

Files Condemnation Proceedings Before Hill Lawyers Can File Options.

LONG AUTO RACE FAILURE

Great Northern Agents Whirl Over Rough Roads in Valn Effort to Stop Rivals in Route Through Pass.

KALISPELI. Mont. April 22-In the force contest now waging between the Puget Sound Railway Company and the Great Northerp Railway for right of way through the canyon on North Fork River, north of Coram, the Milwaukee attorney has blocked the Great Northern by filing notice of its pendens in a proposed con-demnation suit, prior to the filing of the Great Northern's deed to lands covered by the proceedings.

Great Northern's deed to lands covered by the proceedings. A sensational dash was made by At-terney Nofsinger and O. G. Clay, right of way agent for the Great Northern, in an automobile to Columbia Falls yesterday afternoon, and a five-day option secured on an extensive tract of timber land covering seven sections through which both roads will run.

Auto Race Fails.

The run was made back to Kalispell, and at 11 P. M. last night the County Clerk was found and the instrument

Diers was found and the instrument placed on record. Six hours previously, however, the Mil-waukee attorney had filed condomnation sulls covering the same lands. It is as-serted that by virtue of this condition, and the further fact that the Milwaukee stakes were first set, that road's right to go across the lands in question is secured, and the Milwaukee people now claim to be in position to negotiate at leisure for the right of way.

Milwaukee Road Ahead.

The Great Northern holds only one deed and five contracts for deeds, while the Milwaukee has filed seven deeds, and is protected by pending suits on most of the lands held by the Great Northern under contract. under contract.

At 5 o'clock this evening the Great At a o'clock this evening the Great Northern completed the tardy preparation of its condemnation papers. There ensued a spirited race between attorneys for the two roads to file their documents first, and the Milwaukee attorney was vic-

This is the third condemnation suit instituted by the Milwaukee company and in directed against the Great Northern Railway Company as defendant.

MRS. GILLAM IS SET FREE

Released From County Jall After Pa-

pers Publish Facts in Case.

SEATTLE, Wash., April 22.-(Special)-SEATTLE, Wash., April 22.-(Special.)--Almost a nervous wreck from the experi-ence she has undergone, forced to assign everything she owned to her ex-convict brother who caused her arrest Tuesday night, without sufficient funds to even pay for the care of her little 18-months-old girl. Mrs. Laura Gillam, the young woman who was charged with larceny by embezzlement after she says her hus-hand dissipated the fortune of herself and dissipated the fortune of herself and her brother, was released from the County Jall tonight by order of the Prosecuting Attorney and this morning took her old situation as an attendant at the Seattle orphanage to make a livelihood for her-self and her child. The order of dismissal was granted by Prosecutor Vanderveer after the news-papers printed the facts in the case. Mrs. Gillam was taken to the office of the Gillam was taken to the office of the Prosecuting Attorney by a Deputy Sheriff and there informed that if she would reand there informed that it she would re-linguish everything in her possession to her brother. Eimer Johnson, she could have her liberty and told that the civil suit against her would be dismissed when she delivered over all her assets to her brother. She signed the papers in the presence of the prosecutor.

BIG CLOTHING SALE ENDS SATURDAY

FRIDAY AND SATURDAY THE LAST OPPORTUNITY TO PURCHASE FINE CLOTHING, HATS AND FURNISHINGS REGARDLESS OF COST

THE MORNING OREGONIAN. FRIDAY, APRIL 23, 1909.

We still have a large stock to select from, and in order to reduce it to the lowest possible quantity by Saturday night, we will offer still greater bargains than have yet been offered, for Friday and Saturday. This is probably your last opportunity this season to get a strictly up-to-date suit at the prices we offer you for these

_____two closing days ____



FARMERS FIGHTING FROSTS

Burn Crude Petroleum in Orchards

on Cold Nights.

NORTH YAKIMA, Wash., April 22 .--(Special.)-The ranchers at 'Granger are fighting frost from their orchards. are fighting frost from their orchards with petroleum firepots. They have also installed in some of the orchards automatic frost alarms. A carload of firepots has been unloaded at Granger and three carloads of crude petroleum. Since last Saturday hundreds of fire-pots have been kept burning in the orchards every night, and the air is heavy with the smoke of the petrol-cum. eun

The automatic frost alarm is a sim-ple device. A thermometer, to which is attached an electric bell which will is attached an electric bell which will be set off when he mercury gets down to the danger point, is placed in the orchard with the bell in the rancher's house. As soon as the signal sounds, the rancher lights his petroleum pots. The heavy smoke tends to keep the temperature to a point above danger.

EARLY SCIO SETTLER DEAD

G. W. Phillips, Linn County Ploneer

of 1852, Passes Away.

SCIO. Or. April 2-(Special)-G. W. Phillips, who died here Sunday, April 18, was born in Guilford County, North Carolina, October 24, 1840. He removed with his parents to Missouri two years later. In 1852 the Phillips family joined the emigrants bound for the Pacific Coast. A donation land claim was taken up within a few miles of Scio. Mr. Phillips was married to Miss Martha Tarpley in 1861. To this union have been born seven children. The liv-ing are M. W. Phillips, near Scio; Mrs. Sarah Coffey, of Washington; Mrs. Emma Davis, of Silverton; Mrs. Ida Warwick, of Scio. and George W. Phil-lips, of Albany.

Warwick, of Scio, and George W. Phil-lips, of Albany. In 1886 Mr. Phillips was elected County Commissioner of Linn County and served with credit for four years. In 1892 he leased the Jefferson flouring mills and operated them for two years. He later bought an interest in the Scio

ANNOUNCEMENTS.

Dr. Horn, the optician, 3d floor Swet-land bldg, guarantees satisfaction or money refunded. No fancy prices.

Mrs. Justin McCarthy has told how Thomas Parnell gravely checked her stir-ring coffee "the wrong way" and insisted that she should take another cup.

Mrs. Mary Hintz Davenport, De-

cial.)—Mrs. Mary Hintz Daven-port, who died here April 21, was born in Neidelweisel, Germany, in 1848. She came to America in 1864 and crossed the Isthmus of Panama, residing for a short time in San Francisco then app

time in San Francisco, then con ing to Oregon, locating at The Dalles. In 1866 she was married

to Louis John Davenport, who died November 25, 1902. Mrs. Davenport was the mother of ten children, nine of whom survive her. They are: Mrs. Rose Robinson, of Portland; Mrs. F. S. Gunning, of The Dalker, Con-

Gunning, of The Dalles; George L., of Portland; John T., of Mosier; Mary Frances (deceased).

Mrs. R. H. Kemp, of Hood River; Charles H., of Portland; Mrs. E. B. Wood, Portland; Alice M. and Gertrude M., of Mosler. One sis-ter in German shows of the sis-

ter in Germany also survives her.

ceased. MOSIER, Or., April 22 --- (Spe-

Sherin Gaston. When the committee meets again it will investigate the charge made by Schively today that he "divided equally" with his chief, Sam H. Nichols, Secretary of State, all moneys collected. He said that he used his share of the money to pay his expenses and to protect the policy-holders and the state. He said he did not know that Mr. Nichols did with his money. He stated that Mr. Nichols got half of the money whether he accom-panied Mr. Schively on the trips to make examinations or not. B. L. Woodside, of the American Na-tional Life Insurance Company, said four officers of that company had voted themselves \$50,000 worth of stock each, and that otherwise the company had no assets. He said no examination of the company's books was ever made, and that later he forced it into the hands of a receiver, upon finding the exact condi-tion of affairs. He was induced to asset When the committee meets again it will

that after he forced it into the hands of a receiver, upon finding the exact condi-tion of affairs. He was induced to pay \$100 for \$1000 worth of stock in order to

1400 for 31000 worth of stock in order to get a 3100 a month job. Charles Best, a Seattle insurance man, testified that he had brought a mutual company into the state and been charged only 35. He said that Schively nor any-one else had ever examined the com-pany's books. Schively said that he ac-cepted Best's recommendation for a com-pany because he regarded him in the insurance world the same as Bradstreet is regarded in the ousiness world. J. W. McBirney, president of the North Coast Insurance Company, stated that his concern was assessed only \$25 for an examination that took only two hours.

Norra. Frank J. Martin, secretary of the Northwestern Mutual Fire Insurance Company, testified that his company was examined frequently and that these cost the company from \$15 to \$75 each.

Swell English pumps at Rosenthal's."

293 Morrison Street

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