

COURT MAY COMPEL RAINIER TO PAY BILL

Action in Behalf of Paving Contractor Possible.

DEBT IS YEARS OVERDUE

Procedure Would Put City in Position Similar to Bankruptcy, It Is Asserted.

Intimations that the federal court may take charge of the finances of the city of Rainier, Or., by ordering the payment of obligations in the order in which they were contracted, was made yesterday by District Judge Bean in the hearing of a suit brought by E. L. Stewart, paving contractor, against that municipality.

The court refused to grant the plea made by Stewart that the city be ordered to levy a special tax to settle a bill due him, but declared that if the city fathers did not devise some way to meet the town's obligations the court might be disposed to act.

Such action, if taken, lawyers say, would put Rainier in a position similar to bankruptcy. The debt, which has brought the finances of the little city into the limelight, has been owing since 1916, and unpaid warrants, issued after a judgment in the state courts, have been outstanding since 1918.

Plaintiff Gets Judgment. According to Stewart's complaint, he had been engaged by the city to pave certain streets in 1916. The Rainier municipal authorities neglected to create an improvement district to pay the bill. When he could not get a settlement from the city, the contractor carried the case to the state courts, where a judgment against the city for \$28,155.

Warrants to cover the judgment were issued at once, but were ignored "not paid for want of funds." After several years of dickering with the municipal authorities Stewart brought action in the federal court, several months ago, to force the city to levy a special tax to pay the outstanding warrants. When the matter came before Judge Bean yesterday morning the jurist held that the court had no authority to issue such an order.

"This court cannot order a tax, as the city of Rainier has already reached the legal limit of taxation," the judge said. "The constitution of the state, under which the city operates, prohibits any municipality from levying more than a specified amount of taxes. This court cannot order the municipality to do an act which is unconstitutional."

Election Might Be Called. "The plaintiff may request the city authorities to call a special election upon the question of paying its obligations and the court might compel the city to take that step."

It is probable that if the city should refuse to levy the tax the court might compel it to use funds raised by legal taxation in payment of its obligations in the order in which they were incurred "not paid for want of funds."

"As neither of these questions is new before the court, there is no need of a decision on that matter at present."

Judge Bean said the case had caused him much anxiety, and from the legal standpoint, but because he recognized that the bill should be paid. The jurist personally advised Stewart again to lay the case before Rainier officials and ask the city council to call an election to authorize a special tax for paying its obligations. In case the council refused to do this, or the people of the city vote down the tax measure, Judge Bean advised Stewart to make another appearance before him and seek redress through the court.

Just how far the court might go, in case its threat to direct the finances of the city were carried out, is a matter of conjecture. Lawyers point out that a city, with its disbursements directed by order of a federal court, would be almost in the position of a bankrupt.

CASE DRAGS 4 MONTHS

Moonshiner Finally "Cans" Lawyer and Gets Out of Jail.

After Ross Turner, accused moonshiner, had been in the county jail four months without a word regarding his fate, he decided that it was time to "can" his lawyer. He appeared before Federal Judge Bean yesterday afternoon, pleaded guilty, and was let off with a \$100 fine and 30 days in which to settle with the government.

Turner's case was such an apparent miscarriage of justice that even Allen Bynon, usually a hard-hearted federal prosecutor, softened and recommended leniency to the court. Turner's offense was committed at Halfway, Or., last winter.

DRUNKEN DRIVERS FINED

Two of Offenders Assessed Heavily and Licenses Taken.

Driving while intoxicated and reluctant collisions with street cars cost two autoists heavy fines and the loss of their driving licenses in Municipal Judge Ekwall's court yesterday. John Watts, a father, was fined \$75 and had his license taken away for a year. He was accused of having crashed into a St. Johns car at Ainsworth and Greeley streets Saturday night while under the influence of liquor. L. L. Hashberger, a hater, was fined \$25 for drunkenness.

J. W. Clark was assessed \$50 and lost his license for a year for imbibing too freely and then driving his machine into a Woodman car at Dekum and Union avenues late Sunday night.

DISORDERLY ACTS DENIED

Man, Badly Beaten, Fined \$20 and Woman Is Released.

"When Minnie gets mad, there's no shutting her up and you can hear her for three blocks around. Why, Judge, if that's disorderly conduct, we'd be in jail all the time, Minnie and I would."

That was the defense of Sam Makin, a Sikh, when he was arraigned into municipal court before Judge Ekwall yesterday, much the worse for a beating. Police were called to a lodging house at 42 1/2 Glessan street Sunday night by neighbors.

POLLS TO BE OPEN 8 A. M. TO 8 P. M.

How to Cast Vote Away From Home Explained.

CERTIFICATE IS NEEDED

Ballots of Those Who Have Been Allowed to Vote in Advance to Be Distributed.

Polis will be open in today's election from 8 A. M. to 8 P. M. Qualifications of a voter, except as modified for electors voting only for state and district officials, are set forth in the prescribed oath as follows:

"You solemnly swear or affirm that you are a citizen of the United States; that you are of the age of 21 years; that you have been a resident of this state for six months next preceding this election; that you now reside in this precinct; that you have not voted at this election and that your true name is as you represent it to be."

Oath Is Modified for Some. If the elector claims the right to vote only for state, or district and state officers, the oath is modified accordingly, for qualified electors may vote in any part of the state today for candidates for state offices, provided they either present a certificate obtained from their county clerk or have their vote sworn in. In Multnomah county it is necessary to take to the polls six freeholders in order to swear in a voter, but in all other counties it is necessary to have only two freeholders vouch for the voter.

Electors who may be away from home but still in the congressional district may vote their preference for congress as well as voting for state officers, in the same manner as just described.

Provisions Not Generally Known. These provisions are not generally known and understood. They are in accordance with the election laws and are safeguarded by having the ballots of these visiting voters specially marked and deposited in a separate ballot box. The certificates are a special form and the voter's registration card does not serve the purpose.

Three classes of voters have been privileged to cast their ballots in advance. These are students attending some college, government employes and commercial travelers. For these classes of voters it was necessary to obtain ballots from their home precincts and place them in the hands of the county clerk of their home county. County Clerk Beveridge last night had about 75 such ballots in his possession. Today it will be necessary for his office force to convey all these ballots to the precincts in which they will properly belong, where they will be counted with all other ballots cast by the voters in person.

Transfer Card Law Faulty. Theoretically, a voter who has changed precinct residence within the 30 days since registrations closed would be privileged to obtain a transfer card from the county clerk permitting him or her to vote in their new precinct. The law which would make this possible, however, is faulty for the reason that this is a legal holiday for the county officials. Inasmuch as the county clerk's office is closed such a transfer card may not be obtained today. The alternative is for the elector to return to his old precinct to vote or have six freeholders swear in the vote in the new precinct.

In cases where it is a matter of hours as to whether or not an elector has been in the state six months, the ruling is that he must have been in Oregon six months prior to noon of election day. The same ruling applies to new voters who become 21 years of age by that hour.

Multnomah Has Two Ballots. In Multnomah county there are two ballots to be voted in today's election—the general ballot containing names of nominees for state, district, county and city officials, and the separate ballot on the proposed authorization for two new bridges.

In voting for city officials, the Portland elector may express second and third choices as well as his first choice and these choices are given weight in determining the final election result. Voters should bear this in mind, noting, however, that there is no provision for voting second and third choices on any other portion of the ballot.

For the benefit of the great number of voters who do not know or seem always in doubt as to just where to mark the ballot it needs to be repeated that the X-mark should be placed just after the number assigned the candidate one is voting for. Expressed another way, the mark is properly placed between the candidate's number and his name, thus: 212 X Jones.

The names of the candidates give space for voting first, second and third choice, as plainly indicated by the typography and instructions.

Announcement was made yesterday by S. & H. Jansen of November 8 that the Peoples theater will reopen on Saturday, November 8. Many extensive improvements have been made in the house during the period that it was closed. The opening attraction will be the super-feature screened from the story by Conan Doyle, "The Hound of the Baskervilles."

"And that is only a beginning, so far as big pictures are concerned," said Mr. Jansen yesterday. "Naturally, the Peoples will be strictly a first-run house and playing only the biggest and best pictures. I booked 'The Hound of the Baskervilles' as the opening attraction because it is a particularly strong feature."

"When we were running the Peoples before there was a holiday of good pictures. That condition always prevails about that season. Now some very splendid pictures are being released, and the list that we have booked for the Peoples will be a very pleasant surprise to the theater-goers in this city."

"Now the proper fitting of music to pictures is of paramount importance, and in that respect I am sparing neither time nor expense to get an orchestra that will reflect credit upon the house."

Mr. Jansen would not divulge the titles of any of the special features that he has booked for the Peoples theater. He said he would have opened the house sooner, but he was not satisfied with what the market offered in the line of features, and

declared that he held back until a late date in order to obtain just the kind of pictures he desired for the Peoples.

Highway Unit Under Way. POSSIBLE, Or., Nov. 6.—(Special.)—The first earth on the last section of the John Day highway in Wheeler county was hauled this week when George Roland and John Little began their contract of grading the road through Fossil. As soon as a little grading has been com-

pleted the work of graveling will be begun by teams employed by the county court. Two bridges will be built by force account.

RELIEVED CONSTIPATION "Suffered a great deal from constipation," writes Herbert B. Dow, Portsmouth, New Hampshire, "and never found anything to take the place of Foley Cathartic Tablets." Biliousness, sick headache, bloating, gas, sour stomach, bad breath, constipation and other digestive disorders quickly relieved with Foley Cathartic Tablets. This wholesome physic does not grip or nauseate. Sold everywhere.—Adv.

Our Store Will Be Closed Saturday—Armistice Day

Plan to Supply Your Double Holiday Requirements Early in the Week

ANNOUNCEMENT EXTRAORDINARY

Special Exhibition of Franz A. Lundahl's World-Famous Painting

One of the World's Greatest Canvases

"Christ on Calvary"

This Picture Is Valued at \$85,000.00 Size 9x14 ft.

—Wherever this wonderful painting has been shown it has created intense interest. The reverence it inspires is universal and men everywhere stand before it with uncovered heads—because in that figure upon the cross Lundahl has pictured with great accuracy the last agony of Christ, who died for men. The painting will be on exhibition, beginning today, in a special setting on the third floor. You are cordially invited to see it. Admission free, of course.

MUSIC WEEK

At Olds, Wortman & King Today's Programme

—9:00 A. M., Rotunda, Main Floor: Grand Chorus—Employees Only Direction Mrs. Fred L. Olson

Tea Room, 4th Floor 12:15 P. M. Direction Mrs. Fred L. Olson

Vocal Solo.....Mrs. Elizabeth Nelson, Soprano Vocal Solo.....Mrs. Phern Nash Violin Solo.....Mr. Norris All Bartons Violin Solo.....Mrs. L. W. Waldorf Piano Solo.....Miss Nettie Leona Foy Accompanists.....Miss Mary Bullock.....Miss Nettie Leona Foy

LINENS

—A fresh new supply of snowy linens is an important item on the housewife's list of holiday needs. Our stocks are now complete, offering splendid selections in Table Cloths, Napkins, Damasks, Scarfs, Centers, etc. Let us suggest early choosing while stocks are at their best.

Richardson's Pure Linen Table Cloths

—Cloths, 2x2 yards, at \$7.35 to \$13.15 —Cloths, 2x2 1/2 yards, \$9.45 to \$16.00 —Cloths, 2x3 yards, \$11.25 to \$19.50 —Napkins to match, \$9.45 to \$19.50 —Special showing of new Italian "Cutwork and Madeira Linens. Inspection invited.—Linen Department, Main Floor.

3 Lbs. Best Coffee Priced Special \$1.15

Fourth Floor—Choice of M. J. B., Dependable or Golden West. Vacuum packed in air-tight tins. Better lay in \$1.15 a good supply. 3-lb. tins for \$1.15

Shoulder Hams Special 18c Pound

—Armour & Co.'s selected Picnics—the kind you like so well. Only 200 of them so place your order early in the day. On special sale today at 18c a pound.

Other Grocery Specials

—Shredded Wheat Biscuits, package 11c —Oest's Marmalade, special, 2 jars 35c —Lima Beans priced special, a can 15c —20-Mule-Team Borax Soap, 21 for \$1 —New Dromedary Dates, 2 pkgs. 45c

Model Grocery, 4th Floor

Stamped Bed Spreads \$2.85

On Sale at Bargain Circle, 1st Floor

—These attractive Spreads sell in the regular way at \$3.50. Applique and French knot designs stamped on good grade unbleached muslin. \$2.85 Limited quantity. Special \$2.85 —Tee Cloths, stamped on 50c striped glass crash—3 for only 50c —We give S. & H. Trading Stamps.

No Telephone Orders Accepted for Above Items

Sale of Drapery Materials

Department, 3d Floor

—Many women will welcome this opportunity to supply needed curtains and materials for holiday gifts—bags, scarfs, etc.—AT SUBSTANTIAL SAVINGS.

\$1.50 Terry Cloth at 89c

Art Cretonnes 29c

—Floral and striped Terry Cloth—also some that are double faced. Suitable for window drapes and other uses. Rich in color and appearance. Values 89c to \$1.50; special at 89c

—Terry Cloth, formerly selling to \$2.50—\$1.39 yard.

\$3 Draperies at \$1.89

—Double width materials—Madras, Silks and Sundours, in plain and figured designs. The range of colors affords wide selection. Fabrics selling heretofore up to \$3.00. Priced special, a yard

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\$1.89

Garment Salons Second Floor

FOR YOU--

An Important Opportunity to Save Great Sale of Women's Dresses

Offering Values Extraordinary

One Price \$19.95 One Price

—There is no cause for this special low price except to present you with another demonstration of this store's leadership in value-giving, which is reason enough to make this a very good time to anticipate holiday requirements.

—Latest Winter Modes —Latest Winter Colors

—Here are Dresses that are eminently suited for all occasions—every model is fashioned in good taste, just such styles as you would expect to pay \$25.00 to \$27.50 for in the regular way. Youthful blouse effects are much in evidence, but there is also a representative showing of other popular styles including coat, straight-line, paneled and draped effects.

—Gabardine Twill—Satin—Tricotine —Crepe de Chine—Tricolette—Velvet —Georgette Crepe—Flowered Crepe

—Many of the Dresses have fancy vest fronts of lace and crepe and novelty beaded or cloth belts. Braids, buttons and ribbons are used in the trimming with many beautiful models in embroidered and beaded effects. That these Dresses are worth far more than the above price is apparent at a glance. See them and judge for yourself. \$19.95 Sizes 16 to 44. Specially priced for today's selling at

Women's Bath Robes Special, \$4.75

Second Floor—A warm Bath Robe is so essential to home comfort that no woman can afford to be without one—especially when they are selling for so little. Made from heavy grade blanket material in a large selection of patterns and colors. Full range of \$4.75 sizes. Priced special for today's sale

Women's Blouses Special, \$5

Center Circle, First Floor—Tailored and dressy Blouses in many pleasing styles. Of splendid grade Georgette Crepe, Crepe de Chine and Radium. Latest models, trimmed with laces, beads, embroidery, braids, etc. White, flesh, bobolink, jade, beige, henna, jockey, black. Sizes to 46. Priced special

—The Choice of Discriminating Women Everywhere—

Gossard Corsets

"They Lace in Front"

THE secret of successful dressing lies in correct corseting. You cannot expect to have even the most Parisian of frocks look well unless the right foundation has been provided. Select your corset with care and have it properly fitted. Our expert corsetiers will take pleasure in helping you select the style best suited to your figure requirements.

There's a Gossard Model For Every Type of Figure

—from the slender miss to the woman of full proportions. And every Gossard model is the last word in corset fashion. Step in and let us show you our splendid stock of these famous Corsets. Priced \$2 to \$25.00.

Corset Salon 2d Floor

Take Your Cash Discount in S. & H. Green Trading Stamps—We Give Them Free With Purchases.

New Gossard Brassieres

—great variety of dainty styles in all the favored materials. A Gossard Brassiere will give your figure that trim appearance so much to be desired, and completes correct corseting—50c to \$3.50

CHAMBERLAIN'S TABLETS

FOR CONSTIPATION BILIOUSNESS Headache INDIGNATION Stomach Trouble

SOLD EVERYWHERE

POMPEIAN OLIVE OIL Sold Everywhere

"some sandwich!" Bluhill Pimento Cheese