

DIVORCE OF HOLTON SET ASIDE BY COURT

Wife No. 2, Annexed in December, 1910. Now Has No Legal Standing.

TRICKY METHODS REBUKED

Wife's Story Is That Husband, About to Have Name Legally Changed, Made Her Believe Divorce Was Necessary Formality.

A decision made by Justice Burnett, of the Supreme Court, Tuesday had the effect of restoring Mrs. Josephine Holton, nee Krebs, to her former place as the wife of Frank S. Holton and informing Jean Clark, a woman whom Holton married in December, 1910, that

WOMAN WHO SECURES ANNULMENT OF DIVORCE AND HER BABY.



Mrs. Josephine Holton

she has not been the legal wife of the man with whom she lived for more than two years in that capacity.

Justice Burnett set aside a divorce which Holton secured in Washington County in December, 1910, on the ground that the complaint failed to allege that the plaintiff had been a resident of the state for more than a year. Through a mistake on the part of the attorney for Holton, it was recited in the complaint that the defendant had been a resident of the state for a year and more and failed to allege a legal residence for Holton, the plaintiff.

Connected with the case is a story of a confiding woman, who took her husband's word for it that a divorce was necessary in order to legalize his change of name and who later found that the divorce was only a formality and that six months of living together after it was granted would act automatically as a legal marriage. These are the charges which Josephine Holton made against Frank S. Holton in her suit, started in the Circuit Court of Multnomah County to set aside the divorce on the ground of fraud and secure a decree herself.

Divorce Granted in a Day. To begin at the beginning, a man calling himself Frank Holton became the husband of Josephine Krebs, sister of the Krebs brothers, prominent hog men, at Vancouver, Wash., January 4, 1908. About four years later Mrs. Holton, nee Krebs, according to her story, discovered that her husband's real name was Sedgast and she upbraided him and insisted that he have it changed legally to Holton. She asserts that he talked her into believing a divorce would be necessary and that he hired his own attorney and another to represent her. The divorce complaint was filed at Hillsboro, February 23, 1910, and the following day the decree was granted. Mrs. Holton's attorney, bearing written authorization to appear for her, having waived time in which to answer and consented to an immediate default being taken.

To continue with the woman's story, the two lived together a long time thereafter as husband and wife, and along in February, 1911, Mrs. Holton discovered that a few months previous her supposed husband had become the husband of Jean Clark, a woman employed in his office and with whom he was associated in the operation of a building and loan society. Incensed and outraged, she went to Attorney L. N. Smith and laid her case before him. He immediately started suit in Multnomah County to set aside the divorce on the ground of fraud and secure a decree for her, together with alimony for herself and support for their child. This case is still pending. In the meantime Sedgast had succeeded in having his name legally changed to Holton, and he was sued under this name.

Circuit Judge Reversed. Then Attorney Smith discovered the mistake in the Washington County pleadings and moved against the divorce along the line of a promising quickest results. Holton's attorneys then moved for a "nunc pro tunc" order making the change in the complaint which would set aside the divorce and, over the objections of Mrs. Holton's counsel, the motion was allowed by Circuit Judge Campbell. It was from this order that an appeal was taken, resulting in reversal Tuesday. "His lack of jurisdiction having been apparent on the face of the record, the court in limine ought to have refused to proceed further," says Justice Burnett in referring to Judge Campbell's action in making the "nunc pro tunc" order. "After decree, when the matter was called to its attention, even informally, it ought to have swept it from its records, especially in a case so permeated with collusion as this was at the outset."

Rectifying the facts surrounding the granting of the "nunc pro tunc" order, the Supreme Court decision says:

Mrs. Holton Will Proceed. "Disregarding the restraint and appearance of other counsel the attorney engaged by the plaintiff to represent the defendant at the beginning of the

suit appeared and consented to the allowance of a motion to correct the complaint and findings. Overruling the objections of the defendant, urged by her counsel under her special appearance, the court, on May 15, 1911, entered a nunc pro tunc order as of February 24, 1910, an order allowing the motion and making the alterations desired."

"I certainly will continue with my divorce suit," said Mrs. Holton yesterday. "There is not the slightest danger of my taking another chance with this man. Fortunately, the Supreme Court decision removes the obstacle of the Washington County divorce, and leaves me with the whip hand."

Attorneys declare that the decision of the Supreme Court may lead to considerable confusion, as it amounts to a pronouncement by the court that a divorce complaint lacking in the statement of a jurisdictional fact cannot be cured by nunc pro tunc order. It is believed that there may have been many divorces in the past in which the jurisdictional fact that the plaintiff has been an inhabitant of the state for a year was omitted and it is pointed out that the legitimacy of children is probably involved and that in addition a cloud probably has been cast on the title to much property. Holton's attorneys declare that they will seek a rehearing by the Supreme Court.

EX-CONVICT GIVEN CHANCE

Homer Baker Allowed Freedom on Promise of Good Behavior.

Without passing sentence Circuit Judge McGinn yesterday released



Homer Baker

Homer Baker, ex-convict under indictment for burglarizing the home of Mrs. E. E. Hewett on the night of December 8, to Superintendent MacLaren, of Portland Commons. The judge permitted Baker to withdraw his plea of guilty and then let him go on his own recognizance, first having Baker sign a bond, really amounting to nothing more than a promise, that he will be good in the future.

While admitting that the bond is not worth the paper it is written on for the purpose of compelling Baker's appearance in court should he commit another crime or leave town, Judge McGinn says he had it executed for the purpose of showing Baker that someone still has faith enough in him to ask him to sign a paper and expect him to live up to his agreement.

The burglarizing of the Hewett home took place within a few weeks of the time Baker was released from the Penitentiary at Walla Walla, under the walls of which his wife had taken up her residence and lives continuously during the several years of his incarceration, waiting for him to regain his liberty and start with him anew. The woman's faithfulness was a large factor in inducing Judge McGinn to give Baker another chance. Ed Franks, who participated in the Hewett burglary, is serving time in the Penitentiary at Salem. He pleaded guilty.

GERMANS HELP NEEDY

General Aid Society Plans Addition to Home for Old Folk.

The annual meeting of the General German Aid Society was held at its hall, Eleventh and Morrison streets, last night. The report of John Reischer, president, showed that the society, including its Alteneheim, has income-bearing property valued at nearly \$30,000 and that soon a new addition will have to be made to the Alteneheim to accommodate all of the applicants who have been favorably passed on and found worthy. The organization is 41 years old and wholly supported by the voluntary contribution of its members. All worthy German-speaking people, serious and in need of assistance, will receive it, but drones and other unworthies do not become a beneficiary of the society's help or bounty, the idea being to perpetuate the Fatherland "stolz" (pride) by placing each one in a position where they can help themselves.

The following officers were elected: President, John Reischer, (re-elected for the 21st time); vice-president, Charles J. Schnabel, re-elected 19th time; secretary, H. C. Bohman, re-elected 19th time; treasurer, Peter Wagner, re-elected third time; directors, Charles Hegel, Charles Gritzmacher, Henry Albert, George Otten, Louis Keshue, C. Hippele, Florida Fuchs, C. H. Meusdorffer, Fritz Niklas, Fritz Ehlers and A. Salting.

BABY HOME CHANGE MADE

Machinery and Lumber Companies File Articles of Incorporation.

New articles of incorporation for the Baby Home were filed at the Court-house yesterday by Elizabeth P. Burns, Mrs. Tessie Fleischner, F. S. Akin, A. L. Keenan, Mrs. Fred Johnston, Charles H. Dodd, L. E. Kern and Mrs. George B. Cellars, officers of the institution. The difference from the previous articles is that capital stock of \$1000 is eliminated and the home becomes in effect a charitable institution depending for its support on donations and subscriptions. This alters its legal status. The present value of property belonging to the Baby Home is given as \$80,000.

Other articles of incorporation were filed as follows: Pacific Machinery & Tool Company, by Edward D. Ulrich, O. J. Ulrich, Fred Hyskell and Charles M. Hyskell; capital

Charge Accounts Tomorrow and Balance of Month Go on February Bills, Payable March First Here Exclusively—"Perrin's" Gloves, "Cousins" Shoes, "Silkmaid" Hosiery, "Eppo" Petticoats

MAIN WATER BILL PAY STATION—In Basement Main Building. In conjunction with branch of American Express Company.

FEBRUARY RECORDS—For Columbia or Victor Machines may now be heard and purchased in our Fifth Floor Parlors.



NURSERY—On the Fourth Floor—Where mothers may leave their infants and children in care of trained nurse while shopping.

TEA ROOM—On Seventh Floor. A most enjoyable Luncheon served from 11:30 A. M. to 2:30 P. M. daily. Orchestra music.

Only 2 More Days Before Stock-Taking

Every Section of the Store Makes Preparation

---Offering New and Wanted Merchandise

---Special Groups at Prices That Have Reached the Bedrock Mark

Women's \$1.95 Night Gowns at 95c

Pretty slipover styles for women and misses with V or square neck. Pleasingly trimmed with dainty emb. or laces. Specially priced at only 95c.

Second Floor, New Building.

Women's \$2.48 Combinations at \$1.19

Two lots of odd sizes, corset cover and drawers, princess style, nicely trimmed in dainty laces. \$2.48 grades at \$1.19; \$1.25 to \$1.75 grades at 95c.

Second Floor, New Building.

Women's \$2.50 @ \$3.00 Waists \$1.38

Tailored styles of white linen and striped madras. Several styles, regular sizes, some slightly soiled. Your choice for only \$1.38.

Second Floor, Main Building.

Women's \$7.50 to \$15 Coats at \$4.75

For women and misses. Semi-fit, box and Norfolk styles in 36 to 45-inch lengths. Newest fabrics and shades; 14 yrs to 44 bust measure. Choice \$4.75

Second Floor, Main Building.

Cheney Bros.' \$1 Foulards at, Yard 79c

The showerproof silk quality that has won such wide popularity. Sold here in greatest variety of patterns. Specially priced at this sale for the yard, 79c

First Floor, Main Building.

Men's \$15-\$16.50 Suits \$10

Think of purchasing from our regular stock of \$15 and \$16.50 Suits at only \$10! They're broken lines—that's the reason for the big reduction. Every Suit of all-wool and in styles suitable for early Spring wear. Choose today, while the lot remains, at only \$10.00.

Third Floor, New Building.—Mail Orders Filled.

FISHER'S BLEND

Already, The Flour That Satisfies In Hundreds of Portland Homes--

Only three days since the famous Fisher's Blend Flour was introduced here in our Pure Food Grocery to the housewives of Portland! And these same housewives have been quick to grasp the greater possibilities in baking with a recognized scientific blend of the Eastern hard wheat and Western soft wheat—that's Fisher's Blend Flour!

Ask About Our Special Introductory Offer

To introduce Fisher's Blend Flour into every home, bakery and boardinghouse, the Fisher Flouring Mills Company offers to our patrons of the Pure Food Grocery, a coupon bearing cash value of 25c when applied to your first purchase of a 49-pound sack of Fisher's Blend.

A Demonstration to Tell You—

about the wonderful and superior qualities of this all-purpose Flour. Come to our Pure Food Grocery today and enjoy the special demonstration of Fisher's Blend Flour. You'll be pleasantly surprised with the results—the deliciousness and wholesomeness of bread made from Fisher's Blend Flour. Give it a trial—you'll not be disappointed. Order a sack today!

Pure Food Grocery Specials

- Phone Orders Taken After 7 A. M.
- Sliced Peaches, 3 large cans, only 50c
- Fancy Dry Apples, 2 1/2 pounds, only 25c
- L. & M. Raisins, 4 pounds 25c
- Walnuts, special per lb. 18c
- Wadco Baking Powder, lb. 17c
- Salmon, 2 large cans, spe. 25c
- Citron, Lemon and Orange Peel, pound, 17c
- Walter Baker's Chocolate, per pound, 32c
- Lima Beans, 3 1/2 lbs. spe. 25c
- Astor Milk, 4 cans special 30c
- Quaker Oats, family-size packages, 25c
- Silver Gloss Starch, 3 packages for 25c
- G. R. Corn Flakes, 3 packages at 25c
- Friday Special Soap, 10 bars only 25c
- Fancy Pumpkin, 2 cans, special at 25c
- Royal Banquet Flour, barrel, \$4.70; sack, \$1.20

Pure Food Grocery, Basement—Mail Orders Filled.



MAGUIRE MAY QUIT COUNCIL

Preparations to Enter Mayoralty Race Are Being Made.

Councilman Maguire probably will resign from the City Council in about one month, when he starts out on his active campaign for the Mayoralty, he said last night. He denies that the Working Men's Political Club indorsed

\$2.50 to \$3.50 Odd Portieres at \$1.00 Each

Of plain Repps, Oriental or floral designs. Suitable for single doors or couch covers. While any remain, take your choice at \$1.00.

Third Floor, Main Building.

\$2 to \$20 Lace Curtains at Just 1/2 Price

Only one pair of a pattern. Of Nottingham, Cluny, Irish Point and a pleasing variety of serims. Take your choice today at ONE-HALF.

Third Floor, Main Building.

Women's Long Kimonos, Special 98c

Of outing flannel and twilled flannel. Made full length in loose or empire style, with V neck or square collars. Today your choice at only 98c

Second Floor, Main Building.

Women's 50c to \$1.25 Neckwear at 25c

Accumulation of odd pieces in a great variety of dainty styles. Must be disposed of at once and you may take your choice at, each, 25c.

First Floor, Main Building.

\$8 to \$15 Centers Scarfs, Pillows at \$4.98

Of hand-embroidered linen. All lace-trimmed and fringed. Your choice while any of them remain today at only \$4.98.

Third Floor, Main Building.

stock, \$6000, fully subscribed by the incorporators. Mutual Lumber Company, by Charles A. Johns, Claude M. Johns and Vera E. Taylor; capital stock, \$200,000.

Castle Rock Bids for College.

Castle Rock, Wash., is making a vigorous effort to secure the Union College of the conferences of the United Evangelical, Evangelical Association and United Brethren churches of Oregon, Washington and Idaho. C. C. Poling, chairman of the college site subcommittee of the Union College

commissioners, returned yesterday from a visit to Castle Rock, where he held a conference with leading business men. Mr. Poling was impressed with the enthusiasm of the people of that district. He said that they are working effectively to secure the location of the Union College. They are offering a 50-acre site finely located, he says. "Castle Rock has about 800 population," said Mr. Poling, "but the country surrounding is well settled and it has excellent railroad facilities. The whole surrounding district is interested in the project. I expect to return there Saturday and address the Grange. Castle Rock is a

formidable competitor for the Union College."

Mayor Hushlight as against him, as was reported, but says "99 per cent of that story is a falsehood."

"I may resign when I begin my campaign for Mayor," said Mr. Maguire. "I have no authority to give out what action was taken by the club referred to, but you can quote me as saying that 90 per cent of the story is false."

Mayor Hushlight's friends declare that he won a big victory over Maguire, who was said to have been strong with the labor unions. They declare that the Mayor was indorsed as against Mr. Maguire for a second term, although he has not as yet declared his intention of running for the

office again. It was reported that Mr. Maguire had threatened to resign from the City Council as a result of the action.

Removal S. P. Ticket Office.

The Southern Pacific city ticket office will be located on and after February 1st in their new office, corner Sixth and Oak streets. Phones Marshall 4500, Home, A 6121.

COLDS CAUSE HEADACHE AND GRIP. LAXATIVE BROMO Quinine removes the cause. There is only one "BROMO QUININE". Look for signature of E. W. GROVE. 5c.