

LOS ANGELES TRIAL ENCOUNTERS MORE TROUBLING OBSTACLES

Since October 11, Attorneys Have Tried to Get Jury— Now Three "Permanents" May Demand Freedom.

(United Press Special Wire.)
Hall of Records, Los Angeles, Cal., Nov. 18.—The trial of James B. McNamara for murder in connection with the destruction of the Los Angeles Times October 1, 1910, encounters more and more obstacles as time passes.

Since October 11, the attorneys for both sides have been endeavoring to qualify 12 men who will swear to "well and truly" try the case and to act impartially between the state and the accused. Tonight there are five sworn jurors and two men passed for cause by both sides. The two latter will never survive the trial. One will be peremptorily challenged by the state and the other by the defense.

The state has only five peremptories left while the defense has eleven. It is certain, therefore, that the jury will be completed not later than the middle of next month.

Jury's Next Brother Dying.

But—and here is the between-decks snarl that is troubling both sides—of the five men now in the jury box, three may be eliminated at any time. Juror Sexton has a half brother, Charles Sexton, dying. They were boyhood chums and their devotion has been such that he was a topic of conversation among the neighbors. Should Charles Sexton die, his brother will demand that he be excused and it is likely that his request will be granted.

F. D. Green, liked by state and defense alike, is worried. His wife, to whom he has been a devoted husband, is very ill, so ill, that he is unable to keep his mind on anything else and if there should be a change in her condition he will demand to be excused from further service.

Then there is Byron Link, president of the Pasadena Milling company. His eyes have gone back on him. For many weeks he has been treating them and since he was sworn in as a juror in this case they have been getting worse and tonight he is confident of one of the court attendants that it was a question whether he should demand that the court excuse him or face total blindness.

Only Two May Remain.

Therefore tonight there is a decided chance that all that has been secured to date is two jurors who can serve to the finish. Another thing causing worry is the declaration of the prosecution that 14 and not 12 jurors should be tried to secure the latter two will be reserve jurors, as designated by the California code, and will take the places of any of the regular 12 who may be incapacitated for any reason whatsoever.

The defense will merely peremptorily object to such a jury, but the prosecution has experienced lawyers who have studied the subject say that if the jurors who are qualified, and the state says they will be, it will violate the rights of the defendant guaranteed under the constitution of the United States and with results should there be a verdict for conviction, in a reversal by the supreme court of the United States if the California courts refuse to act.

Marshall to Be Challenged.

Today's session was perfunctory. J. H. Marshall, a retired hardware man of this city, was named by the state to sit as a juror, but he will be peremptorily challenged by the defense later.

He admitted prejudice against labor unions, but insisted that he had no opinion regarding the merits of the present case.

PATHTIC STORY OF YOUNG NOBLEMAN IS RECITED IN PETITION

(Continued from Page One.)

Fish. The names of Fish, Gould, Strong, Astor and others well known in New York society are common in his narrative. When ill health first overtook him, two years ago, he decided to come to the coast.

Since 1909 he has lived at San Diego, Los Angeles and San Francisco, spending his remittances, he says, for medical attendance and living quietly.

Wrote to Father for Help.

Upon the death of his grandfather, Lord Elwon, he wrote to his father, he says, telling him of his falling health and asking for an increase in his allowance. The request was granted for a time. Then for some reason of which he says he knows nothing, the drafts came irregularly.

Among the instructions to the English solicitors sent forward today is a request that they consult with Colonel Surtees and Rolly, of the English army, who are trustees of Lord Elwon's estate, and enlist their aid in support of the petition.

Wymer says his father's income from the purchase of King George and from the estate of his father, Lord Elwon, is in excess of 100,000 pounds, or \$500,000 a year; but he has never forgiven the Anna Stockley incident in his son's life and because of it has practically cut him off.

WEST WOULD SEE THAT SETTLER IS GIVEN PROTECTION

(Continued from Page One.)

was authorized to set aside 1,000,000 acres in each of the far western states to be decided to the state whenever the state or companies operating under sanction of state authority desired to locate the land, the authority being given to deed the land in turn to the settler. It was intended to hasten the work of development by enlisting the states in the work, and it became the duty of each state to pass appropriate acts to carry out the purpose of the national law.

Talked to Frame Rules.

The legislature of Oregon, when it accepted the government plan, failed to lay down guarantees for the investor and the settler. The problem was not fully understood, and the law became in many instances a mere formality. Magnificent projects were planned without proper engineering consideration and options were sold on land that was neither segregated nor reclaimed.

The question first presented, as it now appears, is to find out the real status of each project. With this accomplished the desert land board will be in position to act intelligently in fixing the terms upon which the companies can operate. Lacking legislative action, the power apparently rests in

AMOS SLAVENS, EARLY WARREN SETTLER, DIES



Amos Slavens.

(Special to The Journal.)
Warren, Or., Nov. 18.—Amos Slavens, for 45 years a resident of Warren, Columbia county, will be buried from this place Sunday afternoon at 3 o'clock. Mr. Slavens passed away suddenly at his Portland home Thursday evening. Death was due to heart failure.

Amos Slavens was born in Ohio, June 15, 1835. He was married in 1855 to Miss Elizabeth Reydum, who survives. The couple came to Oregon in 1865, coming overland, to Walla Walla. The following year they settled in Columbia county, where they lived until a few months ago. Thirteen children were born to Mr. and Mrs. Slavens, 11 of whom still survive. They are: Daniel, of Vancouver, Wash.; John, William H. and Amos R., of Portland; F. Mariona, of Hood River; Mrs. M. J. Scott, of Kalama; Mrs. Julia Traynor, Mrs. S. E. Orfield; Mrs. Fred Cassidy, Miss L. Mae Slavens, of Portland, and Mrs. Thomas Geoghagan, of Seattle.

the state land board to make rules that will safeguard the interests of all concerned.

This is the general plan upon which the governor is working. The different projects present various phases, in which the course of action will necessarily be different. An effort will be made to bring all to a sound basis and to guard future contracts under a general definite policy that will insure speedy progress toward the actual placing of the water on the land.

CHINOOK AND HARD RAINS SEND RIVERS OVER THEIR BANKS

(Continued from Page One.)

at 10 o'clock this morning did not get in, having been stopped by high water near Stanwood. The northbound train due to leave here at 9:30 did not depart because of the trouble on the coast line. The Northern Pacific has abandoned its line between Burlington and Bellevue because of high water in the lake and is using the Great Northern track from Burlington to Bellingham. Reports received from Monroe stated that the Skykomish river is wild and angry and threatens to overflow its banks.

Green and White Alsoraging.

Green and White rivers, south of Seattle, are on a rampage. Northern Pacific overland train No. 4, which left Seattle at 8 o'clock this morning, has been held up at Kanaskat all day. Three railroad bridges near Humphrey have been washed out. The Western Union wires are down south of Auburn. Fifty cows are marooned on an island near Kent. Farmers are driving their stock to the hills. Green river is at the highest point in five years.

ALL WESTBOUND TRAINS HELD AT ELLENSBURG BECAUSE OF WASHOUTS

(Special to The Journal.)

Ellensburg, Wash., Nov. 18.—On account of washouts of the Northern Pacific railroad near Hot Springs no eastbound trains passed through this city today. All westbound trains are held in the mountains. Beginning this afternoon, all westbound trains are held in the Ellensburg yards. Passengers are told that the time of their departure is indefinite. No tickets are being sold. There is no danger of floods in this section.

Heavy Snow Fell in the Cascades last week, 30 inches being reported at Clewiston. The snow melted the snow but the ground was not frozen, so the rivers were not affected. The Yakima, a source of trouble in 1906, has risen only a few inches.

The Milwaukee railroad is having big trouble in the hills. Wires are down and a rock slide has occurred on the west side near the summit. The eastbound Olympian train, due here at 1:30, is indefinitely late.

Linemen, Hemmed in, Escape.

(Special to The Journal.)
Ellensburg, Wash., Nov. 18.—Rapidly rising rivers at the summit of the Cascades caught two Postal linemen today. They barely escaped with their lives. The two men, L. Mathews and Frank Hart, are stationed at Lacopia and were sent to Rockdale to repair fallen wires. While at work they were hemmed in by the Snoqualmie river and mountain creeks. They were held prisoners on high ground for eight hours. Finally they dropped a log across one of the minor streams and escaped. They report five feet of snow at the summit and heavy rains rapidly melting it.

STUDENT MOB PUTS DES LYS TO FLIGHT

(Continued from Page One.)

the prisoners within. Strenuous efforts were made by the arrested men to keep their names from the reporters. Newspapermen leaving the building were held up by the students, who tore up every note found on the scribes. Not a few bribes were offered reporters to keep the matter quiet.

Blakeslee Given Bond.

Shortly after midnight, Lieutenant-Governor Blakeslee furnished bond for several of the prisoners and it seemed certain none would spend the rest of the night in jail.

James A. Haves, claiming to be a deacon of the Fifth Avenue Presbyterian church, New York, one of the men arrested, made strenuous protestations of innocence and was released by the police shortly after midnight. His name was erased from the blotter.

Dean Jones of the academic department, was routed out of bed by the arrested students' friends and was observed with the police and with the bondless prisoners in secret confab.

AMOS SLAVENS MAY BE SUBJECT TO INVESTIGATION

Jury in Rowland Forgery Case Finds Circulator Guilty and Recommends That Attorney Be Examined.

Attorney Joseph T. Ellis, former councilman from the Tenth ward, who recalled last night by the verdict of his district, will be subjected to an investigation by the grand jury over the initiative paving petition frauds, if the recommendation of a jury that returned a verdict of guilty yesterday evening in the circuit court against J. A. Rowland is carried out. The latter was one of the circulators for Ellis, and was charged with forging names to the petition.

William C. McBretnay, foreman of the jury, asked permission of the trial judge, Harry E. McGinn, to make a few remarks, when the verdict was returned. The foreman said the jury was unanimous in finding Rowland guilty, but was equally unanimous in asking that the court extend leniency to him in passing sentence. A parole was strongly suggested. The jury was of the further opinion, said the foreman, that Attorney Ellis was to blame for the trouble, and that the evidence in the case disclosed facts that warranted the grand jury in looking up the matter.

Several of the jurors expressed their willingness to go before the grand jury Monday if called upon to do so. Judge McGinn is also expected to go before the grand jury and express his ideas on the evidence brought out before him. Deputy District Attorney Dennison prosecuted the case. He said he would present the matter to the district attorney for his consideration.

Does Not Believe in Leniency.

Judge McGinn would not give the jurors much hope of any leniency in passing sentence upon Rowland, as he said the practice of forgery means an initiative petition is a direct attack upon the initiative and referendum, and that persons making such an attack should be punished. He said, however, that the jurors are free to take their recommendations before Governor West after sentence has been imposed.

When the verdict was read the judge ordered that Rowland be taken into immediate custody by the sheriff, which was done. Rowland's mother was present throughout the trial yesterday, and remained with him while the jury was deliberating. When the verdict was read and the order made to take him in charge, she broke down and wept. Friends of the family assisted her from the courtroom. Sentences will be passed upon Rowland early in the week.

The jury took the case shortly after 3 o'clock, and within an hour returned a verdict of guilty. Attorney Vaughn, expressed his surprise at the verdict. The jury he asked if the verdict of guilty was what they wished to return. When Court Clerk Norton read the name of William McNab, that juror said he did not intend to vote for a verdict of guilty because of the high water in the lake and is using the Great Northern track from Burlington to Bellingham. Mr. McNab later explained that he voted for a verdict of guilty with the understanding that a parole or considerable leniency would be extended Rowland.

Prepared by Ellis.

The petition that caused the trouble was prepared and circulated by Attorney Ellis with the aid of the circuit council. It is aimed to give Portland competitive bidding on hard surface paving, and was carried. While the petition was being circulated, a cry was raised that the paving trust was buying up the petitions, and the author also made the same cry. The author, Seneca Fouts had attempted to bribe him to kill the petition.

Attorney Ellis claimed he made an error on his first bunch of petitions, and told his solicitors to sell these petitions to the persons wishing to buy them. It was said by Ellis that he proposed to fool the paving trust by selling them faulty petitions, and use the money with which to circulate the good petitions. He sold the faulty petitions, and filed the good ones. The people voted to adopt the plan.

C. A. Rowland, T. Cleveland, George O'Connor, and a man named McCarthy were circulators. They were arrested for forging names. In giving his testimony yesterday, Rowland admitted signing some names, but said Attorney Ellis told him to go out and get any names and get them in any manner he could, as the petitions were not to be filed but sold to the paving trust.

Offered Petition for Sale.

The two names alleged to have been forged by Rowland were those of William E. Klerman and W. Frost. Rowland admitted putting both names on the petition which he was circulating, but explained that he thought the petition was not to be filed. When he turned it into Attorney Ellis, the witness said, he understood it was to be sold to the paving trust for a paying trust. Rowland testified that Attorney Ellis instructed him to sell the petition if anyone asked to buy it. He said that he was instructed to get no less than \$5 for it and that Attorney Ellis was to get \$2.50 of this amount.

When Attorney Ellis took the stand, Deputy District Attorney Dennison told him to proceed in explaining how the trouble started. The witness began by saying that it was a common rumor that part of the old city council were controlled by the paving trust, and named Attorney Vaughn, whom Attorney Ellis succeeded in the council from the Tenth ward, as one of the officials supposed to be so controlled. To this explanation Attorney Vaughn took exception and demanded that the witness name one person whom the witness had heard make such a remark. Attorney Ellis could not name anyone.

Cleveland, O'Connor and McCarthy will be tried soon. The four men have been at liberty on bail, but the honor for Rowland was recalled last evening when he was taken into custody. Other bonds will be provided as soon as possible, announced his attorney.

UNCLE SAM ARRESTS REYES AND 10 AIDES

(Continued from Page One.)

Following the success of the revolution he led, as far as the United States is concerned, the situation is today identical with that existing last July when Madero's agents were being arrested for violating the neutrality law. Our policy was then, and is now, to prevent unfriendly acts towards a friendly government upon United States soil.

It was made known at the state department today that the department of justice has been notified that the neutrality laws must be enforced along the Mexican border without discrimination.

Edlarsen Fuel Co. Range coal \$7. *

NEW CHAMPION OF WOMAN SUFFRAGISTS



Mrs. W. W. Penfield, who recently succeeded Mrs. Carrie Chapman Catt as chairman of the Woman Suffrage party. At the third annual convention held at Carnegie hall, New York City, Mrs. Penfield was presented with a gold and ivory gavel.

WANTS APPLE TO VIE WITH ROSE

(Continued from Page One.)

now have hundreds. But the show must be properly staged. It must be staged for beauty.

Much Room Needed.

One of the difficulties will be to find room for such a show as Mr. Bateham contemplates, especially if his ideas are carried out for next year, unless the Gipsy Smith auditorium could be utilized. Mr. Bateham thinks the temporary auditorium would be suitable and that all the room there is in it would be required.

"I expect to lose no time in trying out the business men of Portland to see if they want such an undertaking for their city," said Mr. Bateham. "I have only had an opportunity so far to talk to a very few, but all I have seen have been heartily in favor of the proposition. They realize the importance of the apple to the state.

"It is not my idea to take the apple show from the State Horticultural society, instead my idea is to get the business men of Portland to cooperate with the society in giving Portland an apple show worthy of the name and which would attract visitors from far and near.

Secret of Success.

"The apples can be secured through the society, but let the show be managed by Portland people through competent superintendents who could be selected for that purpose. The show, to be a success, must be put on an entirely different basis from anything that has been held in the past. The old style show, like the one we are now holding, is bound to go to seed; it will pass away; it offers nothing to attract people.

"My idea is not to attempt to hold a show with carload exhibits, like those sent to a national show, but to have a large number of 25 and 50 box exhibits, which do not cost a fortune and are just as effective.

"I have already seen several leading apple growers from southern Washington and Idaho, who happened to be in the city, and secured promises from them to send representative exhibits if this show is held here. The field for this show should cover, besides Oregon, all of southern Washington and Idaho."

JAPANESE SUDDENLY LAND TROOPS IN CHINA

(Continued from Page One.)

ranks and the troops are impatient at the delay.

The loyalists are said to be poorly equipped and short of ammunition. Seven thousand Shan Tau troops constitute the backbone of China's army.

The American, British and German consulates at Nanking have been closed and all business within the city is at a standstill pending the battle.

AMERICA DOESN'T NEED JAPAN'S HELP IN CHINA; MURDOCK IN CHARGE

(United Press Leased Wire.)

Washington, Nov. 18.—The United States government expects Admiral Murdock to meet any sudden developments in China. His authority is unlimited.

This government has 5000 soldiers ready to sail from Manila and can land them on Chinese soil within a week.

The two statements of the Chinese cabinet following the mikado's activity in the Chinese situation.

The fact that state department officials declared positively that the United States had received no suggestion from Japan that the mikado be permitted to act for all the powers in China, developed the disconcerting possibility that the note might possibly have been sent only to European governments.

The aggressive attitude of Japan in the orient and the resentment at the increase of American influence in Chinese affairs, are well known, but no official could be induced tonight to comment in any way upon these facts, which have suddenly assumed epoch-making significance.

Admiral Murdock has 200 marines at Peking and 400 at other points in China. He has a fleet of 19 ships, including the cruisers Saratoga, Albany and New Orleans, and four destroyers.

YOUTH, 18, HAD FIVE DIFFERENT SURNAMES

Claiming to have had five different surnames in the 18 years of his life, a young vagrant was picked up on the streets by Patrolman Black last night in company with a 16-year-old vagrant who just arrived in the city in hopes of finding a job.

The lad of many names who now claims Searle Whiteley to be the correct one, and Lee Barbur, were brought to police headquarters for investigation.

Whiteley, the spokesman for the two, says he ran away from an institution in Lawton, N. D., about seven weeks ago and met his companion at Stanley,

LINE FROM VALE MAY BE BUILT

Believed Orders Have Been Issued by Harriman System to Extend Line West.

While Judge Robert S. Lovett, chairman of the executive board of the Harriman system, refused last night to either deny or confirm the report that orders have been given to proceed with the construction of an east and west line through the state from Vale to a point on the Deschutes line, it is believed here that such orders have been issued and that construction will soon be under way.

President J. D. Farrell, of the O.-W. R. & N. company stated last night that he had not received any information that would indicate the immediate construction of the line mentioned in the name of the Oregon Eastern, but stated that as such a line, though in Oregon, would be part of the Oregon Short Line, it would not be under his jurisdiction.

"I have not yet had time to become familiar with the situation to say anything about what is being done in the matter of building a line from Vale across the state to a connector with the Deschutes River railroad," said Mr. Farrell, "but it is quite probable that surveys have been put in the field. Surveys are made frequently and are not always followed by construction."

Information from Vale received here yesterday is to the effect that a crew of surveyors in the employ of the Oregon Short Line arrived there yesterday in charge of Engineer Cramer of Salt Lake City with orders to make the final survey for the Oregon Eastern through Malheur canyon. Complete camping outfit, it was stated, are being taken in to the canyon, 23 miles from Vale. From Ontario in Malheur county, came the report that another surveying crew under D. H. Ashton left that place yesterday for Malheur canyon Friday morning, with two more crews to follow. A Harriman official is given authority for the statement that construction will be commenced not later than next spring.

APPLE SHOW CLOSSES, SMALL, BUT SUCCESS

Hundreds of visitors admired Oregon's rosy cheeked apples yesterday afternoon and last night. Crowds thronged the exhibit chamber in the basement of the Yeon building, where the twenty-sixth annual apple show was held under the auspices of the Oregon State Horticultural society, until the hour for closing the show was at hand.

While the exhibit was not as large as it has been at former shows, the quality of the fruit displayed was excellent and was greatly admired. Hood River growers had by far the largest exhibit and they won a majority of the prizes, but there were other districts which were well represented. The full list of prizes was announced in yesterday's Journal.

Orchestral music was furnished during the evening, which was a decided success at the closing night of the show.

Plans are being made to hold a show next year on a much larger scale than any former show. It is expected to have exhibits from a much larger territory than has heretofore been represented. There will be more competition for the big prizes.

SPRINGFIELD FORMALLY DECLARED A WET TOWN

(Special to The Journal.)

Eugene, Or., Nov. 18.—The city of Springfield is now legally wet, the Lane county court today having made an order in effect that the recent liquor election was against prohibition within the city limits and that liquor may now be legally sold. The vote cast at the election on November 7 was canvassed. The total number of votes cast was 296, of which 183 were for prohibition and 213 against, giving a majority of 39 against.

To test the validity of the election it will at once be taken to the courts for final decision as to whether or not the municipality in a dry county may vote to license the sale of liquor. Several applications have been made for licenses at Springfield, and the council will soon act upon them. It will first pass an ordinance regulating saloons, going away with curtains on front windows, rear doors and rear rooms, card playing and other old style saloon accessories.

Smoke Queen Quality tobacco. Save the labels. See 167 3rd.

Why the Chicken Business Pays

According to Government reports, more than 300,000,000 chickens were marketed in the United States in 1910, and the value of eggs marketed was \$485,000,000, equal to that of the entire wheat crop of the Nation. Oregon is contributing to the Eastern markets over \$1,000,000 per annum for eggs alone. Why not share in some of this money? The opportunity to become independent is now offered you at Oakland, Oregon, the greatest poultry-raising section of the United States.

WHAT WE WILL DO FOR YOU

In buying one of our Oakland Poultry Farms you will be taught the poultry business absolutely free of cost, by the best poultry expert in the country, whom we have engaged to be on the ground continuously. We have reserved 40 acres and have already begun the construction of an extensive plant, in which we will install a 10,000-capacity incubator. We will market your products and co-operate with you at all times.

Frozen poultry shipped into Portland yearly from the East at a cost of \$2,500,000 went into the pockets of the eastern poultry man instead of Oregon pockets.

5 AND 10-ACRE TRACTS, \$75 TO \$150 PER ACRE, ON EASY TERMS

Write for Literature.

Oakland Poultry Products Co., Inc.

308 Spalding Bldg., Portland, Or. Originators of Exclusive Poultry Colonies. Main 1590

TURKO-ITALIAN WAR END IS NEAR

(Continued from Page One.)

from Rome that a good chance to end the Tripoli campaign would be welcomed. In the face of the resistance they are meeting, anti-military sentiment at home is becoming dangerous.

Rome, Nov. 18.—High government officials refused to discuss tonight that Italy may soon come to terms with Turkey. It well informed circles, however, the reports are believed to have a solid foundation.

Constantinople, Nov. 18.—Of reports that a Turko-Italian settlement is in sight, it was stated by cabinet members here tonight that Turkey is still prepared to compromise on a basis of economic concessions to Italy in Tripoli.

Beautiful Queen Quality art kerchiefs free at 167 3rd.

How About That Dinner Jacket for Thanksgiving?

The social season is fast approaching; you will want to be well dressed.

NICOLL

Has the goods and knows how to tailor them to please for all occasions.

Overcoats to order for cost of material and making.

Satisfaction guaranteed in all cases. Garments to order in a day if required. Full dress and tuxedo suits a specialty.

A Quarter of a Century in Portland.

William Jerrems' Sons

108 THIRD STREET.

Smoke Queen Quality tobacco. Save the labels. See 167 3rd.

BANGERT, LOSING FARM, IS READY FOR PRISON

(Special to The Journal.)

Roseburg, Or., Nov. 18.—Henry Bangert, a German about 45 years old, was given an indeterminate sentence with a minimum of a year by Judge Hamilton in the circuit court yesterday after having been found guilty of assault with a deadly weapon. He shot and wounded Eugene B. Heister, tenant of a farm on Cow creek, near Glendale, which Bangert had been compelled by law to give up to his wife when she secured a decree of divorce. Bangert thought the farm should still belong to him and this was the cause of the en-

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