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Secretary of State Case Nearing Test

Preliminary Draft Of Quo Warranto Put Into Writing

Supreme Court To Act Rapidly

Salem –(UPI)– A preliminary draft of a "quo warranto" proceeding testing whether Dave O'Hara or Howell Appling is Oregon's proper secretary of state was in writing today.

Attorney General Robert Y. Thornton, who will represent O'Hara, said the draft was sent to Marion County District Attorney Hattie Bratzel for approval.

The Marion county district attorney's approval must be received before the document can be presented to the Oregon Supreme Court.

Appling Seen Defendant

Thornton said that Appling, a 39-year-old Portland businessman who was appointed secretary of state Monday by Gov. Mark Hatfield, probably will be the defendant in the action.

O'Hara, 71, Salem, former state elections chief, was ex-Gov. Robert D. Holmes' choice for the post.

The high court must decide which of the men is qualified.

Appling, 39, has expressed confidence that he will win the post and said he considered himself secretary of state until the Supreme Court acted to clarify the issue.

He occupied the official suite of the secretary of state in the Capitol building Tuesday.

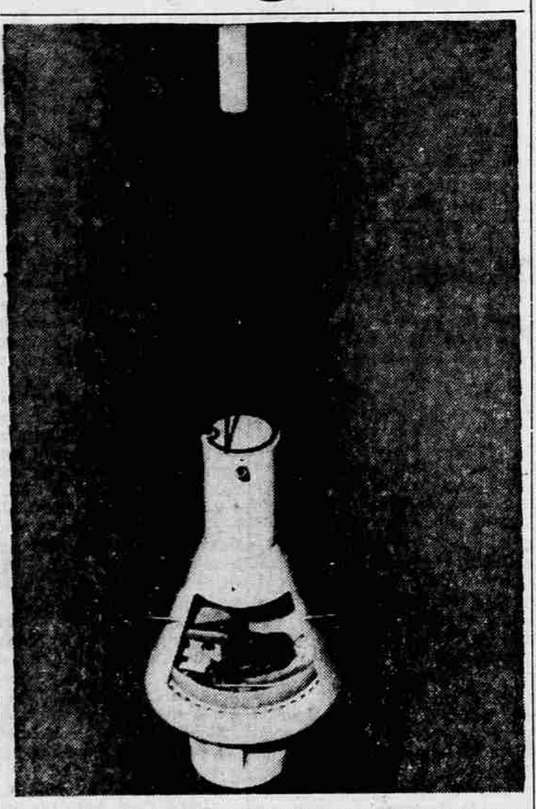
Originally, Lamar Tooze, Portland, one of Hatfield's legal advisors, had hoped to get the proceeding before the high court Monday but Thornton asked for more time to study proper procedure.

Rapid Action Expected

The Supreme Court was expected to act rapidly as soon as the action was brought before it.

Quo warranto proceedings are designed to test the validity of persons to hold public office. They are one of only three proceedings over which the Supreme Court can take original jurisdiction. The other two are mandamus and habeas corpus actions.

The Legislature got down to work smoothly with introduction of 56 bills in the House and three in the Senate.



SPACE TRAVELER'S VEHICLE–This is a model of a "space capsule" which the National Aeronautics and Space administration has ordered built, for carrying a man into orbit around the earth. This view shows how the man will be positioned for blast-off, lying on his back. When capsule goes into orbit, man will sit up and face forward.

Highway 199 Freeway Planned

Sacramento – A 22.6 mile stretch of winding sections and sharp curves in Highway 199 south of the Oregon line will be eliminated by a freeway, according to plans of the California highway commission.

The route, which will generally follow the existing highway, will end 1.4 miles south of the Gasquet post office in Del Norte county.

Plans call for a two-lane highway with provisions for four lanes later. 1725-foot tunnel also will be built through Hazelview summit.

Initial cost of the project is expected to be $23,780,000 with ultimate cost at more than $30,000,000. Start of construction depends on availability of funds.

Vatican City–(UPI)–The Vatican has recognized the new government in Cuba.

Board Authorizes Series of Meetings On Reorganization

The Medford school board last night authorized Superintendent Dr. Leonard B. Mayfield to schedule a series of meetings with school boards from districts in this area to discuss reorganization or consolidation.

The action followed requests from several surrounding districts requesting conferences with Medford school officials concerning consolidation or reorganization. Board members said it received requests from Griffin Creek, Jacksonville, Ruch and Howard for such meetings.

The board also reaffirmed its position of cooperation with the Jackson County School Reorganization board in reorganization of the county's districts.

Dr. Mayfield said the meetings with surrounding district boards will be held as soon as possible, and various phases of consolidation and reorganization will be discussed, including financial, legal and curriculum aspects.

The sale of the remaining bonds authorized by school district patrons two years ago was authorized last night. Scheduled to be sold are $186,000 worth of bonds in the two-year building program.

Funds from the sale will be used for a new music and classroom addition at Medford High school, which is expected to be completed by next September. The music department is now housed in the industrial arts section at the school.

The bond sale also clears legal aspects for reorganization or consolidation moves. All bonds must be sold in any action of consolidation or reorganization involving the district.

In other action, the board renewed contracts for Dr. Mayfield for five years, and Elliott Becken, assistant superintendent, for four years.

The board approved adding another bus route in the afternoon, utilizing present facilities. The additional route became necessary when the new Wilson school opened.

Two appointments to the district budget committee are being considered by the board, ande are expected to be filled soon so work may start on the budget for the 1959-60 school year.

Permit Issued for Office Building

A building permit for $59,000 was issued Tuesday afternoon to O. L. Williams for the construction of an office building at Barnett rd. and Riverside ave.

The new building will house district offices of the bureau of land management. The 14-room building will be one-story constructed of brick and be approximately 200 by 40 feet. The building will be leased to the General Services administration for BLM.

The government agency is tentatively scheduled to occupy the building March 1.

Gigantic Heroin Syndicate Cracked

San Francisco – (UPI) – A federal Grand Jury today indicted three men in what was said to be the biggest Chinese narcotics syndicate in American history – masterminded from Communist China.

The syndicate's books indicated that it distributed at least 2,470 pounds of heroin along the West Coast in the past eight years, agents said.

Shady Cove Pilot Reported Missing; Safe in California

Jim Davis En Route From Gila Bend

Jim Davis of Shady Cove and a light plane he was piloting were located on airfield in San Diego county, Calif., this morning after being reported missing last night, Oregon state police and Federal Aviation agency officials in California said today.

Davis was on a flight from Gila Bend, Ariz., to San Diego in a Cessna 170. He left Gila Bend at 4:42 p.m. yesterday, and was due in San Diego at 6 p.m.

Check Fields

Auxiliary airfields in Arizona and California were checked by Air Force plane and highway patrols in both states, but the plane was not located last night.

Davis, a lumberman who also has mining interests in Mexico, was believed to have gone to the area to check into timber interests, police said. Neighbors of the Davises told state police they thought that Davis' wife, a boy and R. F. (Bud) Holman, also of Shady Cove, accompanied Davis when he left about a week ago.

Reports from southern California did not indicate whether anyone was with Davis at the time he was located.

The plane he was piloting is believed to be one which recently was rebuilt after it crashed about a year ago in the Chiloquin area.

The Davises live on Rogue River dr., Shady Cove.

Jury Finds Local Couple Guilty

Marion Ben Day and his wife, Hazel Pauline Day, 417 King st., Medford, were found guilty yesterday afternoon by a Jackson county circuit court jury of unlawfully obtaining $288 in public assistance funds. The jury deliberated about 2½ hours.

Sentence will be passed by Circuit Court Judge James Main Monday.

Gerald Scannell represented the district attorney's office and Allan Holmes acted as attorney for the defendants.

Dr. Harry D. Danielson, local psychiatrist, a professor from Southern Oregon college, Ashland, and Mrs. Martha Rhodes of the Jackson county public welfare department testified yesterday morning before the case went to the jury at 11 a.m.

Day was working for Bear Creek orchards at the time the charges were brought.

Elgin Holdup Man Grabbed by Police

LaGrande – (UPI) – A man accused of holding up a service station at Elgin north of here Tuesday night was captured in Elgin just before dawn today after he had broken away from one road block as state police bullets zinged past him.

State police identified the man as Robert Lee Robinett, 33, Lewiston, Idaho. They said a gunman held up an Elgin service station operated by Dick Parson, robbed the till of $500 and then took money from two Elgin residents who were visiting with Parson, Larry Strickland and Alfred Aobsey.

France Working for Algerian Cease Fire

Paris –(UPI)– France has begun behind-the-scene negotiations for an Algerian cease fire and hopes to win one by Jan. 20, a high French official said today.

The backstage contacts, if successful, would end within a week the four years of bloody fighting which has cost France billions of dollars and thousands of lives.

Italian Premier Amintore Fanfani, who arrives here today to see President Charles de Gaulle, has been actively engaged in the behind-the-scenes negotiations, the official said.

The disclosure came hard on the heels of Tuesday's announcement by the DeGaulle government of sweeping clemency measures for jailed Algerian extremists. That move also had raised hopes for early peace.

Jury Selection in Flury Case Starts In Circuit Court

Attorneys Making Close Examination

Selection of a circuit court jury got under way this morning for the trial of Ted Flury, secretary-manager of the Eagle Point Irrigation district, who is charged with illegally accepting funds while serving as a public official.

Court officers indicated the jury selection would take a good part of the day.

Attorneys made elaborate and detailed examination of each of the jurors as the case opened at 9:30 a.m. today before Circuit Court Judge M. Main.

The law firm, Farrell and Blackhurst, is representing the Eagle Point Irrigation district and the Roberts, Kellington and Branchfield firm is representing the interests of California Oregon Power company and defendant Flury. District Attorney Thomas J. Reeder is representing the state in the criminal trial.

Specific Charge

Flury is specifically charged with receiving $4,050 from Copco between Jan. 1, 1955, and Oct. 1, 1958, while he was an official of the Eagle Point Irrigation district.

Flury was arrested Oct. 15 on a grand jury indictment. He was released on $250 bond following his arraignment before Judge Edward C. Kelly.

The grand jury investigated the irrigation district following complaints by Mrs. Ann Todd, Eagle Point water-user.

Mrs. Todd also filed a complaint on Nov. 5 in circuit court asking that the irrigation district's contract be cancelled and that all district property given Copco be returned.

Water Main Being Installed on Biddle

A new six-inch water main along Biddle rd. from the California Oregon Power company substation to a connection 600 feet south of McAndrews rd. is being installed this week, according to Medford Water Superintendent Robert Lee.

City crews should finish laying the pipe this week, Lee said. But, he added, work on connections will last into next week.

Three fire hydrants are included in the project, he said. The main will provide both fire protection and domestic service.

Budget Group Lacks One Appointment

All but one position on the county budget committee remains unfilled in county governmental bodies, County Judge Earl Miller said today.

Bill Bigham, Eagle Point, was reappointed to the county fair board for a two-year term.. Ed Fosson, Applegate, has declined reappointment and has been replaced with Collier Buffington, for a three-year term. Holdover on the fair board is Francis Krouse, Provolt.

New appointments to the planning commission include C. O. Lovejoy, Old Military rd., Medford; Ron James, 3710 Calhoun rd., Medford; and C. W. Duggan, route 2, Sams Valley, all for three-year terms.

Appointed to the county budget committee was L. W. Newbry, Ashland. Tom Wray, Medford and Curtis Barnes, Talent, have both declined reappointment. Arnold Bohnert, Central Point, is a holdover on the budget committee. Members of the county court make up the other committee members.

West Coast Shipping Strike Threat Averted

San Francisco – (UPI) – The threat of a West Coast shipping tie-up ended today when the Marine Firemen's Union agreed to arbitrate a dispute under grievance procedure of its contract, the Pacific Maritime Association announced.

Ways-Means Heads Chosen

Sub-Committee Chairmen Named For Joint Group

Budget Examiners Offer Assistance

Salem –(UPI)– Members of the Joint Ways and Means Committee were assigned today to sub-committees by joint chairmen, Sen. Alfred Corbett, Portland, and Rep. Keith Skelton, Eugene, with the result that committee members will pitch in immediately to study state department budgets.

Freeman Homer, new director of finance and administration, presented a corps of budget examiners from the budget division who will assist sub-committee members in budget studies.

Regular meetings of the joint committee will be held each Friday morning, except for special meetings from time to time as need arises.

To Interview Heads

Once-a-week meetings were decided upon in order to give more time for work by subcommittees.

The six subcommittees to which budgets of various state agencies have been assigned will interview heads of departments, hear comments of the examiners and examine the operations of each department before coming to a conclusion as to the amount of money recommended for each department.

Co-chairman Corbett suggested that subcommittees follow this proceedure rather than attempt to make a fixed percentage cut in budgets.

Subcommittee Chairmen

Chairmen of subcommittees named today and the department assigned are:

No. 1–Sen. Ward Cook, Portland, general government.

No. 2–Rep. George Annala, Hood River, protection to persons and property.

No. 3–Sen. Francis Ziegler, Corvallis, public welfare and public health.

No. 4–Sen. Jean Lewis, Portland, education.

No. 5–Sen. Dan Thiel, Astoria, highways, and parks and natural resources.

No. 6–Rep. Vern Cady, Burns, licensing and regulation of business and occupations.

At a later date, a special committee to study the state's building program for the 1959-61 biennium will be appointed.

Boundary Change Suggested by Board

The Howard school board recommended to the county school reorganization board one boundary change at the meeting Tuesday evening. The change would transfer a piece of the Howard district to the Central Point district.

The recommendation is being made, Jack Campbell, chairman of the board said, to straighten the boundary line and to accommodate families in the area. Less than 20 children would be affected by the change.

The property is on the north side of Beall lane bounded on the west by Bursell rd. and on the east by Bear creek. The north boundary line would be across Gilman's dairy on the donation land grant line.

Mostly Fair Weather Expected in Oregon

By United Press International

Mostly fair weather with night and morning fog was the outlook through Thursday for Oregon today. Streams continued to fall.

Highway 101 south of Coquille, closed Tuesday by high water, was opened to one-way traffic today.

"Anybody Want To Argue About Other Rules?"

New Junior High School Considered By Ashland Board

Ashland — Dr. Elmo Stevenson, president of Southern Oregon college, said today there are other more desirable sites for a junior high school in Ashland than the site selected by the board.

The board this week reviewed plans for a new junior high school and said it planned to acquire a section of land in the Iowa-Wightman sts. area.

Dr. Stevenson said he was "disturbed that property within the 'projected' boundary of Southern Oregon college, and approved by the Oregon State Board of Higher Education . . .should be selected as the only site for a new junior high."

Not Opposed to School

He stressed that he is not opposed to a new junior high school, and pointed out he "has sent three children to this antique structure (referring to the present building) in the last few years," and has frequently expressed his dissatisfaction with the present situation.

The top floor of the present building has been condemned and closed by the state fire marshal, and the rest of the building is said to be unsafe.

"The approved long-range plan of the college includes the 17 acres under question for the site of a railroad siding with warehouse, maintenance and applied science classroom buildings as well as an extended area for intramural activities," Dr. Stevenson noted. The college's physical education and health facilities are already there, he noted, and "hence this development is natural."

Dr. Stevenson said another site for the proposed new junior high school may be more expensive, but he said he was willing to pay a higher price for a site for the building, to enable the college to grow to a maximum."

The school board pointed out, however, that it has no intention to do harm to the interests of the college by moving to acquire the junior high site. Some board members said they felt there was no other suitable location, but all of them agreed that the college represents a financial interest in Ashland, and they would not want to jeopardize its expansion.

School Superintendent Stanley Jobe said the new junior high school may cost about $1 million. Outlines for the proposed building are for a structure to house a maximum of 800 students. The preliminary plans were drawn up by Wayne Struble, Medford.

Graham's Trouble Said Emotional

Rochester, Minn. –(UPI)– An eye spasm that has plagued evangelist Billy Graham appears to be more an emotional reaction than an organic disability, according to his private physician.

Dr. Kenneth Geiser, Graham's longtime friend and physician who arrived here Tuesday night to assist examinations at the Mayo clinic, described the ailment as "a spasm of a blood vessel in a sensitive portion of the left eye."

"It is a nervous reaction more than an organic thing," Geiser said, resulting from "nervous tension and strain."

The 40-year-old revival leader entered Mayo Clinic Tuesday for tests after pain connected with the spasm forced him to cancel a Dallas, Tex., speech and postpone a planned Australian crusade a week.

Inflation Control Said Essential For Lower Taxes

National Press Club Questions President

Washington —(UPI)— President Eisenhower expressed confidence today that if inflation can be controlled, the way will be paved for a possible tax cut.

He said a balanced budget and a strong America both can be achieved "if we keep under control the problem of rising costs."

Sounds Economy Theme

Eisenhower, at a question and answer session with National Press Club members, again sounded the economy theme he voiced in his State of the Union Message last Wednesday.

He was aked if the nation could meet the needs of an expanding defense and growing population and balance the budget at the same time.

He declared it could be done "if we can keep prices from rising unconscionably." But he said lobbyists and pressure groups are "never satisfied" with the amounts allotted in the federal budget for the activities in which they are interested.

Wants Tax Reforms

Eisenhower promised that in his budget he was "making certain that we do not neglect programs in which the federal government should participate."

"If we can keep under control the problem of rising costs," he said, "it can result in having what we need and eventual modification of our taxes."

If Congress sticks to a balanced budget this year it will increase the possibility of lowering taxes "all along the line," he continued.

But he said he was "not prepared to say" that he would recommend a cut in the income tax next year. He said the first need was for overall tax reform and that Treasury Secretary Robert B. Anderson "is already studying the kinds of reforms we should have."

The President was the guest of honor at a lunch marking the Press Club's 50th anniversary celebration.

More than 500 newsmen jammed the club's auditorium. Following club custom, the President responded to written questions submitted by members of the club president, John V. Horner of the Washington Star.

Public Creates Prosperity

The President was asked whether it was possible for the economy to expand at a rate of 5 per cent a year without the federal government boosting its spending on public facilities of all kinds.

He replied that the federal government doesn't create prosperity, and that the decisions of 175 million Americans on how they will spend their money are "far more important that what the federal government does."

Portland Bridges To Be Beautified

Portland –(UPI)– Two Portland bridges will be beautified.

County Commissioners Tuesday approved plans to plant shrubs, flowers and trees at the Southeast Union avenue ramps of the Hawthorne and Morrison bridges.

New York–(UPI)–Actress Zsa Zsa Gabor has announced she will marry millionaire Hollywood builder Hal B. Hayes in about three months.

WEATHER

FORECAST: Valley fog or low cloudiness tonight and Thursday, briefly improving Thursday afternoon. Low tonight 30. High Thursday 38.

	TEMP.
Highest yesterday	35
Lowest this morning	31
	PRECIP.
To 10 a.m. today	Trace

Our Skies Tonight

Sunset today ..... 5:02 p.m.
Sunrise tomorrow ..... 7:38 p.m.
Moonset tonight ..... 11:13 p.m.
First quarter ..... Jan. 16
Algol, the variable star, high overhead at ..... 7:40 p.m.
Dims tonight at ..... 7:00 p.m.
This star will be only one-third as bright as it usually is.

Safety Award Winner To Speak at Banquet

Sgt. William J. Colbert, of the Oregon state police at Newport, will address the Medford Safety Council at its annual installation and awards banquet Friday evening, according to Russ Jamison, executive secretary of the council.

Officers for 1959 are to be officially installed at the banquet, which is to take place in the Jackson hotel.

Mrs. Maxine Horton, 3333 Dark Hollow rd., is to be presented the council's "Saved-a-Life" award by Jackson County Sheriff Joe Walsh.

Medford Mayor John W. Snider is scheduled to present an industrial safety award to either Kogap Lumber company or Timber Products.

County Judge Earl Miller is to present a special traffic safety award; and Berry Bigham and C. D. Larson, outgoing and in-coming council presidents respectively, are to present distinguished citizen safety awards. Sergeant Colbert was the first winner of the council's award, when he was stationed here several years ago.

General chairman for the event, at which some 150 people are expected, is Capt. Clyde Fichtner of the Medford police department.

Capt. Fichtner has urged that tickets be purchased in advance from members of the ticket sales committee. The committee includes Aubrey Loper, Bigham, Walsh, Irean Grigsby, Ralph Matthews, Greg Orr, Herb Vallee, Buford Johnson, Leo Sevcik, Rudy Tetreault, Elliott Becken, Dr. Mary Jane Fowler, Captain Paul Morgan of the state police and Jamison.

Some Property Owners 'Balk' About Clean-Up; Fear Taxes Would Increase

Some Medford property owners have "balked" when approached regarding property clean-up, it was reported at this week's meeting of the Make Medford Beautiful committee by Granvil Brittsan.

The chairman of the survey action sub-committee explained some property owners have expressed fear of increased taxes when they clean up or paint their property.

Schumacher Questioned

County Assessor Ray Schumacher, when questioned about increase in taxes where property improvements are made, said that the assessment value is based on the market value of the property.

The difference, he said, is whether the property owner wished to keep his property in good condition so the market value will remain up, or pay less taxes through property depreciation and own property that has a lower market value.

He added that in cases where the property had been allowed to run-down and then is vastly improved, the taxes would automatically rise since the market value of the property would increase.

Schumacher explained that in cases where a person cleaned up the trash or cut weeds in a yard, there was little chance that the market value of the property would change.

Lou Cranston, committee chairman, announced that the gasoline dealers association had been contacted concerning a litter bag distribution program.

It was also reported that several homes that had been considered "eye-sores" were being cleaned up.

Attending the luncheon at the Medford hotel were Cranston, Brittsan, Jack Foster, John Cheney, and Darrell Huson.