

SECRETS COME OUT

Port of Portland Commissioners Tell of Closed Session.

CHANGES IN DRYDOCK PLANS

These Were Made in Executive Session and Contractor Wakefield's Bid Lowered—Later Allowed to Build in Vancouver.

M. C. Banfield, president of the Port of Portland Commission, explained in the State Circuit Court yesterday before Judges Frazer and George what occurred at the secret executive session of the commission on July 25, just prior to the letting of the contract to build the drydock at Vancouver.

J. E. Bennett, another bidder, testified that he knew nothing of the modification in plans until he read of the same in the newspapers. Mr. Bennett testified that he could build at Vancouver.

Attorneys Chamberlain and Thomas, for the plaintiffs, contend that the statute provides that the work cannot be done outside of the limits of the boundary of the Port of Portland.

The defense is that the building of the dock in Portland or anywhere in the immediate vicinity is authorized, and that Vancouver can be included in this description; also that the site at Vancouver is the best that could be procured, and is not subject to the winter floods such as occur in the Willamette River.

President Banfield testified that the members of the Port of Portland Commission met on July 25, 1902, discussed the plans and specifications and decided to have the chords of the upper trusses of the pontoons in three pieces instead of two, and the lower in two pieces, which would be equally as strong.

A special Thanksgiving matinee will be given today at Cordray's Theater, the performance being the popular scenic play, "The Masqueraders."

There will be shown at the Baker Theater all next week, starting with Sunday matinee, a remarkably strong drama, in "The Masqueraders," a play from the pen of Henry Arthur Jones.

On cross-examination President Banfield admitted that he knew that Wakefield had signed the contract agreeing to accept all risks and responsibility before permission was granted to build at Vancouver, and that the commission had the power to compel him to construct the dock on the Willamette River.

Mr. Chamberlain—At the executive meeting, did you not discuss the question of getting away from organized labor?

Mr. Banfield stated that he refused to discuss the matter, and that he had examined the records, and that he had examined the records of the commission, and that he had examined the records of the commission, and that he had examined the records of the commission.

Mr. Chamberlain—Don't you know if the bidders had known they could have selected their own site, the board would have got cheaper bids?

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UPHOLDS MARQUAM SUIT

ATTORNEY ARGUES THAT TRUST RELATION WAS VIOLATED.

Contention is Set Up That Trustee Had No Right to Buy in the Property.

The question of the right of P. A. Marquam to redeem his property, which was sold in by Thorburn Ross and is now held by a corporation known as the Oregon Company, was argued before Judge Sears yesterday by Attorney E. R. Watson.

Mr. Watson contended that the Title Guarantee and Trust Company, as trustee for Marquam, was not discharged by the court until after the sale of the property to Ross, his manager, and that the trust existed when Ross bid in the property and therefore the order of discharge in no way affected the trust relation.

Some of the points contained in discussions read by the attorney were as follows: If a purchaser acting in a fiduciary capacity for the mortgagee had the additional capacity as trustee, he therefore could not bid at a sale. The trustee must apply to the court for permission to bid at a sale.

Counsel said: "Our cause of suit arose when Ross bought the property. Of course we could not tell before if we would have a cause of suit or not. If some of the points which we read would not have a cause of suit at all, the matter was not adjudicated in the other decree; it did not then exist."

"A trustee is absolutely disqualified," read the attorney, again referring to an authority, "from becoming a purchaser at a sale for his own benefit. A party holding property for a mortgagee will take the property subject to the trust relations and all its consequences."

"Trust relations could not have been passed upon in a foreclosure suit. Equities between parties could not be determined in a foreclosure suit. The party to a foreclosure suit cannot be a purchaser without permission."

"An executor, trustee or anyone holding a fiduciary relation to a property, is not permitted to purchase that property, nor have any interest in the purchase. He is not permitted to purchase property for another, nor to manage the property for his own benefit, when he has a duty to perform for another. The purchase is not absolutely void, but voidable."

Judge Watson asserted: "It cannot be said that this company had no duty to perform for Marquam. It had to collect rents, pay interest, and do all it could to keep this property for Marquam and recover when it was provided for in the deed."

Another authority was read stating: "If the rights of a trustee show that he must protect his interest by purchase at a sale, the court may grant permission, but the court may take the sale of the property for itself, and if the property has not brought a fair price to sell it again, and keep selling it until it does."

"In other words," said counsel, "the court can take the matter into its own hands."

Mr. McCann made an argument of some length in response, and the case will be taken up again at a future date.

COURT NOTES

Commissioner E. D. McKee will deliver a verdict Saturday in the case of Louis Robinson, who was recently indicted for forging a false oath of bankruptcy and in concealing assets.

Julia M. Hughes was appointed, in the County Court yesterday, administratrix of the estate of her husband, Edward Hughes, deceased, valued at \$15,000. She has four children and the heirs provided for the entertainment of Portland theater patrons in several seasons.

The will of John Poole, deceased, was admitted to probate in the County Court yesterday. The property, valued at about \$15,000, is devised to the widow, Cora C. Poole, who is named as executrix.

The case of Horace McKinley, who is charged with the murder of Clyde D. Lloyd, was heard in the United States Circuit Court yesterday. The first case was transferred by Marion County and the second from Clatsop County.

George L. Lloyd and also against Clyde D. Lloyd were heard in the United States Circuit Court yesterday. The first case was transferred by Marion County and the second from Clatsop County.

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ALMOST A MIRACLE

THE WONDERFUL RECOVERY OF A MINNESOTA MAN.

His Lower Limbs Had Become Useless and He Dragged Himself Around Like a Snake.

While the story of the wonderful recovery of John Hunter in the little town of Chilo, Cal., from paralysis and locomotor ataxia is still fresh in the mind of every one, an account of another equally remarkable and somewhat similar case comes from Minnesota.

Near Northfield, Minn., lives P. A. O'Brien, known to everybody round about the town. In the Fall of 1900 he was obliged to give up work because of a disease which one of the physicians who attended him called locomotor ataxia and another paralysis. He suffered for more than three years and, for part of the time, lay in a harness by the doctor's direction. He grew worse and the physicians pronounced him incurable. But at last, like a miracle, came his cure. Let him tell the story:

"It had been coming on slowly for eight years," he says. "A cold numbness commenced in my feet and worked upward. It grew worse, and in November, 1900, I had to quit work. The disease bent me over, and when I attempted to straighten up it felt as if some one were cutting me in the pit of the stomach with a knife. I always felt tired, and could not rest at night, my feet felt as if there were needles sticking in them, and my legs got so numb that I could stick pins in them and never feel it. They would shake so sometimes that I could not hold them still with both hands."

"Then I got so that I could not walk and I had to pull myself around like a snake. When I got excited my heart would palpitate and I would choke up. My kidneys also became affected and caused me much pain."

"Didn't the doctors help you?" was asked. "No. One of them had me on my bed in a harness for several months, but that did me no good. They tried various things, and at last, said I could not be cured."

"I began taking Dr. Williams' Pink Pills for Pale People. The first box wopped my pain and I could sleep good. It was a week before I could move my feet the least bit, but from that on I gained pretty fast. I will never stop praising Dr. Williams' Pink Pills, for they have made a new man of me."

At all drug stores, or direct from Dr. Williams Medicine Company, Schenectady, N. Y., fifty cents per box; six boxes for two dollars and fifty cents.

PERSONAL MENTION.

United States Senator Simon left Monday for Washington, D. C. George H. Hill has gone to Washington, D. C., for a brief vacation. He accompanied Senator Simon.

George H. Brown, Prosecuting Attorney of the Second Judicial District, came down from Roseburg yesterday.

Congressman Thomas H. Tongue left last night to resume his Congressional duties at Washington, D. C.

Stephen S. Wise, pastor of the Temple Beth Shalom, home last evening from a visit to New York and other points in the East where he has been for the past month.

H. Friendly, a prominent business man and politician of Eugene, accompanied by the Misses Friendly, is at the Portland. Mr. Friendly is a resident of the State University and will be one of the speakers at today's football game.

R. Loring, who suffered a dislocation of the ankle and a severe sprain of the small bones two weeks ago, is able to get out and about on crutches. He attributes his quick recovery to the experience of the ankle, which was injured in the same manner some years ago, and is getting used to it.

Theodore Jensen, the well-known brick-maker, who was in business here for over a quarter of a century, but who went to Alaska four years ago, returned to Portland. He tried mining for material to make gold bricks, but did not like it so well as his old business.

He decided to return to his old business and is going to be a great demand for bricks here next season.

NEW YORK, Nov. 26.—(Special)—C. R. Gifford and wife, of Spokane, registered at the Hotel Bartholdi, today.

THE DALLES, Nov. 26.—(Special)—Hon. Malcolm A. Moody left here last night for Washington to be present at the convening of Congress, December 1.

THANKSGIVING DINNER.

As in former years, patrons of the Northern Pacific on Thanksgiving day will be served with an exceptionally fine dinner in the dining cars. There will be passenger trains moving along the lines of this great transcontinental railway between Portland and St. Paul; so if you are so unfortunate as to be compelled to travel on this day, you will still probably remain here and resume his old business, as there is going to be a great demand for bricks here next season.

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26th YEAR. The Allen & Gilbert-Ramaker Co., successor to the Wiley B. Allen Co., has been established for 26 years and is today the largest music concern in the Northwest, and sells more pianos than all other dealers combined. We have the goods and people know it. If money is worth saving, buy from us. \$1.25 to \$2.50 per week will buy a piano that we guarantee for all time. Call or write us for catalogues, terms and prices and information as to our easy-payment plan. ALLEN & GILBERT-RAMAKER CO. 200-211 FIRST STREET, PORTLAND, OREGON. 1400 SECOND AVE. SEATTLE, WASH.

IT WON'T HURT. If you have your dental work done at this office, the extraction of teeth is under the personal supervision of Dr. W. A. Wise, and you can feel thoroughly assured that painless dentistry is an accomplished fact at this office. If you have any doubts, call at our office and we'll explain our methods thoroughly. WISE BROS., Dentists. 208, 209, 210, 211, 212, 213 S. FALLEN BUILDING. Cor. Third and Washington Sts. Both phones: Or. South 2281; Col. 388. Open evenings till 9. Sundays from 9 to 12.

From Soup to Coffee. No matter how elaborate your Thanksgiving dinner, we have just the proper dishes for each course. Maybe you intend leaving something out simply because you haven't the dishes? Don't do it, but come in and see how cheaply we can supply your wants.

Prael, Hegele & Company. TABLEWARE :: ARTWARE :: KITCHENWARE. 100-106 FIFTH STREET CORNER STARK.

BAD TEETH INEXCUSABLE. When even a root can be built up and restored without causing any pain or discomfort. Fear of pain deters many people from visiting the dentist. If you will come to this office we will guarantee to cure you. The largest and best-equipped dental office on the Pacific Coast. Consultation free. Fees reasonable. DR. B. E. WRIGHT'S DENTAL OFFICE. 342 1/2 Washington, Cor. Seventh. Office hours: 9 A. M. to 5 P. M.; evenings, 7:30 to 8:30; Sundays, 10 A. M. to 12 M. Telephone North 219.

MORTGAGE LOANS. On Portland real estate at lowest rates. Titles insured. Abstracts furnished. Title Guarantee & Trust Co. 7 Chamber of Commerce. J. W. OGILBEE. Room 11, 145 1/2 First St., Portland, Or. \$1150 31 acres, 7 acres under cultivation, balance cleared, all level and fenced, good house and barn, well and running water, 18 miles from Portland and 6 miles from Hillsboro. \$650 40 acres, 10 acres fenced, 6 acres in cultivation, good house, good barn and other buildings; splendid small orchard; fruit, the spring water, one mile from school and church, two miles from river, landing in Cowitz County, Washington. This is a fine little home, at a bargain.

REAL ESTATE FOR SALE BY THE Title Guarantee & Trust Co. \$1600 Belmont street, near East 94th st., a nice new cottage of 5 rooms; culminated gas fixtures, modern plumbing; lot 32x100, terms reasonable. \$1400 Berkeley street, between Stanton and Madison streets, 6 rooms, bath, sewer connected; terms \$100 cash, balance in easy monthly payments. \$1400 Lot 50x100 and 6-room house, on Grand avenue, between Shaver and Madison streets, modern plumbing, bath, sewer connected; terms \$100 cash, balance in easy monthly payments. \$1250 Lot 50x88 on Fremont street, with a neat, modern cottage of 6 rooms. \$1500 Lot 50x100, corner Shaver street and Union avenue, with a comfortable house of 7 rooms; good barn. \$1700 Lot 50x100, corner Shaver street and Union avenue, with a comfortable house of 7 rooms; good barn. \$2000 East Madison and East 32d streets, fine corner lot, with a 7-room house; brick basement; bath, etc. \$2200 Commercial street, between Knott and Selwold streets, lot 45x60 feet and a modern residence of 6 rooms; full basement; bath; sewer connected. \$2600 Corner East 32d and East Yamhill streets, 6 rooms, bath, sewer connected; modern residence of 6 rooms; streets recently improved. \$2900 East Ninth, near East Couch street, new. \$2750 East 13th and Tillamook streets, lot 50x100 and modern 7-room house, gas, heater, full basement; one block to school. \$2750 East Main street, between East 22d and East 25d streets, lot 45x60 feet, modern residence of 6 rooms; streets recently built. \$2500 Lot 50x100, corner Shaver street and Union avenue, with a comfortable house of 7 rooms; good barn. \$1500 Lot 50x100, corner Shaver street and Union avenue, with a comfortable house of 7 rooms; good barn.

MEETING NOTICES. EVERGREEN LODGE, No. 1, D. OF H. A. G. U. W., will give a drive, walk and social dance tonight in their hall, Alamy block, 2d and Morrison. A pleasant evening is assured. Admission 15c. Trivia until 10:30 P. M. J. P. PINLEY & SONS, Progressive Funeral Directors and Embalmers, Cor. 3d and Madison streets. Competent lady staff. Both phones No. 5. EDWARD HOLMAN, Undertaker, 4th and Yamhill sts. Rena Stinson, lady assistant. Both phones No. 507.

Fireproof Burglar-Proof. For a few dollars a year you can rent a fireproof and burglar-proof strong box in our vaults, accessible to you at all reasonable hours. Private rooms for clients, where boxes can be taken, contents examined, letters written and other business transacted. The utmost secrecy is maintained in regard to names of renters, and all matters connected therewith. The bureau drawer is neither fireproof nor burglar-proof. Rent a safe and deposit therein your jewelry, deeds, mortgages, your will and other valuables. SAFETY AND SECRECY COMBINED. TITLES INSURED. ABSTRACTS FURNISHED. Title Guarantee & Trust Co. 6 and 7 Chamber of Commerce Ground Floor, Fourth-Street Side. Chamber of Commerce Fred K. Arnold, Supt.