

Sacramento Bee

3-12-1973

PT On The Pan

Butte Towns Claim Phone Company Is Unresponsive

OROVILLE — The Pacific Telephone and Telegraph Co. has very few friends in Concow and even fewer in Berry Creek.

Residents of the two Butte County mountain communities are upset about the service they are receiving. They recently adopted a resolution condemning what they said is the telephone company's unwillingness to respond to their demands for better communications. They have forwarded it to the Public Utilities Commission, the county Board of Supervisors and The Bee.

A group of residents representing the communities met in the Grange Hall in Berry Creek during the weekend. Their main complaint centers on the eight-party telephone lines serving the areas which are about 25 miles from Oroville. Some of the women pointed out that having eight families on one telephone line not only inflicts a severe rationing of conversation but also makes it pretty hard to call a doctor. "Especially," said one resident, "when a couple of teenagers get on the phone and sit there breathing at each other."

Forrest D. Stitzel, representing the Berry Creek Grange, said the problem has existed for many years and is becoming more acute as more people move into the hills. "We had a meeting with telephone company officials several months ago and they practically told us to stop complaining. We not only have trouble with overloaded lines but a good share of the times the service breaks down completely," he said.

Mrs. William T. Beyne also was upset. "The only thing we have gotten out of our complaints has been a slight reduction in our rate last month because the phone lines were out for several days. They called us from the main office and told us to deduct \$1 cents from our bill. That's the first time that has happened in all the years we've been here so maybe somebody is getting the word that we are not happy," she said.

Wires But No Phone

Mr. and Mrs. William Genter, who recently had to pay \$150 to have a line extended on utility poles for six months of a mile to their home, said the wire was strung to a pole in their

front yard three weeks ago. "It's just sitting there and we still haven't got a telephone," Genter said, adding that he has been told it will take another three weeks before the phone can be installed.

His wife, who has also taken a few verbal potshots at the company in recent months, said, "The nerve of that company man! He came up here and told us, 'Well, when you live in God's country, with all these beautiful trees and clean mountain air, you just have to put up with things like this.'"

Similar Conditions

Paul Nalley and Robert Bush, who drove from Concow to attend the session, said similar conditions exist in their community. "Our service is a little better because the company installed a new cable a couple of years ago but those eight-party lines are a fright," Nalley said.

The cable to the Concow area serves subscribers in that community as well as Pulga, Big Bend and Yankee Hill. The Berry Creek lines serve Brush Creek, Mountain House, Junction House, Bald Rock and Hart's Mill.

4-17-1973

Yankee Hill Cemetery Dispute Will Go To Butte County Supervisors

By William Talbitzer
Bee Staff Writer

YANKEE HILL, Butte Co. — Residents of this once thriving gold rush town will appeal to the Butte County Board of Supervisors to open their 93-year-old cemetery which has been closed to burials for more than a year.

The cemetery was ordered closed by W. J. Ford of Hayward, who in 1964 purchased the land on which the cemetery is located. He notified mortuaries in the county by telephone that he would not allow any further interments in the one-acre plot which already contains an estimated 75 graves.

The site has been legally in question for decades. The land originally was under federal ownership when first used for burials, but nonetheless a patent was issued by the federal government to a John V. Goode in 1890. He and subsequent owners, except for Ford, made no argument over burials on the site. The last burial was in 1971.

Another Burial

There will be another burial there tomorrow, however, when John D. McQuarrie, who died Saturday, will be interred. The burial was made possible when Dan Blackstock, Butte County counsel, contacted the attorney who represents the mortuary. The attorney told the mortician to proceed as planned, with or without Ford's permission.

The cemetery issues has caused residents of the Yankee Hill and Concow areas to organize for action. Mrs. Lucille B. Morris and Mrs. Peggy Worcester appealed to The Bee for assistance and a reporter contacted Blackstock yesterday. The action opening the cemetery for the McQuarrie funeral followed.

Now the residents will ask the supervisors to make the opening permanent. The board will discuss the problem at its regular meeting next Tuesday.

The controversy over the burial ground began more than a year ago when two residents of the community met with Ford to negotiate for additional property adjacent to the cemetery for possible expansion. They settled on a price of \$500 per acre for two-and-one-quarter acres, including the present gravesites.

However, Mrs. Morris said the negotiators had no authority to speak for the Yankee Hill residents and they refused to agree to the proposal. "Why should we have to purchase a cemetery that the community has already been using for almost 100 years?" Mrs. Morris asked. When the deal fell through, Ford ordered the cemetery closed.

Request Sent

Mrs. Worcester then wrote Ford a letter which was signed by seven other residents in which they asked that the cemetery remain open for community use. Mrs. Worcester pointed out that the land could not be used for any other purpose and that the situation was causing "pain and anguish" to the older residents. Ford replied that he would not open the cemetery until the offer to purchase was in writing.

Mrs. Morris said the community will take the problem to the supervisors because they feel that it is a county responsibility to keep the cemetery open. The board, in 1908, appointed three trustees to manage the cemetery and again, in 1936, appointed two others. As a result of those actions, Mrs. Morris said, the residents of the area believe that the county acknowledged the official existence of the cemetery and should have the responsibility of forcing Ford to allow its continued use.

The oldest marked grave is one dating back to 1880 and there are believed to be some older than that.

Sacramento Bee

4-24-1973

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Sacramento Bee

4-25-1973

Yankee Hill Gets Butte To Keep Cemetery

OROVILLE — The Butte County Board of Supervisors has instructed Dan Blackstock, county counsel, to act to keep open the Yankee Hill Cemetery.

The board was asked to intervene after W. J. Ford of Hayward, who owns the property on which the 93-

year-old cemetery is located, ordered local morticians to cease burials. Ford ordered the cemetery closed in 1971 and there were no burials conducted until last week when an attorney for a mortuary told his client to proceed with a funeral that was scheduled.

A group of Yankee Hill residents appeared before the board yesterday and asked the supervisors to keep the cemetery open. Mrs. Peggy Worcester, speaking for the group, pointed out that the county, by virtue of having appointed trustees to administer

the cemetery in past years, had assumed the responsibility of maintaining it as a burial ground.

Blackstock agreed with the residents and said he will act to reactivate the Board of Trustees and to continue to allow burials.



Mr. and Mrs. Earl V. Hoecherl of Yankee Hill were among numerous residents of the community who

protested the closure of the 93-year-old cemetery there.

Bee Photo

Oroville Mercury Register

5-2-1973

Yankee Hill Cemetery Problem Eases After Report on Owner's Conversation

By EMMETT POGUE

The problem with Yankee Hill Cemetery has apparently quieted down, as Dan Blackstock, county counsel, reported to the board yesterday on his conversation with the cemetery's owner.

Blackstock said that William Ford of Hayward told him that he never said there were to be no more burials in the historical cemetery as had been reported to the board last week.

Ford did say however, that he would "prefer" no more burials on his land that contains the cemetery.

He also conceded that it was a public cemetery and said that his attorney would be in contact with Blackstock. Blackstock said yesterday that no contact had yet been received.

Blackstock said he told Ford that any attempts to interfere

with burials would result in "stern action" being taken.

The issue arose in the middle of April when a local resident died and had requested to be buried in Yankee Hill Cemetery.

Word was allegedly put out by phone from Ford last year that the cemetery was closed but the mortuary, upon advice from its attorney, went ahead with the burial.

Residents of Yankee Hill, who want the cemetery kept open, took their case to the supervisors last week who in turn asked for a quick solution to the problem.

Daily Independent Journal
(San Rafael, California)

5-8-1973

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1229 or 916-343-3140.**

Feather River Bulletin

5-10-1973

Indian Education meet this week

The fourth annual Region II California Indian Education Association Conference will be held this weekend at Feather River College. The purpose of the conference is to stimulate and encourage Indian educational growth.

Highlights will include panel presentations, an Indian lunch, films, dancers, a CIEA State Board Meeting, and a Keynote speech on "The Battle of Wounded Knee". The public is invited to attend the conference in whole or in part.

The gourmet Indian luncheon on Sat. will include venison, buffalo, salmon, acorn soup, fry bread, mashed potatoes, and an Indian green salad. The conference will begin Fri. at 5 p.m.

Dr. Dale Wren, President of Feather River College will greet participants, followed by the Keynote speech by Morgan Otis, Sacramento State instructor and former CIEA State President.

Panel presentations will be held on Indian Education, Methods of Instructing Indian Children, Current Indian Issues, History of the CIEA,

Legal Needs, Indian Culture, and Politics and Legislation.

Films will include Indian and Chiefs, Bryan Beavers, Yosemite, The North American Indians, and the First Americans. Exhibit booths will display authentic handmade Indian crafts, some of which will be for sale. Current CIEA State President Ken Martin will talk on Saturday.

A registration fee will enable the participant to attend the conference and receive one quarter unit of Feather River College lower division credit if he chooses. A semester unit of upper division credit from Sacramento State College Extension is also available.



BUMPER STICKERS



The Chico Enterprise Record

10-13-1973

Insanity a Factor

Killer's Case Unresolved

OROVILLE (E-R) — Local legal minds are still wrestling with the problem of what to do with Martin Tunny, 73, of Oroville, who has been in state mental institutions since his arrest for murder in 1954.

Tunny's case again was called in Butte County Superior Court yesterday and again continued to see if an apparent void in state law can be filled and the perplexing issue disposed of.

The problem was created by U.S. and California Supreme Court rulings. The U.S. Supreme court in *Jackson vs. Indiana* held that indefinite commitment for present insanity without regard to the likelihood that the defendant will eventually regain his competence offends constitutional principles of equal protection and due process.

The State Supreme Court this year ruled that no person charged with a criminal offense and committed to a state hospital solely on the account of his incapacity to stand trial may be so confined more than a reasonable period of time to see if he will recover that capacity in the foreseeable future.

If it is shown that recovery is not likely within an unreasonable period the defendant must either be released or recommitted under alternative commitment procedures, the state court held.

The hang-up in Tunny's case is that there apparently is no legal alternative behavior under which he can be released from the original commitment, since a "reasonable" time undoubtedly has elapsed, and he has been recommitted.

Dist. Atty. Kenneth Leach and public defender Jerome Warren have been researching the issue since early summer.

Superior Court Judge Jean Morony, who yesterday granted a continuance to Nov. 9, said "Here is a case where a man has been charged for murder in 1954 and the matter of sanity still has not been resolved."

Morony referred to a lengthy memorandum on the issue submitted to the court by deputy county counsel Alan Burchett. It restated and backed earlier opinions that there seems to be no procedure set up for covering the situation.

Burchett explored the possibility of having a public guardian appointed for Tunny. Burchett said the criteria for establishing a conservatorship do not include persons determined to be insane under the meaning of criminal law. He said further that state mental hospitals for the non-criminally insane have only minimal security measures and a conservatorship should be used for persons who pose no threat to public safety when out of custody.

Further, Burchett stated, a conservatorship established under the Lanterman-Petris-Short Act ends automatically at the

end of a year unless the probate court extends the conservatorship reappointment for another year. The conservatee then has the right to a jury trial on the issue as to whether he is gravely disabled.

All this leaves the court wondering what to do about a person like Tunny, who apparently cannot participate intelligently in his own defense and who probably will not be benefitted by further treatment and who possibly may pose a threat to himself and to others if the criminal charge is dismissed and he is released.

Officials at Napa State Hospital have indicated that Tunny has been under minimal security and that it has been some years since he has been receiving treatment as a criminal.

Burchett said one avenue open to the court may be to suspend criminal proceedings rather than dismiss them completely until a determination has been made on the appointment of a conservatorship.

Further research may turn up another solution.

Tunny was arrested for the fatal shooting of Ernest Bauman, whose body was found in a creek near Isaiah northeast of Oroville. He was declared insane March 31, 1954. At the time of the shooting Tunny was an escapee from a mental institution.

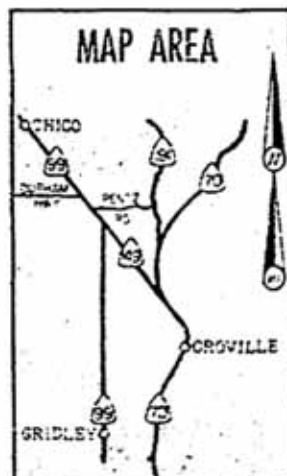
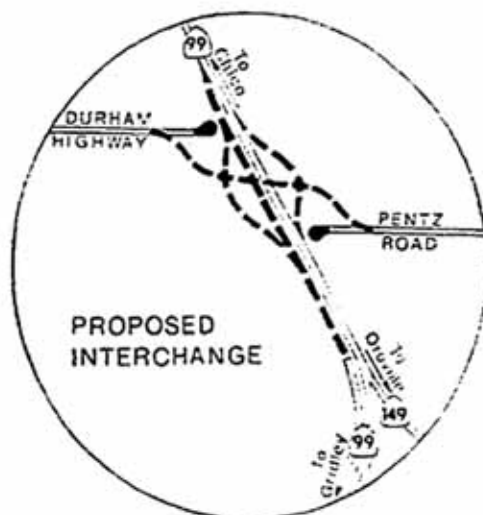
11-8-1973

California Department of Transportation
PUBLIC NOTICE
OF FEDERAL APPROVAL
ON PROJECT ON ROUTE 99
AT PENTZ ROAD, BUTTE COUNTY

The California Department of Transportation has received approval from the Federal Highway Administration on a project five miles south of Chico. Construction is tentatively scheduled for 1975.

The project includes:

- 1) An interchange about halfway between Pentz Road and Durham Highway.
- 2) A section of four-lane divided freeway three miles long extending from the Highways 99/149 intersection to a point just north of Durham Highway.
- 3) Realignment of short sections of both local roads at the interchange.



PURPOSE OF IMPROVEMENT

The interchange and new four-lane highway section will improve access to the new Butte College campus now under construction on Pentz Road east of Route 99.

PUBLIC HEARING

The need for these improvements was discussed at a public hearing in Durham in June, 1973. Tentative time schedules for right-of-way acquisition and construction were explained.

ENVIRONMENTAL STUDY

An environmental statement on the impact of this project on the environment was circulated to private and public agencies and local residents. The State found there would be no adverse effect on the quality of the environment. Federal officials concurred with the State's findings.

The California Department of Transportation will now proceed with engineering design of this project.

Caltrans
CALIFORNIA DEPARTMENT OF TRANSPORTATION

Sam Helwer, District 3 Director
Department of Transportation, P.O. Box 911
Marysville, CA 95901

(Maps and other information are available for inspection and copying at the Marysville District Office, 703 B Street, Marysville, California)