

AUTOMOBILE TO BUILD VISTA HOUSE APPEARED

Commissioners Within Law in Paying for Memorial.

COURT THROWS CASE OUT

Judge Tucker Comments on Litigation, Saying Building Necessary for Use of County.

Authority to construct Vista house at Crown Point on the Columbia river highway was vested in Multnomah county commissioners by the law which empowers them to expend county funds for the erection of "necessary buildings for the use of the county," held Circuit Judge Tucker yesterday.

Vista house was built at a cost of \$99,148.05, of which \$35,235 was paid by the Vista House association and \$63,913.05 by the county. An early estimate of the cost of a comfort station at Crown Point was \$12,000, which investigation proved to be entirely inadequate.

"The Vista house is beyond question a public building for the use of the county," says Judge Tucker's opinion, "whether it is recognized as a comfort station or as a memorial to the pioneers who forged their way through the Columbia gorge in the earlier days. The structure is open, free to the public at all times, and is maintained by the county. It is an integral part of the Columbia Highway."

Abundant evidence was adduced at the trial to show the absolute necessity of a comfort station at Crown Point. Vista House is 22 miles from Portland. Thousands and thousands of people assemble at this place every day, and accommodations must be made for this great mass of humanity. During the terrific winds prevailing during certain parts of the season rendered anything but a stone structure impracticable. The description of the Vista House in the complaint portrays the superstructure as a beautiful memorial, including tablets to the memory of the pioneers. It seems to the court that this is highly fitting.

Necessary for County. "Whatever name it assumes, it functions in a certain, definite, practical manner, whether as a comfort station or as a memorial building. . . . the Columbia highway is unique, not only in its scenic beauty, but in its peculiar location and construction. . . . What is a necessary building for the use of the county and the public on this highway would not necessarily be such on the ordinary roads of the state. . . . The court's opinion is that the board had power to erect the Vista House, whether it be considered as a necessary building for the use of the county or as an integral part of the highway. . . . Many remedies were open to the plaintiffs, as the court pointed out in its opinion. . . . The most appropriate would have been to resort to an equity court for a injunction," he declared. . . . At that time the same questions could have been raised that have been raised now. The defendant contractors are in court on a contract. The work done by them was regularly let, performed and accepted. The public has been enjoying the results of the contractors' labors for many months. . . . Before the construction of Vista House wide public attention was given to the project. Newspapers, cuts and periodicals heralded the coming. There were no protests on the part of taxpayers, and the board proceeded likewise the board received encouragement from the public civic bodies to go forward. The objections to the project gradually subsided, and the board was led to believe that the public was in sympathy with the improvement. . . . But even had the power of injunction been brought, the same questions would have been determined, commented the court, "so that it would have been a lost motion in a large measure to have proceeded with that form of remedy. . . . The peculiar conduct of the case was commented from Rufus C. Holman, who said: "The court is also impressed with the fact, as shown by the testimony, of the half-heartedness with which the plaintiffs prosecuted the case. The records show that the original complaint was verified and supported by one plaintiff, Nora Withrow; that after the amendment several others were made complainants. . . . These additional plaintiffs, when called upon to testify, and brought in by subpoena, seemed to have little, if any, theory upon which they were working. They did not seem to realize they were parties plaintiff, and manifested a fey habit of being simply protesting against the large expenditure that has been made in the construction of the Vista house. They never signed or verified any complaints. Nora Withrow testified that she signed the petition, that the same had been prepared and presented to her for signature, and that she had not seen it before. . . . These are extraneous matters in the light of the conclusion the court has reached, but the entire setting in a court of equity ought to be well in hand in considering as important a matter as this. . . . The decision of Judge Tucker followed in main the decision of Circuit Judge Stapleton in sustaining a demurrer to the original complaint in the same case, and Judge Tucker asserted that it was his belief that a demurrer might have been sustained as easily against the second and amended complaint as against the original complaint. . . . N. H. Pierce Handles Case. Samuel H. Pierce, deputy district attorney, represented Rufus C. Holman, Philo Holbrook, W. L. Lightner and Alvin A. Mueck, past and present county commissioners, named in the suit. Other defendants were represented by E. J. Biehoff, Lewis Lewis & Finnigan, George Arthur Brown and Richard W. Montague. The plaintiffs were represented by Attorney James E. Penton. . . . The complete title of the case was Nora Withrow, M. J. Altheouse, A. F. Miller, A. E. Kessler, Margaret Ryan, John Elias, Andrew McMillin, F. H. Crane, Mrs. F. H. Crane, J. T. Stillions, W. J. Hilliard and A. J. W. Brown against Rufus C. Holman, Philo Holbrook, Alvin A. Mueck, William L. Lightner, John E. Keon, the late Henry L. Pittcock, the late Henry Vista House association, Walter E. Conklin, William J. Piepenbrink, Joseph C. Boyer, International Case-mount company, A. L. Malder company, M. A. Schanz, David L. Povey, Ver-

mont Marble company, Phillip E. Buecke, Columbia Wire & Iron Works, Samuel C. Jaggar, Morrison Electric company, Edgar W. Lazarus, Lorenus M. Lund, Marie Lund and Multnomah county.

NAVY RESERVES GO TODAY

U. S. Destroyer Talbot to Take Oregonians to Bremerton.

Between 40 and 50 of Portland's naval reserves who have signed for the summer cruise will leave the city for Bremerton this morning aboard the United States destroyer Talbot. The Talbot arrived in Portland yesterday morning.

Thirty-one reserves had reported for duty yesterday and had physical inspection at the naval recruiting station. Third and Washington streets.

The Talbot is commanded by Commander H. F. Glover.

At Bremerton the Oregon reserves will be distributed among several destroyers as there are not enough Oregonians in the reserve to form the crew for a destroyer. Ports up and down the coast will be visited on the cruise, which will last from two to four weeks.

GRAND JURY TO START

Probe Into Sugar Situation and Alleged Stamp Sales Expected.

Federal officials predict that the new grand jury, instructed Monday by Judge Wolverton, will be occupied during the coming week with investigation of alleged sales of altered war savings stamps and reported sugar profiteering in Portland. Further indictments are expected in both cases.

According to Assistant District Attorney Lusk the government is not through with the old military war savings stamp case, said the 13 secret indictments which had been returned were only a preliminary procedure and that further disclosures would be made.

KLAMATH SPONSORS ROAD

Aid for Lake Highway Assured if Lane Puts Up Share.

EUGENE, Or., July 13.—(Special.)—The members of the Klamath county court and of the chamber of commerce of Klamath Falls are willing to stand their share of the expense of extending the old military war road over the Cascade mountains to a connection with the Crater lake road if the county will put up the remainder as it offered to do two or three years ago, according to Will G. Steel, secretary of the Eugene chamber of commerce who has just returned from the lake and Klamath Falls. . . . There is already a road over the summit of the mountains by way of the upper Willamette, but it will require several thousand dollars to make it passable for automobiles.

Chinook Season Ordinary.

MARSHFIELD, Or., July 13.—(Special.)—Recent reports from Rogue river, where chinook are the biggest source of revenue, indicate the early season has not been different from the usual one. The run has been fair. But the season of big catches is at hand, and will be giving the fishermen and canners their big returns somewhere around July 15 to July 25, and from that on to the middle of August. The freighting boats from Rogue river have been delivering considerable quantities to this port, but there is no supply piled up awaiting shipment at Woodburn. The pack to date is about all forwarded to buyers.

Phone your want ads to The Oregonian, Main 7070, Automatic 660-55.

HALL GAS FURNACE. NO FUMES—NO DIRT CLEAN, HEALTHFUL HEAT. Introductory Price \$125.00. HALL GAS FURNACE CO. 167 PARK ST. Just South of Morrison MAIN 7065

Pierce Arrow \$400. We have an old Pierce Arrow in good running shape, and fine tires. This car would make a wonderful bug with a little rebuilding. This model is hard to find, better look it over at once. Covey Motor Car Company Washington at 21st Main 6244

We Give S. & H. Green Trading Stamps With Purchases Amounting to 10c or More—Filled Stamp Books Redeemed in Cash at S. & H. Office, 3d Floor Soda Fountain and Ice Cream Parlors in the Basement—Tea Room, 4th Floor—Manicuring and Hair Dressing 2d Floor—Shoe Shining in Basement

Glenwood Butter 2 lbs. \$1.23. Fourth Floor—No delivery of butter except with other purchases made in the Grocery Department. Order early in the day. Glenwood Butter \$1.23 priced special, 2 pounds for \$1.23

The Standard Store of the Northwest Olds, Wortman & King Reliable Merchandise—Reliable Methods

Snowdrift Shortening 2 Lbs. for 70c. Fourth Floor—A wholesome substitute for butter and lard at about half the cost. Demonstration in Grocery Dept. Snowdrift Shortening, 2 lbs. 70c

Wednesday—A Day of Extraordinary Bargain Offerings in the Basement Underprice Store

Women's Tub Dresses \$3.95



Sport Skirts \$2.48. Basement—Clean-up Sale of several small lots of Women's Tub Skirts. Just the thing for beach and outing wear. Some are a trifle soiled from handling. Good assortment of styles and sizes, at only \$2.48

Coutil Corsets At 95c. Basement—Women's Summer Corsets of light weight coutil with rust-proof boning. Several good styles to select from. Medium bust. Sizes from 20 to 30. Special at 95c

Undermuslins At \$1.19. Basement—Envelope Chemise in several dainty styles. Made up in flesh color material. Also Women's White Skirts trimmed with good grade embroideries. Undermuslins such as are usually priced at \$1.50 to \$2.00. Basement Underprice Store, special \$1.19



Tricolette Dresses 1/2 Price. Basement—Beautiful Tricolette Dresses in the season's most attractive styles. Beaded and embroidered in many different designs. Black, tan, brown and many other colors. Regular \$52.50 Dresses, \$26.25 special for this sale, at

Wool Sweaters At 1/2 Price. Basement—Unrestricted choice of any Woman's Wool Sweater in the Basement at just half regular price. All the new styles are represented, including belted and slip-on effects. Plain and fancy weaves. All the popular colors.

Men's Khaki Pants \$3.75. Basement Underprice Store. Only 300 pairs of these good Pants, and wonderful values they are at the price! Made of splendid quality material and cut in the latest style with belt loops and cuff bottoms. Fine for camp and outing wear. Full range of sizes. Special in Basement \$3.75

Men's Suspenders Special 45c. Basement—No telephone orders accepted for these. Men's Suspenders in cross-back styles with good strong leather tips and dependable webbing. Specially priced for today's 45c selling in the Basement Store—at only

BOYS

—The Basement Store offers for today a special list of bargains for boys. Parents will save money by taking advantage of these low prices.

Boys' Straw Hats Special 20c. Basement—Boys' Straw Hats in the wide brim styles for beach and camp. Limited quantity. Broken sizes. Priced very special at 20c

Boys' Union Suits in athletic style with opening at shoulder. Light weight fabric. Sizes from 6 to 18. Basement Store Sale \$2.75

Boys' Play Suits At \$2.69. Basement—Boys' Khaki Play Suits—coat, pants, hat and leggings to match. Sizes range from \$2.69 to \$2.75. Priced special at \$2.69

Overalls At 85c. Basement—Boys' Blue Denim Overalls in the popular bib style. Extra strong stitching. Sizes from 4 up to 10 years. Special, pair \$1.49

Boys' Coveralls of khaki color material. Drop seat style. \$2.85. Sizes from 4 to 8. Special

Toilet Paper 20 Rolls \$1 Special. Basement—Excellent quality Crepe Toilet Paper put up in large size rolls. No phone, C, O, D. or mail orders filled. 20 rolls \$1.00 to a customer. 20 rolls \$1.00

Women's Hose Special \$1. Basement—Women's Hose of good quality with double heel and toe. Black and white only. Broken range of sizes. On special sale today at 3 pairs \$1.00

Girls' Dresses At \$1.69. Basement—Dainty Frocks for warm weather wear. Made up in blue or pink percale trimmed with tan or white. Sizes 6 to 12. On sale today; only \$1.69

Children's Hose At 29c. Basement—Elastic Ribbed Cotton Hose in sizes 7 to 10. These are of splendid quality but have slight imperfections. Priced special for today's selling; pair 29c

Men's Sox at 19c. Basement—Men's Black Cotton Socks with double heel and toe. Made with ribbed tops. Several hundred pairs bought underprice in a great one-day sale. Sizes 10 1/2 and 11. Specially priced for today; a pair \$1.49

Men's Shirts \$1.49. Basement—Men's Shirts of a celebrated make. Extra good materials and distinctive patterns. \$1.49 Size 14 1/2 only. Special \$1.49

Men's \$2.50 and \$3.00 Shirts \$1.49. Basement—Men's white gauze Union Suits. Short sleeve, ankle length style. All sizes from 34 to 46. Priced special \$1.49

Women's Low Shoes \$2.98. Basement—Broken lines of Women's Footwear at a sacrifice price to clear the stocks at once. Patent leather Pumps and Oxfords with low heels and broad toes. Also dress and Outing Shoes of vicid kid with Louis heels, and others of black and tan Russia calf. A few pairs of Comfort Shoes are included in the sale. Broken sizes \$2.98 3 to 8. Basement Sale \$2.98



Men's Shoes Special at \$4.98. Basement—Calf, Vicid Kid, Gunmetal and Patent Leather Shoes in black or brown. Medium and Full English toes, also broad toes. Good range of sizes in the lot but not all sizes in each style. Plan to shop early and get first choice. Priced special in the Basement Underprice Store \$4.98

36-Inch Taffeta Silk \$1.98. Basement—Fancy Plaid Taffetas so much in demand for sport skirts, waists and dresses. Large assortment of patterns and colors. Full 36 inches wide. Specially \$1.98 priced in Basement—yard

Women's Union Suits at 59c. Basement Special. Women's light weight Cotton Union Suits in low neck, sleeveless style with light or dark knee. Practically all sizes. Priced special, each 59c. Sleeveless Vests with plain or crochet yokes. Pure white. Specially priced, at 25c in this sale, at 29c



Women's Bloomers Special 79c. Basement—Women's Bloomers of good quality pink batiste. Only a limited number of pairs left in this lot. Well made and shown in nearly all regular sizes. Priced special in Basement

Sport Hats \$1. Basement—Women's Trimmed Hats, Banded Hats, Outing Hats, Sport Hats, Untrimmed Hats—a great lot to be closed out at one dollar. Plain colors and two-toned effects. All the popular styles, such as sailors, turbans, side rolls, droops, etc. Your choice today at \$1.00

Fruit Canning Time! Supply Your Needs in the Basement. Now is the time to lay in a stock of Fruit Jars and accessories for the canning season. We show a complete line and our prices are as low as the lowest. Note these offerings in the Basement: Mason Jars, Economy Jars, Kerr Jars, Rubbers, Caps, Lids, Aluminum Preserve Kettles.

Pillow Cases Special at 19c. Huck Towels for 25c. Basement—Pillow Cases of excellent quality bleached sheeting. Size 36x36 inches. Only 50 dozen in this lot. No telephone orders accepted. While they last; each 19c. 10 Yds. Nainsook for \$2.98. Basement—Soft-finish Nainsook for lingerie and infants' wear. A great opportunity to buy for months ahead at a big saving. Put up 10 yards to the piece. On \$2.98 sale in the Basement, at \$2.98

Notion Day Bargain Circle Main Floor. 4-inch Lisle Elastic; the yard 5¢. Shoe Laces, black tubular; pair 4¢. Pearl Buttons, ass't. sizes; card 7¢. Snap Fasteners, 3-0, 4-0 in black and O and OO in white—the card 2¢. Spool Silk for hand or machine use in wanted colors, 50-yard spools 10¢. Melba All-Silk Binding Taffeta, in black only. On special sale today 10¢. Boned Belting, white and black—2 1/2 and 3-inch widths; the yard 17¢. Whisk Brooms, ass'ted styles 39¢. Tooth Brushes, good grade 18-25¢. Tsozei Trousers Hangers, only 17¢. Hair Pin Cabinet, ass'ted sizes 7¢. Defender Safety Pins at, card 4¢