

BANKERS URGE TO MOVE WHEAT

Realize That Financial Salvation of the Pacific Northwest Is Involved.

MEET WITH EXPORTERS

Dealers and Shippers of Grain Will Talk Over Matter With Portland Clearing-House Association Monday.

HOLIDAYS TO BE CONTINUED ANOTHER WEEK

Governor Chamberlain has decided to continue the bank holidays for at least another week, and will issue a proclamation to that effect either today or early Monday morning. In discussing the situation yesterday, Governor Chamberlain said that all official acts are legal during the holidays which are not expressly prohibited on such days. Under this construction of the law there is nothing to prohibit the holding of court, and the transaction of all general business.

"In prolonging these holidays I am acting with regard to conditions as they appear to me and in response to the request of men prominent in financial circles in this state," said Governor Chamberlain yesterday. "Conditions in Portland and throughout the state are improving somewhat; they are better than they were two weeks ago. But considerable uneasiness has resulted from the closing of two banks during the last few weeks, and until that feeling has disappeared the holidays should be continued.

While, as I have said, the banks here are in better condition than at any time since the beginning of the disturbance, I consider that the conditions warrant the continuation of the holidays for at least another week."

Realizing that the solution of the financial problem locally lies largely in the moving of the wheat crop of the Inland Empire, the bankers of this city are bending every energy toward devising some plan by which this crop can be moved and put afloat at the earliest possible moment and the substantial returns put into circulation. At a meeting of the Clearing-House Association yesterday this phase of the situation was the subject for earnest discussion. Different plans were suggested, but it was finally decided to invite the wheat dealers and shippers to attend another meeting of the association, which will be held at 3 o'clock Monday afternoon. At that time a definite plan will be formulated by which the movement of this crop can be hastened.

There is great activity among the leading grain buyers considering prevailing conditions. The Portland Flouring Mills Company, Balfour, Guthrie & Co. and Kerr, Gifford & Co. are buying wheat freely. During the past two days the Portland Flouring Mills has bought over 100,000 bushels of wheat, paying cash. This one company in the next seven weeks will receive about \$2,000,000 from the sale of wheat already made, and this will assist in a material way in marketing the wheat that remains in the growers' hands.

Millions to Be Shipped.

Of the enormous 1907 wheat crop of the Pacific Northwest it is estimated that 5,000,000 bushels have already been bought and shipped, while fully 15,000,000 bushels, representing a value of between \$12,000,000 and \$13,000,000, are either on the docks or in warehouses awaiting shipment. Several million bushels of this crop remain in the hands of the farmers. In addition to several vessels lying in the Portland harbor, which are being loaded at the rate of one daily, the largest fleet of grain-carrying vessels ever in the Columbia river has gathered in this port within the next few weeks.

But money alone is not required for meeting the contingency. There is a urgent need for transportation facilities. Even with the limited amount of shipping that is being carried on, consignors are complaining that they cannot get a sufficient number of cars to meet the demands of their transcontinental shipments. The Great Northern and the Northern Pacific are reported to be furnishing a number of cars to meet the demand, and the Harriman system is being appealed to for more assistance than shippers have been able to get from that source so far this season.

Every cargo of wheat that is loaded in Portland represents an average value of \$12,000. Arrangements have been made by which the banks are given New York exchange on all foreign shipments. This means relief for the banks in the interior of the state, as well as in the larger cities. The plan suggested by the bankers proposes that immediate movement of that portion of the crop which already has been bought, when other arrangements will be made for handling the balance which remains in the hands of the farmers.

Confidence Is Returning.

There is every indication of a decided improvement in the situation locally. Several million shipments of money from the East have tended to relieve the situation noticeably in Portland, while the similar remittances have materially helped the banks in the interior of the state, several of which were entirely cut off from their depositories for a fortnight. An Albany bank yesterday received through one of the leading Portland banks a shipment of \$60,000.

The spirit of uneasiness which was manifested among bank depositors for several days has given way to a feeling of genuine confidence. The aggregate of deposits is steadily increasing, surpassing the withdrawals. One depositor called at the United States National Bank during the day and as evidence of his faith in the city deposited \$10,000 in cash.

WILCOX DENIES THE STORY

Not Interested in Reorganization of Merchants National.

There was current yesterday a rumor to the effect that arrangements had been concluded for the reorganization of the Merchants National Bank with T. B. Wilcox as president and J. Frank Watson as vice-president. The same source hints at an increase in the cap-

ital stock of the institution from \$250,000 to \$1,000,000.

"The rumor has no foundation," said Mr. Wilcox, "and no intention of such a nature have been made to me. As for myself I am busy doing what I can to assist in moving the wheat crop of this section as the surest means of relieving the stringency locally."

Federal Bank Examiner Gatch has begun his official investigation of the Merchants National Bank but, because of frequent interruptions, did not make very rapid progress yesterday. It will be some time before he will be able to submit his report to the Controller of the Currency. E. T. Wilson, associate examiner for this district, was in Portland yesterday and spent the day with Mr. Gatch.

Plans either for reopening or reorganizing the bank cannot be completed until Mr. Gatch has submitted his report of the bank's condition to the Controller of the Currency and that official can indicate what will be required before the institution can resume business. For the present President Watson and the other officers of the Merchants National Bank are busy with their regular duties and Mr. Gatch is his future to give any time to outlining its future policy and management.

WILL ASK HILL'S REMOVAL

Title Trust Bank Depositors Authorize Petition to Court.

Resolutions favoring the removal of George H. Hill as receiver of the Title Guaranty & Trust Company were unanimously adopted by the depositors of that institution at a meeting held last night at Merrill's Hall. The president and secretary of the organization were instructed to sign a petition to that effect, on behalf of the depositors, and present it to Federal Judge Wolverton. It is probable that it will be submitted to Judge Wolverton today.

About 300 depositors attended the meeting, and no one had anything to say concerning Mr. Hill. It was the unanimous sentiment, however, that his position as vice-president of the defunct bank in itself formed sufficient grounds for asking his removal. The depositors desire a receiver who has had no connection whatever with the company and, according to action previously taken, prefer one who is interested in the affairs of the bank as a depositor.

The permanent organization of depositors was perfected last night and meetings will be held as frequently as there is time to transact business. By-laws were adopted, officers were elected and an executive committee of three was authorized, but not named, to act with the president and vice-president.

The officers are: President, Dr. S. J. Barber; vice-president, J. O. B. Seebey; secretary, W. P. Swope; treasurer, Fred T. Merrill. The depositors adjourned to meet on the call of the chair.

TWO CONCERTS TODAY

The Kilites Will Play at the Armory This Afternoon and Tonight.

It is not often that perfection in dancing and playing is to be found in one person, but Angus McMillan Fraser, the bagpiper with the famous Scotch-Canadian band, the Kilites, is not only the champion bagpiper but also the American champion sword, highland fife and snail's horn player. Mr. Fraser is a notable representative of a noble race, and brings to his work that regard for it that is necessary in all successes. He enjoys his dancing and playing almost as much as those who hear and see him, and though it is by no means easy, he is on the programme at every concert given by this great band.

The costumes worn by the Kilites are true Scotch highland plaids, and their brilliancy is only equalled by the playing of those who wear them. Mr. Fraser is a distinct acquisition to this famous band, and his grace and agility as well as his musical ability are a constant source of admiration to those who see and hear him.

The Kilites will appear at the Armory this afternoon and tonight. The concerts are under the auspices of the Third Regiment and First Battery, O. N. G.

RENTS AND ABSTRACTS

Tenants who have heretofore paid office, store or home rent to The Title Guaranty & Trust Co. are requested to call and pay as usual at the same place; and those parties who had unfinished abstract business with the company can now come and complete their arrangements with GEORGE H. HILL, Receiver.

PORTRAIT IS ONLY ADDRESS ON LETTER, BUT MAILCARRIER DELIVERS IT TO

PORTLAND stands in the top rank in postal affairs, not only in the increase of business done year by year, but also in the brains and general ability of its working force. It was a genius in the dead letter department in Washington who unraveled this address:

WOOD.

MASSE.

He made it out to be "Mark Underwood, Andover, Massachusetts," which is considered the best piece of work of its kind ever done in the postoffice department. This man has a counterpart in Portland in the person of W. J. McGinnis, a native Oregonian, who carries the city route with the significant number of 100.

One day last week W. T. Shepard, mail clerk of the Portland Hotel, for various reasons of his own which he blushing refuses to reveal, dropped a letter into the mail box bearing for an address only the portrait, clipped from a local magazine, of a certain young woman. The address contained nothing else to direct the postal authorities ex-

cept the word "For" and an arrow pointing to the picture, both in blue pencil. Then Shepard awaited results.

He mailed the letter at 7 o'clock in the morning. It reached Carrier McGinnis' hands at 8 o'clock and was in the hands of Miss Monroe, in the Hamilton building, by 9 o'clock the same morning. When the letter reached the distributing room of the postoffice it was rapidly passed from man to man until McGinnis saw it. He did not know Miss Monroe, nor had he ever seen her, but he remembered seeing the picture "published somewhere," as he expressed it later. With a dim recollection of where the probable owner of the letter could be found, McGinnis showed the picture on the envelope to the motor boy in the Hamilton building. This youth promptly recognized the portrait and directed McGinnis to her office.

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WIDELY DIVERGING VIEWS ON HOLIDAYS

Lawyers Differ Regarding the Validity of Acts of Public Officers.

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For That Reason Valid, One Faction Condemns—Other Side Declares Such Acts Illegal, Except as Provided by Oregon Code.

Whether or not public officers have a right to engage in any legal transactions during the holidays continues to be a bone of contention between local officials. It is held by some that not only are all the acts of the County Clerk admissible during the present holidays, but also all those of the County Commissioners, of all Notaries Public, of the Secretary of State, the State Treasurer, and of the Governor. The reason these acts can be done, it is said, is because they are purely ministerial.

An opinion at variance with this, which is still held by some local lawyers, and concurred in by members of the local bench, is that none of these officers has a right to do any act except as especially provided for in the Oregon code. Among those who view the matter in this light is Judge Cleland, of the Circuit Court. "I do not think any actions can be filed during the holidays," said the Judge last night, "because, if they were legally possible, there would be no need of the holidays. The chief object of the holidays is to prevent the payment of debts. If debts can be collected legally during the holidays, to declare a holiday, if you say it is ministerial to swear out an attachment, and to levy it, you defeat the prime purpose of the holidays."

"The County Clerk has no right to open his office at all, for it is not in his discretion to stand and say that this instruction is ministerial and that this would be a judicial act. I do not dispute that a judge may hear arguments during the holidays and decide upon them after the holidays, but the filing question is the gist of the whole matter. Between the receiving of papers, the issuing of the writ of attachment and the selling of goods there is no middle ground. None of these acts can be legally done."

A different view is held by Attorney John F. Logan.

"There is no doubt but that the County Clerk, County Commissioners, Notaries Public, the Secretary of State, the State Treasurer and the Governor may perform their work during the holidays as they would at other times," said he last night. "It has been decided several times by the Supreme Court that their work is ministerial. Actions even may be filed and summons served during the holidays, but I think the person upon whom summons was served would have ten days time after the holidays before he would be compelled to come into court. It would not, of course, be legal for the court to make orders, nor for attachments to be made."

"An act is ministerial when the law requires that it be done, without allowing of any discretion in the matter. For instance, all the business of the County Clerk is ministerial, for the law requires that any instrument presented to him for filing, if properly made out, must be accepted."

"An act becomes judicial when the discretion must be exercised whether to do it or not to do it. For instance, the court must use his discretionary powers as to whether or not to issue a writ of attachment. The court may hear arguments, but must not render a decision upon a holiday, as he must use his discretion and judgment in so doing."

In volume 20, page 75, of the American State Reports, the case of Spalding against Bernhard, 76 Wisconsin, 358, is given, in which a decision was rendered upon the validity of judicial acts on legal holidays. The decision of the court in this case was:

The approval of the bond of an assignee

for the benefit of creditors, by a court commissioner, on a legal holiday, assuming it to be the exercise of a judicial act, is nevertheless valid within the meaning of a statute which prohibits any court from being open on legal holidays. Legal holidays are non-judicial days only when made so by statute, and then only so far as they are expressly made so. In all other cases, the doing of judicial acts on such days is valid.

May 29, 1888, H. Hamersley & Co. made a general assignment to the defendant, Bernard, for the benefit of their creditors. The assignee made and executed his bond, and the same was approved, May 30, 1888, June 2, 1888, this act being commenced by the plaintiff, a corporation of the State of Illinois, against the assignor, and the garnishee papers were served that day upon the assignee. July 27, 1888, judgment was entered in the principal action against the assignor.

On the issues between the plaintiff and the garnishee a trial was had by and before the court without a jury, and the court found in favor of the plaintiff, and that such assignment was made May 29, 1888, and acknowledged on that day before a notary public; that in the execution of said assignment and the filing of the same and the inventory, the statutes were complied with, except that the assignee's bond was by him filed on the 30th of May, 1888; that the plaintiff's writs were served on the 27th of July, 1888; that the writs were made before said commissioner on that day, on the reverse side of the bond; and upon said bond was indorsed, in writing, an approval of the same, both as to the firm and the sufficiency of the sureties, by said commissioner, May 30, 1888; and that same was filed on that day with the clerk of the Circuit Court by said commissioner to take upon himself the duties of said trustee, as dated May 30, 1888; that the defendant's inventory was filed with the clerk June 5, 1888.

By virtue of this assignment the assignee took possession of the defendant's stock May 21, 1888, and after the stock had been inventoried the inventory was filed with the clerk June 5, 1888.

Conclusions of law the court found, in effect, that said assignment was void upon its face; that said assignee could not hold the defendant's stock as trustee; that the plaintiff was entitled to judgment against the garnishee, and the same was ordered accordingly.

The garnishee appealed from the judgment entered thereon. The only question was that of whether or not the assignment was void by reason of the fact that the assignee's bond was not filed until after the date of the assignment. The court's decision was that this did not invalidate it.

S. H. Gruber, a Portland attorney, in a column of the Oregonian, takes the view that the only safe course is to avoid doing any legal business if possible during the legal holidays. Mr. Gruber quotes the Wisconsin case above referred to and then says: "In the State of Oregon it has been held in effect (17 Oregon, 364-576) that service of process issued from any court upon a legal holiday is irregular and may be pleaded in abatement or set aside on motion, but that service of a notice of an election contest is not technically a process and is good if made on an ordinary holiday; that a summons in Oregon is not, however, technically speaking, a process."

"What the Supreme Court may hold as to the transaction of legal business during what we now term 'holidays' other than Sunday, when the matter is presented before the court, is not the thing that no one can definitely know. That the only safe course is not to do any legal business where it is entirely possible to avoid doing so, and thereby be on the safe side."

As to the County Clerk's office, Mr. Gruber believes the law is mandatory for the County Clerk to keep open.

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An opinion at variance with this, which is still held by some local lawyers, and concurred in by members of the local bench, is that none of these officers has a right to do any act except as especially provided for in the Oregon code. Among those who view the matter in this light is Judge Cleland, of the Circuit Court. "I do not think any actions can be filed during the holidays," said the Judge last night, "because, if they were legally possible, there would be no need of the holidays. The chief object of the holidays is to prevent the payment of debts. If debts can be collected legally during the holidays, to declare a holiday, if you say it is ministerial to swear out an attachment, and to levy it, you defeat the prime purpose of the holidays."

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Bank Holidays Prevent Advertising by the City.

When the question came up yesterday at the meeting of the City Executive Board as to the legality of awarding contracts or ordering new street work and sewer construction requiring advertising during the bank holidays, City Attorney Kavanaugh advised the board against transacting that class of business, declaring that it might leave an opening for future litigation. Acting on this opinion, all petitions for extension work, even though approved by the several committees to which they had been referred, were laid on the table to be taken up when the Governor ends the bank holidays.

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front bills, as approved by the various committees. The Building Inspector returned approved a number of applications for repairs and alterations that had been referred to him for examination. Chief Campbell of the fire department presented a report of his observations while on his recent trip through the East. It was referred to the fire committee.

Petitions for the installation of arc lights on various streets were approved by the committee and the lights were ordered put in. The Pacific States Telephone & Telegraph Company was granted a permit to lay conduits in certain streets, provided the streets be restored to their former condition when work is finished.

Max Fleischer, chairman of the fire committee, reported to the board that no insurance is carried on the fireboat George H. Williams, nor on the firehouse. He stated that the fireboat cost \$30,000 and the house \$11,000.

THE THEATERS

What the Press Agents Say.

ISABEL IRVING AT THE HEILIG

Souvenir Matinee This Afternoon. Last Time Tonight.

There will be two performances at the Heilig Theater, Fourth and Washington streets, today. A special souvenir matinee will be given at 2:15 o'clock and the last performance at 8:15 this evening. The attraction will be the charming actress, Miss Isabel Irving, supported by an excellent company of players, in Clyde Frick's latest comedy drama, "The Girl Who Has Everything." Each lady attending the matinee this afternoon will be presented with an autograph photograph of Miss Irving.

"HEIR TO HOORAH" MATINEE

Armstrong's Great Comedy at the Marquam Tonight.

This afternoon there will be a matinee performance of Pat Armstrong's popular comedy, "The Heir to the Hoopah," and the final performance will occur tonight. The present company is one of the finest that has ever appeared in the piece that has been one of the most popular of that produced in recent years. First made famous by Guy Bates Post in the leading role, it has commanded wide attention from both the press and public. Every member of the cast is an actor of standing and the production is the best which has yet been put out. During the present engagement the public has literally gone wild over both the play and the performance. This afternoon and tonight will see the close of the engagement.

"ADVENTURE OF LADY URSULA"

Matinee and Tonight Closes Week of Charming Hope Comedy.

Those who have not seen the Anthony Hope comedy, "The Adventure of Lady Ursula," at the Baker this week will regret if they do not go either this afternoon or tonight. This has been the first Portland production of the piece at other than high prices and critics have declared that the Baker Stock Company's performance is on a par in every way with the very best ever seen here.

Empire Matinee Today.

"Human Hours" will be seen but twice more this season at the Empire, and that will be this afternoon and tonight. The play is as great a favorite as ever, and has drawn good sized audiences at every performance this week despite the unfavorable conditions and the fact that it has been seen here so often before. This speaks well for its immense popularity.

A Hero Matinee.

The matinee at the Lyric this afternoon will be a real feast for veterans of the Spanish-American war and their families, for the play presented by the Lyric Stock Company is the one successful drama ever written regarding that memorable struggle. It is the closing bill of the present Lyric Company.

"Deadwood Dick" Tonight.

The last appearance of that dashing, young Western army scout, "Deadwood Dick," at the Heilig Theater tonight this evening. There will be a matinee, so great has been the demand to see this play during the week that the theater has been playing at the top notch of capacity since last Sunday. It is a typical Western play.

COMING ATTRACTIONS.

John Cort's Comic Opera "The Alaskan" at the Heilig Tomorrow.

The staging of the new comic opera hit, "The Alaskan," which begins a four days' engagement at the Heilig Theater tomorrow night, is decidedly picturesque and was directed by Max Fisman. There are two acts, the first depicting the mild humor of the "Alaskan" and the second the second the interior of a Nome bungalow on New Year's eve. A dozen real Alaskan dogs are introduced. The story abounds in romance, adventure and humor, introducing a stranded opera company and their manager and an Alaskan party ballet.

When Johnny Comes Marching Home

The San Francisco Opera Company will return to the Marquam on Sunday night after its brief tour and will open the new work in a splendid performance of the brilliant Civil War comic opera, "When Johnny Comes Marching Home." The piece is full of beautiful musical numbers and bright wit and the company is perfectly at home in the various roles.

"The Pit" Tomorrow.

The Baker Stock Company's production of "The Pit" will open tomorrow afternoon. It is the biggest stock production ever seen in Portland up to the present time. This play is a powerful story of modern life, in which everyone is more or less interested, just as this morning in the great Chicago wheat-pit scene one of the largest mobs that has ever been shown on a local stage will be seen.

"A Wife's Secret" Opens Sunday.

The Empire will have a strong emotional play, new to Portland, all next week, opening with the matinee tomorrow afternoon. This will be Spencer & Aborn's "A Wife's Secret," with Grace Bayley, a young and pretty emotional actress, in the important role of the persecuted and wronged wife. The plot is new.

Allen Company Monday Night.

The famous and ever-popular Allen Stock Company will return to the Lyric for an indefinite engagement on Monday night, opening in that side-splitting farce-comedy, "A Stranger in Strange Land." This organization needs no introduction to Portland audiences, having already won a warm spot in its affections. As formerly, Verna Felch will be seen in leading roles, supported by a strengthened company.

"Dangers of Working Girls."

Tomorrow afternoon and all next week the attraction at the Star theater will be "The Dangers of Working Girls," a new melodrama which made a sensation in the East last season. It is unlike any other modern melodrama which has been presented on the local stage and will be found of absorbing interest, with a sufficient amount of comedy.

AT THE VAUDEVILLE THEATERS

See This Act at Grand.

An act representing \$10,000 is the head-line attraction at the Grand and will continue until tomorrow night with the usual Sunday matinee. This is the troupe of trained tropical birds of Rosa Nayson, an act which is alone in its class, there not being another such collection of trained birds in existence. Besides this act there

are many others embracing fun and music as well as novelty.

Pantages Big Comedy Hit.

Don't miss the laugh of the season in the new "Pantages" at the Heilig Theater this week. They were the funniest men that ever hit Portland. Ask anyone who has seen at the show this week, in addition to these big hits there are seven other good acts and it is a show that you will enjoy immensely. Don't miss Rudin and Ruddy, though, by any means.

MacMahon Speaks for His Cow.

PORTLAND, Nov. 14.—(To the Editor.)

This is an open letter to Thomas Huntingdon, in reply to his communication recently published in the Oregonian, headed "Watchman, What of the Cow?"

After the stealing of my cow, she was bitten by a four-footed thanatophidian snake; she was cared for and cured by Mother Woodcock and then given by her in trust to a Scotch banker, who milked her first in a Scotch bank, who milked her and mortgaged her to a corporation that in turn foreclosed the mortgage, painted her red and, in charge of a Prohibitionist, sent her down to purgatory, where she is now undergoing punishment for the sins of the Iniquitous Club and the mephistophelian financiers of "my haunted holiday bank."

MACMAHON.

Shopping Trips

are enjoyable, but fatiguing; a cup of Ghirardelli's Cocoa for breakfast helps wonderfully, it is so sustaining as well as delicious. Before returning home don't forget to

Ghirardelli's Cocoa

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