

### THREE CASES ARE DECIDED

Opinions Handed Down by the Supreme Court Yesterday

**THE SOUTHERN PACIFIC COMPANY SECURES A DECISION IN THE GLENDALE HOTEL CASE — THE NOBLITT-DURBIN CASE DECIDED IN FAVOR OF THE RESPONDENT ORDERS MADE.**

In the Supreme Court, yesterday, three opinions were handed down in cases heretofore heard on appeal. They are:

**Maurice Abraham, administrator of the estate of Sol Abraham, appellant, vs. Oregon & California Railroad Company and Catherine Clarke, respondents; appeal from Douglas county; Hon. J. W. Hamilton, judge; affirmed. Opinion by Associate Justice R. S. Bean.**

This was a suit to enjoin the defendants from operating, or permitting to be operated, a hotel or eating house on land conveyed to the decedent company by the plaintiff and his grantors, for all legitimate railroad, depot and warehouse purposes, on the ground that it is maintained for the accommodation of the general public and is not necessary or convenient for the operation of the railroad. The court says: "Our conclusion from the evidence is that the hotel or eating house maintained by the defendants, or under their supervision, is convenient and proper as an incident to the management and operation of the railroad, and it is therefore a legitimate railroad purpose, within the meaning of the head from the plaintiff to the defendants. The decree of the court below will, therefore, be affirmed."

**Mrs. L. R. Noblitt and G. F. Ziegler, respondents, vs. F. W. Durbin, appellant; appeal from Marion county, Hon. Geo. H. Bur-**

**sett, judge; affirmed. Opinion by Associate Justice R. S. Bean.**

This action was brought to recover possession of personal property, attached by the Sheriff as the property of L. R. Noblitt, but claimed by his wife. The trial court found the property belonged to the wife, and this appeal was taken. Testimony tending to show that the husband had offered to pay some of his debts with the property in question was ruled out. The appellate court holds that the testimony in question did not conflict with that of Mrs. Noblitt. The instructions requested and not given, the court holds were in part, and sufficiently given in the general charge. The court, therefore, affirmed the judgment of the lower court.

**Elizabeth Robson, appellant, vs. Julian Hamilton, et al., respondents; appeal from Linn county, Hon. R. P.alse, judge; reversed and remanded. Opinion by Chief Justice F. A. Moore.**

This was a suit to set aside a deed to real property and subject the premises to the satisfaction of a judgment. Four notes for \$200 each were given by the defendant in 1884, due in one, two, three, and four years. The first was paid, but the remainder remained unpaid, and plaintiff began action and attached the land. At the trial plaintiff secured judgment, on October 23, 1900. Defendant on October 1, 1898, had transferred the land to her mother, without consideration, and the complaint states, it was done for the purpose of delaying her creditors. At the trial the court dismissed the action after the plaintiff's testimony was in, much of which was excluded. The court holds that certain evidence excluded should have been admitted, and that the defense should have submitted its testimony.

**The case of John W. Gardner, respondent, vs. D. C. McWilliams, appellant; an appeal from Douglas county; argued and submitted by Dexter Rice for respondent, and John T. Long for appellant.**

Minor orders were also made by the court as follows:

**Ellis G. Hughes, appellant, vs. Charles E. Ladd, et al., respondents; ordered on motion that appellant's time to file a petition for rehearing be extended thirty days.**

**J. Thorburn Ross, Trustee, appellant, vs. City of Portland, respondent; ordered on stipulation that the hearing of this cause be postponed until after**

**October 1st.**

**Laura Deane Cox, minor, respondent, vs. Royal Tribe of Joseph, appellant; ordered on stipulation that appellant's time to serve and file its brief be extended to September 15th.**

**Olevia E. Kitchen, respondent, vs. W. H. Hoimes, appellant, ordered on motion of appellant that the clerk of the court below be requested to send up certified copy of the bill of exceptions, omitted from the transcript.**

**U. S. Mortgage & Trust Company, respondent, vs. P. L. Willis, appellant; ordered on petition for rehearing that neither party be allowed costs in this court upon the appeal.**

**W. A. Coughanour, appellant, vs. James Welch, et al., respondents; ordered that motion of W. A. Coughanour, appellant, to modify decree as to costs be overruled.**

**State of Oregon, respondent, vs. John Hall, appellant; ordered on motion of appellant that time for petition for rehearing be extended to July 31st.**

**ONE JUROR HELD OUT.**

**CHICAGO, July 21.**—After a wrangle with an obstinate juror, which lasted 24 hours and became so heated at times that fists were shaken in the persistent man's face by his associates, a disagreement has resulted in Judge Brentano's court in the case of Martin Howe, constable, charged with the murder of James F. Harty. Juror Charles A. McDonald, who stood out persistently against conviction, said he believed that the constable acted in self-defense.

**NEW ARMY POSTS.**

**WASHINGTON, July 21.**—The Army Board has allotted funds for the new army posts on the Coast, in addition to those previously stated, as follows: Monterey, \$125,000; Fort Worden and Fort Casey, Wash., and Fort Rosecrans, San Diego, Calif., \$120,000 each; Presidio, San Francisco, \$75,000; Haines Mission, Alaska, \$250,000.

**A PRESBYTERIAN SOCIETY.**

**TACOMA, Wash., July 21.**—Trains have been coming into Tacoma today, with officers and delegates to "Our Young People's Christian Union" of the United Presbyterian church, President Millard McDurdo, of Sparta, Ill., chairman of the General Committee of the Young People's Societies, arrived today.

Legal Blanks, Statesman Job Office.

### THE OREGON PRUNE CROP

Henry A. Townsend's Estimate of this Year's Output

HE THINKS THAT THIS STATE WILL PRODUCE LESS THAN SIX HUNDRED CAR LOADS — THE FRUIT SHOULD BE HELD FOR BETTER FIGURES

**Editor Statesman:**

For the benefit of prune growers, of whom I am one, and whose interests I always serve, without hope of reward, I would like to say that already considerable of the crop of 1932 of Oregon prunes has been contracted several months back at 4 cents for 40-50s, in bags. This means a price to Eastern jobbers of 3 1/4 to 3 1/2 cents bag basis, 30-40s ought to obtain a premium of at least 1/2 cent or sell for a full cent more than 40-50s. Tuesday I was offered 3 1/2 cents for 40-50s in bags, a price promptly refused, as have been many similar offers of business at similar rates.

Prune growers will remember my conservative estimate of the crop of 1931, and that it actually proved less than my figures. I now append my name to the statement that the crop of 1932 will not much exceed 600 cars of Oregon prunes. Indeed I would not be surprised to find warehouse weights and railroad figures by the first of December to show it to be less than this, but I do not wish to deceive any confiding Easterner who might over-trust my estimate. What I have written is based upon present known factors to the problem. Oregon prunes of the crop of 1932 ought to be sold in the East on at least a basis of 2 1/4 to 2 1/2 cents in bags, with 1/2 cent premium for 20-40s.

The unknown factors are the intelligence and wisdom of prune growers. Four years ago the writer outlined a

plan of financial salvation for prune growers, namely the organization by themselves, with their own capital, of packing plants in all centers producing sufficient fruit to justify it, and of their own selling agencies, free from tax of outside middlemen, which should seek new markets and avenues of distribution. This is a matter of written history. The limited progress in attaining results in this direction is no evidence of lack of wisdom in the plan. It still remains our only source of independence. Outside capital cannot come in to handle the crop in operating first-class packing houses and fairly pay the prices above given. Half a cent margin is the best it can securely work upon. Prune growers' organization by prune growers, for prune growers, no hybrids, is the frank recommendation of yours truly.

HENRY A. TOWNSEND, Albany, July 18, 1932.

### BASEBALL GAMES.

**American League.**  
 BOSTON, Mass., July 21.—Boston, 5; Chicago, 2.  
 Washington, July 21.—Washington, 2; St. Louis, 1.  
 Baltimore, Md., July 21.—Baltimore, 9; Detroit, 8.  
 Philadelphia, Pa., July 21.—Philadelphia, 11; Cleveland, 10.

**National League.**  
 St. Louis, Mo., July 21.—St. Louis, 2; Cincinnati, 7.  
 New York, July 21.—Philadelphia, 6; Brooklyn, 10.

### TO HELP THE IRISH.

**LONDON, July 21.**—Ex-Mayor Phelps, of San Francisco, has sent to John Redmond, chairman of the Irish Parliamentary Party, \$200 as a contribution to the Nationalist fund, accompanied by a letter, saying he is convinced the evictions on the DeFreynes estates were designed to crush the party and destroy the hope of the Irish people.

### A TRANSPORT SAILS.

**WASHINGTON, July 21.**—The War Department has been advised of the sailing of the transport Crook, from Manila, July 18th, with 385 enlisted

**CASCO, Inc.**  
 The Kilt, Not Ham Always Begone  
 Bears the Signature of *Chas. H. Hatcher*

Shoulders, per lb., 10c.  
 Smoked Herring, per box, 25c.  
 Deviled Ham (small) per can, 5c  
 Deviled Ham (large) per can, 10c  
 Deviled Ham (large) 3 cans, 25c.  
 Sardines, per box, 5c.  
 Sardines, 6 cans, 25c.  
 Salmon, 3 cans, 25c.  
 Catsup, per pt bottle, 15c.  
 Catsup, 2 bottles, 25c.  
 Good Soda (16 oz. pkgs.) 5c.  
 Good Soda (16 oz. pkgs.) 6 pkgs., 25c.  
 Corn Starch, per pkg., 5c.  
 Washing Powder, per pkg., 5c.

Bring us your butter and eggs. We pay highest market price, cash or merchandise.

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**GARMENT MAKERS STRIKE.**

**NEW YORK, July 21.**—Twenty-five thousand garment workers who struck yesterday for higher wages and shorter hours, were joined today by about 15,000 others who ask that fifty-six hours be considered a week's work. As this is the dull season in trade, it is expected there will be some days before the various interests get together. Nine different unions are engaged in the strike.

Legal Blanks, Statesman Job Office.

# Look at this Binder Description

## HARVEST IS NOW HERE

WE ARE HEADQUARTERS FOR BINDING TWINE

### CHAMPION BINDERS



5 ft., 6 ft. and 7 ft. sizes.

AN IMPROVEMENT IN ELEVATORS

Ever since twine-binding harvesters have been in use, serious defects have been apparent in the elevator and many efforts have been made to overcome these defects, some going so far as to omit the elevator altogether and make what was termed a "low down" binder, but until this invention of the force feed elevator of the Champion none of the efforts toward improvement were successful. The Champion force feed elevator is the only departure from the old style which has proven practical and valuable. On all binders except the Champion the old type of elevator is still used. The force feed elevator is not an entirely new method of elevating grain, but an old method improved. The improvement is in changing the direction of the stream of grain as it leaves the elevator and continuing to force it along gently without stopping until it reaches the packers.

**THE FORCE FEED ELEVATOR**, which prevents choking and loss of grain.

**THE ECCENTRIC WHEEL**, which gives increased power for binding and relieves the machine and horses from strain during this operation.

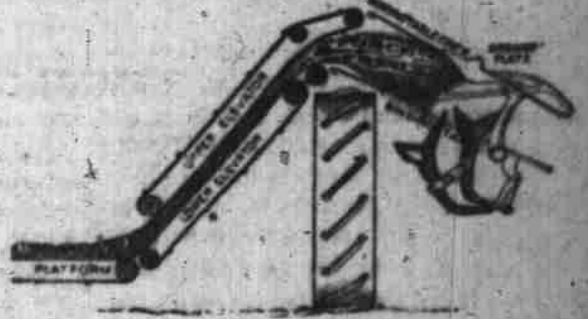
**THE RELIEF RAKE**, which keeps the inner end of the cutter bar clear of weeds and undergrowth in all conditions.

These inventions are found only on the Champion binder. In all other features the Champion is at least as well adapted for all kinds of work as other binders. In many other features besides those of supreme importance above mentioned it is superior to all others.

We lack the room in this ad to say all that we would like to for Champion Binders. There is so much that can be said in favor of each and every part that we would refer you for complete information to the factory catalogue, which can be had for the asking. We simply illustrate here some of the principal features, trusting to the well-known keen perceptions of the American farmer to see at a glance the advantages claimed.

### Champion Force Feed Elevator...

The back is taken off to show how the elevator works



The Force Feed Elevators do not thresh the grain against the binder cover, nor let it stop at the top of the binder deck, but deliver it positively to the packer arms. There is no choking at the top of the elevators. There is no grain lost between the elevators and the binder deck.

The Force Feed Elevator on the Champion binder is warranted to waste less grain than the elevator on any other binder.



### Champion Relief Rake

The Relief Rake of the Champion will keep the inner end of cutter bar clear in all conditions. In clean standing grain the Relief Rake may not be needed, but it is not in the way and takes no power to run. In weedy or grassy grain, or in down and crinkled grain, it is worth \$25 in a single harvest. With the Champion the driver never has to get down to pull grain from the corner or use a long stick or whip for clearing it, or, as is often done with other binders, he need never drive out and not cut a full swath, because the inside guard fingers are clogged by an accumulation of weeds or grain.

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F. F. Cary, Manager