

HURBURTWINS IN SUIT FOR \$65,000

Court Decides Stock Tangle Case Brought Against Morris Bros.

DEFENDANTS GET CREDITS

Sum Which Judge Kavanaugh Rules Must Be Paid Huribert Diminished by \$15,000—History of Dispute Given by Court.

Judgment for the plaintiff for \$65,000 together with interest on that amount at the legal rate since April 28, 1906, was the decision rendered by Judge Kavanaugh yesterday in the now famous case of W. H. Huribert against Morris Bros. in which the plaintiff sought to recover the value of 1000 shares of stock of the Oregon Water Power Company owned by Morris Bros. together with other stock constituting the controlling interest in the corporation to the Portland Railway, Light & Power Company in 1905.

Suit on Note Won.

In the suit of Morris Bros. against Huribert on a promissory note for \$2500, they are allowed judgment for the principal sum, interest according to the tenor of the note and \$200 attorney's fees and also to deduct from the sum credited to Huribert the \$15,000 which was paid to the plaintiff on the note.

Judgment was for Morris Bros. on the second cause of action, the Judge finding that \$10,000 given Huribert for 49 and a fraction acres of land on the Clackamas River near Estacada, which land was a part of that involved in the Portland Water Power & Electric Transmission Company project, was reasonable value for the same.

Case's History Detailed. Judge Kavanaugh's opinion was lengthy and he went fully into the details of the case. In 1905, he said, Huribert was induced by Morris Bros. to desert a 1906 year passenger agent position at the O. R. & N. Co. and ally himself with their interests at a salary of \$4000.

"It also appears to my satisfaction from the evidence that these two certificates with the stubs were written by Mr. Pratt from a written memorandum furnished him by F. S. Morris."

"It appears that these certificates were not detached but remained in the stock book. The plaintiff alleges that the stock was issued to him in fulfillment of the promise made by F. S. Morris and that this was understood by both parties at the time of the issue between them."

"The evidence establishes to my satisfaction that the certificates for 1000 shares in favor of Huribert that the body as well as the stubs of these certificates (the stubs of these certificates are the certificates referred to being that of George I. Brown) were filled in by F. S. Pratt, the bookkeeper of the defendants. On the stubs of the certificates are also evidently in the handwriting of F. S. Pratt appear the words 'authority of F. S. Morris.'"

"The issue of 1000 shares of stock in a corporation—stock which was at that time of great value—is not a minor detail of the business or one which would easily escape the notice of the moving spirit and financial head of the corporation. The incident would, it would appear, stand out with striking distinctness in the memory of one in a position to observe it, especially if he had ordered its issuance."

Motive Declared Necessary. "Could the issuance of this stock have been fortuitous? We know from experience that business enterprises under shrewd management and wise control are not conducted in this way."

The stock book is usually guarded with care. This was a transaction of importance, and there must have been some actuating motive."

Evidence Is Contrasted. "The evidence for the plaintiff is for the most part positive, while the evidence for the defendants is of a negative character and consists almost wholly of failure to recollect the events and transactions in dispute. It is possible to forget a thing which did happen, but it is not possible to remember a thing that never existed."

W. T. Muir, who was also in the employ of the Oregon Water Power Company and Morris Brothers as attorney, has a similar suit pending against Morris Brothers. His complaint is almost a replica of the one now being heard, his allegation being that he also was employed with the promise of extra compensation in case of the success of the ventures engaged in by Morris Bros.

SCHOOLS TO BE LARGE

Y. M. C. A. EXPECTS TO SET NEW RECORDS. Pamphlet Is Issued Outlining All Courses and Announcing Enlargement of Faculty.

Directors of the educational work of the Portland Young Men's Christian Association are looking forward to the most successful year that the department has known.

HUMPHREY TO GET BERTH

Lieutenant With Naval Militia Will Superintend Lighthouse.

PAVING IMPROVEMENTS HITS KENTON WORK

Charges That Westrumite Co. Shaved Prices to Contractor Made.

COMMITTEE WILL INQUIRE

Storm Breaks at Executive Board Session When Letter From Attorney Langguth Is Read Making Allegations.

RESOLUTION AIMS TO CONTROL PAVING PRICES. A resolution, which was introduced at the Executive Board yesterday, will, if adopted, strike a blow at the various paving companies, reducing their arbitrary rates on patented paving materials.

A storm broke in the session of the City Executive Board yesterday relative to proposed Westrumite paving in the Kenton district.

W. H. Fitzgerald, chairman of the street committee, and R. O. Rector, a member of the same committee, believed the "paving trust" to be behind the effort to have the Board already receiving and start new proceedings, while the Mayor and C. A. Bigelow, also a street committee member, held that this was not the case.

Wiles' Absence Scored. "I censure Mr. Wiles severely for not being here," concluded Mr. Bigelow. "It will not give him these contracts until I hear from him and know all the facts."

PERSONAL MENTION. H. A. Miller, of Bend, is at the Oregon. O. W. Spiker, of Glendale, is at the Oregon. William Gerig, of Medford, is at the Bowers.

Grass Fire Excites Eugene. EUGENE, Or., Aug. 25.—(Special.)—A grass fire which started in the hills southwest of Eugene, and less than two and one-half miles from the business section of the city late yesterday afternoon, caused much uneasiness, as a change of the wind would have swept it into the city.

Dallas, was registered at the Imperial yesterday. Mrs. C. R. Ray and children, of Medford, are at the Portland.

R. F. Starr and wife, of Dayton, are registered at the Perkins. J. A. Fee, an attorney of Pendleton, is registered at the Imperial.

CHICAGO, Aug. 25.—(Special.)—F. J. Loneragan, of Portland, registered today at Hotel Blackstone. Mrs. Eleanor Hilaro Boyd, of this city, is spending a few days at Seaside and is registered at the Moore.

POLICE "RESIGNER" OUT OFFICER CARPENTER'S SECOND WITHDRAWAL ACCEPTED. Charges Against Man Also Incorporated With Department Are Filed for Future Action.

L. G. Carpenter, for many years department with the Portland police department, has become known as City Hall as the champion "resigner."

Good Things in Markets. BESIDES the peaches, which are now coming in for preserving, crabapples and several kinds of plums are demanding the attention of the housewife.

ROBBERS SUSPECTS CAUGHT. Detectives Capture Trio Accused of Astoria Looting.

GOLD FOUND OFF CISPUS. Free-Milling Ore Discovered on Greenhorn Creek.

BULLETIN, Aug. 25. One hundred and thirty years ago today the combined armies of Americans and French took up the march on Yorktown, Va., from the Hudson River.

Free Excursion Per Steamer Joseph Kellogg



SPECIAL STEAMER CHARTERED FOR THE DAY, DUE TO RETURN AT 4 P. M.

The steamer Kellogg will leave from the foot of Salmon street next Sunday morning at 10 o'clock for Factory Acres, located on Portland's Columbia River Waterfront. Don't miss this opportunity to see and inspect the Peninsula factory district from Portland's magnificent deep water harbor on the Columbia River.

MEAD & MURPHY, Sales Agents

Offices: 522-526 Corbett bldg. Phones: Main 1503, A 1515.

QUARTER-BLOCK TAKEN

OREGON TRANSFER COMPANY PAYS \$47,500 FOR SITE. Northeast Corner of Thirteenth and Flanders Is Bought—Four-Story Structure Is Planned.

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COAST LINE PROJECTED

THREE INCORPORATE TO BUILD HUMBOLDT-PORTLAND ROAD. Proposed Railway Also to Reach Tillamook Bay, Eugene and Coos. Capital \$100,000.

RICE CULTURE STUDIED. Oregon May Produce Crop to Curtail Heavy Importation.

Girl Hurt Shielding Brother. CHEHALIE, Wash., Aug. 25.—(Special.)—While attempting to save her young brother from being hurt yesterday while she and the boy were riding a bicycle, Helen Stoy, daughter of F. M. Stoy of this city, suffered a fractured arm.

Here's the wonder smoke! Nifty, fragrant. Just what the doctor ordered. BULLSTIN 5 Cents Straight. Bulliest smoke you ever did put between your lips. Go to it! Don't be odd! Sold by All Live Dealers. The Hart Cigar Co. Distributors Portland, Ore.