

DEED SUPERSEDES ZONING ORDINANCE

Building Restrictions in Laurelhurst, Portland, Hold, Court Rules

Building restrictions included in a deed supersede the provisions of the Portland zoning ordinance, it was ruled by the supreme court here Tuesday when it affirmed Judge Robert G. Morrow of the Multnomah county circuit court in his decision for the plaintiff in a suit filed by Sophronia Ludgate to enjoin Robert Somerville from violating deed restrictions upon lots in Laurelhurst addition.

The record in the case showed that Somerville obtained title to a triangular lot in Laurelhurst addition in February, 1924, and later announced his intention of constructing thereon a gasoline filling station. He contended that the part of Laurelhurst abutting upon Sandy boulevard had so completely changed in character during the past few years that it no longer was suitable for residence purposes.

It also was alleged by the defendant that the building restrictions relative to the property in question were superceded by a zoning ordinance initiated by the voters of Portland in 1924 which, among other things, purported to permit certain business activity in that portion of Laurelhurst on both sides of Sandy boulevard and 100 feet back thereof.

"There is no question that the construction of a gasoline station is in violation of the building restrictions in Laurelhurst," read the supreme court opinion. "What is the effect of the zoning ordinance purporting to permit the operation of such business? Does it supercede and nullify the restrictions previously put upon the property by those who platted it?"

"The zoning ordinance of Portland undertakes to place no restriction upon single detached dwelling houses. The primary object of the law, without doubt, was to prevent the invasion of residential districts by commercial interests. Who are clamoring for this gasoline service station? Surely not the public. No great public inconvenience will result if consumers of gas are obliged to go 1000 feet to that part of Sandy boulevard to which the restrictions do not apply. It is true that defendant's lot would make an ideal service station and no doubt much profit would result. However, the call of Mammon makes no appeal to equity. Police power is not to be exercised to thwart or nullify lawful agreements which

in no way operate to the detriment of the public welfare.

"Besides Sandy boulevard, there are other main thoroughfares crossing Laurelhurst. If the restriction is to be removed as to one it may be to others. If the city can authorize the operation of business within the 100-foot strip it could extend back for a thousand feet, or it could throw the entire district open to commercial activity. We conclude that the zoning ordinance has no validity so far as it contravenes the restrictions in question."

The opinion was written by Justice Belt.

Other opinions handed down today follow:

In the matter of the will contest involving estate of Robert Carr, deceased, John Carr, appellant, versus Katherine D. Ryan, executrix; appeal from Multnomah county; suit to contest will. Opinion by Justice Bean. Judge George Tazwell affirmed.

State of Oregon versus Kay No-dine, appellant; appeal from Curry county; appeal from conviction on charge of selling intoxicating liquor. Opinion by Justice McBride. Judge John C. Kendall affirmed.

Chris Lachelle and Mary Lachelle versus Oregon Realty Exchange Investment company, appellant; appeal from Marion county; suit to foreclose mortgage. Opinion by Justice Coshov. Opinion by Judge L. H. McMahan modified.

B. F. Giesy versus Aurora State bank et al, defendants, and J. Weiner, appellant; appeal from Marion county. Motion for rehearing. Opinion by Justice Brown. Motion denied.

D. J. Timmins, plaintiff, versus J. R. Hale, defendant; appeal from Multnomah county; appeal from order setting aside judgment for plaintiff and granting new trial to defendant. Opinion by Justice Rand. Judge George W. Stapleton reversed.

Frank Espenhain, appellant, versus Reuben F. Barker and American Rotary Valve Motors company, respondent; T. R. Phillips, appellant, versus Reuben F. Barker and American Rotary Valve Motors company, respondent; appeal from Multnomah county; suit to enforce performance of contract. Opinion by Chief Justice Burnett. Judge Ashby C. Dickson affirmed.

TRUSTEES OF WU ELECT PROFESSOR

Routine Matters Handled by Board Included Final Report on Estate

Cecil Monk, a graduate of Nebraska Wesleyan, was named yesterday by the Willamette university board of trustees as the successor to R. Darwin Burroughs in the biology department. Mr. Monk received his master's degree from the University of Illinois, where he is now serving as instructor in biology.

High recommendations accompanied Monk's application for the position. A letter from the American Microscopical society asserted that he had unusual promise in the field of science.

Burroughs resigned to accept a position as instructor of biology at Oklahoma City university.

Routine matters handled by the board included final report on the estate of Grace E. Blackwell, who left \$1500 to the Willamette university forward movement fund.

Committees to consider plans for installing a fire alarm system in Lausanne hall and a new sprinkling system for the campus were appointed.

FEIGNED SUICIDE AS TEST OF FAITH

Christenson Leaves Articles on Bank of River; Officers Find Him

That Leland R. Christenson, 29, of 118 1-2 Killingsworth avenue, Portland, posed as a war veteran to win the admiration and love of a girl, and then endeavored to test out her faith by a fake attempt at suicide was discovered, according to police officers, when the man was taken into custody here yesterday.

According to the police, Christenson had been engaged for about two years to a local nurse when he began to doubt her affection. Accordingly, he prepared two letters, one to police officers and one to his sweetheart, saying that he was jumping into the river because he had been jilted. The letters he placed on the bank of the river with articles of clothing and then went to the girl's house to await results.

When the letters were discovered officers were dispatched to the girl's address on one of the envelopes, where Christenson was found in hiding.

Christenson was carrying a Legion button when arrested but, officers say, he admitted finding the button.

N. P. RAILROAD COMMITS ITSELF TO EXTENSION

Acceptance Filed ST. PAUL, May 31.—(AP)—

The Oregon Trunk railway has filed with the interstate commerce commission its acceptance of the commission's conditions for extending its line to Klamath Falls, Ore., it was learned here today.

Under these conditions, actual construction must start by July 10 on the extension of trackage from Bend to Klamath Falls, which is the heart of an important lumbering district.

The Oregon Trunk is owned jointly by the Great Northern and the Northern Pacific railways. Recently the latter decided against participation in the proposed new construction under the then prevailing terms.

Whether the Northern Pacific will now participate, or permit the Great Northern to take over the project alone, probably will be determined tomorrow at a meeting of the Northern Pacific directors in New York.

BIG RECEPTION FOR LINDBERGH PLANNED

reach Washington before President Coolidge leaves on June 13 for his summer vacation.

Should Lindbergh arrive in time, he will be asked by President Coolidge to be his guest at the temporary White House here. It was assumed that his mother, if she elects to come from Detroit to meet her dare-devil son, also would be invited to share the hospitality of the executive mansion.

Promotion Planned

The president's hope that immediate honors for Lindbergh might include promotion in the army air corps reserve, in which he holds a captaincy, also was discussed by the committee.

The war department is examining the governing laws, and Secretary Davis said he believed the aviator might be elevated to the rank of major. He explained however that a higher rank in the reserve would take Lindbergh from his duties in the Missouri national guard, of which he is a flight captain, and that he might object to that feature.

PRUNE MARKETING PLAN PROPOSED AT MEETING

convention got off to its scheduled start with close to 175 persons for the initial assembly.

Senator Lloyd Reynolds of Salem was unanimously elected permanent chairman.

Rumored movement for compromise between the Parker plan and present pure cooperative sales agencies materialized in the keynote speech of Paul V. Maris, director of extension service, in calling the convention to order. After pointing out the necessity of agreeing on some workable program here and now and presenting an analysis of the various plans suggested, he asked consideration of a system whereby present independent growers might go either with the present North Pacific cooperative exchange or pool their crop for sale through private packers with a subsequent cooperative exchange and of the agreement between directors of the pool to eliminate price cutting, which, it is agreed, has disrupted the industry.

Four members of the "committee of five" which has been considering the Parker plan in recent months, are attending this group's meetings. These are C. L. Dick, R. H. Kipp, W. W. Wood, and M. J. Newhouse. Louise Lachmond, Salem packer, is the only member of this committee not yet here.

FRATERNAL TEMPLE HOME TO BE BUILT

Final Plans to Be Worked Out and Construction to Start in Summer

Construction of the new building of the Fraternal Temple association will be done this summer, according to L. S. Geer and C. E. Albin of the building committee. The building will be erected on Center street east of the Evangelical church and will cost \$30,000. Final plans will be worked out so that bids may be called for immediately.

A three-story structure is in view with a large storeroom on the first floor to be rented for an automobile salesroom or similar purpose.

The second floor will contain lodge rooms, foyers, washrooms, lockers and similar adjuncts. The rooms will be arranged so that they may be made into one large

Drama to Be Presented by Silver Cliff Club

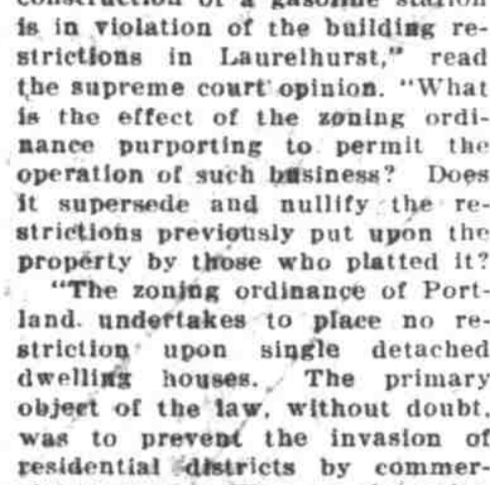
"Under the Laurels" a drama in five acts, will be presented at the Silver Cliff dramatic club, June 3, at the WOW hall at Victor Point, 8:30 P. M.

The cast of characters follows: Kyle Brantford, "Ky," a lawyer; Jim Curnutt; Mrs. Milford, a widow; Leona Krenz; Frank Colewood, an adopted son, Ralph McKay; Rose Milford, an adopted daughter; Florence Nesheim; Robert Button, "Bob," hired man; Paul Jaquet; Sooky Button, Bob's sister; Ruby Jaquet; Polly Dowler, a maid; Dorothy Lais; Ike Hopper, hired man, "Pat" Fox; Mr. Blake, sheriff; Chester Mulkey and Zeke, colored servant; Romie Lais.

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Thursday, June 2nd

Those of our neighbors who have attended the Dad Watson Real Old Time Dances at Salem are preparing to attend the next dance to be given at Crystal Garden—Salem—Thursday evening June 2.

This party given prior to the Portland Rose Festival will be featured as a Tin Whistle Dance. Dad Watson's entire Portland Radio Orchestra will be present—a live wire floor committee will care for strangers—plenty of quadrilles and other old time dances—no jazz music—no jazz dancing.

Dad Watson tries to earn the name and deserve the reputation for sponsoring the most enjoyable Real Old Time Dances in the United States—Those who have attended will bear witness.

Remember—Next Thursday Evening—June 2—at Crystal Garden, Salem

You will have a good time—you will enjoy yourself

NORTHERN COLLAPSE IS NOW REPORTED

ers at Shanghai that troops of foreign countries would be assembled at Tientsin or possibly Peking, but it has been reiterated that Admiral Williams, commanding American naval forces in Chinese waters and General Butler are empowered to use their own discretion in the movement of troops at their disposal.

LONDON, May 31.—(AP)—Irregular reception of despatches from Peking today indicates that the censorship is active but despatches to the Associated Press state that the Anluochou, or northern alliance, now admits the withdrawal of the northerners on the whole front owing to reverses at the hands of the southern (nationalist) armies in Honan.

With this news of the northerners' collapse, which is taken here to herald the possible early fall of Peking, comes confirmation of reports which have been gathering force in the past few days, that the powers have decided to send expeditionary troops to the number of 16,000 to Peking and Tientsin and to take other measures for the protection of foreign interests.

Marshal Chang Tso-Lin, the northern leader, naturally describes the retreat as a deliberate tactical move which will not involve removing his headquarters, but it is held that this means the surrender to the southerners of the whole Honan province, south of the Yellow river, all of Anhwei and the entire Lunghai railway.

Official reports reaching the British government confirm the southerners' successes and the foreign office takes such a serious view of the position that warnings have been sent to Peking for the safety of British women and children.

No decision has yet been taken as to whether it will be necessary to send reinforcements in addition to this to China, but it is understood that it is exceedingly probable air reinforcements will be despatched as it is contemplated to protect the Peking-Tientsin

Many Requests for Aid Received by Association

Twelve requests for aid were received by the local office of the Associated Charities on Tuesday, according to Mrs. Mae Young, manager in charge of the local work. Assistance was given in every case, after investigation. Most of the requests were for clothing.

Beginning today, and during the summer months, the office of the Associated Charities will be open only on Monday, Wednesday, and Friday. Persons having donations to make, or wishing to report cases needing relief, may call Mrs. Mae Young at 1645-W, or Mrs. John Carson, Fisher Apartments, at times when the office is not open.

Penn Pioneers Enjoy Hike; Travel 25 Miles

The Penn Pioneers of South Salem made a trip up Crooked Finger road from Scotts Mills last Saturday. They spent the night in a barn and Sunday night in a deserted cabin. They visited Butte creek and Abiqua river. The boys hiked about 25 miles. Those making the trip were: Raymond Randall, Howard King, Rudolph Calaba, Otaker Cervick, Alfred Queeseth, Clyde Harmon, Harold Tovey, Lloyd Riley, Lowell Wright and R. L. Wright, the Pioneer leader.

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BIDS REJECTED; PLANS SUGGESTED FOR PAVING

would furnish the material and the company would put in the equipment and furnish the labor.

The installation of a central mixing plant was discussed, but considered impractical as a municipal project.

Plant Inadequate

The committeemen were pretty well decided that the paving should proceed as rapidly as possible, but how to do it was the problem. Chairman Townsend pointed out that the paving plant probably would not even finish paving asked for in 1926, let alone the 47,000 and some square yards sought this year. Alderman Dancy felt that the 16-hour shift for the present plant was the best plan, while others were in favor of the purchase of a new mixer.

Commissioner W. S. Low, in charge of the paving plant, has been asked to meet with the committeemen at a special session tomorrow evening so that his viewpoint can be secured.

King Awards Cross

LONDON, May 31.—(AP)—King George of England and Queen Mary gave America's young aviator a fitting welcome when he visited the sovereigns at Buckingham palace today.

Queen Mary came in and sat in rapt attention, with eyes of admiration on the youth who has achieved what no man ever achieved before—a straight swift race across the Atlantic, from one

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For That Is the Month That Brings Forth the Lovely June Bride

40-inch White Satin Crepe soft and shimmering, lovely for brides' dresses, yd. 2.98	40-inch White Crepe de Chine, greatly favored this season. 1.69 yd. 1.98
40-inch Skinner's White Silk Canton, beautiful quality—very durable a yard 2.98	40-inch White Washable Flat Crepe—a very beautiful material for dresses or slips a yard 2.50
40-inch White Canton Suede Crepe—your wedding dress will take on added smartness if made of this charming lustrous satin, a yd. 2.98	40-inch Truba Washable Crepe—beautiful soft, supple silk, that will make a most attractive bride's dress a yard 3.75

Many other Lovely White Silks, Satins and Laces that Every Bride Loves Best Are Here for Her Selection

June Bride Gifts

You'll rejoice in the sight of lovely patterned table linens; luncheon sets and towels; hand made Madeira pieces; Italian cut work; Cluny lace and Venice lace Doilies and Scarfs.

Pictorial Review Patterns for June and July are now on sale

Quarterlies displaying early fall styles are now in

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