

STATE DEFICIENCY JUDGMENT LAW IS UPHOLD BY COURT

Opinion Declares Action of Lower Court in Denying Further Collection on Mortgage Right.

DOUGLAS CASE IS DECIDED

Opinion Was Prepared by Late Justice Moore Prior to His Death; Court Not Unanimous.

Salem, Oct. 21.—In an opinion prepared by Justice Moore, just prior to his death in September, and credited to the late jurist, Chief Justice McBride today affirmed the decision of Judge J. W. Hamilton of the Douglas county circuit court in the case of A. H. Wright vs. L. Wimberly, in upholding the validity of the state law prohibiting the collection of a deficiency judgment on a purchase price mortgage.

Wright had filed suit against Wimberly in the Douglas county circuit court to recover money on a promissory note for \$3000 secured by a mortgage. Judge Hamilton ordered the lien foreclosed to satisfy the claim, but refused to give a deficiency judgment. After selling the property on order of the court and deducting costs incident thereto, the balance, \$1899, was indorsed on the promissory note. Allowing credit for this amount as a voluntary payment, action was instituted to recover the balance due on the \$3000 note, with interest, which action was dismissed by the Douglas court. The supreme court today sustaining Judge Hamilton in this action in its opinion on the appeal.

Justices Benson, Morris and Burnett, while especially concurring with Chief Justice McBride, who quotes the opinion prepared by the late Justice Moore on the case, hold that there never has been such a thing as deficiency judgment in this state and that, therefore, the law upon which the option is based is meaningless and ineffectual.

Justices McBride, Bean, Johns and Bennett, on the other hand, agree that the section is valid prohibition against any recovery in the foreclosure of a purchase money mortgage, beyond the amount which results from a sale of the property, although the creditor may sue on the note, ignoring the mortgage, and recover the full amount.

Other opinions handed down were: State vs. Norma C. Stage, appellant; appeal from Coos county; conviction and fine of \$25 for shipping two salt water crabs. Opinion by Justice Bean, Justice John S. Coke affirmed.

Peninsula Lumber company, appellant, vs. Royal Indemnity company; appeal from Multnomah county; appeal on alleged mistake in indemnity policy. Opinion by Justice Burnett. Judge C. U. Gantenbein affirmed.

Farmers' National Bank of Ponca City, Okla., vs. C. R. Benfro, et al., appellants; appeal from Lane county; alleging fraud in selling land to defraud creditors. Opinion by Justice Burnett. Judge G. F. Skidworth reversed and case dismissed.

Marie Hallberg, appellant, vs. Cornelia E. Harriet; appeal from Marion county; suit to reform mortgage and agreement indorsed on back of promissory note secured thereby. Opinion by Justice Benson. Judge George F. Bingham affirmed.

The Oregon Home Builders, appellant, vs. Montgomery, appellant; appeal from Multnomah county; action by real estate broker to recover commission. Opinion by Justice Harris. Judge W. M. Gatens affirmed.

Western Loan & Building company vs. D. H. Sphier, et al.; appeal from Deschutes county. Motion to dismiss appeal. Appeal dismissed. Opinion by Chief Justice McBride.

ONE CRIMINAL CASE IS ON DOCKET OF SUPREME COURT

Salem, Oct. 21.—The case of the state of Oregon against George S. Craig, appealed by the state from Wallowa county, is the only criminal case on the docket of the supreme court, which goes to Pendleton, October 27. The docket is as follows: Zella May Lun, appellant, vs. Maggie D. Mahaffey et al., Union county; state of Oregon, appellant, vs. George S. Craig, Wallowa county; Earl F. Cranston et al., appellants, vs. the California Insurance company, Baker county; Marlan Caldwell, respondent, vs. F. Hoskins et al., Umatilla county; E. C. Probst vs. William M. Johnson, Malheur county; George A. Hartman et al. vs. the city of Pendleton et al., appellants, Umatilla county; Robert Looney et al. vs. James Mayberry et al., appellants, Gilliam county; Aleta D. Shaw et al., appellants, vs. J. R. Corbett, Baker county; Carrie Goyen, appellant, vs. Tracy et al., appellants, Union county; H. N. Stanfield vs. Rector Arnwine, appellant, Malheur county; S. A. Laurance et al. vs. Anna M. Brown et al., appellants, Grant county; Ella C. Boeman, appellant, vs. B. E. Hinder, Baker county; Joseph Almada, appellant, vs. Byron Vandecar, Baker county; Thomas Bessner vs. Powder River Coal Dredging company, appellant, Baker county; L. G. Parman, appellant, vs. Mary M. Parman, Wheeler county.

ARTICLES ARE FILED BY THREE LUMBER COMPANIES

Salem, Oct. 21.—The Swiss Lumber company of Portland, with a capital stock of \$180,000 has filed articles of incorporation. A general logging and timber business will be done by the concern. Incorporators are E. C. Meresau, Albert Ridgeway and E. A. Johnson. Other firms filing articles were the Shotgun Lumber company, Mabel, Lane county, \$60,000. E. R. Lecky, A. E. Volek, George Engleby; Huntly-Covington Lumber company, Portland, \$5000. J. W. Huntley, G. Covington, A. E. Kidd, and Rogers Co., incorporated, Portland, \$3000. J. Green, E. A. Christensen, Grover Rogers.

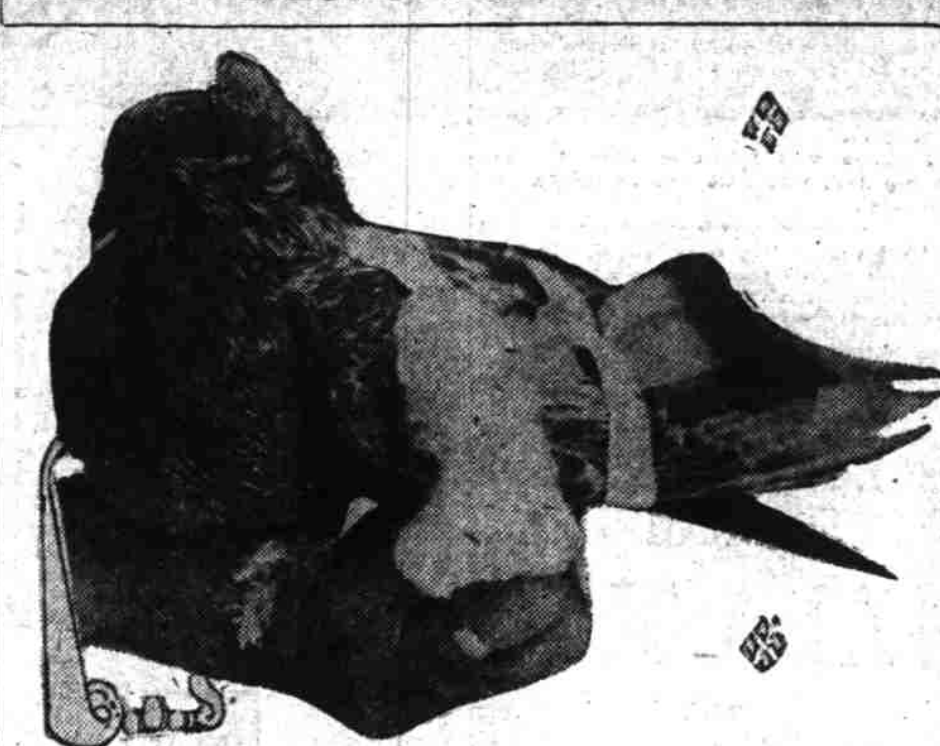
NEW HOSPITAL DORMITORY ACCEPTED CONDITIONALLY

Salem, Oct. 21.—The hospital dormitory at the state institution for the feeble minded, has been accepted conditionally by the state board of control. The conditions are that \$250 be withheld from the architect's fees and \$250 from the contractor's fees until the heating plant is made satisfactory. The arrangement of the heating plant was held unsatisfactory by the board and will be changed. The contract price of the building is \$26,602.75.

The war department has approved the construction of a marine cable connecting Cape Flattery, Wash., and Asia, by way of Alaska and the Philippine islands.

MURINE A Wholesome, Cleansing, Refreshing and Healing Lotion—Murine for Redness, Soreness, Granulation, Itching and Burning of the Eyes or Eyelids; "7 Drops" After the Morning, Morning and Evening. Add your Drugist for Murine when your Eyes Need Care. Murine Eye Remedy Co., Chicago.

PIGEON RESPONDS TO SICK CALL



Purple clad street gammin answers to the name of "Bill." Dr. Loeding fixes his broken wing.

For a semi-domestic bird the street pigeon is a pretty game proposition. Witness the case of "Bill," a purple feather friend, who got tangled up with an auto at Fourth and Oak streets Friday afternoon and came off with a broken wing. Though painfully bruised, "Bill" did not even whimper, but strutted bravely about until he attracted the attention of passerby. Pull of pep, the wounded pigeon gave a dozen men and boys a merry chase, dodging about under parked cars. A postman finally corralled the bird underneath his cap and a Journal scribe took him to the office of Dr. Charles Loeding for medical attention. Properly splinted and bandaged, the wing is doing nicely, and in a week "Bill" will join his fellows on the pavement. When hungry, which is most of the time, Mr. Pigeon answers to the name of "Bill," and that's why Loeding and his friends refer to him as "Bill."

HIGHEST COURT IS TO BE ASKED TO DISMISS JULIUS WILBUR CASE

Man Convicted of Violating Oregon Dry Law Out of State; Attorney in France

Salem, Oct. 21.—Attorney General George M. Brown and Gilbert Hedges, district attorney of Clackamas county, have made arrangements for counsel to appear before the supreme court of the United States and ask formal dismissal of the case of Julius Wilbur, formerly in charge of the Friars' club of Milwaukie. Wilbur was charged, convicted and sentenced to jail for having sold liquor on September 23, 1918, in violation of the state prohibition law. He appealed to the state supreme court, which sustained the conviction, but he then appealed to the supreme court of the United States.

Tells How Thin Folks Can Put on Flesh and Get Strong

People who have tried it—and hundreds of folks right here in Portland have done so—say that if you are weak, thin, nervous, the quickest, surest and best way to get strong, put on flesh, have nerves of steel and be able to sleep well, is to take a 5-grain tablet of Blood-Iron Phosphate with every meal. The almost invariably remarkable benefit following the use of Blood-Iron Phosphate is said to be due to the fact that it does two things—feeds the nerves and supplies iron to the blood. So uniformly successful are the reports from those who have used it that The Owl Drug Co., as well as all other leading druggists, now supply Blood-Iron Phosphate under a guarantee of satisfaction or money back. Inasmuch as three weeks' treatment costs only \$1.50 if you like it—nothing if it fails—every weak, thin, nervous, rundown, anaemic man or woman should begin the use of Blood-Iron Phosphate today and get back on the road to health, strength and happiness without delay.—Adv.

CLOTHES for the man who has more important things to think of—

The man of many affairs finds in my ready-for-service clothes all the qualities he demands.

Here are clothes that are ready on the instant—smart, handsome, well-proportioned, faultlessly tailored—the kind of clothes YOU like to wear.

Many of Portland's most successful business and professional men buy their clothes from me; it pays them.

Overcoats and Suits \$25 to \$90

Ben Selling

LEADING CLOTHIER

Morrison Street at Fourth

SCHOOL ENROLLMENT IN SALEM 20 PER CENT GREATER THAN EVER

Youth Trained in School Machine Shop Makes Splendid Record in Commercial Plant.

Salem, Oct. 21.—An increase of 20 per cent over all previous enrollments has been made in the Salem public schools this year, according to announcement made at the Commercial club lunch Monday by John W. Todd, city superintendent of schools. The greatest proportional increase is in the high school and junior high schools. The school has enrolled 21 returned service men, one, 23 years old, being enrolled in the junior high school. He has a record of 15 months' overseas. The boys of the manual training department have completely remodeled an old house belonging to the school district, making it a comfortable modern home. It is occupied by six teachers and is cared for by the girls of the domestic science department. The schools operate four cafeterias, each having its own kitchen, and these will net a slight revenue for the school district instead of being an expense. The machine shop of the high school netted the district \$1100 during the summer months. One boy of this department, for a test, was put in a commercial shop and turned out in one day 12 jobs of the same kind that regularly paid mechanics turned out at the rate of four a day.

TWO FILE APPLICATIONS FOR APPROPRIATION OF WATER

Salem, Oct. 21.—Application for the appropriation of 500 second feet of water from the Deschutes river for the irriga-

tion of 100 acres of land, the development of power and for domestic uses, was filed with State Engineer Percy A. Cupper, by Albert S. Roberts of The Dalles.

Mrs. A. M. DeWitt of Austin filed application for the appropriation of water from Big Butte creek for the irrigation of a small tract.

State Capitol Personal

Salem, Oct. 21.—Percy A. Cupper, state engineer, returned Sunday from Baker county, where he made an investigation of irrigation projects last week. There are seven districts in the county either already organized or in process of organization, according to Cupper. They embrace a total of approximately 100,000 acres, 70,000 of which are included in the Lower Powder valley district. Forty thousand acres in this district are Casey act lands. The other projects inspected by Cupper at this time were on Sparta, Pine valley, Durkee, Bridgeport, South fork and Hereford districts.

F. A. Elliott, state forester, left Monday morning for Klamath Falls, where he is attending the sessions of the Fire Patrol associations of Klamath and Lake counties.

J. A. Churchill, state superintendent of instruction, left Sunday for Wallowa to attend the session of the Wallowa county teachers' institute.

Dr. F. H. Thompson returned Sunday from Astoria, where his last week on business for the state industrial accident commission.

Will T. Kirk, industrial accident commissioner, was in Portland Monday on official business.

E. E. Blanchard of Grants Pass, an attorney for the state land board in Douglas county, dropped in on G. G. Brown, secretary of the board, Monday, on his way home after a visit with relatives in Ohio and Chicago.

Louis H. Compton, state parole officer, has gone to San Jose, Cal., to bring back a man named Nugent, who is alleged to have violated his parole.

H. W. Gard, John Henderson and T. N. Vibbert, directors of the North unit irrigation district, and A. D. Anderson,

Heads Are Cracked When Strikers and Policemen Clash

Pittsburg, Pa., Oct. 21.—(I. N. S.)—Rioting broke out in Braddock when loyal steel workers who were leaving the Edgar Thompson plant at noon were attacked by a crowd of strikers and their sympathizers. One state policeman and many of the men were badly beaten up. It was estimated that 1000 men participated in the fighting. The workers had been fed in the militia until

today when it was thought safe for them to go to their homes for dinner.

Armed Vagrant Goes to Jail

Centuria, Wash., Oct. 21.—John Connelly, arrested Sunday on a charge of vagrancy, was sentenced to 35 days in the city jail. When taken into custody, a revolver, much ammunition, a flashlight and two handanna handkerchiefs were found on his person.

To Prevent Influenza

Colds cause Grip and Influenza—LAXATIVE BROMO QUININE Tablets remove the cause. There is only one "Bromo Quinine." G. V. GROVE'S signature on box. 20c.—Adv.

No fortune-telling 'settlings' in a cup of Ghirardelli's

The smooth, creamy-blended beverage you make from Ghirardelli's Ground Chocolate keeps its even consistency till the cup is drained.

THIS quality of Ghirardelli's—the absence of all settlings left in the cup—is appreciated by more than a million families in the west, the constant and consistent users of Ghirardelli's Ground Chocolate. You can only buy Ghirardelli's Ground Chocolate one way—in sealed cans. It is never sold in bulk. At your grocer's—in 1/4 lb., 1 lb. and 3 lb. cans

Say "Gear-ar-delly"

Since 1852 D. GHIRARDELLI CO. San Francisco

GHIRARDELLI'S Ground Chocolate

Start with a Modern Bathroom!

SOME persons plan their new home from the outside in, and others plan from the inside out. But it's usually the women-folks who say, and with some emphasis too, "Let's have a modern bathroom." And they're right!

Up-to-date bathroom fixtures are not only a "safe and sane" investment from a money standpoint, but they also afford genuine pleasure to every member of the household. No one enjoys an old-fashioned bathroom. And no one likes to pay repair bills—the "twin-brothers" of antiquated fixtures.

Begin your plans with the bathroom, and see our model display today. Our stock of Thomas Maddock's modern, sanitary fixtures is exceptionally complete.

THE GAULD COMPANY

Portland, Oregon

High-Grade Plumbing Fixtures

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