

LAWYER EXPLAINS MORATORIUM LAW

Rights of Soldiers and Sailors Safeguarded Under Civil Relief Act.

FIGHTING MEN PROTECTED

Law Not Indiscriminate, However, in Its Workings, Says Chairman of Legal Committee of Portland Realty Board.

BY W. B. SHIVELY, Chairman of Legal Committee, Portland Realty Board.

Under what circumstances may suits and actions be prosecuted against persons in the military service of the United States?

Can such persons or their families be evicted from a dwelling for non-payment of rent? Can a mortgage be foreclosed or taxes collected upon property owned by a soldier? Can a judgment be taken on a note given or a debt owing by a person in the military service? Can the money due to a person who subsequently enlists or is drafted be attached or garnished? Can a contract for the sale of real property be enforced or foreclosed against a soldier? Can furniture or other chattels sold on a conditional sale contract be reclaimed for non-payment of the regular installment? Is it possible to evade or postpone an obligation through the device of making an assignment to a soldier or sailor? In short, what relief can be obtained through the courts upon claims and demands on persons in the military service?

Many Affected by Law. All these and many other questions require an examination of the soldiers' and sailors' civil relief act, which became a law in the United States on March 3. At the time of the passage of this act, its effect was not felt so much by the business world in view of the fact that it mostly affected the younger classes, and among these chiefly the unmarried men, whose contractual obligations were comparatively few.

In these days, however, the new draft is about to affect men up to 46. Many men of affairs are to be taken. Practically all of them probably have obligations of one kind or another. Moreover, there will be many who will hesitate to lend money on mortgages or sell property on time payments or to have any credit dealings whatsoever with any man under 46 who is fit for military service.

It therefore becomes important that the public should know the scope and effect of the moratorium act adopted by Congress to meet the emergency. The scope of this article will not permit an analytical discussion of all the provisions of the act. Let us consider, however, its essential provisions.

Let it here be said generally that the act does not, contrary to the public belief, exempt a person in the military service from liability on his contracts. The act is broad and comprehensive, but essentially fair. Business may still be done with prospective soldiers and sailors, and unless the present moratorium is amended, and its provisions broadened, contracts made may be enforced, or the rights of creditors and others preserved and protected for the duration of the war.

Act Plans to Preserve. It must be kept in mind, however, that our every energy must be centered on the winning of the war and that in so doing private rights and contracts must yield to the vastly more important matter. The man who fights for those who stay at home is to be preserved as far as possible from private business worries while he serves for the public good.

That this was the idea of Congress in enacting the act is shown by the statement of the purpose of the legislation in section 199 of the act, as follows: "That for the purpose of enabling the United States the more successfully to prosecute and to meet temporarily the emergency of the present war, it is hereby enacted that protection is hereby extended to persons in military service of the United States in order to prevent prejudice or injury to their civil rights during their term of service and to enable them to devote their entire energy to the military needs of the Nation, hereby providing for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the continuance of the present war."

It is important to remember that the act applies to and protects not merely soldiers and sailors, but all persons in military service, who are described (section 193) as follows: "All officers and enlisted men of the regular Army, the regular Army reserve, the Officers' Reserve Corps and the Enlisted Reserve Corps; all officers and enlisted men of the National Guard and National Guard Reserve recognized by the War Department; all officers and enlisted men of the Coast and Geodetic Survey transferred by the President to the service and jurisdiction of the War Department; all officers and enlisted men of the Naval Militia, Naval Reserve Force, Naval Reserve and National Naval Volunteers recognized by the War Department; all officers of the Public Health Service detailed by the secretary of the Treasury for duty either with the Army or the Navy; any of the personnel of the Light House Service and of the Coast and Geodetic Survey transferred by the President to the service and jurisdiction of the War Department; members of the Nurse Corps, Army field clerks, field clerks, Quartermaster Corps civilian clerks, and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law and members of any other body who have heretofore or may hereafter become a part of the military or naval forces of the United States. . . . Reserves and persons on the retired list shall not be included in the term 'persons in military service' until ordered to active service. The term 'active service' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause. And where a soldier is reported

'missing' he shall be presumed to continue in the service until accounted for or officially reported 'found' or 'dead.' (Sec. 601). Persons in military service may include individuals and also partnerships, corporations and other business associations. The act is effective until the termination of the war 'by the treaty of peace as proclaimed by the President' and for six months thereafter and protects persons in military service from the time active service is entered until the date of discharge or death while in such service. The act further provides that its provisions shall extend to the protection not only of persons engaged in service, but also of their sureties, guarantors, indorsers and others subject to the same obligation of liability. Moreover, it protects persons in the service who are plaintiffs as well as those who are defendants.

It is popularly supposed that the moratorium absolutely prohibits the filing of any suit or action against a soldier or the taking of a judgment against him. Such is not the case. Section 200 of the act provides that before a default judgment may be entered in any case an affidavit must be filed showing that the defendant either is or is not in the military service and if he is in the service, judgment shall not be entered against him unless the court expressly directs its entry. In such a case the court is authorized to do a variety of things, in its discretion; it may appoint an attorney to protect the defendant's interests, or it may require as a condition before entering judgment that the plaintiff file a bond approved by the court conditioned to indemnify the defendant against any loss or damage actually suffered if the judgment should subsequently be set aside in whole or in part; or the court may stay (i. e. postpone) the proceedings against the defendant for a period of time to be fixed by the court, unless in the opinion of the court the ability of the soldier to conduct his defense is not materially affected by reason of his military service (sec. 201); or the court may permit a judgment to be entered, but stay its execution temporarily. The court is further authorized to vacate or stay any garnishment or attachment whether made before or after judgment. Any stay granted by the court may be for the period of the war and three months thereafter, or any part of such period.

It will thus be seen that the court will still grant relief in cases where persons in military service are involved. A wide discretion, however, is vested in our judges, who under the provisions of the act are empowered and induced to inquire carefully and fully into the particular circumstances of each case and make their rulings as justice, equity, fairness and the commonweal may require, keeping in mind at all times the purpose of the act; to enable persons in the military service to devote their entire energy to the military needs of the Nation. (To be Continued Next Sunday.)

TIMBER OWNER WILL VISIT

T. C. Starret, of Detroit, to Start Big Logging Operations.

EUGENE, Or., Sept. 14.—(Special.)—Thomas C. Starret, of Detroit, Mich., member of the firm of Starret & Hovey, owning one and one-quarter billion feet of timber on the Siuslaw watershed, will make a trip to Oregon within the next few weeks for the purpose of putting plans for logging operations on a large scale under way, according to word received here.

The firm of Starret & Hovey is the financial interest back of the Siuslaw Boom Company, which was granted a franchise for logging operations on the Siuslaw by the Oregon Public Service Commission. The franchise which usually gives the company exclusive control over the use of the stream for logging operations provides that the work of improving the stream must begin within 90 days.

LARGE DAIRY FARM SOLD

Several Deals in Lewis County Realty Are Reported.

CENTRALIA, Wash., Sept. 14.—(Special.)—Fred Aust has sold his 136-acre dairy ranch at Forest to David McCann. The consideration was \$19,000, the sale including 30 head of cows and all dairy equipment. The new owner came from Montana. Mr. Aust also announced the sale of 171 acres near Olympia, recently purchased from Mrs. Mary Schomard, to Jack Burns. The consideration was \$12,000. The sale of George M. Snyder's 20-acre farm in the Salsler Valley, east of this city, to E. Robinson was also announced. The consideration was \$250.

Realty Deals Closed.

CENTRALIA, Wash., Sept. 14.—(Special.)—Two more farm deals have been closed by local realty firms. John Hardinger purchased J. M. Vaughan's 40-acre Lincoln Creek for \$2900, and Joseph Herzog, of Tacoma, bought S. K. Sampson's ranch in the Salsler Valley, east of Centralia. The consideration was not announced.

ACTRESS GIVES VIEWS AS TO PLAYING MINOR ROLES.

Miss Mary Gates. The views of any actress who has made a success of her profession are interesting. Miss Mary Gates, who has been in the role of Mary Mart in "The Unmarried Mother" at the Helbig, in an interview the other day said: "I hear cries from all sides for the resumption of the old stock company system, wherein a player sometimes serves for years, but in my opinion one year is two years of minor roles is plenty. Why no more, is because it is physically impossible to put your nervous and limber energy into your various roles. After a short time you learn to give the audience the few things it likes."

BUSH AND LANE PIANO CO. WILL MOVE

to Their New Store, Corner Broadway and Alder Street

THIS announcement, we hope, will come as an agreeable surprise to our many friends and patrons. Realizing, as we have for some time past, that our business has far outgrown our present location, hence the necessity of moving as above stated. Some 9 years ago the house of Bush & Lane was established in Portland; and then, as now, a policy of lofty ideals based on strict and dependable business methods, was the rule; under no consideration will the company allow any selling methods that do not measure up to this standard of TRUTHFUL ADVERTISING.

IT HAS long been our motto, "The best that money can buy." We fear no contradiction of the assertion, and as such we have many times backed our statement, agreeing to forfeit \$1000.00 in cash if any builder of pianos proves us wrong. And so it has been for the past nine years (good goods—and reasonable prices and a steadfast determination to win and hold the confidence of the public), with the result as above stated that we find ourselves urgently needing bigger and better quarters.



It is our ambition to take with us into the new store a full and complete line of new Pianos and Player Pianos of the very latest designs and styles in UPRIGHTS, GRANDS and PLAYER PIANOS. In order to do this, we are going to sell off all of our big stock of used and traded-in pianos and player pianos that we have taken in exchange from time to time. We have many very fine values in slightly used pianos; these we will sell at prices and on such terms (to responsible people) as will not be repeated again for some time to come. If you cannot afford a new piano, inspect our used stock.

An Actual and Bonafide Reduction of From \$65 to \$250 From the Regular Prices on the Pianos Listed Below

- BUSH & LANE (Player), No. 44860 (Demonstrator)—SOLD
BUSH & LANE (Player), No. 39703 (Demonstrator)
BUSH & LANE (Player), No. 43462 (Demonstrator)
BUSH & LANE (Player), No. 43525 (Wal. like new)
VICTOR CECILIAN (Player), No. 44287 (Mahogany)
FARRAND (Player), No. 22199 (Mahogany)
FARRAND (Piano), No. 22669 (Oak)
KEMBLE & WARD (Piano), No. 31561 (Walnut)
BUSH & LANE (Piano), No. 46403 (Walnut)
WILLARD (Used Piano), No. 36952 (Walnut)—SOLD
M. SCHULTZ (Used Piano), No. 48965 (Walnut)—SOLD
HARDMAN (Used Piano), No. 63532 (Mahogany)
BUSH & LANE (New Piano) No. 46098 (Mahogany)
BUSH & LANE (Used Piano), No. 41992 (Style 10)
FARRAND (Used Piano), No. 20012 (Walnut)
FARRAND (Used Piano), No. 22094 (Mahogany)
SCHILLER (Used Piano), No. 17907 (Walnut)—SOLD

- KOHLER & CAMPBELL (Piano), No. 109933 (Oak)—SOLD
FARRAND (Piano), No. 22824 (Mahogany) DAMAGED SLIGHTLY —SOLD
FARRAND (Used Piano), No. 22094 (Mahogany)
FARRAND (Used Piano), No. 22822 (Mahogany)
FARRAND (New Piano), No. 22634 (Walnut)
BUSH & LANE (New Piano), No. 45840 (Mahogany)
BUSH & LANE (New Piano), No. 46358 (Mahogany)—SOLD
VICTOR (Piano), No. 46691 (Walnut)—SOLD
VICTOR (Piano), No. 45893 (Mahogany)
VICTOR (Piano), No. 45733 (Oak)
FARRAND (Piano), No. 22449 (Walnut)
FARRAND (Piano), No. 22390 (Mahogany)
BUSH & LANE (Piano), No. 46463 (Walnut)
BUSH & LANE (Piano), No. 43254
DECKER & SONS (Used Piano), No. 13353 (Black)
BUSH & LANE (Used Piano), No. 37084 (Mah., Style 8)

NOTE—THE ABOVE PIANOS MARKED SOLD WERE SOLD THE FIRST DAY OF THE SALE (WITHIN 24 HOURS AFTER THE ADVERTISEMENT FIRST APPEARED)—THE BETTER VALUES REMAIN UNSOLD

We positively will not cart the above Pianos and Player Pianos over to our new store. We are confident of this, because of the extraordinary values at the prices we have put on them. Only the above styles and numbers will be sold at sale prices, consequently it will be necessary that you bring this ad with you. (Our regular stock is not affected by the sale.) In addition to the actual saving of from \$65.00 to \$250.00 from the regular retail price, you will save the big increase (through increased costs and taxes) to be imposed very shortly by the Government. This should be a matter of deep concern to you who contemplate the purchase of a piano or player piano. Don't treat the matter lightly—cheap piano days have gone for some time.



WE HAVE A NUMBER OF GOOD, USED TALKING MACHINES which have been taken in exchange on the wonderful Sonora Phonograph, which is rightfully termed the highest class Talking Machine in the world, because it is delightfully different and, musically, the most perfect in the world. This fine assortment of used Phonographs, which embraces many different designs in all of the various woods, will be sold at remarkably low prices, and upon reasonable terms. See them without fail.



Bush and Lane Piano Co., Cor. 12th and Washington

WE DO AS WE ADVERTISE—BRING THIS AD WITH YOU

BIG TIMBER DEAL MADE

5000 ACRES IN LINN AND LAKE COUNTIES SOLD.

Montana Man Buys for Approximately \$500,000 Some 433,000,000 Feet of Timber.

Sale of a large timber tract containing 433,000,000 feet of timber and including more than 6000 acres of land has been closed by P. S. R. Walker, of the Great Western Land Company, Alfred L. Thomas, of Montana, is the purchaser. The price is understood to be close to \$500,000, according to word received here from Eugene. The tract is west of Monroe, Or., and comprises what is known as the Monroe Timber Company holdings. It lies on the Alsea River and Lake Creek, part being in Linn and part in Lane County. It is understood that Mr. Thomas will install a new mill of about 100,000 feet capacity, to begin operations very soon. Associated with Mr. Walker in the deal was J. Darling, also of Eugene.

HEIGHTS PROPERTIES SOLD

Three Residences Are Transferred Through Mrs. John Brooke.

Three sales of Portland Heights residence property were made last week by Mrs. John Brooke. She sold the seven-room residence of Catherine L. Blum at 555 Terrace Drive to Mildred May Stott for approximately \$4000. Another deal was the sale for Thers N. Yecum to Nell S. Mitchell of a seven-room bungalow at 850 Ravensview Drive for \$4500. The lot, 50x151 feet, extends through to Corona avenue. The third sale was that of a six-room bungalow and two lots at 773 Talbot road, in Greenway, for H. S. Hoone to Lida Conner for \$5500. Mrs. Brooke, who handles Portland Heights property exclusively, says she has many calls these days for houses costing less than \$5000.

Hood River Tract Is Bought.

HOOD RIVER, Or., Sept. 14.—(Special.)—P. H. Mohr & Bros., owners of the Bonanza Fruit & Stock farm on the East Side, have purchased from T. D. Calkins a 20-acre orchard tract adjoining their place. The new place will be made part of the Bonanza farm, now increased to 140 acres. They also own 320 acres of farm land in the Upper Hood River Valley, making them among the heaviest individual land owners in the district. Two of the Mohr brothers, Paul and Carl, are in a balloon squadron of the Army. They are stationed at a Rhode Island cantonment.

Albany Women Real Patriots.

ALBANY, Or., Sept. 14.—(Special.)—Albany women not only are assisting in the committee work for the coming Liberty Loan drive, but are appearing as four-minute speakers as well. Mrs. Viola Price Franklin, librarian of Albany's public library, was the first local woman to assist in this department, appearing at one of the local theaters last week. Last evening Mrs. Rockey E. Mason spoke at the Globe Theater and Mrs. Willard L. Maris at the Rolfe. Mrs. C. C. Cathey is chairman of the committee in charge of four-minute talks by women.

LIFT OFF CORNS!

Freezone is magic! Apply a few drops on a sore, touchy corn or a painful callus. Instantly that corn or callus stops hurting you. Then shortly you lift that bothersome corn or callus right off, root and all, with the fingers. No! Not one bit of pain, no soreness, no irritation.



FREE TO Pile Sufferers

Don't Be Cut—Until You Try This New Home Cure That Anyone Can Use Without Discomfort or Loss of Time. Simply Chew Up a Pleasant Tasting Tablet Occasionally and Bid Your Piles Permanently Adieu. LET ME PROVE THIS FREE. My internal method for the treatment and permanent cure of piles is the correct one. Thousands upon thousands of cured cases testify to this, and you want to try this method at my expense. No matter whether your case is of long standing or recent development—whether it is chronic or acute—whether it is occasional or permanent—you should start for this free trial treatment. No matter where you live—no matter what your age or occupation—if you are troubled with piles, my method will relieve you promptly. I especially want to send it to those apparently hopeless cases where all operations, treatments, salves, and other local applications have failed. I want you to realize that my method of treating piles is the one infallible treatment. This liberal offer of free treatment is too important for you to resist a single day. Write now. Send no money. Simply mail the coupon for this new—FREE—TREATMENT. FREE PILE REMEDY. E. R. Page, 947 Page Bldg., Marshall, Mich. Please send free trial of your Method to:

Gives Wife Adler-i-ka

"My wife was pronounced incurable by physicians unless operated (complicated bowel trouble). I began giving her Adler-i-ka and she is improving and I mean to continue until she is cured." (Signed) J. H. Underwood, Marlon, Ala. Adler-i-ka expels ALL gas and sourness, stopping stomach distress INSTANTLY. Empty BOTH upper and lower bowel, flushing ENTIRE alimentary canal. Removes ALL foul matter which poisons system. Often CURES constipation. Prevents appendicitis. We have sold Adler-i-ka many years. It is a mixture of buckthorn, cascara, glycerine and nine other staple drugs. Skidmore Drug Co., (and leading druggists)—Adv.

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