

Oregon Supreme Court Decisions

Salem—The Oregon Supreme Court ruled Wednesday that a log trucker injured while unloading logs must seek remedy under the workman's compensation act, not outside it.

The high court said trucker Jimmie A. Childers lacked grounds for bringing independent action against the Schaefer Lumber Co.

The decision affirmed Judge Edward Leavy in an appeal from Lane county.

Childers was hit while unloading logs at the company's log pond. He had been assisted in the operation by employees of the company.

Childers contended he was engaged in a pick up and delivery operation that would

give him grounds for bringing third party action.

The Supreme Court agreed with the trial court that both parties were engaged in a common enterprise requiring joint efforts. It said the ordinary meaning of pick up and delivery cannot be extended to operations such as loading or unloading logs.

In an appeal from Clackamas county involving an auto collision, the high court upheld a verdict in favor of Lonnie Logsdan and Wayne Kenhus.

They had been making a left turn in Oregon City when their car collided with one driven by Kenneth Bostwick.

The Supreme Court affirmed the jury verdict in favor of Logsdan and Kenhus.

Space Project Said Six Months Behind

Washington—The boss of this country's manned space program said Wednesday the Gemini Project for putting two men into orbit together has fallen behind by six months or so.

But the official, Brainerd Holmes, rejected a congressman's contention this put the United States two years behind Russia in the race to the moon. He said this country actually may be ahead.

Holmes was questioned by a House space subcommittee about newspaper reports that new difficulties with the Gemini capsule and the Titan II launcher have pushed back until mid-1965 the target date for the launching.

Bar Offers Most Opposition To Constitutional Revision

Editor's note: The House is scheduled to give its verdict Monday on a proposed new constitution to replace the present 108-year-old one. Fourth in a series.

By ANN H. PEARSON
United Press International
Salem—When the Commission on Constitutional Revision completed its draft of a proposed new state constitution last year, the earliest and strongest opposition came from the State Bar.

Some of the sharpest

changes suggested occurred in the article dealing with the judicial branch. The bar objected to many of the changes.

The document was presented to the legislature when it convened in January.

For three and one half months, the House and Senate committees on constitutional revision have worked it over.

Both the commission and the committee agree that a new constitution must be a liaison between Oregon's first century and her next, a blend

of the past and the future.

One of the major decisions of the legislative committees has been to leave the judicial branch much the way it is now.

There were nine lawyers on the 18-member commission, three of them judges. There were 10 attorneys among the 18 members of the two legislative committees.

The commission suggested appointment of judges, who later would face the voters only on their own records, not against other candidates.

It called for the Supreme Court to have the power to make rules for all state courts. It called for legal qualifications and non-partisanship for judges. It called for an advisory state law commission. It suggested giving the legislature power to revise grand jury procedure.

And it said the Supreme Court should be authorized to

review the substance of laws as well as legal procedures in determining constitutionality.

The legislative committees discarded most of this. They decided:

—Most judgeship vacancies occur in midterm through resignation or death. Those now are filled by appointment. The legislative committees decided to keep it this way. End of term vacancies will initially be filled by appointment, but the appointee will have to stand for election, and face an opponent if there is one, within three years.

—The legislature would continue to make procedural rules for courts.

—Judges would be non-partisan. They would have to be members of the bar.

—The advisory law commission was deleted.

—Traditional powers of

grand juries would be retained.

—Substantive due process was deleted.

The decisions of the legislative committees in large measure reflected the feeling of the bar.

The committees have agreed with the commission that a new constitution must

deal boldly with the outdated if it is to stand up over the years.

The committees have tried to balance boldness and acceptability. The judicial branch is one of many areas where they decided the essential features of the present system are working well and should, for the most part, be retained.

Rogue River Youth May Appear in Court Here

A 15-year-old Rogue River youth may appear in Jackson county juvenile court Friday on charges of attempted rape involving assault, according to Lawrence Tweedy, juvenile department director.

Victim was an 18-year-old Rogue River girl who was

threatened with a switchblade knife and struck on the head with a rock several times at middle Savage creek, one fourth of a mile south of the Rogue River highway Saturday, according to reports.

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