

REBUKE BY A JUDGE

Protest Against Exorbitant Receivers' Fees.

FRAZER'S SHARP CRITICISM

Merges' and Latourette's Report on Oregon Pulp & Paper Company's Affairs is Vigorously Opposed.

Judge Frazer, of the Circuit Court, scored the practice of charging exorbitant fees in receivership cases from the bench yesterday, and deplored the fact that too often assets in receiverships are absorbed by charges of those administering the affairs of the property, with a result of decreasing the amount available for creditors. He particularly said that when attorneys were appointed as receivers, they were not justified in asking for fees for an attorney for the receivers, as well as fees for themselves. The observations of Judge Frazer were called forth by facts developed in the argument on the report of E. E. Merges and L. E. Latourette, receivers for the Oregon Pulp & Paper Company.

The plaintiff in the case is the First National Bank, which holds a mortgage on the real property for \$100,000. The company has debts of about \$30,000. H. B. Nicholas, representing labor claims to the amount of \$100,000, opposed the report, which, among other things, shows that the receivers operated the paper mill, manufacturing the materials on hand into paper and disposing of it. Mr. Nicholas said the order appointing the receivers does not provide for the running of the plant, and the attorney contended that it was not run at a profit. Mr. Nicholas objected to the claim of the receivers for \$310 and \$250 attorneys' fees, and wanted to know what had been done to earn these sums. Attorney Nicholas objected to many items in the report. One of E. E. Merges for \$105 for services rendered to the Oregon Pulp & Paper Company, before he became receiver, counsel said, was fictitious. He asserted that the rags, pulp, wood, oil and other materials on hand could have been sold for \$250, without employing attorneys, a keeper or anything else, and as it was, the receivers and attorney got through, the money they took in would all be gone, and the \$100 labor claims would still remain unpaid.

L. E. Latourette, one of the receivers, in response stated that it was necessary to purchase some waste paper so as to use up the rags and materials on hand. He said more than \$100,000 of the materials by working the mill, and that the materials would have sold for very little, and not \$250, as stated by Mr. Nicholas. Judge Frazer asked for a statement of receipts and disbursements, and was informed by Mr. Latourette that the receipts were \$100, and that there is \$325 balance on hand. The receivers' fees and attorneys' fees, amounting to \$350.

Judge Frazer called attention to the fact that there was not enough left to pay the fees, and said:

"Don't you think that in the beginning, if you sold out for \$250 or \$300, it would have been better than the way you did?"

Mr. Latourette made some further explanations, and later on Judge Frazer said:

"You are an attorney, Mr. Latourette, and Mr. Merges is an attorney, and neither of you is a paper man, still you employed an attorney and you hired a man to operate the mill."

Mr. Latourette said something about not being supposed to do the attorney's work, which caused the court to ask:

"What were you doing? Charging large fees for nothing? Is it true you kept the accounts? If the court had appointed a practical paper man as receiver, would the court have been any the wiser?"

The court appointed two attorneys, and now the court is asked to pay another attorney. It is a common saying that when property goes into the hands of a receiver it is eaten up. The attorney and receivers get the whole thing. I couldn't understand once why Judge Cleveland is so adverse to receiverships, but it seems to be only because the experienced man has had with them. You haven't enough by \$40 to pay the fees. You would have done better to have let the property go in the first place."

Judge Frazer again took up the subject, saying that it seemed to be the opinion that a receivership was an honorary position paying large fees, and another man to be hired to do the work.

Milton W. Smith, attorney for the First National Bank, and who was also attorney for the receivers, in a very forcible statement said the court did not understand the matter, and that Mr. Nicholas was not fair in his statements. Mr. Smith said:

"Counsel don't say who he represents. He has not yet said who he represents. He comes in here and gets people in the back seats to sit here and laugh and make a noise. The bank has some rights here. It furnishes the machinery and went into this property. When the mill was stopped, counsel's clients were clamoring that they would starve to death unless we gave them something to do to keep it alive; unless we gave them something to eat. . . . Whatever was lost, if anything was lost, was on account of counsel's clients. The mill was run primarily to give them something to eat. At the urgent request of these people we operated that mill. The bank advanced \$600 or \$800, so that it could be used. The money spent to operate the mill went into the pockets of the men who are making the claim here today. We have no desire to do anything but dispose of this property and get our money out of it. We put the machinery and plant in shape so we could dispose of it. Counsel comes here and makes these statements. It is not right for the receivers to be paid anything for doing anything. If it is not right for the attorney to be paid, he don't want anything. We don't want anything that is not honest and fair. He waits until the mill has been operated a few days, and in here; that is not fair and honest. These claims the attorney represents were filed with the trustees in bankruptcy, as well as with the receivers."

Mr. Smith proceeded to explain that the materials which Mr. Nicholas made so much fuss about and said were worth \$250—old rags, some pulp, etc.—were in truth worth very little, a few hundred dollars. Mr. Nicholas and Mr. Smith engaged in a discussion concerning the mortgage held by the First National Bank. Mr. Nicholas contended that Mr. Neppach had already foreclosed a first mortgage on the property. After this was over with, there was some further argument, and Mr. Smith made the concluding remarks to the court, said:

"If we are not entitled to anything, we don't want it. I am not in the habit of squabbling over fees. Your honor can take the papers and look over them and see what has been done. I have no suggestions to make."

It was agreed that the receivers file a final report within a week. The court will then dispose of the question of the receivers' and attorneys' fees, and order the property turned over to the trustee in bankruptcy, who will settle any further controversy.

CURATIVE ACTS' VALIDITY.

Its Constitutionality Taken Into Court by City Attorney Long.

The constitutionality of the curative act of the 1899 city charter was argued before Judge George, of the Circuit Court, yesterday in the suit of the City of Portland against the Chamber of Commerce.

The New York Life Insurance Company yesterday filed suit in the State Circuit Court against the Chamber of Commerce, Edward Cookingham, receiver, to fore-

ELABORATE FUNERAL PAGEANT OF LOW MAI TIM, CHINESE MERCHANT AND FREE MASON DIGNITARY, ENTERING LONE FIR CEMETERY, ACCOMPANIED BY HUNDREDS OF CURIOUS SPECTATORS.



GRIEF FOR CHINESE DEAD

LOW MAI TIM, MERCHANT, BURIED WITH GREAT SPLENDOR.

Order of Gee Hing, Arranged in Trappings of Woe, Accompanied Remains to Grave.

In his lifetime Low Mai Tim was a respected and prominent member of the firm of Wing, Mow, Lung & Co., of the local Chinese quarter. Also he was the highest official in Portland of the Gee Hing, the Chinese Freemasonry. Heart trouble was in his life Saturday last, and yesterday he was buried with splendid ceremony. All the honors reserved for distinguished dead were paid to his memory. Gorgeous trappings of red, black and white bedecked the mourners, of which there were several hundred in line; food in abundance, cooked and uncooked, was prepared for the spirit's sustenance on its flight to the abode of good spirits; prayers were offered to the josses that his journey might be a pleasant one and that the minions of evil would refrain from impeding his progress to Paradise. In fact, all the symbolism of Oriental custom in burial of the dead were observed. To friends of the dead man it was a day of grief, but to the thousands who gathered to witness the funeral, it was a spectacle the like of which had never been seen here.

The funeral commenced at noon yesterday. On Alder street, just around the corner from Second, the body lay in state, surrounded by a guard of honor composed of members of the Gee Hing. They were clad in robes of white and gray, and the red head-covering was the badge of mourning. Throughout the Chinese quarter flags were at half-mast, and nearly all of the dead man's countrymen in this city were present during the ceremonies. On a table in front of the platform upon which the casket rested were heaped great quantities of cooked and uncooked food, for the use of the departed spirit, until it reaches the Paradise of the faithful. One pig had been roasted to a rich brown, two others were uncooked, and were also two small lambs. Rice and tea and other delicacies were in abundance. At the foot of the dais were innumerable sticks of burning fragrant woods. The widow of Low Mai Tim was at the foot of the coffin, supported by her women friends and the paid mourners. She wore a robe of white, and gray stuff, an emblem of mourning, and wailing and sobbing, she cried out her grief as she clung to the women on either side of her.

The flag of Gee Hing, a great triangle of black with a red border, was carried furled, and posters with inscriptions setting forth the virtues of the dead man were scattered through the procession. In carriages musicians played dirges on the wind instruments of brass and reeds, and the clashing of cymbals and slow, measured tones of gongs and bells, without interruption for the hour of service which preceded the march to the cemetery. When the procession started it moved slowly down Second street to Oak, thence to Third and to the cemetery. First came two members of the Gee Hing on horseback, carrying banners. Then came a carriage of musicians, busily engaged in clashing out a requiem of grief. The members of Gee Hing followed with the big flag of the brotherhood. Two gong-bearers were in line and kept up a continuing tolling. Another carriage with musicians preceded the hearse, which was drawn by four black horses. On the seat with the driver sat a Chinaman, who flung sticks of paper slips to the winds. On the floor of the hearse were the body and a safe journey for the soul of the deceased, and asking for protection from the devils who would obstruct the spirit of the good.

The well-groomed horse that was led immediately behind the hearse was unsaddled and unbridled. It was for the convenience of the spirit's long journey. The widow and the dozen women who accompanied her, and a following of Chinese, some in the costume of the Gee Hing and others in ordinary blouse and trousers, made up the rest of the procession. At the extreme rear was a wagon containing the food, which was placed on the grave. In the coffin was an amount of money to defray any incidental expense Low Mai Tim's soul might incur. The streets along which the funeral cortege passed, lined with people, and but few among them had ever seen anything of the sort before. The accompanying photographs were taken at the cemetery.

Low Mai Tim was about 50 years of age, and had lived in Portland for 30 years. He was fairly well off, and a son and daughter who survive are in China being educated.

Cashier Andrews in Court.

DETROIT, Feb. 24.—Henry R. Andrews, cashier of the wrecked City Savings Bank, who has been seriously ill since the suspension of the bank two weeks ago, was able today to appear in the Police Court for arraignment upon two complaints, which have been sworn against him as a result of the transactions which caused the bank's suspension. Mr. Andrews' examination was set for February 28. This is only a temporary arraignment, for neither the prosecution nor defense will be ready to proceed on that date.

Alleged Diamond Smuggler Held.

NEW YORK, Feb. 24.—Michael Leitman, who was arrested yesterday on the arrival of the Kroppins Wilhelm, charged with attempting to smuggle diamonds alleged to be valued at \$40,000, was arraigned today and examination was set for March 4. Leitman was held in \$500 bail.

PLEASED WITH PORTLAND

PROMINENT BUSINESS MEN CONFIDENT OF CITY'S FUTURE.

Messrs. Scotch Aleck, Palo Alto Kid, Big Burke and Kid Claiborne Find Conditions Plausible.

A party of gentlemen, among whom are Mr. Scotch Thompson, Mr. Big Burke, Mr. Palo Alto Kid, Mr. King Con Kid, Mr. Scotch Aleck and Mr. Kid Claiborne, are sojourning in Portland, and it is likely that if they find business as good in the future as it has been since their arrival they will remain permanently. While they have no fixed place of business, they make headquarters at some of the prominent shooting galleries and liquor establishments on North Third street and conduct operations on a scale that shows great enterprise and business sagacity. They are all of them gentlemen who are well known in many cities of the West, and their coming to Portland may be taken as a compliment to its general reputation for prosperity.

Thus far they have not united under one firm name, although their interests are much the same, nor have they applied for membership in the Chamber of Commerce. As they are wide awake to the interests of the city, however, and depend on the rapid passing through it for the success of their enterprises, it may be taken for granted that they will do both in a little while.

Briefly, the gentlemen's line of business is conducted as follows: Moneyed strangers arrive, the members of the clique make their acquaintance, and acquaintanceship, and they are playing in the time by friendly games of dice or cards, which are played in quiet and attractive retreats in the North End. If a stranger loses, or rather bestows on his entertainers, a few hundred dollars, the latter feel well repaid for their trouble, and dividing the profits of the transaction among themselves and perhaps other and more influential residents of the city, they seek out a new stranger and become solicitous for his entertainment. Thus their business brings much money into town which would otherwise be spent on ranches in Oregon, or possibly in California, and as they disburse it all in the North End, the city is largely the gainer.

On occasions, men whose stay in Portland they have made pleasant in the large cities of the country. Just what their intentions are as to the future they do not as yet care to say, but as they have presumably found business excellent in Portland so far it is assumed that this city may have the benefit of their presence and reap the benefits of their enterprise at least till the first of next July.

Held Attempt to Rob a Bank.

NEW YORK, Feb. 24.—What is regarded as a daring attempt to get at the vaults of the Varick Bank, with the intention of looting them, has just been made. The would-be robbers severely wounded a night watchman, who was the single protector of the vaults. Springing on him in the dark in the basement of the Wool Exchange Building, at Beach street and West Broadway, they knocked him senseless by a blow on the forehead that made

against Christina Sechten, and about 50 others. It involves the improvement of Front street, in Sherlock's Addition, made several years ago, and the total of the assessments is about \$200. The property owners enjoined the collection of the assessments on account of irregularities, and the city lost the case. One point was that a remonstrance was not properly considered.

M. L. Pipes, attorney for the defendants, argued that the city, in coming before the court under the curative act and asking such a position that the Legislature for this improvement must be paid, is asking the court to assess the property. The attorney asserted that to assess property is not a judicial but a legislative act, and that the court has no such power. He submitted authorities that courts cannot perform legislative functions. The Council, he said, in assessing property, did so by authority of the Legislature.

City Attorney Long and his assistant, Mr. Dunham, both made long speeches in support of the curative act. Mr. Long took the position that the Legislature, in passing the curative act itself assessed the property, which had escaped payment because of irregularities, and it only devolved upon the court the duty of collecting the assessments.

Mr. Pipes, in response, contended that the Legislature had not validated or reassessed this property, but had delegated the power to the court, which it could do. The court could not exercise such authority.

DECIDES FOR MRS. WHITLOCK.

Judge George Says Reward for Morrow's Murderers Should Go to Her.

Judge George yesterday decided that Mrs. Anna Whitlock is entitled to the \$500 reward offered by the county for the arrest and conviction of Wade and Dalton. The court held that Edward King, the other claimant, did not render any service to the state, but in fact was rather inclined to shield the men and was not to be trusted. The court could not exercise such authority.

Judge George, in passing upon the case, said: "The testimony shows beyond reasonable doubt that Mrs. Whitlock gave the information which ultimately led to the arrest. Were it not for the fact that King claimed he was seeking wages on Whitlock and prompted her to give the information, there would be no controversy at this time. As it is, King claims half the reward."

I am not able to come to any conclusion that King is entitled to any of the reward. Mrs. Whitlock went to the District Attorney at the instigation of her own attorney, and not because of King's efforts. His connection may have been meritorious, but it was at least unfortunate that he was so associated with the men as he was proved to be. He was in the room with them the night of the crime, and they were flourishing their guns and pulling their hats down over their eyes, and he must have had his suspicions aroused. Notwithstanding this, it was Mrs. Whitlock who gave the information.

"King told one of the waiters that he knew something about the case, and the head waiter informed Detective Welner, who had been working on a 'cold trail'—the theory of jealousy. The officer went to King, but he misled the detective, who was still continued to work as before. King was aiding the men by standing guard for their room rent. If he is not guilty, he was, like poor dog Tray, with bad compulsion. There are too many circumstances favoring of bad faith to permit the court to believe that his actions were altogether meritorious. Mrs. Whitlock acted in good faith, and told the officers at the first opportunity. The decision of the court is that she is entitled to the reward."

Frank Schlegel, attorney for King, was allowed five days to file a motion for a rehearing. It has been reported that Detective Day and Welner have an arrangement to receive a portion of the reward from Mrs. Whitlock, but her attorney emphatically states that it is not so, and that Mrs. Whitlock will receive all of the money.

MORTGAGEES ASK FORECLOSURE.

Indebtedness of Chamber of Commerce to New York Corporation.

The New York Life Insurance Company yesterday filed suit in the State Circuit Court against the Chamber of Commerce, Edward Cookingham, receiver, to fore-

close a mortgage on the Chamber of Commerce building for \$450,000. Interest is demanded at the rate of 6 per cent from December 26, 1899, and \$100,000 attorney's fees. The money was advanced May 16, 1899, when the structure was in course of erection. The note was signed by T. F. Osborn, president of the Chamber of Commerce, and Frank Motter, secretary. Margaret S. Alsworth, Lawrence Alsworth, Mabel Mays, Edwin Mays, Louise Hawthorne Boile and Whitney L. Boile are named as defendants in the suit on account of party wall agreements which with the foreclosure and sale of the property will inure to the benefit of the new owner. Williams, Wood & Linticum appear as plaintiff's attorneys.

OBJECTS TO EXECUTOR'S FEES.

Helps to Thompson Estate Say That Affairs Have Been Badly Handled.

In the matter of the guardianship of Joseph K. Henry, Maud, Herbert and Ralph Thompson, minors, Joseph K. Thompson has filed a petition in the County Court objecting to the reports of the guardian, John B. Coffey. The petitioner states that he became of age on August 29, 1901, and entitled to one-fifth of the proceeds of the estate. Mr. Coffey, Thompson says, that there are 14 houses which were collected, according to the reports, \$8555, of which \$1500 was realized by increasing the mortgage on the property. Joseph K. Thompson says that there are 14 houses which bring in a monthly rental of \$120. He objects to fees of \$100 per quarter charged by the guardian for his services, and to some other items of expenditures as too large.

The petitioner says he is informed that the interest on the mortgage is in arrears, and that the taxes are due, and that the guardian has not collected the same. The petitioner asks that a proper person, who can be agreed upon to take charge of the estate, be appointed guardian for the remainder of the minor children, at a salary not to exceed \$200 per year.

Notes of the Courts.

Mrs. Anna Gibson has filed an attachment suit against Ed Johnson and Matilda Johnson to recover \$500 on a note. The inventory of the estate of Catherine Burke in Lincoln County was filed yesterday, showing property valued at \$451.

The inventory and appraisal of the estate of Joseph Brugger, deceased, was filed in the County Court yesterday. The property is valued at \$520.

Laura E. Hodges, of Fairmount, Lane County, yesterday filed a petition in bankruptcy in the United States Court. Her liabilities amount to \$24,221; assets, \$500. Articles of incorporation of the Oregon Oil Fields were filed in the County Clerk's office yesterday by W. M. Simpson, H. B. Sterling and Charles Freer. Capital stock, \$500,000.

In the United States Court yesterday, in the case of the Pacific Loan & Building Company vs. Lizzie A. Green, a demurrer to the bill of complaint was argued and taken under advisement by Judge Bellinger.

Mary Egan has sued the North American Savings, Loan & Building Company and Edward F. Graves, receiver, to have a mortgage on two lots on Eugene street, Albina, canceled. The loan was \$1200 and \$1800 has been paid.

Thomas Sullivan was arraigned on a charge of burglary. The information recites that he broke into a toolhouse on Marshall street occupied by Frank D. Sullivan, and would not doubt be glad to give any further information about their business that the curious inquirer might ask for. They are gentlemen of good appearance, heading the height of fashion, and have that distinguished air that comes of wide travel and acquaintance with life in the large cities of the country. Just what their intentions are as to the future they do not as yet care to say, but as they have presumably found business excellent in Portland so far it is assumed that this city may have the benefit of their presence and reap the benefits of their enterprise at least till the first of next July.

THE BEST KIDNEY REMEDY

Is S. B. Catarrh Cure, which positively cures pain in the back, loins or groins, swelling of the limbs, frequent desire to pass water, scanty turbid urine, sediments in the urine resembling brick dust and gravel in the bladder, all of which leads to Bright's disease. For sale by all druggists. Book on Catarrh free. Address Smith Bros., Fresno, Cal.

Are unlike all other pills. No purging or pain. Act specifically on the liver and bile. Carter's Little Liver Pills. One pill a dose.

NO COMPETITION IN BIDS

ON AUXILIARY MACHINERY FOR PORT OF PORTLAND.

Commissioners Reject Offer and Will Readvertise—Other Offers Considered and Acted On.

At the meeting of the Port of Portland Commission yesterday afternoon, the recommendations of Designing Engineer Lockwood in regard to the bids opened Saturday were read. Mr. Lockwood recommended that the bid of the Willamette Iron Works for the contract for the auxiliary machinery be rejected. The bid was for \$23,000 and a reduction of \$3000 accrued upon if the bidder is allowed to make some changes in the plans. Mr. Lockwood stated that only one bid had been received, and his recommendation to reject was on the ground of "no competition." On motion of Commissioner Selling, the bid was rejected and was ordered readvertised.

Engineer Lockwood also recommended that the bids for the wooden pontoons be rejected, as he considered them too high. Joseph Paquet, the lowest bidder for the work, was present and addressed the commission. He presented bids for port work several times and he "had always been too high." He had at last filed the lowest bid and the contract was to be taken from him. Necessarily, he said, the bid was high, because he had to place his men on an eight-hour schedule and the price of lumber was increased. Nobody on the Pacific Coast could do the work for less. When Mr. Paquet concluded, Mr. Adams moved that the recommendation be adopted. The motion was carried.

The engineer recommended that the contract for the discharge pipe be awarded to the Springfield (Ill.) Boiler Works, provided that a freight rate of not more than \$1.50 per 100 pounds be guaranteed. In its bid of \$3044.31 the company stated that the freight rate would be about \$1.10 per 100 pounds and the weight of the pipe will be about 34,000 pounds.

The engineer also recommended that the bid of Charles Gauld, for the rubber sleeves for the dredge, be rejected. Joseph Gauld, asked permission to withdraw the bid, as the specifications had not been understood. Mr. Lockwood recommended that the Reliance brand of rubber sleeves, made for Crane & Co. and offered at \$117 each, be accepted, but F. A. Hollabaugh, who represented the company, convinced the board that the Skookum brand would give better satisfaction, and that brand was accepted. The price of the Skookum brand is \$122 per sleeve.

The president was authorized to sign a contract with the Portland Dredge Company for the dredging of the channel opposite the Portland Flouring Mills. The company is to be paid at the rate of 10 cents for each cubic yard of material removed, and the contract may be terminated by the board upon 24 hours' notice. The president was also instructed to sign the contract awarding the repairs and spudgear for the dredge Portland to the Columbia Engineering Works.

Bids for scrap metal were received as follows:

Iron, for 2000 pounds of cast iron, \$18.50; J. Thompson, for 14 tons of wrought iron and steel pipe, \$15 per ton; for 300 pounds of brass, 11 cents a pound.

The board adjourned to meet at the call of the chair.

"Trucklunacy" or "Truculency."

Letter in New York Evening Post.

In referring to the speech of Mr. slight error in spelling the word "Truculency." Evidently the Kentucky orthography is "trucklunacy," and I am confident that an inspection of Mr. Wheeler's manuscript will show this, as well as other illustrations of philological progress. The capacity of the American language in the hands of a Kentucky statesman may well astonish those who have not submitted tamely to the authority of English standards.

C. L. C. Jersey City.

Greene-Gaynor Conspiracy Case.

SARASOTA, Fla., Feb. 24.—Judge Burr, of the United States Court today overruled the demurrer of the defense in the Greene-Gaynor conspiracy case, except as to the last two counts to the indictment. He sustained the demurrer in the counts in which it is alleged the defendants made a contract with ex-Captain O. M. Carter as to the division of money. When arraigned today the defendants pleaded not guilty and the case was assigned for trial on its merits March 1.

Superintendent of Montana Central.

ST. PAUL, Feb. 24.—The appointment of Edward L. Brown as general superintendent of the Montana Central, which has its quarters in Great Falls, was officially announced by circular today. Since the absorption of the St. Paul & Duluth by the Northern Pacific, Mr. Brown has been superintendent of the division of the company at the head of the lakes. He succeeds George T. Ross, who goes to the Missouri Pacific.

Twelve Years of Awful Pile Pain.

A. E. Aurling, Braidwood, Ill., says: "After suffering untold agony for over twelve years from both forms of piles, and trying all sorts of remedies without relief, I am completely cured by Pyramin Pile Cure sold by all druggists, 50 cents a box. Book, 'Piles,' mailed free. Pyramin Drug Co., Marshall, Mich."

Distinguished everywhere for Delicacy of Flavour, Superior Quality, and Highly Nutritive Properties.

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Sold only in half-pound tins, labeled JAMES EPP & CO., Ltd., Homeopathic Chemists, London, England.

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