Hawley Company Need Not Reopen Strip, Holds Court.

CONSIGNERS NOT UNEASY

Unless They Complain, Decision Holds, Provision of Deed to Property for Passage Way Need Not Be Carried Out.

If the Hawley Pulp & Paper Company, of Oregon City, has falled to carry out an express agreement in

pany, of Oregon City, has failed to carry out an express agreement in a deed, whereby the company secured the land used as a mill site, then it remains for the consignor or his heirs, alone to object. The objections of other corporations can avail them nothing.

This was the effect of a decision handed down yesterday by Circuit Judge Ciciand in the suit of the Crown Columbia Pulp & Paper Company and the Oregon City Manufacturing Company against the Hawley corporation. Plaintiffs were seeking to have kept open a strip of land upon which the Hawley company has extended its plant and which was originally intended to be kept open and unobstructed for the convenience of adjoining property holders as well as the Hawley company.

The deed involved was made out in 1864 and transferred the property from 1864 and transferred the property from Daniel Harvey to George Larcoque. The paragraph upon which the suit hinged

"It is expressly agreed, and this conveyance is on condition, that 40 feet of said land north of said mill, 20 feet on the west and four feet on the south, shall be kept open and unobstructed for the common convenience of said mill property and other adjacent real entate now belonging to the grantors or their assigns; and that a wagon road shall be kept open to the county road."

Inasmuch as this has not been done and the prosent company has built over the land, the action was brought. Had the court decided for the plaintiffs, partial destruction of the Hawley mill would, it is said, have been rendered necessary. was: "It is expressly agreed, and this con

in passing upon the case Judge Cle-land said that the language of the will created a condition subsequent, and as no one can complain of a breach of con-dition subsequent, excepting the graftor or his heirs, the plaintiffs were not en-tified to relief on the action before the

Passing upon the matter of the Haw-ley company's action in closing the roadway, the couft said that, while the space has been used as a highway for 20 years, its use was permissive and not

TIMBER MEN MUST MAKE GOOD

Judge Orders Dealer to Return Coin to Land Purchaser.

Timber companies which offer to place people on timber lands must live up to their promises or else return any, money they may have received for their services, so Circuit Judge Cleiand held yesterday forenoon in settling the suit of Joe Papineu against Donald Smith. Smith, it seems, had advertised in a local paper that he could place anyone with a few hundred dollars on a timber claim with 15,006,006 feet of timber. Timber companies which offer to

Papineu responded to the advertisement, made a deposit of \$240 and was duly taken out to a piece of land which, he claims, looked more like a strip of Sahara desert than a thriving timber claim. He refused to buy, Smith declined to return the money and Papineu sued. Smith's defense was that Papineu backed out of the deal arbitrarily, but the evidence showed differently, the court held. Smith was ordered to court held. Smith was ordered to

DEFENDANT CANNOT COMPLAIN

Court Holds Jury May Award Amount Less Than Sought.

If a jury returns a finding for less money than is asked for by a plaintiff, it is not for the defendant to protest. That was the effect of a decision returned yesterday by Circuit Judge Cleland. The case was that of Finley Morrison & Son against D. S. Frank. Frank was sued for \$2500 alleged to be due as commission on a realty sale. The jury allowed the plaintiffs \$1666.66.

Frank filed a motion for a new trial on the grounds that the verdict was illegal, inasmuch as the plaintiffs wer entitled to the full amount asked for if they were entitled to anything. In overruling the motion, Judge Cleiand said a jury may allow a verdict in such case for any sum less than that

Mrs. Mendenhall Allowed Fees. Mrs Elliza Mendenhall, who recently

filed an answer and cross-complaint in the suit of her husband, Ed C. Mendenhall, for a divorce, was allowed \$500 at torney's fees and \$100 a month for her support during the course of the suit, when the case was brought up in the Circuit Court yesterday forenoon. Mendenhall accuses his wife of cruel and bhuman treatment. She accuses him of fondness for another woman

Husband Alleges Descriton.

Fred Allen filed an answer and cross complaint yesterday to the suit of his wife, Mrs. Georgia Allen, for a divorce. He alleges that he has always been a kind and indulgent husband, but that his wife willfully and without cause de-serted him over a year ago. He asks a divorce and the custody of their 3-year-old child.

NOTED IRISH ACTOR HERE

Chauncey Olcott Will Open in "Ragged Robin" Tonight.

Chauncey Olcott, the genial Irish comedian who has won the hearts of theater-goers in all parts of the country, will appear at the Bungalow Theater, Twelfth and Morrison streets, touight in "Ragged Robin." The play will be there only four nights and Wednesday afternoon as a

Concerning Chauncey Olcott and his appearance in Seattle, the Times of that city has in part the following to say: Do you believe in fairles? .

This question, made famous by Maude Adams in her never-to-be-forgotten. "Peter Pan," when she appealed direct to the audience in this trite phrase, is asked again with the same delightful effect. Do you really believe in them-honest, now? Channey Olcott wants to

"Ragged Robin" is, of course, an Ol-

"Ragged Robin" is, of course, an Oicott play, and it is the best thing he has done in years. Yet it is the same delightful Ofcott that talks and sings to you in his aweet and cherry tenor. The voice is just as strong and vibrant as ever, the songs better and sweeter and the Irish star has lost none of his power to appeal in that same old Olcott way. Rida Johnson Young and Rita Olcott have laid the scenes at Innishannon, and it is there a simple, beautiful story is unfolded.

Of course, Chauncey Olcott is "Ragged Robin." He is a wanderer—indeed a lovable one—who sings his way through life over the King's road—a happy-golucky Irish minstrel, fond of lodging beneath the blue sky or in the heiges, a happy, cheerful fellow in corduroy and leggings. The authors have made him believe in fairies, in a short life and a merry one, who is abroad and singing with the first golden glories of the Irish dawn. The pretty colleens are his delight they, in turn, love his roving spirit, his gay song and the atmosphere that is all his own wherever he goes.

WANT CITY CONVENIENCES

Hancock Addition Residents Form New Improvement Club.

To protest to the city officials against the absence of street lights and other city conveniences is one purpose of a permanent organization formed Friday and known as the Hancock Addition Improvement Club. Officers were elect-

........................ CONGREGATIONAL PASTOR IS CALLED TO FOREST GROVE.



Rev. David T. Thomas, Paster of Pilgrim Church.

Rev. David T. Thomas, pastor of the Pilgrim Congregational Church of the East Side, may go to the Forest Grove Congrega-tional Church. He received a call to become paster of that church this week, and now has the mat-ter under consideration. Rev. Mr. Thomas said yesterdsy that he would make his decision within the next few days and answer the call. He has been pastor of the Pilgrim Church for nearly two years, during which a hand-some building has been erected costing about \$15,000.

L.........

ed as follows: President Dr. Harvey M. Timms; vice-president and legal adviser, George P. Knowles; secretary, Henry H. Wright; executive committee, W. H. Thomas (chairman), George P. Knowles and Henry Lower. The residents of Hancock-Street Addition feel that they are discriminated against. Although there are numerous fine residences throughout the district, there is Although there are numerous ane resi-dences throughout the district, there is no street light east of East Twenty-eighth street as far as Rose City Park, except a group of incandescent lights maintained by the O. R. & N. at its Sandy road crossing. Contracts having been let for paving of this entire addi-tion with hard-surface payement, all with hard-surface pavement, al streets and crosswalks have been torn up in preparation, necessitating residents wading through mud ankie deep; and there is danger of personal injury from obstructions and high curbs in the absence of street lights. Considerable inconvenience is occasioned through the lack of free mail delivery. There are a number of property owners in Han-cock-Street Addition who wish to build permanent homes there, but fear for the safety of their families under pres-ent conditions. This addition is in the same class as Irvington, and is joined to the new residential district of Lau-reihurst on the south. It is the opinion of the members of this new improvement club that they are victims of taxa-tion without benefit or representation.

SWEEPERS GET IN FIGHT Two Women Have Stormy Discussion

Over Dirt in Hallway.

sweet dirt on the side taken care of by the other and as a result some blows were struck, some hair pulled and some harsh words spoken, and also Mrs. A. C. Morrison and Mrs. Emma Hall, the principals, were arrested.

Each aware out a complaint against

cipals, were arrested.

Each awore out a complaint against the other charging assault and battery.
Each was released upon \$10 ball and will

Municipal Court.

The hours where the two families reside is an apartment-house. Both families use part of the same hallway. Mrs. Morrison had swept her portion of the hall and suddenly discovered Mrs. Hall sweeping the dirt back into her domain. Because she endsavored to remonstrate, a battle ensued.

AGENT'S BOND MADE \$5000 Man Accused of Beating Woman Is

orning. Deputy District Attorney Hennessy said reperts from doctors attending Miss Stoetz in St. Vincent's Hospital were to the effect that the woman was in a critical condition. Attorney Hennessy requested that the bonds be set at \$5000. In view of the doctors' statements, but said, in case the woman inversed in condition he would ask to

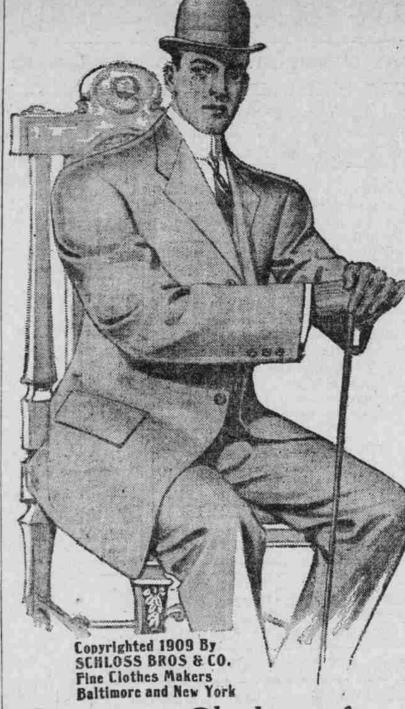
ments, but said, in case the woman improved in condition, he would ask to have the bond reduced.

The hearing of the case was put over until October 25. Up to a late hour Steen had failed to furnish the bonds and was confined in the County Jail.

GAS CONSUMERS, TAKE NOTICE.

know.

If there's a drop of Irish blood in your veins—or even if there isn't you will like —perhaps love—"Ragged Robbin," which, with the debonair Chauncey came last night to close the week at The Moore. There is something quite irresistible about this little Irish play that gets into



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characterizes every garment bearing the Schloss Label Harmonious lines with artistic workis the fundamental basis of these Master Tailored Clothes-they teem with originality well thought and well wrought—the styles are distinctive and stamp the wearer with an air of refined elegance.

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Suits-No matter your Style, Shape or Build; Long, Short, Stout or Stender; we have special models to fit you stylishly and becomingly.

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Overcoats-short and long-light and heavy -fancy and plain, - Every new fad in Style and Shape-in endless variety in every Style to suit every taste and fit every figure.

Automobile Garments-in novel effects can plete the dress of a Gentleman for social occasions. be used with Military or Regular Collars.

RAINCOATS-The sensible garment for mid-season or for anytime-made of Priestly and other Cloths. Worsteds and Cheviots in numerous styles, shapes and lengths—a light-weight Overcoat suitable for wet or dry weather—water-proof, yet dressy—in fact very handy the year round for theatre or dress occasions.

Baltimore Schloss Bros. & Co. New York

First Affair Is Halloween Party and Many Other Novel Events Will Make Winter Joyous.

This senson promises to be active at the Portland Heights Club. The new committees chosen after the annual meeting a week ago have organized and are making elaborate arrange-ments for the social season. The first big entertainment will be held Monday evening, November 1, and will be a Hallowe'en domino party, at which the hostesses will be Mrs. Walter V. Smith. Mrs. E. L. Thompson and Mrs. Park Densmore. A large orchestra will b present and at 11 o'clock masks will be doffed, after which refreshments appropriate to Hallowe'en will be

The new social committee of the club, composed of Fletcher Linn, M. H. Houser and Walter A. Gruetter, are planning a number of novel affairs. At each event different ladies of the Two women sweeping a hallway, at planning a number of novel affairs to Stevens street, got into a row yesterday afternoon because one of them club will act as hostesses. It is prob-

The pretty clubhouse during the sea son promises to be very gay. Plans are now being made by the games comget an opportunity to tell all about it mittee, composed of M. H. Lamond, Monday morning before Judge Bennett in M. H. Schmeer and Charles O. Meyers, to open the bowling tournament for both women and men and the billiard tournament for men about November 15. Handsome cups have been put up for these events. C. C. Colt, the presi-dent, has given a beautiful bowling trophy for the men. J. A. Currey has presented a large silver cup for the ladies' bowling tournament, and Jay Smith, the first president of the club, has given a handsome loving cup as the prize for the billiard tournament.

The children's dancing class held its first meeting yesterday afternoon at Lodged in County Jail.

Judge Bennett fixed the ball of E. R.
Steen, the sewing machine agent who is under arrest charged with assaulting Miss Louise Stoetz, at \$5000 yesters.

STATION IS NEARLY READY

Mailing Division Will Be Moved Next Week.

Furniture and other equipment are be ing installed for the new mailing divi-ation of the Portland Postoffice in the Smith building at Fifth and Glisan smith binding at the and Sham streets. Postmaster Young said yester-day that the new quarters will be ready for occupancy the latter part of this week. The removal of the mailing divi-sion from the main building, Sixth and Morrison streets, to the new location will begin a week from tomorrow. The new mailing station will become

substation E, while the Hoyt-street suboffice having the same designation will
be abandoned. The % carriers that are
operating from this station at the present time will be transferred to the main

building, from which all mail for deliv-ery in the city will be sorted and de-livered to the carriers for distribution. I ankersheim was arrested last week for speeding and fined \$50. He MUCH GAIETY PLANNED FOR COMING SEASON.

Ilivered to the carriers for distribution. All outgoing mail will be handled from the Fifth and Glisan street station, after being collected from the different substations throughout the city. The additional space resulting from the removal of the mailing division from the Federal bullding will be utilized by the control of the mailing division from the Federal bullding will be utilized by the control of the mailing division from the Federal bullding will be utilized by the control of the mailing division from the Federal bullding will be utilized by the control of the mailing division from the Federal bullding will be utilized by the control of the carriers for distribution. All outgoing and fined \$50. He will be arraigned today.

Rear-Admiral Erben Dead.

NEW YORK, Oct. 23.—Rear-Admiral bullding will be utilized by the carriers for distribution. All outgoing and fined \$50. He will be arraigned today. building will be utilized by the carriers in their work. The changes will greatly relieve the congestion which now prevails at the main Fortoffice and will assist

Postmaster Young has also made ar rangements for installing four additional general delivery windows at the Postoffice building for the accommodation of the general public. He has made applica-tion to the Department at Washington for authority to appoint the eight additional clerks which will be required for this increased service and the additional windows will be added just as soon as such

authority is received Rich Boy Taken to Cell,

LOS ANGELES, Cal., Oct. 23.—Jack Lankersheim, son of J. B. Lankersheim, millionaire realty owner and hotel propri-etor, was released from jall early today after having spent seven hours there for automobile speeding. He gained freedom on \$160 ball, allowed by Justice Frederickson, who was awakened late at night to relieve the young millionaire from the necessity of spending the entire night in a prison. According to the police, Lan-kersheim dashed down Broadway late

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We know what the trial package
will do. In many cases it has cured
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Full Set, that fit \$5.00 Gold Crown, 22-K \$3.50 Bridge Teeth, 22-K ... \$3.50 Gold Fillings\$1.00 Silver Fillings..... 50¢ If you are acryous or have heart trouble, the Electro Painless Sys-tem will do the work when other fall. All work warranted ten years

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PIANO TO ADVANTAGE. We want to buy for each four or five more square pinnos in reasonably good order, or will make liberal allowance for same toward payment of a fine new upright or grand, or a Planola-Plano. Call at, or telephone, or write Ellers Plano House, wholesale dept., immediately, 353 Washington. Telephone Exchange 23 or A 7744.

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America's Valley of the Nile

is located in the very center of the famous Inland Empire, the part of Washington, Oregon and Idaho that up to about ten years ago was considered sterile, worthless ground, but which under irrigation has proved to be the best land in this great America; not even being surpassed by that greatest of heretofore-known valleys, the Nile, of Egypt.

This great valley of Egypt was made so fertile by the overflowing of that great stream, the River Nile. The Richland Valley was made fertile in exactly the same way, only that the fertility of this country is much more general than that of the former, for the reason that this valley was once covered by an immense lake, and the waters of the Snake, Yakima and Columbia emptied their silt and refuse into this lake, as well as numerous volcanoes throwing out their ashes onto the water, and all of this settling to the bottom, where it has formed a deep, rich soil that is underlaid with the loose gravel, making the very best soil formation in the world for irrigation. A sample of this soil, taken from different sections of the district, was pronounced upon examination by Government experts as being very rich in iron, phosphoric acid, phosphate and lime. When you find theze properties heavily impregnated in the soil, you can be absolutely certain that your land will raise anything on earth that you wish to plant in it, provided you are in an altitude and latitude at which your crop would be supposed to mature. The average elevation of our project is about 370 feet. This low altitude, combined with the fact that we lie 300 miles from the coasi and 60 miles from the closest mountain range, gives us an almost tropical climate. This is the reason that we can ripen our fruits from three to five weeks ahead of every part of the Northwest, and therefore, having no competition from any district north of San Jose, Cal. California is too far away to be any direct competitor, and too distant from its markets to enjoy the profits from truitraising that we get from our farms.

Richland lies within 500 miles of all the largest cities in the Northwest, which have a total population of over 4,000,000 people; therefore we can pick our fruit and berries in the afternoon, and the next morning we place them on the market in Butte, Helena, Anaconda, Great Falls, Lewiston, Moscow, Coeur d'Alenes and Boise, as well as Spokane, Seattle, Tacoms, Olympia, Bellingham, Everett, Victoria, Vancouver, and Portland.

By this you will see that it will be nearly impossible for us to supply all of these people with early fruits, to say nothing of the fact that our valley is the most successful apple-raising district in the whole Northwest, and this is the greatest apple country in the world.

Richland is your last chance to get land in the Yakima Valley, irrigated by gravity flow, for prices ranging from \$125 to \$150 per acre, as all of the districts in this valley are older and prices have advanced until they are 50 to 100 per cent over Richland prices at the present time. The waters of the Yakima, which is the only stream in that country that passes, through a district of less than 1200 to 1500 feet elevation, that lies near enough the level of the surrounding land to take water out of without pumping, are entirely appropriated, and the Columbia lies so low that water has to be pumped to an elevation of from 50 to 125 feet to get it on the land, and pumping makes irrigation both dangerous and costly. Dangerous, for the reason that your pumps or engines will break down at the time you are using them and need them the most, and therefore will leave you without water; and costly, for the reason that these pumps must be purchased and installed, and fuel and repairs furnished afterward.

Irrigated lands in our country, according to Government reports (which are absolutely reliable), are returning greater profits per acre than are any ten acres of non-irrigated land anywhere in the Northwest. The reason for this is that you have your water and moisture at the place and time that you need it, never having your crop too wet or too dry, but just enough warm water on it that, combined with the warm sunshine, of which we have over 300 days in every year, causes a very rapid growth, that cannot possibly be gained by any other method of farming.

Transportation facilities in our valley are the very best, having now three lines of railroad in operation, and two more building, as well as open-river boats passing the town and irrigated lands several times a day.

Call or write for our new booklet, just out, "There's a Reason for Irrigation." Join our regular Saturday excursion, leaving every Saturday at 5 P. M., from our office.

RICHLAND LAND COMPANY

A. W. HOVER, MANAGER

110 Second Street.

Phones, Main 1743, A 1743.