

## What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

### WHO OWNS FALLEN APPLES?

Amos and Beatrice owned adjacent lots in Oregon. An apple tree was located on the boundary line between the two lots. However, the bulk of the trunk of the tree was on Beatrice's land. One day Amos was plowing near the apple tree and struck on the head with one of its branches.

In a fit of anger Amos sawed off all of the limbs of the tree above his land and stored the cuttings in his woodshed for eventual use as firewood. In addition, he picked up the apples from the tree that were lying on his land and helped his wife make apple butter out of them. Beatrice brought an action against Amos for the branches, the apples and for damages for injury to the tree.

Is Amos liable to Beatrice for cutting down the limbs? The basic rule of law which controls the answer to this question is founded on the concept that every landowner has complete control over what is on, above or below his land.

Of course, the landowner has to give some consideration to the rights of others and can not create or maintain a nuisance on his land. However, he has the right to cut back any vegetation which penetrates the area above or below his land. This includes tree roots as well as branches. Therefore, Beatrice will not be able to recover damages for the cutting of the limbs.

Is Beatrice entitled to the limbs? Since the trunk of the tree is on Beatrice's land she owns the entire tree. Therefore, Amos should have given the limbs to Beatrice after he severed them from the tree.

In addition, Beatrice is en-

titled to any apples that fall off of the tree regardless of where they come to earth. Some courts recognize the right of the tree owner to go onto his neighbor's land in order to acquire fruit and nuts which have fallen from his tree.

### Cut Roots, Stems

If the vegetation planted on Beatrice's land was noxious or generally undesirable the adjacent landowners will obviously be able to cut out any of the roots, stems or branches which are found on their land.

One planting noxious vegetables on his land may even be forced to have it removed if the evidence is clear that it is undesirable and that it is injuring another in his enjoyment of his land. This rule does not apply to plants such as thistles which may be growing on land but which were not intentionally placed in the soil by the landowner.

## PROSPECT Halloween Party Planned

Prospect—The Youth Temperance council will meet at the home of Hope Hedgepath Thursday, Oct. 30, at 7 p.m. A Halloween party will follow the meeting. Young people of the community are invited.

Charles Ring left recently for Alaska, where he has employment.

Mrs. Boyd Powers took Mrs. Frances Ring and Mrs. Delores Ring and son to Seattle recently to visit Monte Ring, who is in the service there.

The Powers children are staying at the Sharp home while their mother is away.

Maude Arant, Elsie Phipps

## Berserk Cop Held for Murder

Boulder City, Nev.—UP—A Las Vegas policeman who went berserk and killed a 60-year-old man and critically wounded a 14-year-old boy because he thought they were members of a narcotics gang was held on suspicion of murder today.

Jerome Kuk, 25, formerly of Utica, N.Y., apparently went "out of his head" Saturday when Steve Bowman, 60, an iron worker, called at his house for a former tenant, police said.

Kuk, waving his .38-caliber police revolver, ordered Bowman into the house where he shot him and then called his boss, Las Vegas police chief Ray Cheffer, to tell him he had captured a notorious narcotics dealer wanted throughout the country.

Kuk then dashed out of his house and fired a shot at a car parked at the curb. The bullet struck Jerry Bartleson, of Minneapolis, in the temple. Bartleson, who was living here with a cousin, was taken to nearby southern Nevada hospital where his condition was critical.

and Effie Paul visited Ida Boothbe Thursday.

Mr. and Mrs. Jess Richardson and daughter, Judy, and Mrs. Lulu Richardson of Hanford, Calif., visited Nell Bean last week. They also visited at the Wayne Griffith home.

Mr. and Mrs. Doug Kimmons were hunting in Tulelake, Calif., last week. While there they visited Mrs. Kimmon's sister.

Mr. and Mrs. Keith Kimmon and sons, Wade and Scotty, were visiting his parents, the Doug Kimmons, at the Gorge Saturday and Sunday.

Visitors at the P. A. Struck home recently were Joe and Corb Davis, Corb Davis is from Delaware.

Mr. and Mrs. S. W. Beck, who went to Jack lake hunting, returned with a three-point buck.

The Roy Robys were home over the week end from their camp at Ft. Klamath.

Ed Dunlap and his wife, of Cascade Gorge, are picking cones at the present time. Fir and pine cones picked up in this area will have the seed extracted from them and will be planted in a nursery, where they will be grown in to trees four to six inches high and returned to this area for planting. The U.S. Forest service has issued contracts for cone picking in this area.

Mrs. Christine Dobbyn of Cottage Grove has been visiting friends in the Prospect area recently.

Mr. and Mrs. Hugh Spruill of Medford visited the Paul Stuck home Friday, Oct. 10.

Mr. and Mrs. Kreeel visited their son, Bob Kreeel, at Days Creek over the week end.

Danny Shellenberger celebrated his third birthday with a party recently.

The Cub Scouts held their first meeting at the home of Mrs. Jasper Hall on Red Blanket rd. recently. Mrs. Hall is the new den mother for the group.

Lou Crovatto, Lois Schleip and Art Strut hunted with the Sam Becks Sunday.

Don Beck has been in the Prospect area recently.

Mrs. Goldie Sanderson has gone to Trail to stay with her daughter-in-law for a week or so.

Mr. and Mrs. Clarence Pierce of Wildwood recently became the parents of a baby girl.

Mrs. Elsie Phipps and son, John, took Mrs. Maude Arant to Portland to see her son, Clifford, who is in the Veterans hospital there. Clifford is feeling much better now.

Boyd Powers took the young folks from the Assembly of God church on a trip to the Oregon Caves recently.

The young people from the Assembly of God church had a progressive dinner recently.

They had tomato juice at Delores Ring's, the main course at Boyd Powers and went to Partens for another course. They continued to Hope Hedgepaths home where Frances Ring served salad.

Mr. and Mrs. Richard Mather recently became the parents of a baby boy.

Mr. and Mrs. Howard Mather of Medford visited the Lawrence Hemmings Thursday of last week.



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**Corned Beef** Hereford 12-oz. can **47c**

**Beefaroni** Boy-ar-dee No. 1 can **4 for \$1.00**

**Chili with Beans** Dennison No. 1 can **4 for \$1.00**

**Velveeta** 2-lb. loaf **69c**

**Potatoes** Ore-Ida Instant 2 pkgs. **29c**

**Tomatoes** Pheasant No. 303 cans **6 for \$1.00**

**Tomatoes** Market No. 2 1/2 cans **4 for \$1.00**

**Spinach** Tip Top No. 303 can **4 for 49c**

**Asparagus** Rialto No. 300 can **2 for 49c**

**Corn** Cream Style Pheasant No. 303 cans **8 for \$1.00**

**Corn** Whole Kernel Diamond A No. 303 cans **6 for \$1.00**

**Tomato Soup** Campbell's No. 1 can **10 for 89c**

**Crackers** Oven Fresh 2 lb. box **39c**

**Syrup** Market 24-oz. bottle **3 for \$1.00**

**Maypo** The new maple Flavored cereal pkg. **37c**

**Pineapple Juice** Del Monte 46-oz. can **29c**

**Peaches** Hunt's No. 2 1/2 cans **4 for \$1.00**

**Pineapple** Hillsdale No. 1 1/4 cans **5 for \$1.00**

**Margarine** Delrich or Holiday 5 lbs. **\$1.00**

**Chicken Broth** Stidd's No. 1 can **10 for \$1.00**

**Sardines** Beach Cliff Maine **10 for \$1.00**

**Sauerkraut** Pheasant No. 303 **10 for \$1.00**

**Sliced Beets** Pheasant No. 303 **10 for \$1.00**

**Diced Carrots** Creswell No. 303 **10 for \$1.00**

**Hominy** Pheasant, Gold or White, No. 303 **10 for \$1.00**



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  - Afro-Cuban Influence—Shorty Rogers
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