

What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

TESTIFY IN COURT

Daniel Williams is on trial for the murder of his wife by strangling her after a heated quarrel. Two people were present at the time of the homicide. One is the small daughter of Williams, age six. The other is an uncle of Williams who is now in the State Hospital, having been declared insane after the killing. At the trial, the district attorney will place each of these two witnesses on the stand to testify but Williams' attorney objects, claiming that the child is too young to appear and that the fact that the uncle is insane disqualifies him from testifying. What should the judge do, permit them to testify?

Neither age nor insanity are a bar to testifying. Capacity to testify as a witness depends on a certain minimum ability to observe, recollect and tell what he has observed and remembers.

Intelligence Is Test

There is no technical rule that disqualifies a child below a certain age limit. Intelligence, and not age, is the test. Nor is there any technical rule that disqualifies an insane person from appearing as a witness.

People may be placed in mental hospitals for any number of mental illnesses. Some of these are in no way related to one's capacity as a witness. Others may be suffering from a type of mental disease that impairs the memory and the person affected may be unable to recall accurately.

Capacity of a witness to testify is a question of fact for the judge to decide in every case. Frequently, he will have the jury leave the room and then talk to any child involved, questioning him about his understanding of the importance of telling the truth. In ruling on the capacity of a witness who is now insane, the judge may seek the counsel and advice of a doctor. He wants to determine the ability of the insane person to recollect and recount what he saw and heard.

LAMPREY-KILLER

St. Paul—A new "super weapon" against the lamprey has been developed by conservationists. It is a chemical "lamproicide" designed to kill the eel-like parasites before they wander from the stream beds where they are born. Hjalmar O. Swenson, fisheries chief of the Minnesota Department of Conservation, recently watched a demonstration of the "lamproicide." The chemical was spread over a stream bed. Within three hours, the young lampreys were dying. Swenson said the chemical is non-toxic to other fish. While it is expensive now, it will become more economical as cheaper means of production are found.

CHURCHILL TO VACATION
Marrakech, Morocco—Sir Winston Churchill and his wife will arrive here Jan. 12 for a three or four-week vacation in the sun, it was disclosed today.



NEW PRESIDENT — Dr. Manuel Urrutia (shown in file photo) has been named as provisional president of Cuba by rebel leader Fidel Castro, to succeed deposed dictator Fulgencia Batista.

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CELEBRATING OVERTHROW of Fulgencio Batista's dictatorship, mobs run wild through streets of Havana. This littered street is outside Plaza Hotel's casino.

Jokesters Busy Dusting Off Old Texas Gags, Crediting Them to Newest State

By FRED DANZIG
United Press International

Alaska comes in with a smile. For the past few months, the jokesters have been busy dusting off old Texas gags, refurbishing cold climate stories, and crediting them all

to Alaska, the newest state in the union.

Some examples: Noting that Alaska's 586,400-square miles make her the largest of our 49 states (Texas, the deposed champion, has a mere 267,339), Sen.-elect Ernest Gruening of Alaska

offers his favorite definition of claustrophobia: "The way an Alaskan feels when he visits Texas."

Will It Melt? In Texas, of course, it's only a temporary setback. "We'll just wait 'til Alaska starts melting," they say.

Senate Democratic Leader Lyndon Johnson offers this word of solace to his fellow Texans: "Texas is still the biggest state south of the North Pole." He added, "we now have an outlying state—one that can out-lie Texas."

Heard about the millionaire oil man in Texas who installed well-to-well carpeting on his ranch? Now meet the wealthy Alaskan who furnished his igloo with walrus-tail walrus carpeting. Or how about the Alaskan who cut a hole in the top of his igloo so he could stand up when he hears "The Star-Spangled Banner?"

Jack Paar had the answer for a new American flag: "Why not 48 stars and an ice cube?"

Found Southern Hospitality Singer Monique Van Vooren said Alaska must be a driver's paradise because they have no parka problem. Robert Q. Lewis told of two Alaskans who visited a friend in Maine and, overwhelmed by his kindness, said "now we know what they mean by southern hospitality."

Singer Johnny Desmond tells about the Martians who landed in Fairbanks, Alaska, buttonholed a passerby and said, "take me to your heater."

Owners estimated it would require a month or two to re-equip and refurbish the salons.

American Gamblers Hibernating; Wait To Revive Business

Havana—American gamblers were hibernating behind their smashed casinos and shuffling for a deal to revive their multimillion dollar business under Cuba's new revolutionary regime.

But even the canniest of these 200 oddsmakers—who include such men as Meyer Lansky and George Raft—are not ready to call the turn on their Cuban future.

Cuba's rebel leaders have pledged the provisional government will protect America business, but they haven't yet pronounced their policy in respect to legalized gambling.

While most gamblers are reluctant to speculate openly on the future, Lansky, a long-time gambling wheel in both the United States and Cuba, was more sanguine.

"All we know now is that there is a new government in power and we want to do everything possible to cooperate with it," he said. "I have

reason to believe that all casino operators want to do likewise."

Lansky and many of the gambling colony erroneously were reported to have fled the country when President Fulgencio Batista went into exile in the early hours of New Year's day.

If the revolutionary government elects to revive the casinos, it seemed certain only a few would be ready for operation before the winter tourist season comes to a close.

Mobs of vandals, taking advantage of the temporary breakdown of law enforcement following the Batista flight, stormed into most of Havana's casinos and wrecked them. Furniture was smashed, gambling wheels were wrecked and bars were ransacked.

Owners estimated it would require a month or two to re-equip and refurbish the salons.

New Night Course Listed at SOC

Another course has been added to the list of night classes scheduled for Southern Oregon college, it was announced today by college officials.

Speech 239, oral interpretation, will be instructed by Dr. Dorothy Stolt, starting at 7 p.m. tomorrow. This class will meet every Tuesday night in room 3 of the college library.

Students may register tomorrow night or may contact Mrs. Mabel W. Winston, registrar.

Church May Face Shortage of Clergy

Washington—The Episcopal church, traditionally proud of its highly-trained ministry, may soon face a shortage of clergy.

This warning was issued by Dr. Clifford P. Morehouse, editor of the Episcopal Church annual. The yearbook showed that the number of baptized persons in the Episcopal church grew 3.5 per cent in 1958 to 3,274,867.

But the number of clergy increased only 2 per cent to 8,234 and of these, 1,073 are on the retired list.

FARM PHONES

De Moines—Iowa leads the nation in the number of farms with telephone service. Nine out of 10 farms in the state had telephones at the end of 1957, the State Department of Agriculture said. The total number of phones was 174,000.

An inexpensive process recently developed extracts a wax similar to carnauba from sugarcane.

4-H CLUB NEWS

Phoenix Knitwits met at the home of Mrs. Jeanett Grove in Phoenix recently.

Refreshments were served by Nedra Harris. The next meeting will be held Wednesday.

MARILYN KANTOR, Reporter.

Dancer Gretchen Wyler tells of the Texan who visited Alaska and was told by a proud Alaskan that there's enough gold in Alaska to build a solid gold bridge all the way to Texas. The Texan thought a moment and said: "Okay, start building it. If I like, I'll buy." Anyhow, welcome Nome, Alaska.



ASSEMBLING ON STEPS of Virginia's State Capitol, crowd of 1,000 Richmond Negroes demonstrate with prayer, hymns and resolutions for end of Virginia's anti-integration policy which has closed nine schools.



CELEBRATING INAUGURATION as New York's governor, N. A. Rockefeller and wife dance at Albany ball.

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