

Every cup a delight

"SALADA"

TEA

SUPREME COURT RULING IMPORTANT TO CAR OWNERS

Insurance Companies Held Liable for Damage Under "Omnibus Clause" Federal Body Sets Forth Reversing Decision Made by Quebec Judges.

MONTREAL, June 11—Many automobile owners whose cars are driven frequently by members of their families or other persons will breathe easier as a result of a recent Supreme Court judgment which holds insurance companies liable for damage under the so-called omnibus clause, in automobile insurance policies. In the Superior and Appeal Courts of Quebec judgments were rendered relieving the insurance companies of liability to pay when the car causing the damage was driven by a person other than the assured, even though the omnibus clause in the policy purported to give such coverage. Reversing the two Quebec courts, the Supreme court of Canada by a unanimous decision has now decided that the omnibus clause is binding on the companies.

The question was of exceptional importance, for, as Their Lordships of the Supreme Court pointed out in their judgment, practically all liability insurance in the province of Quebec was affected. After the Superior Court judge threw overboard the omnibus clause, the local Appeal Court divided three to two and the majority vote went in favor of the Superior Court ruling. Now with the unanimous decision of the Supreme Court, the total vote in all three courts stands seven to four in favor of holding the omnibus clause binding.

In the case before the courts, it was shown that Roland Halle had taken out an insurance policy on his automobile with the Canadian Indemnity Company. Shortly afterwards he lent his car to his brother Joseph Halle and an accident happened in which two passengers in the car were seriously injured. One of them sued Joseph Halle as driver of the automobile and the latter called upon the insurance company to indemnify him for any judgment which might be rendered against him. The company refused, contending that it had assumed no obligations towards the car driver but only towards his brother, the assured. On that issue the company was upheld by the Quebec Superior and Appeal Courts.

Examining the insurance policy Their Lordships of Supreme Court point out that the clause relied upon by the car driver who figured in the accident was as follows: "The insurer engages to indemnify in the same manner and on the same conditions to which the assured has a right according to this policy, all persons carried in the automobile or conducting it legitimately on condition that permission has been given by the assured."

In holding that this clause was not binding on the company, the Quebec Appeal Court had decided that the clause was void because the person

who took out the insurance policy had no 'insurable interest' in any liability which his brother might incur.

The Supreme Court judges differed. 'There is no question,' they state in their judgment, 'that in the insurance policy Rolland Halle is called the insured and that wherever the word 'insured' occurs in that document it is intended to refer to him. But of course it does not follow because the parties adopted that word for purposes of designating Rolland Halle in the policy, that other persons who rightfully come under it are for that sole reason excluded from benefits deriving to them; that they are not to be regarded as insured merely because they have not been described by that term in the document. The question is not how they have been described but whether, by force of the stipulation in the policy they have the right of an insured person.

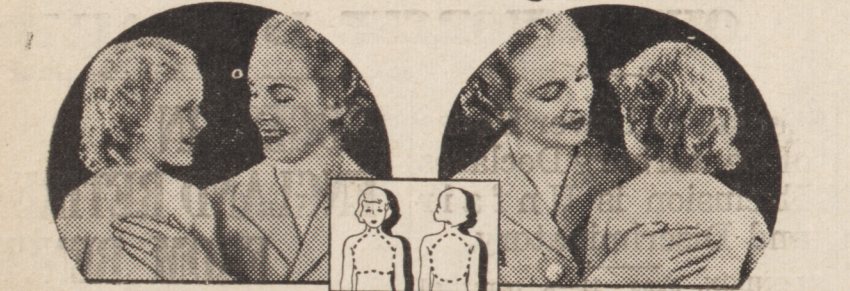
"But the policy expressly states that in addition to its engagements towards the assured, Rolland Halle, the company obliges itself to indemnify all persons legitimately driving the automobile. In this case there is no doubt that Joseph Halle, brother of the insured, was legitimately in possession of the automobile; that he was driving it with the permission of the insured. He, therefore, was one of the persons whom, under the terms of the policy and in consideration of the premiums paid it by Rolland Halle, the insurance company undertook to indemnify. He was one of the persons who, in the intention of both contracting parties, was to be insured against loss or liability. He was not mentioned in the policy by name but according to the law of Quebec, it is not necessary for its validity that the stipulation for the benefit of third parties should be made in words definitely ascertaining these persons.

When you hear a Scot lad rolling his "r's" with Fred Allen on the Town Hall Tonight proceedings on NBC, a Bronx gamins talking like a gangster, a little Britisher using diction as perfect as Freddie Bartholomew, a Boston boy with a New England twang, or a baby with a howl—that's Walter Tetley. A 16 year old youngster who looks much younger, he is one of radio's outstanding juvenile actors. Of German-Scottish parentage, Walter began his histrionic career at the age of seven when he appeared in vaudeville with imitations of Sir Harry Lauder.

Accidents, in industrial centres of England in enght years numbered 1,236,513.

Safety spells success.

Here's the Modern Way to Help END A COLD Quicker



The 3-Minute VapoRub Massage

Massage VapoRub briskly on the throat, chest and back (between and below the shoulder blades). Then spread it thick over the chest and cover with warm cloth.

Almost before you finish rubbing, VapoRub starts to bring relief two ways at once—two direct ways:

1. Through the Skin. VapoRub acts direct through the skin like a poultice or plaster.

2. Medicated Vapors. At the same time, its medicated vapors, released by body heat, are breathed in for hours—about 18 times a minute—direct to the irritated air-passages of the nose, throat and chest. This combined poultice-and-vapor action loosens phlegm—relieves irritation—helps break congestion.

VICKS.
VAPORUB

MOSCOW RIVER JOINS THE VOLGA BY A NEW CANAL

MOSCOW, June 11—The Moscow-Volga Canal, recently opened, belongs with those projects of the Soviet Union's two five-year plans which have been advertised to the people paying for them not only as great national works of large utility, but also as grandiose feats of the Bolshevik spirit of derring-do.

It is the largest river canal in the world. It has consumed three and a half times as much concrete as was poured into the dam at Dniepostroy. Sections of its seventy-nine mile length have been lined with marble, and it has so far eaten up nearly 1,500,000,000 rubles. More important, in a land where engineering is both drama and magic at the same time, it has reversed the waters of the Volga Europe's longest river, and forced them to flow past the walls of the Kremlin in Moscow.

Rivers Made Important

It has become trite to say that Russia is not a country, but a continent. As a continent with no great seacoast and no port not blocked by ice in winter or by the Dardanelles, Russia has invested its rivers with a special tradition and a special glamour. Thus it has been good politics as well as good economics to focus one of the second five-year plan's chief spotlight on an undertaking which promises to open an all-water route from Moscow to the sea.

During the first years of the canal's operation, it will link the Soviet Union's capital only to the domestic water route of the Volga River. Although the Volga flows into the Caspian Sea, which is landlocked, it is navigable for 2,111 of its 2,300 miles. In 1935 it carried half the Soviet river freight and one-seventh of all the freight transported inside the country.

By 1939 the present canal between the upper Volga and the Baltic Sea will have been constructed, giving Moscow access to the ports of northern Europe. One of the most cherished of all Bolshevik plans is to link the Volga with the Don, thus eventually opening Moscow to ships from the Black Sea and the Mediterranean. But before the Moscow-Volga Canal becomes part of any such grandiose scheme it will have real importance in the transport of lumber and building materials to Moscow from the north, or oil from the Caucasus, and of manufactured goods from Moscow through the entire central watershed of European Russia.

Water Supply Improved

To citizens of Moscow the canal has a special importance since the dam across the Volga at Ivanovo, where the link is joined, has backed up a reservoir of water, already popularly dubbed the 'Moscow Sea,' that supplies the city with a much-needed water source. That the per capita supply of water is an index of culture and civilization has long been drilled into Soviet ears, but the pre-war ration was admittedly not enough. The new canal raised the level of the Moscow River by ten feet, and at the same time gives each resident of the city thirteen gallons of water a day—more than in the capitals of bourgeois Europe, according to the Soviet boast, 'and almost as much as in New York.'

RADIO NEWS

MARTHA MARRIES

Tuesday morning Martha Raye rushed, as usual, into the Al Jolson rehearsal. She did not, as usual, meet the cast with a gigantic greeting from that most famous of wide open faces.

Al and all the members of the company shouted in chorus, "Congratulations!" and the broad Raye smile became broader than ever.

There was no swiny, wise-cracking reply, but a murmur of "Thank you." Al, irrepressible as ever, found that even mild attempts at the beloved Hollywood indoor sport, ribbing, brought no reply other than a brighter twinkle in the newly married Martha's already shining eyes.

Martha, who has romped her way through triumphs in night clubs, as well as in stage, screen and radio, has found that marriage is one thing she can't joke about.

Al gave the signal for final run-through of the musical numbers. Martha whammed into the rehearsal with all the vitality for which she is noted. But as the session ended, she subsided into comparative demureness.

"Believe it or not, Al," she said, "I'm to be the cook in the Raye-Westmore ménage. We live on Bud's salary, and my earnings go into our savings account. No more diamond tiaras—and that's no foolin'. I've added a brand new career—that of being Mrs. Bud Westmore."

When Martha swings out every Tuesday night on the Jolson show, you'll know she puts the same energy into her newest job as a serious and subdued housewife.

The Soviet boast turns out to be a boast indeed, for, according to the Department of Water Supply, Gas and Electricity, the per capita consumption of water a day in New York City is 127.1 gallons.

The canal and its parallel aqueduct start a little above the junction of the Dubna with the Volga, where the village of Ivanovo has been moved fifteen miles to permit the flooding of a lake, seventy-four miles long, six miles wide in places, and with a depth up to eleven miles. Along its artificial bed it runs through Dmitrov, past one of Russia's oldest monasteries, through Ishka and Pushkino to empty into the Moscow River at Shoukino.

Water Raised and Lowered

The engineering problem was to raise the water of the Volga 41 yards then drop it 39 to the level of the Moscow River. A series of eleven locks, with five pumping stations, has been built, and eight hydro-electric stations are in construction to generate electricity from the falling water as a partial offset to the energy required to pump the water as it leaves the Volga.

The canal was started in 1932, although it was not made a major undertaking in the hierarchy of the five-year plan's projects until 1935. Since then Josef Stalin has twice inspected the construction work. It has been called by Kaganovich, Stalin's chief aid, 'the blood brother of the Moscow subway,' the building of which he organized. Articles comparing it to the Suez and Panama Canals, with none of the difficulties or scandals of the latter omitted, have been the staple diet of Soviet newspaper readers for months.

One of the canal's chief distinctions, to the Soviet mind, is that it has been built by an army of prisoners. They are called 'canalarnetsi' in Russian, which is close enough to the word by which Red Army soldiers are known to reveal the undoubted pride with which the Soviet Union regards the organization under the Commissariat of Home Affairs—formerly the OGPU—of its 'corrective-labor camps.'

"We have discarded all nonsense about hereditary crime," the assistant chief of the canal's construction, Semyon Firin, recently said. "We do not believe in 'born criminals' or in congenital wrongdoers. People are not defined by the size of the nose or the lobes of the ear. Living defines the consciousness, and therefore the behavior, of people. On this canal we have changed the living of thousands of men and women, and have literally built them over into good citizens."

Although he admitted that the blue hatted guards of the NKVD—as the former OGPU is now known—did not shrink from compulsion when it was required, he emphasized the educational work carried on in the labor camps developed by the Soviet Union "to recondition the behavior" of both political and criminal prisoners. Some of the ranking engineers on the Moscow-Volga Canal, working now as free men, were among the thieves, swindlers, murderers and wreckers who built the Baltic-White Sea Canal under OGPU guards.

SO THEY SAY

Gracie Allen:—"If there's anyone who still insists that the British have no sense of humor, he's all wrong. Why ever since Ray Noble has been on our programme he understands all my jokes as quickly as I do. Sometimes even quicker—and I make them up. As far as that goes, I even understand his jokes—which proves something."

Guy Lombardo:—"My road tour of college proms has convinced me more firmly than ever that those who dance like their songs with melody emphasized. Everywhere I went the opinions expressed indicated a preference for popular tunes played recognizably and not 'arranged' and over-orchestrated with fancy twists. As one young couple during the Ring Dance at Annapolis put it, 'We like to hum while we're dancing—and we like to know what we're humming.'"

Phil Spitalny:—"The girls in my orchestra are great de-bunkers they don't believe in artistic temperament and they refuse to accept the theory that excuses feminine flightiness because 'women are so changeable.' They prove the theories wrong by their complete dependability and willingness to work even longer than they are asked to do."

Arthur Godfrey:—"The charming woman can take a tip from those who speak successfully on the airwaves. Speak naturally, let your poise be unstudied, and keep your own personality—it's better, whatever it may be, than borrowing that of some radio or screen star."

PROGRAMME NOTES

B. A. Rolfe and his orchestra and the Men About Town trio have been signed for the Robert L. Ripley programme beginning July 16, when the believe it or not broadcast shifts from its present Sunday time to a Friday evening airing at 9:00 p.m., EDST, over the WJZ-NBC network.

Rolfe's orchestra has set a top-notch record in radio popularity, having at one time been allotted three full hours of broadcasting each week by a cigarette sponsor.

The trio, Phil Dney, Jack Parker, and Scrapy Lambert, with their accompanist and arranger Will Donaldson, will also contribute individual highlights as solo performers.

This new show will be a real reunion for both B. A. Rolfe and the Men About Town were in the company when Ripley first presented his dramatized and living believe it or not in 1933.

Douglas Storer, who was instrumental in bringing them all together four years ago, has, co-incidentally, effected the present reunion.

Al Jolson will feature an original dramatic sketch, "Redemption," written for him by Ray and Beth Buffum on the broadcast Tuesday, June 15, at 8:30 p.m., EDST, over the WABC-CBS network.

In addition to Al's solos, and Martha Raye's inimitable swings-songology, programme highlights will be Parkyakarkus' dialectic observations in broken-down Engleesh, and the orchestral interludes of Victor Young and his orchestra.

Joe Penner, pride of the Park Avenue Penners and outstanding authority on nonsense, pays a return visit to Oakie College as guest professor of the academic capers Tuesday, June 15, at 9:30 p.m., EDST, over the WABC-CBS network.

Prexy Oakie announces, also, that Meyer Alexander's "Swingtime" Chorus joins orchestra leader Benny Goodman, for the summer school curriculum, beginning June 29.

In addition to the comicalities of "Honest John" Oakie and double-talking Shaw and Lee, the program features the scintillating songs of youthful Judy Garland, George Stoll's orchestral contributions in Hollywood and swing news from the Eastern musical front sent by Benny Goodman and his boys.

Arthur Godfrey will get home to Washington, D. C., later than ever Saturday nights after his chore as master of ceremonies and commentator on the Professor Quiz show, for the broadcast time has been advanced an hour and a half, beginning with the programme of July 3.

The "question bee" program will shift from its present Saturday night air schedule of 8 p.m., to a broadcast time of 9:30 p.m., EDST, over the WABC-CBS network.

Lanny Ross has been chosen guest of honor for the annual Pittsburgh Music Festival, sponsored by the Pittsburgh "Sun-Telegraph," to be held in the Steel City's largest outdoor arena, Saturday, June 12.

Following the precedent set by last year's honor guest, John Charles Thomas, Lanny will contribute vocal selections suitable to the event,

MICROPHONICS

Sidelights on Sedley Brown, co-director of the Husbands and Wives programme on NBC: Is the son of Henrietta Crosman, famous stage star. . . . Played in his mother's companies and later became a movie "stunt" man. . . . Got into radio as advertising executive for a motorcar manufacturer, producing programmes. . . . At one time managed several radio artists. . . . His hobby is collecting ship models.

Lucille Manners, soprano star of the Cities Service Concerts on NBC, makes recordings of her numbers at rehearsal to perfect her rendition. "Checking back on my voice this way," explains Miss Manners, "I catch mistakes in breathing, mispronunciation, 'slurring' of notes. . . . playing the record such defects may be detected and corrected before the broadcast."

which is attended yearly by thousands of music lovers in the Western Pennsylvania district.

Maxine Marlowe, vocalist with the Phil Spitalny all-girl orchestra, came straight from the campus of Ohio State University to Broadway and radio fame. Liberty Magazine places her on its page selecting new stars on the horizon of the entertainment world.

Of this charming, youthful songstress, they say "Delightful, delicious, delyrical, she's a sure bet to click!"



"Stanley Baldwin-we salute you"

Mr. Picobac took his pipe from his mouth and looked up from his newspaper.

"Stanley Baldwin," he said with slow deliberation, "you are a great Englishman—a thoroughbred of the old school. You deserve the title and honours conferred upon you by your King after long and distinguished public service. As one pipe smoker to another—and on behalf of pipe smokers throughout the British Empire—permit me, sir, to say: 'We salute you.'"

"What will he do now, I wonder?" mused Mrs. Picobac.

"Read books . . . smoke his pipe . . . enjoy life . . . and continue to serve the Empire," said Mr. Picobac promptly. "And I was reading about how he is going to make a long tour of the Dominions next year, representing the King."

"Will he come to Canada?" asked Mrs. Picobac.

"Of course he will," said Mr. Picobac. "And when he does, I only hope he will discover what a mild . . . cool . . . sweet smoke Picobac gives."



"IT DOES TASTE GOOD IN A PIPE!"

Picobac

GROWN IN SUNNY, SOUTHERN ONTARIO