

# LIABILITY LAW IS RULED OUT

## "Guest" Measure Passed in 1927 Held Unconstitutional by State Court

The Oregon supreme court Tuesday held unconstitutional a law enacted at the 1927 session of the legislature, barring so-called automobile guests from recovering damages from the owner or driver of the motor vehicle in which the guest was riding in case of injury or death from accident.

Rossman Author  
The opinion was written by Justice Rossman in a suit brought by Virginia M. Stewart to recover damages from J. O. Houk, P. M. Houk and William L. VanAllen, partners operating under the name and style of Redmond Garage, and J. O. Houk. The opinion reversed the decree of Judge Robert G. Morrow of the Multnomah county circuit court, who held for the defendants.

Plaintiff alleged that she was riding in an automobile as an invited guest of the defendant, who was the owner and operator of the car. She charged that he drove the machine in a negligent manner with the result that she suffered serious injuries. The defendants demurred to the complaint, with the result that the demurrer was sustained and the case dismissed. Plaintiff then appealed to the supreme court.

Curtails Rights  
"It is clear," read the supreme court opinion, "that the purpose of the act was to deprive a guest of redress in damages from an injury negligently inflicted upon him by his host if he was being transported without charge. This new fact that the guest did not intend that their legal rights should be such, could not alter the situation.

"Likewise, the act fixes their legal rights, regardless of the capacity of the parties to contract for themselves. Thus, for instance, a minor, below the age of discretion, is deprived of redress from an injury inflicted upon him through the negligence of the host. Then, also, the host is freed from liability, even though his negligent act may have been induced by the excessive use of an intoxicant, or other similar factor.

Purpose Evident  
"The purpose of the act is clear, and the constitutional provision needs no further elucidation. That the host owed a duty to exercise for his guest's safety due care, is not disputed by the defendant. The proponents of this act undoubtedly felt it was unjust, that one who gratuitously conveys another in his automobile should be subjected to a claim for damages if any injury should befall the latter.

"But if the injury erected by this constitutional provision for the safeguarding of long established rights, can be pieced by this piece of legislation, an entry will be effected through which may come other legislation in substitution for the safeguarded common law rights. It is clear we possess no power to sanction the entry and the substitution.

Opinions Listed  
Other opinions handed down by the supreme court follow:  
Della Officer vs. Jessie Snyder Cummings and John Hanson, executors of the estate of A. P. Snyder, deceased, appellants; appeal from Grant county. Action to recover on contract. Opinion by Justice Belt. Justice Dalton Biggs affirmed.

Jennie B. Thielsen, et al. vs. Carl Linde, appellant, and Warrenton Amusement and Capital Apartment company, defendants; appeal from Marion county suit for cancellation of stock subscriptions. Opinion by Chief Justice Randall. Judge L. H. McMahan affirmed.

Darling-Singer Lumber company, appellants, vs. Oregon Navigation company, appeal from Multnomah county; action to recover money involved in demurrage charges. Opinion by Justice McBride. Judge John H. Stevenson reversed.

B. F. Paul, et al. vs. State Industrial Accident commission, appellants; appeal from Jackson county. Opinion by Justice Coshov. Judge Orlando M. Corkins reversed.

Pearl Nickson vs. Oregon-American Lumber company, appellant; Adams & company and W. J. Bonnisse, defendants, and Carl Davidson, appellant; appeal from Multnomah county; suit for damages. Previous opinion adhered to in opinion by Justice Coshov.

Miles Lee, deceased, Uthelma Lee Young and Anna Lee Stoddard, vs. David Lee, G. A. Ayre, appellants; appeal from Baker county. Motion to dismiss appeal denied in opinion by Justice Huan.

The Elastic Paint and Manufacturing company, appellant, vs. Guy H. Johnson; appeal from Umatilla county; action to recover on two trade acceptances. Opinion by Justice Brown. Judge James Alger Fee reversed and case remanded.

City of Portland, plaintiff, vs. Sarah Palmer Richardson, defendant-respondent, and C. E. Geston, defendant-appellant; appeal from Multnomah county. Motion to dismiss appeal allowed in opinion by Justice Brown.

Ruth Gould, appellant, vs. Frank D. Beeter; appeal from Tillamook county; action to recover on promissory note. Opinion by Justice Rossman. Judge George R. Bagley affirmed.

# TOURING WITH PRESIDENT-ELECT



Among the friends and close associates of President-elect Herbert Hoover who are accompanying him on his good-will tour of the southern republics are Henry P. Fletcher, U. S. ambassador to Italy, left, above; George Akerson, Hoover's secretary, right, above, and George Barr Baker, New York financier, below.

lammock county; action to recover on promissory note. Opinion by Justice Rossman. Judge George R. Bagley affirmed.

First National Bank of Prineville, appellant, vs. E. P. Conroy, et al.; appeal from Crook county; suit to recover on promissory note. Opinion by Justice Belt. Judge T. E. F. Duffy affirmed.

William P. Swope, Portland, and P. A. Beltz, Tillamook, permanently admitted to Oregon bar.

# RECITAL PRESENTED AT ROBERTS STUDIO

Music lovers owe a deep debt of gratitude to Professor and Mrs. T. S. Roberts for their hospitality and generosity in sharing the series of complimentary programs which have been given in the Roberts' studio since the installation of their fine Guenther recital organ. Outstanding in a series of delightful programs was the concert given Tuesday night by Miss Jean Harper, youthful organist and pianist, and members of the Premier quartette, all of Portland.

The numbers were particularly interesting through the wide acquaintance which members of the quartette—Granville D. Morgan, Carol B. Shear, Everett H. Craven and P. M. Blenkinsop—and Miss Harper have in Salem.

The finely balanced program included solos by individual members of the quartette, organ numbers by Miss Harper and group songs. In addition to having voices that blend delightfully and which show the harmony resulting from three years of conscientious training as a singing unit, each member of the quartette is an excellent soloist.

Miss Harper, although unfamiliar with the Roberts' organ, pleased with her smooth handling of the complicated stops and with her fine pedal work. Her interpretations were melodious and as pleasingly mature for one so youthful. Miss Harper is also an accomplished accompanist, devoting her talent to providing a rich background for the singers.

The program numbers, which were encored repeatedly, were as follows:  
Swing Along.....Negro folk song  
Lady Chatterley.....Negro folk song  
Premier Quartette  
Pilgrim's Song.....Tschalkowsky  
The Crucifix.....La Forge  
Everett Craven, basso  
Kamennoi Ostrow.....Ludenstein  
Tacetina in D minor.....Nevin  
Meditation.....Negro folk song  
Miss Harper, organist  
Fear Not Ye, O Israel.....Buck  
Carol Shear, tenor  
Miss Harper at the organ  
Still As the Night.....Bahm  
Premier Quartette  
Miss Harper at the organ  
Drink To Me.....Ora English  
How Can I Leave Thee.....Old English  
Premier Quartette  
A Brown Bird Singing.....Wood  
Noon and Night.....Hawks  
Graville Morgan, tenor  
Lost Chords.....Nevin  
Premier Quartette  
Miss Harper at the organ

# Girl Struck By Car Badly Hurt

Eleanor Willard, 7, suffered serious injuries Tuesday when she was run down by an automobile driven by O. L. Martin. One wheel of the machine ran over the child's body. The child was taken to a hospital for treatment. Witnesses said the little girl ran into the path of the car and was not seen by the driver until it was too late to stop.

**"Sold on merit"**  
anti-knock  
THE NEW WINTER  
RED CROWN  
GASOLINE  
STANDARD OIL COMPANY OF CALIFORNIA

# CANAL WANTED BY NICARAGUA

## Passage Way to Correspond With That of Panama Urged by Leaders

(Continued from Page 1.)  
president Chamorro and several members of the cabinet and other dignitaries.

Mr. Hoover and Senors Dias, Moncada and Chamorro had an intimate talk of more than half an hour, conversing through an interpreter in the customs house. Charles C. Eberhardt, United States minister, and several of Mr. Hoover's friends who are voyaging with him said this conversation signified that the next president of the United States accomplished just what he hoped to do in Nicaragua. Intimate talks with the leaders of the countries which he visits are what Mr. Hoover most desires.

Hundreds of Nicaraguans, straw hatted and coatless, stood upon freight cars on the railroad track in front of the customs house when the American visitor arrived. They yelled and waved their hands, many of which were home made copies of the American emblem done in colored tissue paper.

A battalion of the United States marines was stationed in the streets leading to the custom house. They came in "present arms" as Mr. Hoover arrived and their band played the national anthems of the two countries. The ceremony was repeated as the conferees left the customs house to board the U. S. S. Maryland where Mr. Hoover was host at a luncheon.

Christmas program to be given by the school.  
Roy E. Barker announced that he had received word that there would be a meeting of sheep growers at the Zena schoolhouse at 1:30 in the afternoon of November 30. A government expert will be present to give a talk on sheep grading.

The program was as follows:  
Opening song, "America," by all present.  
Saxophone solos, "Love's Greeting" and "It's You," Mona Brooks with piano accompaniment by Miss Marjorie Walling.  
Reading, "The Two Loves," and encore "Her Sister's Beau," Miss Lenore Dyer.  
Vocal solo, "Sweet Little Woman of Mine" and encore "Happy Little Sam," Ralph H. Scott with accompaniment by Jeanette Scott.  
Negro skit by Alvin Madsen, Miss Marjorie Walling, E. E. Buckles, J. Fred Purvine, Miss Elvora Edwards.  
Violin solo, "Somewhere a Voice is Calling," Miss Lenore Walling, Mrs. Seymour Wilson at the piano.  
Reading, "The One Legged Goose," and encore "Modern Version of Mary's Little Lamb."  
Vocal solo, "Don't You Cry My Baby," and encore "Kentucky Baby," Alvin Madsen with Mrs. Madsen at the piano.  
Reading, "The Little Girl and the Fly," and "Jemima's Courtship."

Trumpet solo, "Some Day, Somewhere," and encore "Desert Song," Leland Bashardt, Miss Marjorie Walling at the piano.  
Minstrel afterpiece by Vernor Merrick, Mrs. J. S. Worthington, Miss Elvora Edwards, Edward Boyd, Marion Walling, June Worthington, Glen Alaman, Elaine Worthington. The program committee included Mrs. J. D. Walling, Mrs. E. E. Buckles and Mrs. Alvin Madsen, and on the refreshments committee were H. J. Neigler, Alvin Madsen and E. E. Buckles.

more completely. The new mark is 2414. It is suspected that both of these teams were inspired by a desire to play against Mrs. C. J. Cunningham, premier woman bowler, next Sunday.

Wallace Fawc, 73, died Sunday at the family home at 1297 South High street after an illness of nine weeks. He is survived by his widow, Mary B. Fawc; three children, Herbert W. of San Francisco and Miss Grace L. Fawc of Salem and three grandchildren. Funeral services will be held at the Clough-Huston chapel Wednesday afternoon at 1:30 o'clock, the Rev. W. Earl Cochran officiating. Interment will be in the Cityview cemetery.

Denison  
Mrs. Ruth Denison, 70, died early Monday afternoon at a local hospital. She is survived by a daughter, Mrs. Daisy D. Lally of Wenatchee, Wash.; one son, Charles of Salem; one brother, W. E. Keese of Oshkosh, Wis. Funeral services Friday afternoon at 2 o'clock from the Clough-Huston parlors, Rev. Harry E. Gardner officiating. Interment Cityview cemetery.

Halford  
In this city, early this morning, Harold Halford 16, son of Mr. and Mrs. William Halford, Salem, R. I.; brother of Ed and Archie Halford of Portland, Mrs. Mary Hazelton, Mrs. Alta Darling and Miss Herma Halford of this city. Funeral services Friday Nov. 30, at 1:30 at Rigdon Mortuary chapel.

**BIG Auction**  
Wed, Nite 7 P. M.  
at  
F. N. WOODY  
Auction Market  
1210 N. Sumner St.  
3 tube radio, speaker and batteries complete; 22 rifle scopes, 2 rockers, 1 wooden range, 2 heaters, cabinet phonograph and records, 1/2 brass bed, spring and mattress, 4 beds, coil springs, 2 used mattresses, 1 new mattress, baby bed, floor lamp, 2 trunks, 2 rockers, 1 extension table and chairs, 1 used velvet davenport, 2 EL sweepers, 42 piece set of dishes, linoleum rug, linoleum remnants, 6 good used Brussels & Axminster rugs, home canned fruit and wood, 111, wringers, boiler, kitchen cabinets, kitchen chairs and tables, apples, etc.  
CASH PAID FOR USED FURNITURE  
Phone 511. Established 1917.

**COMING EL SINORE**  
A MIGHTY EPIC OF THE AIR  
**WINGS**  
with Clara Bow

# How to Achieve Beauty

IF YOU have simply let yourself "run to seed" for weeks or months or years, one of your chief grievances will be the condition of your eye tissues. Either one of two things has happened. The flesh has relaxed and grown wrinkled, discolored and unhealthy looking, or heavy "puffs" have formed under the eyes.

Either condition is an unhappy one, as undoubtedly your mirror confesses to you. But—as a word of cheer—let me assure you that neither condition is a hopeless one!

In suggesting treatment to you, I'll begin with the undernourished wrinkled condition first, as it is by far the most common, judging from the volume of mail I receive.

To vigorously rub an anti-wrinkle cream into the eye tissues would probably do more harm than good, for the movements might break down the tissue—pull the eye muscles or do some other similar and irradicable damage.

Eye movements must be gentle! Don't rub or pull. Instead "finger-print" your eye cream or balsam, using the index and third fingers, and let the motion be so light that you feel only the gentlest vibration. At least once a day is not to often to use your nourishing cream—and remember, that it is not only safe but wise, to permit it to remain on over-night.

Reducing puffy or baggy eyes is a problem in itself. Begin by applying hot water on thin cotton pads. Then very gently pat a little balsam or other good astringent into the affected tissues. (Which hazel also helps.) Permit this to remain on for 10 minutes. Then, "finger-print" a speck of nourishing cream into the skin around your eyes, so that the balsam may not prove too strenuously efficacious so as to dry up the tissues.

AUMSVILLE GROWER WINS SWEEPSTAKES  
(Continued from Page 1.)  
The water-front piers and all nearby buildings were draped with flags in honor of the visit. The colors of Nicaragua and the United States appeared everywhere. Welcome signs in both English and Spanish were posted on the walls. The whole side of a warehouse opposite the landing pier was marked in huge letters "Bien Venida Hoover."

Mr. Hoover passed under another large sign reading "Welcome" made of flowers. Campaign pictures of the president-elect coupled with the phrase "Bien Venida" were pasted on walls throughout the city.

OBITUARY  
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**EL SINORE**  
TONIGHT ONLY  
Wednesday, Nov. 28  
ARTHUR HAMMERSTEINS  
**ROSE MARIE**  
BIGGEST MUSICAL HIT EVER PRODUCED IN AMERICA  
COMPANY OF 100 SYMPHONY ORCHESTRA  
Prices \$1.00, \$2.00, \$2.50, \$3.00  
No Tax. Get Seats Early

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**Belonest Memorial Park**  
714-716 FIRST NATIONAL BANK BLDG.  
SALEM, OREGON  
PHONE 2205

Wesley Hoies, senior president, Margaret Drager, chairman of the social committee, and Maxine Myera, put the students' case. While the board did not, individually, oppose school dances in the gymnasium, the members all expressed receptive to a petition from the principal, dean of girls and city from the board.

The board officially accepted the new grandstand on Olinger field from Lyle Bartholomew, school architect. A donation of \$25 from the Salem Garden club for improvement of school grounds was accepted. Four new portable mimeograph machines and mimeoscope were ordered.

Mr. Hug reported that the manner in which the Salem district had handled its bonded indebtedness had been commended at a meeting on school budgeting held in Eugene over the week end. It was shown there that Salem and Portland are the only school districts in the state that are taking care of the indebtedness. The Salem school district is paying its bonds off 10 per cent each year, while clearing them in 10 years, while many other schools are actually paying as much interest all told as the original building or improvement cost.

SERMON TOPIC AT REVIVAL IS 'LOVE'  
The Rev. L. D. Smith, pastor of the Nazarene church, preached at the union service of that church and the Missionary Alliance Tuesday night, on "The Lost Love," using as a text "Nevertheless I have somewhat against thee, because thou has left thy first love. Remember, therefore, from whence thou art fallen, and repent and do the first works; or else I will come unto thee quickly and remove thy candlestick except thou repent." (Rev. 2:4-5) The services are being conducted at the Alliance tabernacle on Ferry street.

Mr. Smith interpreted the text as follows:  
"It is not a small thing to lose our first love. When a soul is converted to God the heart is filled with love, love to God, to men and for the highest and best things of life. God can get along without our work, preaching, prayers, or money, but His great heart longs for the fervent burning love of His children. When we lose our first love, we lose Him that filled our heart with this love.

"When Jesus comes into the heart He brings love, peace and joy. If a Christian loses these fruits of the spirit he has lost the one that brought them. David prayed 'Restore unto me the joy of thy salvation,' and knowing David's sin we know he lost the God who had at one time filled his heart with joy. When we lose our first love, we grieve our joy, our first love, and take the first step from the Christian path that will surely lead down. We start a course that will crucify afresh the Son of God and put Him to an open shame. We do harm to the cause of God as then sinful men boast that there is nothing in it but excitement."

**HOLLYWOOD**  
TONIGHT  
Adolph Menjou  
in  
"NIGHT OF MYSTERY"  
UNCLE IZZY WILL GIVE AWAY TURKEYS

**OREGON**  
TODAY  
"Stocks AND Blondes"  
Thrilling Romance of Wall Street Plungers and Cabaret Blondes  
JACQUELINE LOGAN  
GERTRUDE ASTOR

**WILLIAM BOYD**  
in "The COP"  
ADDED THURSDAY ONLY  
Singer Musical Comedy Revue  
In a Snappy Comedy  
"NAUGHTY NAUGHTY"  
OH, BOY! LET'S GO!

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