assembled in all necessities, so the job resolves itself into a giant task.

"Some of the aircraft carriers have been enlarged, and this is a big task at Bremerton at the moment."

Besides the speaker, Edwin Sund, Carl Mason, Sam Hall and Ernest Jones were guests of the club at the Tuesday luncheon.

New Attorney Is Locating in Area

Samuel A. Hall, recently with the attorney general's office, at Salem, has chosen Brookings to establish a law practice, and was here for several days earlier this week, making arrangements for office space and locating a place to live.

Married, and father of two sons, ages 5 and 2, he is graduate of Northwestern College of Law, Portland, in 1941, where he practiced for a time before entering the armed forces, serving in Africa, Sicily and Italy. After leaving the service he has been connected with the attorney general office as trial lawyer, going all over the state in this practice.

Mr. Hall, 36, was graduated at Madera, Calif., high school, but has made his home in Portland much of the time since.

Before returning to Salem he told the Pilot he expected to be in Brookings and would have his offices in the Centra Building open by May 1.

Raymond Reekman AA spent the week-end here visiting relatives and friends. He is recuperating nicely from his recent appendectomy April 2, at the naval hospital, Oakland.

58 Names Added To List In 20 Days

An indication of the growth of this area, as stimulated by the coming of the plywood plant, is made through the number of new subscribers added to the Pilot list in the past 20 days, after 58 have been added.

Newsstand sales have skyrocketed also, with from 75 to 120 more being added in these spots.

Pilot advertisers now reach more than 1250 subscribers, and approximately 6000 readers each week.

An average day of inquiries made at the Pilot, include: 25 to 30 wishing to rent a house; 15 or more who wish to know who owns certain property; 20 wish to buy something such as furniture, etc.

People who have surplus furniture, etc., never had a better market than today, if it is told through the Pilot columns.