

WARREN BROTHERS WIN ROYALTY SUIT

State May Be Forced to Pay \$250,000.

DECISION HANDED DOWN

Long Fight Against Fee for Patented Pavements Is Ended; Appeal Seems Unlikely.

As a result of a decision handed down yesterday by Federal Judge Bean, the state of Oregon probably will be forced to pay the Warren Bros. about \$250,000 in royalties for the use of Warrenite pavement on the highways of the state.

The decision is the result of a suit brought against Oscar Huber by Warren Bros. and asking for a 25-cent a yard royalty on 74,541.8 yards of pavement laid by Mr. Huber for the state.

The suit and yesterday's decision mark the final chapters in the long fight against royalties paid Warren Bros. for the use of Warrenite, a patented pavement.

For years state, counties and cities had been paying this fee. The state legislative act of 1919, the highway commission was directed to proceed with its paving work without paying any royalties to the Warren Bros. Contractors who did the work were to be protected by the state.

For some time the matter was argued without success. Various offers of compromise were made. At one time it was announced that the commission was willing to compromise by the payment of a 10-cent per yard royalty. But despite a compromise offer, the amount of yardage on which this 10-cent fee was to be paid and Warren Bros. took the case into the federal courts, alleging an infringement of patent rights.

The patent in this case was issued in 1903. Judge Bean's decision reads: "The pavement has been laid extensively throughout the United States and has proved a commercial success."

The validity of the patent has been contested in practically every state of the Union and with few, if any exceptions, upheld. Injunctions have been issued in many courts restraining the infringement of the patent.

Warren Bros. were represented by Wood, Montague & Mathews of Portland, and by Head and H. F. Lyman of Boston. J. M. Devers, assistant attorney-general of the state, and A. J. Ljoeqvist defended Huber.

The suit was filed on May 2, 1930, just three days before Warren Bros' patent rights expired. The matter was argued before Judge Bean last June and has been the subject of several months of study by the state.

Just what action the state will take in the case is unknown. The highway commission has the right of appeal to the federal circuit court but it was intimated in legal circles yesterday that the matter will be dropped and the state will pay a 25-cent-a-yard royalty made on all the pavement involved in the dispute.

NEGRO SLAYER CAUGHT MOB GATHERS AT JAIL IN MONTGOMERY, ALA. Killer of Game Warden Is Shot in Leg by Member of Posse, Leading to Capture.

VOLUME OF PHONE DATA PRESENTED

Commission Grants Time to Study Evidence.

MORE FIGURES COMING

Postponement of Case Until October 26 Precipitates Attorneys' Battle.



Charles Stuart Kellus, aged 3, with his very own kodak. The undisputed David of the subscription premium contest now being conducted by The Oregonian is Master Charles Stuart Kellus, who lives with his folks, Mr. and Mrs. J. E. Kellus, at 735 East Sev. street, Astoria.

The public service commission was supported by C. J. Green, chief engineer; W. H. Churchill, expert accountant; C. P. Hazeman, auditor; A. Lester, rate engineer; and Mr. Esterly, their legal adviser.

Rate Reducers Multifarious. The rate reducers were multifarious. Mr. Esterly, by right of his position, appeared as their leader.

Stage Line Extension Denied. OLYMPIA, Wash., Oct. 2.—(Special.)—Because the Toledo-Chehalis route is already served by a passenger stage line, the department of public works today denied the application of the Camas Stage company, operating between Portland and Castle Rock, to extend its run to Chehalis.

Cronkite Case Is Delayed. TACOMA, Oct. 2.—The federal grand jury investigating the fatal shooting of Major Alexander Cronkite at Camp Lewis in 1918 today turned its attention to other matters while awaiting the arrival of additional witnesses in the Cronkite inquiry.

Silverside Catches Fair. ASTORIA, Or., Oct. 2.—(Special.)—The trollers who have been able to get outside during the recent thick weather have had fairly good success in their hauls of silversides.

Certification Expires Tonight. SALEM, Or., Oct. 2.—(Special.)—The time for certifying to the names of candidates, amendments and measures to be voted upon at the November election will expire tomorrow night.

Parade and Night Show Will Be Among Events at Albany. ALBANY, Or., Oct. 2.—(Special.)—The Linn county fairgrounds were busy today in preparation for the grand opening of the annual county fair tomorrow.

PRIEST VISITS PIUS XII OREGON CITY MAN HOME FROM TRIP TO ROME. Monsignor Hillebrand Sees Many Changes in Old Home Town in Germany.

OREGON CITY, Or., Oct. 2.—(Special.)—Monsignor A. Hillebrand, who returned to Oregon City from his European trip last Monday, resumed his duties as pastor of the St. John's Catholic church Sunday morning.

4 out of 5 wait too long

Bleeding gums herald Pyorrhea's coming. Unheeded, the price paid is lost teeth and broken health.

FORHAN'S FOR THE GUMS

More than a tooth paste — it checks Pyorrhea

Brush your teeth with Forhan's FOR THE GUMS. More than a tooth paste — it checks Pyorrhea. 35c and 60c in tubes.

FISHING LEADS TO DEATH WOMAN DIES WITHOUT REGAINING CONSCIOUSNESS. Mrs. Grace T. Carr Collapses During Battle to Land Giant Muskie in Wisconsin.

CHICAGO, Oct. 2.—Mrs. Grace T. Carr, secretary to the president of the Bunte Coal company, who collapsed a week ago last Saturday when she caught a giant muscalonge in Tomahawk lake, Wis., died at a hospital here today without regaining consciousness.

Mr. Sinnott Returns Home. THE DALLIES, Or., Oct. 2.—(Special.)—For the purpose of making a fence-mending tour of eastern and central Oregon, in which he expects to come into personal contact with many of his constituents before the November election, Representative Sinnott arrived in The Dalles from Washington, D. C., last night.

Tire Branch Established. THE DALLIES, Or., Oct. 2.—(Special.)—A factory branch of Columbia Tire company of Portland has been established in The Dalles with Robert L. Good as manager. It was announced today by Alfred A. Ayscough.

Creamery Contract Awarded. HOOD RIVER, Or., Oct. 2.—(Special.)—T. D. Calkins was awarded a contract for excavation for the foundation of Hood River's new \$200,000 creamery. He began work today.

Go East on the New Steel Oriental Limited! LATEST PULLMAN Standard and Tourist Sleepers, Compartment-Observation Cars, Coaches

PORTLAND to CHICAGO via Spokane, Portland & Seattle Ry. The Columbia River Scenic Route

"BEST MEALS ON WHEELS" Club, Table d'hote or a la Carte

Go GREAT NORTHERN via Glacier National Park "Service That Satisfies"

Consolidated Ticket Office, 3d and Washington Sts., or Union Passenger Station. Henry Dickson, City Pass. Agt.; J. H. Running, Trav. Pass. Agt.

201 Morgan Bldg., Phone Atwater 0931.

SEE AMERICA FIRST. GLACIER NATIONAL PARK

grand opening of the annual county fair tomorrow. The fair will start with the parade of about 50 purebred and standard bred horses at 1 o'clock.

Tuesday will also be Linn county day at the fair. Eugene Salem and candidates' day is Wednesday. Albany and Benton county day is Thursday, which will be the big day of the exposition, with the horsehoe tournament and the Linn county derby as the big attractions.

Postponement was not ordered without a battle. And the prosecution of the case was not marked by harmony in the ranks of the anti-slavery forces.

The hearing, held at the court house yesterday, drew to the commission's quarters an array of company officials, engineers, accountants and lawyers.

Most of the passengers on the President Arthur were either German or Irish descent, and were on their way to their native countries for a visit or to remain among their own people.

Upon arriving in Germany Monsignor Hillebrand made his way to his old home at Briton, Westfallia, a place he had not visited for over 12 years.

Most of the passengers on the President Arthur were either German or Irish descent, and were on their way to their native countries for a visit or to remain among their own people.

Monsignor Hillebrand then went to Rome, to pay an official visit to the pope. Pope Pius XII gave him a private audience for half an hour, and was much interested in the parish in Oregon City, asking about its history and its people, and was pleased to know that it was the oldest parish in the state, as the church was dedicated in February, 1848.

Monsignor Hillebrand, in behalf of the church of Oregon City, presented the pope a purse of \$100, the proceeds of an entertainment given at the McLaughlin institute.

Many side trips were taken by the visitor in Rome. These included the Vatican studios, museums and to St. Peter's Basilica, where the conclave are held.

Monsignor Hillebrand says that while in Germany he found that all of the inhabitants were at work, and that whenever there was an uprising causing a strike the difficulties were readily settled.

NC-9 Leaves Hampton Roads for Detroit Today. WASHINGTON, D. C., Oct. 2.—Navy seaplane NC-9, sister ship to the NC-4, which made the first trans-Atlantic flight, will leave Hampton Roads tomorrow en route to Detroit by way of the inland waterway.

LINN FAIR OPENS TODAY Parade and Night Show Will Be Among Events at Albany.

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Cord tires, non-skid front and rear; disc steel wheels, demountable at rim and at hub; drum type lamps; Alemite lubrication; motor-driven electric horns; unusually long springs. Prices: F. O. B. Portland: Touring Car, \$1050; Roadster, \$1060; Coupe, \$1435; Sedan, \$1250.

Covey Motor Car Co. Washington at Twenty-first Phone Broadway 6244



The Good MAXWELL

vice-president and general sales manager of the company. Distribution for a considerable part of eastern Oregon will be through The Dalles, it was said.

Death Prevents Prosecution. Echoes of the recent murder of Prohibition Agents Price and Todd at New Grand Ronde, Or., were heard in the United States court yesterday when the government, acting on advice from Washington, dismissed the charge of violating the prohibition law against Henry Miller, clerk in the Postoffice Pharmacy, Broadway and Gilliam street. Miller had been arrested by Price

Chicago, Illinois.—"I took Lydia E. Pinkham's Vegetable Compound for a serious trouble. I had tried doctors and all that, but it didn't seem to do me any good. At first I only felt the pain on my left side, but later I seemed to feel it on both sides. I am a power sewing-machine operator and have a little girl to support. I work in a tailor shop and the line of work has been very slack this year and I am home part of the time. I do not like to take any chances, so I consulted my friends, and one lady said, 'Take Lydia Pinkham's medicine,' so I have felt better right along and am in goodenough health to go to work. I recommend your Vegetable Compound and Sensitive Wash to all."—Mrs. MARY ESTROO, 403 N. Carpenter St., Chicago.

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There is blessed relief in each jar of Resinol. Only those who have tried it can realize the comfort that Resinol Ointment brings to sufferers from skin trouble. Even in severe, well-established cases of eczema or other itching disorders it promptly allays the irritation and hastens the healing.

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Works for Child Must Keep Well. Mothers in a Like Situation Should Read This Letter from Mrs. Enrico

The Joy of Eating Pie. The Bold Buccaneers of the Table Are the Fellows Acquainted With Stuart's Dyspepsia Tablets.

The Fat Man Has a Good Stomach or He'd Be Skinny and a Dyspeptic.

BING CHONG CHINESE MEDICINE. Remedies for all diseases in a c. from the famous BING CHONG'S Chinese and Herb, those well-known cures for Nervousness, Stomach, Lungs, Kidneys, etc.

Genuine Bayer Aspirin. SAY "BAYER" when you buy Aspirin. Unless you see the name "Bayer" on packages or on tablets you are not getting the genuine Bayer product.