

## WOOD EXCORIATES QUACKENBUSH IN CLOSING ADDRESS

In Action Brought by Mrs. Pitblade, Executor of Calif Is Called Embezzler and Bouquet in Court.

"Shall this man, after failing to make an accounting for 20 years, after failing to keep a set of books, after mingling trust funds with his own funds, after failing to seek the advice of counsel in all this time, be permitted to profit by his own wrong? He is an embezzler and a bankrupt, and the estate should not be saddled with one penny of his expense."

Thus did C. E. S. Wood denounce Edward Quackenbush yesterday afternoon in his closing argument in the hearing of objections by Mrs. Almira Calif Pitblade Wood to the final account of Quackenbush as executor of the estate of Charles E. Calif. The hearing of these objections, including an explanation by Quackenbush of the transactions under fire, has occupied much of the time of Judge Webster in the county court for two or three weeks. The argument in behalf of Quackenbush was begun by Zera Snow this morning.

Wood's argument yesterday afternoon occupied about an hour and a half, covering the broader features of the case, and followed an exhaustive review of the testimony by Walter S. Asher, who is of counsel on the same side. Wood's excoriation of Quackenbush for the manner in which the Calif estate was handled was one of the severest arraignments ever heard in the county court. He asserted that the executor had violated every duty imposed upon him by the will and the estate.

The attorney denounced Quackenbush, who has been sole executor of the estate since 1885, for failure to keep a set of books, pointing out that Quackenbush cannot be excused for ignorance, but showed by his testimony that he is a bank cashier and bookkeeper. "The rule that an executor should only be held to the care that an ordinarily prudent man would use does not apply here," said the speaker. "For if the officer possesses peculiar qualifications he should be held to what he should have done. He has never opened a book of account from the outset to the present day. He has never been able to present a book, although the provision of the will was that he should reduce the property to cash and invest in bond and mortgage securities. He says that the statements of the bank where he transacted business are part of his account, and he says that the deposit tags are his cash books. He brings us memoranda scribbled on the back of envelopes."

What Might Have Happened. "If he had died, where could this court get an accounting? Who would there be to unearth these musty records from the rat holes where they are kept? He comes in here, almost with impunity, and says these records are as good as any. It has cost us months of time and great expense to secure such an accounting as we now have, and Quackenbush admits that some of the documents are still missing. He has made it impossible to unravel all of it. "Mr. Quackenbush has said that he is something of a lawyer himself, and if this be so he should have felt it peculiarly incumbent upon himself not to mingle trust funds with his own. But we find he has taken real estate in his own name, in the name of the investment company, in which he was interested, that he has loaned the money of the estate to his brother, to his business associates, to his relatives and apparently to himself, for he is a guarantor on a note for money he is lending."

Wood declared that it is incumbent on the court to protect those whose credulity may be imposed upon, and he said that the case of Quackenbush and Mrs. Calif-Wood was one of the most dangerous of this class. She had been taught from girlhood to place entire trust in Quackenbush. She had always believed in his business integrity and religious professions. This made it easy for him to impose on her. She accepted his statements of dividends, as the wife of Pitblade, himself an attorney, she came to Portland and Pitblade made some sort of an examination as to the management of the estate, Pitblade was easily hoodwinked by Quackenbush by reason of his wife's confidence in the executor.

Says Fake Trust Arranged. The attorney declared that Quackenbush had prepared a fake trust arrangement several years ago, when a claim was presented against the estate by one Barnhart, the apparent object being to stave off an accounting. The executor was accused for his failure to file semi-annual accounts, as required by law, and for ignoring the county court in handling the estate. The speaker urged that the superficial examination by Pitblade cannot be a bar to Mrs. Calif-Wood's objections and recommended that the court has jurisdiction to throw out all of the Quackenbush account. It is no answer, he declared, to show that the net result of all the transactions has been a gain to the estate, or that much was done without objection by Mrs. Calif-Wood. "I don't care what Almira Calif said, or what the figures of the experts show," declared Wood. "No man can

do these things and act in disregard of the court. We must deal with this man so that no other man will follow in his footsteps. If he had had other executors to act with him, as was intended by the will, and had consulted an attorney, we would not now have this mess and make. I contend that this court should repudiate the entire account and penalize Quackenbush for his violation of duty in the interest of public safety and public policy."

It was contended, in conclusion, that the court should charge up to Quackenbush the \$11,000 that came from the estate of Charles E. Calif, beginning in 1878, and make him account for the amount it should have earned at the prevailing rate of interest from that date to the present time. The prevailing rate 30 years ago was 11 per cent, falling down to 8 per cent at the present day.

Another Violation Alleged. Numerous loans and transactions made by Quackenbush were called into question during the long hearing. One in which the greatest negligence and violation in duty is charged was in a note given by S. P. Lee for a loan of \$2500. It was secured by a contract on land in Yamhill county, second mortgage on lots in Portland, second mortgage on lots in Piedmont, which is in Quackenbush's addition, and by seven personal notes, one given by Quackenbush himself. Ultimately every vestige of the real estate security, the only security recognized by law, faded away, and most of the money was finally regained, after 16 years, by payment of the personal notes, after Mrs. Wood had begun to make protests.

Attorney Asher, in discussing this transaction, said that it was clear that Quackenbush knew the security was inadequate or he would not have taken the additional personal security. These personal notes were all given by close friends, and all but one by members of the same church, where Quackenbush has long been a member. The signers of the notes were A. W. Stowell, M. Beno, J. Thorburn Ross, Dr. G. M. Wells, Judge W. B. Gilbert, R. K. Warren and Quackenbush. The Stowell note was lost, and nothing realized on it. The others were paid, but Asher pointed out that Quackenbush owed the estate between \$1000 and \$1100 on his note, while Mrs. Wood was clamoring for money and he was assuring her that he was doing the best he could, but was unable to raise anything.

Declaring that the objections of Mrs. Almira Calif-Wood to the final account of Edward Quackenbush as administrator of the estate of Charles E. Calif are in the main "an exhibition of the basest ingratitude he had ever perceived," Zera Snow this morning replied to the argument of C. E. S. Wood of yesterday in the final lap of the contest proceedings in the county court. Snow defended the acts of Quackenbush and based his charge of ingratitude on the showing in the final account that the estate has earned approximately 9.13 per cent in the 20 years during which Quackenbush has been executor. He said he had little patience with the attempt of Mrs. Wood at this time to call the executor to account and to disallow the compensation claimed by Quackenbush, amounting to about \$8 per month.

Snow said the objections reveal a desperate attempt to take from Quackenbush something they had hoped to secure before his final account showed that they were not entitled to it. He said there is no claim of dishonesty or of any bad motive, and he ascribed the content to the perverse disposition of Mrs. Wood and her attorneys. He declared there never was a woman possessed of the high womanly virtues who could stand losses. She always demands profits.

Quackenbush's attorney, Zera Snow, said that the scope of jurisdiction of the county court, declaring that Wood, in attempting to have the executor's account thrown out and the executor personally charged, is trying to have the county court assume general equity jurisdiction. He took a sly whack at Colonel Wood, saying that the latter's argument reflects his habits of thinking and is an illustration of "mental anarchy run wild."

## COUNCIL READY TO GIVE PERMIT

An adjourned session of the city council will be held this afternoon for the purpose of considering the application of the Lewis-Wiley syndicate for a permit to construct a flume from Williamette Heights to Gull's lake. The syndicate proposes that the top of the hill above the St. Vincent's hospital and sluice it down to the lowlands about Gull's lake. The operations planned involve the expenditure of \$500,000. The syndicate committee of the city council yesterday journeyed out to the heights to examine the route of the proposed flume, and it is understood that a favorable recommendation on the syndicate's application will be made to the council. Mayor Simon will be unable to attend the meeting, and President of the Council George L. Baker will be the presiding officer.

The building record for the year will be swelled by \$115,000 this afternoon when permits will be issued to W. L. Morgan for two new buildings. One of these, a hotel, to be constructed on the corner of Fourth and Alder streets, will cost \$80,000. The other, an apartment house, will cost \$35,000.

Try the New Line. Keep in mind the new train service of the Oregon & Washington Railroad company, commencing January 1, between Portland, Tacoma, Seattle and intermediate points. Fine trains, convenient hours of arrival and departure. Try the new line.

## STATE TREASURY RICHER BY \$225,000

The Oregon state treasury is \$225,000 richer today than it was yesterday, the American Surety company is poorer by the same amount and the Title Guaranty & Trust company will show a hole in its sack of that dimensions in a short time.

The American Surety company this morning, through its attorney, W. C. Bristol, paid to the state the remainder due as a result of State Treasurer Steel's deposit of school funds with the J. Thorburn Ross institution. This remainder amounted to \$225,000 and a check for the amount was sent to State Treasurer Steel this morning by Mr. Bristol.

This transaction closes up the account of the state of Oregon with the surety company and the Title Guaranty & Trust company. It has now secured a return of all the funds placed in the institution by the state treasurer and tied up with the failure of the bank.

The American Surety company has closed its account with the state, but not with the bank. It was rumored today that W. M. Ladd, who has taken over the affairs of the Title Guaranty & Trust company, had paid the \$225,000 in lieu of the American Surety company, but this was denied by Mr. Bristol.

Mr. Ladd, through the Title company, has agreed to reimburse the American Surety company for the money which it paid to the state in guaranty of the loss of the state treasurer. The story had it that he had paid the sum instead of the surety company, thus cutting off interest on his obligation to the surety company. The account of the surety company will be settled when Receiver Howard winds up the affairs of the bank, if not before.

## DISTRICT ATTORNEY EXPLAINS EXPENSES

District Attorney George Cameron, angered by reports of extravagance in his office, made a statement today regarding the expenses of the district attorney's office for the last two years. He said:

"I took office in July, 1908, John Manning retiring. Manning's expenses for the first six months of 1908 and the last of his term in office amounted to \$4378. "Expenses of the district attorney's office for the last six months of 1909, under my charge, amounted to only \$2400. And for the first six months of 1909 the expenses aggregated only about \$1000. Further expenses for the six months ending tomorrow, will run only about \$1000."

Judge Cameron said that, despite the small amount of expenses, he had tried 15 murder cases, paid debts incurred by Manning amounting to about \$1000, and was compelled to pay \$500 for the work of accountants, done in the Ross case, which came up on appeal during his regime.

## NEW SERVICE IS READY TO START

At 9 o'clock tomorrow morning the first train of the Oregon & Washington Railway company will leave the Union depot for Seattle and way stations, and with it will be inaugurated a service that has been looked forward to for many years.

The train will be a local, and it is expected to receive the greeting of the populace as it reaches the various stations along the route. Among those on board will be a party of railroad men, mostly connected with the new division of the Hartman system. They will go to become familiar with the station along the route. The party will probably not return till late Sunday evening.

At 9:30 tomorrow morning a local of the same line will leave Seattle for Portland and it, too, it is expected, will be greeted and cheered along the route. The locals will carry an observation parlor car, a tourist sleeping car, through Chicago and Seattle via the C. & N. W. U. P. and O. R. & N., a dining car, day coaches and a smoking car. At 3 o'clock tomorrow the Shasta limited will pull out at the Union depot for the Puget sound cities and it will be followed at 11:45 p. m. by the Oregon & Washington owl train, carrying standard sleeping cars between Portland and Tacoma and Seattle.

## LABOR LEADERS PROTEST AGAINST EASTERN STONE

The executive committee of the Building Trades Council has addressed an open letter to Judge Webster and Commissioners Lightner and Barnes, protesting against the construction of the new courthouse out of eastern stone. The letter sets out that the contract has not been let, that the eastern stone is of inferior quality and that only one third of the amount necessary has been called for. The committee, acting in price for the remaining two thirds, and asks the county court to obviate this possibility and at the same time aid local industry by selecting the Oregon stone.

David West, Pioneer. (Special Dispatch to The Journal.) Cathlamet, Wash., Dec. 21.—David West's funeral here Thursday was largely attended. Mr. West was a prominent pioneer. He was born in Edinburghshire, Scotland, September 17, 1851, and came to the Pacific coast in 1876, locating at Westport, Or., where he remained for three years. In 1879 he and his brother, John West, of Portland, acquired large holdings in Cathlamet.

Brakeman Starts Sulk. C. L. Archer, a brakeman on the O. R. & N. railroad, has begun sulk against the company for \$2376 damages for the crushing of his right hand on October 27. He says his injury was due to the carelessness of the engineer in allowing a "camel back" to fall on his hand while he was resting it on the water tank.

Watch Night Meeting. A New Year's watch meeting will be held at the Central Christian church tonight. The services will commence at 8 o'clock. Refreshments will be served during the evening.

## TAFTS HOLD NEW YEAR'S RECEPTION

Custom Older Than the Oldest Can Remember—First Day of Year a Brilliant One.

Washington, Dec. 31.—The president and Mrs. Taft will hold their first New Year's reception at the White House, tomorrow, beginning at 11 o'clock, when the vice president and members of the cabinet will be the first to extend their greetings to the executive. They will be followed by the members of the diplomatic corps, the justices of the supreme court of the United States, the district judiciary and former members of the cabinet, members of congress, officers of the army, navy, the marine corps, various patriotic societies, and, last of all, "the plain people."

The custom of the president holding a public reception on New Year's day is so old that no patriarch of the "oldest inhabitants' association" can remember a January 1 when there was not a snake-like column of humanity, headed by an orderly phalanx of high officials, waiting to shake hands with the president.

Aside from the big function at the White House, there are always numerous other festivities to make the first day of the year a brilliant occasion in the national capital. It is the custom for the secretary of state to give an official breakfast and for the other members of the cabinet and the admirals of the navy to keep open house. The wives of the secretaries always invite a dozen or more attractive women to assist them in entertaining the callers whom friendship, duty or curiosity bring within their doors. The scene is always brilliant, as the diplomats and the officers of the army and navy, having donned their gold lace and decorations for the White House, keep it on for the rest of the day.

## PORTLAND WILL GREET NEW YEAR WITH USUAL NOISE

(Continued from Page One.)

10:15 o'clock tomorrow morning, Dr. and Mrs. Parsons, assisted by the elders of the Third Presbyterian church and their wives, will be at home to the friends of the church at the manse, 563 East Pine street during the afternoon and evening of New Year's day.

The Rodney Avenue Christian church will hold its regular annual reception and banquet from 4 to 10 p. m. on New Year's day, at Woodmen's hall on West street, between Union and Williams avenues. An informal reception and musical program will occupy the time between 4 and 6:30, at which hour a banquet free to all will be served by the ladies of the church.

An international botanical congress will be held at Brussels in May.

## EVER WATCHFUL

A Little Care Will Save Many Portland Readers Future Trouble.

Watch the kidney secretions. See that they have the amber hue of health.

The discharges not excessive or infrequent. Contain no "brick-dust like" sediment. Doan's Kidney Pills will do this for you.

They watch the kidneys and cure them when they're sick. Mrs. A. M. Hollabaugh, 223 Grant street, Portland, Or., says: "For two or three years my kidneys were disordered and caused me much annoyance. Unlike most cases, I did not suffer from a great deal of pain, but being bothered principally by the irregular action of the kidney secretions. The passages were also attended with much pain. Learning about Doan's Kidney Pills, I procured a supply at the Leue-Davis drug Co. I can but state their beneficial effects and when I had used the contents of one box my conditions had improved in every way. I hold a very high opinion of Doan's Kidney Pills and cheerfully recommend them."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—DOAN'S—and take no other.

## Not One Woman Out of a Hundred

will ever change back to ordinary vanilla, when she has once used

## BURNETT'S VANILLA

There's as much difference in the strength and flavor of Burnett's Vanilla and the cheap, common kinds, as there is between pure, rich ice cream and the thin, weak cornstarch kind.

Always insist on getting Burnett's Vanilla

You will have better desserts if you do.

## ANOTHER BIG NIGHT

Hundreds of couples spent Christmas at the Exposition rink. A watch party tonight and a grand masquerade on skates January 1, 1910, will bring another big crowd. Prizes for best dressed lady and gentleman, and most comically dressed lady and gentleman tomorrow night.

Many persons find themselves affected with a persistent cough after an attack of influenza. As this cough can be promptly cured by the use of Chamberlain's Cough Remedy, it should not be allowed to run on until it becomes troublesome.

# BEN SELLING

## LEADING CLOTHIER

Takes this method of thanking his numerous patrons for their generous patronage during the year just closing, making it the largest year's business in the history of this store—and begs to announce a

# GREAT CLEARANCE SALE

With STARTLING REDUCTIONS in every department, beginning MONDAY, January 3, 1910. It will PAY YOU to wait for this SALE, as everyone knows that all reductions will be GENUINE, and no exaggerations or misleading statements will ever be permitted in any of my advertisements.

# BEN SELLING

## LEADING CLOTHIER

## WELCOME, 1910

## Year-End Bargain Offerings

ALL ARTICLES ENUMERATED ARE SUBJECT TO IMMEDIATE OR FUTURE DELIVERY. OUR SPECIAL PRICES, FURNISHED UPON APPLICATION, WILL BE EFFECTIVE UP TO FEBRUARY 1, 1910.

### Pipe

Everything in pipe at prices that pay to investigate. All pipe guaranteed as represented.

18,500 feet Steel Riveted Pipe, practically new, in sizes from 6 in. up to 18 in., at an enormous reduction.

3000 feet 12-inch new Wood Pipe at an exceedingly low price.

### Belting

\$5000 stock of either rubber or leather, sizes from 1 in. to 24 in.

Lot of Scrap Belting for brake blocks.

25 tons Tapped and Untapped Nuts.

50 tons Round and Flat Iron and Tool and Blacksmith Steel, etc.

25 tons Angle and Channel Beams.

### Engines All Sizes All BOILERS

Write us for list and prices. We also handle parts for replacement.

### CABLE

All sizes, any length desired, for all purposes.

### PULLEYS

Iron or Wood.

### GEARS

All Kinds.

### SHAFTING

You can be supplied in all sizes.

### Rails

Any size or amount, for relaying or reinforced concrete. For instance:

50 tons relaying 20-lb. rails.  
150 tons relaying 40-lb. rails.  
30 tons relaying 30-lb. rails.  
20 tons relaying 50-lb. rails.  
20 tons relaying 60-lb. rails.

### Miscellaneous

250 tons I Beams, in all sizes, cut to desired lengths.  
25 anchors from 10 lbs. to 2000 lbs.  
20 anvils from 25 lbs. to 125 lbs.  
200 dozen Picks, Mat-tocks, etc.  
50 tons Flat Sheet Iron, all sizes.

## Plumbing Supplies

Investigate Our Complete Stock—Money-Saving Prices

THE HOUSE OF A MILLION BARGAINS—ANYTHING IN THE LINE OF IRON

# M. BARDE & SONS

347-53 Glisan  
Corner Eighth

TWENTY YEARS IN PORTLAND

## NO BACKACHE OR KIDNEY MISERY AFTER TAKING JUST A FEW DOSES.

Out-of-order Kidneys act fine and bladder trouble vanishes.

The most effective and harmless way to cure backache and regulate out-of-order kidneys, or end bladder trouble, is to take several doses of Page's Discretic.

You will distinctly feel that your kidneys and urinary organs are being cleaned, healed and vitalized, and all the miserable symptoms, such as backache, headache, nervousness, rheumatism and darting pains, inflamed or swollen eyelids, irritability, sleeplessness or suppressed, painful or frequent urination (especially at night) and other distressing, leaving after taking the first few doses.

gin taking this harmless preparation as directed, with the knowledge that there is no other medicine at any price, made anywhere else in the world, which will effect so thorough and prompt a cure as a fifty-cent treatment of Page's Discretic, which any druggist can supply. Your physician, pharmacist, banker or any mercantile agency will tell you that Page, Thompson & Page, of Cincinnati, is a large and responsible medicine concern, thoroughly worthy of your confidence. Don't be miserable or worried another moment with a lame back or clogged, inactive kidneys or bladder misery. All this goes after you start taking Page's Discretic, and in a few days you feel and know that your kidneys, liver and urinary system are healthy, clean and normal. You may get Page's Discretic—efficiency—treatment—from any drug store, anywhere in the world.