FEES OF CARELESS **EXECUTORS DROP**

Court Declares Accounts of Calef and Goode Estates Were Kept Negligently

\$1900 CUTS ARE ORDERED

Edward Quackenbush and S. Reed Exonerated of Wrongdoing as Managers but Criticised. Charges Not Proved.

County Judge Webster's decision of the Charles E. Calef estate case and the Henry W. Goode estate case yesterday morning was almost entirely in favor of the executors. While in both cases their fees were pruned, the court exonerated the executors of charges of mismanagement preferred by the

Edward Quackenbush is the only sur viving executor of the Calef estate, although three were appointed soon after Mr. Calef died. Almira C. P. Wood objected to his final account saying he had failed to obtain orders from the court in making loans and taking mortgages, that he had failed to carry out the provisions of the will properly, and that he had treated the estate as though it were his own prop-erty, appropriating the funds to his

Fees Are Cut Down.

The complaint demanded that Quack-enbush refund \$8000, which she said had been lost by the estate on account of bad loans. Judge Webster decided that Quackenbush need not pay this amount. A few smaller alleged dis-crepancies, called to the executor's at-tention, and admitted in a supplemental report, were allowed by the court. He report, were allowed by the court. He also reduced from \$350 to \$150 the attorney's fee for filing the final report, and disallowed another attorney's fee

The Judge said, in deciding the two cases, that many of the points urged by the heirs in their objections to the by the heirs in their objections to the way the estates were managed were not within his jurisdiction. Those charges which he could pass upon, he said, were not proved. He declared that the executors themselves were largely responsible for the investigation of their manner of handling the estates, saying the accounts in both cases were kept in a negligent manner, which caused the suits to be started to straighten out the tangle.

Reed Is Vindicated.

The claim of S. G. Reed, formerly axecutor of the Goode estate, for \$1250 attorney's fees, was reduced by the rourt to \$1000, and his claim for \$3500, sourt to \$1000, and his claim for \$3300, as executor's fees, was reduced to \$3800. Judge Webster also directed that he pay the estate \$300 as rent of the building at Fourth and Yamhill streets, formerly used by the Wells-Fargo Express Company. Mrs. Edith F. Goode, the widow, at whose request Reed resigned as executor, said Reed failed to follow her suggestions in repairing the building so it would be as pairing the building so it would have been rentable after the express com-pany removed.

Mrs. Goode made serious charges against Reed, saying that he opened her husband's private safety deposit rault and secured valuable papers which he failed to turn over to her, and that he failed to handle the estate in-that he failed to handle the estate in-debtedness and the funds in the bank in such a way as to cause the least pos-sible loss. After hearing both sides of the case Judge Webster decided that Reed was vindicated

FRAUD IN WILL IS ALLEGED

Two Sons Accuse Sister of Undue Influence Upon Old Man.

Alleging that Mary Bever, their sister, practiced fraud upon W. T. Linn, their aged father, as he lay upon his deathbed at Good Samaritan Hospital, Charles A. Linn and George E. Linn filed a petition in the County Court yesterday morning in an effort to break the will. Bernard Linn, a grandson, 24 years of age, living at Kelse, Wash., joins with the brothers in the petition. The will cuts the two brothers and the grandson off with 35 tach, and gives the balance of the egiate, estimated to be worth about \$3000, to Mrs. stimated to be worth about \$3000, to Mrs.

Mr. Linn, Sr., died at Good Samaritan Hospital November 28, 1909, being 74 years old. The will was executed two days before in the presence of L. D. McClure and old. The will was executed two days before in the presence of L. D. McClure and Arthur J. Gantier. It is signed in a grawly hand, which is almost unrecognizable. The three heirs allege that for three months before he died Mr. Linn was mentally incompetent to make a will, forgetting from one day to the next persons whom he had met and events that had happened. Charles Linn says he visited his father a few days before he died, and that the sick man did not Railroad Company be compelled by County Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday administrator of Frank Jacobs estate, county Judge Webster yesterday admin

the estate, and that the will be admitted to probate. She was appointed December 31. An order to this effect was accordingly made. But no appraisement has since been filed, allege the heirs, so they do not know the exact value of the estate.

The will is short, that portion relating

the bequests reading: In the bequests reading:

I hereby give, devise and bequeath to Charles A Linn, George E, Linn and Bernard L. Linn each the sum of \$5, and all the remainder of my property, after paying my just debts and funeral expenses, wherever the same may be found, whether the same be personal, real or mixed, and of which I die siezed or bossessed, I hereby give, devise and bequeath to my beloved daughter. Mary Bever, to have and held unto herself, her helrs and assigns forever.

Fraudulent representations and modes. Fraudulent representations and undue influence are alleged to have been used by the daughter, G. W. Bever and M. G. McCorkle to compel Mr. Linn to sign the

Upon motion of Attorneys McAllister & Upton, representing the heirs, that a hearing be had, Judge Webster ordered that Mary Bever appear in the County Court at 9 A. M., March 17, and show cause why she should not be removed as

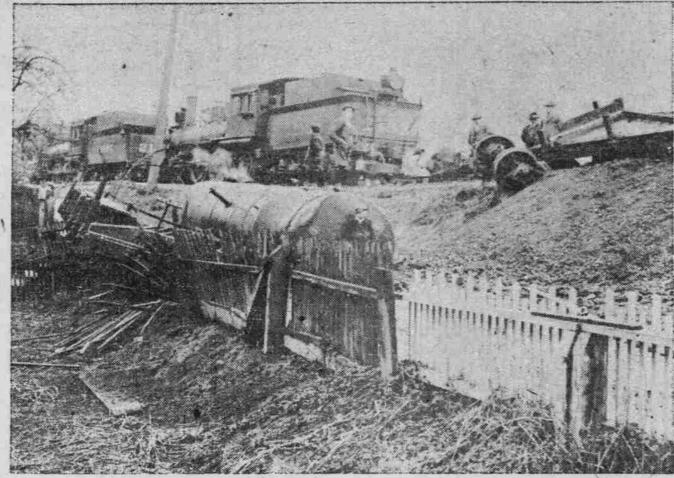
WOMAN SUES CANADIAN ROAD

Steps From Train in Dark and Sustains Serious Bruises.

Fallure of the Canadian Pacific Railway Company to place a light at its sta-tion platform at Sicamous Junction, B. C., has led to a damage suit begun by Virginia Multhauf to recover \$1950. She filed the complaint in the Circuit Court

Mrs. Multhauf says she bought a ticket from Portland to Kalamazoo, Mich., last August, and that about 10 P. M., August your contract bonds for you.

OIL TANK CAR JUMPS TRACK WHILE CROSSING TRESTLE AND DROPS 20 FEET INTO MAR-QUAM GULCH.



WRECK DELAYS INCOMING TRAIN AND PASSENGERS ARE COMPELLED TO TAKE TO STREETCARS,

14, she stepped off the car at Sicamous Junction. The distance between the carstep and the platform at the station was so far as to be unsafe, she says. Because there was no light, she accidentally felt between the platform and carstep, bruis-ing herself in two places. She was not prevented from continuing her trip. but was obliged to stop at various places to have the wounds dressed, she says. Since returning home, she states that she has been unable properly to attend to her household duties.

RAFFAELO GETS PRISON TERM

Man Who Shot Countryman Must. Serve Three Years.

Constanzo Raffaelo, who fired two shots at Pasqualo Sarafino on November 19, was sentenced by Circuit Judge Bronaugh yesterday to serve three years in the Penitentiary.

"If the circumstances in this case were different," said the Judge in passing sentence, "I would like to comply with the wishes of your attorney, Seneca Fouts, and give you only a jail sentence, for it is the policy of the law, where there is a reasonable probability of reformation, to place when your term have not to place upon a man a very heavy punishment. But I do not think the ends of justice would be subserved by a juli sentence in this case, in view of the fact sentence in this case, in view or the fact that you put two bullets in Sarafino. The practice of carrying concealed weapons is an especially pernicious one. In this country, especially in the city, there is no necessity nor cause for a man carrying a gun, and the practice should be discouraged.

Telephone Company Sues Road.

The United Railways Company is being sued in a complaint filed in the Circuit Court yesterday by the Home Telephone Company of Linnton. At the time the United Rallways put in its new line between Portland and Linnton the telephone company's wires were strung to poles on the east side of the road. The telephone company agreed to place the poles on the opposite side, it is alleged, if the rallway company would bear half he expense. The phone company de-nands \$184.24, half the cost of moving the poles under this verbal agreement.

Asks \$50,000 for Sprained Knee.

Anna Dean filed suit yesterday against Anna Dean filed anti yesterday against the Portland Railway. Light & Power Company demanding \$50,000 for a sprained knee and internal injuries resulting from a collision at Grand and Hawthorne avenues between a Mount Scott and Waverly-Woodstock car. The collision took place September 24. The plaintiff was on the Waverly-Woodstock car. She says she was obliged to spend car. She says she was obliged to spend \$400 for doctor's bills and \$50 for a

Court Notes.

Fred A. Jacobs was appointed by

he visited his father a few days before he died, and that the sick man did not recognize him and was suffering at that time from mental delusions.

On December 13 Attorney C M Idieman, Mrs. Bever's attorney, filed a petition that she he appointed executrix of in the caboose and was thrown violenting the stove, bruising his head ly against the stove, bruising his head and body and breaking the drum of his right ear. He is now unable to hear boats as they approach from the right side, he alleges, and is therefore unable to continue his work as a fisher-

Nancy S. Cramer filed a ulvorce in the Circuit Court yesterday against Henry J. Cramer. She says he has be-come a habitual drunkard, so that she is

unable longer to endure his conduct. She married him at Puyallup, Wash., Feb-ruary 1, 1994. The suit of the city against John Mc-Leon over the opening and laying out of Killingsworth avenue from Union avenue east was on trial before a jury in Judge Bronaugh's department of the Circuit Court yesterday.

ANNOUNCEMENTS.

For Shur-On Eye Glasses, Kryptok Invisible Bifocals and Deep Curve Lenses, see Thompson, eye specialist, second floor Corbett bldg., 5th and Morrison.

CARD OF THANKS.

We desire to express our sincere thanks and appreciation to the many kind friends who rendered us assistance during our bereavement.

EVELYN J. SHEEK.

MRS. W. H. WALKER,

FLO M. SHEEK.

HAZEL B. SHEEK.

Salem, Oregon. —I have sold Hall's Texas Wonder of St. Louis, Mo., for the last five years for kidney, bladder and rheumatic troubles, and have neverhad a complaint and cheerfully recommend it to the public. J. C. Perry. Sixty days' treatment in each bottle.

Morgan & Robb, 250 Stark st., can write

CAR DROPS 20 FEET

Oil Tank Falls From Marquam Gulch Trestle.

ENGINE BRAKE BEAM DROPS

Projection Plows Into Ties Until 'Car "Buckles," Turns Somersault and Plunges From Bridge. Damage Estimated \$2000.

Because of a broken brake-beam on an engine-tender, there was a wreck at the south approach to the Southern Pacific trestle over Marquam Gulch, on Fourth street, resterday morning, when a tank car, full of oil, buckled, turning a somersault, and landed at the foot of the embankment, 20 feet below. Had the accident happened a few yards nearer the city, the car, and perhaps the whole train, might have fallen 100 feet to the bottom of the

The train consisted of two engines, the oil tank car, three flatcars and one boxcar. Just after it had crossed the trestle, going south, the brake-beam on the tender of the rear engine broke and the ends plowed into the iles and rails. For a distance of four rail-lengths the sharp ends of the broken beam plowed through the wooden ties, cutting most of them squarely in two.
They finally caught against a rail The oil tank car and the three flatcars left the track, si-though the flatcars did not tumble down the embankment. No one was hurt.

The engineers and the switchman, who was riding in front, said that the noise of the broken beam plowing into the ties was drowned by the puffing of the two engines and they were not aware of the trouble until they experienced the terrible bump caused by the buckling of the oil tank car. The train was then brought immediately to a standstill.

Within a short time a wrecking train was sent to the scene. The morning train from McMinnville arrived before the track was repaired and the pas-sengers were forced to alight and seek the streetcars to convey them down town. The debris was removed and the track fixed up so that the after-noon passenger trains could pass. The damage resulting from the accident is estimated at \$2000.

PROPOSES A HOP EXCHANGE Lillenthal Thinks Option Trading Would Be Beneficial.

NEW YORK, Feb. 14.—(To the Editor.)— The present duliness in hops is too evident, but as to the general future, dealing with reasonable prospects, I can see only higher

The reasons may be summarized as fol-PROS.

First—On October 1, 1910, the world will have 800,000 cwt. less in stock than it had on October 1, 1909, whatever that amount may be. The reduction in Germany will have been 425,000 cwt.; in England. 250,060 cwt.; in the United States, 125,000 cwt.

Sacond—An average crop on the present

may be. The reduction in Germany will have been 425.000 cwt.; in England. 250,000 cwt.; In the United States, 125.000 cwt.

Second—An average crop on the present world's acreage will not produce the average consumption, leaving another deficit for the season 1910-1911.

Third—The demand from consumers at the opening of the next crop will be for twice as much as last year, having that much more stimulus on prices.

Fourth—The acreage in England is reduced by one-third, as against the last five-year average. The acreage in Germany has been reduced 25 per cent in two years. These factors are particularly important.

Fifth—The world's consumption of beer is slowly but steadily increasing.

First—The increase of excise duty in England, as contemplated in the budget temporarily at least, unsettling established methods.

Second—The possible increase of acreage during the next two years in Bohemia and on the Pacific Coast.

The present duliness is most trying, but can be attributed partly to the peor quantity, but principally to the lack of proper machinercy for handling the crop. Growers want to sell their hops in November and December of a crop year, while the hops themselves are marketed to consumers only four to ten months later.

It seems to me that all interests would be benefited by the formation of a National Exchange, accompanied by a graded certificate system, permitting trading in options for certain months' deliveries.

I should like to see you open the columns of your valued paper as a forum for the discussion by growers, dealers and even consumers. I shall be pleased, for one, to receive communications, and to lend my little incluence in this direction.

Even the Government treats us badly. No effort is made, as in Germany, and England, to census the acreage, yield, etc., or to make official crop reports. Why do we not unite, all in an effort to get, at least, these facts into systematic shape?

Present growers stocks in the United States we estimate at \$5,000 bales; of these,

Present growers' stocks in the United States we estimate at 85,000 bales; of these

rop 1910, United States, maximum. 250,000

for now.

Growers are foolish to contract their 1910 erop. It is not likely that they will ever have to take less, and the chances are decidedly favorable to their getting consider-

ALBERT LILIENTHAL.

102,900 Trees to Be Inspected. VANCOUVER, Wash., Feb. 21.-(Speial.)-The biggest shipment of fruit trees ever inspected by District Fruit Inspector A. A. Quarnberg, of this district, sidetracked here today for inspection while en route to Sandal in the eastern part of Klickitat County. The shipment contains 102,900 trees and is consigned to J. R. Shepard, and comes from Orenco,

Chamberlain's Cough Remedy never disappoints those who use it for obstinate coughts, colds and irritations of the throat and lungs. It stands unrivalled as a remedy for all throat and lung diseases. Sold by all dealers.

SIXTY DAYS OF INSOMNIA END

Girl Student's Black Coffee Diet for Ex-

amination Nearly Fatal.

Special to "The Record."

Des Moines, Ia., May 17.—Sleep came for the first time in two months to Miss Esther Chinberg, of Odsbolt, Ia., a stu-

dent at Simpson College, Thursday night, Starting 60 days ago to cram for her final examinations, Miss Chinberg began drinking black coffee and taking

other steps to keep hersef awake until she found she had contracted a case of insomnia that outstrips anything in the

history of medical science in the Middle

It was not until physicians had worked over the girl for weeks that she

yielded to treatment, and Thursday night slept for a short time. The fol-lowing night she slept somewhat better

Another week of the terrible strain would have cost the co-cd her mind, the doctors say.—Philadelphia Record.

caffeine in coffee gets in its work with

every cup one drinks, and nature, in so

far as possible, may or may not correct

the harm done. You can tell by the con-

dition of head and heart, nerves and

stomach. If they are not right, try a com-

POSTUM

It is just as satisfying and pleasing as

coffee when prepared right, (directions

on every package), and instead of tearing

down the health, Postum will build it up.

Thousands have voluntarily so testified,

"There's a Reason"

Postum Cereal Company, Ltd. Battle Creek, Mich., U. S. A.

and you can prove it by trial.

fortable change to

and Saturday had a good night's rest.

RAIL COMMISSION IS UPHELD AGAIN

Court Holds 14 Per Cent Cut in Freight Demanded of O. R. & N. Is Legal.

NUMEROUS REBATES DUE

Skipments From Portland to Points East of Dalles Involved-Judge Wolverton Routs Rallway's Suit - Appeal Probable,

Judge Wolverton, of the United States Court, yesterday morning routed the at-tack of the Oregon Railroad & Navigation Company on the legality of the existence of the Oregon Railroad Commission and on its order of May, 1908, fixing a 14 per cent reduction in freight rates from Portland to points east of The Dalles. Two points made clear by the opinion are that the Rallroad Commission is a constitutional body, and as such, it has a right to control charges for freight shipped from one Ocarges for freight shipped from one Oregon point to an

The court expressly declined to pass pon the question as to what control upon the question as to what control might be exercised over freight shipments from common Eastern points should the rallway attempt to handle them under the provisions of the Interstate Commerce law. It is the contention of the attorneys for the Oregon Railroad & Navigation Company that so long as the goods remain in the original packages they may be reshipped to retailers in Oregon under the tariffs in force between terminal points.

Rebate Claims Numerous.

Judge Wolverton ruled that the order of the Railroad Commission applied soleto commodities originating at Portland or in this vicinity, and that no effort had been made to interfere with interstate commerce. He pointed out that such an issue might be raised in future. Without the commerce of the com

future litigation.
Within a few days, it is believed the Oregon Railroad & Navigation Company will be called upon to redeem a large number of freight bills, rebates being claimed for all charges which have been collected in excess of the rates fixed by the Railroad Commission order of May. 1908. When the litigation began it was announced by the Chamber of Commerce that all shippers should retain their freight bills pending a settlement of the suit, and the railroad company furnished a bond of \$50,000 guaranteeing the redemption of the over-charges in case the orders of the Commission were sustained finally and the cut state leading to the commission of the commission were sustained finally and the cut state leading the commission were sustained. finally and the cut rates placed in ef-

Delicately Formed

and gently reared, women will find in all the seasons of their lives, as maidens, wives and mothers, that the one simple, wholesome laxative remedy. which acts gently and pleasantly and naturally and which may be taken at any time, when the system needs a laxative, with perfect safety and really beneficial effects, is Syrup of Figs and Elixir of Senna.

It has that true delicacy of flavor which is so refreshing to the taste, that warming and grateful toning to the stomach which responds so favorably to its action and the laxative effect which is so beneficial to the sys tem when, occasionally, its gentle cleansing is required.

The genuine, always bearing the name of the California Fig Syrup Co., may be purchased from all leading druggists in original packages of one size only, price fifty cents per bottle.

charged to confer executive, legislative and judicial powers; that the act was unconstitutional because of excessive penalties provided; that no adequate remedy for reviews of the orders of the remedy for reviews of the orders of the Commission was provided, creating the fear that the railroad might be deprived of its property without due process of law; that the order of the Railroad Com-mission was an attempt to regulate in-terstate commerce, and that the reduc-tion as made would prevent the company from making fair net earnings on its in-vestment. restment.

Attorneys Teal and Minor were engaged to represent the Chamber of Commerce and the Railroad Commission, and a gen eral demurrer to the bill was flied and argued. After several months' consideration of the case Judge Wolverton ren-dered an opinion September 28, 1909, in which he sustained the demurrer in a lengthy review of the issues. The court sustained the constitutionality of the act of 1907 creating the Commission and conferring the power to regulate railroad charges within the state.

Second Complaint Filed.

In November of 1909 the Oregon Railroad & Navigation Company filed an amended bill of complaint, which was overruled yesterday and the case ordered stricken from the docket. The rallway company may conclude to exercise its right of appeal, and no doubt will take the full time allowed by the rules of

the court to determine that point.

In the last case filed the railroad company alleged that 40 per cent of the freight affected by the order reducing rates, originates outside the state, and is reshipped from Portland in original packages. The court declined to indi-cate what its ruling would be should a suit be brought involving that question saying that to do so would be an at-tempt to read words into the law which were not intended by the Legislature.

President Helps Orphans.

Freedent Helps Orphans.

Within 20 days of the rate order of May, 1908, the Oregon Rallroad & Navigation Company filed a bill of equity in the United States Circuit Court asking for an injunction estraining the Rallroad Commission from putting into effect the reduced rates between Pertiand and points east of The Dalles. Grounds for the request were that the act of 1907, creating the Commission, violated the constitution of the state in that it was

large list of these. Building operations in Laurelhurst will start on a tremendous scale with the opening of Spring. Plans for at least 60 homes are at present under way.

aurelhursi

The Addition With Character

YESTERDAY

FRIDAY, FEBRUARY 11

\$60,000

Total Sales for February

Will Run Over

\$300,000

Most of the sales in Laurel-

hurst are to people who now

own their own home elsewhere in Portland. They plan to build

their permanent homes in Lan-

relhurst. We can furnish you a

Contracts for every improvement to be made in Laurelhurst have been awarded and all improvements will be finished by

9-FOOT PARKWAYS CLUSTER LIGHT3 CEMENT WALKS SHADE TREES WATEL SEWER GAS TTC.

August 1st.

Montavilla or Rose City Park cars; both lines run to and through the property. Prices will positively be advanced March 15.

Lots Now Selling From \$1000 UP

10 PER CENT CASH 2 PER CENT MONTHLY

aurelhursi

522-526 Corbett Building. Phones Main 1503, A 1515.



DURING SLEEP Nature Repairs the Human Engine.

or less waste of tissues in the human engine, which is repaired at night dur-

'Phe man or woman who can sleep well at night is sure of the necessary repairs, other things being right, to make each day a time of usefulness and hving a real joy.

producer of insomnia is interesting. She says:

night before about 12 o'clock, unless I would take some medicine. I was under the doctor's care for about five years and my weight got down to \$2 lbs.

"My tongue would get so stiff I could not talk and I could not hold a glass to arink from. Since I have been drinking Postum, in place of coffee, I can sleep sound any time I lie down, and I feel I owe everything to Postum. weigh 120 lbs. and am well."

This news item, clipped from the Philadelphia Record, points out the powerful effect that coffee exercises upon the nerves and brain-a fact we have often

Evidence

Dutside

cited. Small doses of coffee "get on" the nerves in a small way, and in most cases it takes some time before the nervous system and stomach are seriously affected.

Miss Chinberg's experience is exceptional only in the amount consumed and the correspondingly quick results. The

The activities of the day cause more

But let insomnia get hold of you and the struggle begins of trying to work with a machine out of repair. A Neb. woman's experience with coffee as a

"I used to be a coffee drinker and

"The doctor said I would have to quit drinking coffee. Then my father got me to try Postum which he said had done wonders for him. I am past 43 and before I quit drinking coffee my heart would jump and flutter at times, miss a beat, then beat so fast I could hardly breathe in enough air and I would get smothered.

Read "The Road to Wellville" in pkgs.