

IT'S YOUR LAW

Respect For Law Makes Democracy Live

SAFETY MEASURE

You can prevent legal trouble easier than you can get out of it once you are in.

Most wage earning, child-rearing, home-buying, tax-paying, installment buying people see little need for a family lawyer. Yet he could come in handy if you knew when to see him.

Often under prodding such a family may get a lawyer to write a will; but most people wait for trouble to strike, before they think of a lawyer. That's how it used to be with doctors. Now people get check-ups before they are sick.

So when do you see a lawyer? Can you spot the symptoms of legal trouble?

Yes, you can: Check with your family lawyer when:

1. Your status changes: Upon coming of age, marriage, the birth of your children, buying a house, divorce, or death in the family. For at these times you may need to draft or revise your will, change your insurance, straighten out your property rights, or refigure your taxes.

2. You buy or sell. Look out for flaws in the papers before you go into debt, part with money, or sign anything involving big money or long term debts. So far as you can, make sure, too, that you don't bite off more than you can chew.

3. You enter into contracts. Promises—spoken, written, or implied—bind you if they call for a "consideration," something of value in return. Make sure that you haven't by word or deed offered or accepted such promises before you know what you are getting into.

Note: Oregon lawyers offer this column so you may know about our laws. It is to inform, not advise.

4. Someone threatens your rights. The law exists to defend them, but with some if you don't invoke them yourself, they lie dormant.

When you can, bring your lawyer "live" facts (e.g. unsigned contracts; vexing, unfiled tax returns, unmailed letters, etc.). He can help you much more and at smaller cost than when you bring him the "cold" facts (mistakes you have made which now threaten trouble).

But above all, get both live and cold facts to your lawyer at once. For time may run out. (A debt, for example, may be outlawed). Your lawyer may be able to help you today, but not so much tomorrow.



Tell your lawyer what you want. Tell him all the facts, good or bad, and then keep him informed at each step. He is sworn to keep what you tell him in confidence. He cannot help much unless he knows all the facts. Once you have a family lawyer who is already familiar with your needs, he can act swiftly and wisely in your behalf if trouble strikes. And it isn't so likely to strike if he has been at your elbow when you have to take legal risks.

CLEAN HANDS

Our courts work with two sets of principles in meting out justice—those of "law" and those of "equity."

1. Under "law" a court declares the parties' rights and duties and sets money damages for harm already done—as when someone goes back on his contract with you, or injures you in an automobile crash.

2. But under principles of "honesty, equity, and conscience," for example, a court, seeing harm on the way, may forestall it and enforce its orders by fines or jail terms. For example, California farmers often used to enjoin upstream land owners from unlawfully diverting or polluting waters. England used to have two kinds of courts to hear cases under law and equity. But today both England and America use the same judge to hear both kinds of cases.

How did these two systems arise?

Long ago the English king called upon the "chancery"—then largely made up of churchmen, (the keepers "of the King's conscience"), to give "relief" where the older Common Law courts, grown rigid, might fail.

Unable to use the Common Law, it is to inform, not advise.

Law, the chancellors applied certain rules and maxims, sometimes borrowed from ancient Greece and Rome—"He who comes into equity must come with clean hands." Sometimes this is stated: "No one can take advantage in a court of equity of his own wrongdoing."

This maxim denies a suitor "relief" if he himself has done wrong in the transaction at issue.

A scale maker had advertised that his scales would count fractions of a cent against the customer and in favor of the storekeeper.



He had asked a court in equity to stop a competitor from revealing that his scale was cheating customers. But the court threw the case out: Not having "clean hands," the scale maker had no standing in equity. He could not seek fair treatment when he himself was dishonest in particular situation at issue.

JUST IN CASE

It's the efficient ones who all too often fail to make plans—about the most important things.

Consider a will: No matter how big or little your estate, you need a will, for without one you make needless and costly troubles by leaving the courts to handle your estate. A survivor may find it hard to take care of the children while awaiting a court's permission to use estate funds.

Have a lawyer draw up your will at once to prevent family rows, needless court actions, freezing of funds. The cost is minor.

Review your will to meet new circumstances—births, deaths, marriages, and changes in your fortune as well as changes in the tax law.

Think well about the choice of an executor of your estate. He may have a tough job. He must, for instance, offer your will for probate in court, notify all interested persons, trouble.

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Such an act will ease your mind and save your family all sorts of uncertainty and trouble.

Agents Give Answers to Queries Asked About Damage from Wind

Now that a month has passed since Oregon's disastrous October 12 storm, independent insurance agents throughout the state have had time to collect and forward to their association's main office the questions most often being asked by their insureds, together with the most applicable answers.

William H. Breeden, information chairman of the Oregon Association of Independent Insurance Agents, made public today the state's eight key post-wind-storm queries, collected from the OAI's 500 member agencies.

As a preface, Breeden emphasized: "Almost every claim is different from every other claim, and is being processed individually. Coverages vary, therefore readers should check their own policies with their own agents, applying the following answers only on a broad and general basis, as a rule of thumb."

Q. I carry fire and extended coverage insurance on my home. How much coverage do I have for damage done by the Oct. 12 wind-storm?

A. Quite a bit. Windstorm damage is included in the extended coverage endorsement which is contained in more than 95% of all fire insurance policies and even though you only bought insurance on your house itself, you also have free automatic insurance (up to 10% of the policy amount) on detached garages, fences, outbuildings, driveways, patios, and other private structures on your property. Most of your windstorm damage will be covered, subject to a \$50 deductible. Another valuable extension of coverage insures you—automatically—for the expense of removing debris of insured property. If your chimney blew down, the company will pay the cost of hauling away the rubble in addition to the expense of rebuilding the chimney.

Q. How does deductible work?

A. Let's take an example. Tree falls on your home damaging chimney and roof. Windblown debris breaks several windows. Total loss is \$268.75. You pay the first \$50 and the insurance company pays the rest. Don't forget, you probably can recover part of the \$50 in filing your income tax return; as an uninsured casualty loss it's a deductible item.

Q. What about damage to fences and garages?

A. It's covered, too, although the amount you recover will depend on another factor. General rule contained in most insuring policies is that if the fence or garage is attached to your home, only one deductible will apply to wind damage to house, fence, and garage. But if the fence or garage are detached, i.e. separate structures, then a separate \$50 deductible applies to each separate building or

structure. For instance, damage to your home and a child's playhouse in the backyard is covered, and you'd pay \$100—the first \$50 of damage to each building.

Q. We lost two large fir trees, several ornamental shrubs and some rhododendrons. Are they covered?

A. Probably not. Most property owners didn't anticipate a storm of this magnitude and, as a result, didn't take out specific coverage on trees, shrubs, and lawns. But, again, this loss may be tax-deductible. Consult your accountant or the nearest Internal Revenue Service office.

Q. Trees uprooted by the storm did considerable damage to our patio and driveway. Is this covered?

A. Yes. Damage to driveways, sidewalks, and patios on private property is covered under most dwelling fire insurance policies. However, they are considered separate structures and take a \$50 deductible separate from that applied to damage to the home—but this deductible is applied to the aggregate; one \$50 for total damage to all private driveways, sidewalks and patios.

City sidewalks and curbing are public property, of course, and not insured. In many cities property owners are responsible for repairs.

Q. We didn't suffer any direct damage to the house, garage, or fence but the yard is a mess from trees down, broken limbs, etc. Who pays to clean it up?

A. You do, probably—but again the cost may be claimed as a tax deduction. The fire insurance policy only covers direct damage to insured property (your home, garage, fences, outbuildings, removal of debris from insured property, etc.). Unless specifically insured, trees down in the yard are not "insured property" and the insurance company is not obligated to remove that kind of debris. On the other hand, the company will remove debris—insured or uninsured—to the extent necessary to make repairs to insured property, e.g., where an "uninsured" tree falls on an "insured" house.

Q. Several of my trees fell in my neighbor's yard. Am I responsible for the damage and removal of debris? What coverage do I have under my personal liability policy?

A. You're responsible for the damage only if you're proven to be negligent, in which event your personal liability policy will defend you and pay any damages awarded. However, your neighbor's fire insurance policy will pay to remove the trees from his home, garage, and other insured property as well as repair the damage, subject to the appropriate deductibles.

State To Open Highway Bids

Bids will be received by the state highway commission in Salem on November 20 for eight highway grading, stone base, oiling, paving, bridge, illumination, signing, and rock production projects, estimated to cost \$6,500,000.

These projects include 18.33 miles of grading; 20.47 miles of stone base construction; 8.41 miles of oil mat surfacing; 10.82 miles of asphaltic concrete paving; construction of six bridges; signing, illumination, and rock production projects.

One project which will benefit this area is in Multnomah county and calls for the improvement of the Columbia river highway between the west city limits of Portland and the St. Johns bridge over the Willamette river.

Plans call for widening the existing highway to provide for four lanes of traffic. The median area between opposing lanes of traffic will consist of painted stripes on

the pavement and is designated to provide left-turn refuge areas between the two sets of travel lanes for vehicles which desire to turn. An adequate storm sewer system to provide for the drainage of surface waters is also included in the plans. Walkways and stairways are to be constructed to provide for pedestrian traffic, and intersections have been designed to insure safe and easy access to the highway from connecting streets and roadways. Numerous large retaining walls have been included in the construction of this project due to the steepness of the adjacent terrain. The completion of all construction on this project is scheduled for the fall of 1963.

Beware of the fellow who soft-soaps you. Fish bait always covers a hook.

READ ADVERTISING-IT PAYS

Need of Wise Leadership for Clubs Emphasized by Speaker

Mrs. Ervin Abraham

In her talk on, "To Strengthen the Arms of Liberty", Mrs. Melford Nelson, president of the Oregon Federation of Women's Clubs, stated that a club must have wise leaders. She spoke during the Fifth District Institute program of the Oregon Federation of Women's Clubs held at the Congregational church in Scappoose last Monday. The Fifth District is an affiliate of the General Federation, the largest women's organization in the world with 11 million members in 15,000 clubs in 53 countries of the world. Oregon is a federation of 3,774 members in 98 clubs.

"Freedom," Mrs. Nelson quoted, while speaking of the public affairs department, "is ours if we keep it. We are guardians of the future. Apathy is a threat to life." Mrs. Nelson was introduced by Mrs. H. A. Shadley, Fifth District Federation of Women's Clubs president.

The program, with the theme, "The Challenge of Leadership", began with registration and coffee at 9 a.m., served by the Scappoose Woman's Club. Opening of the institute by Mrs. H. A. Shadley was followed by the Pledge of Allegiance led by Mrs. Mary Watkins and greetings by Mrs. Ernest West-erfield, president of the Scappoose club.

Leadership discussion was led by Mrs. Nelson on "How to Put Your Best Foot Forward." Mrs. John S. Taylor, first vice-president of the state federation, had a lesson on parliamentary procedure, and Mrs. Walter B. Rich had a program, "To Seek, To Have, To Hold." She is the second vice-president of the federation. Third vice-president Mrs. Wallace L. Smith led her group on "The Three Rs of Federation, Response, Receipts, and Rewards." "So You've Been Elected Publicity

Chairman" was the topic of Mrs. Clark C. McCall, Oregon communications chairman.

Following the talks, members participating in response were: Mrs. D. E. Ostlund, St. Helens; Mrs. Pat Elders, St. Helens; Mrs. John Simmons, Scappoose; Mrs. Eleanor Blumstead, Hillsboro; and Mrs. R. M. Smith, Hillsboro.

During the lunch hour Mrs. Nelson spoke on "Respite from Responsibility," telling of the niceties of her trip to the national convention.

After reconvening, Mrs. Shadley named the district officers and chairmen. They are: Mrs. John R. Roberts of Forest Grove, first vice-president; Mrs. Allen Wendlandt, Scappoose, second vice-president; Mrs. James Lewis, of Forest Grove, third vice-president; Mrs. John Simmons, Scappoose, financial secretary; Miss Minette Biblehausen, Seaside, treasurer; Mrs. Norman Burgoyne, St. Helens, corresponding secretary; Mrs. D. E. Ostlund, St. Helens, parliamentarian.

Committee chairmen are: Mrs. Benson, Forest Grove, conservation; Mrs. E. G. Paine, Hillsboro, fine arts; Mrs. H. H. Keck, Seaside, care; Mrs. Kent Brooks, Forest Grove, international affairs; Mrs. Ellen Larkins, Forest Grove, education; Mrs. Mary Watkins, St. Helens, home life; and Mrs. Ervin Abraham, Rainier, communications chairman.

The ABC's of Federation Action was presented by Mrs. W. L. Smith, junior director of the Oregon Federation.

Mrs. John Tyler was moderator and concluded and summarized the program of the day. The institute was attended by officers and members from Seaside, St. Helens, Hillsboro, Rainier, Forest Grove and Scappoose. Rainier's delegation was the largest in attendance.

Social Security Deduction Rate On Pay Increases in January

Starting with the first pay received in January, the social security contribution is increased by one-half of one percent on the first \$4,800 of wages. With this increase, the contribution will be 3% percent on earnings up to \$4,800 a year.

This contribution, together with a matching amount paid by each employer, is credited to the old-age and survivors insurance trust fund and the disability insurance trust fund. By law, these funds can be used only for social security purposes.

The original social security law provided for an ultimate contribution rate of 3 percent on employees to pay the cost of retirement benefits ranging from \$10 to \$85. The 3 percent rate was scheduled to go into effect in 1949.

The original program has been enlarged by congress to include benefits for wives and children of retired workers, for the survivors of deceased workers, and for severely disabled workers and their dependents. Benefit amounts have

been raised so that for a retired or disabled worker they now range from \$40 to \$127 and for a family they may be as much as \$254. When these improvements were made the law was amended to provide a schedule of increased contributions to cover the cost. The increase in contribution to 3% percent is part of that schedule. The present law provides for two additional increases, one in 1966 and the other, bringing the maximum rate to 4% percent, in 1968.

The scheduled contribution rates assure the continuing financial soundness of the social security program. The board of trustees of the social security trust funds, following its latest annual review of the adequate "to pay the benefits now provided in the law to all present and future beneficiaries, and to pay the administrative expenses of the program, without any subsidy from the general funds of the treasury."

For more information, ask the nearest social security office for booklet No. 36, "Financing Your Social Security Benefits."

Pomona Grangers Hear Reports On Tree Damage, Pest Control

The Columbia County Pomona Grange met Saturday, November 3, in the Chapman Grange hall with a good attendance. Visitors from other counties were Ted Simms, State Grange deputy of Lane county and Edna Graf and Susie Bennel of Sauvie's Island Grange. All spent a pleasant day as guests of Chapman Grange.

Agricultural committee reports covered pest control as practiced in Tillamook county, resetting trees which have been uprooted by the recent storm, which is said to be possible if done soon. New stock will not be available to completely replace trees, so orchardist, should do what they can to save those they have. Filberts, prunes and walnuts, especially, have been hard hit, and these trees take some time to come into bearing if replaced by new stock. Also, Don Walrod, county agent, advocated that any buildings lost might be modernized in being rebuilt.

Much discussion of various measures on the ballot for the past election brought out arguments for and against, serving to give better understanding in some cases, and causing confusion in others.

Miss Jacquelin Wyland, who won the trip this year to the

United Nations presented by the IOOF and Rebekah Lodges, was present in the afternoon to show her pictures taken on the trip. In the evening, David Stevely told of his trip as youth exchange student to Ontario and showed pictures he took. Both young people gave a good account of their trip.

Reports showed extensive damage to the Pomona Grange parks in the Nehalem valley and the park board was given authority to fix them up as a community service. Mrs. Inez Langdon, Mrs. Lydia Erickson and Mrs. Pearl Becker were appointed as a committee to aid in this project as a Pomona Grange community service for next year. History of Pomona and subordinate granges of the county also is being undertaken at this time.

The fellow who is smart enough to ask his friends for advice seldom needs it.

A hypocrite is a fellow who professes tolerance, and then continues to do a lot of name-calling.

Uernonia Eagle

THURSDAY, NOV. 15, 1962 5

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