

JURORS READ NEWS

IT TELLS SOMETHING THEY SHOULDN'T KNOW

As a result of an innocent and well meaning reference made in a Salem evening newspaper, Mrs. Lyda King's suit to recover \$10,000 from Dr. George R. Vehrs, claiming that he performed an unauthorized operation, was postponed. The case has been reset for trial November 15.

It is a rule of law well established in this state that, where an insurance company is defending one of its clients in a legal proceeding, all knowledge of the company's part must be kept from the jury. This is on the theory that the jury, if it knows the damages assessed against the defendant will actually be paid by the insurance company, will be considerably more willing to return a verdict against the defendant. A jury might easily be willing to "stick" a large and reputedly wealthy corporation where it would be unwilling to assess damages against an ordinary citizen.

On Friday evening of this week a local newspaper carried an account of the first few hours of the King-Vehrs trial, which opened in circuit court Friday morning. Among other things it mentioned that Frank Senn, Portland attorney defendic Dr. Vehrs, represented the insurance company which is protecting him.

Saturday morning it developed that a few of the jurors, seeking out of natural curiosity to read every newspaper account of the trial, had sought out and perused the article in question. This upshot of the matter was that upon motion of Mr. Senn, who led the trial for Dr. Vehrs, the whole case was thrown out of court by Percy R. Kelly, circuit judge who was presiding.

The situation is considered a unique one in the history of Oregon legal procedure.

To complicate the matter still more, in this particular instance the jury learned from one of the defendant's own witnesses that an insurance company was the real party in interest, before the offending newspaper account was published.

It was Miss Evangeline Clutton who had been placed on the stand in behalf of the defendant, and was being cross examined by Oscar Hayter, Dallas attorney representing the plaintiff. Miss Clutton had testified that she was principal of nurses at the Salem hospital at the time Mrs. King had her operation performed there, but that since then she had gone to Spokane.

"And how did you happen to come way down here from Spokane?" Hayter asked.

"I came at the request of the insurance company," she replied.

Senn looked surprised, but said nothing, as Hayter paused in his cross examination long enough to let the jury get the benefit of the statement. Judge Kelly glanced from one attorney to the other, half anticipating that an attempt would be made to do something about the woman's admission.

Nothing was done, however. If Miss Clutton had been a witness for the plaintiff instead of the defendant and had made the same statement, the case would have been summarily thrown out of

court at that point. As it was, however, she was the defendant's own witness and her admission had not been brought out by any patent attempt on the part of plaintiff's counsel.

All mention of this testimony, as well as any other references to the insurance company, was carefully excluded from the account as published in the Oregon Statesman Saturday morning.

Some possibility is foreseen that this woman's testimony may be an important factor in event the case is appealed. Mrs. King's counsel might be able to show that under the circumstances the jury knew of the situation anyway through this witness' testimony, and the fact that it was later verified by a newspaper account would make no material difference.

At the same time the supreme court might be unwilling to establish a precedent that would make it possible for persons who were interested in having the case thrown out by securing the desired result of court accomplish newspaper publicity.

SEARCH FOR LOST PLANE

Mail Pilot Abandons Machine in Mid Air Near Castaic

SAN FRANCISCO, Oct. 29.—(AP)—Airmen from San Francisco and Riverside and searchers from national guard, fire patrol and postal department units of Los Angeles were scouring mountains and canyons in the vicinity of Castaic, Los Angeles county today for the plane that Charles R. Bowman, air mail pilot, abandoned in mid-air Wednesday when he feared the ship would crash.

Advices received here today from Verpe Gorst, president of the Pacific Air Transport company, air mail lessee, stated that a reward of \$200 had been offered for the recovery of the missing plane and its mail. Gorst was in Bakersfield taking part in the hunt.

2 HANGINGS NECESSARY

HAVANA, Oct. 29.—(AP)—Baldomero Rodriguez, convicted for murder was legally executed twice today in the Pinar Del Rio prison. Because of a defect in the garrote due to careless adjustment of the metal band which fits about the victim's neck to cause strangulation, the supposed dead body of Rodriguez was laid on a stretcher and suddenly showed symptoms of life as spectators were leaving the death chamber.

The man put up a furious struggle but was overpowered by guards and prison officials. He was then replaced in the death machine and again the strangulation band was adjusted, the body minutes before he was officially pronounced dead.

MR. CROWDER HERE TO LIVE IN SALEM

Rev. U. S. Crowder arrived in Salem on Friday morning from El Paso, Texas, where he has been pastor of the First Methodist church for two years. He has resigned, and will make Salem his home in the future—the city of his choice, where he has owned property for several years. Mrs. Crowder and their daughter, Dakota, did not go to Texas, excepting on visits. Their home is at 1039 Shipping street, and Miss Crowder will enter Willamette university when she completes high school at the mid-year term.

Rev. Crowder being on the international line saw a good deal of Mexico, and in fact he visited that troubled country as far south as the capital. He saw some exciting and interesting things down there, and could tell a lot of tales to make one's blood run cold. But he believes Mexico, with all her troubles, is on the way towards better things in the realm of modern civilization.

Ebner Loses Suit Seeking Recover On Alleged Note

The case of J. W. Ebner against Albert Weis, et al, was decided in favor of the defendants in circuit court here late yesterday, the jury bringing in its verdict at about six o'clock.

The action was first brought by Ebner on an alleged promissory note. He demanded some \$1500 from the defendants, who set up a counterclaim demanding about \$800 from Ebner. Work done by various parties, and transfer of land, featured in the case.

By bringing in a verdict for the defendants the jury refused both money demands, but threw costs upon the defendant.

MARSHFIELD TOT DIES

MARSHFIELD, Ore., Oct. 29.—(AP)—Helen Landrith, 7, daughter of Mr. and Mrs. James Landrith of Coos River, is the first victim of infantile paralysis to die in Coos county. The child was ill but two days.

"Billy" Levens Locates

W. S. ("Billy") Levens has removed with his family to Salem, locating at 1605 South Church street, and Mr. Levens has opened a law office in the Bank of Commerce building. Mr. Levens was up to a short time ago prohibition enforcement officer for the state, and has many friends here. He was a prominent attorney of nasjarn Oregon, with his office in Baker, before taking his state position.

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End of Month Sale!

ONE DAY ONLY

Monday, October 31

Sport Coats

We've selected a large group of sport coats for this Month-End-Sale. Coats in the \$49.50 and better class—coats by such well known makers as "Printz," "Redfern," "Conde" and "Caljer"—coats trimmed with good fur such as beaver, fox, wolf and mink. Five fabrics such as camel hair, suede like fabrics, etc. Many plain tailored models. **\$35.00**
(APPAREL SECTION, MAIN FLOOR)

Odd Lot Silk Hose 25c Pair

A few dozen Holeproof Silk Hose (Hurtis) of regular \$1.95 quality. Sizes 8 1/2 to 10. Dark colors. Priced ridiculously low for quick clearance.
(CENTER AISLE)



Odd Lot Misses Hose 59c Pair

Misses Rayon fashioned hose in variety smart colors. These are imperfections of regular quality. For quick clearance tomorrow only 59c pair.
(CENTER AISLE)



Odd Lot Footwear \$4.95

Patent kid and calf skins in the better quality of footwear. Mostly this season's models—not all sizes of a kind but nearly all sizes in lot. Values to \$9.00.
(MAIN FLOOR)



Odd Lot Chemise 98c

Values to \$2.25. Chemise in Rayon with tailored or lace trims. Here's extreme value giving for one day only. See these in lingerie department. Sizes 34 to 44.
(CENTER AISLE)



Odd Lot Slips, Gowns and Coolie Coats \$1.48

All \$3.50 values in Rayon slips, crepe coats and rayon gowns. Here's extreme value giving for one day only. See these in lingerie department.



1000 Yds. Outing Flannel 15c Yard

1000 yards 36 inch fleecy outing flannel, lights and darks. Many of these are sold ordinarily at 22c to 25c yard.
(BASEMENT)



Odd Lot Fine Silks \$1.59 Yard

Values to \$4.00 in crepe back satins, printed crapes, crepe de chine, georgettes, check taffeta, brocade poplin, and radiums. Wonderful values for one day clean up sale.
(MAIN FLOOR)



Odd Lot Prints 15c Yard

25c values in soft prints in good patterns, yellow, rose, red, peach, etc. Small designs.
(MAIN FLOOR)



A Wonderful Foundation Garment!

REGULAR \$7.50 GOSSARD "COMPLETE"

LARGE SIZES ONLY

\$3.95

LARGE SIZES ONLY

A foundation garment that is the most complete undergarment made, always selling at \$7.50. For one day only we will reduce our stock of larger sizes at \$3.95. Sizes 42, 44, 46, 48.
(LINGERIE DEPARTMENT)



PHONE 2397

MILLER'S
Salem's Leading Department Store

PHONE 2397

BOYS' LAKAWANNA TWINS Union Suits \$1.00

Part wool union suits in famous Lackawanna Twins quality. Random mix grey with rayon trims. Sizes 4 to 16 years, values to \$1.75.
(MAIN FLOOR)

BOYS' PULLOVER Sweaters \$2.19

Boys all wool and wool and rayon pull over sweaters, jacquard patterns in the new bright colors. These are exceptional values at this price. Regularly \$2.95.
(MEN'S SECTION)

BOYS' STURDY SCHOOL Shoes \$1.95

Odds and ends in boys sturdy all leather school shoes, sizes 13 to 4, values to \$4.50.
(MAIN FLOOR)

ONE LOT CHILDREN'S Munsing Union Suits Half Price

Silk and wool, cotton and wool, and all cotton. Low neck, elbow and ankle styles. Munsingwear quality.
(MAIN FLOOR)

ONE LOT CHILDREN'S WINTER Union Suits 25c

One lot winter weight cotton union suits, small and large sizes. Regular \$1.00 values.
(CENTER AISLE)

ONE LOT CHILDREN'S 3/4 Length Hose 19c

An assortment of 3/4 length hose in large sizes. Regular 50c values. Some full length in lot.
(CENTER AISLE)

ONE LOT CHILDREN'S Hats \$1.49

One day clean up of children's hats—mostly sizes up to 8 years. A variety of autumn shades.
(MAIN FLOOR)

ONE LOT OF CHILD'S Gingham Rompers 69c

Gingham rompers in checks and plain colors, sizes 0 to 3 years. Regular 89c values.
(MAIN FLOOR)

One Lot Linen T 9c Yard

16 inch part linen toweling, about 150 yards to close out tomorrow at 9c yard.
(BASEMENT)

18x36 Plain and Fancy Huck Towels 15 Each

18x36 plain and fancy huck towels selling regularly at 25c. End of month sale 15c.

200 PAIRS CHILDREN'S HOSE 5 to 7 1/2 Children's Hose 10c Pair

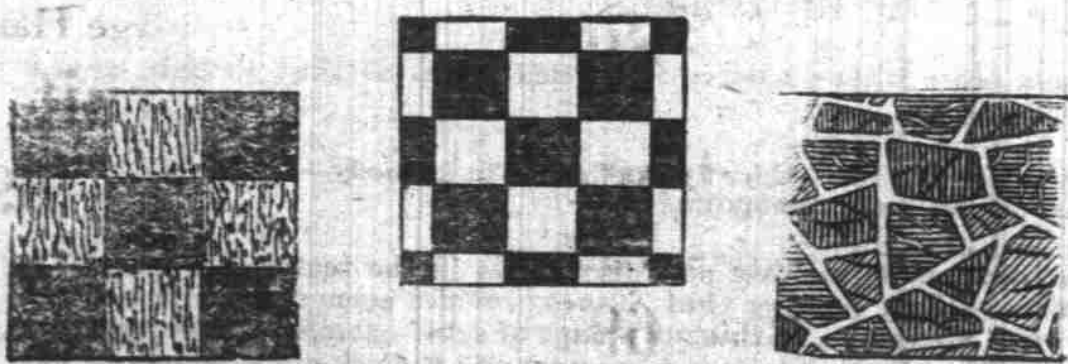
Children's cotton hose of exceptional value, 25c value. Come early tomorrow for these.
(BASEMENT)

ODD LOT Stamped Goods Choice 10c

Odd stamped pieces, values to 40c. Boudoir pillows, vanity sets, kitchen curtains, infant bonnets, bib sets.
(SECOND FLOOR)

VOILE HOUSE Dresses 79c

Voile house dresses of novelty weaves, hemstitched. Regular \$2.25 value, 79c.
(SECOND FLOOR)



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