

First Payment Of Memorial In 1968

INDIANAPOLIS (UPI) — A gift marked "do not open until 1968" is under the Indianapolis municipal Christmas tree, thanks to the method taken by a former Vice President of the United States to pay tribute to his wife.

The Cornelia Cole Fairbanks Memorial Fund was created by her husband, Charles Warren Fairbanks, who died in 1918. The \$50,000 principal has grown to nearly \$200,000 during the past 45 years and the first payment from it to the City of Indianapolis is specified in 1968. Fairbanks, who was Vice President under former President Theodore Roosevelt, specified in his will that the fund in honor of his wife, Cornelia, should be maintained for 500 years and that every 50 years \$50,000 should be expended from the increase.

The will explained that his wife was "a good Christian woman who wore not in well-doing" and that the fund was a means of establishing a permanent memorial to her. Fairbanks specified the payments from the fund were to go for "the erection and maintenance of a building for the intellectual, moral and physical well-being of the worthy poor... for the benefit of labor, arts and science, and for parks and playgrounds."

The fund is administered by a board of trustees headed by Wallace O. Lee, Indianapolis, one of two remaining original members of the board created in 1918. The other original member, Fred Hoke, now is 93 years of age.

As the close of the first half-century period approaches, interest in the Cornelia Cole Fairbanks Memorial Fund has revived, with several prospective projects under discussion.

Mrs. Fairbanks was a member of the Indiana State Board of Charities, a forerunner of the State Welfare Department, and was active in several other groups. She was a president-general of the Daughters of the American Revolution in 1901-5, and was the daughter of an Ohio judge.

One of the last meetings she attended before becoming ill of pneumonia a few days before her death in 1913 was that of the American Prison Association.

GI Dividends To Be Mailed Early

In response to President Johnson's directive, for the earliest possible payment of the \$234,000,000 GI insurance dividend for 1964, the veterans administration has announced that the first checks will reach veterans by January 2.

The entire payment to 4,725,000 veterans participating in the dividend will be completed in record time — January 25.

In Indiana, 111,905 veterans will receive \$5,574,300. A. J. Bochicchio, VA's regional office manager in Indianapolis, announced, Bochicchio explained that the speedup in payments is VA's answer to the president's request as a stimulant to the economy.

In the first speed payment of a dividend, ordered by President Kennedy in 1961, payments were completed by March 17. The stepped up payments of the 1963 dividend was completed last January 31. The VA plan to issue the 1964 dividend checks by next January 25 will cut a week from the previous record processing time of 31 days in 1963.

The dividend payments in 1962, and in the years prior to 1961, were made throughout the entire year on the anniversary dates of the individual insurance policies. Of the total distribution of \$234,000,000, \$15,000,000 will go to about 225,000 World War I veterans holding U. S. government life insurance policies. The remaining \$219,000,000 will go to 4,500,000 World War II veterans who hold national service life insurance policies.

Korean conflict veterans hold non-participating policies that do not provide regular annual dividend payments.

The regular dividends are primarily a return to the policyholders of part of their premium payments since the death among GI policyholders continues to be lower than the rate upon which the payments were established by law.

Bochicchio reminded policyholders that the preparing and mailing of dividend payments are automatic and require no correspondence from veterans or their families. In fact, such correspondence might delay the dividend distribution process, he said.

Special Prosecutor May Be Appointed

INDIANAPOLIS (UPI) — The Indiana Supreme Court, by a 4-1 ruling, has held that a trial court judge may name a special prosecutor in situations in which the elected prosecutor has demonstrated bias and hostility toward the plaintiff—who is his client.

The far-reaching opinion concerns a Vanderburgh County case and seemed to some observers to provide some of the authority to name a special prosecutor. The authority was conferred by a bill passed by the 1963 Legislature but vetoed by Governor Welsh.

The Supreme Court, in an opinion written by Chief Justice Frederick Landis, ordered Spencer Circuit Court to relieve Vanderburgh County Prosecuting Attorney O. H. Roberts, Jr., of his duties and name a special prosecutor for a suit brought by Mrs. Martha Latham.

Mrs. Latham had filed a civil suit on behalf of herself and her five children seeking to recover \$35,000 from Charles W. Lee Sr. and Charles W. Lee Jr., which she alleged her husband lost in a dice game at the Lees' place of business in Evansville.

She alleged in her petition to the high court that Roberts "had demonstrated extreme hostility and prejudice against her interests in the suit by delaying and impeding filing of the action" and that he "humiliated and embarrassed" her during conferences with her.

Her petition said further that Roberts has "since refused to communicate with her, and that he allowed a change of venue to be taken from Vanderburgh County to Spencer County without conferring with or advising her when he knew or should have known the defendant had an undue influence over the residents of Spencer County."

Landis held that the failure of Roberts to deny Mrs. Latham's charges of bias and prejudice in the lower court had the legal effect of "admitting the truth of the charges."

"An attorney cannot properly represent a client in a law suit over the latter's objection when the attorney maintains an antagonistic attitude or hostile interest toward such client," Landis wrote.

The dissenting opinion, written by Judge Amos Jackson, charged that "the majority opinion represents a radical departure from the usual procedure in original actions... it substitutes our judgment, guess or whim in place of the judicial determination of the trial court. The majority opinion is erroneous, is bad law and will, and should haunt this court."

Jackson cited a 1954 opinion by the Indiana Supreme Court concerning Lake County's then prosecutor Metro Holovachka which said "the determination as to whether a judge shall spank his prosecuting attorney must be left to the discretion of the judge."

Landis said he did not want to stretch the application of the ruling too far, but said he felt it would give any trial judge precedence for naming a special prosecutor in cases in which the regular prosecutor has "made an admission of bias and hostility" against the complaining party.



PARTING COMPANY—A man's horse may be his best friend in the wide open spaces, but in rodeos they often part company. Jim Tescher of North Dakota takes the air route as he says goodbye to Sahara in the saddle bronc riding of the National Finals Rodeo at the Los Angeles Sports Arena.

COURT NEWS

Re-set for Trial

The separate cases of Wohler Corp. vs Albert Riehle, formerly doing business as Riehle Tractor and Auto Parts, and the Tractor Implement Supply Co., Inc., vs the same defendant, were continued by agreement of the parties, and re-set for trial Feb. 17, both at 9 a. m. Both cases concern complaints on account.

The case of the Durkee-Atwood Co., Inc., vs Albert Riehle, doing business as Riehle Tractor and Auto Parts, was continued by agreement of the parties and re-set for trial February 17, at 9 a. m. The Magistic Co., Inc., vs Riehle, formerly doing business as the Power Pac Muffler Co., was also continued and set for trial January 17 at 9 a. m. Both cases also are complaints on accounts.

Estate Cases

Inventory No. 1 was filed in the Mary Jane Saylor's estate, showing a total appraised value of \$41,887.90. A petition to sell the real estate at public auction was filed and the personal representative was authorized and ordered to sell the real estate.

A petition for issuance of letters of administration was filed in the Elizabeth Riffle estate, and the bond was filed in the penal sum of \$8,200. The letters were ordered issued to Lester L. Farlow, and were reported and confirmed.

Schedules to determine inheritance tax were filed with reference to the county assessor in two estates, the Ellen Springer estate and the Lawrence Carver estate. Proof of mailing of notice was filed without reference to the county assessor in the Lilly Haggard estate, and a schedule was submitted finding the net value of the estate to be \$637.47.

A petition to appoint assignment of interest in personality in the William C. Werling estate was filed, and was submitted, examined and approved.

In the Edwin D. Vitz estate, a supplemental report of distribution and petition for discharge were filed, and the executor and sureties on the bond were ordered released and discharged. The estate was closed.

Donald Neuen Named Assistant In Music

MUNCIE, Ind. — Donald L. Neuen, formerly of Berne, has been named a graduate assistant in music at Ball State Teachers College for the 1963-64 academic year. Ball State has 78 assistantships in 22 departments. This year president John R. Emens notes that these graduate assistants hold bachelor's degrees from 32 different colleges and universities, 22 of them from out of the state. The graduate assistants are working toward master of arts degrees and master of arts in education degrees.

Neuen is a 1957 graduate of Ball State and former director of the Shortridge choir in Indianapolis. His parents are Mr. and Mrs. L. A. Neuen, 405 Columbia, Berne.

Buy's Health Bond

USE CHRISTMAS SEALS

FIGHT TUBERCULOSIS and other Respiratory Diseases

The General Electric Co. has voted purchase of a \$50 health bond, officials of the Christmas seal campaign in Adams county announced today. All proceeds from the annual sale are used in the fight on tuberculosis and other respiratory diseases and to provide clinics and otherwise carry on the combat against disease.

State Of Union Message Jan. 8

WASHINGTON (UPI)—President Johnson will deliver his first State of the Union message to Congress Jan. 8, it was decided today at a meeting between the President and Democratic leaders of both houses of Congress.

Senate Democratic Leader Mike Mansfield, Mont., said it also was decided that Congress should adjourn this Friday or Saturday and return Jan. 7.

Mansfield emphasized that the adjournment timetable was tentative, however, and subject to the consent of Republican congressional leaders.

The Democratic leader talked with reporters after President Johnson's weekly legislative meeting with the congressional leaders.

Speaker John W. McCormack, Mass., said Johnson "expressed great pleasure" over legislation Congress has passed this session on education and medical facilities.

McCormack called this legislation the "greatest" in these two fields that the current Congress has passed.

Willshire Choir To Sing Here Wednesday

The choir of the Church of God at Willshire, O., will present a Christmas cantata, "A Child Is Born," at the Decatur Church of God Wednesday at 7:30 p.m.

The choir will be accompanied by Mary Ellen Raudenbush, with Helen Baumgartner as director. Also featured will be special numbers in solo, duet and trio. The public is invited to attend.

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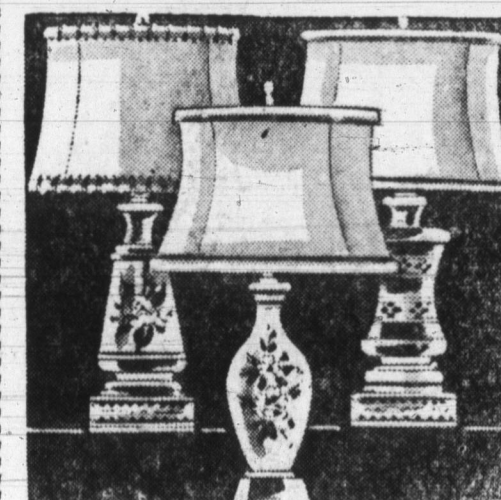
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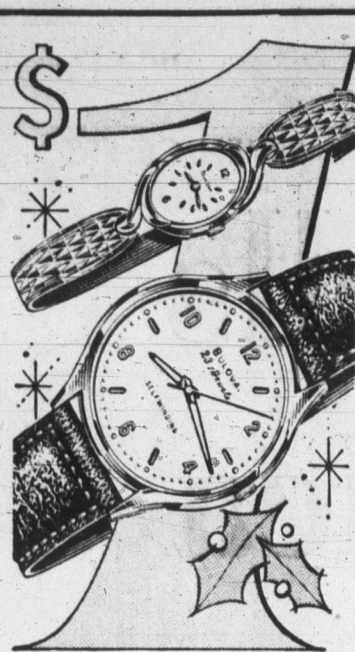
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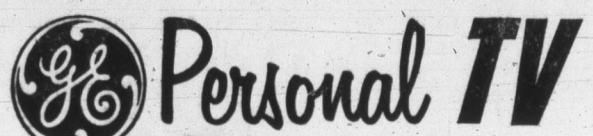
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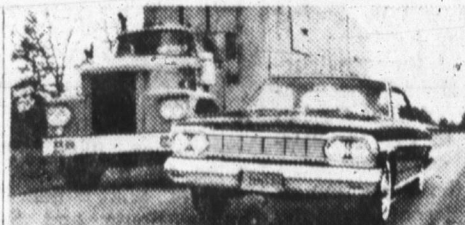


No. 1 in compact car sales—Rambler leads because Rambler listens

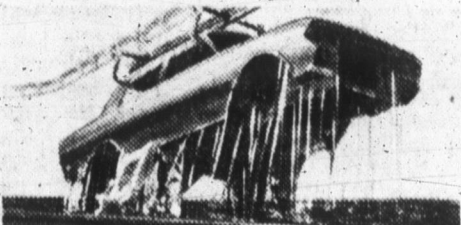
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