

THE GATE CITY JOURNAL

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IT'S YOUR LAW

By Oregon State Bar

ADMISSIBLE EVIDENCE

You like to watch TV or listen to radio plays containing dramatic courtroom scenes. But you've wondered if the legal procedures dramatized there are really like what goes on in an actual courtroom trial.

At tense moments the opposition lawyer is always jumping up to shout: "Objection! The evidence is inadmissible, incompetent, irrelevant and immaterial."

Then the judge will say, "Objection sustained," or "Objection over-ruled. The witness may proceed."

Does this really happen just like that in a trial?

The answer is, pretty much that way, except that it may not be quite so dramatic in the courtroom. Writers of courtroom drama for the radio and TV have to know home law, or the station would get hundreds of letters of protest—some of them from lawyers.

The law holds that an objection to evidence must state grounds on which it is based—at least where the reasons for the objection are not apparent. The classifications, "inadmissible," "incompetent," "irrelevant" and "immaterial" are well known to lawyers and judges as grounds for objections, and usually the judge does not need further explanation.

Sometimes, however, when the grounds are not apparent, he will ask for it. In such cases the judge may have the jury leave the courtroom while the lawyers explain what they hope to prove if the evidence is admitted.

Have you ever noticed that an attorney never gets up and says, "Your Honor, I'd like to object to some testimony given yesterday." That's because legally an objection to admitting evidence must generally be made when the evidence is offered, or not at all.

These rules, technical as they may seem, are to assure a fair trial by keeping out testimony that is not pertinent and proper.

(Oregon lawyers offer this column as a public service. No person should apply or interpret any law without the aid of an attorney who is completely advised of the facts involved. Even a slight variance in fact may change the application of the law.)

Holiday Party Held By Area Secretaries

Members of Futura chapter, National Secretaries association, held their annual Christmas party Dec. 19 at Four Seasons restaurant in Ontario.

A Santa Claus cake centerpiece and small paper Santas graced the table, and individual favors were Christmas candles.

Featured during the buffet-style dinner meeting was an exchange of gifts for office use. These were distributed by Mrs. Eugene Grasty, chapter president, and Mrs. A. W. Nylander, hostess for the party.

During the program, Rick Simmons of Vale spoke on commercialism at Christmas time and Mrs. Russell Dishazer, a Futura chapter member, read a Bible passage telling the story of Christ's birth.

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THE CHRISTMAS TREE at Faith Lutheran church this year was trimmed with various combinations of monograms, symbols and crosses. All of the Christmas ornaments were in white and gold, symbolizing purity, perfection, majesty and glory of the Son of God. Also in this picture are Leah Henigson and Jerry Wright, who served as narrators for the Dec. 18 Christmas program. The symbols, from Christian history referring to the Lord and Saviour, Jesus Christ, were made individually by women of the church. The word Christmas (Kris'mon) is a combination of parts of two words: CHRIST and MONogram. In describing the ornaments, young people of the church told the story of God's plan for salvation. Also on the tree were 49 lights, one for each family in the parish.—Journal Photo.

NEBRASKA COUPLE ARRIVES TO ATTEND FUNERAL RITES

Mr. and Mrs. Lester Smith of Johnstown, Neb., arrived by train Tuesday evening. They were

summoned here due to the sudden death of Berne Lorenson, son of Mrs. Smith's brother-in-law and sister, Mr. and Mrs. Ken Lorenson.

Correspondent for Kingman Kolony Reports Christmas Events in Area

By Dale Witt

KINGMAN KOLONY — Members of the Strawn family held their annual Christmas reunion and dinner Tuesday evening at the Methodist church in Fruitland.

Mr. and Mrs. Tony Martinez and family were Saturday evening dinner guests of Mr. and Mrs. Manuel Defuentes and family in Nyssa. They were Christmas dinner guests of the Jess Martinez family.

The Bill Toombs were Christmas Eve guests of their son-in-law and daughter, Mr. and Mrs. Jim Phifer and Jan. The Phifers were Sunday dinner guests of her parents.

The James Miltons of Ridgeview were Dec. 21 afternoon visitors in the Walter Pinkston home. The Pinkstons were Christmas dinner guests of their daughter, Mr. and Mrs. Tom Sant. Other guests were Bob Sant of Burns, Claude Smith, Charlotte McGinnis and her mother, Mrs. Loura Smith.

Visiting during the holidays in the Herschel Thompson home are Mr. and Mrs. Ron Thompson and family of Sacramento, Calif., Mr. and Mrs. Don Thompson and family of Seneca, Ore. Mr. and Mrs. Gary Thompson and baby of Heppner arrived Friday to spend some time with their parents, the Cornelius Bartons and Herschel Thompsons.

Mr. and Mrs. Klaas Laan and family; their son-in-law and daughter, Mr. and Mrs. Dennis Martin and baby of Moscow, Idaho, were Christmas dinner guests of the Ray Laan family near Parma.

Mr. and Mrs. Earl Kygar were Christmas dinner guests of their daughter, Mr. and Mrs. Jerry Gordon and family in Jordan Valley.

Christmas dinner guests in the Dwayne Bennett home were Mr. and Mrs. L. L. Kreeger, Mrs. Ilea Hall and children, Mr. and Mrs. LeRoy Bennett of Big Bend, Mr. and Mrs. Larry Kreeger and family of Orem, Utah.

Mr. and Mrs. Myron Osborn and family were Christmas Eve guests of the Gerald Osborns at Weiser and on Christmas day were guests of Mrs. Bob Calhoun at Emmett. They were accompanied by a niece, Paulette Herring of Pasco, Wash., who had been visiting the past week in their home.

Messrs. and Mmes. Boyce Van DeWater and Wilson Witt were Sunday dinner guests in the Carl Begeman home.

Saturday dinner guests of the Virgil Viers were their son and daughter-in-law, Mr. and Mrs. Bill Viers and children of Nampa.

Holiday visitors in the Willis Conant home are his parents, Mr. and Mrs. J. F. Conant of Orleans, Neb. A family Christmas dinner was served Sunday in the Adrian Legion hall. In addition to the two couples, others present included the Richard Conant family of Mountain Home; the Bob Stednitz, Leonard and Butch Conant families of Boise; the Lester Stacy family of Parma; Mr. and Mrs. Mitch Anderson of La Grande; the Glenn Brown family of Nyssa; Mr. and Mrs. Kenneth Godbout of Millbrae, Calif.

Guests of Sparks Family — Mr. and Mrs. Art Sparks were Sunday dinner guests of their son, Mr. and Mrs. Guy Sparks and sons in Nyssa. Other guests were the Art Sparks' son-in-law and daughter, Mr. and Mrs. Kenneth Altig and family of Boise.

Mr. and Mrs. Al Thompson went to Boise Saturday to spend the holiday weekend with their son, Mr. and Mrs. Rex Walters.

Mr. and Mrs. Charles Bowers accompanied the Jim Phifer family to Boise Saturday and spent the day with Mr. and Mrs. Marvin Wright. The Bowers were Christmas dinner guests of Mr. and Mrs. Clyde Bowers.

Local Government by Fiat??

Webster defines FIAT as "A formula of endorsement or sanction by which the consent of the proper authority is given; hence an authoritative command."

This seems to be the case in Nyssa regarding a change in rates for collection of garbage.

On the front page of the Dec. 15, 1966, issue of the Journal, in the council actions, reference was made to Ordinance No. 423 (to revise garbage collection rates) as being deferred on third and final reading due to the absence of City Attorney Harold Henigson.

Yet, C. R. Page, who has been and is collecting garbage in the city, raised rates on both residential and business firms 20 percent since July 1, with knowledge and implied consent of the city council, before passage of this new ordinance permitting the raises.

We have no quarrel with Page. In fact he is surely entitled to more money than he had been getting as his rates were promulgated in 1961 and covered, in part, by section 7-1-6 of the city code of 1962. Most people would agree that with inflated costs, the 20 percent increase was not out of line with other services.

We do take issue with the council's okay of the increase without being changed by ordinance. That is like the president of the U. S. telling the Internal Revenue Service to increase our income taxes 10 percent without congressional action. Technically, as one member of the council told us, there isn't anything in the minutes of the city governing body showing this was ever approved. But we believe Page when he says he was told "the council approved it." A check with City Manager Fred Koch and with Mayor Grant Rinehart confirms this belief.

According to Page, he asked for an increase in May and gave a detailed accounting of his income and costs at the June session of the council, and as a result of this the body later verbally agreed to allow the raise.

Also, his franchise expired July 1, 1966, and he has since purchased a \$15,000 truck and is operating without a franchise (which he was led to believe would be renewed). He stated his old copy was borrowed as a basis for a new contract as he was informed the city officials were unable to find their original. We are sure it won't happen, but he could be "out in the cold" if the city fathers decided to award the contract to some other person.

This may not be an important issue to the public, but to us it is. On the local level it is a case of government by People instead of by Law and should be continually guarded against on all levels.

Examiner Schedules Dec. 30 Driver Tests

A drivers license examiner will be on duty at Nyssa city hall Friday, Dec. 30, between the hours of 9 a.m. and 2 p.m., according to announcement received from the Oregon Department of Motor Vehicles.

All persons wishing original licenses or permits to drive are asked to file applications well ahead of the scheduled closing hour in order to assure time for completion of the required license test.

Mr. and Mrs. Skip Nakashima of Boise were Christmas dinner guests of his mother, Mrs. Jessie Nakashima and Roger.

GIRL SCOUTS STAGE PLAY

After refreshments were served at a Dec. 6 Court of Awards and program for Cadettes of Girl Scout Troop 99, a one-act play entitled "Puppy Love" was presented by several young ladies.

Role of the "puppy" was played by Martha Heider's dog, Chico, with Janice Church serving as announcer and prompter.

Portraying the part of Mr. Bradley was Mary Lee Wahlert, with the role of Mr. Winters played by Leah Henigson.

Other characters and those portraying them included Valerie Bradley, Nancy Jackson; Judy Bradley, Martha Heider; Mike Bradley, Margaret Dority; Crystal Avery, Mardi Tensen; and Mrs. Bradley, Teresa DeMinck.

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A message for absent-minded savers

If you haven't been remembering to save lately, this is a good time to firm up your New Year's resolutions. Open a First National savings account now and start building your savings nest egg for the future. Regular deposits to your account plus the addition of bank interest make savings grow fast. Or, if you are looking for the ultimate in savings convenience, we have a plan where we do all the remembering—all the work. It's called SAVE-O-MATIC. It works like this:

You simply decide how much you'd like to save regularly—\$5, \$10, \$100—any amount. You authorize us to transfer this amount from your First National checking account to your savings account at regular intervals. We'll do it until you say "stop."

Either plan—regular savings or SAVE-O-MATIC—you earn high bank interest. Sign up for SAVE-O-MATIC at any First National branch and you can forget about remembering to save.

DEPOSITS MADE ON OR BEFORE JANUARY 10 EARN INTEREST FROM JANUARY 1



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