

LAND CASE ROLLING SURPRISES LAWYERS

Sending Oregon and California Grant Proceedings to Supreme Court Unexpected.

ACTION IS EXPLAINED

Conference to Be Held and Plans Made for Certifying Case for Decision, Says W. D. Fenton, Back From San Francisco.

Upon his return from San Francisco yesterday, William D. Fenton, one of the railroad attorneys in the Oregon and California land grant case, gave the following explanation of the action taken by the United States Circuit Court of Appeals in San Francisco Monday.

He reported the gratification of all parties concerned over the ruling of Judge Gilbert that the case be certified direct to the Supreme Court in order that the final opinion might be expedited. This statement of the facts, as a complete surprise to all counsel, he says, because that course had not been suggested by any counsel in the argument or by anyone interested in the case.

"At the conclusion of the three days' oral argument, the announcement that the case would be certified was unexpected by everyone interested in the case," said Mr. Fenton.

The court had patiently heard extended argument by all counsel. The court, however, had been sufficiently advised by the argument, in its judgment, to justify it in directing that the case should be certified under the Federal statute, to the Supreme Court of the United States.

"In making the announcement the court stated that the extreme importance of the case, and the intricacies and importance of the questions involved, and the desirability of an early determination of the case, justified the court in making the order.

"The parties, therefore, were directed to prepare a statement of the facts upon which they might agree, if possible, and to suggest the questions of law to be certified, and to furnish this to the court by or before July 8.

"Lawyers to Hold Conference. "C. J. Smyth, of Omaha, Assistant Attorney-General, John M. Gearin, representing the Union Trust Company, of New York, myself and Peter F. Dunn, representing the railroad companies, and other counsel representing the intervenors and cross-complainants, will confer and make an effort to agree upon the facts as far as possible. Where we cannot agree we will so state, and the court then will revise the statement, making its own statement of the facts as they appear to the court.

"We expect that the case, under the Federal practice, will be certified to the Supreme Court to be docketed at the October term, 1914, and that it will be regularly assigned for trial on a motion to advance about March next. The statute provides that when the case reaches the Supreme Court on a certificate of the judges as to questions to be answered by the court that the Supreme Court may answer the questions on the certificate, in an order that the entire record shall be sent up.

"All parties, I believe, will join in a motion in the Supreme Court to have the entire record sent up, so that that court may try the questions involved, both law and fact, without the necessity of sending the case back to the circuit court for certification of the answers to the questions certified.

"Action Called Proper One. "We believe that the action of the circuit court of appeals was a proper one to be taken, under the circumstances. This action was not suggested by any counsel in the argument or at any time and no one of the counsel knew what the action of the court would be until it was announced at the conclusion of the oral arguments on May 27.

"I do not care to express any opinion as to the impressions which I have of the court's views upon the questions involved, or to say, however, that we are very much gratified that the court required the case to be certified, which indicates its estimate of the importance of the case, and that the controversy is one about which there may be differences of opinion in the minds of the court.

"The case, I believe, will be heard upon the merits and upon the entire record by the Supreme Court as early as I have indicated, within the next 12 months. This long litigation will thereby be ended very greatly to the satisfaction of everyone and to the interest of the public, as well as the companies."

"Act Authorizing Ruling Cited. The decision given by Judge Gilbert was based on the following sections of the judicial code: "In any case within its appellate jurisdiction, as defined in section 123, the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record in the case be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy as if it had been brought there for review by writ of error or appeal."

"Mr. Fenton and Mr. Smyth will return to San Francisco Wednesday to determine upon the statement of facts and upon the questions to be certified to the Supreme Court.

THREE JAPANESE ARRESTED

Men Are Alleged to Have Acted as Middlemen at Market.

Efforts of three Japanese to convert the real estate market in the public market and to act as middlemen was frustrated by Market Master R. W. Gill yesterday, when he caused their arrest on the charge of violating the market ordinance.

K. Uyeda, H. Hamana and T. H. Takami are alleged to have received produce from a Chinese market trader, taken it to the market where they, as agents, distributed it among the stalls, and then divided the proceeds with the producer. All were released on \$10 bail each.

MOVIE AID IS SOLICITED

Mayor Wants Theaters to Recognize Censor Board Peaceably.

To solicit the co-operation of managers of motion picture theaters in a movement to recognize the censorship board, Mayor Albee yesterday called a

meeting for 2:30 o'clock this afternoon in the Council chamber.

The Mayor says there has been considerable complaint lately about netters attempting to run pictures not approved by the censor board.

Unless a satisfactory agreement can be reached the Mayor says he will present an ordinance to the Council requiring the aid he is seeking by the present co-operative tactics.

BOUNTY FUND EXHAUSTED

Legislative Appropriation of \$40,000 Has Been Expended.

SALEM, Or., June 4.—(Special.)—Secretary Geo. Olcott announced today that the bounty appropriation of \$40,000 made at the last session of the Legislature for the capture of wild animals had been exhausted. A law passed in 1909 provides that the bounties on predatory animals shall be paid by the state and counties, each paying half.

Mr. Olcott has notified the County Clerks that the appropriation has been exhausted and asked them to discontinue forwarding claims until another appropriation is made.

It is reported probable that the State Fish and Game Commission will discontinue paying the special bounties on bobcats, lynx and cougars until another appropriation is made.

THREE BOYS SENTENCED

Oak Grove Robbers Hear Term but Are Paroled by Court.

OREGON CITY, Or., June 4.—(Special.)—Three Portland boys—James Conway, age 15 years, Clifford Harris, age 15 years, and Willis Thompson—entered a plea of guilty in the Circuit Court here today to a charge of burglary, and each was sentenced to a term of 180 days in the Oregon State Penitentiary. All were paroled.

The three were arrested April 22, charged with breaking into the house of H. W. Watts at Oak Grove and taking various articles of clothing valued at several hundred dollars. Included in the loot they secured was a bottle of rum. They drank it and became intoxicated. The Portland police arrested Conway. When he was asked where the Hunter-Bonnie mentioned Oak Grove, Portland officials communicated with Sheriff Mass and the boy was quickly connected up with the robbery.

LUMBER ROAD IS STARTED

Fourteen Miles of Boise-Payette Line to Be Built This Season.

BOISE, Idaho, June 4.—(Special.)—Actual construction work on the lumber road being built into the Boise basin by the Boise-Payette Lumber Company began today with a force of 300 men. Only 14 miles of line are to be built at this time, but several extensions are planned leading into the company's timber holdings in the basin country.

The Watsach Grading Company, which has the contract, is under bond to have the road completed ready for use by October 1, and by another week expects to increase the force to 500 men.

The firm's headquarters will be in the lower section of the timber owned by the company, and a sufficient amount can be got out this fall to start operations at the big Barber mill, which has been idle for three years.

NAMPA GIVES 24 DIPLOMAS

Class Ends Week's Festivities Tonight at Banquet.

NAMPA, Idaho, June 4.—(Special.)—A class of 24, the largest in the history of the school, graduated from the Nampa High School this week.

The festivities ended with the annual reception and banquet by the Alumni Association tonight.

The class of 1914 includes Vivian Amoureux, Harriet Anketel, Boris Botkin, Boyd Bumgarner, Bryan Conley, Herschel Clure, Roger Davidson, Eva Duffen, Lizzie Dyeon, Ronald Evely, Nevel Hamilton, Edith Hezek, Eva Hamilton, Vera Helbig, Lester Hamilton, Ida Kinney, Eleanor Lamson, Ralph Lambert, Bonnie Lemon, Laura Miller, Louis Nettleton, Manly Ritchie, Veola Thompson and Elizabeth Waigand.

Peoples. A LONELY child, kept always from playing with "common" children, years to get without the iron gates that imprisoned her. The gatekeeper, father of three "ordinary" babies of his own, sympathizes with the miserable little girl and lets her go into the highway to play.

Such is the theme of "Closed Gates," a play by Lois Weber, which is being shown at the People's Theater. The play is an exceptionally fine one, showing the lonely condition of many children of the rich.

On the "Vege of War" is a powerful play of California. A young woman, the victim of a hypnotist, was instrumental in procuring the plans for naval operations. The hypnotist died before the plans got to the enemy, however, and the young draftsman made life more pleasant for the girl.

"Could You Blame Her?" is a farce comedy with a lot of "pep" in it. Bob got his wife a birthday present of a dress.

She played a joke on him, saw the dress before he did, and landed in jail for theft.

The Amated Weekly depicts events of interest in the news world.

SPRINGFIELD, Or., June 4.—(Special.)—Steps for the holding of a celebration at the opening of the Booth-Kelly sawmill, some time in July, were taken by the Springfield Development League at its meeting last evening, when the project was discussed and referred to the entertainment committee, of which W. F. Walker is chairman.

Assurances were received from Manager A. C. Dixon that the company would be glad to cooperate with the City of Springfield in celebrating the event.

The Booth-Kelly mill is the first one in the state of this type, electrical power for all machinery.

LIVE TOPICS TALKED

United Brethren Face Church Problems in Conference.

SOCIAL REFORM DISCUSSED

Delegates Stand for Proper Wage and Health Conditions for Workers, Whether in or Out of Unions of Various Trades.

The budget plan of finance, annual report of District Superintendent P. O. Bonebrake, social reform and state-wide prohibition occupied the time of the annual conference of the United Brethren Church, in session yesterday in the First Church, East Fifteenth and East Morrison streets. Bishop W. M. Bell convened the first session of the conference. Rev. H. B. Dorks, of Salem, was elected clerk of the conference.

Superintendent Bonebrake said 236 had been converted and 278 received into the church during the year. The superintendent reported he had received \$1184 for his work. He said that a majority of the churches had adopted the budget finance plan.

Church Work Aid Workers. In his report on "Social Services and Reform," Rev. G. E. McDonald declared that the church is not antagonistic to the laboring man, but on the contrary sympathizes with him and wants to help him.

J. S. Rhodes, of Hopewell, said he approved the report, but said that the church should never approve the destruction of property and life by any labor organization.

Drys Are Urged to Register. R. E. Hutton, of the Anti-Saloon League; J. D. Dunbar, of the Prohibition party, and Mrs. Mary Mallett, of the Women's Christian Union, discussed the "dry" campaign.

Mr. Hutton explained the organization of the state and said that 200,000 men and women had not yet registered.

Mrs. Mallett outlined the plans for the campaign in Multnomah County. J. E. Conner read a report on "The Home." Rev. C. C. Poling, of the United Evangelical Conference; Rev. Mr. Murphy, of the American Bible Society; Rev. W. A. Nichols and Rev. J. C. Goodrich, of Walla Walla; Rev. C. W. Ward, Rev. W. R. Albin, Rev. J. D. Nisewander and Rev. C. Whitney, general missionary secretary, were made advisory members of the conference.

Bishop E. Castle, emeritus, was escorted to the platform.

Last night a largely-attended evangelistic meeting was held. Bishop Bell preached.

Today H. F. White will report on education. President G. H. Smith, of Philomath College, will address the conference. It is expected that the union college proposition with the United Evangelical Church will come up for consideration.

LEBANON MAKES MERRY

Strawberry Fair, Rose Festival and Stock Show is on.

Variety of Amusements Offered and Parade Provides Unique Displays. Albany and Autos Hold Today.

LEBANON, Or., June 4.—(Special.)—The fifth annual strawberry fair, rose festival and stock parade opened in Lebanon this morning with a large attendance and a good showing of berries. The roses were not as good as those of last year, owing to early blooming.

The baby parade, which was made a special feature for this afternoon, was the best ever held here. This parade was headed by a small Shetland pony drawing a miniature prairie schooner of the '49 type bearing a sign, "For the Strawberry Fair or Bust." There were many unique and handsomely decorated baby vehicles in the procession of more than 100 carts and carriages.

The afternoon was devoted to broncho-busting. In a baseball game between Lebanon and Brownsville, Lebanon defeated the visitors by a score of 8 to 6.

Tomorrow is Albany day and Automobile day. Albany is arranging to send a large number of machines over the highway to the fair.

The morning feature will be a parade and mobile parade and industrial exhibition of local business houses and manufacturing concerns. In the afternoon there will be addresses by visitors, athletic sports, and a baseball game between Stayton and Lebanon.

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SPRINGFIELD, Or., June 4.—(Special.)—Wilbur Hyland is establishing

Selling Out a Houseful of Used Pianos and Player Pianos

Not Yet Too Late to Participate in the Finish. Nearly All Prominent Makes Included. Prices Lower Than Ever Offered Heretofore. Fully Warranted First-Class Instruments, the Greatest Opportunity for Piano Buying Ever Known.

Long rows of used pianos being sold regardless of value—Instruments arranged in groups—One lot at \$45, another at \$95, others at \$145, a number at \$195 and some at \$265. A \$5 deposit secures one. Any will be sent, securely boxed, freight prepaid, subject to examination or trial, to any reader of The Oregonian by Eilers Music House.

We continue until all are sold to close out all used and a number of new sample pianos and player pianos as heretofore advertised. Never before have circumstances made it possible to offer for so little such a vast assortment. The world's best and most desirable instruments are included, uprights, player-pianos and baby grands. A great many of them came to us as part payment for the beautiful little Bungalow player-pianos sold by us on a novel, co-operative club plan at greatly reduced prices. All are in first-class condition, clean, sweet-toned and desirable.

They have been polished, tuned and regulated. Even though such open cut in prices as we now make may disarrange the immediate future music trade here, we feel obliged to make this sacrifice, in order to dispose of all the remaining instruments within the next several days, at which time we must have them out of the way. Space here will not permit us to mention all of the pianos on sale. However, we will enumerate a few of the specially low-priced instruments which are now offered in groups as follows:

GROUP A AT \$45 The oldest pianos are to be found in this group. All of them are for sale at the uniform price of \$45 apiece. Among them several uprights in ebony case, suitable for practice work. A Raven & Bacon, a Guild & Sons, a Hallet & Davis, an imported piano and several others. At the low price \$45 apiece we have felt we should get all cash and not be asked to put a time payment contract for so small an amount on the books. But now will take \$1 a week and deliver up any part of the city, with stool to match, free of charge.

GROUP B AT \$95 Should a more pretentious or still better tone quality be desired, then the pianos in Group B at \$95 each are available. There are many different makes. They are all upright pianos in good condition. We do not ask all cash for these. Payments of only \$4 a month buys them, delivery free, stool included.

GROUP C AT \$145 In Group C an almost endless variety of really fine pianos is to be found; \$145 cash or \$5 a month buys them. A great many well-known makes are to be found in this group.

GROUP D AT \$195 This Group consists of very choice and especially fine instruments. Most of them cannot be told from new. Pay us \$195 for any of these or only \$6 a month. Delivery made free to any part of the city.

GROUP E AT \$265 Finally Group E is presented wherein a number of the costliest pianos can be found. Terms only \$8 per month. Most of these have come to us in part payment for the Player Pianos De Luxe, or for Antopianos, Chickering Flexotones and Kimball Antelodics.

PLAYER PIANOS CUT, TOO Pianola Pianos with Metrosyle attachment, formerly deemed essential in a Player Piano, at \$325, \$345 and \$365. Bailey Player piano at \$258, Hobart M. Cable at \$375, Stuyvesant pianola piano at \$290, and a very fancy one for \$420. Wheelock pianola piano at \$295, another at \$310 and many others at big reductions. These instruments are guaranteed to be in perfect condition and will play the new 88-note hand-played and other music rolls. We include a large quantity of music with each instrument and a bench to match. Pay us in 30 equal monthly payments or a stated amount each six months of the year.

Retail buyers will be given preference. Dealers must apply to our wholesale manager, Mr. Foley, and before 10 o'clock of any morning during the sale.

The regular two-year exchange agreement will be given with each instrument, meaning that a buyer may have the free use of any of these used instruments for as long as two years, and then such used instruments may be given back to us as part payment on any new piano of higher price.

Don't miss this sale—'twill open a new world of enjoyment and education to the home, no matter how little is invested—be it \$45 or \$645. Write Eilers Music House immediately or call right away.

More Library Books Read May Circulation Report Shows Increase Over That of Last Year.

The library reports show a total circulation for May of 78,846 volumes, an increase of 3544 over the corresponding month of last year.

The circulation department of the Central Library has arranged near the new book rack a small collection of books in order to assist those who may desire to select their vacation books. This collection will be changed each week.

Damages of \$7650 Awarded. Eugene Ahern yesterday was awarded damages amounting to \$7650 for injuries sustained while working as a stevedore for the San Francisco & Portland Steamship Company. He was hoisted on a sling and dropped 25 feet into the hold of one of the company's steamers last year and sued for \$20,000. The company will appeal. In 1932 Ahern won \$2750 from the Oregon Telephone Company on account of receiving an electric shock. His suit was for \$12,850.

UPPER WILLAMETTE CAMP PLANNED. SPRINGFIELD, Or., June 4.—(Special.)—Wilbur Hyland is establishing

Take a Hand in the Big Paint Campaign that is being waged all over the city. Nearly every one is painting something. A can of Fisher, Thorsen & Co.'s Pure Paint is equal to a head full of good sense, especially right now, when the objects are cleanliness and cheerfulness.

Special Prices on Paints, Varnishes, Stains and Enamels for today and tomorrow at the Big Paint Store and Our 32 District Dealers. Bring in your measurements.

THE FOLLOWING RELIABLE DISTRICT DEALERS FROM WHOM YOU CAN SECURE FISHER, THORSEN & CO PAINTS, ETC., AT SPECIAL PRICES.

CITY DISTRICT Honeyman Hardware Co., 144 1/2 Union Ave. N. Meier & Frank Co., 123 Kilbuck St. Lippman, Wolfe & Co., 414 1/2 1st St. Huntley Bros. Co., Fourth and Washington. A. B. Baizer, 42 Third Street. T. J. Nealand, 335 N. 16th St.

ALBANY DISTRICT Erickson Hardware Co., 554 Williams Ave. LENTS DISTRICT W. H. Lovett, Lents, Or. J. A. Steffe, Gray's Crossing. R. A. Lelay, 6146 Foster Road.

WOODSTOCK DISTRICT Woodstock Pharmacy, Woodstock. Hughey Bros., E. 41st and Holgate. PIEDMONT DISTRICT Wrenham Hardware Co., 1144 1/2 Union Ave. N. Castleman Pharmacy, 123 Kilbuck St. PENINSULA DISTRICT Glenwood Mercantile Co., 390 Lombard. Peninsula Mercantile Co., 1747 Peninsula Ave. SELLSWOOD DISTRICT Welch Grocery Co., 1440 E. 19th. F. G. Urter, 639 Milwaukie.

ALBERTA DISTRICT Lath & Son, 731 Alberta St. MONTAVILLA DISTRICT Albert Ehlers, 7 East 30th St., North. SUNNYSIDE DISTRICT Belmont Furniture Co., 35th and Belmont. EAST SIDE DISTRICT Kelly, Thorsen & Co., 32 Union Ave. N. Stowbridge Hardware & Paint Co., 109 Grand Ave. J. A. Hendricks Hardware Co., East 28th and Gilson. WILLAMETTE STATION C. Anderson, 1259 Greely Ave. SUBURBAN DISTRICT Thompson & Webb, Oak Grove. Kelly Paint & Hardware Co., Milwaukie. Huntley Bros. Co., Oregon City. A. Mather, Clackamas, Or. CANBY DISTRICT Carlton & Rosenkrans VANCOUVER DISTRICT Acme Paint & Wall Paper Co.

FRIDAY AND SATURDAY SPECIALS IN PAINTS, VARNISHES, STAIN, ENAMELS, ETC., OFFERED AT THE ABOVE THIRTY-TWO DEALERS' AND THIS STORE. FISHER, THORSEN & CO'S SHINGLE AND ROOF STAIN, Special, Gallon... 65c. A gallon of this creosote stain will coat 200 square ft. Sells regularly for \$1.10 gal.; comes in ten shades. FISHER, THORSEN & CO'S PURE WHITE ENAMEL, SPECIAL, THE PINT... 40c. For bath, kitchen and for enameling furniture. Dries hard over night. Regular price 50c pint. FISHER, THORSEN & CO'S FLOOR VARNISH, SPECIAL, THE QUART... 65c. Regular price 85c quart. For your hardwood floors or as a final finish over painted floors. Dries hard over night. FISHER, THORSEN & CO'S PURE HOUSE AND PORCH PAINT, SPECIAL, GALLON... \$1.88. Sells regularly for \$2 gallon. A gallon will coat 500 square feet. Comes in 42 desirable shades.

Fisher, Thorsen & Co. The Big Paint Store . . . Front and Morrison

\$20 and \$25 Suits \$15. MEN—When the High-Rent clothes get you to "come in on the ground floor" it costs you more. Come UPSTAIRS for your Suit—all the new, smart styles—in all-wool, hand-tailored, domestic and imported fabrics—with all the unnecessary expenses cut out— THAT'S WHY I SELL \$20 AND \$25 SUITS FOR \$15. RIDE UP AND SAVE \$5 TO \$10. MAX MICHEL UPSTAIRS CLOTHES SHOP. 2d Floor S. W. Cor. Fourth and Washington Sts. Direct Elevator—121 Fourth St.

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