

LOCAL OPTION EASEMENT VALID

In Tillamook County Case
Failure to Print Full
Title of Act on Ballot Held
Not Fatal—Supreme Court
Says Not So.

(Salem Bureau of The Journal.)

Salem, Or., Oct. 28.—In the state vs. W. Landworthy, a local option case appealed from Circuit Judge William Galley's court in Tillamook county, the supreme court in an opinion announced today holds that failure to print the full title of the local option act, consisting of about 400 words on the ballot at the time of the adoption of the measure, does not invalidate the act. The opinion is written by Associate Justice King.

Local Law Has Not Been Adopted.
Landworthy was charged with violating the local option liquor law in Tillamook and upon trial was convicted and sentenced to pay a fine. At the trial his counsel requested the court to instruct the jury that the evidence adduced conclusively established that the local option law had never been adopted in the state of Oregon, in that the title was never certified to the secretary of state and was not placed upon the ballots used in June, 1924, at which time the act was voted upon.

The title used in the 1924 election was simply, "The local option liquor law, vote yes or no." The full title of the local option law consisted of about 400 words, which the attorneys for Landworthy contended should have been placed on the ballot according to an amendment to the initiative and referendum amendment enacted by the legislature in 1923, making more effective the initiative and referendum.

Court Holds Law Valid.
Justice King held that the act of the legislature in 1923 was intended to apply to acts introduced before the legislative assembly, but under no rule of construction could it be held applicable to laws enacted directly by the people.

The words "local option liquor law" were sufficiently clearly stated to the average voter the general tenor of the subject, Justice King holds. It would be impracticable to print upon the ballot the full title of every act, requiring the ballot to contain many pages of printed matter, which cumbersome method was plainly intended to be avoided. The decree of the lower court was affirmed.

Another Local Option Case.
In another local option case, also from Tillamook county, state vs. Howard Edmunds, the court holds that, though the indictment failed to aver that the liquor which defendant was charged with having sold was for beverage purposes, the offense was sufficiently described.

Counsel forcibly maintained that the information did not state sufficient facts to constitute an offense under the local option liquor law and it was insisted that it was incumbent upon the state to negative such exceptions as might be gathered from the acts, such as provisions to the effect that the act should not be construed to prohibit the sale of pure alcohol for scientific or manufacturing purposes or wines to church officials for sacramental purposes and the like.

Justice King, who also wrote the opinion in this case, holds the law in this state to be that in indictment for misdemeanors created by statute it is sufficient to charge the offense in the words of the statute, subject to the qualification that the crime be set forth with such certainty as will apprise the accused of the offense charged, and that it was sufficient in this case when it was averred that the liquor had been sold with an intent and purpose of evading the provisions of the local option liquor law when the law had been duly declared to be in force by the county court.

In Mahlon T. Runyan, appellant, vs. Jennie Winstock, and others, respondents, appealed from the circuit court, John E. Cleland, judge, the court held in an opinion written by Associate Justice Eakin that a husband still possesses a life estate in the property of his wife by courtesy. Because of many laws enacted, repealed and reenacted it was uncertain whether the husband's interest in the life estate of his wife still existed. The decree of the lower court is reversed and remanded.

Other Cases.
Other cases were decided as follows: In the matter of the application of S. A. Sage and Ella V. Neal for a roadway and gateway, D. E. Yoran and others, appellants, vs. S. A. Sage and Ella V. Neal, respondents, appealed from the circuit court for Lane county, L. T. Harris, judge, affirmed in an opinion written by Associate Justice Eakin. E. C. McCoy, respondent vs.

A DOCTOR'S SLEEP

Found He Had to Leave Off Coffee.

Many persons do not realize that a bad stomach will cause insomnia. Coffee drinking, being such an ancient and respectable form of dissipation, few realize that the drug—caffeine—contained in the coffee and tea, is one of the principal causes of dyspepsia and nervous troubles.

Without their usual portion of coffee or tea, the coffee tapers are nervous, irritable and fretful. That's the way with a whiskey drinker. He has not to have his drink to settle his nerves—habit.

To leave off coffee is an easy matter if you want to try it, because Postum—well boiled according to directions—gives a gentle but natural support to the nerves and does not contain any drug—nothing but food.

Physicians know this to be true, as one from Georgia writes:

"I have cured many of a long standing case of Nervous Dyspepsia by leaving off coffee and using Postum, says the doctor.

"I also enjoy refreshing sleep, to which I had been an utter stranger for 20 years.

"In treating Dyspepsia in its various types, I find little trouble when I can induce patients to quit coffee and adopt Postum." The doctor is right, and there's a reason. Read the little book, "The Road to Wellville," in page.

George N. Crossfield, appellant, appealed from the circuit court for Sherman county, E. V. Littlefield, judge; affirmed in an opinion written by Associate Justice McBride.

Petitions for rehearing were denied in the following cases:
Zensko vs. Zensko, Taylor vs. Taylor, Kealer vs. Niece. In the case of state vs. C. Sam Smith, motion to dismiss the appeal is denied.

ONE LISTENS TO FARM GOSPEL

(Continued From Page One.)

his lecture. The demonstration train left late at 1 o'clock for Heppner where afternoon and evening lectures will be given. The special is due to arrive at Clatsop, Oregon, early Wednesday morning.

SUIT IS FILED AGAINST DEVLIN

(Continued From Page One.)

When the disappearance of the bonds became known Receiver Devlin at first made no statement concerning it, but later said that the bonds had apparently been lost from the bank or mislaid in a rush work incidental to the receivership.

According to the testimony that Von Groenwald is said to have given the grand jury, however, it seems that these \$9800 worth of bonds were taken by an employee of the bank and kept by him. They were traced through the coupons sent the Home Telephone company in this city and the interest which was paid through checks of the Home Telephone company. The detectives are said to have captured the alleged thief of the bonds with the fact that he had received the checks for the interest, whereupon he told them that, while he did not have the bonds, he could tell them where they were and who did have them.

Carelessness Is Charged.
The suit for the Bank of Drain was filed today in the circuit court by attorneys Joseph & Haney of Portland and Furton & Orcutt of Drain, and alleges that through the carelessness of the defendant the bonds were taken from the vaults of the bank and the Bank of Drain was put to the necessity of securing attorneys and detectives and incurring expense in securing the return of the bonds.

It is believed that the identity of the bank employee who is thought to have taken the bonds will be revealed when the grand jury finishes its hearing and returns its indictment in the Oregon Trust & Savings case.

Lytic on the Stand.
This morning the jury heard some more of the details of the operation of the Oregon Trust & Savings before its failure. E. B. Lytic, who was vice-president and director, although, he claims, without his consent or connivance, and who was on the stand yesterday afternoon, continued a recital of the history of his connection with the bank this morning.

Two former clerks in the bank, Bates and Dunbar, who have testified before in the present hearing, were recalled to straighten up some of the features of their former testimony. They told of the peculiar banking methods in vogue in the Oregon Trust and how the notes were never balanced. They were kept in a big leather pouch and no one ever touched this pouch excepting Morris or Moore.

They said that one day Leo Friede, one of the directors who testified before the grand jury yesterday afternoon, came to look at some of the notes in the pouch. There was a great scurrying about on the part of Morris, who took out a number of the notes and placed them in his own pocket before he allowed Friede to examine the contents of the pouch.

Large Sum Disappears.
That little item of \$50,000 which seems to have had a will-o'-the-wisp elusiveness on the books of the bank also came in for some more attention, it is said. This \$50,000 item was entered upon the books and taken off them with great ceremony and without so much as a whirl of dust to show where it went.

Mr. Lytic said that he had been elected vice president and director of the bank before he knew anything about it. President Moore, he said, had been a former friend and when Lytic objected to his election Moore reminded him of past favors of a financial nature that he had extended to Lytic in eastern Oregon.

Both Friede and Lytic testified that they had turned down all the questionable deals which have come into the limelight since the failure of the bank, but that Morris and Moore had gone over their heads without their knowledge. Among these were the Pacific & Eastern deal and the Golden Eagle's first note for \$12,000.

Confidence in Moore.
Mr. Lytic showed about 75 or 80 reports of the bank's condition which Moore and Morris had made him daily and which purported to show the daily business of the bank and the nightly balances. Mr. Lytic said that he always had had great confidence in Moore and knew no reason at that time to suspect Morris of financial irregularity.

H. A. Graves, formerly a clerk in the bank but who at present is in California, is believed to have been the one who made the entries about the \$50,000 surplus and deficiency item and it is possible that he will be brought here from California to throw more light on it.

An important witness this afternoon will be Robert H. Birdsall, dealer in safes and office furniture. It was Birdsall who sold the bank its safety deposit boxes for \$10,000. It is alleged that these boxes were charged up by Morris to the bank at a price of \$11,000 and that Morris pocketed the difference of \$1000 himself.

The committee from the Portland Clearing House which was to have been heard yesterday will come before the grand jury this afternoon.

Five Children Burned.

Lynchburg, Va., Oct. 28.—Five children are reported to have been burned to death in a fire which destroyed the Girls' home of the Presbyterian orphanage near here today.

BANANA STATES MAY GO TO WAR

Panama, Oct. 28.—It is reported that hostilities between Nicaragua and Salvador will be declared within a week, and will result in involving all the Central American republics before the trouble is over, with the probable exception of Panama.

Zelaya's troops, under General Alfaro, are reported to have invaded Salvador, Calera, the president of Guatemala, is a bitter enemy of the recently deposed president of Nicaragua, and it is probable he will send troops to aid those of Salvador and a force to assist Province.

Skinner's Satin Is Guaranteed for Two Seasons--\$1.50 Yard--Black and Colors

Women's Felt Slippers \$1.39

A lot of 400 pairs of Women's House Slippers and Juliettes at decidedly special prices. Juliettes are of good quality felt, in red, brown, gray, black, trim'd with black or brown fur. They have hand-turned soles and are nicely ornamented. They sell elsewhere \$1.75. We also have a lot of Kid Juliettes, six styles to choose from, plain or tipped toes, heavy soles of belting leather, very flexible, give double wear. All sizes in each style. They are also the usual \$1.75 kind. Choice of either lot for Wednesday **\$1.39**

WOMEN'S KID JULIETTES with hand-turned soles, nice soft kid, good material, 200 pairs, all sizes. Regular \$1.50 grade for **99c**

\$1.75 Gloves Special 98c Pair

Women's Kid Gloves in odd lines; all sizes in the lot, though some sizes are missing in certain styles. Colors are black, brown, tan and gray. They come in suede or glace finish. The best glove offer of the season. Worth up to \$1.75 the pair. Special at **98c**

WOMEN'S SILK ELASTIC BELTS, novelty effects or plain elastic; fitted with fine quality buckles. Values up to \$2.00 each at **98c**

FANCY RIBBONS in plaids, checks, stripes and Dresden effects, all pure silk of extra quality; also Plain Taffeta Ribbons in correct weight for hair bows, etc. Values up to 65c the yard at **29c**

Olds-Wortman-King Baby Week Bargains---Save

Practically everything that baby needs is bargained this week; for, in addition to a superb lot of specials we reduce the price on everything in the department. We are sure that mothers of thrifty turn of mind will obtain many things they want, and we advise early attendance that there may be plenty of specials when you come to buy. We will give Baby Books free to all our customers. Remember that we are agents for **BEST & CO.'S BABY GOODS AND THE FAMOUS ARNOLD KNIT GOODS FOR BABIES.**

BABIES' BOOTEES AND SACQUES, pretty crocheted affairs, daintily trimmed in pink or blue. Specially priced for Baby Week at, the set **98c**

BABIES' SHORT DRESSES, yoke or bishop styles, trimmed with fine tucks and lace edge, sizes 6 months to 3 years. Regular 75c values. Special **49c**

BABIES' SHOULDER SHAWLS, made of flannel or cashmere, trimmed with baby blue or pink fancy stitching. Specially priced at **68c**

BABIES' PINNING BLANKETS, all wool. Regular 65c values. Special for this sale at only **47c**

INFANTS' MUSLIN SKIRTS, made with waists trimmed with tucks and embroidery. Specially priced for this sale at, each **98c**

INFANTS' SLIPS made of fine nainsook, and yokes made of lace insertion and tucks. Regular \$1.00 values. Special for this sale at **78c**

INFANTS' FLANNEL SKIRTS with muslin waists, hemstitched hem. Special for this sale at **98c**

EIDERDOWN RECEIVING BLANKETS with light pink or blue binding. Regular \$2.25 values. Special **\$1.78**

INFANTS' LONG COATS with circular capes, plain or fancy trimmed. Regular \$6.50 values. Special **\$4.98**

BABY BONNETS of cream-colored Bengalee silk, extra special values. Special at **\$1.19**

BABY BASSINETS, good ones that sell regularly at \$8.50. Special here this week at **\$6.48**

Men's Underwear Only 95c

A heavy-weight winter garment, shirts and drawers, in splendid quality heavy-weight gray wool, nicely finished and sold everywhere at \$1.25 the garment or \$2.50 the suit. We have sizes up to 46. Inspect the values and qualities Wednesday and supply your needs from this sale. Special, per garment **95c**

Jewelry Spec'l

DUTCH COLLAR PINS, enormous assortment in oxidized rose and green and gold finish. Every one in the lot is valued at 85c to 50c. On sale Wednesday in the Jewelry Department at **19c**

PARISIAN NOVELTY HAT PINS, a big lot of genuine imported novelties, selected in the French capital by our own buyer for Portland trade. Values to \$2.00. On special sale at **98c**

Ostrich Boas at One-Half Price

They come in 1½ or 2-yard lengths and the colors included are white, black, gray, brown, light blue, light pink and black and white. They are regularly priced from \$15.00 to \$37.50. Now prices are radically reduced, \$37.50 values special at **\$18.75**, \$20.00 values special at **\$10.00**, \$15.00 values, special only **\$7.50**

DUTCH COLLARS in Venise lace, white, cream and ecru. Values to \$1.00 each. Special at only **69c**

MOIRE TAFFETA RIBBONS, good weight for bows and fancy work. Reg. 80c values. Special, yard **19c**

WOMEN'S HANDKERCHES, pure linen, with machine Armenian lace edges, sheer, dainty quality. Reg. 25c grade. Three for 50c, or each **17c**

Another Stirring Ostrich Sale

Genuine Willow Plumes, regular plumes and tips in black, white or colors, at specially low prices for Wednesday's selling. A repetition of the bargains offered last Wednesday, and this time we've more to offer you. You can use these for trimming any sort of a hat, and you won't find the same qualities so low priced at other stores. Of course you will buy, and buy Wednesday, at the low prices at which we offer these lovely plumes.

18-inch Plumes, \$6.00 value, Wednesday **\$4.50**
15-inch Plumes, \$6.50 value, Wednesday **\$4.90**

14-inch Plumes, very wide; \$7 value, at **\$5.25**
14-inch Plumes, extra wide; \$7.50 value, at **\$5.65**

18-inch Plumes, extra wide; \$10 value, at **\$7.50**
22-inch Plumes, extra wide; \$12 value, at **\$9.00**

Tips, set of 4, regularly \$13.50 the set, special at **\$10.25**

Ostrich Tips, set of 2; regular \$15.00 values, special **\$11.25**

Extra fine 18-in. Plumes, regular \$19.00 values, special **\$14.25**

24-in. Plumes, extra fine; regular \$20.00 value, special **\$15.00**

Extra fine 22-in. Plumes; regular \$26.00 values, special **\$19.50**



Willow Plumes, in black or white, made of finest male stock, 3-ply, very wide and full, hand knotted; the best values ever offered, 18-in. size; worth \$14, special **\$10.98** each

19-inch Willow Plumes, Wednesday at **\$15.00**

20-inch Willow Plumes, regularly \$25, special, each **\$20.00**

22-inch Willow Plumes, regularly \$36, special at **\$30.00**

Handsome Silk Dresses Fourth Less



One piece dresses that are unusually graceful and stylish and so low priced that every woman who reads this announcement should come promptly to take advantage of the bargain. There are just about 100 gowns left of this lot and we are sure that you'll say you never saw better values. Some are braid trimmed, some are trimmed just with buttons and present an effect that is decidedly tailor made. Some have lace

yokes. All of good materials and on fashion's most approved lines. Taffeta or moire silks, the taffetas in black only and the moire weaves in several colors. Regular prices \$25 to \$50, special **Fourth Less**

Swiss Ribbed Underwear 89c

Every swiss-ribbed garment in our entire stock is reduced in price. This means all grades including the famous Zimmerli Imported Swiss Underwear. It includes vests, pants, tights and union suits, in white, sky or pink. The vests are high neck and long sleeves, high neck and short sleeves or low neck and sleeveless. The pants and union suits are knee or ankle length. They are medium or winter weights and materials are cotton, cotton and wool, silk and wool or all silk; the regular \$1.00 89c \$2 grades, special **\$1.79** \$3 grades, special **\$2.69** ALL GRADES REDUCED IN LIKE PROPORTION.

Women's 65c Hose at 39c Pair

Medium weight lisle Hose, in fast black with silk embroidered designs on instep and large range of patterns in embroidery to choose from. Included with these we offer an immense quantity of mercerized lisle Hose in absolutely fast black or colors. The embroidered Hose are worth to 65c the pair; the plain lisle is regular 50c grade. Your choice of either at **39c**

WOMEN'S HOSE SUPPORTERS, silk elastic, velvet-grip fasteners; all shades; values range up to 50c, but odd lines, special at **19c**

BOYS' AND GIRLS' HOSE, ribbed cotton, fast black, medium or heavy weight; sizes 5 to 9½; reinforced heels, toes and knees; 20c values, the pair **12c**



You will find a great variety of bargains here if you shop early

DressNets98c

Just what you want for your evening or party dresses. Metal Dot Nets, 45 inches wide, in the following combinations: Black with gold dots, white with jet dots, or white with light blue dots. The very smart thing for your dressy gown. Regular value is \$1.50 yard. Special at **98c**

You Better Shop Early

Dress Trimmings

A special lot of fancy spangled jewel and two-tone trimmings from 1½ to 6 inches wide; lots where part of the set has been sold and odd pieces. They must go to make room for holiday goods. We offer them at half price. Regularly worth \$2.50, \$2.75, \$3.00, \$5.00, \$7.50 and \$10—all at **HALF**

VEILINGS, in Tuxedo or Hexagon mesh; colors black, white, cream, navy or two-tone effects; plain or chenille dotted; values ranging to 50c the yard, special Wednesday **22c**

UMBRELLAS—Men's and women's lisle taffeta Umbrellas, fitted with mission, natural wood or fancy handles; regular prices to \$2.25 each, at **\$1.48**



ORTHA ERULN TAKES HER LIFE AT SEATTLE

Seattle, Wash., Oct. 28.—Apparently acting upon a sudden impulse to take her own life, Ortha Eruln, 23 years old, an employee of the Sterling hotel, shot herself through the heart early this morning in her apartment on Spring street.

Miss Sigurd Rosedale, roommate of the dead girl, who was in the room at the time of the tragedy, and

Jay Chatteresh, a chauffeur, who was in a connecting room, were arrested and taken to the police station pending an investigation.

Miss Rosedale told the officers that she thought Miss Eruln killed herself for love of some man, but not Chatteresh. She says the girl took the revolver from a buffet in the kitchen of the two room apartment and shot herself without warning, so that there was no time for either her or Chatteresh to interfere.

The dead woman has a sister, Mrs. Arthur Ball, living at 1144 Twenty-seventh street north, Portland.

LEAVES \$33,000 TO WIFE; \$5 TO CHILDREN

(Special Dispatch to The Journal.)

Henry A. Cleek, who died last Friday, was filed this morning in the county clerk's office. The deceased left all his real and personal property, valued at \$33,000, to his widow, Sarah M. Cleek, whom he named as executrix without bonds. To his children Frances V. Smith and Leon Cleek of Princeton, Little Stevenage of North Yakima, Wash.; Charles Cleek of Albany, and Hugh Cleek of Plainview, deceased left \$5 to each.

DEAF AND DUMB-MAN DROWNS IN RIVER

Eugene, Or., Oct. 28.—Edward McDonald, aged 20, deaf and dumb, drowned in McKenzie river 20 miles east of Eugene yesterday by slipping off a rock into 30 feet of water while working on a Booth-Kelly log drive. He came here a short time ago from

LOCAL MEN PLAN TO TOAST CORN FLAKES

Joseph McChesney, D. Burness and D. L. Page has filed articles of incorporation of the Pacific Coast Toasted Corn Flakes company. It has a capital stock of \$50,000.

Articles have been filed by the Green-Whitcomb company, changing its name to the Whitfield company.

SENDERS GUILTY OF SELLING INTOXICANTS

Albany, Or., Oct. 28.—Fred Senders of this city was found guilty yesterday

in the circuit court of violating the local option law. He was arraigned on three charges. Senders operated a blind pig during the summer in the office of the old Albany brewery. He will be sentenced Thursday. Today Senders is being given another hearing on his second arraignment. The largest part of the morning was taken up in the selection of a jury.

C. E. Klinger, the Jeweler, 1866 Virginia ave., Indianapolis, Ind., writes: "I was so weak from kidney trouble that I could hardly walk a hundred feet. Four bottles of Foley's Kidney Remedy cleared my complexion, cured my backache and the irregularities disappeared, and I can now attend to business every day and recommend Foley's Kidney Remedy to all sufferers, as it cured me after the doctors and other remedies had failed. For Sale by R. H. Moore Drug Co., 151 Third street."