

WHO GETS THE RENTS?

SUIT IN COURT INVOLVES COMMERCIAL BLOCK REVENUES.

Mortgage Was Foreclosed January 13-New Owner Wants Back Rents Already Collected.

A question involving the right of Henry F. McClure, of Seattle, to collect rents from the tenants of the Commercial block for the month of January was argued before Judge Fraser. The case at issue was that of the United States Mortgage & Trust Company against P. L. Willis to recover \$250 rent for certain rooms from January 13 to February 1. A motion for judgment on the pleadings was argued by William A. Munly, for the plaintiff, and Mr. Willis appeared in his own behalf. This is a test case, and the decision will apply to rents paid by other occupants of the building, amounting altogether to over \$100.

When Richard Nixon, receiver on the Portland Savings Bank, sold the assets of the institution several months ago, the Commercial block was bid in by the Topaz Land Company, represented by P. L. Willis, for \$1200. There was a mortgage on the building for \$1400. The purchaser collected the rents, amounting to \$250.00 a year, which was a very handsome return for an investment of \$1200. The Topaz Land Company transferred the property for some reason to Mr. McClure, and since he got hold of it he has received the income.

The United States Mortgage & Trust Company foreclosed its mortgage, and on January 13, 1902, obtained possession of the building. McClure on January 13 collected all the rents in advance for the month except from one tenant. The controversy now is whether McClure is entitled to keep the rents for the whole month of January, or only for 13 days of the month.

Mr. Willis argued that the custom was for tenants to pay their rents on the first of each month, and the rents were paid before the mortgage company obtained possession; and the latter was not entitled to any of the money collected before it took charge of the property. Judge Fraser took the matter under advisement.

To Foreclose \$4000 Mortgage.

The United States Saving & Loan Company, of St. Paul, Minn., has commenced suit in the United States Court against William H. Parker and wife, of Astoria. The complaint is as follows: The moral law and the ten commandments, with the by-laws of the complainant thrown in. The object of the suit, as nearly as can be made out by a "profane" after searching the document, is to foreclose a mortgage given by defendants on lot 5, in block 10, Astoria, given as security for a loan of \$4000.

Suit for Lumber Furnished.

Inman, Poulsen & Co. yesterday brought suit in the State Circuit Court against M. C. Dammer, R. P. Effinger and Nellie Brasse. Effinger, to recover \$500 for lumber furnished for a building erected last summer by Mr. Effinger on lot 13, block 3, in Couch Addition. The lumber was supplied to Dammer, who was the contractor. Inman, Poulsen & Co. have filed a lien on the building, and the Hand Manufacturing Company is also said to have a lien.

Decisions Today.

Judge Beers will announce decisions this morning in the following cases: M. B. Holmes vs. E. B. Holmes; motion to release. A. J. Cressy vs. R. Z. Joy, on merits. Ellen Knowles vs. Minnie Dammer, on merits.

Articles of Incorporation.

Articles of Incorporation of the Portland Produce Exchange were filed in the office of the County Clerk yesterday by F. L. Bown, of Baker City, a plumber, yesterday filed a petition in bankruptcy in the United States Court. His liabilities amount to \$2013.40; assets, \$75.

Court Notes.

An order of default was entered in the suit of Emma Seidell vs. Robert Hatfield. Thomas Sullivan, charged with burglary, pleaded not guilty before Judge Fraser yesterday. His trial was set for March 5, and Roy H. Hurley was appointed attorney to defend him.

Sarah Berry, administrator of the estate of Susan Berry, deceased, filed her final report in the County Court yesterday, showing \$25 balance on hand for distribution among her heirs. E. Keller, her attorney, was present.

The divorce suit of Sarah Mash against Henry Mash, set for trial yesterday, was continued indefinitely, at the request of the attorneys. It was given out that the case will be dismissed very soon.

Ellen L. Chesney, administrator of the estate of her husband, F. A. Chesney, deceased, was authorized by Judge Cramer yesterday to compromise a suit concerning certain mining claims in Grant County, on the payment of \$25.

In the suit of Idonia Stinchcombe against the New York Life Insurance Company, to recover \$300, the plaintiff was granted 30 days further time yesterday to file a bill of exceptions in an appeal to the Supreme Court. The defendant won out in the lower court.

The suit of C. C. Palmer against MacMaster and Birrell, to recover rents of property at the foot of Madison street owned by David Brand, came up before Judge Fraser yesterday, when a demurrer to the complaint was submitted without argument and was overruled. Ten days' time to file an answer was allowed.

Cotton, Teal & Minor, attorneys, yesterday filed a petition in the State Circuit Court asking that the suit of A. L. MacLeod against the American Linseed Company and the Pacific Oil & Lead Works, to recover \$2574, be removed to the United States Circuit Court, because the last-named is a California corporation.

APPLE INTERESTS SAFE.

State Inspection Ample, Says Henry E. Dosch.

CHARLESTON, S. C., Feb. 20. (To the Editor.)—The Weekly Oregonian of recent date contains an article, "A Menace to Apple Interests," which is worthy of more than ordinary notice, in so much as it contains a grave reflection on the Oregon apple, as well as several of our most prominent apple-growers and shippers of Medford.

The persons named are very careful business men, and to my own knowledge take the best of care of their orchards—spraying their trees regularly five to six times every season. They have established for themselves a profitable business, and their names upon a fruit package are considered a guarantee of clean, marketable fruit, and it seems to me they are too good business men to jeopardize their future reputations for a small present profit.

It is not possible that these German inspectors are mistaken, and mistake a small fungus disease, with which apples are sometimes affected, for San Jose scale, which it resembles very much. The difference can only be detected under the glass, having the same small gray scabby scale and surrounding red ring, characteristic of the San Jose scale. A similar

case occurred close at home several years ago. A Portland firm shipped 23 boxes of apples to Seattle. The inspector of that place condemned them as being infected with San Jose scale, and returned them to Portland. The shippers were not satisfied with the treatment and asked me to inspect the apples. I opened all the boxes, and after careful examination found just three San Jose scale, and these were dead, but in several boxes I found apples affected with the small fungus spots spoken of, which no doubt the inspector mistook for San Jose scale. Is it not possible that the same mistake occurred in Germany? Personally I would not take the judgment of any inspector unless I was satisfied that he was perfectly familiar with the San Jose scale and its habits. In closing, the article you say: "If the apple men of Oregon have anything like a due and proper regard for their interests, they will undertake, without delay, to safeguard the reputation they have built up in the general market." This has already been done. We have a law in Oregon governing the shipment of the apples to the Medford shippers to Germany.

Four years ago, when it became apparent that a good deal of infected fruit was being shipped to the injury of the apple-growing industry, a committee was appointed at a fruitgrowers' convention held at Corvallis, at the request of the commercial fruitgrowers and shippers, and at which Medford was represented, to prepare a law for legislative enactment, which was done, and is known as House bill 228, "An act to protect the fruit and

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AFTER GAR SCAVENGERS

CITIZENS UP IN ARMS AGAINST THEIR VIOLATIONS OF LAW.

Rubbish and Garbage Are Dumped on Vacant Lots Instead of Being Taken to City Crematory.

There is trouble ahead for the city scavengers, who are supposed to be laboring to help keep the city free of garbage and rubbish, but who appear only to succeed in removing this refuse matter from one place to another, dumping it in places most convenient for them, where they know it should not be dumped, and thus constantly violating the law.

Within a short time yesterday several persons called at the Health Commissioner's office to lodge complaints in regard to garbage and rubbish being dumped on their property in various parts of the city, and to ask for notices to post on their property, warning persons against depositing garbage there.

The man most in earnest in this matter was C. K. Harbaugh, agent for Holladay's addition, who has long been bothered by the scavengers, and who has now commenced war against them in earnest. He has recently caused the arrest

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What makes Mr. Harbaugh red hot is the practice some scavengers and others who have rubbish of taking loads of refuse from the West Side across to Holladay's Addition to dump, instead of hauling the stuff to the garbage crematory, which is a wise, beneficent and humane Council provided at large expense to the city for the reception and disposal of such matters. He says the police cannot be everywhere, but has an idea that they are inclined to shirk the responsibility of arresting and making complaint against scavengers when they do see them dumping garbage where they ought not to. This is, however, no new feature of police conduct, but was so in the beginning, and is now, and probably ever will be.

Other people than scavengers dump garbage in improper places, and private dumps may be found in all sorts of quiet nooks about town, where families deposit their own garbage at unreasonable hours on other people's property.

Probably the most stupendous garbage pile in the city is to be seen on Alder street, at the supposed intersection of Lowndale, diagonally across the street from the northwest corner of the High School building. This pile rises from the bottom of the gulch, some 50 feet deep, to a height of six feet or more above the sidewalk on Alder street, and flows clear across the sidewalk. The mass of rubbish, dirt and decaying matter in this pile is enough to create a pestilence and depopulate the High School and residences in the vicinity, but no policeman apparently ever sees it, and no one is arrested for dumping garbage there.

An Unusually Interesting Number.

PORTLAND, Feb. 25. (To the Editor.)—I have been a reader of The Oregonian for about 47 years, and during that whole time I have been a subscriber to it. I have perused it with interest and pleasure, and it has contained so many items of great importance as the issue of this morning. Let me briefly recapitulate.

First—The canceling of a dinner invitation by the President of the United States, extended to a United States Senator, because the latter had given a gross personal insult, as any gentleman should properly have done.

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A. J. Paul, two-story dwelling, Williams avenue, near Pearl; \$3000. R. E. Russell, two-story dwelling, Grand avenue, between Wilder and Haley; \$2500.

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They View With Alarm Dr. Deime's Plans to Establish Large Factory in This State.

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