

LOMBARD SCOOLES STREET RAILWAY

Mayorality Candidate Says Company Seems Loath to Spend Money.

'SUBURBS ARE NEGLECTED'

Franchise Provisions Will Be Enforced, He Says, if He Is Elected Portland's Chief Executive.

Criticism of the street railway company for inadequately serving the suburban districts and advocacy of the purchase of the Woodmere water plant by the city for its actual cash value were features of an address by Gay Lombard at Kern Park last night.

"The City of Portland gave a valuable franchise to the street railway company for a nominal consideration," said Mr. Lombard, discussing what he declared was an inadequate streetcar service to the outlying districts.

"Today the suburbs are not receiving an adequate service. The reason is because the railway company is unwilling to spend money necessary for additional equipment. It refuses to improve the service because of the cost involved in providing the additional equipment. It makes the further excuse that it cannot get more cars with greater rapidity, yet without any more willing to believe this statement, for if the corporation will appropriate the money for the cars I do not think it will have any trouble in getting its orders for new cars filled with dispatch.

J. E. WERLEIN ENTERS PROTEST

Candidate Says He Also Wants Commission Form of Government.

Referring to his announcement in the official pamphlet which has been printed and soon will be mailed to the voters, J. E. Werlein says that he also advocates a commission form of government for Portland.

"The Mayor-elect should appoint a committee of 15 members to investigate thoroughly the foregoing proposals of government and without delay report their findings to the people; the best form of government obtained is what Portland needs and to attain this end I shall lend my best efforts.

WOMAN IN CLUTCH AGAIN

Julia Kays Gets Continuance in Liquor Selling Case.

With convictions for selling liquor without a license and running a disorderly house, hanging over her head, Julia Kays, 75 West Park street, is again under arrest, charged for a second time with the illegal sale of liquor.

LOMBARD RENEWS CHALLENGE

Candidate to Make Another Effort for Debate With Rushlight.

Every effort will be made by Gay Lombard today to arrange for one or more joint discussions with A. G. Rushlight for the concluding week of the primary campaign.

SON ACCUSED AS VAGRANT

Father Complains Against Cecil Vaughn and Young Woman.

Upon complaint of his father, Cecil Vaughn, son of ex-Councilman Vaughn,

was arrested yesterday afternoon by Police Captain Baty, on a charge of vagrancy. At the same time, in a rooming-house at East Third and East Broadway streets, Florence Legson, 19 years old, was arrested by Patrolman Hirsch, on the same charge, made by the same complainant.

The arrest is said to be the result of the elder Vaughn's effort to break up an association between the young people, in pursuance of which he was confronted by a revolver in the hands of his son Thursday night.

Young Vaughn is a chauffeur and his associations in that relation are said to have led him into habits that have distressed his father. His name was connected with those of roadhouse proprietors in a recent grand jury investigation in which indictments were found. Young Vaughn was defendant in an action in Municipal Court some time ago when he was accused of assault with a battery and at that time was warmly championed by his father.

Again, a few weeks ago, he was the complainant against a "joy-rider" who robbed a while cab of two women, and the elder Vaughn again appeared for his son and caused an attachment to be served on the recovered money to cover the automobile bill.

The son sought other attorneys yesterday and will fight the charge against him.

COMPANY RESISTS TAX

WELLS-FARGO SUIT HEARD BEFORE JUDGE MCGINN.

State Tax Commissioner Testifies Only Property Used in Express Business Was Assessed.

Whether the Wells-Fargo Express Company will escape paying approximately \$14,000 to Multnomah County in taxes on the company's office buildings at Sixth and Oak streets and its barn on Block 218, Couch Addition, will depend upon the final ruling of Judge McGinn in the suit tried before him yesterday, attacking the county's right to tax property of the corporation. Combined with the suit against the county is one involving the application of the company for a reduction of the assessment made by the State Tax Commission on the property used by the company in operating its express business.

Deputy District Attorneys Fitzgerald and Dennison presented records that the State Land Commission had placed a valuation of the company's property at only \$28,915, the effort of County Assessor Sigler to assess the big office building at \$140,000 and the barn at \$2,000, brought out the contention of the company that the state in its assessment of property, had included the building and the land and the taxes on these to the county would be double taxation. The company also contended that the law requiring the State Tax Commission to assess property used by railway, express, telephone and telegraph companies included all property owned by the companies in the state and that none of it could be taxed by the county.

State Tax Commissioner Galloway and Eaton attended the trial yesterday and Mr. Galloway went on the witness stand and testified that the commission assessed only such property of the Wells-Fargo Company as the company actually used in its express business.

On behalf of the company Attorney Wallace McCamant made a long plea to the court, in which he maintained that the State of Oregon was assessing the property at a higher rate per acre than other states, and for that reason he asked that the assessment of \$28,915, made by the State Tax Commission, be reduced to the figure of \$14,000, which would be the value of the property if it were assessed as other states.

That the company was not acting in good faith was charged by Mr. Fitzgerald. He turned to the report of the Wells-Fargo Company to the State Railroad Commission, June 3, 1909, in which was the following paragraph: "In addition to the office buildings and buildings under operation, listed on page 28a, this company owns an office building in the City of Portland which is occupied almost exclusively by outside salesmen. The value of this building is \$76,724.52."

Mr. Fitzgerald challenged the company to make this record agree with the report in its report to the State Tax Commission, in which it was alleged that the building was used by the company for its express business.

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TRAFFIC CHANGES

Oakland Demands That Responsibility Be Fixed.

COMMISSION PLAN TRIED

Socialists Succeeded in Nominating Candidate for Mayor—Class of Men Chosen to Make Race Has Proved Disappointment.

"Oakland is the largest city in the country to have adopted the commission plan of government," said John J. Bell, of Oakland, Cal., who is in Portland, the guest of his daughter, Mrs. E. R. Lyman, on Portland Heights.

"We make claim to 150,000 people and I do not know of another place of that size in the country where the plan has been accepted. We voted in the commission plan several months ago, and held a primary April 15 to select candidates.

"There were only 12 offices to fill, yet the primary ticket had 90 names on it. The ballot does not indicate a higher politics, but the names are arranged in alphabetical order.

"Of the 90 names we have chosen 24—two for each office—were voted upon at the city election to be held May 3. The present Mayor and a Socialist are opposing candidates. The outcome is looked forward to with much interest.

"How did we come to decide upon the commission form of government? It was this way. Taxes had grown to be \$3.00 on each \$100 valuation. The 11 members of the City Council were extravagant. Paving contracts were viewed with suspicion. The irresponsibility of the city government was evident and the members of the Council were notoriously connected with businesses that reaped benefits indirectly from the letting of city contracts and the passing of city legislation.

"The people could not find any one who was responsible for the \$3.00 per \$100 charged on the tax rolls. It was a heavy burden and they finally decided upon the commission plan because it gave direct responsibility.

"The result of the primary has not been entirely satisfactory, for most of the candidates are little known in the community. We had expected a higher grade of men would be chosen. But it may be that the responsibility placed on those elected will cause them to prove good officials.

Socialist Wins Nomination. The fact remains that the Socialist ran in one of their number as a candidate for Mayor against the incumbent. The Socialist is named Booth. He is a bad man. He has lived in Oakland for years. He lost his legs years ago and opened a small repair shop, where he developed his business until now he has a large electro-plating plant, which employs a good many men and to whom he pays the highest wages. The present Mayor has served six years. He is one of the best officials we have ever had. He is active and has done more for Oakland than any man who has served the city in years. The outcome is doubtful.

"The cause which led to the adoption of the commission plan was high taxation, lack of responsibility as to individuals holding office, a demand for quicker action on city business and a desire to eradicate the Councilmen who fatten on odd jobs.

"Berkeley, nearby, has the commission plan and so far as I know it is popular, regardless of the fact that they have elected a Socialist Mayor. They say direct responsibility will work wonders in Oakland. I am not so sure of it. I am willing to accept the new law on probation.

CLUB ELECTS KELLAHER

East Side Business Man Chosen Successor to Mr. Dorres.

Dan Kellaher was elected president of the East Side Business Men's Club by the board of directors Thursday at a special meeting called for the purpose, and said in his acceptance of the office that he would accept the former president, Warren Dorres, as his successor.

"I have not been officially notified of my selection," said Mr. Kellaher yesterday, "but I have decided to take office Monday. The board of directors before me, but I have preferred that some one else be elected. My general policy will be along the lines of progress."

Mr. Kellaher was one of the organizers and promoters of the club and as one of the directors has been largely instrumental in shaping its policy. He is a member of the committee which has been referred the question of freight depot and freight facilities for the East Side, an important question now pending.

DR. WHITE ISSUES CALL

Dairymen to Discuss Problems That Confront Industry.

A call was issued yesterday by Dr. Calvin S. White, secretary of the dairy committee appointed recently at the dollar-dairy hearing, to the members of the committee May 5, in the greenroom of the Commercial Club.

The session will discuss the relation of the creamery man to the industry. Invitations were sent to a large number of the creamery men to be prepared to testify to the difficulties of the trade. The meeting will be open to the milk producers and the subject of distribution will be taken up with a view of seeing whether something cannot be accomplished towards economy in handling the product. The dairy committee is composed of W. W. Cotton, chairman; Dr. S. White, secretary; T. S. Townsend, William Schumacher, of Hillsboro, and Henry Hewett.

PERSONAL MENTION.

Dr. T. A. Russell, of Spokane, is at the Imperial.

R. F. Hess and wife, of Natron, Ore., are at the Portland.

C. A. Deming, a merchant of Estacada, is at the Oregon.

W. Ryan, confectioner of Aurora, Or., is registered at the Lenox.

F. M. Rothrock, Spokane mining man, is registered at the Portland.

C. A. Taylor, lumber dealer of Kelso, is registered at the Perkins.

E. C. Goodwin, an insurance man of The Dalles, is at the Cornellus.

Astoria, and his wife are at the Portland.

George T. Anderson, automobile dealer of Eugene, is at the Cornellus.

Robert C. Ashley, merchant of Yakima, Wash., is at the Oregon.

Henry Kubach, a business man of Tacoma, is registered at the Portland.

W. S. McFadden, merchant of Corvallis, is registered at the Imperial.

J. M. Brooks, of Baltimore, who is touring the Northwest, is registered at the Bowers.

Robert Eakin and George H. Burnett, of Salem, Supreme Court Judges, are at the Imperial.

E. S. Critchfield, a prominent merchant of North Yakima, is registered at the Cornellus.

Millard T. Hartson and wife, of Tacoma, are at the Bowers. Mr. Hartson was formerly postmaster at Spokane, Wash.

Thomas J. Huston, a pioneer barber of Huntington, and Peter Johnson, a merchant of the same place, are staying at the Perkins.

L. C. Thompson, of Carlton, capitalist, one of the owners of the Multnomah Hotel now in course of erection in Portland, is staying at the Perkins.

John Simington, a leading dry goods merchant of Astoria, is at the Cornellus.

Mr. Simington is looking for a location to start business in Portland.

J. M. Ayers, a timberman of Kelso, and a family from Kelso to Portland made the trip from Kelso to Portland in five hours yesterday in an automobile.

CHICAGO, April 28. (Special.)—Portland people registered at Chicago today for the Congress at the Congress, N. A. Colnare, W. C. Slattery, at the La Salle, Mrs. Martin French, at the Palmer House, C. L. Pritchard, at the Majestic, Earl R. Davenport.

DRAW CASE EXPLAINED

COUNTY COURT GIVES VERSION OF JUDGE'S DECISION.

Regular Closed Period May Not Be Fixed but Operatives May Use Discretion.

WHAT THE PEOPLE LOST. The right to prescribe a definite closing period in the evening.

WHAT THE PEOPLE GAINED. The right to refuse to open the draw at any time if the traffic on the bridge warrants it.

County Judge Cleston and County Commissioner Lightner have issued a statement to the public regarding the draw-bridge controversy, in which they give their understanding of Judge Bean's decision. The statement is as follows:

"We are under the impression that the public and the press have misunderstood the effect of the ruling by Judge Bean in the trial of the case of the United States vs. the County Court, just concluded, and to give the public what we understand to be the law as laid down by Judge Bean and its effect upon the bridge controversy is the occasion for this statement.

"In the first place, the County Court never attempted to establish a closed period for the evening hours which was to be the law, but instructed the bridge operatives to observe, as nearly as possible, the time called the closed period when the traffic was most heavy, having due regard to the travel across the bridges and the convenience of the public. It should be their discretion in all cases so as not to cause an unreasonable delay to any vessel after it had signaled for the draw and that the draw would not be closed upon the state of the traffic on the bridges and that if the traffic was such that a boat could be accommodated by opening the draw during the so-called closed period, to accommodate it. This was the evidence in the case which was submitted to the jury as borne out by the records of the trial.

"All of this has been declared by Judge Bean in his instructions to the jury to be the law. The only point in the controversy which was decided against the contention of the County Court is that the Court has no right to establish a closed period for the busy hours of the day which is strictly correct, and that the period of closing regardless of the travel on the bridges during the time of that closing. But this is a distinction rather than a difference from the law as it should be determined, for the reason that the refusal to open the draw was, at all times under the direction of the County Court, and based upon the judgment and discretion of the bridge operatives.

"The law, as announced by Judge Bean, permits the bridge operatives under the direction of the Court, to refuse to open the draws upon signal at any hour during the day rather than being limited to closing periods of say from 5 to 5:30, but in exercising this discretion a limitation of power. This, of course, must be left to their sound discretion and is not to be an unreasonable delay, but in considering what is an unreasonable delay the condition of the traffic on the bridge in each particular case is to be considered, and which may, if a prosecution is had, be admitted and taken into consideration by the jury who try the case.

"So we wish to say that in the judgment of the County Court, the people of the city in this trial, but much has been gained. The right to take into consideration the nature of the traffic at the time the offense is claimed to have been committed in determining whether or not the delay in opening the draw was reasonable or unreasonable has been established, and this was the paramount issue and the real gist of the matter in the controversy and this has been won by the people in the decision of the Court.

"T. J. CLESTON,
"W. L. LIGHTNER."

APPLE ORCHARDS.

"Hood River apple orchards have netted as high as \$1800 an acre, while the average is about \$900. The Hood River, Ore., says this in an official report. We are offering growing orchards in the Hood River-Mosier apple belt at present prices. The Hood River and in other fruit districts in Oregon. As an income producer, investment considered, nothing equals an apple orchard in the Hood River-Mosier district.

DEVLIN & FIREBAUGH,
207 Yeon bldg.

Midnight In The Ozarks and yet sleepless Hiram Scranton, of Clay City, Ill., coughed and coughed. He was in the mountains on the advice of five doctors, who said he had consumption, but found no help in the climate, and started home. Hearing of Dr. King's New Discovery, he began to use it. "I believe it saved my life," he writes. "For it made a new man of me, so that I can now do good work again. For all lung diseases, coughs, colds, in grippe, asthma, bronchitis, whooping cough, fever, hemorrhages, hoarseness or quinsy, it's the best known remedy. Price 50c a bottle. Get a bottle today. Guaranteed by all druggists."

Frank Patton, a salmon packer of

FATE IS IN DOUBT

Wife Divorces Husband Who May Not Be Living.

LETTER MOVES TO TEARS

Albert C. Baumeister's Last Message Written on Eve of Voyage, With Gale Blowing—Seven Couples Are Separated.

When the last letter received by her from Albert C. Baumeister, the husband who had left her six years ago, was read in court yesterday morning, Mrs. Clara Baumeister, affected by its endearing terms, wept copiously.

The letter was written from Victoria, B. C., and was the last word his wife, then a bride of only a few months, had ever received from him. Whether he is living or not will be true to you and is terribly rough. Now, my dear little wife, I will address all of your mail to Mrs. A. C. Baumeister, I thought I would beat you to it in writing the first letter. We landed in Victoria at 5:30 o'clock, and will leave at 9:30. It is blowing a gale out of the cape and is terribly rough. Now, my dear little wife, I will address all of your mail to Mrs. A. C. Baumeister, I thought I would beat you to it in writing the first letter. We landed in Victoria at 5:30 o'clock, and will leave at 9:30. It is blowing a gale out of the cape and is terribly rough. Now, my dear little wife, I will address all of your mail to Mrs. A. C. Baumeister, I thought I would beat you to it in writing the first letter. We landed in Victoria at 5:30 o'clock, and will leave at 9:30. 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