

State Bar Studies Revision Of Wordy State Law Code

"(4) Upon the conversion of any building and loan association into a federal savings and loan association and upon the conversion of a federal savings and loan association into a local building and loan association operating under the laws of this state, the corporate existence of the converting association shall not terminate, but the federal savings and loan association or local building and loan association resulting from such conversion shall be deemed to be a continuation of the entity of the converting association and all property of the converting association, including its rights, titles and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action and every right, privilege, interest and asset of any conceivable value, or benefit, then existing or pertaining to it, or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of the association resulting from such conversion, and such association shall have, hold and enjoy the same in its own name as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and the association resulting from such conversion as of the time of the taking effect of such conversion shall continue to have and succeed to all of the rights, obligations and relations of the converting association. All pending actions and other judicial proceedings to which the converting association is a party shall not be deemed to have abated or to have discontinued by reason of any such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if the conversion had not been made and the association resulting from such conversion may continue such action in its corporate name as a federal savings and loan association or a local building and loan association, as the case may be, and any judgment, order or decree may be rendered for or against the converting association theretofore involved in such judicial proceedings."

"(4) Upon the conversion of any local building and loan association into a federal savings and loan association and vice versa, the resulting association is a continuation of the converting association, and all of its property (including its rights) vests by operation of law in the resulting association as of the time of the conversion. Actions and other judicial proceedings to which the converting association is a party may be prosecuted as if the conversion had not been made."

By William H. Bell

Many legal-minded citizens, including members of Oregon's state bar, think it is high time that Oregon do something about the thousands of "useless words" that make up the ten heavy volumes of her code of laws. They believe Oregon should join the half dozen progressive states which in recent years have overhauled their statutes and removed the "horse and buggy" language.

To this end a state bar-appointed committee has been making an intensive study of the possibilities of code revision.

Legislature Considers

The result of this study is a bill is now before the state Legislature calling for modern "continuous revision." This means a streamlining Oregon laws and setting up a permanent reviser's office to assist in drafting bills and to suggest needed future changes.

Heading the modern code revision committee of the Oregon State Bar is a Eugene attorney who is also a professor at the University of Oregon law school, Kenneth J. O'Connell. Working with O'Connell are committee members Hon. Frank E. Day, David Fain, Lamar Toole Jr., and Edward J. Clark, all of Portland; C. R. Eberhard, La Grande; W. W. Baldersee, Grants Pass; A. S. Cooley, Pendleton; Carl H. Francis, Dayton; and Hon. Joseph G. Felton, Salem. With the assistance of other lawyers, this committee has carried the crusade into remote corners of the state.

Rhythm Rolls

"The language of the law," observes O'Connell, "rolls along in a pontifical rhythm as if some deep-throated orator were reading a pronouncement to the multitude."

His feeling is that the lack of brevity in the law and the useless verbiage that has piled up is due in part to the practitioners who drafted laws in early days. These scribes were paid by the line.

The committee estimates that the statutory text of the present 10-volume Oregon Compiled Laws Annotated, published in 1940, could be reduced by about 30 per cent. The result would be a two volume code stripped of ambiguities, inconsistencies, and duplications, that would be less

expensive to litigants, lawyers and taxpayers alike.

Revision 2-4 Years

Revision would take between two and four years, depending upon whether legislators favor "bulk" or complete and thoroughgoing revision, or a "topical" revision whereby the changes would be made within the present code's 25 titles. The "bulk" revision, a type recently completed in Kentucky, is more popular among the state's barristers than is the Wisconsin system of "topical" revision.

If the Kentucky plan is adopted, estimated cost to the state would be approximately \$75,000, or less than \$20,000 per year for the four-year period.

The Oregon code today is the result of piling statutes one on top of another for a period of many years, with little regard to laws of the past or future.

Obsolete Statutes

One result is laws dealing with such obsolete matters as the N. B. A. and anti-picketing legislation. Such statutes, implicitly repealed either by subsequent enactments or court decisions, still remain on the books. Oregon also has its share of the comical prohibitions that have kept readers of a regular national magazine feature amused for several years.

An example of duplication is the two identical statutes dealing with the extermination of predatory animals. Another law provides for basing truck registration fees on the width of tires; its duplicate bases the same fees on the weight of the vehicle.

In the criminal code, several sections require both "breaking" and "entering" to constitute burglary, while a subsequent section contradicts these sections by specifying that "entry" by itself will amount to the crime. Three conflicting sections deal with the liability of banks on checks. Similar situations are common in the present code.

Amendments Add Up

The fact that acts alone, and not titles, can be amended by the legislature has led to countless unnecessary sections. A reviser would be authorized to suggest combining such sections in one act covering a wider territory.

A common source of headaches and wasted time to O.C.L.A. owners is the index in volume 10 which has fallen into serious confusion in the years since 1862, when revision was last attempted.

For many years Oregon has authorized one of its supreme court reporters to act as code commissioner ex-officio with authority to recommend needed remedial action. His office, however, was neither equipped with a staff nor supplied with money with which to do the job. As a result, only fragmentary correction has been made when errors have been called to the attention to lawmakers.

Language Archais

Much of the language of statutes is archaic. Even legal scholars cannot always understand it, yet the ordinary citizen is chargeable, upon pain of fine or imprisonment, with knowing and obeying the law. Robert K. Cullen, the reviser of Kentucky statutes, at-



A TELLING COMPARISON—With books stacked on his desk for comparison, Kenneth J. O'Connell shows how the bulk of the Oregon code (on the right) lines up against the Kentucky code (left). The revised and condensed code would cost less and would be easier to read and interpret, says this University of Oregon law professor who headed the Oregon State Bar committee which made a study of a possible code revision. The two paragraphs at left show a section of the code as it reads now and as it would read under the revision plan.

tributes statutory verbosity to two causes.

Laymen drafters, says this authority under whose direction 600,000 excess words were eliminated from a word total approximating that of O.C.L.A., "fill bills in with all the hocus-pocus words and phrases they associate in their minds with the law." He accuses the lawyers of exhibiting their legal knowledge by throwing in "hackneyed expressions." Cullen protests that "laws should be sober, calm and dispassionate."

Without Meaning

Such discursive forms as "shall be understood" and "taken to mean" are flagrant in the Oregon code. "Absolutely null and void," for which "void" could be substituted without loss of meaning, appears with annoying frequency.

Code revision is older than the republic itself. Thomas Jefferson was appointed to a five-man revision committee of the Virginia colonial legislature in 1778. Wisconsin, Kentucky, Kansas, Florida, Minnesota, and New Hampshire are examples of states which have adopted a modern "continuous revision," eliminating the necessity for periodic surgery.

Dean of modern revisers is Eugene E. Brossard of Wisconsin, who, taking his cue from Shakespeare, said, "The first thing we do let's kill all the commas." He believes that a statute should derive its meaning from free-flowing words rather than from punctuation. Wisconsin was the first state, in 1910, to adopt continuous revision.

Kentucky Reviser Cullen, whom many Oregon attorneys would like to import to handle a bulk revision here, is a protégé of Brossard. His state made the discovery that, due to elimination of deadwood, its current 1948 code is smaller than the 1946 edition, in spite of 250 statutes enacted between issues.

Kentucky's experience speaks well for the second phase of revision as proposed in Oregon, appointment of a permanent reviser. This officer would be able to keep the statute books "cleaned out" by submitting bills for the deletion of sections implicitly repealed and by assisting lawmakers in drafting bills with a view to existing legislation and classification.

Revision Economic

Economy, in addition to improving statutes, is strongly argued by proponents of revision. Since the size of the 1940 O.C.L.A. is comparable to the code with which Cullen was confronted in 1836, there is a good basis for comparison of costs.

The present supply of codes is running low and a new edition of O.C.L.A. soon will be needed. To accommodate the number of laws enacted since 1940, two additional volumes probably will be necessary, according to Bancroft Whitney, San Francisco publisher of the 1940 edition. Thus 12 volumes, instead of the present 10-volume edition, would be required. In respect to present costs, the market price of the 12 volume edition would come to about \$135 per set. To keep up on the laws passed between the issues—a ten-year period—the purchaser also would have to buy the "pocket" supplement of statutes and notes of court decisions affecting the statutes. Price of the supplement would be \$12 annually. Total cost for the 10-year period: \$234.

Published Biennially

The Kentucky code of one volume is published biennially. This volume contains all enactments of a legislative session and brings the purchaser up-to-date every two years. It costs \$10. A separate volume, containing notes and annotations of judicial holdings, sells for \$10, but does not need to be replaced. It is supplemented annually with "pocket" additions at \$1.50. Total cost for a 10-year period: \$95.

The 1940 O.C.L.A. has cost the taxpayers approximately \$65,000. Proponents of the revision believe that there would be considerable saving by printing revisions with state-owned type, as is done in Kentucky and Wisconsin. Revenues from the sale of the Kentucky code have more than offset printing costs.

Pocket Supplements

If Oregon adopts the Kentucky plan, session laws would continue to be published biennially. A pocket supplement system, however, would supply the code owner with up-to-date notes of judicial decisions. Few owners would

have use for the material on private appropriations which constitute the remainder of the session laws.

It is impossible to predict how much litigation would be prevented by a continuously revised code. Legal experts predict that the cost of revision would be insignificant in comparison. The permanent reviser would usually be able to eliminate excess baggage from legislation before it gets into print.

Revision Welcome

The bar association committee believes that legislators, whose chief concern is fundamental statutory policy, would welcome the reviser's expert advice and assistance in the more technical aspects of lawmaking.

The reviser would maintain an unrelenting effort to forestall deterioration such as exists today, points out the committee.

Through reduced costs and greater convenience, laws protecting and guiding the citizens of Oregon would be more readily available.

Citizens to Meet On Office Space

The Lane County Citizen's Committee headed by Guy Wright of Springfield will meet for second time Tuesday at 1:30 p.m. in the county court rooms of the courthouse.

The committee of eleven men from over the county will lay plans for acquiring adequate office space and jail facilities for the county and the city of Eugene. The group was appointed by Circuit Judge G. F. Skipworth and members of the county court on the recommendation of the county's grand jury who labeled the county and city public offices and jail facilities "totally inadequate."

The first meeting of the committee Feb. 16 resulted in the election of Wright as chairman. The group then made an inspection tour of the courthouse and the county jail. Opinion, following the inspection trip, was that "something must be done to improve conditions."

Committee members with Wright are Frank Reid, secretary, Stewart Hurd, Ray McInnis, Floyd Githens, Ray Bower, Overton Dow, William Davis, Ralph Rogers, C. R. Jones, and Angus Gibson.

Meditation Service to Be Broadcast by Church

A pre-Lenten service of meditation will be conducted over KORE at 7:30 p.m. Tuesday by the Congregational Church.

Miss Mary S. Grubbs, organist-director, will be in charge of the musical part of the service which will consist of a quartet and soloist. Members of the quartet are Treva Rice, soprano, Elizabeth Nelson, contralto, Jack Naff, tenor, and Phillip Green, bass. Virginia Walker will be the soloist.

Dr. Wesley G. Nicholson, minister of the church, will speak briefly on "The Meaning of Lent" and will read a meditation. The service is one of the regular weekly series under the auspices of the Ministerial Association. Members of all faiths are invited to tune in.

English hospitals used tile as a wall covering to improve sanitation over 75 years ago.

Sabotage Reported in Giant Flying Boat

LOS ANGELES —(U.P.)—Plane-maker Howard Hughes admitted Monday that ribs in the tail of his giant flying boat had been wrecked but refused to say whether it was sabotage.

A radio commentator reported Sunday that some after ribs in the mammoth seaplane, now docked at Terminal Island, Cal., had been damaged in an apparent sabotage attempt.

Hughes said damage was "fairly extensive" but would not comment further.

Garden Club At Florence

FLORENCE — At last Florence has a garden club, with the organization of Florence Garden Club Wednesday evening at the high school.

Mrs. Don Hendricks was elected president, members of her staff including Mrs. Dudley Unser, vice president; Mrs. Lee Nelson, secretary, and Mrs. Jerry Medcalf, treasurer.

Committee chairmen are: bird, Mrs. Walter Bodey; finance, Mrs. E. L. Morten; wildflower, Mrs. Don Dunn; publicity, Mrs. Gene Cuy; constitution and by-laws, Mrs. Kenneth Lewis; program, Mrs. Tom McCormick; Hans Peterson Memorial fund, Mrs. Frank Richards.

The rhododendron has been chosen the official club flower.

Affiliation will be made with state and federal garden clubs. Dues are one dollar a year to cover cost of the magazine and year book. The fourth Wednesday of each month is to be the meeting date, 7:30 p.m. at the high school.

An invitation is extended to all gardeners in the community, including the men, to join the group which starts with 21 members.

MUSIC FROM BETHEL

BETHEL — Bethel school choir of about 35 girls and boys and led by Mrs. Mary Harrison, sang several numbers on the program, "Let's Sing America" which is broadcast on the KOAC station Thursdays at 1:15 p.m.

Light Company Boosts Wages

NEW YORK —(U.P.)—A fourth round wage increase of seven to 12 cents an hour Monday averted a threatened strike by 27,000 Consolidated Edison Co. employees that would have cut off gas and electricity to 8,000,000 persons in the metropolitan area.

A membership vote of the Utility Workers Union (CIO) will be required to ratify the agreement, reached Sunday night between company and union negotiators, but all sources agreed this was a mere formality.

The new contract, to run until Jan. 1, 1951, provides a general wage increase of seven cents an hour with increases up to 12 cents for 17,000 employees. Other benefits included a union shop.

The strike had been set for 12:01 a.m. Wednesday.

In 1946 the Consolidated Edison employees reached a 15 to 16 cents increase; in 1947 they won 17½ cents, and last year they received an additional 11 cents.

WSC to Investigate 'Rushing' on Campus

PULLMAN, Wash. —(U.P.)—Washington State College is going to "investigate and study" fraternity and sorority "rushing" on the campus, President Wilson Comp-ton announced Monday.

Three faculty members, three alumni and three students have been named to a committee by the board of regents of WSC to conduct the investigation. The pledging procedures of sororities and fraternities will also be studied.

No reason was given for the investigation.

Wife of Radioman Ill

LOS ANGELES — (U.P.) — Mrs. Virginia Lawton, 36, wife of radio commentator Fleetwood Lawton, was in serious condition Monday from an overdose of sleeping tablets, police reported.

Lawton said his wife told him she accidentally had taken the tablets after several guests left their home Saturday night. Police credited the commentator's emergency treatment for saving Mrs. Lawton's life.

Officers said Lawton also told them his wife had been morose over ill health.

Portland Strike Talks Underway

PORTLAND —(U.P.)—Talks aimed at renewing negotiations between striking AFL pressmen and representatives of the Oregonian and Oregon Journal were underway Monday.

L. C. Stoll, chairman of the Portland Labor - Management Committee, said he was hopeful a publication of the two newspapers. The Labor - Management Committee was to meet first with pressmen's group and then with management Monday. Stoll hopes to get the two groups together later Monday or Tuesday.

Such a joint meeting would be the first since the strike began Feb. 19. Some 100 pressmen on strike that day, throwing other newspaper employees out of work and halting publication.

The dispute centers around union demands for a contract placing one that expired Dec. 1. The union wants higher working hours and higher premium pay for holidays and third week of vacation.

Auto Slightly Damaged In Two-Car Collision

SPRINGFIELD — A two-car collision at 8th and Main St. Saturday resulted in \$25 damage to the running board of one of the vehicles.

Clayton P. Wood, Springfield, driving a 1937 Ford and Melvin Hines, no address, driving a one-half ton truck, collided low speed and no injuries were reported. The Wood vehicle is slightly damaged, police said.

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