

RAILROAD'S APPEAL IS NOT ALLOWED

Edgar Hofer Wins Finally in Supreme Court Against Medford Line.

HOP CASE NOW DECIDED

Oregon's Highest Tribunal Returns Many Opinions in Cases Appealed From Circuit and Other Courts.

SALEM, Or., Oct. 3.—(Special.)—By allowing a motion to dismiss the appeal in the case of Edgar Hofer against the Medford & Crocker Lake Railroad Company et al. as defendants, and A. Davis, claimant and appellant, against J. F. Reddy, as receiver of the road and respondent, that well-known case came to an end today in the Supreme Court. It was appealed from the lower court, Judge F. M. Calkins sitting in the lower court. The opinion was written by Chief Justice Eakin.

In the complaint it is alleged that the original incorporators issued to themselves, as fully paid, 50 per cent of the stock of the corporation, 20,000 shares, when, in fact, nothing was paid for it, except that it was shown by the minutes that a resolution was adopted to purchase from one of their number all of the rights of way, surveys, estimates and franchises for the sum of \$250,000 and made it appear on the stock books and records that the sum had been paid.

It was alleged further, that the whole proceeding was a device on the part of the promoters to secure a majority of the stock fully paid up, without expense to them. The plaintiff, Hofer, as a stockholder, commenced suit on behalf of himself and others, to have a receiver appointed. A receiver was appointed who sold the property in the corporation for the sum of \$12,500, \$46,487 of which was paid in satisfaction of the mortgage debt of the company.

Receiver Dismissed.—The receiver presented to the receiver a claim for \$21,753 for money advanced by him to the company and applied on construction work. Davis lost in the lower court and appealed. The Supreme Court dismissed the appeal because all parties to the litigation were not served with notice.

Another of the multitudinous suits of Krebs versus Livesley was decided today in an opinion by Justice Beane, the former opinion being adhered to. This was on rehearing and related to a hop contract.

On the day of the delivery of the hops in question, as per the contract, defendant offered plaintiff eight cents per pound, the contract price being 14 cents, and the market price at that date, seven cents. Defendants claimed that plaintiff should have accepted this offer, making a difference in the damages of \$1000. It was held that the rule of damages on failure to perform the contract was the difference between the market price and contract price on the day for delivery. Appeal is allowed.

The case of George N. Hodgson versus H. F. Goodspeed was affirmed in an opinion by Justice Moore. The appeal was from Tillamook County. In this case an amended complaint was filed but no time was fixed in which to file an answer. The allegations of the complaint were denied and the County Clerk entered a default and judgment against the defendants, who moved in the County Court, when the action had been pending to set aside the judgment and foreclose to answer on the ground that no default had occurred. This motion was denied and a writ of review issued. When proceedings were certified up to the Circuit Court the judgment was annulled and the cause remanded with directions to file a stipulation in answer. From the latter judgment an appeal was taken and it was held that it was void and incumbent upon the County Court to set aside a judgment requiring to do so the immaterial act became an exercise of discretion and judgment, which was subject to review and the determination of the Circuit Court was affirmed.

Error Not Committed.—The case of M. P. Cannon versus Alice E. Milner, appealed from Multnomah County, was affirmed in an opinion by Justice Moore.

In this case, which was a suit instituted in Multnomah County to set aside a contract for the purchase of a half interest in the furniture and a lease of a boarding house, on the ground of fraud, the testimony was reviewed and it was held that no error had been committed in refusing to grant the relief demanded, in strictly foreclosing an equitable lien reserved as security for the payment of the contract.

Other opinions today were:

Railroad Assessed \$20,000.—The City of Portland, vs. Investment Company, appealed from Multnomah County, Judge J. U. Campbell, judge, modified in an opinion by Justice Moore. The case was to determine the validity of ordinance and assessment for opening Simpson street.

Benion Bowman, trustee in bankruptcy of the estate of W. E. Sherill vs. W. E. C. U. Gastenber, judge; motion to dismiss allowed by Chief Justice Eakin. This case was to determine the validity of an action of damages on account of destruction of the plaintiff's property and cold storage warehouse by fire caused by sparks emitted by one of defendant's locomotives. The plaintiff received \$20,000 damages.

E. H. Arve vs. Seth Y. Moon, appealed from Tillamook County, Judge J. U. Campbell, judge; affirmed in an opinion by Justice Eakin.

FORT STEVENS MEN DRILL

Infantry Evolutions Are Practiced for 30 Days.

FORT STEVENS, Or., Oct. 3.—(Special.)—Fort Stevens for the past 30 days has been the center of a series of infantry evolutions prepared for the purpose of training and accustoming the men for active campaigning should the occasion arise. Every second day long practice marches were made in heavy marching order. This means that all who participated were obliged to carry camping paraphernalia exceeding 50 pounds. On the alternate days, when the marches were not made, the troops were moved to the hills and there thoroughly instructed in the art of constructing different types of protective trenches. Not only were trenches of different types built, but special instructions were given in the art of preparing masks for the defensive works. So well were some of the trenches concealed that at a distance not exceeding 100 yards they were practically invisible because they were

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Burns is beautifully decorated and there is great enthusiasm. A luncheon was served to the visitors in Masonic Hall and the outsiders gave Burns and its citizens great praise. President Hanley, as soon as word came Sunday night that the party was stalled in the mountains, started in his machine and went through to Pauline.

The league met yesterday afternoon in formal session and organized for work which was begun in earnest today. The Portland men after their hard ride are in good spirits and will not need any further argument for the necessity of railroads through this region. At the forenoon meeting addresses of welcome were made by Mayor Clavenger in behalf of the city, and Judge William Miller in behalf of the Burns Commercial Club. The response was made by G. F. Johnson, chairman of the executive committee of the Portland Commercial Club. C. C. Chapman also spoke on behalf of Oregon Development League and Central Oregon Development League.

Today the Harney County Fair opened and the exhibits in all lines, products of the county, were a surprise to the visitors from the outside. The grains, grasses, fruits and garden products being found to compare favorably with those in the isolated sections of the state, while the exhibit was declared by many to be one of the best seen this year. The league convention closes tonight with a banquet and nearly all the delegates will go across Central Oregon by automobile to Bend, to be present at the driving of the golden spike on Thursday. The return of the party is expected to that thriving city on the Deschutes by James J. Hill.

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See Window Display

\$13.50 Raincoats at \$9.85

Here's just the kind of raincoat you will need for these rainy days. They're made of fine double texture, plaid-lined—raglan or set-in sleeves. Actual \$13.00 at

Only \$9.85

Other splendid values \$13.95, \$14.75, \$17.50 and \$19.50.

Extraordinary Skirt Offer!

That is Worth Considering. New, seasonable Skirts being offered far below usual prices, and A WAIST FREE IN ADDITION.

A FEW OF THE SPECIALS

\$3.75 for Skirts Worth to \$5.50

Here's a splendid lot of fine all-wool panamas and serges in a pretty variety of styles; some plain, others pleated, in a number of different styles; blacks, blue and brown. Worth to \$5.50.

Sale Price \$3.75

\$5.95 for Skirts Worth to \$8.50

A beautiful variety of clever styles in all-wool serges, worsteds and panamas, plain, paneled or pleated styles; very finely made; blacks, navys or browns. Regular \$8.50 Skirts.

Sale Price \$5.95

\$6.95 for Skirts Worth to \$10.00

A very superior lot of finely made Skirts in very smart new styles; pretty mixtures, fine serges and chiffon panamas. Not a Skirt in lot worth less than \$10.00.

Sale Price \$6.95

A regular \$1.50 Waist will be given free with every skirt bought Wednesday and Thursday.

FREE!



SPECIALS IN MILLINERY DEPT.

FREE!

\$25 Caracul Coat \$17.50

A fine quality silky caracul, lined with splendid quality satin, large roll collar, perfect fitting; all sizes from 14 to 44. You can buy no better elsewhere at \$25.00.

Special \$17.50

OUR GENUINE RUSSIAN PONY COATS AT \$57.50 UNEQUALED ELSEWHERE AT \$75



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Claud E. Deming, Shirley D. Parker, Mark A. Paulson, Percy C. Wood, Charles J. Zerzan, E. L. Dodd, R. M. Bury, Stanley H. Rich, Kingman Brewster, G. L. Kling, John H. Hendrickson, Melvin D. Snow, Paul C. Laybourne, C. P. Judge, R. C. Robbins, J. G. Arnold, Ralph C. Dimick, Sidney S. Johnson, Floyd Searles, C. W. Noyes, George Crago, R. L. McKenzie, W. R. Royal and G. F. Skiff.

GOLDSBURY HEADS ASSOCIATION.

HOOD RIVER, Or., Oct. 3.—(Special.)—At the annual election of the Upper Valley Progressive Association at the Parkdale Hall last week, the following officers were elected: John Goldsbury, re-elected president; G. M. Uptegrove, vice-president; C. P. Johansen, treasurer; W. L. Mason, secretary, and R. E. Babson, publicity manager. The Upper Hood River Valley has had a number of new settlers this Summer and a great acreage of land has been set to trees.

SCORE OR MORE GIRLS REFUSE BIDS.

UNIVERSITY OF WASHINGTON, Oct. 3.—(Special.)—"Rushing season" closed here this week rather unsatisfactorily for the sororities when 27

SWISSCO GROWS NEW HAIR

Stops Dandruff and Scalp Diseases and Restores Gray Hair to its Natural Color.

Swissco is the latest and most scientific Hair Remedy—our product representing years of study and scientific research. Thousands of dollars have been spent to produce this wonderful hair grower.

To prove its efficacy we start you with a bottle free if you will send 10c in stamps or silver to pay postage we will send you a free trial bottle with authentic testimonials to prove our claims.

Address Swissco Hair Remedy Co., 214 P. O. Square, Cincinnati, Ohio. Swissco is on sale at druggists and drug departments at 50c and \$1.00 a bottle.

For sale and recommended in Portland at

OWL DRUG CO. STORES

JUST TRY A TEN CENT BOX OF CASCARETS

Insures you for months against a Sick Headache, Biliousness, Constipation or a Bad Stomach.

Put aside—just once—the Salts, Cathartic Pills, Castor Oils or purgative waters which merely force a passage through the bowels, but do not thoroughly cleanse, freshen and purify these drainage or alimentary organs, and have no effect whatever upon the liver and stomach.

Keep your inside organs pure and fresh with Cascarets, which thoroughly cleanse the stomach, remove the undigested, sour and fermenting food and today selected officers as follows for this school year: President, Arthur Hodge, of Arago; vice-president, Leslie Lacey, of Creswell; secretary, L. A. Jones, of Myrtle Point; treasurer, C. W. Fickens, of La Grande.

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freshmen girls refused bids to enter the Greek letter societies. Eighty-three co-eds in all joined the societies. An immense reception was given to the new candidates tonight at which they will reign supreme, but tomorrow they have to answer the doorbell and telephone and act like any other freshmen.

The Brown Bottle protects Schlitz purity from the Brewery to your glass



See that crown or cork is branded "Schlitz."

Schlitz is brewed in the dark-stored for months in glass lined steel enameled tanks—bottled in darkened rooms where even the window shades are drawn to exclude the light—then sent to you in brown bottles.

Without all of these precautions, no beer can be healthful, and who knowingly would drink beer that was not.

Light starts decay even in pure beer. Dark glass gives protection against light.

We have adopted every idea, every invention that could aid to this end. Today, more than half the cost of our brewing is spent to make and keep Schlitz beer pure.

If you knew what we know about beer, you would ask for "Schlitz—Schlitz in Brown Bottles."

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Henry Fleckenstein & Co.
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Portland, Ore.

The Beer That Made Milwaukee Famous