

### BARNUM'S RAILWAY INVOLVED IN CASE

#### Claim For Electric Current Given Priority Over Mortgage

Barnum's celebrated railway system extending from Medford to Jacksonville, Oregon, was involved in the decision of the supreme court yesterday in the case of Barnum vs. Southern Oregon Traction company and others, appealed from Jackson county, opinion by Justice Harris. The question involved in the suit was whether a claim for electric current furnished for light, heat and power used in the operation of the

railroad is entitled to priority over a claim for interest due to a mortgage covering the railroad. W. S. Barnum, former owner and operator of this Lilliputian railway system, held a mortgage on the property for \$57,000 which he sought to foreclose. A receiver was appointed sometime in November, 1918 and proceeded to operate the line until about July 1919, when it was purchased by Barnum at a foreclosure sale. The California Oregon Power company, held a claim against the railroad for \$1563.50 for electric current used in its operation and claimed preference over the interest due on the mortgage.

The opinion of Justice Harris affirms the decree of the circuit court. It being held that claims which have accrued within a reasonable time before appointment of a receiver will be given preference over claims for interest due on a mortgage debt, and that six months is accepted as the usual time limitation. The plaintiff's claim for interest falling due three months prior to the beginning of the six months period, the power company's claim was held inferior.

Wheeler vs. Steadman, appeal from Lane county, G. F. Skipworth, judge; action in replevin for recovery of livestock, judgment in favor of defendant reversed and demanded, opinion by Chief Justice Burnett.

Stallie vs. Rosimus, appeal from Jackson county, F. M. Callins, judge; suit to quiet title, defendant claiming interest by reason of mortgage thereon, decree for defendant affirmed, opinion by Justice Johns.

Lancaster Tire & Rubber company vs. McGraw, appeal from Multnomah county, W. N. Gatens, judge; action to recover money on sale of automobile tires, defendant claiming that tires were sold to the corporation with which he was employed. Judgment of lower court in favor of plaintiff affirmed in an opinion by Justice McBride.

Hickey vs. Daniel, appeal from Tillamook county, George R. Bagley, judge; action in ejectment against defendant arising over disputed boundary line. Judgment

ment for defendant affirmed, opinion by Justice Bean. United States National Bank of Portland vs. Holton et al, appeal from Multnomah county, W. N. Gatens, judge. Suit to foreclose a mortgage. Decree in favor of defendant William Vaziz, and property ordered sold under foreclosure to satisfy his mortgage, subject to prior rights of plaintiff. The decree of the court below in favor of the Pacific Northwest Adjustment company is reversed with costs taxed against it in favor of Vaetz. Opinion by Justice Brown.

Clarke, as administrator vs. Philomath college, appeal from Benton county, G. F. Skipworth, judge. On petition for rehearing by defendants, with motion by plaintiff for modification of decree allowing costs of administration and of suit. The petition for rehearing was denied, and the plaintiff's motion allowed, opinion by Justice Bean.

Petitions for rehearing were denied in Plazer vs. Krattiger and Hansen vs. Day.

His Trouble is All Gone  
"I was afflicted with pains all over my back and kidneys," writes Charles McAllister, 1 Clark Ave., Kearney, N. J. "After three or four boxes of Foley Kidney Pills I became all right and my pain is all gone." Foley Kidney Pills relieve backache, urinary irregularities, rheumatic pains, stiff joints, swollen muscles and other symptoms of kidney trouble. It is a splendid medicine, prompt in action, and always helps. Contains no habit forming drugs. Sold everywhere. (adv.)

### HOUSE ROAD BILLS UP TO GOVERNOR

#### Roosevelt Highway and Seven Million Dollar Bond Measures Pass

Concluding highway legislation of the state legislature was completed by the senate at its forenoon session yesterday, including the \$7,000,000 bond bill and the latest Roosevelt highway bill. Both the measures were house bills and now go to the governor. This measure brings the total in bonds authorized for highway purposes to within \$2,000,000 of the constitutional limitation of 4 per cent of the assessed property valuation of the state.

The vote on the measure was as follows:  
For—Banks, Bell, Dennis, Eberhard, Eddy, Edwards, Gill, Hall, Hare, Jones, Lachmund, LaFollett, Nickelsen, Norblad, Paterson, Porter, Robertson, Ryan, Smith, Upton, Vinton, Rittner.  
Against—Ellis, Farrell, Joseph, Strayer.  
Absent—Hume, Moser, Staples, Thomas.

The new Roosevelt highway bill had obstacles to overcome before it got by, especially when the senators were apprised that the highway commission is not in complete accord on the measure. Upon motion of Senator Lachmund, two members of the commission, R. A. Booth, chairman of the commission, and John P. Yeon were extended the privilege of the senate to speak on the measure. Mr. Booth said that the bill is a compromise that eliminates the controversy that has existed over proposed Roosevelt highway litigation with the exception of that over the policy that highways should be designated by the commission and not by the legislature. Mr. Yeon, who adheres to this objection to the bill, said the measure appeared to be an injustice to other parts of the state whose representatives had gone home satisfied when refused designated roads by the legislature.

Senator Upton said he regretted that members of the commission had come upon the floor and expressed a variance of opinion, declaring that he could see no reason for calling them before the senate in the rush of the last hours. He urged the members to assert independence enough in their votes to vote for the bill.

Senator Hall, chairman of the senate highways committee, spoke in behalf of the bill and Senator Joseph spoke against it. The bill designates the Roosevelt coast highway as a state highway to which may be applied state highway funds by the commission, but it re-enacts the clause of the 1919 act whereby state funds applied to the road must be matched dollar for dollar by the federal government. The vote on the bill was:

For—Banks, Bell, Dennis, Eberhard, Eddy, Edwards, Farrell, Hall, Hare, Jones, Moser, Norblad, Paterson, Robertson, Ryan, Smith, Staples, Upton, Vinton, Rittner.  
Against—Ellis, Gill, Joseph, Lachmund, LaFollett, Nickelsen, Porter, Strayer.  
Absent—Hume, Thomas.

### Special Committees Consider Legislation

President Rittner of the senate yesterday made several appointments of senate members for the joint legislative committees provided for by resolution of one or other house. The appointments were:

Senator Bell, under H. C. R. 7, by Lynn, for the appointment of a committee to investigate benefits of a uniform accounting system.

Senators Eberhard and Norblad under H. J. R. 12, by Leonard and others, to draft an argument in behalf of bonus legislation referred to the people.

Senators Staples and Vinton, under H. J. R. 14, by Sheldon, providing for a joint committee of the house and the senate to study the general question of guaranteeing bank deposits.

Senator Hare, under H. J. R. 6, by Sheldon, to confer with leg-

islative committees of the Washington and Idaho legislatures relative to the alien problem.

Senators Eddy and Joseph, under S. J. R. 13, to draft an argument in behalf of a veto power measure to extend the veto power of the governor.

### CLOSING HOURS COMBINE WORK

(Continued from page 1)

services he has rendered to the house of representatives during this session was read and adopted. The gift of the house to Speaker and Mrs. Bean, a silver tea service, was presented several days ago. Representative Roberts was in the chair.

Although both houses did not adjourn until shortly after 4 o'clock, the clock in the house was stopped at 11:30 and the one in the senate at 11:30.

### Bill to Limit Drawing Of Deeds is Killed

Senate bill 380, designed to prevent real estate brokers from drawing ditch land contracts and other legal papers, one of the most discussed bills before the legislature, was killed by indefinite postponement yesterday.

### Read The Classified Ads.

### OLCOTT AND KOZER INITIATED TO FRAT

#### State Officials Made Members of Phi Sigma Kappa

With Sunday's initiation of Governor Ben W. Olcott and Secretary of State Sam Kozer, followed by open house, the ceremonies incident to the installation of Theta, Deuteron chapter of Phi Sigma Kappa on the O. A. C. campus were completed.

The impressive ceremonies began on Friday and continued night and day until the finale Sunday afternoon, when the old Umpqua club, grown into Zeta Epsilon, found itself officially converted into Theta Deuteron and a part of one of the strongest and most conservative of the large national fraternities.

Zeta Epsilon's admission to the sacred circle came last November at the national meeting in Chicago and was the only petition granted at that session. This honor is the first granted since 1917, and marks the third that

has come to the west, the other two recognitions having come to the University of California and University of Nevada.

National installing officers, Arnold C. Otto of George Washington university, and R. R. Lawrence, national treasurer, assisted by representatives from the University of California and University of Nevada, put on the work.

### Hartwig Comments On Appointment of Davis

Otto Hartwig, president of the State Federation of Labor, yesterday commented briefly on President-elect Harding's appointment of James J. Davis of Pennsylvania as secretary of labor.

"Unfortunately," said Mr. Hartwig, "I shall not have the pleasure of an acquaintance with Mr. Davis. I am hoping, however, that the same good judgment was used in this instance as that displayed by Mr. Harding in the choice of such men as Mr. Hughes and Mr. Hoover."

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