

AVIATION HISTORY - Aviation pioneer Glenn H. Curtiss is shown at the controls of his plane "June Bug" which he built in 1908, and made aviation history when he accepted a challenge by the New York City newspaper to fly the "contraption" from Albany to New York City. (UPI Telephoto)

Albany-New York Flight Made History 50 Years Ago Today

Albany, N. Y. — (UPI) — Glenn H. Curtiss, of Hammondsport, N. Y., became an aviation history-maker 50 years ago today when he accepted a challenge to make the first airplane flight from Albany to New York City.

It began in a potato field on the southern outskirts of Albany. The prize was \$10,000. At the time of the flight, Curtiss was already an aviator of some renown. He had constructed three planes before the Albany-to-New York City flight, and had converted his bicycle shop at Hammondsport into what resembled a small airplane factory. Paper issued challenge. To make the planes, Curtiss used piano wire, bamboo and silk. The New York World, a New York City newspaper, issued the challenge for the flight and put up the funds. The young genius set to work and built the "Albany Flier," an ungainly looking contraption that had pontoons tied to its landing gear. Curtiss felt this was necessary since he might have to land on water.

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.

Are Charitable Institutions Liable for Negligent Conduct?
About ten years ago in Illinois a student attending a non-profit college was injured while practicing on a trapeze owned by the school. She was in the school's gymnasium rehearsing for a show that was to be presented on the campus. The trapeze was faulty and the school was negligent concerning the student use of it. The student brought a legal action against the college seeking damages suffered because of her injury. The college took the position that it was not liable because it was a charitable institution and therefore immune to liability for negligent conduct of its employees.

This is a position long respected by the courts. The reasoning is that if such liability was actually recognized, suits like this one would soon eat up all of the money donated and held in trust to be used for a charitable purpose. The student, however, pointed out that the trust funds would not be touched because this college had a liability insurance policy to cover such happenings. If permitted to recover for her injuries, she could be compensated by the insurance company. The Supreme Court of Illinois, reversing the lower court, held for the student and permitted her to recover for her injuries. The court said that such a recovery should be allowed only if the damages would not affect the trust funds of the charitable institution.

Courts Hold Contrary
Most of the courts in the United States have held contrary to this case. The general view is that it makes no difference whether the charity is insured or not. Most states arrive at the result that there is no liability for such conduct on the part of a charitable institution. However, a relatively recent court revealed eighteen states that had rejected entirely the doctrine of tort immunity for charities.

A case came before the Oregon Supreme Court in 1959 involving a person who had suffered injuries when a hospital had used "infected and contaminated blood" in giving it by transfusion and had given by means of a contaminated needle, blood container and hose." In this case the hospital, a charitable institution, had complete liability insurance coverage. The Oregon court, however, stuck to the old view. The court said the rule is that charitable institutions are immune to liability and whether or not the institution carries liability insurance makes no difference. Two judges did disagree with the majority of the court and would have allowed the injured party damages.

Many Carry Insurance
In states where they are held to be immune to such liability, many charitable institutions carry liability insurance policies that make the insurance company promise not to use charitable immunity as a defense unless the company has the written consent of the institution to do so. In a 1959 case against the University of Pennsylvania, an insurance policy was in effect and it contained this type of clause. Even so, the insurance company used charitable immunity as a defense and the Federal court permitted it to do so successfully.

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State Congressmen Divided on Support Of School Measure

By YVONNE FRANKLIN
Staff Tribune
Washington Bureau

Washington (Special) — Oregon's three Democratic representatives parted company in their votes on a controversial feature of the \$1.3 billion school construction bill which passed the House last week.

Rep. Walter Norblad (R-Ore.) opposed the bill, which calls for spending \$325 million a year for four years. In order to qualify, the states must match the Federal Government in the amount of money it spends on school construction. Oregon's share is \$3,283,000 a year.

Although all three Democrats voted for final passage of the bill, Rep. Al Ullman voted against and Reps. Charles O. Porter and Edith Green voted for the Powell amendment. Sponsored by Rep. Adam C. Powell (D-N.Y.), the amendment is controversial because it denies funds to southern school districts which remain segregated. As a practical matter, such an amendment causes southern congressmen to oppose education bills; and in 1956 it was the factor that caused a school aid bill's defeat in the House.

Democratic proponents of federal aid have usually voted against the amendment to insure passage of the bill. Opponents of school construction have voted for the Powell amendment, knowing it would affect southern supporters of a bill. After the amendment carries, opponents then vote against final passage of an aid bill. Rep. Norblad voted for the Powell amendment and against the bill as a whole.

Important Issue
Norblad explained his vote for the Powell amendment by saying "I just don't believe federal funds should be used to maintain segregated schools."

Mrs. Green explained her vote for the Powell amendment by saying, "I think civil rights is one of the most important issues facing the country today. I believe in the Supreme Court decision. Funds should not go to those districts who are openly defying the Court decision."

Porter, who had in other years voted against the Powell amendment because he felt it scuttled legislation, voted for it this time because he felt southern support was already lost. He pointed out that earlier in debate, the bill's sponsor, Rep. Frank Thompson (D-N.J.) told the southerners in effect that the law of the land would be carried out even though this bill did not specifically spell it out.

Porter said that since Thompson's explanation killed much southern support for the bill, he decided to go ahead and vote for the Powell amendment. Porter did not believe it would prevent the bill from being enacted, and he wanted to be counted on the side of civil rights. Mrs. Green also did not believe the Powell amendment would kill the bill. The bill passed by just 17 votes, and their guess proved right.

Vote Based on Principle
Ullman explained, "I respect the position of Edith and Charlie because their vote was based upon principle, and you can make a valid argument that the money should not go to segregated schools. As far as that fight is concerned, I am certainly with them."

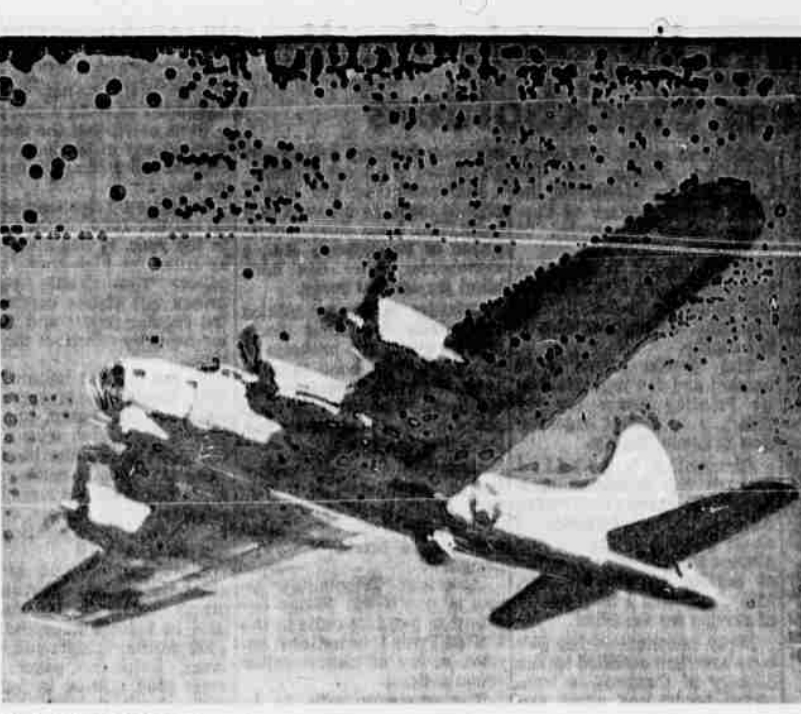
"I just think it more important to get an education bill, because I feel that the requirements of the Supreme Court are such that any conscientious administration would administer the bill in accordance with what is required in the Powell amendment. For this reason, I feel the Powell amendment was unnecessary."

All of the Democratic Representatives agreed on the necessity for federal aid to education. They pointed out the increasing reluctance of home owners to vote new bonds for schools. They feel that property owners are strapped by property taxes.

As Porter said, "The disparity between what we spend for inanimate things for weapons whose value is gone before they are completed — as contrasted with the pitiful amount we spend developing human beings is striking in contrast. This \$325 million a year is so small compared to what we spend in other fields."

He pointed out that there was a specific clause in the bill which prohibited federal control over the state's educational system. "I certainly oppose federal control in education, and I am convinced the bill prevents it," he said.

No Growth Seen
"We have federal aid to land grant colleges, the GI Bill, and there have been many programs for aiding universities for many years, and



B-17 DISAPPEARS—Unnoticed but not unlamented, the gallant B-17 has disappeared from the skies it once ruled. A Boeing B-17G is shown in flight during 1944. The B-17G was one of the many improved versions of the B-17 developed during World War II. (UPI Telephoto)

Only Legends and Memories Left of Once-Gallant B-17

Washington — (UPI) — Unnoticed but not unlamented, the gallant B-17 has disappeared from the skies it once ruled. The Air Force has destroyed the last B-17 carried on its books as a missile-target aircraft, the Coast Guard has given up the B-17s it used as air-sea rescue planes, and about all that remains is a flock of legends and memories.

One of them is being used as a flying aquarium. A couple still are flying as crop-dusters. But as an active aircraft, the B-17 has gone into retirement.

Dubbed the "Flying Fortress" when Boeing brought out the first model in 1935, the B-17 was undoubtedly the most famous warplane ever built. At the time, it was widely criticized as too big a plane for pilots to handle. By the end of World War II, how-

ever, Boeing and two other licensed manufacturers had turned out 12,731 of the four-engine giants, and they carried the brunt of the air war against Nazi Germany.

Dropped Bombs
B-17s dropped 640,036 tons of bombs on European targets — about 75 per cent of the bomb tonnage unloaded by all U. S. aircraft. In compiling this record, the B-17 also managed to build a host of legends about its fantastic durability.

It was a noisy and drafty plane. Pilots claimed it was like taking off in a perforated box car. But there never was an airplane built that could absorb punishment like the B-17. They used to limp home on two engines with tails half shot away and wings literally flapping.

One of the favorite B-17 stories concerned the ship that developed engine trouble over Italy. The crew bailed out, leaving behind a couple of small dogs carried as mascots. The B-17 dived along on two engines, finally wound up over Turkey, ran out of gas and glided to a perfect landing. When Turkish troops inspected the plane, all they found were the two dogs. To this day, some of those soldiers probably are convinced the U. S. trained canines to fly bombers.

War-time Record
The most famous B-17 was "Alexander the Great," which set a war-time record by averaging 150 combat hours a month. Originally, it was just an ordinary, run-of-the-mill B-17 which was parked on Clark Field in the Philippines Dec. 8, 1941.

Attacking Japanese planes made a mess out of that particular bomber. They tore holes in the shining aluminum, turned the four engines into junk and did a haircut on its two miles of wiring. When they finished, the \$200,000 B-17 was worth about \$200 in a junk yard. That's where it would have ended except that the U. S. needed planes too badly.

Mechanics installed undamaged engines from hopelessly wrecked planes. They patched up the wiring and grafted parts from other aircraft beyond repair. That's where this B-17 got its name — "Alexander the Great," after the Walt Disney character that was half swan and half goose. The crew painted a funny-looking bird on "Alexander's" nose, with the body and wings of a goose and the head and neck of a swan. Underneath they lettered the words, "It Flies!"

"Alexander" flew. Missions over the Philippines and Dutch East Indies. In one year, the hybrid bomber flew enough missions to equal 15 flights around the world. "Alexander" became famous after some one wrote a book about it and an Air Corps general pulled "Alexander" out of combat duty and made it his personal plane for a while. Reduced to ferrying.

"Alexander" eventually was reduced to ferrying personnel and mail. V. J. Day found it in a graveyard for surplus war planes too weary and battered for active duty. But Air Force officials who remembered the veteran saved "Alexander" from the junk yard and marked it for perpetual display in the Smithsonian Air Museum.

That was the story of the most famous B-17. "Alexander the Swallow" . . . Alexander the Indestructible . . . a crazy, mixed-up airplane with a second-hand hide and a funny nickname and a living, breathing personality . . . with a couple of hundred worn-out parts belonging to someone else and the spirit of American air power in every aching bolt.

There was and is a bit of "Alexander" in every U. S. plane, including the old, beat-up B-17s that wound up their lives acting as drone punching bags for the new guided missiles . . . doing a dirty job for their country as they did a long time ago when they were proud and shiny and deadly queens of the air.

Locals

Anvil Missing — Henry D. Rogers, Elk Creek Trail, reported to sheriff's officers that an anvil is missing from his home, deputies said today.

Take Hand Car — Sheriff's deputies are investigating a report that juveniles took a Southern Pacific railroad hand car and were running it on the tracks at Jackson Hot Springs, south of Poenic.

Batteries Taken — Dunbar Carpenter, Medford orchardist, reported to sheriff's deputies that two 6-volt batteries were taken from his orchard at route 3, box 124, Medford. One was taken from a crawler tractor and one from a spray rig, deputies said today.

Kennedy Taking Brief Vacation
Pebble Beach, Calif. — (UPI) — Sen. John F. Kennedy (D-Mass.) put politics aside today, the last day of a brief vacation with his wife at the site of their honeymoon.

The presidential aspirant, who celebrated his 43rd birthday Sunday, left word with the switchboard at the Del Monte Lodge that he was receiving neither calls nor visitors.

Kennedy will go back to pursuing the Democratic presidential nomination Tuesday. He will meet with Sen. Stuart Symington (Mo.) and California Gov. Edmund G. Brown at a \$100 a plate Democratic dinner in Los Angeles. He will be in San Francisco Wednesday for a similar affair.

Dr. Dooley Denies Political Motives
Los Angeles — (UPI) — Dr. Thomas A. Dooley, 33, the physician who has established hospitals in Southeast Asia, Sunday night denied charges he was motivated by political considerations.

"We're not taking care of people because we fear otherwise Communists would take care of them," he said at a press conference. "We're taking care of them because they're sick."

Dooley stopped over here briefly on his way back to his hospital in Ban Houei Sai, Laos. He had been in New York for a checkup following surgery one year ago for chest cancer.

All tests were negative, he said, "but it still is a long ways from saying I'm cured."

College Students Nabbed for Prank
Portland — (UPI) — A lighted candle was thrown into the struck Oregonian building early Sunday and security guards called the police before they discovered it was a college prank.

A six-inch candle was thrown into the foyer of the building by college students from Portland State college. They were David F. Hall, 21, and Robert C. Powell, 22.

They were dressed in pajamas, bathrobes, shoes and socks, and Powell was wearing a straw hat. The youths told officers they were being pledged to a fraternity and had thrown the candle on instructions of their pledge master.

ALARM CLOCK GIFTS
Bilston, England — (UPI) — Instead of distributing the usual prayer books to confirmation candidates, St. Leonard's (Church of England) church Sunday gave them alarm clocks — to make sure they wake up in time for Sunday services.

Parachute Jumper Killed in Fall
Elsinore, Calif. — (UPI) — It was an exciting moment for Mrs. Vanda Pfeiffer. She had made parachute jumps before, but Sunday was the first time she would pull the ripcord herself instead of having it pulled automatically by a line attached to the plane.

It was too exciting. Mrs. Pfeiffer, 32, apparently was paralyzed by fear. She never pulled the cord.

With her husband and their three children watching, she tumbled 3,500 feet to the ground. Her body landed in front of about 200 spectators.

Her husband, William, 32, Anaheim, Calif., had made his first "free-fall" jump only an hour before.

Pfeiffer and other members of the Skylark Parachute Club said she made no effort to pull the ripcord of either of the two parachutes she was wearing.

Oregon Sheriffs Slate Convention
Bend — (UPI) — The Oregon State Sheriffs association opens a two-day meeting here Thursday.

State Sen. Monroe Sweetland, Milwaukie, Republican nominee for secretary of state, will be the keynote speaker, and will discuss tax problems.

Presiding at the meeting will be Deschutes County Sheriff Forrest C. Sholes, president of the association.

SPACE BETS TAKEN
Belfast — (UPI) — Irish bookmaker Tom Forsyth is taking bets on which nation will be the first to send an astronaut into space and bring him back alive. Forsyth's odds are 5 to 1 for Russia, 8 to 1 for the United States, 12 to 1 for France and 11 to 1 for Britain. He said Sunday he has taken four bets so far.

GOT AND WENT
Tulsa, Okla. — (UPI) — The owner of the Get and Go grocery store here told police Sunday a burglar got and went with some \$800 worth of cigarettes.

Births
RAGSDALE — To Mr. and Mrs. Russell, route 1, box 240, Butte Falls, May 16, 1968, a boy, 9 1/4 pounds, at Sacred Heart hospital.
BUNKER — To Mr. and Mrs. Leo B. Jr., 516 Pearl st., Medford, May 30, 1960, a boy, 6 1/2 pounds, at Sacred Heart hospital.
SHALLENBERGER — To Mr. and Mrs. John E. Prospect, May 29, 1960, a girl, 9 1/2 pounds, at Sacred Heart hospital.
LUCHTERHAND — To Mr. and Mrs. LeRoy S., 1511 West Main st., Medford, May 29, 1960, a girl, 9 1/2 pounds, at Sacred Heart hospital.
BRYANT — To Mr. and Mrs. William C., 4950 Highway 99 South, Rogue River, May 29, 1960, a boy, 7 pounds, at Sacred Heart hospital.
KOUNZ — To Mr. and Mrs. Monte J., 805 Taylor st., Medford, May 27, 1960, a boy, 5 1/4 pounds, at Sacred Heart hospital.

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