

RIGHTS OF WIFE LIMITED BY LAWS

Power to Make Will Abridged, Says M. E. Pogue, in Comment on Situation.

MUCH INJUSTICE WROUGHT

Representative of Grange Declares That Dower and Courtesy Law of 1907, Abridging Wife's Right, Should Be Repealed at Once.

BY M. E. POGUE.

(In Behalf of Grange Resolutions.) My attention has been called to an article by W. E. Shively, chairman of the legal committee, Portland Realty Board, published in your issue of Sunday, July 7, on page 5, section 3. The article was written with much learning, but it seems not to have come to the writer's attention that the dower and courtesy law passed by the Legislature has seriously abridged the right to dispose of one's property by will.

The Oregon Constitution (Section 5 of Article XV.) provides: "The property and pecuniary rights of every married woman, at the time of marriage, or afterwards acquired by gift, devise or inheritance, shall not be subject to the debts or contracts of the husband, and laws shall be passed providing for the registration of the wife's separate property."

The Supreme Court in deciding the meaning of this section has said: "Under this section the Legislature has established the wife's legal identity, and clothed her with power to contract with her separate legal estate and maintain suits and actions in her own name to the same extent as if she were unmarried. (Grubbs v. Grubbs, 26 Ore. 369.)"

Law Revised in 1907. "Whatever property a woman has at the time of marriage, or afterwards acquires by gift, devise or inheritance, remains hers until she, by her own consent, expresses in writing her intention." (Brumet v. Weaver, 2 Ore. 173.)

Pursuant to the intention of the framers of the constitution, the Legislature of 1907 passed a statute (Bill's Code, Section 2583), giving the husband custody in all those lands of which the wife died intestate, and which she was able to deed her separate property as though she were unmarried.

The signature of the husband was not necessary. She could will her property to whomsoever she chose. The law stood in this condition until 1907, when the Legislature gave the husband an estate by the curtesy in one-half part of all the lands whereof his wife was seized of an estate or inheritance at the time of her death.

This provision greatly restricted the wife in the disposition of her lands. While she still had the right to deed her separate property away, without the signature of her husband, or will it to whomsoever she chose, the husband, by the curtesy, without the signature of the husband, until his death, having, upon her death, custody of her lands, in the position of one-half during the marriage, if she made a will to her children, the fee simple title went to them, subject only to the life estate of the husband.

Although the husband, by the curtesy, made a great innovation, and further infringed upon the constitutional protection to the wife in dealing with her separate property. It is to be noted that the husband had the right to claim one-third of the wife's property in fee simple, in lieu of his curtesy, if he so desired.

It is seen that the wife can no longer deal with her separate property as though she were unmarried. Immediately upon marriage the husband acquires a one-third interest in all the lands belonging to his wife at the time of the marriage, and thereafter, if she dies, he has a one-third interest in all the lands that she may acquire by inheritance or purchase.

She cannot deed away without his signature. She cannot make a will as to carry title, as before, and certainly this is a violation of the wife's constitutional right.

Husband's Rights Same. What I have said as to the law of 1917, respecting the wife's separate property, applies equally to the husband's right to deal with his separate property, excepting that the husband's rights were transmitted to us through the adoption of the laws of England rather than having been secured from a direct constitutional provision.

Wills were recognized by the Hebrews, Greek and Roman laws, and were not in use among the ancient Germans. In England wills of personality were valid by custom in early times, and also of land until the introduction of the feudal system when land became not subject to devise, until the people began to shake off their feudal incidents of land tenure and the various statutes which enabled landholders to devise.

These statutes are very generally followed in this country and particularly in Oregon.

The dower and courtesy act of 1917, while purporting to still retain the right to make wills actually interferes with that right to such an extent that many wills do not convey title, and the act of surviving spouse nullifies the will of a deceased husband or wife.

In order to be the better understood, I here cite a few of the concrete examples which have come to my attention in law practice, and which show that the present law not only interferes with the right to make wills, but fails to do even approximate justice in a great majority of cases, and is not in harmony with our general law providing for separate property of the husband and wife.

Thus, a widow with three children married a second husband. She then fell heir to a 10-acre tract of land. The second husband died, and she was left with three children and no property. The husband died, and she was left with three children and no property.

Another case: A man died leaving much property to his widow. He had an infant son. She remarried. The second husband died, and she was left with three children and no property.

Law Nullifies Will. Another case: A man died leaving much property to his widow. He had an infant son. She remarried. The second husband died, and she was left with three children and no property.

Government Contracts to be Handled by F. D. A. PER ANTI HAVING CAPACITY OF NEARLY 1,000,000 FEET

DRAWING FOR NEW PARISH HOUSE TO BE ERRECTED AT MARYLAND AVENUE AND BLANDENA STREET BY THE CHURCH OF THE BLESSED SACRAMENT.



WORK ON \$6000 HOUSE FOR PASTOR TO BEGIN AT ONCE. Plans have been completed and the contract is to be let at once for construction of a new parish house for the Church of the Blessed Sacrament at Maryland and Blandena streets, which Rev. Father Black is the pastor. The building will be of frame, two stories and basement and will have ten rooms and two bathrooms.

REALTORS WILL HELP COMMITTEE TO AID RED CROSS SALVAGE WORK.

Henry C. Craner, Chairman, and Sub-Committees Are Named for Various Districts. A committee from the Portland Realty Board has been appointed by Paul C. Murphy, president of the board, to work for the Red Cross Salvage Bureau. This committee is composed of Henry C. Craner, 212 Selling building, chairman; Mr. Crossley, 270 Stark street, and W. M. Jackson, 1135 North-western Bank building.

The slogan of each member of the committee is: "Get one auto or truck from my district to serve one day per month for six months or longer."

The main committee has named four sub-committees in its many districts to aid in the work. These sub-committees are composed of the following members:

- District 1, north of Thurman street, West Side, F. V. Andrews, chairman; C. P. Benedict, A. A. Berry, C. W. Cather. District 2, north of Washington to Thurman to Sixteenth, W. B. Allen, chairman; E. J. Daly, Jan Kool, C. H. Korvel. District 3, north of Taylor to Washington, west, W. R. Kaser, chairman; D. H. Mackay, Paul Cowgill, Julius Meier. District 4, south of Taylor street west to Fourth, Frank MacFarland, chairman; Douglas McChesney, James D. Ogden, Talmage Realty Co., J. Whitman.

ALBEE HOUSE IS SOLD

LUMBERMAN BUYS EX-MAYOR'S RESIDENCE IN LAURELHURST. Possession to be Taken of Beautiful Home, for Which About \$30,000 Was Paid, on September 1.

The beautiful residence of ex-Mayor H. R. Albee, at 1848 East Ankeny street, Laurelhurst, was sold last week. The purchaser was Albert Brix, well-known lumberman and president of the Brix-Sand Lumber Company.

Mr. Brix will take possession about September 1. The sale to Mr. Brix was made by Mr. Albee himself. The consideration has not been given out, but is understood to have been very close to \$30,000 in cash.

The Albee residence is one of the very beautiful homes of Portland. It is of brick and covers seven full lots near Laurelhurst Park in Laurelhurst.

PLANT OF MONARCH LUMBER COMPANY, IN NORTH PORTLAND, WHICH WILL RESUME OPERATIONS AT ONCE.



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NEW BUILDING ALL FULL

LEASES CLOSED FOR QUARTERS IN RIALTO BUILDING.

W. H. Webb, Realtor, Rents Vacant Store Rooms to Business Firms in Short Period.

W. H. Webb, the realtor, announced yesterday that he has closed leases for every store in the new Rialto building, which has just been completed at Alder and Park streets.

The leases are as follows: Hyatt Talking Machine Company, store at 350 Alder; C. G. Applegate, furrier, store at 352 Alder; suit house, 354 Alder; W. E. McIlhenny Shoe Company, 356 Alder; Clapp Shoe Company, corner Park and Alder; a ladies' tailor at 144 Park street and Hovenden Piano Company in store adjoining. All these leases have been concluded within the past 60 days.

Mr. Webb has closed a lease with the Bidelman News Company for quarters at 345 Washington street and to the Regal Shoe Company, which will open a branch at 247 Washington street. He has leased a store room at 357 Morrison street to J. Lehrer, dealer in novelties.

SMALL HOMES MOVING FAST

Fred W. German Reports Large Number of Sales.

The Fred W. German Company has made many sales recently of small residences here, and reports a large demand for homes of this class. Among recent sales are the following:

- Erol Heights to Tillman N. Anderson for W. A. Shaver, \$1000; 4-room bungalow in Kaufmann's Addition, by Mr. German to Laura I. Dorner, for \$1300; lot in Brockton Addition with shack sold for Eita Osborne to George Ranceveaux, and re-sold by purchased to William Stock; 2-room cottage at 864 Michigan avenue to Matilda Anderson for \$1900; 3-room cottage at 1288 East Twenty-ninth street to J. A. Robertson for \$700; 4-room bungalow in Erol Heights to H. C. Vaughn for \$1000; 6-room house at 2150 East Gilsan street to Jennie Barnes for \$2400; 4-room cottage at 1310 East 21st to 3538 Sixty-fourth street Southeast, to Ellen M. Pitts; 5-room bungalow at 291 East Forty-second street to Floyd J. Binkley for \$2250, and many others.

NEW PLANT IN OPERATION

Big Box Factory at Klamath Falls Scene of Activity.

KLAMATH FALLS, Or., July 20.—(Special.)—By efficient arrangement, through which enough box material is turned out for a trainload of flat boxes 80 miles long each year, the new Ewauna box plant, which, with the completion of the large warehouse, is practically finished, now daily converts pine logs from the Klamath forests into seven carloads of shooks each day.

This plant, succeeding the one lumber down the river to rail transport, light, airy factory building, covering a space 150 by 70 feet, with a warehouse 130 by 70 feet adjoining one end, is the main in the main is complete and under headway.

Two hundred employees are now engaged on the order of log drives on the totals \$800 a day. The plant has a capacity of 160,000 feet of shooks per day, with two eight-hour shifts.

A feature of the new industry is the large number of girls and women employed. They are making good in places heretofore occupied by men, according to company officials.

PORTLAND MAY GET STOCK

Baker Farmers Asked to Ship Product to Oregon Market.

BAKER, Or., July 20.—(Special.)—C. B. Stuyvesant, representative of the livestock commission house, is in Baker interviewing the local stockgrowers relative to shipping their stock to Portland rather than to Eastern packing centers.

Mr. Haynes said that while the Eastern price for times has a little better than that at Coast stockyards, the loss through shrinkage in transit would more than offset the difference. It figures to prove his claim, which many of the local growers who of late have been shipping East are inclined to recognize.

LIVESTOCK BOARD CALLED

Chairman and Assistant Veterinarian to Be Named July 25.

SALEM, Or., July 20.—(Special.)—State Veterinarian Lytle announces that the Sanitary Livestock Board will meet at Klamath Falls on July 25 to elect a chairman to succeed J. M. Dixon, of Sheed, deceased, and also to appoint an Assistant State Veterinarian to succeed Dr. C. M. Gardner, of Portland, who has entered military service.

Plans also will be made for the annual sheep dip in 1919.

CURRY COUNTY SUFFERS DROUGHT.

MARSHFIELD, Or., July 20.—(Special.)—F. T. McMullen, of Denmark, Curry County, relates the extremity of the drought in that area and says much of his grain, planted for winter feed, will not pay for cutting. Curry County has been dry for several months and farther south it is much worse than in the vicinity of Denmark. Mr. McMullen believes many dairymen will have to dispose of portions of their herds before winter is over. The dryness has already cost Mr. McMullen \$1000, he estimates, and with further losses anticipated he looks for a very lean year.

GRAIN AND HAY HEAVY

KLAMATH COUNTY FARMERS ARE CHEERED BY PROSPECTS. Money Spent for Irrigation Already Gives Promise of Return in More Assured Harvests.

KLAMATH FALLS, Or., July 20.—(Special.)—Klamath County is fast coming into its own. The big resources of the county, which have been so long potential rather than kinetic, are being brought into development during the past few months at a most astonishing rate. Agricultural products of the district are bound to be multiplied tremendously under the transformation.

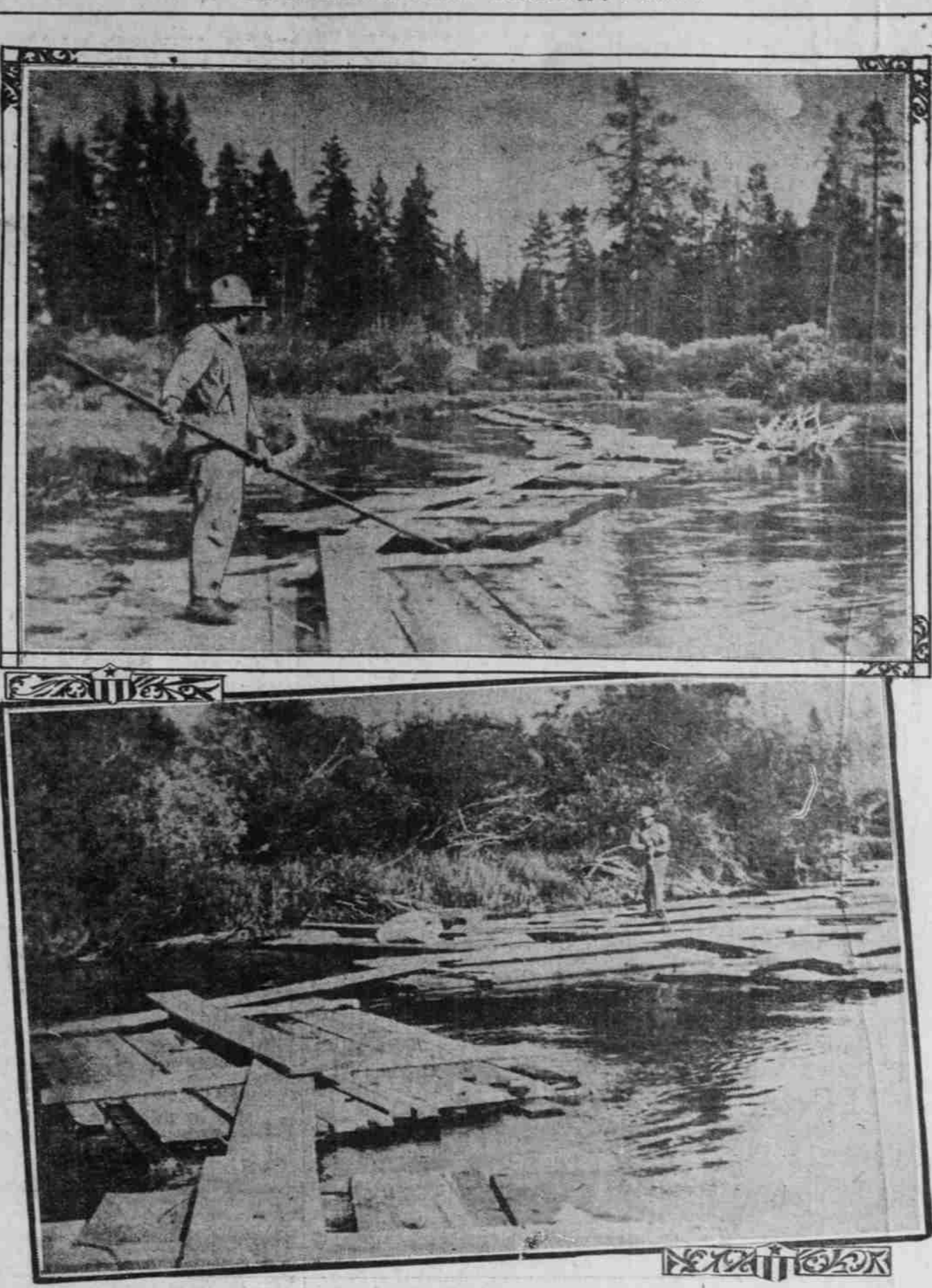
At Bonanza, a small town 25 miles east, all is bustle and activity. The water which is to make the sandy fields into a great productive garden spot has been secured, and is already turned on some of the ranches. It is now running on the Big Springs unit, above town, and is in time to be a material help to the farmers.

Close by the new steel bridge over Lost River at Bonanza a channel has been cut and the pump and motor for the unit below town installed. Wooden flumes are piled high along the streets ready to be laid as fast as the ditches can be dug. Farmers are hauling more of these.

Despite the reports of dry land crop failures, some exceptional stands of fruit trees and some good hay crops are bound to be harvested. A break in the Harpold dam, four miles below Bonanza, is causing temporary inconvenience, but it will be repaired soon.

LA PINE COMPANY ADOPTS NOVEL MEANS OF TRANSPORTING TIMBER FROM CAMP TO MILL

Under New Plan Rafts Containing About 1500 Feet of Green Lumber Are Bolted Together and Sent on Trip of 20 Miles Down Deschutes River—Timber Supply Unlimited.



Top—Novel Method of Rafting Lumber Employed by I. X. L. Lumber Company, of East Fork of Deschutes River. Below—Freeing String of Rafts When They Have Lodged.

LA PINE, Or., July 13.—(Special.)—The I. X. L. Lumber Company, which operates the enlarged J. N. Masten mill on the east fork of the Deschutes River west of La Pine, after trying a number of methods for floating its lumber down the river to rail transportation pending the arrival of the railroad at La Pine, has hit upon a novel method which is regarded as a complete success.

Their first attempts to market their output via the river route were somewhat on the order of log drives on small streams. Large timbers were floated separately, while the smaller material was tied in bundles. The difficulty with this method was that the lumber would lodge on sand bars and in eddies, necessitating constant patrolling of the river by men to keep the lumber moving.

New Method is Unique. Under the new method just adopted, rafts containing about 1500 feet of green lumber are made upon an inclining platform on the river's edge at the mill. They are bolted together by means of crossbars and then slid into the river and anchored along shore.

When 30 of the rafts have been made up they are placed end on about six feet apart and bolted together by planks in a manner to permit swinging and bucking of the flotilla at pleasure. The flotilla is then manned by three operators to keep it clear of the banks and drifts and is sent on its 20-mile ride down the river at the rate of from two to three miles an hour.

Each flotilla contains from 45,000 to 50,000 feet of green lumber weighing about 180,000 pounds, which is equal to about 23 auto truck loads of lumber over dirt roads. The saving between auto truck service, which was first thought of as a means for marketing the lumber, and the river route, is very material.

Capacity of Mills Enlarged. The I. X. L. Lumber Company, which is now working on an extensive contract for Central Oregon white pine lumber, is a new organization, having recently engaged in the manufacture of lumber in the La Pine basin. In addition to the enlarged J. N. Masten mill, which this company has taken over, they are planning construction of another mill a few miles north of La Pine. Timbers for the second mill are now being assembled at the new site.

The output of this company is the first lumber to be cut in the La Pine basin for the outside market, and is the first substantial inroad to be made on the 10,000,000 or more feet of white pine in this basin. Much of the timber in the vicinity of La Pine is held in private ownership, single holdings running well into the millions of dollars in value. Large areas are also held in the forest reserve, the reserves being created in part to aid in conserving the waters in the lakes and streams of the surrounding mountains for irrigating purposes.

Timber Supply Unlimited. The Government offers the matured trees in the reserves for milling purposes. It is estimated that 50 per cent of all this timber is past maturity and should be cut in order to be saved. It will require three or four mills of extra large capacity to manufacture this timber in this basin within the next 100 years. Idaho timbermen here now say this white pine scales from 25 to 40 per cent better than the noted Idaho white pine.

In addition to the white pine the La Pine basin also contains about 8,000,000 cords of black pine which Government tests have shown to be valuable for paper. Some of this timber has been manufactured into paper at the Camas paper mills.

BERRY PRICES ARE HIGH

Puyallup Crop Declared Largest for Many Seasons.

TACOMA, Wash., July 20.—(Special.)—Puyallup red raspberries are bringing 12 cents a pound this year at the cannery as against 8 cents last year. W. H. Paulhamus, president of the Puyallup and Sumner Fruitgrowers' Association, made that offer to the growers with the stipulation that they bring all their raspberries from now until the end of the season. Shipping berries have been bringing from \$2.50 to \$3 a crate this season.

At the present time between 6000 and 7000 pickers are working in the Puyallup Valley. They have been drawn from all over the Northwest. The yield this year, Mr. Paulhamus will exceed that of previous seasons.

POLICE DESERT CALLING

Shipyards, Box Factory and Gill-netting Pay Much Better.

MARSHFIELD, Or., July 20.—(Special.)—Police officers in Coos County are deserting their long-time calling and entering other pursuits. The first to drop out of chasing bootleggers and looking after the moral welfare of his community was Chief of Police Peter Anderson, of North Bend, who drew \$40 per month. He went to the Kruse & Banks shipyard, where he is making more than twice his city salary.

Night Officer Ollis Smith, of the same city, went to the Clark & Callaghan box factory, where he is chief engineer for the concern.

F. H. Holman, of Bandon, who was chief of police for 1 1/2 years, sees a fortune in fishing and has joined the gillnetters on the Lower Coquille River.

The heavy fields of grain and hay in the Pine Grove section, seven miles east of Klamath Falls, are making good the faith placed by the owners.

Directory of Prominent Life Insurance Agencies Members of Life Underwriters' Association of Oregon.

- Wm. Goldman, General Manager, NATIONAL LIFE ASSURANCE CO., Northwest Branch Bldg. H. G. Cotton, Manager, MASSACHUSETTS MUTUAL LIFE, Chamber of Commerce Bldg. E. L. Harman, General Agent, PENN MUTUAL LIFE, Northwestern Bank Bldg. George Mackenzie, Manager, NEW ENGLAND MUTUAL LIFE, Northwestern Bank Bldg. M. M. Johnson, General Agent, NEW WORLD LIFE ASSURANCE CO., 202 Stevens Bldg. H. R. Albee, General Agent, NORTHWESTERN MUTUAL LIFE INS. CO., Northwestern Bank Bldg. T. H. McCallie, State Mgr., UNION MUTUAL LIFE INS. CO., 202 Stevens Bldg. Edgar W. Smith, Manager, EQUITABLE LIFE ASSURANCE SOCIETY, 200 Oregonian Bldg.