

SEEK TO RECOVER ON BOND OF WAREHOUSE

First State Cases of Kind Will Be Tried in Linn County.

(Special to The Journal.)
 Albany, Or., Nov. 20.—The first cases ever brought in Oregon to collect on a warehouseman's bond will be tried in the Linn county circuit court here this week before Judge Gallowsy. They grew out of the failure of the Albany Farmers company, five years ago.

Applying to warehouse companies storing grain for others the law requires that bond for the protection of their customers be filed. This law was passed by the legislature of 1902 and, as far as is known these are the first cases ever brought to enforce the payment of such a bond in this state.

The first case was instituted by Smith Cox and 20 other Linn county men who had grain stored in the Farmers company warehouse at the time of the failure. They are suing on a bond for \$15,000 given by the company in 1907 with Phil Swank, John Denny, S. J. Archibald, Thomas Froman and M. H. Wilde, five well known Linn county men, as sureties. Denny and Wilde are now dead and their heirs are defendants in this suit.

The other case was brought by Fred Holtsappel and six other local men for recovery on a bond of \$15,000 which the company gave in 1908. The sureties on this bond are J. W. Propst, S. J. Archibald, Phil Swank, John Denny and A. Blevins.

WORKMEN CANNOT GET BENEFITS OF LAW UNTIL 1914

(Continued From Page One.)

In a suit for a writ of mandamus brought by the Salem hospital, with which the compensation commission had contracted for accommodations for injured workmen during the month of December, against Secretary of State Olcott, to require him to audit a claim for \$25, part payment on the contract. The court dismissed the application.

By Justice Burnett.

The uncertainty as to when the insurance features of the law became operative was caused by the referendum, which held up the law until after the special election November 4, when it was passed by the people.

"The act took effect, as already stated, not prior to November 4, 1913, the date of the election at which it was approved by the people," says Justice Burnett, writing the opinion.

"June 20 next following the taking effect of this act cannot mean anything else than June 20, 1914. It is only the workman who sustains personal injuries after this last mentioned date and is otherwise qualified that is entitled to the benefits of the act, and it is only for such workmen that the commission is authorized to provide hospital accommodations under section 23 of the act. Until June 20, 1914, there cannot be any one who may enjoy the bounty of the statute.

"Much was said at the hearing about the intent of the legislative assembly as a canon of construction. It was argued that as the act, but for the

referendum, would have taken effect on June 20, 1913, that being 90 days after the close of the session on March 4 of that year, the legislature meant June 20, 1913, when it said "June 20, next, following the taking effect of this act," which being interpreted signifies "21 days after the law became effective. Computation, however, is not necessarily interpretation. Legislative intent, also, is controlled by the constitution, that being the paramount expression of the authority of the people.

"The legislature could have said '21 days after the taking effect of this act,' but it did not. It chose to insert in the statute a certain calendar date occurring next after the law came into force, to-wit, June 20. That does not mean December 1, as contended at the hearing, and we cannot give it that significance without acting as legislators, a function forbidden to use by the fundamental law.

People Have Spoken.

"So far as the intent of the legislature is concerned, that body must be presumed conclusively to have acted with direct reference to the possibilities of the referendum so plainly written in the constitution.

"The argument of counsel could have been used with probable effect when the bill for this act was under consideration before the legislative assembly to procure an amendment eliminating the fixed date, and providing for a certain number of days after the act should take effect, but controlled as we are by the direct mandate of the people that a referred act shall take effect only after their approval and not otherwise, we cannot yield to that reasoning."

An important announcement to those industries that have already signified their willingness to come under the act is made in a statement issued by the commission:

"The decision is that no payments may be made out of the accident fund until after June of next year. This means that no industry may under any circumstances become subject to the act until that time. This is of importance to many industries that have signified their willingness to waive any time they might have, and come under the act at once. Even such cannot now come under the act until after June, 1914.

"The commission can employ the time given by the decision to great advantage and to the benefit of both employers and employees. It has this definite plan in mind, of going actively over the state and meeting employers and workers at first hand and impress upon them the advantages of the act. It is hoped that by so doing such little opposition as there now is may be entirely dispelled.

"The more industries under the act, the greater will be the good to follow from it. The time now given to the commission will enable it, by this campaign of education, to bring the great bulk of industries of the state under the act, and thereby insure at the outset the distribution of the benefits under the act in all sections and among great numbers."

Riot Victim Buried.

Newport, Or., Nov. 20.—F. C. Whitten of Portland, secretary of the Democratic central committee of Multnomah county, who lives in Portland, is here to attend the funeral of his brother, Walter H. Whitten, Tuesday. Mr. Whitten was killed in a mine riot while acting as deputy sheriff at Trinidad, Col. Walter Whitten served for several years at the local life saving station.

Many Hurt in Movie Fire Panic.

Los Angeles, Nov. 20.—Two persons were severely hurt and a score received bruises in a panic resulting from a fire in a motion picture theatre.

DOCTOR KILLS FRIEND OF HIS INVALID WIFE

St. Joseph Physician Overcome With Remorse When Victim Is Dead.

(United Press Lined Wire.)
 Kansas City, Mo., Nov. 20.—Declaration that the shooting and killing here Tuesday of W. P. Cramer, an advertising solicitor of Chicago, by Dr. William T. Elam of St. Joseph, Mo., was accidental, was voiced today by Elam's attorney. The physician showed intense remorse over the affair.

"I am sure my wife was guiltless of actual wrongdoing with Cramer," he said. "Beyond that I have nothing to say. When the case comes to trial there will be another version of what happened in Cramer's room that has not been told."

Shock May Kill Wife.

Chicago, Nov. 20.—The body of W. P. Cramer, the advertising solicitor shot down by Dr. W. T. Elam of St. Joseph, Mo., in Kansas City Tuesday, arrived here today. Mrs. Elam, who is an invalid, was reported in a critical condition today.

CARRIERS TO DISTRIBUTE INFORMATION LEAFLET ON POSTING OF PARCELS

How to wrap your Christmas packages; just what it will cost you either with sealing it or tying it with cord; what is the difference in cost between the various classes, and in fact, briefly stated, every detail in connection with the shipment of parcels through the mail is explained in a big leaflet that is being sent out by the millions to people all over the United States by the postoffice department.

Carriers will distribute 25,000 of these to Portland homes. Each carrier will be given about a hundred to hand around to homes or business places on their routes where they will do the most good. The instructions are to be sent out about the first of December.

The leaflets are being gotten out with an idea of instructing the people so that unnecessary congestion at the Christmas time rush can be done away with.

Railroad Officials on Visit.

On a tour of visitation to the various cities along the lines of the Northern Pacific, three officers of the Northern Pacific Beneficiary association were in Portland Tuesday. In the party were C. C. Kyle, president, and M. C. Kimberly and C. L. Nichols, all of St. Paul. They have visited a number of hospitals and called on physicians during their trip, which was designed to spread interest in the beneficiary movement.

Burglary at Wilsonville.

Wilsonville, Or., Nov. 20.—In a burglary of the Peters Hardware company \$100 worth of knives, marked Marshall Wells company, were stolen.

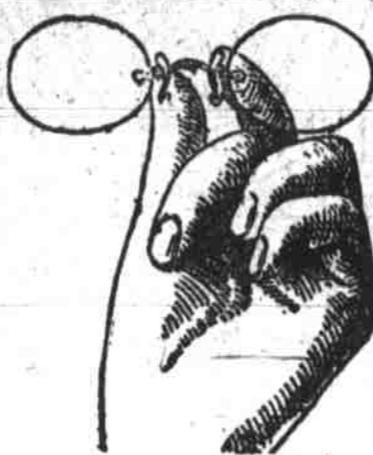
INSANE MAN KNOWS ENOUGH TO ESCAPE

(Salem Bureau of The Journal.)
 Salem, Or., Nov. 20.—By prying the lock off the window guard and lowering himself to the ground with bed sheets from the third floor of the building, Charles Holmes escaped Tuesday from the state insane asylum and is still at large. His escape was discovered and reported this morning by another patient. Holmes was committed from Multnomah county.

He is not considered very dangerous.

Mill Has Cars.

Toledo, Or., Nov. 20.—The Toledo Lumber company's mill, which has been handicapped by a shortage of cars the past two months, is again able to operate full time.



Improved Glasses Made by Improved Methods

Men lose money by mistaking a ten-dollar bill for a one-dollar bill.

Eyestrain, near-sightedness, far-sightedness, astigmatism and other forms of eye trouble quickly relieved by our glasses.

Besides eliminating the possibilities of losing money, our glasses will relieve that nervous tension that eyestrain always creates and develops.

Bankers need our glasses.

THOMPSON
 OPTICAL INSTITUTE
 209-10-11 Corbett Bldg.
 Fifth and Morrison



Joy in Boyland

Friday and Saturday, 400 K. and E. Fifty Cent Blouse Waists

29c

(Not more than 3 to one customer)

Boys' \$2 and \$2.25 Rain Capes, Extra Special, \$1.50

Boys' Corduroy Knicker Trousers, \$1 grade, all sizes, Extra Special 75c

FREE with all Boys' Knicker Suits and Overcoats—Football, Football Trousers, Go-cycles

BEN SELLING LEADING CLOTHIER

Morrison Street at Fourth

FREE, a Beautiful \$5 Lifesize Doll With Purchases of \$19.50 or Over

Pre-Thanksgiving Sale of Suits, Coats, Dresses, \$20

The Season's Most Extraordinary Sale!

500 New Dress Shapes Worth \$4.00 to \$10.00 at

\$1.75



Hats that absolutely have never been offered in Portland or anywhere else, to our knowledge, for such a ridiculously low price. This lot of 500 comprises the surplus of a Chicago jobber, offered to us at a tremendous sacrifice. You will be the one to benefit by it.

DON'T CONFUSE THESE WITH SHAPES OF INFERIOR QUALITY AND STYLE OFFERED ELSEWHERE AT A SIMILAR PRICE. MANY HATS IN THIS LOT THAT WERE NEVER MADE TO SELL UNDER \$10.00

Just listen at this! Beautiful Velvets, trimmed with the popular genuine skunk fur. Handsome White Beavers. Finest quality Hatters' Plush and high-pile Zibeline Plushes, in black, brown and navy. In the lot are about 100 real imported hand-blocked shapes. Never was there a sale to compare with this. Don't delay—be here when the

Sale Starts at 9 Friday Morning



Regular Prices to \$35.00

HERE are 350 handsome garments, selected from our regular lines at \$25, \$27.50, \$30 and \$35! All extraordinary values at original price—think what a saving you'll realize at the sale figure! We guarantee the delivery of all garments bought Friday and Saturday, in time for Thanksgiving.

The Suits Stunning models in Eponges, Poplins, Serges, Bedford, Velour de Lain, Chevots and Matelasses. Styles vary from strictly tailored to chic 2 and 3-button novelty cutaways. Our \$25.00 to \$35.00 Suits.	The Coats Here are the season's smartest Coats—big swagger novelty fabrics in jauntiest styles. Two-tone Bouches, striped Zibelines, Plushes, and also White Chinchillas and Boucles, made 3/4 and full length. Our \$25.00 to \$35.00 Coats—	The Dresses Lovely frocks of Silks and Wools. Newest creations in Crepe de Chine, Crepe Meteors, Canton Crepes, Charmuses. Also novelty weaves in wool. Styles for afternoon and street and theatre wear. To \$25.00 Dresses—
\$20	\$20	\$20

EMPORIUM
 PORTLAND'S FOREMOST GARMENT MILLINERY STORE
 21-23-25 SEWELL ST. JUST OFF WASHINGTON

FREE!!! A \$5.00 Doll

A beautiful imported Doll, standing 30 inches high, with real bisque head, long curly hair, eyes that close, real eyelashes, etc. A real \$5 Doll in every way. FREE, with purchases of \$19.50 or over in any part of store.

To \$5 Silk Waists \$2.95

—Dozens of charming styles in chiffons, and plain or striped messalines. All colors to match your Fall suit. New vestee effects, frilled collars and cuffs, etc. \$2.95 Waists up to \$5, tomorrow....

Save on Furs

Our Fur stock is brand new this season—no old, shopworn Furs. We sell Furs only when they are worn, and do not have to ask a profit that will carry our business through the Summer season. For instance—

- Rich Marmot Shawls, \$8.95. Muff to match, \$7.95
- Jap Mink Shawls or Muffs, new style, each \$16.50
- French Coney Fur Muffs or Scarfs, each \$3.95 and \$5.95

\$4 Petticoats \$2.45

—Soft Taffetas, Brocaded and Striped Taffetas in all colors. Also Messalines, guaranteed for 3 months—\$4 values, \$2.45 Friday.....

