

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
From First Statesman, March 28, 1851

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Peek-aboo Justice

IN a recent decision made by the Oregon supreme court in a suit for damages account of personal injuries appeared this paragraph:

"We are not convinced that the plaintiff fully brought to the attention of the jury the fact that the defendant carried personal liability insurance. On cross-examination, one of defendant's witnesses, in response to the question, 'Didn't you talk to anyone before yesterday morning?' answered, 'No one but the insurance man.' The inquiry concerning a settlement was on dangerous ground and should be avoided on retrial."

The point on which the court expressed its opinion in this paragraph was whether the reference to "the insurance man" was prejudicial to the defendant by getting to the jury the information that the defendant was protected by liability insurance.

We cite the paragraph and give its implication not to comment upon the particular case, but to use it to call to general public attention what has come to be a genuine evil in the rendering of just verdicts by petit juries, and that is an inclination to soak insurance companies because they are supposed to be rich and "anyway the plaintiff looks like he needs the money."

Those familiar with damage suits, especially automobile cases, know how pernicious this practice has become. It reflects a sad state of the public conscience when verdicts may be swayed by knowledge that the loss may be paid by an insurance company. If such a claim is unjust, the verdict is merely legalized pocket-picking. The cost falls directly upon the policy holders and premium payers. Partly because of this suffering of heavy verdicts in damage suits rates, for automobile liability insurance has been raised to almost prohibitive heights. The motorists are the ones who have to pay, so jurors who let the fact that the defendant may be insured influence their decision may be just soaking themselves as premium payers.

Justice should be justice; but some lawyers and plaintiffs seem disposed to loosen the bandage of the goddess of justice as she holds the scales in even balance, so she may see the figure of some insurance company in the background. It isn't ethical, and jurors even if they know the fact should in all honor and fidelity to their oaths ignore it and render verdicts according to the law and the evidence.

Judge Gale S. Hill

THE death of Gale S. Hill, circuit judge of district three, in the prime of life and almost at the beginning of his judicial work, is unfortunate and saddening. Judge Hill had the innate qualities which make for a competent judge; he was discerning, analytical, able to weigh values. His experience as a lawyer in Albany had enabled him to know both the law and people, a knowledge of the latter being as fundamental for a successful jurist as any qualification.

It was characteristic of Judge Hill who was greatly liked by his associates, that until the last his geniality never flagged. After weeks of pain in a Portland hospital he remarked that about all the doctors in Portland had worked on his case and their fees should be enough to clear all the debts of the hospital. The judge looked on life, liked it and held high hopes until the last that his days could be prolonged.

Attorneys who presented their cases in Judge Hill's court consistently remarked on his uniform fairness, his absolute integrity, the dispatch with which he handled cases and the lucidity and accuracy of his decisions. Judge Hill's decisions, while extending over less than two years of service, were seldom wrong.

The late Judge Hill will be greatly missed in Albany where he was born in 1877, the son of a pioneer physician who like his son, rendered a high type of service to his community. Judge Hill was brought up there, educated there, studied his law there and it was in Albany that he did the conscientious, careful legal work which preceded his appointment to the bench. There the loss brought by his passing will be deepest as the men who knew best the twinkle in his eye, the clarity of his thinking, the firmness and of his decision, know these attributes are but memory due to his untimely passing.

Echo From the Tomb

MEMBERS of the Salem Rotary club and other audiences in Oregon recently have heard Charles H. Ingersoll, the original of "Ingersoll dollar watch" fame, expound with perfect sincerity and conviction the old Henry George theory of single tax. What an echo from the past. It was as though his first Ingersoll of 1892 had stopped the year it was made and its vendor's thinking had stopped then too. For the current of opinion on taxing questions has swung far in the other direction in the last 40 years.

It was in 1922 Oregon had its last proposal for the single tax. That was the fifth time it was voted on in 15 years. Just to show how far from the single tax theory we have gone the Mott resolution in the 1931 session proposed the PROHIBITION of ANY state tax on real property. This resolution which went to the other extreme actually had some following in the lower house; and still has among some farmers. Yet along comes Ingersoll and revives the old idea of a "single tax" on land alone, and not on improvements.

The theory of the single tax belongs to the non-industrial age. At the present time there are many intangibles values which a single tax would never touch. Now the tendency is to measure taxation by the income as the best test of ability to pay. Even the income tax has its limitations; and it would not be at all surprising to see government finally resort to a general sales tax out of sheer necessity for raising revenue.

The only theory of taxation that seems to have general support is the one that puts the tax on the other fellow; but not even the politicians have been able to figure out such a painless tax.

"Capone, smiling broadly, was whiskered into the Atlanta car," read a Statesman news story. Saved by a hair!

The Safety Valve

Letters from
Statesman Readers

Editor "Oregon Statesman":
Marie Antoinette when told during the French Revolution that the people were crying for bread, replied, "Why don't they eat cake?"

The Oregon hop growers when told that numberless families are in need of bread and milk, reply, "Let's give them beer."

Even though a few unscrupulous doctors might be persuaded to testify that beer was a satisfactory substitute for bread and milk in growing child's diet, just where is the money coming from to buy this beer? Every dollar that a certain class would spend for beer would have to be made good by the already over taxed charities and tax payers to provide that man's family with food and clothing. The Salvation Army will bear witness as to the number of suffering families for which they had to care in the "good old days" of legalized beer.

Just where is the money coming from to buy the beer? The hop growers have not yet advocated the coming of additional money for this purpose. The answer is that the money must come from legitimate industries, among them agriculture and dairying. If legislators would be of so much use to agriculture in general, why does the national and state granges and the secretary of agriculture oppose it? Their conclusions on this subject should carry more weight than that of the hop growers.

It is only natural for the hop growers to fight for their interests, but let's we who are in other industries realize that every dollar which goes into their business will come out of ours. Let's get a wider perspective than that of the hop growers when we go to the polls in May.

Sincerely,
Mrs. C. W. Stacey.

Yesterdays

... Of Old Salem

Town Talks from The Statesman of Earlier Days

May 6, 1907

In the first relay race ever run from Salem to Portland, the Chemawa team of 10 Indian students yesterday defeated the Portland Y. M. C. A. team by 12 1/2 minutes. The 61.3-mile race was covered at the rate of a mile in 6 minutes, 20 seconds.

Another railroad is to contribute to the development of "Old Yamhill" and is to be operated between Sheridan and a point a mile and a half north of Williams under the name, Sheridan & Williams Railroad company.

A protest against the paving of State street was filed with City Recorder Moore yesterday by Fred Hurst of South Salem owner of property on State street. He is understood to object to cutting back and lowering the curb line.

May 6, 1923

The total registration of motor vehicles in Oregon for 1922 is 100,057, Sam A. Koser, secretary of state, announced yesterday. The figure will reach around 125,000 by the end of the year he estimated.

Coach Bill Reinhardt of the Salem high baseball team is now no more of Salem. He has accepted a position with the Standard Oil company at Portland.

With blare of trumpets, side-show splendors and contorted minstrel, Salem's Cherringo was opened at the armory last night for its three-day performance to obtain funds for the Salem hospital. The Cherringo-sponsored carnival attracted over 1000 patrons.

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HERE'S HOW

SHOES OF METAL

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By EDSON

"EMBERS of LOVE" By HAZEL LIVINGSTON

SYNOPSIS

Lily Lou Lansing, young and pretty telephone operator, gives up her opportunity for an operatic career to marry wealthy Ken Sarcast. Ken's mother wanted him to marry the socially prominent Peggy Sage and threaten to have the marriage annulled. Ken and Lily Lou are stranded, but she assures him she will stick by him regardless of what happens. Ken loses his position with his father but secures a better one. The young couple take a small apartment and are ideally happy. Then, one night, Lily Lou awakes to hear Ken sobbing. Next day, Lily Lou meets Peggy Sage, and is stunned to learn from her that Ken lost his job. Later, she is relieved when Ken explains he did not take her into his confidence because he wanted her to be proud of him. After Ken leaves the next morning, his father visits Lily Lou. He asks her to give up Ken and informs her their marriage was annulled.

CHAPTER TWENTY-THREE

It was all over. Lily Lou knelt by her suitcase and shut it with a click. Packing had not been hard. She was taking only the things that had been hers before her marriage. Her fur jacket, and the velvet evening wrap, and all the things Ken had bought for her were to be left behind. She couldn't bear the sight of them. She glanced at the clock on the small table between their beds. She must be out of here before he came home. She could tear up her life by its roots, break her heart into little pieces; she could even take a railway ticket and five hundred dollars from Ken's father, but she couldn't face Ken.

He had gone to Peggy Sage's father and asked to be taken into the firm, had talked to Peggy about her, about their private life, their hopes, their struggles, and even about his disappointment, and his deciding that the marriage was a mistake.

He had done that to her. And he had come back to her and talked to her lovingly, and seemingly frankly, all about losing his job and never, never told her that there had been a family conference, that he had sat with his father, and Captain Sage, and taken the news that his marriage was annulled. It was that . . . that that she couldn't bear. If it were just