

NOW UP TO MAYOR

Board of Public Works Approves Blanket Franchise.

RICHARD WILLIAMS PROTESTS

But He Is Outvoted—New Proposal For Use of Market Block Is Received—Williams Heights Bridge to Be Repaired.

All that is now required to make the blanket franchise ordinance a law is the signature of the Mayor. Yesterday the ordinance as passed by the Council Monday evening, was approved by the Board of Public Works, and all the six members present agreed to it. Richard Williams had two exceptions to make to the ordinance, but both of these were overcome by vote of the committee. The exceptions were:

First, that the best car service could not be secured by the taxation of the company as proposed by the ordinance. Second, that there should be a cheap service and that the provisions for a revenue might conflict with a reduction of the fare. The rate named in the ordinance was five cents, and Mr. Williams said, "The company ought not to be taxed to the extent that it cannot give a good service and a cheap service to the people."

Chairman Mills, who had closely studied the ordinance, said that it met with his approval, and Mayor Williams said the ordinance contained all the provisions the city had asked. Speaking of the income the city would receive under the new franchise, Mr. Mills said the annual sum to be paid will be \$1700. At present the company is paying \$1450. The company now operates 35 cars, but under the new ordinance it will run 10 more. It will also pay \$500 or \$700 for street improvements, as on Washington street, for instance, and will keep the street in repair between the rails. Heretofore the property-owners have had to pay for these improvements. Mills also will be made, and while the chairman did not like the ordinance in its entirety, he could assure the board that it complied with the provisions of the new charter.

"But the new charter is an experiment," said Mr. Williams. "The making of a charter cannot be concentrated in any single body of men. It should be a contributory matter. But dropping the question, how does the board feel about the franchise?"

"I am heartily in favor of it," said Mr. MacMaster.

"I believe we should grant it," said Mr. Bryman.

"The only criticism I have heard," said Mr. Mills, "is that the company may build balconies and porches around its cars so as to escape the present license tax. Will you do that, Mr. Bryman?"

"No," laughed General Manager Fuller, of the Portland Railway Company, "we shall not run any excursion trains."

On motion of Mr. Bryman the ordinance was then approved. The Portland franchise was laid on the table, as it had been incorporated in the blanket ordinance. The ordinance granting a franchise to the Oregon Water Power & Railway Company on East Water street was referred to the engineering committee.

New Market Proposition.

The city market proposition was presented in a modified form by C. W. Miller, attorney for the Union Market Company. Mr. Miller said the company would erect buildings at a cost of \$10,000 or \$12,000, provide rooms for the meat inspectors, build cement walks, etc., under the supervision of the City Engineer. But it suggested as an amendment to its offer that it pay to the city 5 per cent of the gross receipts from the market stalls. The city authorities to have the privilege of inspecting the company's books, and the city to fix the rental figure of the stalls. At the expiration of 10 years the city might take over the market stalls on reasonable compensation. Appraisement might be made, one appraiser to be named by the city, another by the company, and the two to select a third. The present market stalls are for market purposes. If the privilege should be granted, the company will begin the work of removing it within 30 days and will have the market open within 90 days. The gross earnings will be very low—not more than \$1000 a month the first year, but they will increase as the time goes on.

There was some doubt as to whether the city would gain anything from the revenue which it would receive during the 10 years with the right to take the buildings at the expiration of that period. The board conferred quietly a few minutes and then Chairman Mills said: "Put the amended proposal on writing and we shall have it considered in committee session. I shall appoint as a committee to investigate the matter, J. P. Mann, L. Therkelson and T. M. Richardson, who are property-owners and are interested in building matters."

The committee was given the power to investigate the market question thoroughly and to offer any suggestions that may occur to them in regard to a city market.

To Repair Street Bridge.

The board received a proposition from the Portland Railway Company and Russell & Blyth for the repairing of the Williams Heights bridge. The company said the firm offered to pay the whole cost of the repairs, \$1500. If the city would furnish a man to superintend the work.

"Really?" said one of the board. "That is true," said City Engineer Elliott, "and furthermore, they have agreed to pay the man whom I shall name to superintend the work."

"Accept the proposition," said Mr. Cogswell, in open-eyed astonishment. "Second the motion," said Mr. Bryman, heartily, and the motion was carried before any withdrawal could be made.

The proposition to make repairs was the first one the board had ever received, and even after it had been accepted the members did not know just what to make of it. They were willing to take it, however, and they only wish some of the other railway companies operating over dilapidated bridges would make the same proposition.

The dumps of dirt left on West Main street after the improvement of the street were complained of as a nuisance, and the contractors, Gleichsch & Joplin, were told to clear them away. Mr. Joplin said he had already given his men instructions to make the clearing, but he would give the matter his personal attention today.

Contracts for street improvements, bids for which were opened last week, were set, excepting for Killingsworth avenue. This bid was held over, as there is a difference of \$500 between the figures of the contractor and the City Engineer.

HOTEL CHANGES HANDS.

New Grand Central Transferred to Sharkey, Fields & Smith.

The management of the New Grand Central Hotel, which has been conducted by Tom D. Condon, a well-known horseman, was transferred yesterday to John P. Sharkey, C. E. Fields and Charles Smith. The figure in the transaction has not been named. Mr. Sharkey and Mr. Fields are associated together in the real

estate and insurance business, and it was through their instrumentality that the transfer was made. Mr. Fields will have charge of the management of the hotel, and Mr. Smith, who was a deputy under Collector of Customs Ivey in Alaska, will assist in the superintendence. Mr. Sharkey will give some of his time to the management of the hotel, but as the real estate and insurance business and his duties as a Councilman will require a great deal of his attention, he may not be seen very often in his new capacity as the proprietor of a hotel. He expects to be seen at the desk occasionally, and he says he will give the "glad hand" to any of his fellow-Councilmen who may call around to congratulate him upon his new role as an entertainer of the general public.

CONVENTION COSTS \$550.

Business Men's Committee Will Return Money to Subscribers.

The expenses of the irrigation convention amounted to about \$550. Portland merchants put up this money and paid all the cost of the sessions and entertaining visitors. A fund of \$1200 was raised. "Subscribers will get back about 50 per cent of their donations, perhaps more," said H. D. Ramsdell, chairman of the business men's committee in charge. "We think the money has all been economically and advantageously spent. We think, also, that people who came to the city were well pleased with the treatment they received. Our plans have turned out so successfully that we shall doubtless take upon ourselves the same duty when the next big convention is held in Portland."

The committee met yesterday morning to audit bills and to close up the business which it had undertaken. Members present were: Chairman H. D. Ramsdell, Secretary L. Rosenblatt, Colonel L. H. Hawkins, H. C. Wortman, Ben Sells, W. F. Woodward, F. E. Beach and J. M. Moore.

Chairman Ramsdell and Secretary Rosenblatt were directed to pay all bills and to turn over the funds remaining to the subscribers. The chief items of expense were:

Armory expenses \$75.00
Corbett's Theater 45.00
Baker Theater 35.00
Brown's Orchestra 40.00
Country newspapers 150.00
Report of convention 100.00
Convention expenses 91.70
J. R. Rogers 25.00
Advertising 31.35
James Printing Co. 5.00
Char. Co. 5.00

The committee appropriated \$100 for printing the records of the convention.

Colonel Hawkins devoted a great deal of time guiding visitors around the city and the market stalls. The committee are grateful to him for his services.

CHANGES IN POSTOFFICE.

Plans Were Changed to Avoid an Architectural Eyesore.

Postmaster Crossman yesterday received the following letter from Senator John H. Mitchell, which fully explains the action of the supervising architect at Washington regarding the enlargement of the Portland office:

"Washington, Nov. 19.—My Dear Mr. Crossman: I have had a full conference with the supervising architect in regard to the Portland building."

"The objection he makes to your plans is that if adopted it would present a building without architectural proportions and would therefore be an eyesore, especially to the rear of the building."

"The department, therefore, has determined on plans of its own, which it has already prepared, and which will present a building neatly square in form, and in which, I think, splendid arrangement will be made for all the offices."

"It will therefore be necessary, as the department wrote you some time since, to secure a building for the postoffice and other offices now in that building. I think it advisable, therefore, to send on at the earliest possible moment any recommendations you may have to make in regard to another building."

"The postoffice building will be let under contract, but the work will hardly be commenced before early spring. Yours very sincerely,

"JOHN H. MITCHELL."

The Aeolian Recital.

The regular "Wednesday Evening Recital" at Aeolian Hall tonight, at 8:15. Seats are free. All are welcome.

PROGRAMME.

Piano organ—"Jolly Robbers," overture. Suppe.
Piano—Husar's Dance, No. 6. Brahms.
Aeolian orchestra—"Cavalleria Rusticana," intermezzo. Mascagni.
Piano—"The Awakening of the Lion." Maes.
Aeolian orchestra—"De Koninklijke." De Koninklijke.
Aeolian orchestra—"Burgomaster" (selection). Luder.
Piano—"Lorelei." Wagner.
Piano organ—"Burgomaster," overture. Wagner.

Mr. L. P. Bruce.

Portland-St. Louis-Memphis.

If you are thinking of going to St. Louis, Memphis and other Southern points, call on O. R. & N. Third and Washington, and learn about the new tourist service. Route takes you via Denver and Kansas City.

Scrofula and all disease caused by impure blood. Write to the great medicine, Hood's Sarsaparilla.

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DEMUR TO MARQUAM SUIT

J. THORBURN ROSS AND OTHER DEFENDANTS DENY CHARGES.

Attorney for Defense Argues That Marquam's Failure to Redeem Property Ended His Rights.

In the suit of P. A. Marquam against J. Thorburn Ross, United States Mortgage & Trust Company, Title Guaranty & Trust Company, et al., to recover possession of the Marquam block and other property, valued altogether at over \$700,000, a demurrer to the bill of complaint was argued before Judge Sears yesterday by Attorney Wallace McGamant.

Marquam contends that Ross and the Title Guaranty & Trust Company acted as trustee for him, and that Ross bid in the property as such trustee, and that he (Marquam) is entitled to redeem, and now has the money to do so. He makes numerous other charges, among others that the foreclosure of the mortgage was precipitated by the trustee, who neglected to pay interest, etc.

Mr. McGamant went over the long complaint very carefully, and stated that the case involved an important principle of law. He said: "If the court sustains this bill, it will announce a proposition of law which will be far-reaching in its consequences."

Counsel said Marquam contended that he was entitled to the benefit of the purchase made by Ross as trustee at the mortgage foreclosure sale, but urged that this was not so, and that the court in previous proceedings had settled the matter for good. Marquam failed to redeem the property within the time provided by law, and that was the end of it. The attorney denied, as alleged by Marquam, that the Title Guaranty & Trust Company took advantage of his financial necessities to make an unconscionable contract with him, and said the contract was fair. The trustee, it was alleged, was discharged by a decree of the State Circuit Court, which had full force and effect, and until the decree was successfully attacked it stood as a decree of a court of competent jurisdiction. Every presumption was in favor of the legality of the judgment.

"It is alleged," said Mr. McGamant, "that the trustee has been discharged and released of all liability accruing; that being the case, Marquam has no standing here." The attorney discussed the mounting of resulting trust and constructive trust, and then said: "To justify your Honor in sustaining this bill, they must show a very clear case. They must show that Ross sustained such a relation with Marquam as charged Ross with a trust in favor of Marquam. Mere conclusion will not hold."

Concerning the agreement made by Marquam with the trust company, Mr. McGamant stated that it was perfectly fair, and that it was not alleged that Marquam was incompetent, ignorant, illiterate, or that he was mentally incapacitated or intoxicated when he signed it. But for the trust company he would have lost his property in 1894, when his creditors were pressing him, and he was not crowded on the mortgage because the interest was in default on a large loan of \$300,000 before it was foreclosed. Mr. McGamant covered the case very fully, speaking for three hours, and read from many authorities. Attorneys E. B. Watson and A. H. Tanner, representing Marquam, will address the court today.

PROPERTY-OWNERS SUE CITY.

Injunction Is Sought to Restrain Sale of East Burnside Property.

A. A. Kaddery, L. C. McCormack and 20 others have filed suit in the State Circuit Court against the City of Portland and Chief of Police McLaughlin to enjoin the sale of property on account of non-payment of assessments for the improvement of East Burnside street, from East Eighth to East Twenty-eighth street. Judge Sears granted a preliminary restraining order.

The complaint sets forth that the City Engineer failed to post along the line of the contemplated work "notice of street work," as required by the city charter. It is alleged that the contractor did not spread a bed of screened gravel 11 inches in depth or a greater depth than six inches, in the center of the street, and did not otherwise comply with the contract, and used large stones. It is further alleged that the contractor did not properly roll the gravel, and it is also charged that the City of Portland agreed to lay an eight-inch water main on East Burnside street before the making of the improvement, and failed to do so. The amount involved in the suit is about \$300. Ralph R. Dunlap appears as attorney for the plaintiff.

L. M. DAVIS WANTS \$2000 BACK.

Seeks to Recover Money Paid as Bonus to Street Railway Company.

L. M. Davis yesterday commenced suit in the State Circuit Court against the City & Suburban Railway Company to recover \$2000 and interest from 1899 because of the abandonment of the line on Commercial street in Central Albina. This is the old St. Johns route. Davis in his complaint avers that in the year 1899 he

paid the Willamette Bridge Railway Company \$2000 on the agreement that the company would maintain a street railway line on Idaho street, now Commercial street, in front of his property. The City & Suburban Railway Company succeeded to the franchise of the former company, and in 1901 abandoned the use of the track on Commercial street, and now run the cars on Williams avenue instead.

Wills Admitted to Probate.

The will of Henry Scheeland, deceased, was admitted to probate in the County Court yesterday. The children, Rosa C. Prell, Mary E. Peront, Dora B. Gardmeyer and Matilda E. William F. Frank W., John W., Joseph H. and Sophia A. Scheeland, are devised \$5 each. The rest and residue of the estate is bequeathed to the wife, Ernestine, who is named as executrix without bonds. The property is valued at about \$500.

The will of Akin Copeland, deceased, was admitted to probate yesterday. The property is valued at \$15,000, and is devised in equal shares to Josiah and William C. Aiken and William Miller.

The will of John Zinger, deceased, was admitted to probate yesterday. The real estate is bequeathed to John B. Wade, and he is to pay certain nephews and friends of deceased in Germany \$100 and to turn over to them the balance of cash on hand.

To Help Smith's Appeal.

Judge George yesterday decided to allow enough testimony to be transcribed in the George Smith murder case at the expense of the County, as will be necessary to make clear to the Supreme Court the errors of law contained in the attorney to sustain an appeal. The attorney was granted one week further time to prepare a bill of exceptions. Disbarment of Chamberlain objected, but the court held that the request for an extension was not unreasonable.

Decision for Richard Busted.

In the suit of Wright & Taylor, liquor dealers, against Richard Busted, a salaried employee of the County, Judge George rendered a decision yesterday in favor of the defendant. The money was advanced for expenses, and the firm wanted it back, alleging that Busted did no business. His defense was that he spent all of the money traveling, and if his contract had not been cut short would have secured numerous orders which were promised.

Petitions in Bankruptcy.

A petition in bankruptcy was filed in the United States District Court yesterday by Jacob M. Kauffman, of Hubbard. The liabilities of the petitioner are placed at \$10,000 and the value of his personal property at \$1000.

W. M. Howell, of Bellefontaine, Benton County, also filed a petition in bankruptcy. He states his liabilities at \$2000 and his assets, including personal property, at \$1200.

Sentenced for Stealing Pipes.

F. A. Mullen, a young man, pleaded guilty in the State Circuit Court yesterday to a charge of larceny of meerschaum and briar-root pipes valued at several hundred dollars from a dealer in the Sherlock building. He was sentenced to 15 months in the penitentiary.

Court Notes.

Mary C. Angerstein was appointed in the County Court guardian of Louis E. Angerstein, insane, who has property valued at \$4000.

Joseph Duffy, indicted for burglary in breaking into the Paris House, pleaded not guilty before Judge Sears yesterday. His case will be tried when the jury again convenes.

A. J. Scherner yesterday sued G. Martello, alias John Martello, to recover \$124 on account of groceries sold in 1894. The defendant paid \$2 on the bill in 1899, or it would have been outlawed.

Charles, alias Chick, Houghton, charged with robbery, pleaded not guilty in the State Circuit Court yesterday. He asserts that he is falsely accused because he refused to act as "stool pigeon" for a detective.

The libel suit of Daniel Sheehan against the British ship Eakonon, which was tried in the United States District Court yesterday, was argued and submitted yesterday. A decision will be given in a few days.

DAILY METEOROLOGICAL REPORT

PORTLAND, Nov. 25.—S. P. M.—Maximum temperature, 51; minimum temperature, 37; river reading, 11 A. M., 4.0 feet; change in 24 hours, -1.4 feet; total precipitation, 5 P. M. to 5 P. M., 0.00; total precipitation since Sept. 1, 1902, 12.17 inches; normal precipitation since Sept. 1, 1902, 10.40 inches; excess, 1.77 inches; total sunshine Nov. 21, 6.04; total sunshine Nov. 24, 9.09; barometer (reduced to sea level) at 5 P. M., 30.37.

WEATHER CONDITIONS.

Except a few small showers off Cape Flattery, no rain has fallen in this district during the past 24 hours, and the weather continues moderately cool.

The indications are for increasing cloudiness in the North Pacific States Wednesday, probably followed by showers by evening in Western Oregon and Western Washington.

WEATHER FORECASTS.

Forecasts made at Portland for the 28 hours ending at midnight Wednesday, November 26: Portland and vicinity—Increasing cloudiness;

An Ideal Woman's Medicine.



So says Mrs. Josie Irwin, of 325 So. College St., Nashville, Tenn., of Lydia E. Pinkham's Vegetable Compound.

Never in the history of medicine has the demand for one particular remedy for female diseases equalled that attained by Lydia E. Pinkham's Vegetable Compound, and never during the lifetime of this wonderful medicine has the demand for it been so great as it is to-day.

From the Atlantic to the Pacific, and throughout the length and breadth of this great continent come the glad tidings of woman's sufferings relieved by it, and thousands upon thousands of letters are pouring in from grateful women saying that it will and positively does cure the worst forms of female complaints.

Mrs. Pinkham invites all women who are puzzled about their health to write her at Lynn, Mass., for advice. Such correspondence is seen by women only, and no charge is made.

probably followed by showers by evening; easterly winds, shifting to southerly.

Western Oregon and Western Washington—Increasing cloudiness, followed by showers; easterly winds, shifting to southerly.

Eastern Oregon, Eastern Washington and Idaho—Rain and continued cool.

PACIFIC COAST WEATHER.

STATIONS.

STATIONS.	Temperature.	Wind.	State of Sky.
Astoria	50-60	NW	Cloudy
Baker City	38-50	SW	Clear
Blaine	38-50	SW	Clear
Boise	40-50	W	Clear
Burien	50-60	SW	Clear
Butte	40-50	W	Clear
Cambridge, B. C.	38-50	S	Cloudy
Centralia	40-50	SW	Clear
Portland	50-60	NW	Pr. cldy
Red Bluff	40-50	SW	Clear
Roseburg	40-50	NW	Clear
Sacramento	50-60	E	Clear
San Francisco	50-60	W	Clear
Spokane	40-50	S	Pr. cldy
Seattle	50-60	E	Cloudy
Tacoma	40-50	E	Rainy
Walla Walla	40-50	SE	Clear

Light.

EDWARD A. BEALS, Forecast Official.

BEFORE PACKING

PERSIAN RUGS

AT

PRIVATE SALE

TODAY

AT BAKER'S

SALESROOMS

COR. ALDER AND PARK

This is your chance. No

reasonable offer will be re-

fused. Better to sell rather

than pack the goods. Come

early and get the best se-

lection.

GEO. BAKER & CO.

Dr. B. E. Wright's Dental Office

342 1/2 Washington, Cor. Seventh

Office hours: 8 A. M. to 5 P. M.; evenings, 7:30 to 8:30;