

CLAIM TO \$5,000,000 PROPERTY IS DENIED

Suit Involving Caruthers Addition Thrown Out.

ACTION TOO LONG DELAYED

Heirs of Henry Ploch, Deceased, Cannot Obtain Title to Holdings in Hands of Hundreds.

Eastern heirs of an Oregon pioneer, Henry Ploch, deceased, cannot obtain title to property in Caruthers Addition, valued at \$5,000,000, according to a decision handed down yesterday by Presiding Judge Tucker, in which he sustained a demurrer of the O. W. R. & N. Company and threw the suit of the Ploch heirs out of court.

In denying the heirs of Henry Ploch any interest in property now held by hundreds of individuals Judge Tucker held that the plaintiffs had waited too long before presenting their claims. The court's decision likewise will have the effect of clearing title to property valued at several millions heretofore clouded because of the claims of the Ploch heirs.

"This court is of the opinion that the demurrer should be sustained upon the theory urged by counsel that the plaintiffs are barred by laches," reads the decision. "This suit is commenced on a claim 55 years old. This staggers the most enthusiastic admirer of adroit equities. A chancellor brought face to face with a claim as stale as this is forced to cast a suspicious glance at the circumstances alleged to support an excuse for not bringing forward earlier activity in the matter, for the reasons that injures to third parties are sure to follow when one asserts claim to property as in the present instance. The loss of evidence will be presumed from a considerable lapse of time; important witnesses have died; a generation has come and passed; titles have changed; equities have been created, and there is manifest danger of doing great injustice if the chancellor is not keenly alive to discriminate against stale claims."

The history of the present litigation dates back to 1852, when Henry Ploch came to Oregon from Illinois. He settled on a donation land claim, now a part of Caruthers Addition. He died the following year and shortly after his death Finice Caruthers and his mother, Elizabeth Thomas, settled on the claim. In 1878 heirs of Mrs. Thomas, who had since died, were given clear title to the property.

Heirs of Henry Ploch, deceased, were seeking to break this title. They charged fraud on the part of Finice Caruthers and his mother, Elizabeth Thomas. They also alleged they were unable to start suit earlier because they did not become aware of the circumstances surrounding Henry Ploch's alleged title to the estate until a short time ago, when they came to Portland to find, if possible, the burying place of Henry Ploch. It was after they came here for this investigation, they said, that they learned the circumstances on which the suit was based.

was against the O. W. R. & N. Company alone for recovery of property valued in excess of \$250,000. Had the plaintiffs won in this suit, however, they would have been entitled to all land in Caruthers Addition, as the law point to be settled in the suit against the railroad corporation was the same which could be advanced against the hundreds of individual property owners.

MAYOR CALLS FOR AUTOS Nurses and Soldiers at Auditorium Need Recreation.

Have you an automobile which you feel is not doing its full duty? If so, call up the Mayor's office and arrange for some convenient time to take for a ride some of the nurses and soldier

THE OREGONIAN'S ADVICE.

- State Measures—
- Vote 291 No.
- Vote 303 No.
- Vote 305 No.
- Vote 306 Yes.
- Vote 309 No.
- Vote 311 No.
- Vote 312 Yes.
- Port Measures—
- Vote 214 Yes.
- Vote 218 Yes.
- City Measures—
- Vote 501 No.
- Vote 502 Yes.
- Vote 504 Yes.
- Vote 508 Yes.
- Vote 509 Yes.
- Vote 510 Yes.

boys who have been helping to save Portland citizens from death at the hands of influenza.

An appeal was issued yesterday by those in charge at the Auditorium hospital for autos in which attendants could get a breath of fresh air and get away for a time from the troubled atmosphere of the hospital.

The nurses, furnished by the Red Cross, and the soldier boys, loaned by Brigadier-General Dague, have been giving almost full time to the fight against the epidemic. They need recreation, and need it badly, the health officer says. Six autos daily are asked.

NURSE VOLUNTEERS ASKED

Surgeon-General Issues Call for Women to Enroll.

Insistent call for more young women to enter the Army School of Nursing is being sent out from the office of the Surgeon-General and the Portland Red Cross chapter, and assisting agencies are making every effort to enroll available eligibles.

Announcement was made yesterday by Mrs. Alice Benson Beach that the division of the State Council of Defense, located on the sixth floor of the Meier & Frank store, is taking over the work of recruiting potential nurses. It is asked that those seeking information about the Army nursing course, given at Washington, D. C., call at the new office as a means of relieving congestion at the Red Cross headquarters.

FRANK L. SMITH'S MEATS

- From the farm to 228 Alder street.
- Frank L. Smith's pig pork roasts...25c
- Frank L. Smith's pig pork chops...30c
- Frank L. Smith's loin roast veal...25c
- Frank L. Smith's loin veal chops...25c
- Frank L. Smith's shoulder roast veal...15c
- Frank L. Smith's fine roast beef...15c
- Frank L. Smith's porterhouse steak...25c
- Frank L. Smith's round steak...20c
- 228 Alder street is Frank L. Smith's.

POLICE SAY MISSING BANK CLERK CLEVER

Family Fears Arthur Davis Is Tool of Confederates.

YOUNG WIFE REMAINS FIRM

Officers Visit Local Garages in Effort to Locate Automobile Driven by Suspect.

Arthur C. Davis, missing clerk who is charged with the theft of \$18,500 from the East Side Bank of Portland, is either the cleverest boy criminal who ever operated in Portland or the luckiest amateur who ever attempted a bank robbery, in the opinion of detectives who have been assigned to the case.

With the whole police force working on the case, and operatives from two private detective agencies covering every known avenue of escape, no definite trace has been found of the 20-year-old clerk since the moment when he said goodbye to his wife and left home.

Young Davis' family is convinced that he is the tool of a confederate, who did the planning and will ultimately rob him of his share in the proceeds of the crime.

Mrs. Iona Davis, wife of the missing clerk, still cherishes a hope that he will return and make restitution. Every night since the theft was discovered she has driven in her father-in-law's automobile to her little home at 109 East Thirtieth street, North, where she sleeps with her baby.

"I'm keeping the home fires burning for Arthur," she says, when her friends protest. "When he comes back I must be there to welcome him."

Police and operatives from the Burns National Detective Agency have visited every garage in Portland in an effort to identify the automobile driven to the bank. F. L. Masters, manager of the Burns agency, learned yesterday that young Davis had been driving several hired automobiles recently.

In progress, 21 men scheduled for training at Mare Island, Cal., having been sent away from the local mobilization station last night. Approximately 30 will be forwarded today. These, with the 45 inductees entrained Saturday, will aggregate close to 100 of the allotment of 152.

These men voluntarily inducted into the Marines were entrained last night: Sam L. Nelson, Edward C. Kern, P. J. McGhee, Glenn C. Frost, Joseph P. Vandomein, Virgil H. Mulkey, Joseph Anderson, John H. Bushman, Franklin S. Martin, William R. Davis, Bernard K. Kelley, Pelton D. Lucas, Mark T. Pfy, Andrew T. Rintoul, Amos A. McCoolough, Charles I. Bessell, Leiland Stone, Wesley A. Sundesler, Homer C. Watson, Lloyd G. Forbes, David F. Robinson, John L. Douglas, Clair D. Kays, George W. Gustafson, Melvill M. Moffitt, Dorsey H. Hill, Howard J. Burnham, Clarence W. Caples, Ferris E. English, William L. Haffrey, Lee Kelley, Frank I. Mill, Rinehart Miller, Hugh A. Stanton, Charles H. Shindler, C. W. Timmons, Harold Edward Woster.

ELECTION BETTING TORPID

MONEY POSTED AS USUAL, BUT TAKERS LACKING.

Only Wager of Consequence Reported That of Wheat Belt Man, Who Plunged on Pierce.

There is apparently a dearth of the old-fashioned sporting spirit that used to assert itself at election time. At the places where election bets were posted in the older days there were no offerings yesterday on the success of Pierce or West or the ticket.

A bet of \$100 was the only one that is alleged to have been made on the result and that was placed a week ago. It is related that a Democrat from the wheat belt came to Portland and in the lobby of the Imperial Hotel flashed a hundred-dollar bill that Pierce would win. He kept the bill before the vision of the loungers for a quarter of an hour before his wager was taken.

There is \$5000 posted to be bet on Withycombe or McNary at the Herman Cohen and Sol Suller cigar store. Another bet of \$800 to \$125 was offered yesterday that Withycombe would be elected, without finding any takers. Five hundred dollars to \$250 that the whole Republican ticket will be elected in Oregon was another bet that went begging.

For those who preferred to bet on majorities money was offered that Withycombe would win by a majority of more than 10 per cent of the total vote for Pierce.

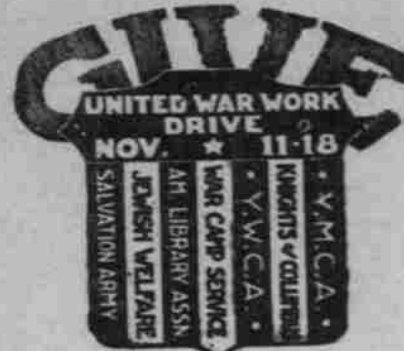
From Salem comes the story that the George Waters cigar store is offering a 10 per cent commission on all sums of \$100 or over that anyone will put up on West or Pierce. Salem money is backing Withycombe and McNary as sure winners with big margins.

VOTERS TO WEAR MASKS

Party Leaders in Washington State Predict Light Vote.

SEATTLE, Nov. 4.—Most of Washington's voters will wear influenza masks when they go to the polls tomorrow to choose five Congressmen, three State Supreme Judges and a majority of the members of the 1919 Legislature.

Store Opens at 9:00 A. M.—Closes at 3:30 P. M. Telephone connections maintained as usual until 6 P. M. Deliveries as usual.



Christmas "Over There"

Our brave boys must have their Christmas. Unfortunately the time for selecting and sending gifts abroad is short. We should see to it, using always the proper safeguards to health, that Christmas packages for overseas are made up and dispatched at once.

November 15 Is the Latest Day

for sending gifts through the Red Cross. Suitable articles for packing in the official containers may be selected at our Army and Navy Shop, Main Floor. Our special Paris-or-London-to-the-Front Service may be availed of by those not having the Christmas Parcel Labels prerequisite to sending gifts through the Red Cross. We do not guarantee delivery and cannot promise that goods will be delivered in time for Christmas. Orders should be placed at once at our Army and Navy Shop, Main Floor Central.

Please take notice that aside from indicating our readiness above to supply gifts for the boys overseas, to select which now only a short time remains,

We Have Discontinued Advertising Merchandise

for the reason, as stated in our previous announcements on this subject, that we wish to do nothing that people might construe as an invitation to come down town and purchase articles not to them (although, of course, such articles would be to others) absolutely essential. Doubtless all that is necessary for other institutions of a like nature to ours to adopt this course in the interests of public health is to have their attention called to it.

Those who must shop in person are surrounded with every possible safeguard at MEIER & FRANK'S. Besides giving full force to every request of the authorities we have initiated certain precautionary measures of our own

To Minimize the Risk From the Spanish Influenza

We suggest that patrons use the telephone—the Home Phone preferably (A 6101). We have a Home Phone as well as a Pacific Phone in every one of our 60 odd departments. 6 operators in our Main Exchange, 34 trunk lines, 297 house phones.

Our Personal Service Bureau insures a quick and satisfactory filling of all orders received by mail.

Use the Escalators When in the Store

To the Oregon Voters:

The citizens of Oregon who sign this address would remind the voters that the man elected to the United States Senate next Tuesday will serve for six years.

Armageddon has been fought and won. The forces of evil are in full flight. The conflict has gone to a military decision. The great war measures of Congress have been cleared from the calendar. A new era is upon us. Its dawn will be either propitious or ominous, as the voters will.

That era is the construction period, when men of sure balance, sound judgment and active brains are required in the Halls of Congress.

The problems about to arise are essentially domestic. To be settled right they must be subjected to calm deliberation, to intelligent discussion and to the conference of many minds.

As that of a man well fitted for the position by birth, training, experience and intelligence, the signers of this address present the name of Charles L. McNary.

Senator McNary is a native of Oregon. For forty-four years he has lived in this state.

He was raised on a farm. He knows the troubles and the needs of the farmers.

He was educated in the law, a profession which has taught him to weigh intelligently the claims of contending interests.

He worked his way through college, earning his own expenses. He is in full sympathy with the aspiring youth of the country.

He has been a Justice of the Supreme Court of the state, where he was distinguished by the calm judgment and learning of his opinions.

He is a statesman, rather than politician. He has participated in politics, not through love of excitement, or power, or contention, but because he holds a wholesome interest in the well-being of his native state and country.

His personal interest in land and investment companies and his former position as President of the Salem Board of Trade have given him an insight into industrial and commercial affairs.

His position in the community and the modest competence he has gained are the results of his own unaided efforts, his quick perception and his force of character.

Senator McNary has given the Administration unqualified support in all war measures. On matters of Legislation his views are respected by his fellow Senators. His personality has won him many friends in the National capital. He is young; he is vigorous; he is progressive; he is clean; he will grow.

Senator McNary's one fault, if it be a fault, is his assumption that another's pledge is as sacred as his own. Informed that his opponent would not make an active campaign, Senator McNary has remained in Washington. No committee has been organized to conduct his campaign. No funds have been raised in his distinct behalf. No franked material is in the mails. He has rested his case with his constituents, confident of their fairness and appreciation.

This is a voluntary expression of confidence and approval. It has not been requested by Senator McNary nor by any one close to him. It has not been submitted to him. He knows nothing about it.

It is with the honest opinion, unguided except by confidence in the man, that Oregon should be represented in the Senate during the next six years by one of his moral worth and mental attainments, that this appeal goes to the voters to elect Charles L. McNary next Tuesday.

- JAMES WITHYCOMBE.
- S. B. HUSTON.
- R. N. STANFIELD
- THOS. A. McBRIDE.
- JAY BOWERMAN.
- GUS MOSER.
- S. BENSON.
- J. E. WHEELER.
- W. S. U'REN.
- WM. F. WOODWARD.
- JOHN F. LOGAN.
- HENRY E. MCGINN (I also indorse the entire Republican ticket).
- WM. J. FURNISH.
- T. B. NEWHAUSEN.
- JOSEPH SIMON.