PORTLAND, May is -(To the Editor).

"Section III. Editorial and Sporting," is no "chioke." Whotver perpetrated that editorial. The Power of Prayer, cought to be handed a baseball soit. If you not not to be substituted in the river on a flatured monthly when The Oregonian sulficitor comes graying for a subscription, you whald feel the power of prayer. Of course so long as the bread-

OLD OFFICERS NOT WILLING TO LEAVE

Men Recalled in Estacada Election Refuse to Abdicate.

TWO SETS AT SAME TIME

he provisions of the city charter, the Recorder Johnson, who is a member of the Reed faction, failed to report and submit the election returns. After wait-ing a reasonable time for the tardy Recorder, the Council adjourned.

Expected developments in the municipal muddle in the mountain town did not materialize yesterday. Mayor-elect Reed materialize yesterday. Mayor-elect Reed and the Councilmen-elect intended to take the oath of office and qualify early yesterday morning but did not do so. Mayor Heylman and his associates had amounced that they would yesterday institute legal proceedings in the Circuit Court at Oregon City for the purpose of nullifying the recall election. They falled to file the threatened suit. In the meantime the situation at Extacada is without change. The town has two complete

time the situation at Estacada is without change. The town has two complete sets of city officers with the Heriman regime actively holding the offices.

It is not probable that the muddle will be settled before June 7, the date for the regular blennial municipal election. If the controversy is taken into the courts, a decision cannot be had before that time. In that case the two factions will carry their fight into the regular city election.

will carry their fight into the regular city election.

The charge of W. A. Heylman, the deposed Mayor, that the Reed forces colonized voters in the recall election Saturday, is emphatically denied by the supporters of the successful ticket. E. S. Womer, who is identified with the Reed faction, in a letter to The Oregonian yesterday, offers a reward of \$100 for evidence that any one of the 20 men who voted in the recall election had not resided for six months in Estacada. Under the provisions of the Estacada charter an uninterrupted residence in the city of six months is required to qualify in a municipal election. It has been charged by the Heylman faction that many participating with the Reed forces in the election lacked that qualification.

Trouble Long Standing.

Trouble Long Standing.

The trouble between the Haviland-Heylman and the Reed factions dates some four years back. When the town of Estacada was incorporated, Reed was appointed as its first Mayor. During the latter part of his administration three years ago he was indicated and found suilty for alleged participation in a col-nization scheme in the Sellwood precinct. When he came on for nization scheme in the Sellwood precinct. When he came up for re-election as Mayor in June, 1907, the Heylman forces brought out Dr. W. K. Havliand in opposition to Reed, and Havliand was elected by a majority of five votes. Havliand served but about one year of the two-year term for which he was elected, and when he tendered his resignation, he urged the Council, which has the power of selecting a Mayor to fill a vacancy resulting from resignation or death, to name Heylman as his successor. This was done by the Council, a majority of the members being of the Heylman faction.

of the members being of the Heylman faction.

In the election of June, 1907, both factions elected a part of their ticket. The Haviland-Heylman people elected the Mayor, and three of the five Councilmen—William Dale, J. F. Lovelace and E. P. Surface. The Reed forces elected A. M. Johnson for City Recorder, H. Cooper for City Treasurer and a minority of the Council—C. F. Howe and W. A. Jones. Jones resigned as a member of the Council following the resignation of Haviland, and the election of Heylman to succeed to the Mayoralty. A. Havens was elected by the Council to succeed Jones, but did not qualify. Later Surface resigned and removed from the city. He was succeeded by B. O. Boswell.

One of the last official acts of Reed and his Council, prior to their retirement following the election of June, 1907, was to authorize the issuance of \$10,000 20-year, 5 per cent bonds in payment of the water system which was acquired from Morris kros. It was over this transaction that the first real breach between the two factions resulted. Heyiman openly opposed the acquisition of the property for the proposed consideration of \$10,000, but at a public meeting of property-owners, called to consider the question, he was outvoted.

Interest Not Paid.

Interest Not Paid.

However, neither Havliand nor Heylman during the two years they have been in charge of the city administration, would authorize the payment of the interest charge on these bonds. The same obligation remains unpaid today. Heylman maintains that the indebtedness was not a legal one for the reason that with the interests computed, the Council exceeded the limitation as to indebtedness prescribed by the city charter; which says that the city shall not contract any obligation exceeding 110 000 which says that the city shall not contract any obligation exceeding \$10,000. For that reason he has refused to permit the city to pay any interest payments on the bond issue. Heylman says that in the transaction, the city allowed a consideration of \$6800 for the system and received the balance of \$3700 in cash for use in making contemplated extensions and improvements.

and improvements.

It is in this connection the Reed people charge Heylman with inconsistency. They declare that while Heylman has attempted to repudiate the original indebtedness, he has, as Mayor, directed the expenditure of the bulk of the \$2500 cash which was received from the sale of the bonds.

Aside from the controversy over the Aside from the controversy over the bond issue and the payment of interest charges thereon, the affairs of the city proceeded with comparative harmony un-til about the first of the year, when the til about the first of the year, when the Heylman forces became exceedingly active in seeking to get rid of Recorder Johnson, and so the Reed people assert, to put Johnson "in bad" with the department at Washington as to the post-

count of collections from the water patrons while the proceedings of the Council members had not been written up for
several months. Bartiett also said yesterday that the books of Treasurer
Cooper showed that Johnson had turned
into the city treasury about 1300 more
than the Recorder's books showed had
been collected and was owing to the city.
On this showing, the Council ordered
Johnson to appear and show cause why
he should not be ousted from his office.
About April 21 the Council met and deciared Johnson's office vacant. Edward
Bates was appointed to succeed Johnson, but when Bates declined to qualify,
the job was given to William Dale, who
resigned as a member of the Council
Johnson, however, refused to surrender
the records of his office or to cease actting as Recorder, and carried his case into
the State Circuit Court. On the same day
the recall election was held Judge Campbeil decided that the proceeding of the
Council was irregular, and that the only
way Johnson could be moved from his
office was through the recall.

Johnson Tries Recall.

Johnson Tries Recall.

Old Council Meets to Canvass Election but Recorder Does Not Bring
Ballots—Whole Trouble Began
in Water Bond Issue.

Mayor W. A. Heylman, of Estacada, and the members of his Council, who were recalled at a special election Saturday, yesterday refused to abdicate their offices and turn the city government of that town over to Mayor-elect J. W. Reed and the newly-elected members of the Council. Complying with the provisions of the city charter, the Heylman Council met last state for the amount of probably which with the city can be call funds to the amount of probably which with the council of the council and the council of the cou

the provisions of the city charter, the Hoyiman Council met last night for the purpose of receiving and canvassing the vote cast in the recall election. City Recorder Johnson, who is a member of ome from a general tax levy of

The expenses of Saturday's recall election at Estacada aggregate about \$50, and, following the recent opinion of Attorney-General Crawford, will be paid for by the men who petitioned for the election. The expenses incident to the removal of Recorder Johnson, which was taken but the Crawford. which was taken into the Circuit Court will be paid from the same source.

RECALL IN JUNCTION CITY

Ex-Mayor Talked of Appealing to Courts, but Did Not.

Courts, but Did Not.

ALBANY, Or., May 17.—(Special.)—
C. T. Houston was recalled as Mayor of Junction City in a special election, held April 3, and was defeated by Frank A. Saylor by a vote of 74 to 22. On March 8, a petition signed by 58 residents of Junction City was presented to the City Council asking for Houston's recall. It charged that the Mayor was "incompetent, and inefficient: that his moral character was such as to unfit him for the office; that his reputation for truth and veracity was bad, and that he exercised the office in an arbitrary manner without due regard for the rights of the Council or the interests of the people of Junction City."

Houston fought the recall, contending

Junction City."

Houston fought the recall, contending that it was spitework on the part of leading people of Junction City who were wroth because he had forced the opening of public streets which they had fenced up and were using as private property. A mass meeting nominated Saylor for Mayor and a special election was held with the above result. Houston has talked about taking the matter into the courts but has taken no formal action.

SWINBURNE HAULS DOWN FLAG ON PACIFIF FLEET.

Change of Admirals Takes Place and

noisy accompanimeint of three salutes of 13 gans each, Rear-Admiral Uriel Sebree became commander-in-chief of the United States Pacific fleet at noon today, with the cruiser Tennessee as his flagship. He succeeds Rear-Admiral William T. Swinburns, who who will be the succeeding the succeedi ship. He succeeds Rear-Admiral William T. Swinburne, who this morning hauled



Commander of Pacific Fleet.

down his flag, which has floated for more than a year over, the West Virginia, the former flagship of Uncle Sam's armada in Pacific waters. At the same fime Rear-Admiral Edward B Barry, who is to command the second division of the fleet, ran up his flag on the West Virginia. The Tennessee, Washington and California sailed at 8 o'clock this evening for Tacoma, whence, in company with the Japanese cruisers Aso and Soya, they will proceed to Scattle to assist at the opening of the Alaska-Yukon-Pacific Exposition. The West Virginia, Pennsylvania and Maryland will sail for Seattle next Monday.

Older residents will hear with satisfaction of the promotion of Rear-Admiral Uriel Sebree, commander of the second division of the fleet, who succeeds Hear-Admiral W. T. Swinburne and assumes command of the cruiser Tennes-

In the late eightles, Admiral Sebree, then Captain Sebree, was stationed in Portland for a period of four years in the capacity of Lighthouse Inspector.

Excise Board and Municipal Lighting to Be Voted On.

ARGUE LONG FOR BRIDGE

Market-Street Span and Wiring Petition Arguments Take All Evening and Will Be Continued Today. Reinstein Files Demurrer.

The Excise Board petition and the municipal lighting plant petition will go on the ballot. The five Judges of the Circuit Court, sitting en banc, decided yesterday afternoon that the writ of indam'is directing City Auditor Barbur piacs the petitions on the ballot should be made peremptory, and that City Attorney Kavapaugh may not file

amended answers in the case.

Not a wheel turned to grind out cases yesterday morning, Judges Bronaugh, Cleland, Gantenbein, Gatens and Morrow splending the entire forenoon in hearing arguments upon methods of procedure in the petition cases. Attorneys Seneca Smith and James Cole desired to file a demurrer in the answer of City Attorney Kavanaugh, Roger Sinnott and L. K. Adams, in the Excise Board case. Judge Bronaugh said he would consider the demurrer filed, on account of the short time between now and ejection, and would hear arguments. City Attorney Kavanaugh then arose and asked permission to file an amended answer. The Judges took this under advisement until 230 o'clock yesterday aftermoon. The decision was then given affecting both petitions.

Mr. Kavanaugh gave notice of an appeal to the State Supreme Court and L. A. McNary forwarded the papers to Salem last night.

Reinstein Files Demurrer. arguments upon methods of procedure in

Reinstein Files Demurrer.

Counsel for M. Reinstein and S. J. Breslauer, officers of a local brewing firm, filed a demurrer in the Circult Court yesterday to the indictment of Court yesterday to the indictment of the grand jury, in which they are charged with the forgery of names upon the excise board petition. Sam Lotan, City Anditor Barbur's ex-deputy, was to have entered his plea yesterday afternoon, but the court continued the

afternoon, but the court continued the case until today.

City Attorney Kavznaugh and exCity Attorney McNary argued for two hours and a half last night over placing the wiring petition and the Marketstreet bridge petition on the ballot.
The two suits to have the City Auditorenjoined from placing the petitions on the ballot were brought in Circuit
Court by R. M. Wade in the Marketstreet bridge case, and the Postal Telegraph Company in the wiring suit. court by R. M. Wade in the Marketstreet bridge care, and the Postal Telegraph Company in the wiring suit.

The argument at last night's session
of court were upon a demutrer to the
complaint. City Attorney Kavanaugh
contended that it is outside the jurisdiction for a court of equity to block the
wheels of the Legislature, and also to
block the wheels of the initiative. Mr.
McNary contended that, while a writ of
mandamus puts the issue on one side
of the case, an injunction puts it upon
the other. Judge Bronaugh said while
the court might order a clerk of the
Legislature, who had refused to file a
paper, and had thus olocked the wheels
of the lawmaking body, to file that paper,
it would be a different thing for the court
to enjoin him. In the mandamus case
the clerk would block the wheels, said
Judge Bronaugh, while in the injunction
case the court would be blocking them.

Arguments Not Completed.

Arguments Not Completed.

Former Resident of Portland
in Charge.

Mr. Kavanaugh said, in regard to Wade's contention that his property will be worth less if the Market-street bridge is built, that he might as well contend that his jong a hard-surface pavement on East Morrison street would affect him at his jong and street would affect him at his jong to meat stie of the river on a fast when The Oregentian soliciton on Hawthorne avenue. Mr. Kavanaugh said, in regard to Wade's contention that his property will be worth less if the Market-street bridge is built, that he might as well contend that his jong at solicit in on the street would affect him at his jong to or payer. Of course so long on a subscription, you want to one payer that to one payer that to one payer that the court has no right to step in at this time with an insulting of the payer. Of course so long to the payer case and the street will be no irreparable in the present that sweetless is all best helpiess as kittens if it were that contended that the present that sweetless is all best helpiess as kittens if it were Mr. Kavanaugh said, in regard to Wade's

tion on Hawthorne avenue. Mr. Kavanaugh said also that the court has no
ited in the step in at this time with an injunction, as there will be no irreparable
injury. He contended that the present
ay.

"Money raised by taxation for one puram
ited
Mr. Monary. "About 220,000 has already
been expended by the city for the Madison-street bridge. If the project is voted
down that money is wasted.

"While the initiative act gives municipalities the right to exact and amend
their charters. If does not give them the
right to repeal them." City Attorney Kavanaugh held that this refers to charters
as a whole, not to sections.

After Mr. Kavanaugh had finished his
arguments, and while Mr. McNary was
speaking. Judge Morrow took his place
with Judge Bronaugh on the bench, plying Mr. McNary with frequent questions.

"While I am not to pass upon this case."

The arguments were not concluded at 10
o'clock last night, so Judge Bronaugh
continued the cuses until this morning
at 5:30.

"THE POWER OF PRAYER"

Writers Take Issue With Editorial Expressions of The Oregonian.

PORTLAND, May II .- (To the Editor.) read, with much astonishment in the con-luding paragraph of an editorial in The

pariment at Washington as to the postmastership.

In furtherance of this attempt, early last month, the Heylman council embooks of Recorder Johnson. In his report Bartiett complained that the accounts as kept by Johnson were unsatisfactory. The report pointed out that the
Recorder had not kept any detailed ac-

For Coughs

Never hesitate to ask your doctor about Ayer's Cherry Pectoral. It is a regular medicine, a strong medicine, a doctor's medicine.

Ayer's Cherry Pectoral REVISED FORMULA

It would be very interesting to know how many years your family physician has prescribed Ayer's Cherry Pectoral for coughs, colds, and all forms of lung troubles. Ask him the next time you see him. We know physicians who have used it for over half a century.

We have no secrets! We publish the formulas of all our medicines.

J. C. AYER CO., Manufacturing Chemists, Lowell, Mass.

Attorney in Mine-Fraud Case Blames Human Nature.

Interest in Property Capitalized at \$10,000,000.

arguments in the case of the Government against the three Horn brothers, S. H. Snyder and Raymond P. May, charged with illegal use of the male in exploiting the Two Queens mine in Arizona, were begun today and will be concluded to

sothing more.

8. S. Horn and E. H. Snider testified

He said he placed advertising for mine and extended the promoters of for advertising to the amount of \$31,000. He accepted a block of stock in the mine as security for the credit extended.

Solder tretified that he first became terested in the property after a confeence with C. G. Werner, which we brought about by an advertisement in Les Angeles paper. ganized, of which he

of the Parific Asparagus Canning Com-pany, west of Stockton, burned to the ground this morning, and he a total loss. The value of plant and stock on hand is given at \$100,000, with about \$45,000 in-

Ball Found for Morse.

NEW YORK, May 11.—Martin W. Littleton, coursel for Charles W. Morse, the banker convict, today presented to the Federal Sourt of Appeals a statement signed by about a score of New York financiers and business men, offering to put up \$5000 ball each for Morse.

Lumber Mill Burns at Washington. WASHINGTON, May 17.—The lumber plant of Martin Wiegand at 451-465 Maryland avenue. S. W., was burned to-day, with a loss of \$100,000.

A 4770

GREATEST

ACREAGE BARGAIN

OF THE AGE

5-Acre Tracts

PER ACRE

CHAPIN & HERLOW

332 Chamber of Commerce

Main 1652

TRIAL IS NEARING CLOSE Testimony in "Two Queens" Case

Shows \$6000 Was Paid for Half

KANSAS CITY, Mo., May IL-Closin

morrow,
Leslis J. Lyons, assistant United States
District Attorney, argued for the preservation. He charged that the defendants had
paid \$0000 for a half interest in a mine
capitalized at \$10,000,000.
Attorney J. S. Bottsford, who argued
for the defense, said it was one of the
infirmities of the human race to exaggerate what there is to sell and that the
persons who bought the mining stock understood they were paying for a chance—
nothing more.

Horn said his connection with the Two

Big Cannery Burned.

STOCKTON, Cal., May II.-The plant

PORTLAND

PORTLAND, DR. RESTAURANT



Portland's New and Modern Hotel. Rates \$1 per Day and Up European Plan.

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J. F. DAVIES, President

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Beautiful Grill Room



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C. W. CORNELIUS. Proprietor.

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Portland's Nearest Beach Resort-Via A. & C. R. R. Open All Year. Directly overlooking the Pacific Ocean. A delightful Summer and Winter resort. Hot salt baths and surf bathing. Sea foods a seacialty. Walks, drives and boating. DAN J. MOORE, Prop.



