

The Hermiston Herald

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YOU ARE RESPONSIBLE

Since the law, contained in Chapter 342 Oregon Laws was passed at the 1927 sessions of the Oregon legislature, the average motorist has believed that he could invite a guest to ride with him without assuming any responsibility for the guest's safety. This, too, was the opinion of the judges, lawyers and insurance companies that many just claims were refused and suits dismissed because of this legislative enactment.

The supreme court of Oregon does not take this view and has held this bit of legislation unconstitutional, and the guest has the same right as he did before 1927.

The law held unconstitutional by the supreme court provided that "any person who as a guest accepts a ride in any vehicle, moving upon any of the public highways of the state of Oregon, and while riding as such guest receives or sustains an injury shall have no right of recovery against the owner or driver of such motor vehicle." The act also provides that no right of action should arise by reason of the death of such guest against the owner or driver and that even a child was barred from recovering damages from an injury sustained under such circumstances. The act concluded "acceptance of a free ride as a guest in a motor vehicle shall be presumed to be a waiver of said guest of liability for accidental injury caused by the owner or driver of such motor vehicle."

The Supreme court, in an opinion written by Judge Rossman, over-ruled the lower courts on November 27, 1928. Judge Rossman, in his opinion, held that the constitution of the state of Oregon would be contravened if this law was enforced.

Article 1, section 10 of the Oregon constitution provides "... and every man shall have remedy by due course of law for injury done him in his person, property or reputation."

The purpose of this enactment was to save the public and make secure from legislative charge of enactment those fundamental rights which were well established prior to the enactment of the constitution.

Guests in vehicles, at the common law as it stood at the time of the adoption of our state constitution, had a right to demand of their host an exercise of due care for the safety of the guest. If he acted negligently he was responsible to the guest for any damages that the guest might suffer. The act of the legislature of 1927 would completely wipe out this right.

The effects of this decision will, no doubt, be far reaching, reaffirming as it does, a constitutional limitation on the power of the legislature to enact laws depriving the public of legal rights preserved to the public by the constitution. It will also mean the revival of many claims for damages that have lain dormant because of the legislative enactment and will force the payment of many claims heretofore turned down. A guest still has rights and the motorist who desires to be generous does so at his own peril.

Science nearing secrets of prolonging life.—Headline. Imagine living long enough to enjoy the day when all of our subscribers are paid in advance.

Just right—no New Year's resolutions to keep; none to break; nine holes of golf in this January sunshine, who said it was necessary to take a trip to Sunny California.

New Kind of Disease

It was at one of those Sunday dinners that only Hoosier mothers can prepare. Every one proceeded to eat too much, as is usually the case on such occasions. At last Uncle Otto, refused the sixth—or maybe it was the ninth—helping.

When urged to partake of cake and dessert, he declined with the tactful remark:

"It looks mighty tempting, but I have limitations."

Hearing this, William, his nephew, age seven, asked:

"What kind of disease is that, Uncle Otto?"—Indianapolis News.

Famous Italian Caves

Italy claims to have the two deepest subterranean caverns in the world. The deepest is the famous Abisso del Preta, near Verona, and the second deepest is the cave of Verco, near the River Isouzo. Hitherto both have remained practically unexplored, but the Alpine society of Julian Venetia recently led an expedition to the bottom of the cave of Verco. The mouth of the cave is 1,900 feet above sea level and the depth from the mouth to the lowest pit is about 1,700 feet. The cave contains several lakes and streams.

Tides Within Earth?

Edmund Halley was the first to note the decrease in the spinning rate of the earth, and Sir George Darwin, second son of Charles Darwin, ascribed this phenomenon to the friction produced by the tides piling up on shore and dragging across the bottom of shallow seas. That, however, would account for only two-thirds of the aggregate loss of speed, and Professor Boss believes that the difference can be ascribed to the existence of similar tides within the earth as well as in the ocean.

Zones in Space Where Silence Is Absolute

When rising from the earth's surface, the air becomes lighter and more rarefied. All of its components decrease in amount; at 30 miles up there is little or no oxygen and the density of the air at that altitude is about one one-hundredth that at the sea level; at 50 miles, the nitrogen ceases, and there is practically no water vapor above five miles. Above 25 miles the air is too rare to transmit sound and absolute silence there prevails. As the air is very rare at that altitude, and as no notes or dust are there, the light waves pass almost unobstructed, and there is nearly total darkness and absence of all color; the temperature, too, is very low, probably approaching that of outward space, this region is then one of dark, cold silence. The fact, however, that meteors sometimes become luminous at the height of 100 miles and more, shows that there is an atmosphere of some sort at that height, probably hydrogen, helium or kindred unknown gases.

Rival Lovers Submit to Cruel Punishment!

A quality wild custom for the capture of young maids' hearts has survived in the Sudan down to the present day. Where it is a case of two young men enamored of the same girl, they subject themselves to the "mellatnab," a love test of a savagely cruel nature. The rivals fall down blows on one another's backs either with a whip or stick, the weapon having been agreed upon by them in advance. The one who bears up the longest under the punishment takes home the bride and receives the title of "Achu-el-Ebanat" (Brother of the Daughters). Although these contests have been prohibited by the police, they continue to be held in secret.

Few Know Meaning of Words in Common Use

It is not considered complimentary to say of a woman that she is "no lady," but how many women are entitled to the name in its real sense? I do not know one, for the true meaning of "lady" is a loaf-kneader—a noble art that is practically defunct today.

There are about 2,000,000 spinsters in Great Britain, but how many of them can spin? And although every man is Mr. So-and-so, very few are entitled to the Mr. in its true meaning of master.

My grocer is certainly not an engrasser, though he retains the old name in its abbreviated form; my chemist knows little or nothing of alchemy, from which his predecessors got the name of alchemist.

Costers no longer sell costard apples, some sailors have never been on a ship with sails, and the humble "navy" has long since ceased to make navigation canals. The constable is not the count of the stable, the publican is not the tax collector, and the gaffer of a mill often believes in a way very unlike his name, which is a shortened form of godfather. Of the thousands of clerks working today not one is a clergyman or cleric; the old name has come down from the time when the only people who could write were the clerics.—London Evening News.

Find Many Uses for Tree Bark in Africa

Tree bark is used in tropical Africa to make cloth. In days gone by this material was solely used to provide what little covering human bodies needed. In the making of the cloth the tree is stripped to a height of about ten feet. This bark stripping can be done at twelve-month intervals, the third or fourth bark making the finest cloth. The inner bark is used for the cloth, and strips from four to eight feet in length are beaten with a mallet to the thickness of heavy brown paper. It is then sun-dried, when it takes on a terra-cotta shade. Holes and flaws are patched and the cloth is made up into sheets about eight feet square. Strips of fiber from the dry stems are used as thread and the work of stitching is always undertaken by men. In addition, the bark is used for door hinges, drinking vessels, grain drums, cradles, beehives, nets, game traps, blankets, fishing lines, rope, cord and thread.

Did Not Like "Aida"

As an example of genuine impudence a letter written to Giuseppe Verdi takes the cake. The letter, which is included in the Verdi collection recently published in Italy, includes one replying to a young man who demanded repayment of the expenses he incurred in going to see "Aida" when it was produced in 1872. He abused the opera roundly, prophesying that it would "rot away in the library," and asked for a sum covering his train fare, his seat, and his supper! And Verdi actually paid it, exacting a promise, however, that the young man would never attend another opera of his.

Straw Through Board

The energy with which a body strikes an object determines the piercing effect and damaging effect of the body. Energy is measured by the product of the mass of the body and the square of the velocity. Thus a very small body moving with a high velocity can possess just as much kinetic energy as a large body moving slowly. The straw driven by a cyclone is hurled through the air at an enormous velocity and expends its energy in going through the wood. This happens so quickly that the inertia of the straw keeps it from crumpling up before piercing.

—READ THE WANT ADS—

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY

In the matter of the Estate of Jacob L. Stork, deceased.

Notice to creditors. Notice is hereby given that the undersigned has been appointed by the above entitled court administrator of the above entitled estate, and that he has qualified as the law director. All persons having claims against the estate are directed to present the same to me at the office of my attorney S. A. Lowell, Despain Block, Pendleton, Oregon, within six months from the date hereof, with proper vouchers.

Dated this 12 day of December, 1928.

ROBERT F. THOMPSON, Administrator

NOTICE TO CREDITORS

Notice is hereby given that the undersigned has been appointed administrator of the estate of Ernest Stricker, deceased, in the County Court in the State of Oregon, for Umatilla County. All persons having claims against the said estate are hereby required to present such claims duly verified, and with proper vouchers attached, to the undersigned at the office of Raley, Raley & Warner, in the First National Bank Building, in Pendleton, Oregon, within six months from date of this notice.

ice, the same being dated and published the first time this 6th day of December, 1928.

THOS. J. KEATING,

Administrator of the estate of Ernest Stricker, deceased.
 Raley, Raley & Warner, A. S. Cooley and John F. Kilkenny, Attorneys for Administrator. 14-5tc

ANNOUNCEMENT

The Freewater Hatchery at Freewater, Oregon, announces that the new improvements are now completed and the new Mammoth Electric machines are now installed. This is the largest incubator and brooder establishment in eastern Oregon or Washington. Secon capacity of incubators 250,000; brooder capacity, 7000. Now is the time to order your Collins Baby Chicks. 10 per cent discount on all orders received before January 1, 1929.

S. C. White Leghorns, 15c; Rocks, 18c; Reds, 18c; Orpingtons, 18c; Black Minorcas, 18c

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C. F. COLLINS, Proprietor, Freewater, Oregon.

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