

IN GOOD CONDITION Columbia Southern Railroad Well Managed. PRESIDENT'S ANSWER IN COURT

Figures of Earnings and Operating Expenses Presented to Prove That a Receivership is Not Necessary.

Counsel for defendants finished their argument yesterday in the Federal court on the application for a receivership over the Columbia Southern Railway Company. They read from their affidavits to show that there was no foundation for the charges of fraud and mismanagement made by complainants. Statements were produced showing the prosperous condition of the road; that its net earnings during the seven months ending January, 1901, had been \$100,000, and during the seven months ending January, 1900, the net earnings had been \$100,000; that during the first period the tonnage carried was 21,000 tons, and during the second period it was 25,000 tons; that during the first period the percentage of operating expenses to income was 65.3 per cent, and during the second period only 54.6 per cent. Based on these and other figures submitted, it was contended that the management of the road had been wise and careful, and that it would be folly to take it out of the hands of its owners and put a receiver over it.

Affidavits were read showing that the property sold to the company by Mr. Lytle was his individually, that it had been purchased by him with his own funds, and that at the time he sold it to the company he was not president or director of the company, and was not connected with the company in any way. It was also made that complainants were not entitled to be heard to urge a receivership over the company; that their stock was a gift made to them by D. C. O'Reilly long after the things took place of which they complained, and that they acquired the stock purely for the purpose of engaging in the litigation, and especially for the purpose of transferring the litigation from the State to the Federal Court.

Argument was also based on the small holdings of stock by the complainants, they having between them only 50 shares out of a total of 3000. Comment was made on the benefit to the complainants if the line should not be stopped by a receivership. A showing was also made of the sacrifices and exertions put forth by those at present in control of the road to make the enterprise successful, and contention was made that the success of the scheme was due almost wholly to the energy and perseverance of E. E. Lytle, the president of the company.

Defendants contended that the other side was open to criticism in appealing from one judge to another, and thus expending with little or no result. It was stated that the litigation in the State Court for Sherman County, when beaten there, instead of appealing to the Supreme Court, he secured a writ of mandamus, and the next day brought the same suit in the State Court for Multnomah County. Proceedings were stayed by the latter court until the writ of mandamus was granted, and costs rendered against him, and while they were stayed O'Reilly gave a small block of his stock to Altschul and Hambaugh, and through their agency sold this stock to the State Court, thus appealing from Judge Cleland to Judge Bellinger, as he had before appealed from Judge Bradshaw to Judge Cleland.

Request to Miss Shindler.

J. A. Macrum has filed a petition asking that the will of Henry Felling be admitted to probate. There is bequeathed to Carolina Shindler, residing at Oakland, Cal., daughter of G. Shindler, formerly in the furniture business in Portland, \$500 in cash, also lots at Seaver, Wash., valued at \$500. Miss Hurgren at one time possessed property in Portland and suburbs valued at \$25,000 or more, inherited from her father, and she executed a trust for one of the most valuable pieces to a relative, who mortgaged and lost it. There is hereditary insanity in the family. William M. Hurgren died in the asylum at Salem, recently, and two brothers, Allen and Eliehard Hurgren, are confined there at the present time. J. A. Macrum was appointed administrator of the estate, and appraised in October, 1899, at \$1500. It was not known at that time that there was a will, but one was lately found dated in 1897, and naming Henry Felling as executor. In the petition asking for the probate of the instrument, Mr. Macrum states that he has in his possession \$1000. Miss Shindler was a cousin of Miss Hurgren.

Court Notes.

The divorce suit of W. A. Coggeshall against Anna M. Coggeshall, was dismissed in Judge Cleland's court yesterday. The plaintiff having ascertained that his wife has already obtained a divorce in Connecticut.

James Hoyt, convicted of burglary in entering the residence of William Zimmer, was sentenced to four years in the Penitentiary by Judge George yesterday.

Hoyt made statements to the court asserting that while the evidence submitted at the trial made things look bad for him, yet he was innocent of the charge.

The will of John Jacob Kaiser was admitted to probate in the County Court yesterday. The executor, Henry Schoppe, named in the instrument, was appointed executor. The estate is valued at \$3000, and is devised to Mrs. Annie Barker Sams, a sister, \$50, and the remainder in equal parts to John Kaiser, a brother, Annie Schoppe, a sister, and Fred A. Schoppe, a nephew.

ANOTHER HIT AT PORTLAND

Transport Kintuck Will Buy Supplies at Seattle.

Close upon the heels of the news that the transport Garonne would not disembark the Thirty-fifth Infantry at Portland, having been ordered to San Francisco at the suggestion of General MacArthur, came the report yesterday that the War Department is preparing another unsatisfactory dose for Portland. Some time ago the transport Kintuck was ordered here to load animals for Manila. President Henry Hahn, of the Chamber of Commerce, and General Charles F. Beebe learned yesterday from good authority that the War Department will load the Kintuck with supplies at Seattle and send her to Portland for the animals. This

would deprive the merchants of Portland of the opportunity of furnishing the ship's stores and other supplies. It being a palpable evasion of the original order, Messrs. Hahn and Beebe wired a protest to Senator Simon and requested him to take it up with Secretary Root. They said it would be unjust and unreasonable to put animals on the Kintuck here after her supplies had been bought at another port, and that all conditions being equal, the preference should be given to Portland in the matter of supplies.

No answer had been received from Senator Simon up to a late hour last night.

WOMEN ON SCHOOL BOARDS

Boston Has Them and Finds Them Very Serviceable.

In view of Mrs. Sinton's candidacy for School Director, a Portland man wishing the experience of the City of Boston in the matter of School Directors, wrote for the testimony of those competent to give it. The school electors of Portland will be glad to read the replies of these gentlemen. The first letter is from Samuel B. Capen, who is not only one of the first citizens of Boston, but a man of national reputation. He says:

I am very glad to answer your inquiry with regard to my judgment as to the value of the service of women upon the School Board in the City of Boston. At the time I was on the School Board, covering a period of nearly five years, there were ten ladies upon the committee out of a total of 24. They gave time and thought without stint, and I do not recall a single instance in which their presence would appear before the court for sentence at any time it might be so ordered. The court said the matter of sentence would depend largely upon the future conduct of Walker. Bail was fixed

at \$1500 and a bond was immediately filed, with Newton Clark and Ralph Feeney as sureties. Walker's father was in attendance in court, also S. C. Spencer, as attorney. The matter had all been quietly arranged before the arraignment took place.

The date of the alleged embezzlement is fixed as January 5, 1901, the first time money is said to have been unlawfully taken, and the information was sworn to by W. A. MacRae, the manager of the bank.

Walker is 23 years of age, and entered the employ of the bank several months ago. He was discharged about the middle of January, and subsequently, it is stated, the bank officials began an investigation of his books to discover the total amount of the shortage, and also telegraphed to the head office at London for advice. Walker in the meantime was taken sick, being confined at the residence of his parents, and Detective Joseph Day was detailed to watch the house and see that he did not get away. Notwithstanding this precaution, about two weeks ago or less the young man succeeded in eluding the vigilance of the police, and left the city, going to British Columbia. He returned, however, it is said, at the solicitation of his father, and surrendered himself to the officers, and yesterday came before the court and acknowledged the charge as here stated.

The bank people are reticent about the affair, giving as a reason that publicity is not desired. From another source it has been ascertained that Walker, among other duties, attended to the clearing-house settlements, and also kept some of the individual account books. His method of peculation was to withhold some of the money he would receive at a clearing-house settlement, and then charge up the same sum against the account of some depositor that was seldom drawn upon. This would make the cash balance. His clearing-house tag or balance sheet would bear the correct total, but it is said that once or twice he altered it and thus secured money. This was very unskillful, and could easily be detected.

TOOK HIS OWN LIFE.

Crased by Headache, W. S. Wesenblue Shoots Himself.

In a fit of frenzy, caused by mental worry over loss of position and sickness, W. S. Wesenblue, 39 years old, a sawmill worker, committed suicide last night by shooting himself in the forehead, in his room on Water street, south of Columbia.

Wesenblue and his wife, Louisa, recently came to this city from an Eastern state, where they worked on a farm. They lived happily together, and the husband got work in a South Portland saw-

BANK CLERK EMBEZZLES

FRANKLIN S. WALKER PLEADS GUILTY TO CHARGE.

Took \$1540 From the London & San Francisco Bank—Sentence Suspended by Judge George.

Franklin S. Walker, son of Dr. David Walker, pleaded guilty in the Criminal Court yesterday to an information filed by District Attorney Chamberlain, charging him with embezzlement of \$1540 from the London & San Francisco Bank, where Walker was until recently employed as a clerk. Judge George stated that on account of circumstances surrounding the case sentence would be suspended and he would release the young man on bail, provided he would appear before the court for sentence at any time it might be so ordered. The court said the matter of sentence would depend largely upon the future conduct of Walker. Bail was fixed

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JAMES AS RICHARD III.

Versatile Actor Wins Fresh Laurels in "Heavy" Part.

That Louis James is one of the foremost actors on the American stage is demonstrated every time he is seen in Portland, but his Richard III is a surprise even to his most ardent admirers. His conception of this part differs widely from that of most actors who have played it, yet after seeing him in the character last night the people who filled the Marquam were almost a unit in declaring him the best Richard they had seen. There is an intensity of feeling, a grim humor, and a smallitude of a terrible purpose in his acting that brings the tyrant out in all his blackness, yet centers not only interest but admiration on the man. Reaching effects rather by quietness than ranting, but rising strongly to every great climax, he paints a picture of the Shakespearean Richard that is so closely outlined as to impress itself almost indelibly on the mind.

But the production as a whole fell short, artistically, of "A Midsummer Night's Dream." The support was good in spots and weak in others. Miss Kidder in the part of Lady Anne had but little opportunity to display her talents, although her reading of the few lines given her was a feature of the performance.

Norman Hackett made a dashing, gallant knight in all his blackness, yet before and during the battle with a fire and energy well worthy of admiration. It is Hackett's habit to do well everything that is given him to do, and his Richmond, while the part is not as well suited to him as others he has played, is among the best things he has done.

J. J. Ryan made a good Duke of Buckingham. Ashley Miller was equal to the requirements of Careless and Putnam Bond played the Lord Mayor acceptably. As Queen Elizabeth, Miss Jane Oaker was a pathetic, but not a convincing, and read her lines with singular beauty. Miss Louise Woelber played the Duchess of York with considerable ability. The play was well mounted and the

FEBRUARY MORTALITY.

Greatest Number of Deaths in One Month on Record.

The report of Health Commissioner J. P. Menefee, for the month of February, 1901, has just been issued. The number of births reported was 58; males, 47; females, 11; white, 56; yellow, 2. The number of marriage licenses issued during the month was 73.

The number of deaths registered during the month was 109; males, 67; females, 42; white, 107; yellow, 2. Although February is the shortest month in the year, the number of deaths registered during the month was larger than at any previous month on record, and far in excess of the average, the average for the past three years being a fraction over 72 per month. The number of elderly and old people who have died during the month is larger than usual, being as follows: Thirty to 40 years, 14; 40 to 50 years, 12; 50 to 60 years, 14; 60 to 70 years, 11; 70 to 80 years, 17; 80 to 90 years, 3.

The largest number of deaths was caused by diseases of the lungs; tuberculosis, 17; pneumonia, 13; bronchial pneumonia, 4; pleuro pneumonia, 3; bronchitis, 1. Leading causes of death were: pneumonia, 17; senile debility, 4; cancer of the stomach, 5; and endocarditis, 1.

Among the contagious diseases reported were 15 cases of diphtheria and 170 cases of measles, but only three deaths from diphtheria and one from measles occurred. There were two deaths from erysipelas, and one from typhoid fever, and not more than one death from each of the other diseases mentioned.

Sanitary notices were served during the month as follows: Notices verbal, 117; Notices written, 84; Notices to clean filthy yards, 25; Notices to fill up cesspools, 25; Notices to clean filthy yards, 21; Notices to clean cellars and basements, 11; Notices to remove swill barrels, 28; Notices to clean gutters, 10; Notices to inspect, 6; Rooms fumigated, 63; Notices to other city officials, 15; Notices to remove nuisance in building, 15; Notices to clean up, 15; China wash-houses inspected, 3; Public markets and oyster-shops inspected, 6; Number of letters written, 60; Public schools inspected, 3; Notices to clean up, 10; Notices to inspect, 13; Plumbing remodeled on notice, 7; Total number of visits for month, 322.

The appended report of Thomas E. Hulme, Inspector of Plumbing, shows work done during the month as follows: New buildings inspected, 24; Old buildings inspected with new fixtures, 14; Cesspools connected, 14; Sewers connected, 10; Reports of defective plumbing, 13; Special permits issued, 2; Total number of licensed plumbers, 28; Plumbing remodeled on notice, 7; Total number of visits for month, 322.

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THREE NEW MEMBERS OF PORT OF PORTLAND COMMISSION.

The annual meeting of the stockholders of the Gresham Cheese Factory the following directors were elected: George Slat, John Roberts, C. P. Peniston, John Graham, E. E. Slat, Officers: President, John Roberts; vice-president, C. P. Peniston; secretary, Lewis Shattuck; treasurer, E. E. Slat. Following is a summary of the work done: Total amount of milk, 554,776 pounds; 2529 fat cheeses; 173 small cheeses; average price paid for butter fat during 12 months, 25 1/2 cents per pound; average test, 4.08; total amount received for cheese, \$10,490; disbursements for milk, wages and improvements, \$10,552; balance on hand, \$125.17.

East Side Notes.

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The Justices of the Peace of the county have been furnished with certified copies of the law passed at the Legislature pertaining to their jurisdiction. It was the bill prepared to prevent cases being brought in the Troutdale Justice Court by Portland litigants. Over 200 of these cases, for the collection of money, were begun in that court last year.

Dr. Wise, room 614, The Dekum.

Temple Beth Israel. Rev. Dr. Stephen S. Wise will preach this evening on "Johannan Ben Zakkai, a Pioneer Teacher of the First Century." Mrs. Alexander Bernstein will give the fourth of the season's series of informal addresses to the pupils of the religious school, Sunday morning at 11:30.

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arranged by the Judith Montefiore Society. Dr. Wise returned to Portland Wednesday from Boise and Baker City, at which places he lectured before large gatherings—in the former place at the local synagogue and at the latter at the Baker City Opera-House.

POSTED FIVE DESERTERS. Men in the Third Regiment Forbidden the Armory. The following orders of the Third Regiment, Oregon National Guard, were made public yesterday: Headquarters Third Regiment, Oregon National Guard, Portland, March 4.—General Order No. 4. The proceedings and findings of the Regimental Court of Discipline, convened at these headquarters on December 10, 1900, and pursuant to general orders No. 2, S. 1900, are approved, and the following named delinquents will pay to the Treasurer, Lieutenant-Colonel H. J. Hubitz, the amount of fines set opposite their names, within 10 days from the date of this order: Private C. W. Bennett, Company B, \$1.00; Private D. T. Burgess, Company B, \$1.00; Private John L. Davis, Company B, \$1.00; Private John Lusk, Company B, \$1.00; Private James McDonald, Company B, \$1.00; Private John F. Payne, Company B, \$1.00; Private E. F. Wade, Company B, \$1.00; Private John F. Wagoner, Company B, \$1.00; Private J. Klortsch, Company B, \$1.00.

II. The recommendations of the Regimental Court of Discipline, that the following named enlisted men be discharged from the regiment for continuous neglect of duty and willfully absenting themselves for a period of more than 30 days, is approved, and all disbursements and arrears of pay are to be deducted from their rolls, records and returns for the above cause the following named enlisted men: Private John W. Dunagan, Company C; Private Thomas J. Magee, Company C; Private E. W. Anderson, Company G; Private C. W. Gaultlett, Company G; Private John F. Payne, Company G. These men will be denied admittance to the Army building.

Company Commanders will cause a copy of this order to be served at once on each of the above-named delinquents, and will make returns of said service (stating how served), so that same shall be filed at these headquarters not later than Monday, March 11, 1901, at 8:30 o'clock P. M.

III. Appeals from the decision of the court will be heard by the Regimental Commander in his office, at these headquarters, on Monday, March 11, 1901, at 8:30 o'clock P. M. By order of COLONEL EVERETT, E. C. MEARS, Adjutant.

PERSONAL MENTION.

Mr. and Mrs. L. Mayer and Miss Florence Mayer have gone to Spokane to attend the wedding of Lee Marx to Miss Newman, of that city.

NEW YORK, March 7.—Northwestern people registered at New York hotels today as follows: From Spokane—M. Steffens, at the Rosamond. From Seattle—H. A. Purdy, at the Herald Square. J. Graham, at the Broadway Central.

National Finances. PORTLAND, March 6.—(To the Editor.)—Kindly inform me the amounts of currency in circulation and in reserve: (1) Gold coinage. (2) Silver coinage. (3) Treasury notes and greenbacks. (4) Gold certificates. (5) Silver certificates. (6) National debt. J. G. SMITH.

From the latest available figures the following is given: (1) Gold, \$1,008,746,113. (2) Silver, 626,410,123. (3) Treasury notes, etc., \$12,951,343. (4) Gold certificates, 563,942,388. (5) Silver certificates, \$3,823,945. (6) National debt, \$1,146,426,542.

Independence Bonds in Demand. INDEPENDENCE, Or., March 7.—Since it has been announced that Independence has received a number of offers from investors for the bonds at 4 per cent. The outstanding warrants draw 6 per cent interest.

Swell Spring Raglan

Overcoats are to be the pace-setters for style. We have some beauties—one in particular which we have decided to open the season with....

This Special Raglan

Was confined to us alone by the makers (Alfred Benjamin & Co.); the color is azerne, of Scotch twill; it's lined with finest princeps serge, has silk velvet collar, and is tailored in the very latest style. It has that "jaunty" appearance which is lacking in other coats. We will introduce this elegant \$25.00 garment at a special price of....

SEVENTEEN FIFTY

Sam'l Rosenblatt & Co.

The Reliable Popular-Priced Clothiers Third and Morrison Sts.

BUILDING ON EAST SIDE

CONTRACTORS HAVE MANY ORDERS FOR ESTIMATES.

Cost of the Dwellings Ranges From \$1000 to \$2500—Majority Are for Owners of Lots.

The building movement on the East Side has fairly started and from the outlook many more dwellings will be put up this year than in 1900. A contractor, who has been in the building business for over 15 years, said yesterday that he has never seen anything like the present conditions at this time of year. His firm already has 10 dwellings under way, and from five to 10 people come to him every day and say they are ready to build and want estimates made. The cost of the dwellings figured on ranges from \$1000 to about \$2500. They are being built in the settled portion of the East Side and not far out. Foundations for dwellings may be seen under way in all directions and only personal inspection made daily will enable one to keep track of the new houses. For the past two years houses were erected in certain districts and along certain streets, but the building era has spread all over the East Side, from Stephens' addition and Brookline on the south, northward to St. Johns and Woodlawn, and eastward to the limits of Montavilla. A builder said yesterday that from the rate at which contracts are being submitted, he could not tell where the carpenters are coming from to do the work. There is constant demand for houses for rent and it cannot be supplied. House-keeping rooms also are scarce. The majority of the dwellings now being built are for homes for owners of the lots.

Catarrah Can Be Cured

BY USING... MCKENZIE'S CATARRH CURE

Price Complete...\$1.50 Sold at the Reliable Drug Store

LAUE-DAVIS CO. THIRD AND YAMHILL STS.

LAST TWO DAYS OF OUR GREAT SALE

vigorous address, in which he made an earnest appeal for Montavilla to uphold the Sub-Board of Trade.

After these addresses several names were added to the roll and reports were received on the prospective switch from the O. R. & N. main line and also concerning free delivery.

Dr. De Vany reported progress on the railway switch proposition and that the outlook for the switch was encouraging. Some years ago the surveys were made for a stockyard and it was ascertained that a switch can be put in with little trouble. The work of the committee will be to show that it will pay the company, and this it is thought can be demonstrated.

In the matter of free delivery the report showed that a route may be formed of Montavilla, Monticello, Kinzel Park, Tabor Side and other additions of about 1500 people, and that the prospects for getting free delivery were considered good. The suggestion was made after reading this report, that all the territory immediately east of the city limits of Portland should be invited to participate in the effort to secure free delivery. The committee were instructed to press these two matters with all possible energy.

Cheese Factory Elects Officers.

At the annual meeting of the stockholders of the Gresham Cheese Factory the following directors were elected: George Slat, John Roberts, C. P. Peniston, John Graham, E. E. Slat, Officers: President, John Roberts; vice-president, C. P. Peniston; secretary, Lewis Shattuck; treasurer, E. E. Slat. Following is a summary of the work done: Total amount of milk, 554,776 pounds; 2529 fat cheeses; 173 small cheeses; average price paid for butter fat during 12 months, 25 1/2 cents per pound; average test, 4.08; total amount received for cheese, \$10,490; disbursements for milk, wages and improvements, \$10,552; balance on hand, \$125.17.

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The Purim entertainment of the school will be held Sunday afternoon at Parsons Hall. The members of the household, sewing and manual training classes of the free religious classes, lately instituted at the school, are to be the guests of the occasion. An excellent programme has been

arranged by the Judith Montefiore Society. Dr. Wise returned to Portland Wednesday from Boise and Baker City, at which places he lectured before large gatherings—in the former place at the local synagogue and at the latter at the Baker City Opera-House.

POSTED FIVE DESERTERS. Men in the Third Regiment Forbidden the Armory. The following orders of the Third Regiment, Oregon National Guard, were made public yesterday: Headquarters Third Regiment, Oregon National Guard, Portland, March 4.—General Order No. 4. The proceedings and findings of the Regimental Court of Discipline, convened at these headquarters on December 10, 1900, and pursuant to general orders No. 2, S. 1900, are approved, and the following named delinquents will pay to the Treasurer, Lieutenant-Colonel H. J. Hubitz, the amount of fines set opposite their names, within 10 days from the date of this order: Private C. W. Bennett, Company B, \$1.00; Private D. T. Burgess, Company B, \$1.00; Private John L. Davis, Company B, \$1.00; Private John Lusk, Company B, \$1.00; Private James McDonald, Company B, \$1.00; Private John F. Payne, Company B, \$1.00; Private E. F. Wade, Company B, \$1.00; Private John F. Wagoner, Company B, \$1.00; Private J. Klortsch, Company B, \$1.00.

II. The recommendations of the Regimental Court of Discipline, that the following named enlisted men be discharged from the regiment for continuous neglect of duty and willfully absenting themselves for a period of more than 30 days, is approved, and all