

THE CAPITAL JOURNAL

Z. HOFER, Editor and Proprietor. R. M. HOFER, Manager

Independent newspaper devoted to American Principles and the Progress and Development of All Oregon

Published Every Evening Except Sunday, Salem, Ore.

SUBSCRIPTION RATES:

Monthly, by Carrier, per year \$6.00 Per month .50c
Daily, by Mail, per year 4.00 Per month .35c
Weekly, by Mail, per year 1.00 Six months .60c

FULL LEASED WIRE TELEGRAPH SERVICE



REFUSES TO REINSTATE THE APPEAL

Cole v. Willow River Land & Irrigation Co., Malheur County.

Leonard Cole, respondent, v. Willow River & Irrigation company, a corporation, appellant. Appeal from the circuit court for Malheur county.

Per Curiam: In this case the notice of appeal with proof of service thereof endorsed thereon, together with the undertaking on appeal was filed in the circuit court on February 8, 1911.

Rule 37 governing the practice in this court, 50 Ore. 589, requires that, "in cases for hearing at Pendleton, the appellant, except in equity cases to be tried anew, must serve a brief containing a concise statement of the errors rolled upon, within 30 days after the appeal is perfected."

notice that the brief had not been filed, moved to dismiss the appeal. Although this motion was served on counsel for appellant at the time of filing no opposition to it was made in any way for more than 10 days thereafter and on July 5, 1911, there still being no opposing paper presented to the court, an order was entered dismissing the appeal.

For failure of the appellant to file and serve an answering paper against the motion of respondent to dismiss the appeal within 10 days after service thereof, the appellant is deemed by the terms of the rule to have confessed the motion. It contends now, among other things, that respondent must have known from March 15th, the date when appellant's brief was due, that no such brief had been filed because none had been served on him.

dismissal would more properly be a matter to be brought to the court's attention by the appellant in the answering paper mentioned in the rule. The party filing a motion is not required to negative in advance the possibility that for more than 10 days he has had notice of the defects of which he complains.

By the affidavit of one of appellant's counsel, it is represented to the court that he was misled into what he claims would amount to excusable neglect on his part by the language of this court in Shafer v. Beecher 54 Ore. 273, by the construction placed upon rule 37 by the clerk of this court in a communication responding to appellant's request to have time extended in which to file appellant's brief and by the letters of respondent's counsel suggesting that if appellant's attorneys would be present with its brief on the first day of the Pendleton term, the first Monday in May, they would argue the case on appeal, the respondent to take further time to file his brief.

The essence of appellant's contention, however, is that Shafer v. Beecher places a construction on rule 37 relating to the Pendleton term to the effect that the 30 days within which the appellant must file its brief means that period of time after the transcript or abstract of record is filed and not in the language of the rule "within 30 days after the appeal is perfected."

It is now time for you to consider making your connections with the new sewer systems. The Salem Sewer Pipe Co. has been of direct service to you because it has forced down the price of sewer pipe at least 25 per cent in the last two years.

We wish you to come and see a factory making sewer pipe in your own town—employing your own town's people. We wish to show you the superiority of our product over all other kinds of sewer pipe—the strongest pipe made.

Come to the factory, corner of Liberty and Trade streets. Salem Sewer Pipe Co.

Hood's Sarsaparilla

Acts directly and peculiarly on the blood; purifies, enriches and revitalizes it, and in this way builds up the whole system. Take it. Get it today.

LEISHMAN PUT UP THE PRICE FOR THE PLACE

[UNITED PRESS LEASED WIRE.] New York, Sept. 18.—Some astonishing diplomatic and political history was revealed here today in a boom for Dr. David Jayne Hill, former American ambassador to Germany, for the Republican nomination for governor of New York next fall.

Hill's services at Berlin had been eminently satisfactory but he reluctantly accepted the axe with the statement, "I am a good Republican." John G. A. Leishman, steel magnate and former president of the Carnegie Steel company, was then chosen, it is said, in order to help the Republican finances.

Attacks School Principal. A severe attack on School Principal Chas. B. Allen, of Sylvania, Ga., is thus told by him: "For more than three years," he writes, "I suffered indescribable torture from rheumatism, liver and stomach trouble and diseased kidneys. All remedies failed till I used Electric Bitters, but four bottles of this wonderful remedy cured me completely."

Klamath Falls barbers are sore because a Portuguese has opened a shop and reduced the price of a shave from 25 cents to 15 cents.

Chamberlain's Colic, Cholera and Diarrhoea Remedy is today the best known medicine in use for the relief and cure of bowel complaints, it cures griping, diarrhoea, dysentery, and should be taken at the first signs of natural looseness of the bowels.

Notice to Property Owners in North and South Salem Sewer Districts

It is now time for you to consider making your connections with the new sewer systems. The Salem Sewer Pipe Co. has been of direct service to you because it has forced down the price of sewer pipe at least 25 per cent in the last two years.

We wish you to come and see a factory making sewer pipe in your own town—employing your own town's people. We wish to show you the superiority of our product over all other kinds of sewer pipe—the strongest pipe made.

\$12,000

Here is a bona fide 8 per cent investment: Three Modern houses on large corner property on street car and paved street. There is room for another house. The improvements alone are worth more than price asked.

This property is now earning \$80 a month rent, it is centrally located, and besides paying interest from the start is bound to increase rapidly in value.

E. Hofer & Sons INVESTMENTS Real Estate Insurance 213 S. Commercial St., Salem Phone 82.

The Chicago Store Is Salem's Leading Store

Because we do the greatest volume of business. We sell Nothing but merit, quality greatest staff of help and distribute goods all over Oregon! the most goods, employ the and style could have built this store up so fast.



We are now offering the greatest Cloak and Suit bargains in Salem. See our prices.

New Fall CLOAKS and SUITS

NOW ON SALE For women, misses and children. Every garment up to the hour in styles, workmanship and material. Come and see if you want to appreciate the value we are offering and the money we can save you in your fall wearing apparel.

Ladies' \$15, \$18, \$20 and \$25 suits, now on sale for \$9.90, \$10.50, \$12.50 and up.



Come here if you want stylish Millinery. Bargains in trimmed hats, ostrich plumes etc.

New Fall Millinery

Now opened up and ready for selling—the greatest showing we ever made in fashionable headware and at prices so low that you will be surprised. For example, \$7.50, \$8.50 and \$10.00 stylish hats now on sale for

\$2.95, \$3.50 and \$4.50

If you want to buy silks and dress goods, the lowest prices in Salem, come here. We can prove it.

SILKS and DRESS GOODS

Now on sale. The greatest showing in Salem. Everything that is new and fashionable is here, and our low prices will surprise you.

Dress Goods yard 25c, 35c, 49c, 65c up

The Greater CHICAGO STORE Salem Oregon

"The Store That Saves You Money"

NO REASON FOR DOUBT

A Statement of Facts Backed by a Strong Guarantee.

We guarantee complete relief to all sufferers from constipation. In every case where we fail we will supply the medicine free.

Renall Orderlies are a gentle, effective, dependable and safe bowel regulator, strengthener and tonic. They re-establish nature's functions in a quiet, easy way.

Renall Orderlies are unsurpassable and ideal for the use of children, old folks and delicate persons. We cannot too highly recommend them to all sufferers from any form of constipation and its attendant evils.

Common Colds Must Be Taken Seriously

For unless cured they sap the vitality and lower the vital resistance to more serious infection. Protect your children and yourself by the prompt use of Foley's Honey and Tar Compound and note its quick and decisive results.

The grain crop of the valley is unusually good, both in quality and quantity.

Mas Millions of Friends.

How would you like to number your friends by millions as Bucklen's Arnica Salve does. Its astounding cures in the past forty years made them.

Children Cry FOR FLETCHER'S CASTORIA

CHICHESTER'S PILLS

THE DIAMOND BRAND. Ladies! Ask your Druggist for Chichester's Diamond Brand Pills in Red and Gold wrapper. Take no other. Buy in bulk.

MADAME DEAN'S FRENCH FEMALE PILLS

A Safe, Certain Remedy for Female Weakness. NEVER KNOWN TO FAIL. Sold in Salem by Dr. E. C. Stone

THE ONLY WAY.

Many Salem Citizens Have Discovered It.

Just what to do when the kidneys are affected, is a question that concerns both young and old. Weak kidneys neglected in childhood lead to life-long suffering.

There is one remedy that acts directly on the kidneys. Doan's Kidney Pills owe their world-wide fame to the fact that they are reliable. Follow the example of Salem citizens and you will be convinced that this is so.

John Cougar, 845 North Seventeenth street, Salem, Oregon, says: "Doan's Kidney Pills have been used in my family with great benefit. I al-

so know of other people who have taken this remedy for kidney trouble with the best of results."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.

Ely's Cream Balm has been tried and not found wanting in thousands of homes all over the country. It has won a place in the family medicine chest among the reliable household remedies, where it is kept in hand for use in treating cold in the head just as soon as some member of the household begins the preliminary sneezing or snuffling. It gives immediate relief and a day or two's treatment will put a stop to a cold which might, if not checked, become chronic and run into a bad case of catarrh.

New Fall Millinery

ALL NEW STYLES, GREATEST VARIETY, MODERATE PRICES

As in former seasons we take the lead, you will surely be pleased here. We have the best of materials, all the new things desirable, nice trimmed hats. Street hats and shapes.

SWEATERS

Sweaters for everybody, large stock, from the tiny ones to the extra large ones; Girls', Boys', Ladies' and Men's special good values.

UMBRELLAS

Children's umbrellas, fancy handles only 50c. Ladies' umbrellas, rust proof, gloria silk, only \$1.50. Men's umbrellas, from 50 cents up.

CLOTHING

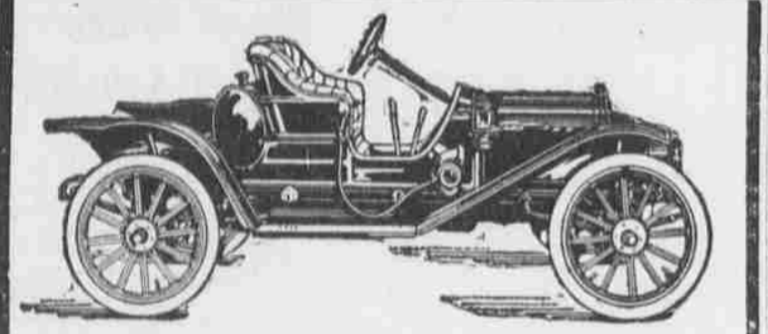
Heavy all wool men's suits, new styles, well made, best of linings and trimmings only \$12.00. Boys' suits, new fall stock just received. Low prices.

SHOES

We carry Hamilton and Brown Shoes, all leather, made to wear.

ROSTEIN & GREENBAUM

240-246 Commercial St.



ALL owners of E. M. F. or FLANDERS Cars, all owners of ANY Car, all dealers in ANY AUTOMOBILE, all admirers of a beautiful display, and the public in general are invited to our opening of the E. M. F. MOTOR SALES CO. 246 South Commercial Street. Just South of Marion Hotel

Wednesday Afternoon and Evening

and to see the finest display of NEW 1912 MODEL OF AUTOMOBILES ever exhibited in Salem. The E. M. F. "30" and FLANDER "20" which we handle need no introduction, but we as distributors desire your acquaintance.

Wednesday Afternoon and Evening

WE WANT TO GET ACQUAINTED—And we want to see you all whether you ever expect to buy an Automobile or not.

The E. M. F. Motor Sales Co. C. L. ROSE, Manager.