

LIGHTS TONIGHT;
MAYOR TOMORROW

Dispute Between Company
and Mayor's Executive
Board Reaches Crisis.

CITY TO SEEK INJUNCTION

Petition to State Circuit Court Pre-
pared by City Attorney Kava-
naugh—Council Blames Lane
and May Investigate Case.

LATEST PHASES OF LIGHTING
CONTROVERSY

Executive Board refuses to consider
proposition to pay controverted
lights of company and vote accord-
ingly.

City Attorney Kavanaugh prepares
to ask company from turning off
lights and will file application in
court today.

President Josselyn announces lights
will burn all night tonight, although
midnight was stipulated as the limit,
but company will not turn lights on
tomorrow night unless adjustment
reached.

Councilmen charge "bolton"
against Mayor and Executive Board
and threaten official investigation if
lights turned off.

There will be lights all night tonight,
regardless of developments in the
situation today, as President Josselyn
announced yesterday afternoon that
the company will not discontinue the
service at midnight, unless something
could be gained by so doing. He declares,
however, that, unless something occurs
before tomorrow night at dark, the public
lighting circuits will be cut out and
the electric arcs and incandescent lamps
throughout the city will be dark.

Meanwhile, City Attorney Kavanaugh,
acting upon instructions or suggestions
by Mayor Lane and members of the
Executive Board, is preparing a peti-
tion to the State Circuit Court praying
for an injunction to restrain the
company from turning off the lights. This
will be presented in the Circuit Court
as soon as ready, probably today, but
tomorrow at the latest.

With the refusal of the Executive
Board, at its meeting yesterday morn-
ing, to accept the proposition laid down
by Mr. Kavanaugh late Saturday after-
noon, to pay the old disputed bills
of the company, without prejudice to
the city's interest, the situation was
suddenly changed and unless something
unforeseen occurs between this time
and tomorrow night, the city will be
in darkness and at the mercy of the
criminal element. A reign of terror is
anticipated, if this should result, and
the situation is viewed by the City
Council with the greatest alarm. In-
deed, so thoroughly alarmed are the
members, that it was said yesterday
afternoon by Councilman Belding that
he will move for an official investigation
by the Council, in case the lights
are shut off.

Contract Authorized Last May.

"The Council passed an ordinance last
May authorizing the Executive Board
to enter into a contract not to exceed five
years," said Mr. Belding. "Why is it that
nothing has been done by the Mayor and
his Board? Why all this delay? Why
do we and they come to the Council at
this late date and seek relief? It seems to
me that, if the lights are shut off, an
official investigation by the Council is due,
that we may ascertain who is blameable
for the crisis. The plain terms of the
charter have been violated by some one
or we could not now be in this predicam-
ent."

The Council met in adjourned session at
2 o'clock, just long enough to hear a re-
port from Councilman Baker, who was
chairman of the special committee, named
Saturday afternoon. He simply gave an
outline of the efforts of the committee to
effect an adjustment of the differences be-
tween the Mayor and Executive Board and
the company, and of the failure of the
attempt. The report was adopted, and
after a few unimportant matters the
Council adjourned. It will meet in regu-
lar session, however, tomorrow, and there
may be further developments.

City Attorney Kavanaugh worked all
of the afternoon and evening on the
injunction proceeding. His task is a very
difficult one. He will base his applica-
tion, it is expected, upon the fact that
the public safety and health depend upon
court action to prevent the discontinuance
of the lighting service, and the further
fact that the Executive Board has formally
tendered the company payment for the
advance for the lights at the rate stipu-
lated by the company in a recent bid.

Sons of the Councilmen declare their
belief that Mayor Lane is playing a
crowd game of politics by fighting the
lighting company, and say that he wants
the controversy to last until next Summer,
when the elections occur. The Mayor, re-
plying to this charge, declared Mr. Josselyn
is not true. "I have only the good of
the people at heart. I want them to have
justice. As to those old bills, if we paid
them, believing the city does not owe the
money, we would be committing criminal
subject to charges, and ought to go to
jail. It is no political game, but an honest
effort, in the face of strong opposition,
to conserve the rights of the people."

Josselyn States Company's Side.

Benage S. Josselyn, president of the
Portland Railway, Light & Power Com-
pany, was interviewed yesterday on the
proposed settlement of the lighting
question with the city had failed. He
said his company would have to insist
upon carrying out the conditions stipu-
lated by the directors at a recent meet-
ing, and could make no new contracts
with the city until the back bills for
lighting are settled.

"The city must pay us our back bills
and pay us in advance for each month
before we will make new contracts for
lighting the city," declared Mr. Josselyn
yesterday. "However, there would be no
object gained in turning the lights off at
midnight Tuesday so they will burn
through Tuesday night. Wednesday
night, however, they will not be turned
on unless the city makes the necessary
arrangements."

"There is now no alternative for us.
I dislike very much to take this action
but there is nothing else to be done. We
have already waited long enough for the
city to settle this trouble. The matter
may just as well come to a head now as
to delay action any longer. I regret
that we have delayed from the first of
the month so long in taking final action.
This delay has not accomplished anything.
The lights positively will not be

turned on Wednesday night by our
company unless the conditions stated above
are agreed to."

COUNCIL PLAN TURNED DOWN

Mayor and Executive Board Will
Not Hear to Paying Claims.

"Turn the lights off—what do we
care?"

This, in brief, is the attitude of Mayor
Lane and the members of his Executive
Board, as expressed at a special meet-
ing held at the City Hall yesterday
morning, to which neither City Attorney
Kavanaugh nor members of the special
committee of the City Council were in-
vited, and which resulted in the rejec-
tion of the proposition made by Mr.
Kavanaugh, president of the Board,
of the company, without prejudice to
the municipality. Because of this, so
far as the Board is concerned, Portland
will be in darkness after midnight to-
night.

City Attorney Kavanaugh and Coun-
cilmen Baker, Rushlight and Vaughn,
comprising a special committee, were
treated with absolute indifference, none
of them being invited to the meeting,
and all except Mr. Rushlight came in,
after the Board had been in session an
hour. They were surprised and disap-
pointed to find that they had been ig-
nored by the Mayor and members of
the Board, and when the City Attorney
Kavanaugh arrived, the Board had
all but completed its work, blocking the
effort to adjust the trouble by payment
of the disputed claims without preju-
dice to the city. All argument by Mr.
Kavanaugh, by Councilmen Baker
and Vaughn, in an effort to avert the
turning off of the lights tonight, went
for naught.

Councilman Baker, who was chairman
of the special committee, was very in-
dignant at the manner in which he
and his colleagues were treated, and so
expressed himself. He said that Mayor
Lane and the members of the Board
that they are insincere in their action
in holding up the company's bills and
refusing to enter into any arrangement
to insure lights for the city.

His statement was met by a volley
of emphatic denials by Mayor Lane,
Thomas G. Greene, of the lighting com-
mittee, and other members, but Mr.
Baker replied that, inasmuch as they
refused to abide by any opinion of the
City Attorney, or to consider any propo-
sition whereby the company will not
shut out the lights, he believed that
they are insincere.

Councilman Vaughn, who usually
stands with the Mayor on all matters,
was opposed to turning down City At-
torney Kavanaugh's proposition to pay
the old bills without prejudice to the
city's case, and so declared himself be-
fore the Board. He said it is not a
question of whether the officials of the
city, the Mayor, members of the Ex-
ecutive Board and Council feel that
they are being robbed by the company,
but that it is a matter of having lights
for the people, which the people are
entitled to. He said, as a lawyer, he
could see no legal objection whatever
to paying the bills in that way.

Thomas G. Greene and Isaac Sweet,
however, declared that the city would
have no right to pay under the arrange-
ment suggested by Mr. Kavanaugh, and
that if it did, it would prejudice the
case. Mayor Lane and members of the
committee admitted that they have no
evidence upon which to base a suit for
injunction or writ of mandamus against
the company to compel it to furnish
lights to the city, but they nevertheless
instructed City Attorney Kavanaugh to
prepare such papers as will be neces-
sary to file in an action of this nature,
in a last effort to stop the company
from shutting off the lights.

President Josselyn, of the lighting
company, was present and said that he
would have to insist upon payment of
the old claims, aggregating \$29,000, be-
fore he could sign any contract with
the city, and that, with these bills paid,
without prejudice to the city, he would
sign any contract for any time, to suit
the city officials. But if the old bills
remain unpaid, he will have to follow
the orders of the board of directors and
shut out the lights.

President Josselyn dispelled one of
the main points so long urged by Mayor
Lane, to wit, that his company stands
ready to produce its books to show how
much current it has furnished the city,
or any facts desired by the city. He
said that Mayor Lane, in making this
information a long time ago if he had
come to the right place for it, to-
wit, Mr. Josselyn, who, the latter said,
is alone clothed with the authority to
make such statements.

There was no disposition whatever
upon the part of Mayor Lane or any
members of the Executive Board to
consider the proposition of paying the
claims, without prejudice to the city's
rights, and it was turned down uncer-
emoniously, chiefly upon motions made
by Mr. Greene and Mr. Sweet, who
were admitted by Mayor Lane and the
members of the Board to contend that,
if the company feels it is right in its
contentions, it should bring suit to collect.

Mr. Josselyn replied that he would
not go into court unless forced to do so
by the Executive Board.

The members of the Executive Board
who were present at the meeting, and
turn down the proposition by City At-
torney Kavanaugh, are: Thomas G.
Greene, J. A. Newell, P. E. Sullivan,
John Montag, Isaac Sweet, Judge Seneca
Smith and H. M. Esterly.

SUMMER IN SUNNY SOUTH

Polo, Golf, Autoing and Surf Bath-
ing Are the Popular Pastimes.

Mr. William McMurray, general passen-
ger agent, O. R. & N., has just received
the following encouraging telegrams from
Southern California which will be read
with interest by the many residents of
the Northwest who contemplate a trip
to that section of the country at an early
date.

Hacienda del Monte, Cal., Jan. 10, 1909.—
Weather today clear and mild. Tem-
perature at noon 54. Average tempera-
ture for past week at noon 52. Weather
ideal for motor touring, golf, autoing.
Good fishing in Monterey Bay, surf
bathing fine.

Two Robles Hot Springs, Cal., Jan. 10,
1909.—Status of yesterday and the con-
tinued warm weather have caused rapid
growth of green grass. Sun came out
bright and clear at 10 o'clock this morn-
ing. Temperature at noon 62. Governor
McGregor in good condition; will leave
Monday.

Los Angeles, Cal., Jan. 10, 1909.—South-
ern California weather: Light rain; tem-
perature noon today 55. Forecast: rain
not yet reached San Diego; very light in
Redlands and Riverside districts; favor-
able for delightful weather tomorrow.

Glenwood, Cal., Jan. 10, 1909.—Polo enthusiasts arriving
for the tournament to be held in this
city. Major Ross is here and Frank J.
Mackay will arrive tomorrow. Showers
are falling today and putting all
roads in perfect condition for auto-
mobiling. The tourist season at the Glen-
wood will soon be at its height and
the hotel is already well filled with a gay
party of pleasure seekers. The extremes
of temperature for the past 24 hours
were, maximum 52, minimum 44.

S. FARRELL IS DEAD

Member Pioneer Commission
Firm Expires Suddenly.

HEART DISEASE THE CAUSE

He Was One of Most Prominent
Citizens, Former Legislator and
Councilman and Pilot Com-
missioner at Time of Death.

Sylvester Farrell, pioneer merchant, ex-
legislator and member of the City Coun-
cil, and one of the city's prominent citi-
zens, died yesterday morning, shortly
after 8 o'clock of heart disease. Mr.
Farrell had just arrived at the store of
Everding and Farrell from his home on
West Park street and was standing near
the stove in his office, at the time of
his death. While stroking a cat he was
seen to stagger and fall. He was caught
by one of the clerks and assisted to a
chair, but the end had come so quickly
that it was evident he had passed away.
Mrs. Farrell and a physician, Dr. A.

George F. Russell, resident manager of
the Penney Estate, who is now on an
extensive tour of Europe, has accepted
the honor of being the Portland Rose
Festival Association to foreign fetes and
carnivals, through cablegram arrange-
ments made with him while he was in
London.

Yesterday afternoon the first report was
received from him and it indicates that
the great carnivals and fetes of Southern
Europe, which particular territory he is
visiting, are of some of the most impor-
tant in splendor and magnificence of de-
tail the annual celebration held in this
city.

Mr. Russell announces that he will take
in all the regular annual floral fetes of
Southern France, Spain and Italy, and
with his letter he sends a number of post-
card views of some of the street parades
attended upon these jubilees.

He sends a programme of the "Fetes of
Carnival," which is scheduled for the mid-
winter opening of the experience of more
than two weeks. With the programme is
given the series of contributions with
which the expenses of the entertainment
for the city of 11,000 francs (the sum of
New contributors \$10,000), the largest
individual contribution. He de-
clares that each town guarantees the
success of the experience of the govern-
ment, the hotels of Nice, where hordes
of tourists congregate, furnish the great
bulk of the fund with which the cele-
bration is of splendid show. He will
organize the programme of the Nice
Carnival of last year did not entail the ex-
pense of the Rose carnival of last
June. The hotels of the thriving
Italian city cost more than
10 per cent of the expense, and that their
individual publicity work resulted in at-
tracting more than a quarter of a million
tourists from all parts of the world.
Portland hotels make no such showing.

Mr. Russell says in his letter that the
Nice celebration of great size, and that
at the forthcoming jubilee, His Majesty
Carolus XXVII will be crowned during
the elaborate ceremonies of the open-
ing week of the festival. He will
organize this to the festival. This means
that Nice has chosen a king to reign over
the functions of the annual demonstra-
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his coronation in the city of Nice, and
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