

# New Trial in Case Ordered By High Court

In two decisions made today the state supreme court reversed and remanded a case for a new trial and denied a rehearing request by an insurance company.

An appeal by the state industrial accident commission from a judgment and verdict for John Dimitroff of Lincoln county was the case that was reversed and remanded for a new trial.

**Award Sought**  
Dimitroff claimed that his physical condition resulting from an injury had not become stationary and he demanded payment for temporary partial disability to be followed by an award of permanent disability.

The supreme court, in an opinion written by Justice William McAllister, said a condition is considered stationary when it is as complete as it can be made by treatment. It said, however, the compensation specified in the state compensation act is not dependent upon the necessity for medical treatment but is conditioned upon the condition of the workman and his ability to work.

**Error Noted**  
The court found that the trial court committed prejudicial error in instructing the jury that the plaintiff had no burden of proof. But, since other questions of fact were involved, the case would not be retried, the court said.

The supreme court denied the rehearing requested by the United Insurance company in a case brought by Phillip A. LaBarge of Tillamook. It had previously ruled in favor of LaBarge in his action to recover on an indemnity policy for accidental injuries aggravated by a prior dormant arthritic condition.

**Impact Throws Passenger Out**  
One person suffered apparently non-serious injuries when he was thrown from a car in an accident at Evergreen and Ellis streets Tuesday afternoon, city police reported.

Officers said cars driven by Effie M. Tyler, 2665 Ellis Rd., and Delphi S. Bartel, 3375 Shelley St., were considerably damaged in the 5:15 p.m. collision.

A. B. Story, Rt. 5, Box 105, was thrown out of one of the cars by the impact, police said. He was treated by city first aidmen for lacerations on the backs of both hands and other minor injuries and was taken to a doctor for further treatment, it was reported.

# TODAY'S CLOSE N.Y. STOCK QUOTATIONS

(By The Associated Press)

Admiral Corporation	34
Allied Chemical	92 1/2
Allis Chalmers	34 1/2
Amuminum Co. America	89 3/4
American Airlines	21 1/2
American Can	41 1/2
American Cyanamide	74
American Motors	5 1/2
American Tel. & Tel.	174 3/4
American Tobacco	76 3/4
Anacosta Copper	68 3/4
Arco Steel	58 1/2
Atchafalca Railroad	182
Bethlehem Steel	58
Boeing Airplane Co.	42
Borg Warner	37 1/2
Burroughs Adding Mach.	41 1/2
Canadian Pacific	32 1/2
Caterpillar Tractor	91 1/2
Celanese Corporation	16 1/2
Chrysler Corporation	66 3/4
Cities Service	54
Consolidated Edison	63 1/2
Crown Zellerbach	45 1/2
Curtis Wright	89 3/4
Douglas Aircraft	182 1/2
duPont de Nemours	88
Eastman Kodak	6 1/2
Emerson Radio	45 1/2
Ford Motor	55 1/2
General Electric	42 1/2
General Foods	41 1/2
General Motors	41 1/2
Georgia Pac Plywood	76 3/4
Goodyear Tire	37 1/2
International Harvester	101 1/2
International Paper	47 1/2
Johns Manville	42 1/2
Kaiser Aluminum	118 1/2
Kennecott Copper	13 1/2
Libby, McNeill	34
Lockheed Aircraft	20
Loew's Incorporated	38 1/2
Montgomery Ward	31 1/2
New York Central	42 1/2
Northern Pacific	49 1/2
Pacific American Fish	127 1/2
Pacific Gas & Electric	78 3/4
Pacific Tel. & Tel.	21 1/2
Pennex (I.C.) Co.	29 1/2
Pepsi Cola Co.	16 3/4
Philo Radio	25 1/2
Puget Sound P & L	33 1/2
Radio Corporation	39 1/2
Rayonier Incorp.	53
Republic Steel	54 1/2
Reynolds Metals	67 1/2
Richfield Oil	66 3/4
Safeway Stores Inc.	43 1/2
St. Regis	59 1/2
Scott Paper Co.	28 1/2
Sears Roebuck & Co.	26 1/2
Shell Oil Co.	81
Sinclair Oil	62 1/2
Soco-Mobile Oil	54
Southern Pacific	44 1/2
Standard Oil Calif.	57 1/2
Standard Oil N.J.	7 1/2
Studebaker Packard	38 1/2
Swift & Company	37
Transamerica Corp.	24 1/2
Twentieth Century Fox	24 1/2
Union Oil Company	56 1/2
Union Pacific	28 1/2
United Airlines	39 1/2
United Aircraft	86 1/2
United Corporation	6 1/2
United States Plywood	34 1/2
United States Steel	64 1/2
Warner Pictures	26 1/2
Western Union Tel.	19 1/2
Westinghouse Air Brake	29 1/2
Westinghouse Electric	54 1/2
Woolworth Company	44 1/2

# Named CJ Publisher



Edward A. (Ted) Brown, veteran Salem newspaper executive, who was named publisher of the Capital Journal Wednesday. Brown has been an advertising director of Salem newspapers for 37 years. (See story page 1)

# Planning Started on Fight to Control Mosquitoes in Summer

**By FRED ZIMMERMAN**  
Capital Journal Writer  
An earlier start in the fight to control the mosquito nuisance during the year is in the planning stage, reports William Helie, Marion county sanitarian. Helie said he is currently engaged in compiling figures which will be included in the Marion county department of health's budget.

County Judge Rex Hartley indicates that the county is willing to continue its cooperation with the city of Salem in the mosquito campaign. This arrangement was in effect last year but funds for the project were not available until July.

This meant that the mosquitoes had emerged from their breeding places and were feeding upon the citizenry before control measures could be initiated.

Helie says that DDT spray conducted to be effective in connection with mosquito control. However, reports from Lane county indicate the effectiveness of this type of chemical was materially reduced during the summer and other means are being investigated.

To keep on top of the situation, says Helie, breeding places of the mosquito should be sprayed before the insects have an opportunity to get into the air. The slough extending southward from the principal breeding places in the area, said Helie.

Once the program of control got under way last year, county sanitarians remained on the job virtually around the clock. They used various types of equipment, including fogging machines, most of it on a rental basis. Some of the equipment proved inadequate and some time was lost as a consequence.

**News in Brief**  
**Drivers Fined**—Two drivers earlier convicted on charges of driving while intoxicated were fined in district court Tuesday. Raymond Edmond Hart, 5620 McLeod lane, was fined \$200. He was convicted by a jury last week. Ralph Harold Crites, Valselt, was fined \$150. He was found guilty by the court in December.

**Firemen Called**—City firemen were called to the Roger Bailey residence, 2665 Breyman St., when a blaze started in the chimney. There was no damage, they said.

**Car Missing**—His 1951 Ford was stolen from the 2000 block of Fairgrounds road Tuesday. It was reported to city police by Kenneth L. Frank, 4865 Bailey St.

**Hubsaps Stolen**—The theft of four hubsaps from his car was reported to city police Tuesday night by Glen Sansburn, 730 North Liberty St. They were taken while the car was parked near Church and Ferry streets between 7 and 10 p.m., he said.

**Pleads Innocent**—Forrest Brown Jr., 2286 North Front St., pleaded innocent in district court Wednesday to a charge of assault and battery. Trial is to be set. He was arrested Tuesday by sheriff's deputies on a warrant charging him with assaulting and beating Ransom Drake. The complaint was signed by Velma Drake. Deputies said they knew no details on the complaint.

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# Florida Rains Cause Damage Of \$15 Million

**By UNITED PRESS**  
A midwinter thaw sent rivers rising to flood stage in the East today, and a 16 1/2-inch deluge of rain caused an estimated \$15 million damage in Florida.

Earlier, tornadoes associated with the southern and eastern storm systems killed at least 11 persons in Oklahoma and Louisiana.

Eight persons were killed in a twister at Gans, Okla., and three persons died in the farming communities of Bellevue and Princeton, La.

Agricultural officials at Pompano Beach, Fla., said some 25,000 acres of crops in the area were under water following 24 hours of steady rain. They said 85 to 85 per cent of the vegetables in the fields were destroyed and damage may reach \$15 million.

In the northeast, the swift-running French Creek reached the 57-foot flood stage at Meadville, Pa., today and observers expected it to climb about three more feet soon.

However, authorities said no serious flooding was expected. They said a 60-foot stage would flood streets and basements in about a five-block square area.

# City Employee Gets Acid Burn

A city employee suffered acid burns about his eyes and face Wednesday morning when a battery "blew up" on him, city first aidmen reported.

Keith Harris, Rt. 2, Silverton, a power shovel operator on a city engineer's project in West Salem, had just disconnected a battery charger from the battery on the shovel when something caused the battery to spew acid on his face.

He was rushed to the nearby fire station where firemen washed his face with soda water. City first aidmen were called and gave further first aid treatment and Harris was taken to Salem Memorial hospital.

The burns were apparently not extensive, hospital attendants said, for Harris was released to his home after treatment by his doctor.

# Mary Foster Dies Tuesday

Mary M. Foster, a resident of Oregon for 40 years, died in Riverside, Calif., Tuesday after a prolonged illness.

She was born in Jasonville, Indiana, in 1886, the daughter of a Methodist minister. She was married to James P. Heath but was widowed at the age of 36. She moved her family to Salem to be near an elder son, the late Rev. C. O. Heath. She was married to J. L. Foster who died in 1916. Mrs. Foster lived in Ashland for several years and then moved to San Diego.

Survivors include a daughter, Mrs. Guy Pickens, Beaumont, Calif.; 9 grandchildren, among them Hillis and Paul Heath of Salem and Virginia Heath Russell of West Linn; 11 great grandchildren.

Services will be conducted by the Rev. George Norton at Weaver Mortuary, interment in Mountain View Cemetery, Beaumont, Calif.

# Camellia Unit Seats Officers

The installation of new officers highlighted a meeting Tuesday night of the Salem Camellia and Rhododendron society. Walter Barlow installed the officers who will serve during the next year.

Guest speaker for the evening was John Henry who discussed the culture and care of rhododendrons and azaleas. He also showed color slides of flowers, some of which were taken in England.

The group set April 12 and 13 as the dates for its camellia show which will be held at Meier & Frank.

**MITENS FOR VICTIMS**  
**SCOTT'S MILLS** (Special)—The Junior Modern Women sponsored a mitten drive for war victims in Hungary and Germany. They contributed 33 pairs of mittens.

# Woodburn Honors First Citizens of 1956



WOODBURN—L. H. Hildebrandt, left, with wife, Marjorie, was honored as the first junior citizen of Woodburn at a banquet in St. Luke's parish hall Tuesday night. Ray Glat, right, with his wife, Elizabeth, was chosen as senior first citizen. In center is Winton Hunt, master of ceremonies. Hildebrandt was introduced by Gilbert Ramage of the Junior Chamber of Commerce, and Glat was introduced by Killian Smith of the Senior Chamber of Commerce. (Capital Journal Photo by Mike Forbes)

# Council of Churches Talks Legislation

**Liquor, Prison and Migrant Topics Discussed**  
**By JANET TUGMAN STONE**  
Capital Journal Writer  
(Picture on Page 5)

"We'll put what weight we have behind any progressive legislation that might arise from these meetings, but our primary purpose now is simply to give the people an opportunity to study and discuss legislation of vital concern to Christians," said Dr. Julian Keiser of Salem's First Congregational Church, chairman of legislative session seminars scheduled by the Oregon Council of Churches.

The Council, in its second day of a three day meet, will have panels on liquor legislation, migrant legislation, prison legislation and educational issues.

**Migrant Discussion**  
On the panel for migrant legislation, the Rev. Myron Hall will be chairman and panelists will be Senator Walter Leth, Monmouth; Dr. Daniel Westler, Westminster Foundation, Corvallis and Miss Betty Whitaker, migrant director of the Oregon Council of Churches.

According to Dr. Keiser, a proposal will be made that the state look into appointing a commission to look into migrant needs. Dr. Westler, he said, has headed a committee for the churches, which has made a study of migrant areas. Of primary interest to the panel will be the living conditions of the migrant, the health and welfare and the education.

**Liquor Discussion**  
On the panel for discussion of liquor legislation will be Rep. Robert L. Elfstrom, formerly chairman of the Oregon Liquor Commission; Bruce Williams, past-chairman of the Commission; Dr. Tulus Frazee, executive, Oregon Temperance League and Dr. Wayne Greene, minister of the First Christian Church in Salem, moderator.

According to Dr. Keiser, "We feel we need to hold the line against any freer application of liquor licenses, particularly in or around the areas where younger people are." He said the panel will discuss present restraints and the need to keep them, among other issues.

Moderator of the prison panel will be Professor Arthur Gravatt, Willamette university. Panel members will be Senator Jean Lewis, Portland; Clair Argow, executive of the Women's Prison Council; the Rev. Rene Bozart, Gresham, past president of the Oregon Prison Association. This panel, says Dr. Keiser, is primarily concerned about the women's building. They feel the facilities are inadequate.

# Holmes Raps Fund Formula

WASHINGTON (AP)—Oregon is losing 2 1/2 million dollars a year because of "gross discrimination" by the Department of Agriculture, Gov. Robert D. Holmes said here Tuesday.

Holmes said that on the accepted formula for distribution of forest aid to acreage and value of the forests. But, he said, Oregon with 36 per cent of the value of timber cut from national forests, gets less than 13 per cent of the federal allotment.

He said this is because "the administration and its assistant secretary of agriculture, E. L. Peterson, have done nothing to assure that current values are considered in distribution of the funds."

Holmes added that the state's Democratic members of Congress have assured him they will act to "rectify this gross discrimination."

# Dam Licensed On Clackamas

WASHINGTON (AP)—Portland General Electric Co. Tuesday received a 50-year license from the Power Commission for a proposed \$13,300,000 North Fork hydroelectric project in Clackamas County, Ore.

The project on the Clackamas River will have a concrete arch dam about 100 feet high and a reservoir about four miles long with 7,700-acre feet of usable storage capacity. At the base of the dam will be a powerhouse with an expected capacity of 38,400 kilowatts.

**DENNIS THE MENACE** —By Ketcham

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# Water Talks Planned Today

An informal meeting of the citizens advisory water supply committee and the city council has been called for 4 o'clock Wednesday afternoon at city hall.

The meeting was requested by Carroll Meeks, chairman of the advisory committee which was appointed by Mayor Robert L. White to make a study of the water rate structure and the application of water revenues to the projected new supply line from Stayton Island.

The committee will ask the city council for a short-term declaration of policy relative to supplying city water to outside areas prior to annexation to the city, which will have an important bearing on the committee's study and its later report to the council.

Also the committee will make a progress report on what has been done since it began the study about three weeks ago. To date the general committee, counting the meeting today, has had three meetings, and eight meetings have been held by its subcommittees that are studying different phases of the question.

# Firemen's Ball Tickets Ready

Tickets for the annual Firemen's ball will go on sale Thursday, the fire department announced Wednesday.

The annual fund-raising dance of the firemen will be held February 9 at the Crystal Gardens dance hall. Tickets will sell at \$1 each.

Funds raised by the dance go to such causes as donations to churches and other departmental functions.

# Damages Asked In 2 Accidents

Two damage suits involving two separate traffic accidents and involving damages of more than \$23,000 were filed in Marion county circuit court Wednesday.

One of the cases, filed by Christ Alsup against Edith McGillchrist, results from a pedestrian motor vehicle accident Dec. 22, 1955, at the intersection of Marion and Church streets. The plaintiff says she was struck by the defendant's automobile while she was in the pedestrian lane. She asks total damage of \$10,334.50.

In the second complaint to be filed John L. Towle seeks to collect personal injury damages from Bernard A. Shanks in the sum of \$12,650. The litigants were involved in a traffic accident Sept. 25, 1956, at High and Ferry streets.

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